

## ***FENCING AND SCREENING***

### **§ 152.420 GENERAL.**

Fences shall be permitted in all districts subject to the provisions hereinafter provided.  
(Ord. 125, 2nd Series, passed 12-15-2003)

### **§ 152.421 LOCATION.**

All fences shall be located entirely upon the private property of the person, firm or corporation constructing or causing the construction of the fence. When owners of adjoining property agree, in writing (this agreement shall be recorded in the office of the County Recorder), then the fence may be erected on the property line of the perspective properties. All fences to be located within a utility easement require a conditional use permit. The Building Official may require the person, firm or corporation to establish the property lines by a survey thereof to be made by any registered land surveyor.

(Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.422 CONSTRUCTION AND MAINTENANCE.**

Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private. Any fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Building Official is hereby authorized to commence proper proceedings for the abatement thereof.  
(Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.423 BARBED WIRE AND ELECTRIC FENCES.**

Barbed wire and electric fences shall not be permitted, used or constructed except in industrial districts as hereinafter provided or when related to permitted agricultural use, but in any case not in boundary line fences. A conditional use permit shall be required for the use of barbed wire.  
(Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.424 RESIDENTIAL DISTRICT FENCES.**

(A) In any residential district, fences for decorative, screening or confinement purposes may be constructed on any lot.

(B) All residential fences shall be placed within the property being fenced and conform to the property.

(1) Fences along side property lines shall not be more than six feet in height.

(2) Fences along any rear property line, which is also the rear property line of an abutting lot, shall not exceed six feet in height.

(3) Fences along a rear property line, which line constitutes the side lot line of an abutting lot, shall not exceed six feet in height.

(4) The screening provisions for residential districts shall supersede, where applicable, the provisions of this section.

(5) All boundary line fences shall be constructed in a manner that at least 25% of the plane between the ground and the top of the fence is open.

(6) All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced.

(7) All fences shall not obstruct drainage.

(8) All fences located within a utility easement require a conditional use permit.  
(Ord. 125, 2nd Series, passed 12-15-2003)

#### § 152.425 BUSINESS AND INDUSTRIAL FENCES.

(A) Business and industrial fences may be erected up to eight feet, fences in excess of eight feet shall require a conditional use permit.

(B) Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire can be fastened, commencing at a point at least seven feet above the ground. A conditional use permit shall be required for the use of barbed wire.

(C) Fences erected within the required front yard shall not be over six feet in height and shall be constructed of material permitting maximum visibility.

(D) The screening provisions for business and industrial districts shall supersede, where applicable, the provisions of this section.  
(Ord. 125, 2nd Series, passed 12-15-2003)

#### § 152.426 REQUIRED FENCING AND SCREENING.

(A) Where any commercial industrial use or multi-family of four or more units (i.e., structure, parking or storage) abuts property zoned for residential use, that business, industry or multi-family building shall provide screening along the boundary of the residential property. All junk yards and salvage yards shall be hidden from view from any public right-of-way.

(B) All fencing and screening specifically required by this section shall be subject to traffic viability requirements of this section and shall consist of either a fence or a greenbelt planting strip as provided for below.

(1) A greenbelt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide substantial visual screening, a height of six feet. The planting plan and type of plantings shall require the approval of the Planning Commission.

(2) A required screening fence shall be constructed of masonry, brick, wood or metal. The fences shall provide a solid screening effect six feet in height for multi-family uses and at least six feet in height for business and industrial uses unless otherwise specified. The design and materials used in constructing a required screening fence shall be subject to the approval of the Building Official.  
(Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.427 TRAFFIC VISIBILITY.**

No fence, wall or hedge shall be erected, placed, planted or allowed to grow in a manner as to materially impede vision between a height of two feet and eight feet where it will interfere with traffic or pedestrian visibility 30 feet from the intersecting curb line from a driveway or alley to a public way. The regulations shall apply unless it can be demonstrated to the Building Official that the structure provides an unobstructed view so as not to create a safety hazard.

(Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.428 SPECIAL PURPOSE FENCES.**

Fences for special purposes and fences differing in construction, height or length may be permitted in any district of the city by issuance of a conditional use permit. The applicant must demonstrate the purpose is necessary to protect, buffer or improve the premises for which the fence is intended.

(Ord. 125, 2nd Series, passed 12-15-2003)

***SIGNS*****§ 152.440 PURPOSE.**

The purpose of this subchapter is to protect, ensure, maintain and regain the natural and scenic beauty and attractiveness of the roadsides throughout the city. By the construction of public roads, the public has created views to which the public retains a right-to-view and it is the intent of these standards to prevent the taking of this right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this chapter.

(Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.441 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADDRESS.** A sign communicating street address only, whether written or in numerical form.

**ADVERTISING.** A billboard, poster panel board, painted bulletin board, or communicative device which is used to advertise products, goods and/or services which are not exclusively related to the premises on which the sign is located.

**AREA.** The area within the marginal lines created by the sign surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon (the entire face of the sign excluding the frame).

**AREA IDENTIFICATION.** A free-standing sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more structures, a shopping center consisting of five or more separate business concerns, an industrial area, an office complex consisting of three or more structures or any combination of the above, located on contiguous property. The sign shall be limited only to the identification of an area or complex and shall not contain the name of individual owners or tenants nor contain advertising.

**BANNERS and PENNANTS.** Attention-getting devices which resemble flags and are of a paper, cloth or plastic-like consistency.

**BENCH.** A sign which is affixed to a bench such as a bus stop.

**BILLBOARD.** Any advertising sign having an area of more than 200 square feet.

**BUSINESS.** Any sign which identifies a business or group of businesses, either retail or wholesale, or any sign which identifies a profession or is used in the identification or promotion of any principal commodity or service, including entertainment, offered or sold upon the premises where the sign is located.

**CANOPY and MARQUEE.** Any message or identification which is affixed to the projection or extension of a building or structure, erected in a manner as to provide a shelter or cover over the approach to any entrance of a store, building or place of assembly.

**CONSTRUCTION.** A non-illuminated sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise, or the purpose for which the building is intended.

**FLASHING.** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.

**GOVERNMENTAL.** A sign which is erected by a governmental unit for the purpose of identification and directing or guiding traffic.

**HOLIDAY.** Signs or displays which contain or depict a message pertaining to a national or state holiday, and no other matter.

**IDENTIFICATION.** Signs in all districts which identify the business or owner, or manager or resident and set forth the address of the premises where the sign is located and which contain no other material.

**ILLUMINATED.** Any sign which is lighted or an artificial light source either directed upon it or illuminated from an exterior source.

**INDIVIDUAL PROPERTY SALE OR RENTAL.** Any on-premises sign announcing the name of the owner, manager, realtor or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered.

**INFORMATIONAL/DIRECTIONAL.** Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising. May include name of business, but must predominately represent a directional or informational message.

**INSTITUTIONAL.** A sign or bulletin board which identifies the name and other characteristics of a public or semi-public institution on the site where the sign is located. Institutions shall include churches, hospitals, nursing homes, schools and other non-profit and charitable organizations.

**INTEGRAL.** Names of buildings, date of construction, commemorative tablets and the like, which are of a permanent type of construction and which are an integral part of the building or structure.

**MOTION.** Any sign which revolves, rotates, has any moving parts or gives the illusion of motion.

**NAMEPLATE.** A sign indicating the name and address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

**MAJOR STREET.** Arterial streets.

**NON-CONFORMING.**

(1) **ILLEGAL.** A sign which was constructed after the passage of this chapter or amendment thereto and does not conform with the regulations of this chapter is unlawful.

(2) **LEGAL.** A sign which lawfully existed at the time of the passage of this chapter or amendment thereto, but which does not conform with the regulations of this chapter, is lawful.

**NON-PROFIT ORGANIZATION.** A sign identifying a corporation formed under M.S. Ch. 317A, which is formed for a purpose not involving pecuniary gain to its shareholders or members, and where no dividends or other pecuniary remuneration are paid, directly or indirectly, to its shareholders or members, including a community or civic group such as the Lions Club, League of Women Voters and the like.

**PARAPET.** A sign attached to a low wall, which is located perpendicular to a roof of a building.

**POLITICAL CAMPAIGN.** Signs or posters announcing the candidate(s) seeking political office.

**PORTABLE.** A sign so designed to be movable from one location to another and which is not permanently attached to the ground, sales display device or structure.

**PROJECTING.** A sign, other than a wall sign, which extends perpendicular from the building wall.

**PUBLIC.** Signs of a non-profit organization, semi-public and/or public non-commercial nature, to include safety signs, danger signs, trespassing signs, directional signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty and/or upon approval of the Council.

**REAL ESTATE.** A business sign placed upon a property advertising that particular property for sale, for rent, for lease or sold.

**REAL ESTATE DEVELOPMENT.** A business sign placed on premises of a subdivision or other real estate development.

**SHOPPING CENTER.** A sign identifying an integrated grouping of commercial stores, under single ownership or control.

**STRUCTURE.** The supports, foundations, uprights, bracing and framework for a sign, including the sign area.

**TEMPORARY.** Any sign which is erected or displayed for a specified period of time. These signs shall be removed within 30 days of placement or installation.

**WALL.** A sign which is affixed to the exterior wall of a building. A **WALL SIGN** does not project more than 18 inches from the surface to which it is attached, nor extend beyond the top of a parapet wall.

**WALL GRAPHICS.** A sign which is painted directly on an exterior wall surface.

**WALL LETTERS.** A sign composed of individual letters which are attached separately on a wall surface.

(Ord. 125, 2nd Series, passed 12-15-2003)

#### § 152.442 GENERAL PROVISIONS.

(A) All sign installations require a building permit, except for political signs, temporary signs and real estate signs 16 square feet or less.

(B) No sign shall be allowed that is a hazard to the public health, safety, convenience or welfare or that prevents ingress or egress from any door, window or fire escape; that tends to accumulate debris as a fire hazard; or that is attached to a standpipe or fire escape.

(C) The regulations contained herein do not apply to signs painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.

(D) No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard. No signs shall be permitted which would interfere with traffic control.

(E) Private traffic circulation signs and traffic warning signs in alleys, parking lots or in other hazardous situations may be allowed on private property; provided that, the individual signs do not exceed three square feet and are utilized exclusively for the purposes intended.

(F) Signs are prohibited within the public right-of-way of any street or easement.

(G) In any zoning district, animal displays, lights directed skyward, pieces of sculpture, fountains or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to a product, place, activity, institution, organization or business shall be considered a conditional use.

(H) Signs giving off an intermittent or rotating beam or ray of light shall be prohibited.

(I) No sign shall contain any indecent or offensive picture or written matter. The Zoning Officer shall be given the authority to determine offensive nature. The Board of Appeals and Adjustments will decide any appeal.

(J) In all zoning districts, a street address or property number shall be required.

(K) No sign or sign structure shall protrude over public right-of-way, except wall (maximum protrusion 18 inches), canopy and marquee signs. All signs located over public right-of-way or over any public or private access route (sidewalks and the like) shall be located a minimum of ten feet above surface grade.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### **§ 152.443 ADVERTISING SIGNS (BILLBOARDS).**

Advertising signs (billboards) are permitted only under a conditional use permit.  
(Ord. 125, 2nd Series, passed 12-15-2003)

#### **§ 152.444 BUSINESS SIGNS.**

(A) In commercial and industrial districts, on-site signs shall be permitted according to the following provisions.

(1) One monument or free-standing sign and two wall-mounted signs identifying the premises shall be allowed. In structures with joint tenancy and individual outside entrances, each tenant can have its own wall sign.

(2) The maximum height of any free-standing sign shall be 25 feet from the ground to the top of the sign. A variance application may be considered for taller signs.

(3) The total area of free-standing signage shall not exceed 100 square feet. Wall signs above individual entrances in structures with joint tenancy shall be a maximum of 32 square feet.

(B) Home occupation signs are permitted in all districts, except the R-1 District. One non-illuminated identification sign, not to exceed two square feet in area for the permitted uses. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### **§ 152.445 MARQUEE AND FIXED AWNINGS.**

(A) Load capacity shall be so designed as to safely sustain a load of at least 40 pounds per superficial foot of its upper surface.

(B) No marquee or fixed awning shall extend nearer than three feet to the curb line.

(C) No marquee or fixed awning shall be, at any point, at a less height than ten feet above the sidewalk.

(D) Construction, anchors, support and materials used shall be approved by the Building Official before a permit is issued. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### **§ 152.446 ELECTRIC SIGNS.**

(A) No more than one electric sign shall be attached to each face of the building for any one occupant thereof.

(B) No electric sign placed at any angle over public property shall exceed 100 square feet in area. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### **§ 152.447 ROOF SIGNS.**

Roof signs are permitted only by conditional use in all districts. (Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.448 RESIDENTIAL SIGNS.**

(A) Residential signs shall not exceed two square feet and bear only the name, address and/or professional activity of the occupants of the premises.

(B) No dimension of a sign may be more than twice the other dimension.  
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

**§ 152.449 ILLUMINATED SIGNS.**

Illuminated signs may be permitted, but flashing signs, except ones giving time, date, temperature, weather or similar public service information, shall be prohibited. No electrically illuminated signs shall be permitted in an area of five or more homes in close proximity. Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto any public way.  
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

**§ 152.450 POLITICAL SIGNS.**

Political signs are allowed in any district, on private property, with the consent of the owner of the property. Political signs shall not exceed six square feet in size. The signs must be removed within seven days following the date of the election or elections to which they are applied and may be displayed no earlier than two months before the date.  
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

**§ 152.451 CONSTRUCTION SIGNS.**

Construction signs shall not exceed 32 square feet in area. The signs shall be removed when the project is complete.  
(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

**§ 152.452 REAL ESTATE SIGNS.**

(A) Real estate signs for individual lots or structures may be placed in any yard; provided, the signs are not closer than ten feet to any property line and they do not exceed 16 square feet.

(B) Real estate signs may be erected for the purpose of selling or promoting a single-family or multiple-family residential project of ten or more dwelling units; provided:

- (1) The signs shall not exceed 100 square feet in area;

(2) Only one sign shall be erected on each road frontage with a maximum of two signs per project;

(3) The signs shall not be located closer than 100 feet from any neighboring residence; and

(4) Time limits may be imposed for review.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### § 152.453 MOBILE/TEMPORARY SIGNS.

Mobile signs or other temporary signs on wheels or otherwise capable of being moved from place to place shall conform to the provisions of this chapter just as permanently affixed signs. Mobile/temporary signs shall be removed within 30 days of placement or installation.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### § 152.454 SIGN MAINTENANCE.

(A) *Painting*. The owner of any sign shall be required to have the sign properly painted at least once every two years, if needed, including all parts and supports of the sign, unless the parts or supports are galvanized or otherwise treated to prevent rust.

(B) *Areas around sign*. The owner or lessee of any sign shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street also for a distance of six feet behind and at the end of the sign.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### § 152.455 NON-CONFORMING SIGNS.

(A) The following are non-conforming signs:

(1) Prohibited signs; and

(2) All other signs not prohibited that do not conform to the provisions of this chapter.

(B) All prohibited signs, except prohibited advertising signs, shall be removed or brought into conformity with this chapter within 30 days after notification in writing.

(C) Except as specifically provided in division (B) above, any non-conforming sign lawfully existing upon the effective date of this chapter may be continued at the size and in the manner existing upon the date.

(D) A non-conforming sign may not be:

- (1) Changed to another non-conforming sign;
- (2) Structurally altered except to bring into compliance with the provisions of this chapter;
- (3) Expanded;
- (4) Reestablished after its removal for 30 days; or

(5) Reestablished after damage of more than 50% of the sign replacement cost, except to bring into compliance.

(Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### **§ 152.456 OBSOLETE SIGNS.**

Any sign which no longer advertises a bona fide business constructed or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign may be found within 30 days after written notice from the Zoning Administrator. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### **§ 152.457 UNSAFE OR DANGEROUS SIGNS.**

Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety as determined by the Building Official shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or land upon which the sign is located within ten days after written notification from the Building Official. (Ord. 125, 2nd Series, passed 12-15-2003) Penalty, see § 152.999

#### **§ 152.458 OTHER SIGNS.**

Any signs not covered by another section of this chapter would require a conditional use permit. (Ord. 125, 2nd Series, passed 12-15-2003)

#### **§ 152.459 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

Subject to the other conditions of this chapter, the following signs shall be permitted in all residential districts.

(A) *Subdivision plat signs.* Temporary signs advertising a new subdivision plat; provided, the signs do not exceed 80 square feet in aggregate surface area, identifying only the plat in which they are located, are non-illuminated, and are erected only at dedicated street entrances to the plat. The signs shall be removed if construction of subdivision improvements is not in progress on the plat within 60 days following the date of sign erection, or as soon as 80% of the lots are developed and sold.

(B) *Residential housing development sign.* One permanent residential housing development identification sign facing each bordering street shall be permitted for each development of 20 or more units. The sign shall not exceed 32 square feet. The signs shall be erected only at a dedicated street entrance, may be indirectly illuminated and shall not exceed a height of eight feet above grade.

(C) *Club, lodge and office signs.* One non-illuminated identification sign not to exceed 12 square feet in area for the following uses: clubs, lodges and professional offices where permitted.

(D) *Civic, religious organizations and other permitted non-residential uses.* One illuminated or non-illuminated sign not to exceed 24 square feet in area. The sign may include the following uses: offices of a civic, religious or charitable organization; offices devoted to business management, professional services, trade associations, labor unions, insurance companies or agencies, banks, financial institutions, real estate offices, funeral homes and the like.

(E) *Public and quasi-public use signs.* One illuminated or non-illuminated identification sign or bulletin board not to exceed a total of 12 square feet in area for the following uses: public schools, parochial schools, colleges, public libraries, museums, social and recreational buildings, parks, playgrounds, hospitals, sanitariums, charitable and religious institutions, churches, cemeteries and government office buildings.

(Ord. 125, 2nd Series, passed 12-15-2003)

#### § 152.460 SIGNS PERMITTED IN B-1 DISTRICT.

Subject to other conditions of this chapter, the following signs shall be permitted in the B-1 District:

(A) *General.* Signs as permitted in residential districts (same as § 152.459);

(B) *Business signs.* A maximum of two business signs limited to one facing each bordering street, which shall not exceed in surface area a total of 16 square feet for all signs on each main building or each business in a series of attached businesses such as a shopping center. The signs shall be wall signs or attached to a marquee; and

(C) *Shopping center signs.* For business complexes of four or more separate stores in the B-1 District, one shopping center sign may be erected. The sign shall be limited to a roof or free-standing sign not to exceed 100 square feet in area. The requirements shall be applicable to the aggregate face area of a double-faced sign.

(Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.461 SIGNS PERMITTED IN OTHER NON-RESIDENTIAL DISTRICTS.**

The following signs shall be permitted in non-residential districts where the uses are otherwise permitted in the district:

(A) *General*. Signs as permitted in residential districts. Signs as permitted and regulated for the uses in the residential district (same as § 152.459);

(B) *Business signs*. Each main building or business in a series of attached businesses, such as a shopping center, may have three business signs. Two of the business signs shall be limited to ten square feet in area. One business sign may be of any type to a maximum of 100 square feet in area; and

(C) *Shopping center signs*. For business complexes of four or more separate stores, one shopping center sign may be erected. The sign may be of any type to a maximum of 150 square feet in area. (Ord. 125, 2nd Series, passed 12-15-2003)

**§ 152.462 SIGNS PERMITTED IN PLANNED DEVELOPMENT.**

Signs shall be permitted in planned developments. In no case shall signs in a residential planned development exceed the sign requirements stipulated in § 152.459, nor signs in a business planned unit development exceed the requirements of the B-1 District (§ 152.460). (Ord. 125, 2nd Series, passed 12-15-2003)