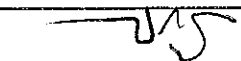


Minnesota Trunk Highway 38 (Edge of the Wilderness National Scenic Byway) Sign Ordinance

Effective Date: 7/1/2009

OFFICE OF THE COUNTY RECORDER
ITASCA COUNTY, MINNESOTA
CERTIFIED, FILED, AND
RECORDED ON
06/18/2009 01:00:00PM
FILE #
PAGES 18
REC FEES \$0.00
LINDA NIELSEN
ITASCA COUNTY RECORDER
By  dep

2009.06.18

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**Minnesota Trunk Highway 38
(Edge of the Wilderness National Scenic Byway)
Sign Ordinance**

SECTION 1. STATEMENT OF PURPOSE

Minnesota State Highway 38 travels 47 miles through some of the most scenic areas in northern Minnesota. Each year thousands of tourists, recreationists, commuters, local residents and commercial truck haulers make use of this highway for their diverse needs.

The 22-mile segment that is within the Chippewa National Forest is a designated National Forest Scenic Byway. The entire 47 miles from Grand Rapids to Effie was designated as one of the first Minnesota State Scenic Byways in September 1994. In 1996 this same 47-mile segment became one of the first National Scenic Byways designated in the United States. It qualified for this status by demonstrating five of the six intrinsic qualities needed—Cultural, Historic, Natural, Recreational and Scenic. The Corridor offers an abundance of scenic, recreational, historic and economic opportunities for residents and visitors alike.

This Ordinance is established to protect and ensure the scenic and natural qualities and character of the Corridor for future generations of residents and visitors of the Corridor and to enhance the goals of the Corridor Management Plan dated June 1995, namely (1) Enhancement of transportation safety and efficiency; (2) Enhancement of the scenic and recreational experience of all users of the Corridor; (3) Promote economic development and tourism; (4) Provide for marketing, promotion and interpretation of the unique attributes and opportunities of the Corridor; and (5) To conserve these resources of the scenic Corridor as a sustainable balance of economic development and tourism.

SECTION 2. JURISDICTION

A. Itasca County. This Ordinance shall apply to the Corridor's 47 miles along Trunk Highway 38 from Grand Rapids to Effie, excluding the municipalities of Grand Rapids, Bigfork and Effie. No lands owned or leased by the federal or state government shall be subject to the official controls of this Ordinance.

B. State of Minnesota. Pursuant to Minn. Stat. 160.292 – 160.297, the Minnesota Department of Transportation may also require a sign permit. The regional contact is the District Traffic Engineer in Duluth.

SECTION 3. REGULATORY PROVISION

This Ordinance is hereby established in accordance with Minnesota Statute Chapter 173 - Advertising Devices, Minnesota Statute Chapter 394.21 etc. seq. - Planning, Development & Zoning, and Minnesota Statute 375.51 – Ordinances; Enactment, Publication.

SECTION 4. DEFINITIONS: As used in the Edge of the Wilderness National Scenic Byway Sign Ordinance, the following terms shall have the meanings given them:

A. ABANDONED SIGN

A sign which no longer identifies a bona fide business, lessor, service, owner, product or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

B. CORRIDOR

Except as provided otherwise in this Ordinance, "corridor" refers to all land adjacent to each side of Minnesota Trunk Highway 38, and which land extends a horizontal distance of 600 feet from each side of the centerline of Trunk Highway 38 from beginning to end, Grand Rapids to Effie, a distance of 47 miles.

C. DESIGN REVIEW COMMITTEE

The Design Review Committee shall consist of: Itasca County, Environmental Services Administrator or his/her authorized designee; County Planning Commission member; Edge of the Wilderness Community Coordinator; Highway 38 Leadership Board Director.

D. DIRECTIONAL SIGN

A sign erected and maintained by the Minnesota Department of Transportation within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public rights-of-way.

E. EARTH TONE

Colors that are made as compatible as practicable with the natural area at the site of the proposed sign as design limitations allow with regard to materials used and color.

F. ERECT

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way to bring into being or establish but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of an outdoor advertising structure or device (Minn. Stat. 173.02, Sub. 11).

G. FLAG

Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

H. FREE-STANDING SIGN

A sign self supported by a pole or post and not attached to any building, wall or fence, but in a fixed location. Types of freestanding signs include: post and arm; monument; and pole signs.

I. MONUMENT SIGN

An outside sign identifying a development, businesses, services or homes made of a solid base of brick, masonry or stone, the bottom of which is attached directly and permanently to the ground and physically separated from any other structure. A monument sign is lower in height than in length.

J. NON-COMMERCIAL OPINION SIGN

A sign which does not advertise products, goods, businesses or services and expresses an opinion or other point of view.

K. NON-CONFORMING SIGN

Any legal sign already in existence or authorized within the Corridor before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written if the official controls had been in effect prior to the date it was established or authorized.

L. OFF-PREMISE LOCATIONAL SIGN

A sign that advertises a tourist-oriented business that provides scenic, historic, cultural, educational, religious and or recreational interest and direction to that business that is not on the same premises as the said sign

M. OFF-PREMISE SIGN

A sign that advertises a business, goods, person, activity or service not sold or conducted on the same premises that the sign occupies or is proposed to occupy.

N. ON-PREMISE SIGN

A sign advertising a business, goods, person, activity or service sold or conducted on the premises where the sign is located.

O. PARCEL

“Parcel” means the area of land necessary for a use to be in compliance with the applicable zoning district set forth in the Itasca County Zoning Ordinance. The terms ‘lot’ or ‘tract’ may also be referring to a parcel.

P. POLE SIGN

A freestanding sign with the base of the actual sign area at least five (5) feet above the ground supported by vertical pole(s).

Q. POLITICAL SIGN

Any sign that advertises a candidate or an issue that is to be voted on in a local, state or federal election process.

R. PORTABLE SIGN

A sign not designed or intended to be permanently affixed into the ground or to a structure.

S. POST AND ARM SIGN

A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which a sign hangs.

T. PREMISES

The contiguous land in the same ownership or control that is not divided by a street.

U. PROJECTING SIGN

A sign attached to a building wall or structure that projects horizontally more than twelve (12) inches from the face of the wall.

V. REAL ESTATE SIGN

A sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

W. SAFETY CONTROL SIGN

Warning signs, notices or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

X. SIGN

A sign is an object, device, display, structure or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location; or to express a point of view, by any means including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images.

Y. SIGN AREA

The facing of a sign, including copy, insignia, background, structural supports, border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product.

Z. SEASONAL SIGN

A sole sign for a business, such as a farm or produce stand sign, displayed at least sixty (60) days but no more than one hundred and twenty (120) days each year. Such a sign shall be governed by the same regulations as all other permitted, non-temporary signs.

AA. SPECIFIC SERVICE SIGN

A sign erected and maintained by the Minnesota Department of Transportation for restaurants, rural agricultural or tourist-oriented businesses, and places of worship, gasoline service stations or other retail motor fuel businesses, motels, resorts and recreational camping areas located within ten (10) miles of the signed intersection or interchange.

BB. SPOTLIGHT OR FLOODLIGHT

Any lamp, over 150 watts, that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

CC. TEMPORARY SIGN

A promotional sale sign, fund-raising sign, garage sale sign, or similar sign displayed no more than fourteen (14) days in any six (6) month period.

DD. TRAFFIC CONTROL SIGN

Signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal or state law for the purposes of carrying out an official duty or responsibility.

EE. WALL SIGN

A sign mounted parallel to the exterior surface of a building advertising a service, goods or activity conducted within the said building. A free standing canopy would be considered a building.

FF. WINDOW SIGN

Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, which is inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SECTION 5. GENERAL - VIOLATION IS A CRIME

- A. No person shall erect, construct, paint, alter, relocate, reconstruct, display or maintain or cause to be erected, constructed, displayed or maintained within the Corridor any sign except in compliance with the terms and provisions of this Ordinance.
- B. VIOLATIONS: It is declared unlawful for any person, firm, corporation or contractor of such to violate any of the terms and provisions of Minnesota State Statutes 394.21 to 394.27 or any of the provisions of this Ordinance. Violation thereof shall be a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense. All fines for violations shall be paid to the County and shall be credited to the general revenue fund.

SECTION 6. PERMIT REQUIRED

- A. SIGNS REQUIRING PERMIT: On-premise signs may be erected within the Corridor provided that a permit is obtained prior to erection, and provided further that the specific and general design and construction standards are complied with, and provided that the proposed sign complies with any applicable state law or rule and the necessary state permit for the sign is obtained.
- B. There shall be a maximum of two signs, excluding wall signs, allowed on one parcel. All applicable standards and requirements in this Ordinance shall be adhered to.
- C. SPECIFIC STANDARDS: No on-premise sign shall be erected in the Corridor except as follows.
 - a. MONUMENT SIGNS shall not exceed forty (40) square feet in sign area, excluding the base. The height shall not exceed eight (8) feet from the ground which (includes the base) to the top of the sign. The length shall not exceed a maximum of twelve (12) feet from end to end. The sign shall be set back ten (10) feet or more from the nearest highway/road right-of-way and ten (10) feet or more from adjacent property lines.
 - b. POST AND ARM SIGNS shall not exceed twenty (20) square feet in sign area, with a height maximum of eight (8) feet from the ground to the top of the sign. The sign shall be set back ten (10) feet or more from the nearest highway/road right-of-way and ten (10) feet or more from adjacent property lines.
 - c. POLE SIGNS shall not exceed forty (40) square feet in sign area with a height maximum of eighteen (18) feet from the ground (including the base) to the top

of the sign. The sign shall be set back ten (10) feet or more from the nearest highway/road right-of-way and ten (10) feet or more from adjacent property lines.

- d. PROJECTING SIGNS shall not exceed ten (10) square feet in sign area; maximum projection of three (3) feet from the structure face; minimum clearance from the ground eight (8) feet and maximum clearance ten (10) feet. The sign shall be set back ten (10) feet or more from the nearest highway/road right-of-way and ten (10) feet or more from adjacent property lines.

D. GENERAL DESIGN AND CONSTRUCTION STANDARDS: All signs for which a permit is required shall be designed, constructed and maintained in accordance with the following standards:

1. There shall only be one sign area per set of posts, base or poles.
2. All signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
3. All signs shall be designed and constructed in accordance with the Edge of the Wilderness National Scenic Byway theme of a natural appearance. Examples of this theme can be seen in the design of the Edge of the Wilderness Community signs in Marcell, Bigfork and Effie.
4. Color: All signs colors shall be consistent with earth tones as defined in this Ordinance.
5. Materials: All sign materials shall consist of exterior grade wood such as cedar, redwood or equivalent and/or a synthetic material that gives the appearance of natural wood or rock. If plywood is to be used, both sides at a minimum must be made of medium-density overlay (MDO) board and have exceptionally smooth and weather resistant surfaces.
6. Base/Posts: All signs with posts shall use natural log or milled (treated) wood timbers and/or a synthetic material that gives the appearance of natural wood or rock. If metal posts are needed the metal shall be entirely encased in natural wood or stone masonry. Stone masonry is also allowed as a base material if used within the maximum height of a sign.
7. Reader Boards/Marquis: Metal and/or high density polyurethane plastic tracks and letters are allowed provided the reader board itself meets the material guidelines. The background, of replaceable letters, must be clear plastic and the colored letters must be approved by the Design Review Committee.
8. Illumination
 - a. Only white light may be used to illuminate a sign. Neon signs, floodlights, and spotlights are prohibited.
 - b. The lighting sources from any sign shall not cause up-light, spill light, or glare above, below, or alongside the sign.
 - e. Exposed lighting sources such as bulbs, tubes, and the like are prohibited. All lighting sources shall be shielded from view from motorists by shrubbery or some other permitted material. Exception: #9 below. All lighting sources shall be designed with sharp cut-off capability so as to minimize up-light, spill light, and glare.
9. Mounted white lighting sources, on top of a sign, shall be allowed if the light fixtures are earth tone color, the light is shielded to minimize spill light and glare, and the maximum wattage shall not exceed 150 watts.

10. All signs shall be maintained in good structural condition.

SECTION 7. PROHIBITED SIGNS

Except for signs authorized under Section 6 of this Ordinance or exempt from regulation pursuant to Section 8 of this Ordinance all signs are prohibited within the Corridor. Prohibited signs include, but are not limited to:

- A. Any sign attached to any tree, utility pole or painted upon or otherwise directly affixed to any rock, ledge or other natural feature.
- B. Any sign:
 1. Erected in the public right-of-way, except for those placed by an authorized governmental agency;
 2. That violates Minnesota State Statute 173.15 as amended, or any other state or federal law or regulation;
 3. Which is an outdoor sign that advertises, identifies or pertains to any activity that has not been in existence for a period of 30 days from the date the activity ceased to exist. This provision does not apply to seasonal activities during the periods in which such businesses are closed;
 4. That employ neon, mercury vapor, low pressure and high-pressure sodium and metal halide lighting;
 5. With visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means;
 6. With optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy;
 7. With illuminations that flash, blink, flicker or vary in intensity or color;
 8. That are commonly referred to as wind signs, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind;
 9. That are erected, painted or displayed on a vehicle not regularly used in the conduct of the business advertised on the vehicle;
 10. With plastic panel rear lighting;
 11. Posted or painted on roofs, dormers and balconies;
 12. Portable or fixed search lights and laser / fiber optic projection systems;
 13. Other portable signs;
 14. Off-premise signs;
 15. Off-premise locational signs, and
 16. Abandoned signs.

SECTION 8. EXEMPT SIGNS

The following signs do not require permits or fee payment but must meet other requirements of the Ordinance and Minnesota Department of Transportation regulations as required:

- A. Traffic control signs;
- B. House addresses, family name signs, decorative flags, no trespassing and similar signs;
- C. Signs on operable vehicles regularly and customarily used to transport persons or property for the business;
- D. Specific service signs;
- E. Political signs;
- F. The flags of any nation, state, town, military or service organization;
- G. Temporary signs;
- H. Safety control signs;
- I. Wall signs;
- J. Window signs;
- K. Non-commercial opinion signs; and
- L. Real Estate signs.

SECTION 9. NON-CONFORMING SIGNS

- A. **Damage or Destruction of Sign:** A non-conforming sign shall be removed if the structure or use to which it is accessory is damaged or destroyed to the extent of 50 percent or more of the principal structure's appraised value.
- B. **Change of Use:** Whenever a land use changes, any previously conforming sign or signs which become non-conforming because of the change in land use must be modified so as to be in full compliance with these sign regulations.
- C. **Maintenance:** Signs shall be maintained in a safe and secure condition. If the Environmental Services Administrator is of the opinion that a sign is not secure, safe or in good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within thirty (30) days, the Administrator may revoke the sign permit, thus placing the sign owner in violation of the Ordinance.
- D. **Lighting:** Only white light may be used to illuminate a sign. Neon signs, floodlights and spot lights are prohibited. The lighting sources from any non-conforming sign shall not cause up-light, spill light or glare above, below or alongside the sign. Exposed lighting sources such as bulbs, tubes and the like are prohibited. All lighting sources shall be shielded from view from motorists by shrubbery or some other permitted material. All lighting sources shall be designed with sharp cut-off capability so as to minimize up-light, spill light and glare.
- E. Any lawfully existing nonconforming sign cannot be enlarged, redesigned or altered in any way including the repainting in a different color, except to conform to the requirements of this bylaw.
- F. **Replacement:** Any sign replacing a non-conforming sign shall conform to the provisions of this Ordinance, and the non-conforming signs shall no longer be displayed.
- G. A nonconforming sign shall be removed if it is discontinued for a period of more than one year. Any subsequent use or occupancy of the land shall be a conforming use or occupancy.

SECTION 10. SEVERABILITY

Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 11. ADMINISTRATION AND ENFORCEMENT

- A. **Enforcement Officer:** All administration and enforcement of this Ordinance shall be primarily implemented by the Itasca County Environmental Services Administrator or his/her authorized agent. Anyone who wishes to report a sign that may be in violation of this Ordinance should do so to the Environmental Services Administrator.
- B. **Permit Procedure:** All signs requiring a permit shall require a sign permit prior to being erected, constructed, reconstructed, moved, altered, placed or repaired. Sign permits shall be issued by the Itasca County Environmental Services Department.
- C. **Permit Application:** Application for a sign permit shall be made to the Itasca County Environmental Services Administrator on a form prescribed by that officer and shall be accompanied with a legal description of the sign location and a detailed design (including a proportional sketch including labeled dimensions) of the proposed sign including; the shape, size, materials, and color of the sign. The permit application will be reviewed by the Design Review Committee using the general design and construction standards to evaluate the appropriateness of the sign and its design to the character and theme of the Edge of the Wilderness National Scenic Byway. The Design Review Committee and the Highway 38 Leadership Board shall make recommendations on the permit application to the Environmental Services Administrator.
- D. **Permit Fees:** Each application for a sign permit shall be accompanied by a thirty dollar (\$30.00) fee.
- E. **Permit Issuance/Denial Action:** Within thirty (30) working days of the submission of a complete application for a sign permit, the Environmental Services Administrator shall either:
 - 1. Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirement of this Ordinance; or
 - 2. Deny the sign permit if the sign(s) that is subject of the application fails in any way to conform to the requirements of this Ordinance. In case of a rejection, the Environmental Services Administrator shall specify in the rejection the section or sections of the Ordinance or applicable plan with which the sign(s) is inconsistent.
- F. **Inspection Upon Completion:** Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the Environmental Services Administrator upon completion of the work. The Environmental Services Administrator shall then conduct an inspection within seven (7) working days. If the construction is complete and in full compliance with this Ordinance, the Environmental Services Administrator shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this Ordinance, the Environmental Services Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Environmental Services Administrator shall affix to the premises the permanent symbol described above.

- G. Lapses of Sign Permit: A sign permit shall lapse if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more. A sign that was constructed or maintained in conformance with a permit under this Ordinance, but for which the permit has lapsed, shall be in violation of the Ordinance.
- H. Assignment of the Sign Permit: A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject of to filing such application as the Environmental Services Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.
- I. Appeal Procedure: Any person applying for a sign permit who is denied a permit or disagrees with any ruling by the Environmental Services Administrator may appeal to the Itasca County Planning Commission / Board of Adjustment. The notice of appeal shall be filed with the Itasca County Environmental Services Department, Itasca County Courthouse, 123 NE Fourth Street, Grand Rapids, MN 55744 not later than thirty (30) days from the date of the denial or other adverse determination. The appeal, if timely, shall be governed by the procedures and standards set forth in Minnesota State Statute 394.27 Subd. 6. In the absence of a timely appeal, the Environmental Services Administrator's determination shall be final.
- J. The Planning Commission / Board of Adjustment shall have the authority to order the issuance of variances, hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official charged with enforcing this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of a town, municipality, county or state. (Minnesota State Statutes 394.27 Subd. 6). Applications for variances and other appeals shall be made, filed, heard, and determined in accordance with the standards and procedures set forth in Article 19 as amended, of the Itasca County Zoning Ordinance.
- K. All decisions by the board of adjustment in granting variances or in hearing appeals from any administrative order, requirement, decision or determination shall be final except that any aggrieved person or persons, or any department, board or commission of the jurisdiction or of the state shall have the right to appeal within 30 days, after receipt of notice of the decision, to the district court in the county in which the land is located on questions of law and fact. (Minnesota State Statutes 394.27 Subd. 9)

SECTION 12. EFFECTIVE DATE OF ORIGINAL MN.TH#38 SIGN ORDINANCE:

A public hearing was held by the Itasca County Board of Commissioners on July 9, 2002, relative to adopting this Sign Ordinance. Notice of the public hearing was duly published in the official newspaper of the County on May 22, 2002. After said hearing, the County Board adopted the ordinance effective upon the publication of the ordinance. Publication of the adopted ordinance was made in the official newspaper of the County on July 28, 2002. Filed September 5, 2002 as Document #544978.

AMENDMENTS

Effective – July 15, 2006

Updating the official titles and department (Environmental Services Administrator/Department); modifying the definitions, requirements, illumination and materials for a Monument Sign, Off Premise Location Sign, and Wall Sign; adding a definition of parcel and spotlight or floodlight; limiting the number of signs on a parcel and per business; amending the construction standard to have one sign per set of posts/poles; use of synthetic materials; mounted white lighting sources; and exempt the real estate sign from being a temporary sign.

Effective – July 1, 2009

Deletion of the off premise locational signs in Sections: 4L, 6A,C1 and 2 a, b; 7B as Federal regulations prohibit new billboards along the state scenic byways. Added Section 2B. that references State of Minnesota jurisdiction.

SIGNATURE PAGE

EFFECTIVE DATE OF CURRENT AMENDMENTS: July 1, 2009

A public hearing was held by the Itasca County Board of Commissioners on May 26, 2009 relative to amending this Sign Ordinance. Notice of the public hearing was duly published in the official newspaper of the County on May 4, 2009. After said hearing, the County Board through Resolution #05-09-03 adopted and ordained the amendments to the Ordinance that pertained to deletion of the reference/s to Off-premise locational signs in Sections 4L, 6A,C1 and C2a,b and 7B as Federal regulations prohibit new billboards along the state scenic byways; Added Section 2B. that references the State of Minnesota jurisdiction. The effective date shall be July 1, 2009. Publication of the summary was made in the official newspaper of the County on June 10, 2009.

Attested: Karen Burthwick
Karen Burthwick, Chairperson, Itasca County Board

Irene C. Koski
Irene C. Koski, Clerk to Itasca County Board of Commissioners

Certified as a complete and accurate copy of the Minnesota Trunk Highway 38 Sign Ordinance of Itasca County, Minnesota.

Jeffrey Walker
Jeffrey Walker, Itasca County Auditor/Treasurer

I hereby certify that the within instrument was filed in this office for record as Document Number A000634305 on this 18th day of June 2009 at 1 o'clock PM.

Linda Nielsen
Linda Nielsen, Itasca County Recorder

GRAND RAPIDS HERALD-REVIEW
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA
COUNTY OF ITASCA

SS.

Ronald L. Oleheiser, being duly sworn, on oath says that he is the publisher of the newspaper known as the Grand Rapids Herald Review, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331.A02, 331A.07, and other applicable laws, as amended.

(B) The printed: Itasca County Board of Commissioners Notice of Intent, Notice of Public Hearing to Amend the Sign Ordinance for Edge of the Wilderness National Scenic Byway Trunk Highway #38 is attached and was cut from the columns of said newspaper and was printed and published once each week for one successive week. It was first and only printed and published on Wednesday, the 6th day of May, 2009; and printed below is a copy of the lower case alphabet A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: Ronald L. Oleheiser
Ronald L. Oleheiser, Publisher

Subscribed and sworn to before me
this 8th day of May, 2009

Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space.....\$ 2.00 per 1-col line
- (2) Maximum rate allowed by law for the above matter.....\$ 2.86 per 1-col. line
- (3) Rate actually charged for the above matter.....\$.625 per 1-col line

**ITASCA COUNTY BOARD OF COMMISSIONERS
NOTICE OF INTENT
NOTICE OF PUBLIC HEARING
TO AMEND THE SIGN ORDINANCE
EDGE OF THE WILDERNESS NATIONAL
SCENIC BYWAY
TRUNK HIGHWAY #38**

Purpose: This ordinance is established to protect and ensure the scenic and natural qualities and character of the Minnesota Trunk Highway 38 Corridor, consisting of 1600 on each side of the corridor, for future generations of residents and visitors of the Corridor and to enhance the goals of the Corridor Management Plan dated June, 1995, namely: (1) enhance and improve the scenic and architectural qualities of the Corridor; (2) enhance the scenic and architectural qualities of all uses of the Corridor; (3) provide economic development and tourism; (4) provide for marketing, promotion, interpretation of the unique attributes and opportunities of the Corridor; and (5) to conserve these resources of the scenic corridor as a sustainable balance of economic development and tourism by the establishment of regulations that govern, regulate, restrict and prohibit the erection of signs within the Corridor.

The proposed amendments are subject to the references to of the local ordinance in order to be in compliance with Federal guidelines that prohibit new billboards along the state scenic byway.

Pursuant to Minnesota Statutes Sections 13D.04-13D.05, Subd. 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and the Itasca County Zoning Ordinance, notice is hereby given that the Itasca County Board of Commissioners will hold a public hearing on Tuesday, May 26th, 2009 at 9:45 p.m. in the County Board Room of the Courthouse, City of Grand Rapids, MN 55744, to receive public input and officially adopt the amendments to said ordinance as submitted by the Planning Commission Board 4/8/09.

A copy of the Draft Sign Ordinance may be seen at the time of the Itasca County Auditor/Treasurer of County Environmental Services, Courthouse, Grand Rapids, MN 55744, during regular business hours, or said amendments are posted on the web at: http://co.itasca.mn.us/itasca/county/office_environmental_services/draft_sign_ordinance/

Interested persons may attend this hearing and/or submit their written comments to the Environmental Services Office, 123 NE 4th Street, Courthouse, Grand Rapids, MN 55744, prior to the hearing and they will be made part of the record.

Dated this 4th day of May, 2009 at Grand Rapids, MN 55744.

Don Dewey, Environmental Services Administrator

HR May 6, 2009.....01544895

RESOLUTION
OF THE
COUNTY BOARD OF COMMISSIONERS
ITASCA COUNTY, MINNESOTA

Adopted May 26, 2009

Commissioner Eichorn moved the adoption of the following resolution:

Resolution No. 05-09-03 (Page 1 of 2)

**RE: ADOPTION OF THE AMENDMENTS TO THE EDGE OF THE WILDERNESS NATIONAL
SCENIC BYWAY TRUNK HIGHWAY #38 SIGN ORDINANCE - DRAFT DATED 4/8/09**

WHEREAS, Minnesota State Highway 38 travels 47 miles through some of the most scenic areas in Itasca County and northern Minnesota including a 22-mile segment within the Chippewa National Forest that is a designated National Forest Scenic Byway, and

WHEREAS, this segment qualified for National Scenic Byway status by demonstrating five of the six intrinsic qualities needed, Cultural, Historic, Natural, Recreational and Scenic; and

WHEREAS, a Corridor Management Plan was developed and adopted by the Minnesota Department of Transportation, Minnesota Department of Natural Resource, United States Forest Service and the Highway 38 Leadership Board, and

WHEREAS, the Edge of the Wilderness National Scenic Byway Trunk Highway #38 Sign Ordinance was developed to restrict and regulate the use of signs within the corridor to advance and maintain the goals of the Corridor Management Plan, and to further maintain the purpose and objectives of the Itasca County Comprehensive Plan and parts thereof, and

WHEREAS, the Edge of the Wilderness National Scenic Byway Trunk Highway #38 Sign Ordinance was originally adopted by the County Board on 7/9/02, with the effective date of 7/28/02, and

WHEREAS, the proposed amendments to this Ordinance pertain to: Deletion of the off premise locational signs in Sections: 4L, 6A, C1 and 2 a, b; 7B as Federal regulations prohibit new billboards along the state scenic byways; added Section 2B that references State of Minnesota jurisdiction, and

WHEREAS, the Transportation Goal set forth in the Comprehensive Management Plan supports improvements and recommendations in the Highway 38 Corridor Plan, and

WHEREAS, Minn. Stat. 173.185 Subd. 1 and 2 authorizes the Commissioner of Transportation to comply with federal laws and regulations relating to billboard control on state scenic byways, and

WHEREAS, notice was sent to the applicable Townships, Municipalities, Minnesota Department of Transportation, TH#38 Leadership Board and Department Managers on March 2, 2009 and April 30, 2009, and

WHEREAS, notice of the Planning Commission/BoA and County Board public hearings were published in the official newspapers in accordance with Minn. Stat. 375.51 and Minn. Stat. 394.21, and

WHEREAS, the Itasca County Planning Commission/BoA held their public hearing on April 8, 2009 and unanimously recommended approval to the County Board, and

WHEREAS, the Itasca County Board of Commissioner held their public hearing on May 26, 2009, and

NOW, THEREFORE, BE IT RESOLVED that the Itasca County Board of Commissioners, through this resolution, adopts and ordains the amendments to the Edge of the Wilderness National Scenic Byway Trunk Highway 38 Sign Ordinance set forth in the Draft dated 4/8/09 as recommended by the Planning Commission/BoA; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the summary be published in the official newspaper in the manner prescribed by law, and that these amendments shall take effect on 7/1/09.

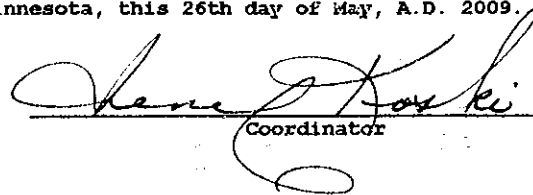
Commissioner Mandich seconded the motion for the adoption of the resolution and it was declared adopted upon the following vote:

Yeas <u> 5 </u>	Nays <u> 0 </u>	District #1 <u> Y </u>	District #2 <u> Y </u>
Other <u> N/A </u>		District #3 <u> Y </u>	District #4 <u> Y </u>
		District #5 <u> Y </u>	

STATE OF MINNESOTA
Office of County Coordinator
ss. County of Itasca

I, IRENE C. KOSKI, Coordinator of County of Itasca, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 26th day of May A.D. 2009, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Grand Rapids, Minnesota, this 26th day of May, A.D. 2009.



Coordinator

By _____ Deputy

**SUMMARY FOR PUBLICATION
MN TRUNK HIGHWAY 38 SIGN ORDINANCE**

BACKGROUND: In 2002, the Itasca County Board of Commissioners adopted the Minnesota Trunk Highway 38 Edge of the Wilderness National Scenic Byway Sign Ordinance. Said ordinance pertains to Highway 38 corridor which encompasses the land adjacent to each side of MN Trunk Highway 38 and which land extends a horizontal distance of 600' from each side of the centerline from beginning to end, Grand Rapids to Effie a distance of 47 miles.

The purpose of the ordinance is to protect and ensure the scenic and natural qualities and character of the corridor for future generations of residents and visitors of the corridor and to enhance the goals of the Corridor Management Plan.

Notice is hereby given that pursuant to a Notice of Intent to Enact published, in the Herald Review, on the 6th day of May, 2009, the Itasca County Board of Commissioners duly convened their public hearing on May 26th, 2009 to officially adopt the proposed amendments to the Minnesota Trunk Highway 38 Edge of the Wilderness National Scenic Byway Sign Ordinance as recommended by the Planning Commission on 4/8/09 and as set forth in the draft also dated 4/8/09.

SUMMARY: The following is only a summary of the Ordinance. The full text of the Ordinance is available for public inspection at the offices of the Itasca County Auditor/Treasurer and Environmental Services Department during regular office hours. The amendments pertain to deletion of the off premise locational signs in Sections: 4L, 6A, Cl and 2 a, b; 7B as Federal regulations prohibit new billboards along the state scenic byways; and added Section 2B. that references State of Minnesota jurisdiction.

Effective Date: July 1, 2009

ITASCA COUNTY BOARD OF COMMISSIONERS

By: Karen Burthwick
Karen Burthwick, Chairperson

Attest: Irene C. Koski
Irene C. Koski, Clerk to County Board

GRAND RAPIDS HERALD-REVIEW
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA
COUNTY OF ITASCA

SS.

Ronald L. Oleheiser, being duly sworn, on oath says that he is the publisher of the newspaper known as the Grand Rapids Herald Review, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331.A02, 331A.07, and other applicable laws, as Amended.

(B) The printed: Summary Publication, MN Trunk Highway 38 Sign Ordinance is attached and was cut from the columns of said newspaper and was printed and published once each week for one successive week. It was first and only printed and published on Wednesday the 10th day of June, 2009 : and printed below is a copy of the lower case alphabet A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: Ronald L. Oleheiser
Ronald L. Oleheiser, Publisher

Subscribed and sworn to before me
this 14th day of June, 2009



CHRISTINE LOUISE KAVANAUGH
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2014

Christine Kavanaugh
Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space.....\$ 2.00 per 1-col line
- (2) Maximum rate allowed by law for the above matter.....\$ 2.86 per 1-col. line
- (3) Rate actually charged for the above matter.....\$.625 per 1-col line

**SUMMARY FOR PUBLICATION
MN TRUNK HIGHWAY 38 SIGN
ORDINANCE**

BACKGROUND: In 2002, the Itasca County Board of Commissioners adopted the Minnesota Trunk Highway 38 Edge of the Wilderness National Scenic Byway Sign Ordinance. Said ordinance pertains to Highway 28 corridor, which encompasses the land adjacent to each side of MN Trunk Highway 38 and which land extends a horizontal distance of 600' from each side of the centerline from beginning to end, Grand Rapids to Erbe a distance of 47 miles.

The purpose of the ordinance is to protect and ensure the scenic and natural qualities and character of the corridor for future generations of residents and visitors of the corridor and to enhance the goals of the Corridor Management Plan.

Notice is hereby given that pursuant to a Notice of Intent to Enact published in the Herald Review on the 6th day of May, 2009, the Itasca County Board of Commissioners duly convened their public hearing on May 26th, 2009 to officially adopt the proposed amendments to the Minnesota Trunk Highway 38 Edge of the Wilderness National Scenic Byway Sign Ordinance as recommended by the Planning Commission on 4/8/09 and as set forth in the draft also dated 4/8/09.

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Effective Date: July 1, 2009

ITASCA COUNTY BOARD OF COMMISSIONERS
By: /s/ Karen Burthwick
Karen Burthwick, Chairperson

Attest: /s/ Irene C. Koski
Irene C. Koski, Clerk to County Board

HR June 10, 2009.....01545106