

# ORDINANCE #2015-03-11

## REGULATING GENERAL FENCING, SCREENING, LANDSCAPING, & SIGNAGE

1. **PERMIT REQUIRED:** A building permit is required for all fence construction, reconstruction or replacement. A permit is also required if trees or shrubs are being used as a screen between two properties.
2. **LOCATION:** All fences, trees, hedges, and screening shall be located a minimum of two feet from the property lines unless the prior written consent of the affected adjoining property owner is obtained in advance. Shrubbery must be kept so that no part thereof grows outside of the owner's property including all vertical planes extending up for the property lines. It shall be the responsibility of the property owner placing such fence or plantings to maintain both sides of said fence or plantings. Both sides of the fence or plantings shall be maintained to an equal standard. The Zoning Administrator will require the owner of the property applying for a permit to establish the boundary lines of the property by a survey thereof, to be made by any licensed land surveyor. No fence may be constructed upon public right-of-ways except those installed by the city for its purposes.
3. **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. Barbed wire fences shall not be permitted in residential districts. All posts or similar supporting instruments used in the construction of fences shall be faced inward toward the property being fenced. 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 such fence which is, or has become dangerous to the public safety, health or welfare, is a public nuisance, and the Zoning Administrator is hereby authorized to commence proceedings for the abatement thereof.
4. **CORNER LOTS:** No fences, other than the chain link fences with openings to be one and five-eighths (1 5/8") inches to two (2") inches and not to exceed a maximum height of six feet (6') and further, to allow chain link fencing to follow the property line on corner lots. No structures or planting of trees or shrubs shall be permitted within twenty-five (25') feet of any corner formed by the intersection of street property lines or the right-of-way of a railway intersecting a street. The twenty-five (25') feet referred to above shall be in the form of a triangle with two sides formed by the property lines and the third side formed by a straight line connecting the two (2) twenty-five (25) foot points on both sides of the corner.
  - a. Fences less than three feet (3') in height may be located on any part of a lot.
5. **HEIGHT:**
  - a. Residential District: Fences along rear property lines or side property lines shall not be more than six feet (6') in height for the distance commencing from a point

on such side property line located along the rear lot line and proceeding thence along such side property line to a point thereon which would be intersected by the front wall line of the existing principal structure on the lot.

- b. Commercial/Industrial/Agricultural District: 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 (7') above the ground.
  - c. Common Borders: The required fencing provisions for residential districts shall supersede, where applicable, the provisions of commercial/industrial/agricultural fencing where districts have common borders.
6. LANDSCAPING: In all zoning districts, the lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be planted and maintained in grass, sod, shrubs, or other acceptable vegetation or treatment generally used in landscaping.
  7. UTILITY EASEMENTS: Fences or trees placed upon utility easements are subject to removal if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed ten feet (10') in height.
  8. SIGNAGE: The following regulations shall apply to all signs in all zoning district.
    - a. **Allowed signs requiring no permit.** The following signs shall be allowed without a permit when they are located entirely on private property, are setback at least 5 feet from any property line, do not interfere with traffic visibility or safety and placed with permission of the property owner or lessee:
      - i. Any free-standing, temporary portable political or noncommercial sign in compliance with the standards of M.S. § 211B.045, as it may be amended from time to time;
      - ii. Directional signs located on, above, or beside entrances or exits to buildings or driveways, which direct pedestrians, such as "Employees Entrance," "Exit Only," "Rest Rooms" and provided that the signs are no more than 6 square feet in area and are not illuminated;
      - iii. Temporary signs denoting the architect, engineer, contractor, and financial institution when placed upon work under construction, provided each sign is no more than 8 square feet in area for residential construction and no more than 32 square feet for non-residential and site development construction and removed upon completion of construction;
      - iv. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible material and attached to the building, provided the signs are less than 9 square feet in area;
      - v. One identification sign for each occupant of a premise, which shall not exceed 2 square feet in area;

- vi. Warning signs placed by the property owner to prohibit trespassing or direct attention to potential danger;
- vii. Governmental traffic control signs, non-commercial municipal signs, legal notices and temporary non-advertising danger or emergency signs;
- viii. Temporary advertising signs painted or attached on the interior of a display window in areas zoned commercial or industrial, provided they do not exceed 70% of the window area;
- ix. Flags of any government or governmental agency or of any civic, charitable, religious, patriotic, fraternal or similar organization, not exceeding 60 square feet or 40 feet in height;
- x. Real estate signs on a temporary basis for the purpose of selling or leasing individual lots or residential buildings, provided that the sign is not more than 6 square feet in area. The sign shall be located only on the premises involved and the sign shall be removed upon sale or lease of the property;
- xi. Garage sale signs for the duration of the sale; and
- xii. One farm sign, not to exceed 32 square feet in area per surface and having no more than 2 surfaces, shall be permitted on each farm or other property upon which farm products may be sold to advertise those products.

b. **Prohibited signs.** The following types of signs shall be prohibited.

- i. *Flashing signs.* Flashing signs and motion signs shall be prohibited in all districts; except that informational signs giving time, date and temperature shall be permitted in General Business District and the Commercial-Industrial District.
- ii. *Wall signs.* Wall signs painted directly on walls of buildings shall be prohibited in all districts.
- iii. *Roof signs.* Roof signs erected on the roof, or in the air space over the roof of any structure shall be prohibited in all districts.
- iv. No sign or structure shall be placed on or protrude over the public rights-of-way.
- v. Any sign that does or would interfere with ability of drivers or pedestrians to see any traffic sign or otherwise constitute a public hazard.
- vi. Signs which resemble any official marker erected by a governmental agency on which display words such as "Stop" or "Danger."
- vii. Signs which are tacked, posted, painted or otherwise affixed to the walls of buildings or on trees, fences, poles or other structures not considered to be sign structures, except property warning signs as noted in this subchapter.
- viii. Artificially lit roofs or walls or portions thereof.
- ix. Illuminated signs except as specifically permitted.

- x. Banners, flags, posters, pennants, ribbons, streamers or spinners used as a sign as defined in this code, except by temporary 10-day permits granted by the Administrator-Clerk. No business or location shall receive more than four 10-day permits per year.
  - xi. On-premises temporary signs and mobile signs except by temporary 10-day permits granted by the Administrator-Clerk. No business or location shall receive more than four 10-day permits per year.
  - xii. No person shall display the flags of the United States of America or the State of Minnesota in a manner which violates established protocol for their display.
  - xiii. Lighter than air, inflatable devices and/or balloons, designed and utilized primarily to draw attention to an object, product, place, activity, person, institution, organization or business, excepting temporary 10-day permits granted by the Administrator-Clerk not more than 3 times per year.
  - xiv. Off-premises signs and billboards.
  - xv. *Offensive material.* No sign shall contain any offensive pictures or written matter, as defined in M.S. § 617.241, as it may be amended from time to time.
  - xvi. *Location.* No sign other than a governmental sign shall be erected or temporarily placed within 5 feet of any street rights-of-way or any public easement.
- c. **Permit Required:** Except as otherwise provided in this subchapter, it shall be unlawful for any person to erect, maintain, repair, alter or relocate within the city any sign as shall be defined in this chapter without first obtaining a permit to do so and making payment of the permit fee.
- i. *Interference with traffic.* A permit is required for any sign to be located within 50 feet of the edge of any street or official traffic sign or signal or within 50 feet of any intersection, driveway or crosswalk. The permit shall be issued only:
    - 1. If the sign shall not interfere with the ability of drivers and pedestrians to see the traffic sign or signal or the intersection, driveway or crosswalk; and
    - 2. If the sign shall not distract drivers nor cause any interference with the official traffic sign or signal.
    - 3. No signs shall exceed 6 feet in height.
    - 4. All signs shall maintain a minimum setback of 10 feet from the public rights-of-way.
    - 5.
  - ii. *Illumination.* Illuminated signs shall be subject to the electrical requirements of the electrical code of the State of Minnesota. Illuminated signs shall be shielded to prevent any light to be directed at oncoming

traffic in brilliance as to impair the vision of any driver. Where the sign is illuminated, the source of light shall not be directed upon any part of a residence or into any area zoned for residential use. The illumination shall be indirect or diffused.

**d. Signs in commercial and industrial districts:**

- i. Business signs:* Up to 2 business signs shall be permitted for each lot which is used for business purposes, provided that the signs shall be accessory to the premises on which they are erected.
- ii. Wall signs.* The total area of any wall sign affixed to a building wall shall not exceed 15% of the total area of the wall it occupies, up to a maximum of 125 square feet.
- iii. Monument signs.* No more than 1 (2-sided) monument sign shall be permitted for each lot which is used for business purposes, provided that the free standing sign be no more than 64 square feet in sign area shall have a maximum height of 10 feet, and shall have a minimum setback from the public rights-of-way of 10 feet.
- iv. Projecting signs.* No projecting sign may exceed 10 square feet in area.
- v.* No pylon sign or freestanding sign shall be permitted to individual businesses, within the commercial or industrial center.
- vi. Gasoline service stations.* One 64 square foot pylon sign shall be permitted for each gasoline service station, in lieu of the allowed 64 square foot monument sign, and in addition to allowed wall and projecting signs, provided that the pylon sign does not exceed 30 feet in height, and shall maintain a minimum setback of 10 feet from any public right-of-way.

**e. Application for permit.** Application for permits shall be made upon forms provided by the Administrator-Clerk and shall include all sign permit fees. All applications for permanent sign permits shall be reviewed by the Building Official and Administrator-Clerk regarding the proposed sign's compliance with the terms of this code. The Administrator-Clerk and/or Building Official shall determine if the sign complies with this code as well as other laws and ordinances of the city. The Administrator-Clerk shall have the option of having the sign permit reviewed by the City Council. Each application for a permit shall be on a form as provided by the Administrator-Clerk and shall include a dimensioned drawing(s) showing the:

- i.* Location of the sign on the premises in relation to lot lines, buildings, sidewalks, streets, public rights-of-way and street intersections within 300 feet of a proposed sign;
- ii.* Type of sign (e.g., freestanding, pylon, monument, wall) and general description of the structural design and construction materials;
- iii.* Drawing(s) of the proposed sign containing specifications indicating height, perimeter, area, dimensions, type of lettering, means of support, method of illumination and other significant characteristics; and

- iv. Any other information requested by the City Administrator-Clerk or designee in order to carry out the purpose and intent of this subchapter.
- f. **Time limit.** If the work authorized under a permit has not been completed within 6 months after the date of issuance, the permit shall become null and void.
- g. **Setting of fees.** The City Council shall set by resolution from time to time all application fees required for temporary and permanent sign permits.
- h. **Construction, maintenance and removal:** It shall be the responsibility of the property owner and lessee of the property or structure upon which any sign is located to:
  - i. The construction of all signs permitted by this subchapter shall be made in accordance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, as amended, is hereby adopted by reference and made a part of this subchapter as if set out here in full.
  - ii. Keep the ground around any sign free of weeds and litter.
  - iii. Immediately repair or remove any sign or sign structure, which becomes unsafe, in a state of disrepair, insecure or a menace to the public following written notice of the improper condition from the city; and
  - iv. To immediately remove any sign that has become obsolete by reason of termination of the business or occupation or the vacation of the premises following written notice of the obsolete condition from the city.

§ 152.125 ABATEMENT.

If the Administrator-Clerk or Building Inspector finds that any sign has been erected without a permit first being granted to the installer of the sign or to the owner, lessee or manager of the property upon which the sign has been erected or is being maintained in violation of any of the provisions of this code or any amendments thereto, written notice of the violation may be given to the installer of the sign, to the permittee or to the owner, lessee or manager of the property. If after receiving the notice, the person fails to remove or alter the sign so as to comply with the provisions of this code, the sign shall be deemed to be a nuisance and may be abated by the city by civil proceedings; and the cost of abatement, including administration expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located, in accordance with the provisions of M.S. Chapter 429, as it may be amended from time to time.

(Prior Code, § 1070.05) (Am. Ord. O-7-04, passed 10-5-2004)

Passed by the Council this 11th day of March, 2015.

Attest:

  
Ronald Sussner, Mayor

  
City Administrator