

**2010 Legal and Public Notices**

police powers, the City must also protect against damage caused by a sign. A sign may present a danger to persons and property by way of collapse, fire, collision, decay or abandonment.

d. Third, as a part of its police powers, the City has determined that this ordinance should assist business owners who use signs to advertise their businesses. If there are too many signs in an area, then an existing business owner may have difficulty conveying a simple message(s) to customers. Customers may locate a business or service more readily with a sign. Signs also assist home owners because they identify residences and preserve the beauty of neighborhoods. A sign also assists a business because it permits customer identification of the business, product or service.

e. Fourth, as a part of police powers, the City has determined that the City as a whole benefits when there is not a clutter of signs or signs that do not meet a basic level of maintenance and use.

f. Fifth, unmaintained signs can be a location for dumping or gather dirt or paper, which may also create a fire hazard. Therefore, the City has an interest in public safety.

g. Sixth, the content of some signs may be immoral, harmful to persons or businesses, or further illegal activity. As a result, in furtherance of the City's police powers, some content expression is punished, but only that which the United States Supreme Court has held to be categorically suppressible.

h. Finally, some forms of media present adverse, unwanted consequences which may interfere with neighborhood privacy or solitude or cause a fluctuation in the desirability of real estate and, in turn, the value of neighboring real estate. As a result, some forms of media are prohibited at all times.

i. Signs are also important to the City because they identify government buildings and services. The City desires to equally treat the public. As a result, public property is not an appropriate location for any private sign. All signs on public property, which are not approved by or provided for approval by, the City Commission, are prohibited.

j. In order to provide for orderly implementation of these purposes, the City has enacted licensing and permit requirements. The license and permit requirements are inapplicable in certain limited instances. All signs which are not permitted herein are prohibited.

**3. Sign Contractor Licensing.**

a. **General Rule.** It shall be unlawful to erect a sign in the City without first obtaining a Sign Contractor License. Fees for such license shall be as determined from time to time by resolution of the City Commission. Signs erected by an owner on their own premises are exempt from this section. The City Commission may revoke any sign contractor license when the licensee has been found to have violated any provision of this chapter. Notification of listed violations must be given in writing to the licensee. A period of fifteen (15) days will be allowed from the date of notification for the licensee to make necessary corrections, after which the City Commission may act to revoke the sign contractor's license. Situations where the public's health safety and welfare are in peril as described in the building code do not require a fifteen (15) day notification.

b. **Assignability.** A Sign Contractor License is not assignable.

**4. Sign Permitting.**

a. **General Rule.** In order to erect, to alter, or to relocate a sign an owner or licensed sign contractor must first obtain a sign permit from the City. A

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sign permit may authorize the erection of one (1) or more signs.

b. **Exceptions.** The following signs do not require a permit but may be regulated by this chapter:

i. A-Frame, T-Frame and Sandwich Board Sign.  
ii. Banner Signs.  
iii. Construction Contractor's Sign.  
iv. Fan / Booster Sign.  
v. Flags.  
vi. Identification Signs.  
vii. Incidental Signs.  
viii. Government Signs.  
ix. Gas Pump Topper Sign.  
x. All signs excluded from the definition of "sign."  
xi. Ordinary maintenance and repairs of any sign.

**x i i . T e m p o r a r y S i g n s .**

c. **Term.** A permit is valid as of the date of its issuance and for a total period of one hundred and eighty (180) days thereafter. A permit shall be void if the work for which the permit was issued is not completed within said term.

**d. Application/Permanent Signs.** All applications for a permanent sign, or the modification of an existing permanent sign, shall be accompanied with:

i. A detailed site plan of the lot showing the exact location and orientation of the sign(s) relative to all lot lines, building lines, parking lots, drive-ways and other pertinent land and architectural features.  
ii. An elevation drawing showing the total height of the sign above the adjacent grade.  
iii. The total dimensions of the sign facing.  
iv. The design features of the sign.  
v. The type of illumination or other characteristics of the sign.  
vi. The size and type of existing signs on the property.  
vii. All other applicable data, such as lot line dimensions and building wall or other surface areas dimensions as required by the City.  
viii. The applicable fee, established by resolution of the City Commission.

e. **Application/Impermanent Signs.** All applications for an impermanent sign, or the modification of an existing impermanent sign, shall be accompanied with:

i. A detailed site plan of the lot showing the exact location and orientation of the sign(s) relative to all lot lines.  
ii. A drawing showing the total height and facing dimensions.  
iii. The type of illumination or other characteristics of the sign.  
iv. All other applicable data, such as lot line dimensions and building wall or other surface areas dimensions as required by the City.  
v. The applicable fee, established by resolution of the City Commission.

f. **Assignability.** All sign permits are assignable to a successor owner.

g. **Grandfather Clause.** Any lawfully existing sign which is made unlawful by the adoption of this chapter is exempt from this permit requirement, unless its use is changed, there has been a discontinuance, or it constitutes an "abandoned sign," all of which void the grandfather status. A Temporary or Impermanent Sign shall not be considered "Grandfathered" beyond the prescribed time allowed herein.

i. **Change of Use.** A change of use occurs when the owner alters the sign in any manner, including changing to another non-conforming use, structural alteration intended to prolong the life of the sign, structural alteration of the shape,

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size, type or design, or alteration of the words or symbols on the message displayed (except when the sign is specifically designed for periodic change of message).

ii. **Exception to Change of Use.** A non-conforming sign may be maintained or repaired, unless the cost of the maintenance or repair exceeds forty percent (40%) of the initial cost of the sign.

iii. **Discontinuance.** Discontinuance occurs if the activity, business or usage to which the sign was used has been stopped for a period of thirty (30) days or longer.

**5. Sign Design, Construction, Illumination, Height & Maintenance.**

All permanent signs shall be designed, constructed and maintained in accordance with the following standards:

a. All permanent and impermanent signs must comply with the applicable provisions of the adopted building and electric codes at all times.

b. All permanent and impermanent 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 in accordance with applicable building code standards.

c. All signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning and other services required for maintenance of the signs. If a sign is not so maintained, then the owner shall be notified in writing and required to re move the sign or to immediately bring the sign into compliance.

d. All signs with an electronic message display capability shall have internal ambient light monitors installed which automatically adjust brightness to the level defined in this chapter.

e. Illuminated signs shall be so shielded, shaded or directed so that the light intensity shall not adversely affect the surrounding or facing premises nor adversely affect the safe vision of operators of vehicles on private or public roads. The illumination of Electronic Message Signs shall not exceed a brightness level of 0.3 foot candles above ambient light.

f. No sign shall exceed the maximum height of structures in the City Zoning Ordinance.

g. Signs identified in section 4. b. Exceptions, that use weighting as a means of securing their location (sandbags, blocks etc.) shall be placed in such a manner that the weighting shall not be visible to the traveling public.

h. Banners and other types of temporary vinyl and fabric signs shall be maintained so as to be tight, rigid and in good repair at all times.

i. It is recognized that vinyl, fabric and other types of pliable materials are used as a media firmly affixed to permanent sign erection materials as a means of permanent sign construction. A banner attached to a sheet of wood or other material in a manner not described herein is not considered a permanent sign.

j. Temporary Signs shall be located within two (2) feet of a principal permitted structure on private property.

**6. Content Prohibitions.**

No person shall erect or maintain in the City any sign that contains a message, as these categories have been defined by the United States Supreme Court that contains:

a. Obscenity or child pornography.  
b. False, deceptive or misleading commercial expression.  
c. Defamation.  
d. Threat(s).  
e. Illegal activity.

**7. Media Prohibitions.**

The following types of signs are prohibited in the City:

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a. Banners located more than two (2) feet from a principal permitted structure wall.  
b. Beacon signs.  
c. Flashing signs.  
d. Gas Pump Bollard Signs  
e. Inflatable signs.  
f. Search light signs.  
g. Streamer Sign.  
h. Trailer or Vehicle Sign.

**8. Content Neutral Prohibitions.**

Signs shall not be erected or maintained in the following manner in the City unless otherwise specifically provided for in this chapter:

a. No sign or sign structure shall resemble, imitate, simulate, or conflict with traffic control signs or devices which are found within the Manual of Uniform Traffic Control Devices.  
b. No sign or sign structure shall mislead or confuse persons traveling on public streets if a traffic hazard is caused thereby.

Signs shall not be erected or maintained in the following locations in the City:

c. No sign shall be placed in any location which creates a safety hazard by obstructing the clear view of pedestrians or vehicles.  
d. No sign shall be placed in any location which obscures a government sign or signal.  
e. No sign or sign structure shall be placed in any location which obstructs any required egress from a building or structure.  
f. No sign shall be attached to organic or inorganic natural matter (such as a tree), utility pole, public bench, street light, or a street sign.  
g. No sign shall be placed on any public property or public right of way.  
h. Trailer or Vehicle Signs which are parked or located for the primary purpose of displaying the sign are prohibited.

**9. Off-Premises Signs.**

Off-premises signs are permitted, subject to the following rules.

a. Off-Premises signs shall only be located in areas designated as I-Industrial District or B-2 Highway Business District.  
b. Off-Premises signs shall not be displayed closer than one hundred feet (100) to any other off-premises sign structure, unless the structures are separated by buildings or other obstructions in such a manner that only one (1) sign located within the above-spacing distance is visible from the highway at any one time.  
c. Off-Premises signs shall not be located closer than fifty (50) feet to any intersection or public street right-of-way access point (such as a driveway or approach) to a public street unless the City approves of the same after determining that there will be no obstruction of traffic visibility.  
d. The maximum size of an off-premises sign shall be 400 square feet in an I-Industrial zone and 50 square feet in a B-2 Highway Business District.  
e. Off-Premises signs shall be included in the calculation of maximum sign area on a parcel.

**10. Regulations in Business and Industrial Zones.**

The following rules are applicable to signs located in business and industrial zones:

a. No person may place any sign in the triangular area of a corner lot defined as follows: beginning at the intersection of the projected curb lines of two (2) intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning.  
b. A temporary sign may only be erected seventy-five (75) days prior to the single day purpose for which the sign was erected and then it must be removed within seven (7) days after the purpose for which the sign was erected is completed. For example, election campaign signs may be erected seventy-five (75) days prior to an election and must be removed within seven (7) days after the election. A real estate sign may be erected when the property is listed for sale and it shall be removed within seven (7) days after the closing at which the sign was erected is completed. For example, election campaign signs may be erected seventy-five (75) days prior to an election and must be removed within seven (7) days after the closing at which home is sold.  
e. No owner may erect or maintain a sign that blinks, flashes, or pulsates.  
f. One non-illuminated fan / booster sign, not exceeding four (4) square feet in size per occupant is allowed. Fan / booster signs shall be located within ten (10) feet of the principal permitted structure on private property.  
g. Off-Premises signs and banners are prohibited in residential districts.  
h. Electronic message signs are only allowed in residential districts when associated with permitted nonresidential uses.

**11. Regulations in Residential Zones.**

The following rules are applicable to signs located in residential zones:

a. No person may place any sign in the triangular area of a corner lot defined as follows: beginning at the intersection of the projected curb lines of two (2) intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning.  
b. Only street address or identification signs may be illuminated in residential zones.  
c. No sign erected on real property may be larger than ten (10) square feet of sign area or extend higher than eight (8) feet above grade level. However, multi-family residential structures containing twelve (12) or more dwelling units per structure may have one (1) sign not exceeding

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thirty-two (32) days after the election. A real estate sign may be erected when the property is listed for sale and it shall be removed within seven (7) days after the closing at which the home is sold. No temporary sign erected on real property may be larger than thirty-two (32) square feet of sign area or extend higher than twelve (12) feet above grade level  
c. Owners are allowed to have two (2) square feet of sign area for each one (1) linear foot of street frontage adjacent to their parcel. On multi-frontage lots, an additional one (1) square foot of signage is allowed for each five (5) linear feet of intersecting street frontage.  
d. One banner sign is allowed per 44 feet of street frontage. The banner shall be parallel to and extend no more than two (2) feet from a principal permitted structure wall. The maximum size for a banner sign is 48 square feet.  
e. One A-Frame, T-Frame or Sandwich Board Sign per adjacent parcel frontage shall be allowed on the public sidewalk in the B-2 and B-3 zoning districts in situations where building fronts are located on the property line. They shall be placed in such a manner that they allow a minimum five (5) foot wide, clear walkway along the traditional pedestrian path.  
f. Non-illuminated fan / booster signs, not exceeding a total of 32 square feet are allowed per parcel. The signs shall not extend more than twelve (12) feet above grade level in commercial or industrial districts and must be located on private property.  
g. Projection signs may not project more than 8'6" or closer than 4' from the curb line. Projections signs may not overhang state right-of-way.  
h. Electronic message sign displays shall be limited to displays, which are gradual movements, including, but not limited to, animation and frame effects. Sudden movement is prohibited, including, but not limited to, blinking and flashing.  
(1) Any permitted sign may be, or may include as an individual component of the total sign area, electronic message signs.  
(2) All electronic message signs shall come equipped with automatic dimming controls that automatically adjust the sign's brightness in direct correlation with ambient light conditions.  
(3) No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. Measuring distance shall be determined using the square root of the product of the sign area and one-hundred. Example using a 12 square foot sign:  $\sqrt{(12 \times 100)} = 34.6$  feet measuring distance.

**12. Regulations in Agricultural Zones.**

a. No person may place any sign in the triangular area of a corner lot defined as follows: beginning at the intersection of the projected curb lines of two (2) intersecting streets, thence thirty (30) feet along one curb line, thence diagonally to a point thirty (30) feet from the point of beginning on the other curb line, thence to the point of beginning  
b. A temporary sign may only be erected seventy-five (75) days prior to the purpose for which the sign was erected and then it must be removed within seven (7) days after the purpose for which the sign was erected is completed. For example, election campaign signs may be erected seventy-five (75) days prior to an election and must be removed within seven (7) days after the closing at which property is sold  
c. Electronic message signs are only allowed in agricultural districts when associated with permitted nonresidential uses.

**13. Forfeiture and Nuisance Abatement.**

Every sign which is not in compliance with this Chapter shall be forfeited to the public and subject to immediate confiscation. In addition, every sign which is not in compliance with this Chapter, in addition to other remedies herein, is hereby declared to be a public nuisance and the City shall have the right to abate such public nuisance and to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.

**14. Criminal Penalty.**

Any person who violates this Chapter shall be guilty of a misdemeanor. The maximum penalty for each violation shall be Five Hundred Dollars (\$500.00). Each violation shall be a separate offense

**15. Administration.**

The Community Development Department is hereby authorized and directed to enforce and to inspect for compliance all the provisions of this Chapter. Said Department may request and shall receive the assistance and cooperation of the chief of police and of other City officials as may be necessary in the discharge of his or her duties.

The Board of City Commissioners may grant variances from the provisions of this Chapter when unnecessary hardship exists.

**16. Interpretation.**

a. It is the City's intent to eliminate all non-conforming signs, except as otherwise

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specifically set forth herein, as rapidly as the City's police power permits.  
b. If this ordinance conflicts with any other law, then, to the extent possible, the provisions of this Chapter shall govern.  
c. If any section, subsection, sentence, clause, phrase or portion of this Chapter is, for any reason, held to be invalid or unconstitutional, then such decision shall not affect the validity of the remaining portions of this Chapter.  
d. This Chapter shall be in full force and effect from and after its passage, approval and publication, as required by law.

**Section 2.** Saving Clause.  
Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 3.** Effective Clause.  
This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

Adopted: June 10, 2013  
1st Reading: May 28, 2013  
2nd Reading: June 10, 2013  
Publication Date: June 22, 2013  
Effective Date: July 12, 2013

Nancy Wenande, Mayor

Attest:

Al Viereck, Finance Office  
Published once at the approximate cost of \$643.96.

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**Auditor**

From Page 1

Hojem has worked in the auditor's office for 27 years. "I know most of what goes on in the office, but there are some things that Paula did that I never did," she stated. "Everyone in the office is learning."

Lois Eli, the former deputy auditor, retired in April after 50 years in the office and Hojem was appointed deputy at that time. Instead of hiring a fourth person for the office to put the staffing level back where it was prior to Jones' medical leave, Hojem said she plans to keep it at three.

"I feel that we're managing the office now, so instead of hiring someone else, we can do it ourselves," she said.

Leading up to Jones' unexpected exit, turmoil surrounded the auditor's office because property tax bills had not been calculated correctly and were not provided to taxpayers on time. State and county officials worked to rectify the situation.

Hojem said that, after a hectic several months, she is confident things are returning back to normal. "We've gotten a lot of help," she stated. "Other county offices have helped, as well as the state. Around tax time, the state Department of Revenue has said they can help us if we need it. I think it's going quite well."

When asked whether she has given thought to running for a four-year term as auditor in November 2014, Hojem replied that she hasn't made that decision. "Until then, we'll just keep the office going," she stated.

*You can follow Nathan Johnson on Twitter at Twitter.com/AnInlandVoyage*

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