

CITY OF CASSELTON
ORDINANCE # 320
SIGN ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA:

Casselton's Sign Ordinance hereby reads as follows:

SIGN REGULATIONS

6.0801 Purpose, Intent and Definition. The purpose of this subsection is to allow such signs that will not, by their reason, size, location, construction, or manner of display, endanger the public safety, health and general welfare of individuals; and regulate signs in such a way as to support and complement land use objectives set forth in this ordinance. For the purposes of the chapter, the word "Sign" is herein defined as listed below.

1. Sign: Any surface, fabric, device, display which bears lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal or product design to convey information visually and which is exposed to public view. For purposes of this ordinance, the term "sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The types of signs included in the definition of a sign are described in Section 6.0802 "Sign Types and Definitions".

6.0802 Sign Types and Definitions are Herein Defined as Listed Below.

1. Sign, Billboard: Means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

2. Sign, Dynamic Messaging: Means any sign's display that has the ability to change its message independent of human physical interaction and/or exposes to the public view any message via an electronic medium and not simply by illumination. This shall include, but is not limited to, all electronic scrolling, electronic billboards, digital billboard, animated sign, or rotating message signs.

3. Sign Face: Means that area of a sign which is:

- a. In the case of freestanding, projecting, and marquee signs, consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has two (2) display faces back-to-back, the

area of only one face shall be considered the sign face area, only if both sides are equal width and height. Where a sign has more than one (1) display face, all areas which can be viewed simultaneously shall be considered the sign face area;

- b. In the case of a sign (other than freestanding, projecting or marquee) whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background;
- c. In the case of a sign (other than freestanding, projecting or marquee) whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message; and
- d. In the case of a dynamic messaging sign, is affixed to any surface or structure displaying words, letters, figures, emblems, and other elements for the purpose of graphically displaying a message, and which is exposed to public view through an electronic medium and not simply through illumination.

4. Sign, Freestanding: Means a self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

5. Sign, Illuminated: Means a sign lighted by or exposed to artificial lighting either by lights on or in the sign (directly illuminated) or directed towards the sign (indirectly illuminated).

6. Sign, Marquee: Means any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

7. Sign, Non-Conforming: Means any sign which does not conform to the regulations of the ordinance.

8. Sign, Portable: Means a sign that is not permanent, and is not affixed to a building, structure or the ground, and excluding such temporary signs such as real estate, political and garage sale signs.

9. Sign, Projecting: Means a sign wholly or partly dependent upon a building for support and projects more than twelve inches (12") from the building.

10. Sign, Roof: Means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

11. Sign, Temporary: Means a sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material designed or intended to be displayed for a short period of time.

12. Sign, Wall: Means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than twelve (12) inches from such building or structure.

13. Sign, Monument: Means a type of freestanding sign being supported by a base of at least seventy-five percent (75%) of the sign width, with the sign face located within four feet (4') from the ground, and is independent from any building.

6.0803 Sign(s) Exempt From this Ordinance. The following sign types are exempt from the regulations of this ordinance:

1. Addresses. Signs bearing only property numbers, post box numbers, rural 911 address numbers, or names of occupants of premises not exceeding four (4) square feet in area;

2. Flags. Flags and insignia of any government, except when displayed in connection with commercial promotion;

3. Government Signs. Legal notices, identification information, or directional signs erected by governmental bodies;

4. Decorative Features. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

5. Directional Signs. Municipal, county, state or township signs directing and guiding traffic, including railroad signage, and parking on public or private property, but bearing no advertising matter;

6. Public Purpose. Signs required by law or authorized for a public purpose; and

7. Cautionary Information. Danger or warning signs of a cautionary nature. If the cautionary sign is in the right-of-way, it is allowed if placed by an entity with authority to do so.

6.0804 Sign Permit Requirements. Unless specified herein, no person shall erect, alter, reconstruct, or relocate any sign without first obtaining a sign permit for such work from the Building Inspector. No permit shall be issued until the Building Inspector determines that such work is in accordance with the requirements contained in this ordinance. When a sign permit has been issued by the Building Inspector, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Inspector. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City. Items that are required to be submitted with the application for a sign permit are herein listed below:

1. Site Plan (Required for free standing signs only). A dimensioned site plan showing the location of the lot lines, structures (including accessory structures), aboveground and

underground utilities, easements, and the location and dimensions of the proposed sign. The site plan shall be at a legible scale and such scale shall be listed on the plan;

2. Elevation (Required for free standing signs only). A dimensioned elevation(s) of each face of the sign with words, letters, or advertising; and

3. Specifications. A schematic detailing sign and construction specifications for the sign including structural loading data must be submitted.

4. Permit Fee. Sign permit fees shall be set by resolution of the city council.

6.0805 General Requirements. Owners shall keep all signs in good working condition and in a manner that is safe and lawful.

1. Maintenance. Signs shall be maintained in good working order. Broken or deteriorating signs may be ordered to be repaired by the Building Inspector. When any sign becomes unsafe or is unlawfully installed or maintained in violation of the ordinance, the owner shall be notified to bring the sign into compliance within one (1) week. If the owner can demonstrate that parts have been ordered and, through no fault of the owner, are not immediately available or repair of the sign has been scheduled with a service technician; then it shall be determined that the one (1) week threshold has been met as long as maintenance of the sign occurs within a timely manner, not to exceed 30 days.

2. Private Signs. Signs shall not resemble or imitate the size, shape, form, animation, or color of any railroad or traffic signs, signals, or devices, nor shall they obstruct or interfere with the effectiveness of such signs, signals, and devices.

3. Grandfathered Signs. All existing signs which are contrary to the terms of this ordinance shall hereby receive grandfathered status. During the grandfather period, such signs will be allowed to be maintained as a non-conforming sign as long as not more than twenty-five percent (25%) of the sign is replaced in any given year not including the message. If the sign is damaged by an act of nature or criminal action, the sign may be repaired or replaced to its previous state.

4. Irrelevant or Inaccurate Signs. Any sign which displays advertisements of a business that is no longer in operation or product, activity, or campaign that has been discontinued for a period of thirty (30) days or becomes irrelevant because of the movement of business, shall be removed by the property owner within thirty (30) days of the discontinuance. The Building Inspector will issue a notification for removal of such signs after the thirty (30) day period, stating that the property owner shall have seventy-two (72) hours to remove signage. If compliance is not achieved, the City shall have authority to remove the sign and bill the cost of removal to the landowner, and if the bill is not paid, the City may assess the property for cost of removal.

5. Prohibited Signs. Any sign which displays or promotes illegal activities or contains obscenities; spray painted signs and/or signs painted directly on building faces, accessory structures, walls or building structural components. Signs which are erected or maintained upon utility poles, trees or painted or drawn upon rocks or other natural features.

6.0806 General Requirements – Permanent Signage.

- 1. Signs Shall be Located on the Property it Advertises.** Signs are considered incidental to the permitted use of the primary building and shall be located on the same lot as the permitted use.
- 2. Height.** If any sign is located within seven feet above a sidewalk, it may not protrude in such a way that limits pedestrian travel.
- 3. Size.** The maximum area for all permanent signs at a property is either 30% of the front face area of the building or 2.5 square feet for every lineal foot of lot frontage, whichever is larger.

6.0807 General Requirements – Billboards. Billboards are allowed as conditional uses in the Central Business District, Commercial and Industrial Zones. Billboards shall conform to the provisions listed herein in this Section 6.0807. The conditional use notice must show the proposed square footage of the sign.

- 1. Ownership.** The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the contact information for the person owning, in charge of, and/or in control of, said billboard.
- 2. Requirement of a Zoning Permit.** No billboard shall be erected, altered, constructed, reconstructed, or moved until the application and plans have been filed with and approved by the Building Inspector as to size, location, and construction.
- 3. Billboard Spacing Requirements.** Billboards within two hundred fifty (250) feet of any district where billboards are not allowed are prohibited.
- 4. State and Federal Requirements.** On state and federal highways, federal and state regulation for spacing and setbacks shall apply; provided however, if the regulations in this ordinance are found to be more restrictive, then the more restrictive requirements shall apply.
- 5. Sign Safety.** It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:
 - a. Obstruct the view of street or railroad crossings;
 - b. Unreasonably obstruct from view any other sign or use currently in existence;
 - c. Be unable to meet the structural loading requirements as established in the currently adopted version of the North Dakota State Building Code and this ordinance;
 - d. Be dangerous to the public by falling or blowing down; and
 - e. Increase the danger or loss by fire or to increase fire insurance rates.

6. Building Code. Billboards hereafter erected, constructed, reconstructed, altered, or moved in the city shall be constructed in accordance with the requirements of the currently adopted version of the North Dakota State Building Code and this ordinance.

6.0808 General Requirements – Dynamic Messaging Signs. “Dynamic Messaging Signs” shall be allowed under this ordinance and shall comply with the ordinance regarding billboards and signs with the following additional restrictions:

1. Flashing. Dynamic Messaging Signs are prohibited in a residential district or which directly emit toward residences (within 200) feet, unless the applicant receives a conditional use permit and the consent of all residential owners located within 400 feet of the proposed sign, including right-of-ways.

2. Confusing Information. The message shall not contain materials that may be confused as a traffic control device, simulate automobiles either outgoing or oncoming, contain lewd or offensive materials of a shocking nature or direct the driver to make any abrupt turning movements.

3. Emitting Light and Brightness. Light emitted shall not obscure any traffic control devices. The brightness of the lumination shall be adjusted as to ambient light decreases by utilizing an ambient light sensor for automatic dimming. Light emitted shall adjust automatically to ambient light. Light emitted shall be a maximum of four hundred (400) NITS at night and one-thousand (1000) NITS during the day.

4. Definition of Dynamic Signs. All regulations for dynamic message signs shall be applicable to all signs that fit the definition regardless of size, construction or mounting;

5. Square Footage. The area of the sign face of the dynamic message portion of any sign shall be counted towards the maximum allowable sign face square footage allowed under this ordinance. A dynamic messaging sign shall have the following size limitations: a maximum height of 25 feet if within 25 feet of any property line; a maximum height of 35 feet if within 25 feet to 100 feet of any property line; a maximum height of 50 feet if more than 100 feet from any property line; and a maximum height of 60 feet if adjacent to the interstate.

6.0809 General Requirements – Temporary Signs.

1. Duration. No restriction on duration.

2. Allowed Signs. The following temporary signs are allowed without the issuance of a temporary sign permit. Such signs shall be placed on private property. These signs shall not exceed 32 square feet per sign and a total of 64 square feet per lot for all signs:

a. Signs advertising the sale, lease, or rental of the premises upon which the sign is located;

- b. Signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in process;
- c. Roadside market signs advertising produce grown and sold on the premises on which they are located;
- d. Political advertising signs; and
- e. Special event, garage or rummage sale signs. These signs may be placed on private property or boulevard property within specific limitations. These signs placed on boulevard property may be in place a maximum of 14 days and not more than three days before and one day after the event. Boulevard signs which are in violation of this ordinance may be taken down by the City without notice and will be retained by the City for 30 days as provided in Section 6.0813(1).

6.0810 General Requirements – Portable Signs.

1. Permit. A portable sign advertising property, a product, service or employment opportunity in a commercial, industrial, or Central Business District, or a church located in any district may place a portable sign for a period not to exceed 30 days in a six-month period. Such a portable sign may be allowed for up to 90 days in a 6-month period by a permit obtained from the Building Inspector. A portable sign as described above may be allowed for longer than 90 days in any six-month period only by a conditional use permit. No permit is required for a portable sign in a residential neighborhood for a period not to exceed 48 hours, for special announcements, not for business advertising. Any longer duration portable signs in a residential neighborhood shall require a conditional use permit. Portable signs shall be allowed on private property only, with no portion being on public right-of-way.

2. Requirements.

Signs are allowed in residential districts for a period of no longer than forty-eight (48) hours, for special announcements, not for business advertising.

6.0811 Residential District Sign Requirements. The regulations of this section shall apply to the mixed use residential, high density residential and large lot residential zoning districts.

1. Single Family Use:

- a. One (1) sign, with a sign face area of no greater than two (2) square feet will be allowed for each lot or parcel that contains a single-family use; and
- b. Permitted home occupations located on the lot or parcel of a single-family use shall be allowed one (1) non-illuminated sign no greater than two feet by two feet and which complies with all provisions of the land use ordinance.

2. Multi Family Use:

Each lot or parcel of land occupied by a multi-family use shall be allowed one (1) monument sign that shall face the right-of-way of the primary access and shall be no greater than twenty-five (25) square feet.

3. Subdivision Signs:

Residential subdivisions shall be allowed one (1) monument sign per main access into the subdivision. These signs must face the right-of way of the road intersecting the access drive, and shall be no greater than sixty (60) square feet. The number and location of the main accesses to the subdivision will be reviewed and approved by the Building Inspector.

6.0812 Enforcement

This ordinance shall be administered and enforced by the Building Inspector and the City of Casselton law enforcement. The Building Inspector and law enforcement may institute in the name of the city appropriate actions or proceedings against a violator.

6.0813 Removal of Signs

1. **Public Right-of-Way:** Signs in the public right-of-way or boulevard within any zoning district in the City of Casselton may be removed without prior notice to the landowner by city officials in order to protect the public health, safety and welfare of the city. The signs will be retained for a period of 30 days.
2. All other prohibited signs whether in the public right-of-way or on private property, City officials shall give the premises landowner 10 days written notice that the sign(s) is prohibited and must be removed. In the event the premises landowner fails or neglects to remove or repair such sign within the allotted 10 days, the prohibited sign(s) may be removed by city officials and the cost of the removal may be charged to the landowner.
3. Upon removal of the prohibited sign(s), the City shall notify the premises landowner that the premises landowner has 30 days to pay for the costs of city officials removing the signs and if those costs are paid within 30 days of notice, the City shall return the prohibited sign(s) to the landowner. If the landowner does not pay the costs of the removal of the signs within the allotted 30 days, the City may discard the prohibited signs.
4. If the landowner at any time, after receiving notice from the City, believes that the landowner's sign(s) are not in violation of this ordinance, the landowner may request a hearing in front of the City's municipal court judge by submitting a written request for hearing to the City Auditor. The written request must be received by the City Auditor prior to the completion of the 30-day notice period; otherwise the request is untimely and no hearing may be held. Upon such timely request, however, any notice time shall be tolled until a hearing is held where the municipal judge shall determine whether the sign(s) in question are in violation of this ordinance.

If the municipal judge finds that the sign is not in violation of this ordinance, then the landowner shall be able to keep the sign in place and if the sign has been taken down and confiscated pursuant to this section, then the sign shall in due course be returned to the landowner. If the judge finds the sign is in violation of this ordinance, then the applicable notice time and requirements shall continue.

6.0814 Conditional Use Permit

Except as otherwise specified, any sign which does not conform to the ordinance may be erected if approved by a conditional use permit.

6.0815 Violation Punishment

Any person who violates any provision of this ordinance is guilty of a non-criminal infraction and may be fined a maximum amount of \$200.00, plus any costs incurred by the City related to the action or the removal or repair of any signs. Any second or subsequent violation may be subject to an infraction (and fined a maximum of \$200) or found guilty of a class B Misdemeanor, plus any costs incurred by the City related to the action or the removal or repair of any signs.

APPROVED:

Lee Anderson, Mayor

ATTEST:

Sheila Klevgard, City Auditor

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