



Fargo Sign Code

Adopted Sign Code Ordinances and Effective Dates

Ordinance No. 4798 - An Ordinance Enacting Article 20-13 of Chapter 20 of the Fargo Municipal Code Relating to Signs.

- 1st Reading of Ordinance by City Commission: October 31, 2011
- 2nd Reading of Ordinance No. 4798 by City Commission: November 14, 2011
- Publication in Newspaper of Record (Forum): November 21, 2011
- Effective Date: November 21, 2011

Ordinance No. 4805 - An Ordinance Amending Section 20-1309 of Article 20-13 of Chapter 20 (Land Development Code) of the Fargo Municipal Code Relating to Signs (Portable).

- 1st Reading of Ordinance by City Commission: December 12, 2011
- 2nd Reading of Ordinance No. 4805 by City Commission: December 27, 2011
- Publication in Newspaper of Record (Forum): January 09, 2012
- Effective Date: January 09, 2012

Ordinance No. 4810 – An Ordinance Amending Article 20-13 of Chapter 20 (Land Development Code) of the Fargo Municipal Code Related to Signs.

- 1st Reading of Ordinance by City Commission: February 21, 2012
- 2nd Reading of Ordinance No. 4810 by City Commission: March 05, 2012
- Publication in the Newspaper of Record (Forum): March 26, 2012
- Effective Date: March 26, 2012

Acknowledgements

The rewrite of the Fargo Sign Code began on July 9, 2009. The update could not have been completed without the dedication and commitment of the following groups of people. Thank you for your service.

Fargo Sign Code Committee

John Q. Paulsen, Chair
Brad Wimmer
Dave Piepkorn
Peggy Palmes
Rich Slagle
David Shultz
Jim Patterson
Natasha Neihart
Rebecca Knutson
Russ Newman
Bernie Dardis

Fargo Planning Commission

John Q. Paulsen, Chair
John Miller
Catherine Wiley
Peggy Palmes
Jan Ulferts Stewart
Jeff Morrau
Rich Slagle
Kristi Fremstad
Kelly Steffes

Fargo City Commission

Dennis R. Walaker, Mayor
Tim Mahoney
Brad Wimmer
Dave Piepkorn
Mike Williams

Fargo City Staff

Jim Gilmour, Director Dept. of Planning and Development
Jim Hinderaker, Senior Planner
Erik Johnson, City Attorney
Jason Loos, Assistant City Attorney
Melissa Gaulrapp, Office Associate III
Ron Strand, Building Official

Table of Contents

§20.1301 General Provisions	7
A. Authority	7
B. Findings	7
C. Interpretation	9
D. Severability	9
§20.1302 Transitional Provision	10
§20.1303 General Standards	10
A. Applicability.....	10
B. Conformity with Sign Code Required	10
C. Permit Requirement	10
D. Permit Application	10
E. Application Requirements	10
F. Action on Applications	12
G. Appeal from Denial	12
H. Action on Completed Applications.....	12
I. Substitution of Noncommercial Message	12
J. Design and Construction	13
K. Maintenance and Repair	13
L. Location of Signs.....	13
M. Signs Over the Public Right of Way	13
N. Obsolete or Abandoned Signs	14
O. Illumination.....	14
P. Identification and Marking	14
Q. Enforcement.....	14
§20.1304 Sign Dimensional Calculations Standards.....	14
A. Sign Face Area	14
B. Aggregate Sign Area	16
C. Sign Height and Clearance	16

§20.1305 Prohibited Signs	16
§20.1306 Exemptions	18
§20.1307 On-Premise Signs	21
A. Size Limitations	21
A. Determining Allowable Sign Face Area	22
1. Single-Tenant	22
2. Multi-Tenant	23
2. Multiple-Story Buildings	25
C. Permitted Sign Types	25
D. Placement of Signs	28
E. Height Limitations	28
F. Ancillary Off-Premise Advertising.....	28
G. Multi-Tenant Signs	28
H. Sponsorship Signs	28
I. Changeable Copy Signs	28
J. Electronic Messaging Center Signs	29
§20.1308 Off-Premise Signs and Digital Billboards.....	31
A. Size Limitations	31
B. Height Limitations	31
C. Spacing Requirements	32
D. Digital Billboards	32
E. Prohibited Off-Premise Signs	33
§20.1309 Temporary Signs	33
A. Applicability.....	33
B. Banner Signs	34
C. Contractor Signs	34
D. Going Out of Business Signs	34
E. Grand Opening Signs.....	34
F. Garage Sale Signs	34
G. Subdivision Development Signs	34

H. Real Estate Signs	35
I. Lost Animal Signs	35
J. Boulevard Directional Signs	35
K. Pedestrian Signs	36
L. High Impact Signs	36
M. Portable Signs	37
N. Community-wide Event Signs	38
§20.1311 Non-Conforming Signs	38
§20.1312 Definitions and Abbreviations	39

§20-1301 General Provisions

A. Authority

This article shall be part of the Land Development Code (Chapter 20 of the Fargo Municipal Code) in all respects including the interpretation, enforcement and remedies for violation hereof. This article may be referred to as the “sign code”. This article is also enacted as provided in article 25-03 of the Fargo Municipal Code and references therein to the “Fargo Sign Code” shall be to this article, as the same may be amended from time to time.

B. Findings

The board of city commissioners hereby finds as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for signs that are structurally inadequate, or that may confuse or distract drivers or pedestrians, or that may interfere with official directional or warning signs.
4. Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation or proliferation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.
5. The ability to erect signs serving certain functions, such as an address sign or a sign announcing that the property on which it sits is for sale or for lease is an integral part of nearly every property owner’s ability to realize the fundamental attributes of property ownership. The same cannot be said for signs serving other functions, such as billboards erected so as to be visible from public rights-of-way. Such signs are primarily designed to take advantage of an audience drawn to that location by the public’s substantial investment in rights-of-way and other public property.
6. Signs serving certain other functions, such as small signs that serve a purely directional function, are necessary to enable visitors or residents to efficiently reach their intended destinations. Experience teaches that citizens often plan as if such signs will be present in those settings, so in the absence of such signs, frustration and disorientation will result, and time and fuel will be wasted. Such signs also prevent traffic hazards by easing the task of the motorist looking for a property open house or other events.

7. No signs that exceed the size or spacing limitations of this ordinance constitute a customary use of signage in the city.
8. The city has prohibited obscene or indecent signs to protect the health, safety, general welfare and morals of the residents of the city, to preserve the quality of family life, to preserve the characteristics of its neighborhoods and to prevent adverse and deleterious effects contributing to the flight and downgrading of neighborhoods. The city is mindful of the negative effects of obscene and indecent material upon minors and the criminal activity and disruption of the public peace associated with such establishments.
9. With respect to lost animal signs, notices in newspapers or other means of communicating this information are inadequate. Notice of the animal's loss near the site of the loss is necessary to increase the likelihood and timeliness of the animal's return to its owner, and promotes the government's interest in avoiding euthanasia and the other costs attendant upon stray animals.
10. The city recognizes businesses are committed to responding to community needs and are willing to use their advertising dollars to alert civic minded individuals of community issues of common importance. Ancillary off-premise advertising signs and community wide event signs provide businesses the opportunity to support schools, promote service clubs, raise money for charities, sponsor a community event or other activities that otherwise may be considered off-premise advertising.
11. In narrowly drawing and tailoring provisions for regulating signage, the city finds and determines that the exercise of its police power for such regulation should not extend to objects that are not typically associated with or considered signage, such as artwork, decorations, or cemetery markers. However, to prevent the purposes of these regulations from being circumvented, such regulations should apply where objects such as vehicles are used for the primary purpose of signage or as a functional equivalent of signage.
12. Non-conforming signs may adversely affect the public health, safety, and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs. In addition, overprotection of prior nonconforming uses and structures can unjustifiably delay the point at which nonconforming uses and structures are gradually eliminated due to obsolescence and similar causes, and can unfairly provide existing businesses with an unfair competitive advantage over new competitors because those new competitors are uniformly required to comply with existing standards.

13. The city's land-use regulations have included the regulation of signs in an effort to foster adequate information and means of expression and to promote the economic viability of the community, while protecting the city and its citizens from a proliferation of signs of a type, size, number, location and character that would adversely impact upon the aesthetics of the community or threaten health, safety or the welfare of the community. The appropriate regulation of the physical characteristics of signs in the city and other communities has had a positive impact on the safety and the appearance of the community.
14. Prior to the adoption of this ordinance, the city has from time to time utilized conditional overlays as a tool to limit the overall area or height of signage, or both the area and height of signage, on particular parcels deemed to be design sensitive. The intent of this ordinance is, in part, to serve as the definitive guidance for signage issues and thereby not rely upon conditional overlays as a matter of course.

C. Interpretation

The following shall be used as methods of interpreting this ordinance:

1. Where any provision of this ordinance imposes restrictions different from those imposed by any other provision or any other regulation, ordinance, statute or provision of law, the provision which is most restrictive or imposes higher standards shall govern.
2. The provisions of this ordinance shall be interpreted and applied so as to be the minimum requirements.
3. This ordinance is not intended to interfere with, abrogate or annul any other regulation, statute or other provision of law.
4. This ordinance is not intended to abrogate any covenant or any other private agreement or restriction, provided that where the provisions of this ordinance are more restrictive or imposes higher standards or requirements than such covenant, or other private agreement or restriction, the provisions of this ordinance shall govern. The city does not enforce private covenants or other private agreements.
5. Words defined in Section 20-1311 shall have the meaning as defined even though the word is not capitalized.

D. Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions. In addition, if any portion of this ordinance would remain valid by operation of Section 1-0105 of the Fargo Municipal Code, it also remains valid by operation of this subdivision.

§20-1302 Transitional Provision

- A.** A nonconforming sign that was established in accordance with all sign regulations in effect at the time of its establishment, but which, because of the adoption of the sign code, no longer complies with the dimensional or other standards of this ordinance may be registered with the Building Official. Registration must be completed within 60 days of the effective date of this ordinance. In the event that a registered legal nonconforming sign is damaged or destroyed, by any means, to extent of more than 50% of its structural value prior to such destruction, such sign may be restored or replaced, provided that a building permit is obtained within six months and restoration begins within one year after the date of such damage or destruction.
- B.** Notwithstanding the provisions of Section 20-1301(c)(1), to the extent one or more provisions in said Fargo Sign Code conflict with this ordinance, the provision of this ordinance shall apply. To the extent this ordinance is silent as to a provision in said Fargo Sign Code, then said Fargo Sign Code shall apply.

§20-1303 General Standards

A. Applicability and Jurisdiction

This article shall apply to all signs and all zoning districts within the extraterritorial zoning jurisdiction and corporate limits of the city; including permanent, temporary, on-premise and off-premise signs.

B. Conformity With Sign Code Required

No person shall display, construct, erect, alter, use, or maintain any sign except in conformance with the provisions of this article, the sign code. No person shall display, alter, use, maintain, or enlarge any legal, nonconforming sign except in conformity with the provisions of this article, the sign code. No person shall perform or order the performance of any act contrary to the provisions of this ordinance or fail to perform any act required by the provisions of this article, the sign code.

C. Permit Requirement

Permits shall be required for all signs unless a sign is exempt as provided by Section 20-1306.

D. Permit Application

An application for a sign permit shall be filed by the sign owner or agent with the Building Official upon forms furnished by the Building Official.

E. Application Requirements

A complete application for a sign permit shall include: a completed and signed city sign permit application form, a site plan, an elevation drawing, application fee as set by resolution of the board of city commissioners and other material or information as required herein. A complete application shall convey sufficient information so that the Building Official can determine whether the proposed sign conforms to the provisions of

this article and the applicable provisions of other adopted regulations. **The time allowed for action on an application shall be tolled during any period in which additional information or data is being assembled at the request of the Building Official.**

1. Application Form Requirements. A complete application for a sign permit shall include the following:

- a. The address of the subject property upon which the proposed sign is to be located.
- b. The name and address of each owner of the subject property upon which the proposed sign is to be located.
- c. The names and address of each tenant or occupant of the subject property upon which the proposed sign is to be located.
- d. Written consent of the owner of the property, or his agent granting permission for the placement, maintenance, size and height of the subject sign to be placed on the property.
- e. The name, address, telephone number and business license number of the sign contractor. All applicants for electrical signs must obtain an electrical permit.
- f. The zoning district in which the subject property is located and a statement that all requirements of this ordinance have been complied with.
- g. Type of sign.
- h. Area of proposed sign.
- i. Area of all existing signs located on parcel.
- j. Total allowable signage of parcel.
- k. Such other material or information as may be reasonably required upon request of the Building Official so as to allow the Building Official to determine whether the proposed sign will conform to all requirements.

2. Site Plan Requirements

The site plan shall be submitted on paper of a size sufficient to be understandable and no less than 8.5 x 11 inches. The site plan shall be drawn to scale and/or dimensioned, and shall depict the proposed sign and its location in relationship to the following features of the site:

- a. Property lines,
- b. Existing and proposed buildings and other structures,
- c. Parking areas, and
- d. Drive aisles and vehicle circulations areas

3. Elevation Plan Requirements

The elevation plan shall be submitted on paper of a size to be understandable and no less than 8.5 x 11 inches. The elevation plan shall be drawn to scale and/or dimensioned, and shall depict the following elements:

- a. Sign face design,
- b. Sign dimensions, including its height, width and depth,

- c. Area of sign face,
- d. Illumination specifications, and
- e. For all signs 50 square feet or larger in sign face area, a photographic simulation of the sign shall accompany the application.

F. Action on Application.

The Building Official shall examine or cause to be examined applications for permits and amendments therewith within a reasonable time after filing. If the application does not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable. In the event the Building Official has neither issued nor denied a complete application within 30 days of the submission of a complete application, the application shall be deemed approved and the proposed work or sign deemed permitted; provided, however, that nothing in this section shall be construed to allow a sign or supporting sign structure to not conform to the International Building Code, Chapter 21, or the Electrical Code, Chapter 23, of the Fargo Municipal Code.

G. Appeal from Denial

Denial of any request for a sign permit is an administrative decision and is appealable in accordance with the provisions of Section 20-0916.

H. Action on Completed Application.

If a sign that is the subject of a sign permit complies with all applicable requirements of the sign code, the city must issue a permit for the sign.

I. Substitution of Noncommercial Message

1. Subject to the property owner's consent, a commercial message or noncommercial message of any type may be substituted for any duly permitted or allowed noncommercial message provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in the sign code. The purpose of this provision is to prevent any inadvertent favoring of a commercial message over a noncommercial message, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
2. All noncommercial messages are considered on-premise signs and are entitled to the privileges that on-premise signs receive under the sign code.

J. Design and Construction

1. All signs must comply with applicable provisions of the International Building Code and the Electrical Code, Fargo Municipal Code Article 21-01 and Chapter 23, respectively.
2. All signs shall be permanent in nature except for those signs allowed as temporary signs in accordance with Section 20-1309 of this article.

K. Maintenance and Repair

1. Maintenance, touch-up, repainting or repair of a legally permitted sign shall not require a sign permit. (see also Section 20-1310 regarding nonconforming signs)
2. Except as provided in Section 20-1306(B)11 and subparagraph 3, below, any alteration of a sign shall constitute construction of a new sign and as such shall require a sign permit.
3. The alteration of a sign message via the substitution of sign lettering (changeable copy) or the automatic changing of an electronic message center shall not constitute a new sign. The alteration of a sign face by painting or permanent overlay shall constitute construction of a new sign, but may be exempt from the sign permit process. (see Section 20-1306.B.11)
4. Signs shall be maintained in good condition at all times and shall be kept free of cracked or peeling paint, missing or damaged sign panels or supports.
5. The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible.
6. All burned-out bulbs or damaged panels must be replaced.
7. All sign copy shall be affixed securely to the face and all missing copy must be replaced.
8. All signs shall be designed, constructed, installed and maintained so that public safety and traffic safety are not compromised.

L. Location of Signs

Except as otherwise authorized in the sign code, all signs shall be located on the same parcel as the use to which it is associated.

M. Signs Over the Public Right of Way

Except as otherwise authorized in the sign code, the DMU zoning district or as may be approved within a Planned Unit Development (PUD), no sign or supporting structure shall be located upon or over any portion of the dedicated right-of-way of any public street, alley, or thoroughfare.

N. Obsolete or Abandoned Signs

Signs that identify businesses, goods, or services no longer provided on the premise shall be removed within 30 days after the business ceases. See also Fargo Municipal Code Section 25-0304.

O. Illumination

Illumination of all signs shall comply with the following standards:

1. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity does not generate glare onto nearby residential areas between the hours of 8:00 P.M. and 8:00 A.M.
2. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares, as determined by the Building Official.
3. No exposed reflective type bulbs or incandescent lamps that exceed 40 watts shall be used on the exterior surface of a sign.

P. Identification and Marking

Each sign requiring a permit hereafter erected or remodeled shall bear, in a permanent position, an identification plate stating the date the sign was erected and the name of person, firm or entity responsible for the construction and erection.

Q. Enforcement

The Building Official is hereby authorized and directed to enforce all the provisions of the sign code.

§20-1304 Sign Dimensional Calculation Standards

A. Sign Face Area

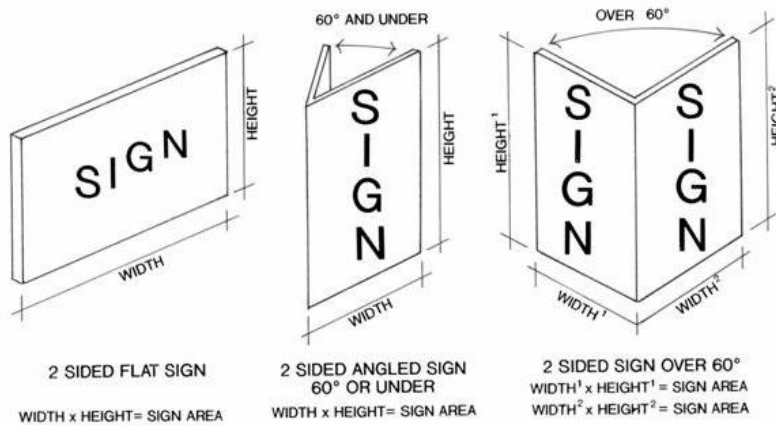
1. For a sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the sign face area and dimensions shall include the entire portion within such background or frame.
2. For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign face shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign face area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the

space between different elements. Minor appendages to a particular regular shape, as determined by the Building Official, shall not be included in the total area of a sign.

3. For a freestanding sign, the sign face area shall include the frame, if any, but shall not include:
 - a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 - b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

4. The sign face area for a sign with more than one face shall be computed by adding together the area of all sign faces. On all signs other than wall signs, which shall only be allowed one face, signs with identical sign faces placed in such a manner to ensure that the angle at which the two sign faces are placed does not exceed 60 degrees shall be considered as a single face. If the two faces of such a double-faced sign are of unequal area, the larger sign face shall be considered the sign face area of the sign.

5. Other



multi-faced signs. For all other multi-faced signs, the area of each sign face shall be added together to calculate total sign face area.

6. Three-dimensional signs. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign face area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of 12 inches from the sign face may be approved through the iconic sign permit process.

B. Aggregate Sign Area

The aggregate sign area is equal to the sum of all sign face areas located on a parcel subject to the provisions of the sign code. At no time shall the aggregate sign area exceed the limits set forth in the sign code.

C. Sign Height and Clearance

1. The height of a sign shall be determined by computing the vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - a. Existing grade before construction, or
 - b. The newly established grade after construction, exclusive of any filling, mounding or excavating solely for the purpose of placing the sign.
 - c. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street, or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between the finished grade and the lowest point of the sign, including any architectural supports, framework or other embellishments.

§20-1305 Prohibited Types of Signs

The following signs are prohibited:

- A. Obscene or Indecent Signs:** Signs that, in whole or in part, show specified anatomical areas or specified sexual activities.
- B. Animal Sign**
A sign involving the use of a live animal.
- C. Beacon Sign**
A sign that uses a light signal or summons, whether flashing or steady and shining in a horizontal or vertical direction.
- D. Extending Sign**
A sign or sign structure, other than freestanding, that extends above the parapet, building roof line, canopy or awning against which the sign is located.
- E. Flashing or Strobing Sign**

A sign that uses a pattern of changing light illumination where at least a portion of the sign illumination alternates between fully illuminated and fully non-illuminated.

F. Handbill Posted Without Consent. With respect to handbills, the provisions of Section 10-0312 of the Fargo Municipal Code shall apply. (see also Section 20-1306.A.7)

G. Non-mounted Sign

A sign that contains or consists of a portable sign, tent sign or strings of lights bulbs not permanently mounted to a rigid background.

H. Roof Sign

A sign that is erected upon or above a roof or parapet of a building or structure.

I. Rotating Sign

A sign that rotates or revolves.

J. Sign Creating an Illusion

A sign designed to create an optical illusion of movement by means of a design giving the illusion of motion or changing of copy, including, without limitation, a sign that presents a pattern capable of reversible perspective.

K. Snipe Sign

A sign made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premise upon which such sign is located.

L. Sign Similar to Official Signs

A sign that is of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or which hides from view any traffic or street sign or signal.

M. Sign with an Emission

A sign that produces or emits any sound, odor, smoke, fire or other such emissions.

N. Swinging Sign

A sign that swings or otherwise moves as a result of wind pressure because of the manner of its suspension or attachment.

O. Unauthorized Sign on Public Property

A sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property or on a public easement, unless said sign is specifically authorized by this article, such as a directional sign.

P. Unsafe Sign

A sign or structure that constitutes a hazard to safety or health including, without limitation, a sign that is structurally inadequate by reason of inadequate design,

construction, repair, or maintenance, is capable of causing electrical shock to persons likely to come into contact with it, or has less than three feet horizontal or eight feet vertical clearance from overhead electric conductors that are energized in excess of 750 volts.

Q. Vehicular Sign

A sign attached to or painted on a motor vehicle or trailer that is parked on or adjacent to property for more than 24 consecutive hours, the principal purpose of which is to serve as a stationary advertising device and to attract attention to a product sold or to a business, not including vehicle sales authorized by the city. A logo or business name on a motor vehicle or on equipment, shall not be prohibited unless is the motor vehicle or equipment is used as a stationary advertising device.

R. Video Sign

A sign that displays non-static images using motion pictures, video, computer-generated images, light-emitting diodes (LEDs) or other technology so as to produce the appearance of moving images that function or appear like a televised image.

§20-1306 Exemptions

A. Exemptions from Regulation

The following types of signs are exempt from all aspects of this article, including permit requirements and limits on size, location, and number:

1. **Indoor Sign.** A sign located completely within a building and not visible from any public right of way.
2. **Window Sign.** A sign affixed to a window of a structure, including the window or glass area of a door.
3. **Athletic Field Sign.** A sign that is physically oriented toward spectators of an event and not physically oriented so as to attract the motoring public, such as a sign located on the fence of a baseball field, football field, racetrack or outdoor stadium.
4. **Sign Used in Cultural Events.** A sign at a street fair, or other cultural event, if such sign is not oriented so as to attract the motoring public.
5. **Integral Sign.** A sign carved in stone, concrete or similar material or made of metal, bronze, aluminum, or other permanent type construction and made as an integral part of the structure.
6. **Temporary Lighting Displays.** Temporary use of low-wattage lighting for public festivals or other events, including holidays, provided it does not create distracting or disabling glare.

7. **Certain Handbills.** Handbills, placards, posters or other signs that are allowed under the provisions of Fargo Municipal Code Section 10-0312.
8. **Architectural Pendant Sign.** A pendant sign used as an architectural enhancement to denote a streetscape or location.
9. **Utility Sign.** A sign placed by a utility company as part of the normal operation and maintenance of a facility such as a public telephone or underground service.
10. **Safety or other official public duty sign.**
 - a. A public sign erected by or on behalf of a government body in the performance of its official duties, for the purpose of posting legal notices, identifying public property, directing or regulating pedestrian or vehicular movements, identifying transit stops, facilities, times and bus routes, or influencing traffic control or safety. This exemption includes safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, and signs of historical interest.
 - b. A sign erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way, for the purpose of ensuring safety.

B. Exemptions from Permitting Requirements

Unless otherwise stated, exemptions shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and timely removal, as applicable, nor from the owner’s compliance with the provisions of this sign code or any other law or ordinance regulating the same.

The following signs shall not require a permit:

1. **Sign of a Lawful Size Used Solely for Noncommercial Messages.** A sign used solely for the purpose of displaying a noncommercial message is exempt from all other aspects of the sign code, so long as the sign does not exceed the dimensional requirements for commercial signs in the zoning district and at the position where the sign is located. Any sign erected for the purpose of displaying a noncommercial message shall not be used for display of a commercial message unless such sign is erected in conformance with all applicable requirements of this ordinance and has received a sign permit as required under section 20-1303.
2. **Temporary Sign.** A temporary sign as provided in section 20-1309 unless it is a portable sign, high-impact sign or community-wide event sign.
3. **Home Occupation Sign.** A home occupation sign as provided in section 20-0403.C.6.

- 4. Directional Sign.** A sign directing traffic movement into a premises or within a premises, not exceeding six square feet in area, and horizontal directional signs on, and flush with, paved areas regardless of size. Said sign shall not count against the aggregate sign area allotment of a parcel. For purposes of this exemption, a directional sign shall contain no more than the name and logo of a place, a directional arrow to a place, the distance to a place, and may not be used to advertise. Directional signage that meets the above definition shall also be considered on-premise advertising of the business or property that is being advertised whether the directional sign is located on or off the subject premises. Signage that does not meet the above definition shall be considered on-premise advertising if located on the subject property and off-premise advertising if located off the subject property.
- 5. Nameplates.** A nameplate, not exceeding one square foot in area, containing no more than the name of the resident, title of person conducting a permitted home occupation, name of building and name of agent.
- 6. Flush-Mounted Rear Entrance Signs.** A rear entrance sign associated with a pedestrian walk-through building, provided it does not exceed 16 square feet in area and it is flush mounted, and contains no more than the name of the establishment and directional information. Said sign shall not count against the aggregate sign area allotment of a parcel.
- 7. Menu Sign and Other Signs Not Legible Off the Premises.** A menu sign at a drive-through or drive-in restaurant and other signs that are not legible from the public right of way or a sign not legible beyond the boundaries of the lot or parcel upon which it is located or from any public right of way. Said sign shall not count against the aggregate sign area allotment of a parcel.
- 8. Warning Signs.** A warning or instructional sign, such as “No Soliciting”, “No Trespassing”, “Beware of Dog”, not exceeding 1.5 square feet.
- 9. Transit Courtesy Bench.** Signage on city approved transit courtesy benches is lawful without the issuance of a permit as long as there is a written agreement between the provider and the city and all appropriate permits have been obtained from the city.
- 10. Permanent Development Signage.** Permanent development signage may be permitted on any development as contained within the applicable subdivision amenity plan reviewed and approved in accordance with the subdivision procedures of Section 20-0907 of the Land Development Code. Such signage may be for the purpose of identification of the development only and shall contain no commercial advertising.
- 11. Replacement of Sign Face.** The replacement of an existing sign face with a new sign face of the same dimensional measurements shall not require a sign permit. However, in order for city to maintain an accurate record of all permitted signs,

the sign owner or agent, prior to the installation of the replacement sign face, shall submit either in person or by facsimile or email transmission to the Building Official the following information:

- a. The address of the subject property,
- b. The name, address and telephone number of the of sign owner or agent submitting the information,
- c. A graphic representation (dimensioned or scaled) of the new sign face, and
- d. A site plan or narrative sufficient to determine the location of the subject sign, if more than one sign is located on the property.

§20-1307 On-Premise Signs

On-premise signs shall be allowed in all zoning districts, subject to the following conditions:

A. Size Limitations

The total amount of signage allowed on any parcel shall not exceed the sign allowance standards of this article.

1. In the SR, MR-1 and MR-2 and AG zoning districts, the total sign face area of on-premise signage shall not exceed 64 square feet. No single sign shall exceed eight square feet in area.
2. In the MR-3 zoning district, the total sign face area of on-premise signage shall not exceed 64 square feet; however, a parcel containing an apartment building or multiple apartment buildings totaling 50 or more dwelling units shall be allowed an additional 64 square feet of sign face area for each 50-dwelling-unit increment provided that no single sign shall exceed 64 square feet in area.
3. In the NC and NO zoning districts, no on-premise sign shall exceed one square foot of total aggregate sign face area per 100 square feet of building coverage. All signage other than wall signs shall be limited in height to no greater than four feet above the ground level.
4. In the UMU zoning district, the aggregate sign face area allowed per parcel shall not exceed two square feet of signage per linear foot of street frontage, or 15% of the façade of the primary structure, whichever is less. The area of the façade is determined by multiplying (a) the lesser of the height of the front elevation of the principle structure's first floor or twenty feet by (b) the width of the façade.
5. In all zoning districts other than the foregoing, the aggregate sign face area allowed per parcel shall not exceed 2.5 square feet of signage per one linear foot of street frontage or 30 % of the façade of the primary structure, whichever is greater. The area of the façade is determined by multiplying (a) the lesser of the height of

the front elevation of the principle structure's first floor or twenty feet by (b) the width of the façade.

6. Off-premise signage and billboards are not subject to this section.

B. Determining Allowable Sign Face Area

The total sign face area allowed per parcel is based on the greater of either the primary street frontage length or the primary façade area of the principal building and, as applicable, the secondary street frontage or secondary façade area of the principal building. Street frontage calculations may not be used to determine the total allowable signage per parcel on parcels without street frontage. On such parcels, the building façade area shall be used to determine the total amount of signage allowed per parcel.

1. **Single-Tenant.** The following description shall apply to single-tenant buildings.

- a. **Primary Street Frontage.** Primary street frontage is the linear distance along which a lot line adjoins a public street right-of-way. The primary street frontage of a corner lot or multi-corner lot is the street with the highest functional street classification or longest street frontage if functional street classification is the same.
- b. **Secondary Street Frontage.** The secondary street frontage is the linear distance along which a lot line adjoins additional public street right-of-way, generally perpendicular to, the primary street frontage. For a lot with more than one street frontage, such as a corner lot, signage calculations for the secondary street frontage may be added to those for the primary street frontage at one-half the signage allotment rate. However, if secondary street signage is used, this signage must be located and oriented toward the secondary frontage.
- c. **Building Façade Area.** The building façade area shall be the area of the first floor elevation of the primary structure or building unit, as determined by multiplying the lesser of the height of the front elevation of the first floor or twenty feet.
 1. **Building Unit.** A building unit is equivalent to the tenant space.
 2. **Primary and Secondary Frontage.** The frontage of any building unit shall include the elevation facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance to the building or building units.
 - a. The primary frontage shall be considered the portion of any frontage containing the primary public entrance to the building or building units.

b. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection “a” above.

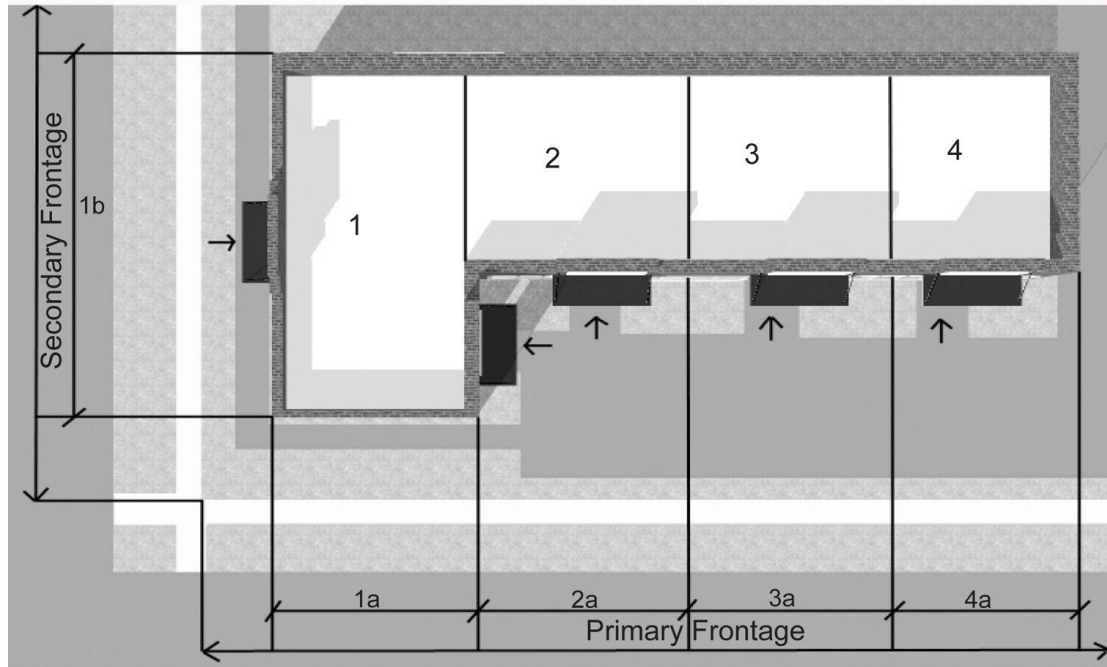
3. **Bonus Secondary Signage Calculations.** A principal building with more than one frontage, such as a building located on a corner lot, shall be allowed to add to its signage calculations the secondary frontage at one-half the signage allotment rate of the primary frontage. However, if secondary signage is used, this signage must be located and oriented toward the secondary frontage.

2. **Multi-Tenant.** The following descriptions shall apply to multi-tenant buildings.

a. **Primary Street Frontage.** Primary street frontage is the linear distance along which a lot line adjoins a public street right-of-way. The primary street frontage of a corner lot or multi-corner lot is the street with the highest functional street classification or longest street frontage if functional street classification is the same.

b. **Secondary Street Frontage.** Secondary street frontage is the linear distance along which a lot line adjoins a public street right-of-way, generally perpendicular to, the primary frontage. For a lot with more than one street frontage, such as a corner lot, signage calculations for the secondary street frontage may be added to those for the primary street frontage at one-half the signage allotment rate; however, if secondary street signage is used, this signage must be located and oriented toward the secondary frontage.

Calculating Allowable Signage by Linear Frontage



Tenant 1 = Length of 1a + Length of 1b x .5

Tenant 2 = Length of 2a

Tenant 3 = Length of 3a

Tenant 4 = Length of 4a

c. **Building Façade Area.** The building façade area is the area of the first floor elevation of the primary structure or building unit, as determined by multiplying (a) the lesser of the height of the front elevation of the first floor or 20 feet by (b) the width of the façade.

1. **Building Unit.** A building unit is equivalent to the tenant space. For a principal building with two or more building units, the allowable sign face area for each building unit shall be calculated separately and in no case shall the allowable sign face area for one building unit be transferred to another building unit.
2. **Primary and Secondary Frontage.** The frontage of any building unit shall include the elevation facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance to the building or building units.
 - a. The primary frontage shall be considered the portion of any frontage containing the primary public entrance to the building or building units.

- b. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection “a” above.

3. **Bonus Secondary Signage Calculations.** A principal building with more than one frontage, such as a building located on a corner lot, shall be allowed to add to its signage calculations the secondary frontage at one-half the signage allotment rate of the primary frontage. However, if secondary signage is used, this signage must be located and oriented toward the secondary frontage.

Calculating Allowable Signage by the Building Façade Area



3. **Multiple Story Buildings.** Additional signage is permitted in all zoning districts except UMU, SR, MR, and AG according to the following:

- a. For a building with two floors, the additional sign area shall not exceed 30% of the area of the second floor elevation of the primary façade, as determined by multiplying (a) the lesser of the height of the front elevation of the second floor or twenty feet by (b) the width of the façade.
- b. For buildings with more than two floors, the additional sign area shall not exceed 30% of the area, beyond the second floor, of any additional building floor elevations of the primary façade, as determined by multiplying (a) the lesser of the height of the front elevation of each floor or twenty feet for each floor by (b) the width of the façade.

C. Permitted Sign Types

Permissible on-premise signs may include wall, projecting, freestanding, awning, canopy, and marquee signs, subject to the following standards:

1. **Wall Sign.** A wall sign may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above the ground level. No wall sign shall extend beyond the required setback line or property line (as applicable) nor shall it extend above any adjacent parapet or roof of the supporting building.
2. **Projecting Sign.** A projection sign may extend up to six feet from the face of the building if the base of the sign is at least eight feet above the ground level. No projection sign shall extend beyond the required setback line or property line (as applicable), nor shall it extend above any adjacent parapet or roof of the supporting building.
3. **Freestanding Sign.** (Including pylon, pole and monument signs)
 - a. No freestanding sign shall be located in or project over or into the right-of-way or into any adjoining property.
 - b. A parcel fronting only on one public street shall have no more than one freestanding sign unless the street frontage exceeds 300 feet, for which case a second freestanding sign is allowed. An additional freestanding sign is allowed for each additional 300 feet of frontage over 600 feet.
 - c. A parcel fronting on two or more public streets shall be allowed to have one freestanding sign for each street frontage. If one of the additional street frontages exceeds 300 feet then a third sign shall be permitted. If the site contains more than one street frontage that exceeds 300 feet, an additional freestanding sign is allowed per street for every 300 feet of frontage over 600 feet.
 - d. Where more than one freestanding sign is proposed for installation on a parcel with multiple frontages, a minimum of 60 feet shall separate each freestanding sign.
4. **Awning, Canopy and Marquee Signs.** An awning, canopy or marquee sign that extends more than 12 inches beyond a wall of a building must comply with the following additional conditions:
 - a. No such sign may project above, below, or beyond the face of the architectural projection on which it is located, except for an awning, canopy, or marquee sign that meets the following standards:
 1. A sign may project horizontally beyond the face of an awning, canopy or marquee no more than twelve inches, measured from the bottom of the sign, if necessary to accommodate the letter thickness and required electrical equipment;
 2. The awning, canopy, or marquee to which the sign is attached must be located over an entry to the building; and

3. The sign shall be substantially parallel with the building wall to which the awning, canopy, or marquee is attached.
- b. Signs mounted 12 inches or less from a wall of a building shall be considered to be wall signs, subject to the requirements of the sign code.

5. Iconic Signs. An iconic sign shall be reviewed and approved in accordance with the conditional use review procedures of Section 20-0909, except that the substantive criteria for approval or denial shall be limited to those set forth in this section. Unless otherwise expressly stated, any conditional use permit for an iconic sign granted pursuant to Section 20-0909 shall run with the land and shall not automatically terminate upon sale or transfer of the property.

a. **Intent.** The iconic sign provision is intended to create a process whereby a proposed sign that does not meet the dimensional or other standards of the sign code, but, through design and artistic expression unrelated to its message, is culturally significant to our community, and is expected to serve a placemaking function either upon completion or with the passage of time. Examples of such signs include the “Hollywood” sign on the hills of Hollywood, California; the cowboy with lariat sign for the Frontier Hotel and Casino in Las Vegas, Nevada or the sign for the Radio City Music Hall in New York, New York. This provision is not intended to be a tool to vary one or more of the standards of this ordinance simply to allow for a larger sign than otherwise could be obtained.

b. **Approval Criteria.** Applications for an iconic sign approval shall be approved if the following criteria are also met.

1. The proposed iconic sign represents an improvement over what could have been accomplished through the strict application of this ordinance for reasons unrelated to any message of the sign.
2. The proposed iconic sign is consistent with sound planning practice. A sign is consistent with sound planning practice when it is in furtherance with the city’s comprehensive policy plan for the location of the sign.
3. The proposed iconic sign, through design and artistic expression unrelated to its message, is culturally significant to the community.
4. The proposed iconic sign is expected to serve a placemaking function either upon completion or with the passage of time. A sign serves a placemaking function when it attracts people to the immediate area of the sign for purposes of social interaction.

5. Approval of the proposed iconic sign will not arbitrarily or unreasonably result in favoritism of the proposed sign over another sign that is similarly situated in all relevant respects but for which a sign permit has been denied by the city in the previous two years.

D. Placement of Sign

A permitted sign may be located anywhere on the premises except as specifically restricted within the sign code. A freestanding sign may be located only in the front or side yard.

E. Height Limitations

The height of signs shall be governed by the following setback steps listed below.

	Distance from Property Line	Maximum Height of Sign
Step 1	0 feet to 25 feet	25 feet
Step 2	25 feet to 100 feet	35 feet
Step 3	100 plus feet	50 feet
Step 4 *	Adjacent to Interstate	60 feet

**No setback from property line required*

F. Ancillary Off-Premise Sign

Ancillary off-premise signage shall not exceed 10 percent of the total permitted on-premise signage. Anything more than 10 percent shall be permitted only to the extent that it satisfies the requirements of this ordinance for off-premise signage. Regarding the use of electronic messaging center signs to display ancillary off-premise messages, in any given 10-minute increment, no more than one minute may include ancillary off-premise advertising.

G. Multi-Tenant Sign

A multi-tenant sign is a sign that advertises two or more businesses on separate parcels that utilize common off-street parking, shared access or both. A multi-tenant sign shall be considered an on-premise sign.

H. Sponsorship Sign

A sponsorship sign that does not exceed 20 percent of the total sign face area of an otherwise lawful sign shall be allowed in all zoning districts, if the sign is posted on public property or owned by a non-profit entity. All sponsorship signs must be static.

I. Changeable Copy

Changeable copy signs that otherwise satisfy all other requirements of this ordinance shall be allowed in all zoning districts.

J. Electronic Messaging Centers

Electronic Messaging Centers that otherwise satisfy all other requirements of this ordinance are allowed in the GI, LI, GC, LC, GO, PI, and DMU zoning districts, subject to the following additional conditions:

1. **Size Limitations.** The maximum sign face area of an electronic messaging center shall be based on the zoning district of the subject property and functional road classification of the adjacent roadway in accordance with the following chart:

Zoning District	Functional Classification of Adjacent Roadway				
	Interstate	Principal Arterial	Minor Arterial	Collector	Local
GI – General Industrial	300 sq ft	200 sq ft	200 sq ft	48 sq ft	25 sq ft
LI – Limited Industrial	300 sq ft	200 sq ft	200 sq ft	48 sq ft	25 sq ft
GC – General Commercial	300 sq ft	200 sq ft	200 sq ft	48 sq ft	25 sq ft
LC – Limited Commercial	300 sq ft	200 sq ft	150 sq ft	48 sq ft	25 sq ft
NC – Neighborhood Commercial	N/A	N/A	N/A	N/A	N/A
GO – General Office	200 sq ft	100 sq ft	100sq ft	48 sq ft	25 sq ft
NO – Neighborhood Office	N/A	N/A	N/A	N/A	N/A
DMU – Downtown Mixed Use	N/A	200 sq ft	200 sq ft	100 sq ft	25 sq ft
UMU – University Mixed Use	N/A	N/A	N/A	N/A	N/A
P/I – Public Institutional	300 sq ft	200 sq ft	100 sq ft	48 sq ft	25 sq ft
MR – Multi-dwelling Residential	N/A	N/A	N/A	N/A	N/A
SR – Single-dwelling Residential	N/A	N/A	N/A	N/A	N/A
AG- Agricultural	N/A	N/A	N/A	N/A	N/A

2. **Frame Effects and Background Animation**

The use of frame effects and background animation is allowed with electronic messaging center signs, provided that when located less than 100 feet, as measured from the curbline of the street in which the sign is oriented, from a residential zoning district, an electronic messaging center sign, between the hours of 10:30 p.m. and 6:00 a.m., shall not utilize background animation or frame effects and each message shall have a minimum seven second hold time prior to transitioning to the next message.

3. **Number of Electronic Messaging Centers Allowed**

Electronic messaging center signs must be an ancillary use or structure to the principal use or structure of the parcel upon which the sign is located.

- a. A parcel fronting on only one public street shall have no more than one electronic messaging center sign unless the street frontage exceeds 300 feet, in which case a second electronic messaging center sign is allowed. An additional electronic messaging center sign is allowed for each additional 300 feet of frontage over 600 feet.

- b. If the subject parcel has multiple street frontages, one additional electronic messaging center sign is permitted per street upon which the development fronts, provided that each additional sign is oriented so as not to be visible from the other street frontages.

4. Sign Brightness

Electronic messaging centers must be equipped with automatic dimming technology that automatically adjusts the display’s brightness based upon ambient light conditions.

- a. The brightness level for electronic message centers shall not increase by more than 0.3 foot-candles over ambient levels.
- b. The brightness measurement process to determine compliance shall be as follows:
 - i. At least 30 minutes after sunset or 30 minutes before sunrise, the Building Official shall measure and determine the sign’s brightness by aiming a foot-candle meter directly at the electronic messaging center sign at a pre-set distance:

Size of Sign in Total Square Feet	Distance from Sign*
0-300	150 feet
<i>*If sign cannot be measured at pre-set distance, the sign shall be measured as near as practical to pre-set distance.</i>	

- ii. After the sign brightness has been determined, the Building Official shall contact the sign owner or the owner’s agent to schedule a time to measure and determine the ambient light conditions with the electronic messaging center off or while displaying all black copy. The ambient light reading shall be taken with the same foot-candle meter at the same location used to establish the sign’s brightness.
- iii. Once the two light readings have been determined, the second measurement reading shall be subtracted from the first measurement reading. To be in compliance with this standard, the difference of the two readings shall be 0.3 foot-candles or less.

§20-1308 Off-premise Signs and Digital Billboards

Off-premise signs and digital billboards that otherwise satisfy all other requirements of this ordinance are allowed in the GI, LI, GC, and LC zoning districts, subject to the following additional standards:

A. Size Limitations

1. In the GI zone district, no off-premise sign or digital billboard shall have a sign face area exceeding 672 square feet. In the LI, GC and LC zoning district, no off-premise sign or digital billboard shall have a sign face area exceeding 300 square feet; providing that if the subject property directly abuts the interstate corridor, and the location of the off-premise sign or digital billboard is within 150 feet of the interstate right-of-way, and is oriented to face toward the interstate, the maximum sign face area shall not exceed 672 square feet.
2. An off-premise sign or digital billboard with a sign face area not exceeding 672 square feet shall also be allowed in GI, LI, GC and LC zoning districts along principal arterial roads provided that the number of off-premise signs with a sign face area between 301 and 672 square feet and the number of digital billboards with a sign face area between 301 and 672 square feet along such principal arterial roads does not exceed 44. The term principal arterial road shall be a street, avenue or other roadway identified as such on the functional road system map approved for the purpose of identifying eligible locations for such signs which map is approved by resolution of the board of city commissioners, as the same may be modified from time to time by subsequent resolution. The said maximum number of such allowable larger-sized off-premise signs and digital billboards includes all such signs, regardless of ownership of the sign structure or the land upon which the sign structure is located.
3. Off-premise signs or digital billboards shall not be included with on-premise signs in determining the total number or size of signs permitted on any site.
4. With the exception of portable signs, all off-premise signs and digital billboards shall have a minimum sign face area of 280 square feet.

B. Height Limitations

The height of off-premise signs and digital billboards shall be governed by the following setback steps listed below.

	Distance from Property Line	Maximum Height of Sign
Step 1	0 feet to 25 feet	25 feet
Step 2	25 feet to 100 feet	35 feet
Step 3	100 plus feet	50 feet
Step 4*	Adjacent to Interstate	60 feet

**No setback from property line required*

C. Spacing Requirements

No off-premise sign or digital billboard shall be placed in a location that causes it to violate any of the following spacing requirements:

1. **Sensitive Land Uses.** Spacing of off-premise signs and digital billboards from any residential zoning district, public institutional zoning district, mixed-use zoning district allowing residential uses, religious institutions, parks, or schools shall be at least 300 feet, as measured from the curblines of the street in which the sign is oriented, unless one or more structures or objects obstructs the view of all or substantially all of the sign from such residences, religious institutions, parks or schools.
2. **Off-premise signs.** Spacing between off-premise signs shall be at least 500 feet, as measured from the curblines of the street along which the sign is oriented.
3. **Digital Billboards.** Spacing between digital billboards shall be at least 1,200 feet, as measured from the curblines of the street along which the sign is oriented.
4. **Limited Commercial Zone District.** Spacing between all off-premise signs and digital billboards in the LC zoning district shall be at least 1,000 feet, as measured from the curblines of the street along which the sign is oriented.

D. Digital Billboards. Digital billboards are subject to the following additional conditions:

1. **Hold Time**
Signs shall display a static message which message may not change or be changed for a period of at least seven seconds.
2. **Message Transitions**
Transition from one such static message to the next shall occur instantaneously without the use of animation, flashing or frame effects.
3. **Sign Brightness**
Digital billboards shall come equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.
 - a. The brightness level for digital billboards shall not increase by more than 0.3 foot-candles over ambient levels.
 - b. Brightness measurement process to determine compliance shall be as follows:
 - i. At least 30 minutes after sunset or 30 minutes before sunrise, the Building Official shall measure and determine the sign's brightness by aiming a foot-candle meter directly at the electronic messaging

center sign at a pre-set distance, as described in the following table.

Size of Sign in Total Square Feet	Distance from Sign*
0-350	150 feet
351-650	200 feet
651-1000	250 feet
Over 1000	350 feet
<i>*If sign cannot be measured at pre-set distance, the sign shall be measured as near as practical to pre-set distance.</i>	

- ii. After the sign brightness has been determined, the Building Official shall contact the sign owner or the owner’s agent to schedule a time to measure and determine the ambient light conditions with the digital billboard off or with the billboard displaying all black copy. The ambient light reading shall be taken with the same foot-candle meter at the same location used to determine the sign’s brightness.
- iii. To be in compliance with this standard, the difference of the first reading and the second reading may be no more than 0.3 foot-candles.

E. Prohibited Off-Premise Signs. The following off-premises signs are prohibited:

- 1. Stacked signs.
- 2. Signs with more than two faces.
- 3. Building wraps.

§20-1309 Temporary Signs

A. Applicability

Except as specifically identified within this section, a temporary sign shall be considered as temporary for purposes of the exemption from the permit requirement pursuant to §20-1306(B)(2), provided that it does not remain in place more than 14 days. Once 14 days has expired from the time the temporary sign is placed, a minimum of 60 days must pass before another temporary sign may be placed. If a sign remains in place for more than 14 days it shall be subject to the applicable regulations of the sign code. No temporary sign may exceed 100 square feet in sign face area.

B. Banner Sign

A banner sign may be placed flat against the façade of a building but must be affixed so as to not flap or move with the wind.

C. Contractor Sign

A builder, contractor or other person furnishing service, materials or labor to a premises that is under construction or development may post on such premises a non-illuminated static sign, provided that:

1. In AG, SR, MR-1, MR-2, NC, and NO zoning districts, the sign face area does not exceed eight square feet;
2. In all other zoning districts, the sign face area does not exceed 40 square feet; and
3. Such sign are removed within 60 days of the commencement of occupancy of structure.

D. Going-Out-of-Business Sign

A single business or owner may not conduct more than one sale that is described as a “going-out-of-business sale.”

E. Grand Opening Sign

A single business or owner may not conduct more than one event that is described as a “grand opening.”

F. Garage Sale Sign

A person conducting a garage sale, rummage sale, or auction sale may post on the premises on which the sale is to be held one or more non-illuminated static temporary signs, provided that:

1. The sign face area of all signs does not exceed eight square feet, cumulatively; and
2. Such signs may be posted for a maximum of three days before and one day after the day of the event or, if such event consists of two or more consecutive days, a maximum of three days before the first such day and one day after the last such day.

G. Subdivision Development Sign

A developer may post a subdivision development sign at each entrance of a subdivision provided that:

1. No more than one subdivision development sign is allowed per entrance.
2. The sign face area of each sign does not exceed 40 square feet.

3. The sign is removed at such time as the owners of 80% of the lots within the subdivision have been issued certificates of occupancy for completion of primary structures on said lots.

H. Real Estate Sign

A non-illuminated static sign on a premises that is offered for sale or lease shall be allowed as a temporary sign, provided that:

1. In the SR, MR-1, MR-2, NC, and NO zoning districts, the sign face area of such sign does not exceed eight square feet; and
2. In all other zoning districts, the sign face area of such sign does not exceed 40 square feet, and
3. The sign is removed within one week after the transfer of title or the signing of a lease for the premises.

I. Lost Animal Sign

A person who has lost an animal may post one or more lost animal signs within the city boulevard, provided that,

1. Each sign must be a free-standing sign.
2. The maximum sign face area of any sign shall not exceed six square feet.
3. The maximum width of a sign shall not exceed 36” and the maximum height of a sign shall not exceed 36”.
4. A lost animal sign shall be allowed on the right-of-way for a maximum period of 10 days or a period ending one day after the animal is found, whichever period is shorter.

J. Boulevard Directional Sign

A boulevard directional sign is a sign that provides direction for vehicular or pedestrian traffic to an event that is lawfully held in a residential zoning district, such as a garage or rummage sale or an open house for the sale of a home.

A boulevard directional sign may be placed within city right-of-way provided that:

1. The sign must be a free-standing sign.
2. The sign shall contain no more than the name of a place, a directional arrow to the place, and the distance to the place, the day or days of sale, and may not be used to advertise.
3. The maximum sign face area shall not exceed eight square feet.

4. The maximum width of the sign shall not exceed 36” and the maximum height of the signs shall not exceed 36”.
5. A boulevard directional signs shall be allowed on the right-of-way for a maximum period of three days before and one day after the event being held at the location to which the sign is directed, for a maximum cumulative total of 14 days, including the days of the event.

K. Pedestrian Signs

Pedestrian signs are permitted subject to the rules and regulations of Fargo Municipal Code Section 18-0309.

L. High Impact Sign

1. Additional Permitting Required

A high impact sign cannot be displayed unless it is installed by a licensed sign provider who has first obtained a permit from the Building Official.

2. Size

A high impact sign may not exceed 64 square feet in sign face area nor may it exceed eight feet in height.

3. Zoning District and Duration of Display

A high impact sign may be displayed for a period no longer than the following:

- a. In GI, LI, LC, GC and DMU and P/I zoning districts, high impact signs may be displayed at a location for a period not to exceed 14 days in any 12-month period, but in no event may a high impact sign be displayed within 300 feet of any residential zoning district, as measured in all directions. High impact signs are prohibited in all other zoning districts.
- b. A high impact sign may not be displayed on a parcel upon which a portable sign is displayed; provided, however that a maximum of either: (a) two high impact signs or (b) one portable sign and one high impact sign may be displayed during any given period on a multi-tenant property containing six or more businesses as described in Section 20-0909.M.3.c.

4. Spacing

Spacing between a high impact sign and (a) a portable sign or (b) another high impact sign shall be at least 300 feet as measured from the curblineline of the street along which the sign is oriented.

M. Portable Signs

1. Additional Permitting Required.

A portable sign cannot be displayed unless it is installed by a licensed sign provider who has first obtained a permit from the Building Official.

2. Size.

A portable sign may not exceed 64 square feet in sign face area nor may it exceed eight feet in height.

3. Zoning District/Duration of Display.

A portable sign may be displayed for a period no longer than the following:

- a. In GI, LI, GC, LC, DMU, P/I, and MR-3 zoning districts, portable signs may be displayed at a location for a period not to exceed 30 consecutive days. Upon termination of the display, a portable sign may not be displayed again at the same location for an additional 14 days. In no event may a portable sign be displayed at the same location for more than 98 days in any single calendar year. portable signs are prohibited in all other zoning districts not specifically listed above.
- b. A high impact sign may not be displayed at a location at which a portable sign is displayed; neither shall a portable sign be displayed at a location at which a high impact sign is displayed.
- c. With respect to multi-tenant properties in GI, LI, GC, LC, DMU, P/I and MR-3 zoning districts consisting of six or more businesses under six or more separate leases or consisting of six or more units within a condominium, a maximum of either: (a) two portable signs or (b) one portable sign and one high impact sign may be displayed during any given period on such multi-tenant property. For every four businesses or condominium units in addition to the initial six businesses, one additional portable sign is allowed. In the event there is substantial road construction for an extended period that disrupts normal vehicular traffic flow to a location, upon approval of the Building Official, portable signs may be displayed as the Building Official deems appropriate.
- d. Portable signs with blinking, flashing or fluttering lights or other illuminating devices which have a changing intensity; brightness or color may not be displayed within 300 feet of any SR, MR, UMU, MHP, NO, DMU or NC zoning district or any other zoning district where household or group living is permitted as a Conditional Use. No such sign shall have any bulb with more than 11 watts.

4. Spacing.

Spacing between a portable signs and another portable sign shall be at least 50 feet as measured from the curblineline of the street in which the sign is oriented.

N. Community-wide Event Sign

1. **Definition.** A Community-wide Event Sign is a portable sign used by an organization exempt from taxation under Section 501 of the Internal Revenue Code (26 U.S.C. § 501) to promote a charitable event or activity.
2. **Intent.** This provision is intended to accommodate temporary advertising of events and activities that serve the community as a whole, such as, fundraising for a cancer patient by the local VFW or marketing of the annual Kiwanis pancake breakfast.
3. **Location.** Signs advertising a community-wide event shall be deemed to be an on-premise sign regardless of the location of the sign or the location of the event or activity being advertised.
4. **Duration.** In GI, LI, GC, LC, DMU, P/I, and MR-3 zoning districts, and provided the size of the sign does not exceed 64 square feet in sign face area nor exceed 8 feet in height, community-wide events signs may be displayed at a location for a period not to exceed 30 consecutive days. Upon termination of the display, a community-wide event sign may not be displayed again at the same location for an additional 14 days. In no event may a community-wide event sign be displayed at the same location for more than 98 days in any single calendar year.

§20-1310 Non-Conforming Sign

- A. A sign that does not conform to this article is a non-conforming sign. See also Section 20-1302A. A non-conforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the non-conforming sign:
 1. Shall not be replaced, except in conformity with the provisions of this ordinance;
 2. Shall not be enlarged, altered or rebuilt except in conformance with this ordinance, but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition; and

B. Damage to Non-conforming Sign

1. Any non-conforming sign shall not be rebuilt, altered or repaired after damage exceeding 50% of its replacement cost at the time of destruction. The owner of such sign must apply for a new sign permit in accordance with the permitting procedures in order to erect or construct a conforming replacement sign.

2. Any non-conforming sign may be rebuilt or repaired after damage not exceeding 50% of its replacement cost, provided that the non-conformity is not increased in any way.

§20-1311 Definitions and Abbreviations

1. GENERAL

For the purpose of this article, certain terms, phrases, words and their derivatives shall be construed as specified in either this ordinance or as specified in the land development code. Where terms are not defined, they shall have their ordinary accepted meanings within the content with which they are used.

2. **Abandoned sign:** Any sign which identifies or advertises a business, lessee, service, owner, product, or activity, which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.
3. **Ancillary off-premise sign:** The off-premise advertising portion of an on-premise sign.
4. **Awning:** A shelter supported by the exterior wall of a building and projecting more than 12 inches from the wall over a window and/or doorway or building façade.
5. **Awning sign:** A sign painted on, printed on or attached flat against the surface of the awning.
6. **Beacon light:** Any light which serves as a signal or summons, whether flashing or steady and shining in a horizontal direction.
7. **Banner sign:** A temporary sign made of cloth, canvas, fabric or other light weight, non-rigid materials with no enclosing framework. No banner sign shall flap or move with the wind.
8. **Building code:** The building code adopted by this jurisdiction. See Fargo Municipal Code Article 21-01.
9. **Building façade area:** The area of the first floor elevation of the primary structure or building unit, as determined by multiplying (a) the lesser of the height of the front elevation of the first floor or twenty feet by (b) the width of the façade.
10. **Building front:** An exterior wall of a building facing a front line of a parcel on one exterior wall containing the primary entrance to the building.
11. **Building Official:** The officer or other designated authority charged with the administration and enforcement of this ordinance or his duly authorized representative.

12. **Building wrap:** To "wrap" or cover a building or portion of a building with perforated vinyl prints or full color digital banners or a combination thereof.
13. **Building unit:** One tenant space in a multi-tenant structure.
14. **Canopy, building:** A rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and by columns or posts at the other points.
15. **Canopy, free-standing:** A rigid multi-sided structure covered with fabric, metal or other material and supported solely by columns or posts.
16. **Canopy sign:** A sign painted on, printed on or attached flat against the surface of the canopy.
17. **Changeable copy sign:** A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged manually without altering the face of the sign. Reader boards and marquee signs are considered "changeable copy" signs.
18. **Combination sign:** Any sign incorporating any combination of the features of pole, projecting and roof signs.
19. **Commercial message:** Speech or graphics advertising a business, provision, commodity, service, or entertainment.
20. **Commercial sign.** A sign containing speech or graphics advertising a business, profession, commodity, service or entertainment.
21. **Construction sign:** A temporary sign identifying an architect, engineer, contractor, subcontractor, and/or materials supplier participating in construction on the property on which the sign is located.
22. **Copy:** The wording or message on a sign surface in either permanent or removable form.
23. **Courtesy bench sign:** A sign painted or affixed to a bench or seating area at or along bus routes.
24. **Curb line:** The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer. (see definition for legal setback line)
25. **Digital billboard:** An off-premise sign capable of displaying multiple images in succession that can be electronically or mechanically changed by remote or automatic means.

26. **Direction sign:** Any on-premise sign giving directions, instruction, or facility information, e.g., parking or exit and entrance signs, and which may contain the name and/or logo of an establishment but no advertising copy.
27. **Directory sign:** A sign, which lists the names of the occupants of a multiple occupancy building or site.
28. **Display surface:** The area made available by the sign structure for the purpose of displaying the advertising message.
29. **Electronic messaging center:** An on-premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
30. **Electric sign:** Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
31. **Fin sign:** A sign which is supported wholly by a one-story building of an open-air business or by poles placed in the ground or partly by such a pole or poles and partly by a building or structure.
32. **Flashing:** A pattern of changing light illumination where at least a portion of the sign illumination alternates suddenly between fully illuminated and fully non-illuminated.
33. **Freestanding sign:** A sign that is set firmly in or upon the ground surface and is not attached to any building or structure.
34. **Glare:** The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort or loss of visual performance and ability.
35. **Height (of a sign):** The vertical distance measured from the highest point of the sign, including supports, framing and decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.
36. **High impact sign:** A sign that contains a mobile electronic message center, automatically changing sign faces, vehicles or other device of significant signage, or other hi-impact business promotion mechanisms.
37. **Home occupation sign:** Any unlighted sign not over one square foot in area attached flat against the dwelling and displaying only the occupants name, address or occupation, or any combination thereof.
38. **Iconic sign:** Any proposed sign that does not meet the dimensional or other standards of the sign code, but, through design and artistic expression unrelated to its message, is

culturally significant to our community, and is expected to serve a placemaking function either upon completion of with the passage of time.

39. **Identification sign:** Any sign the copy for which does not include more than the name, address and phone number of an apartment building, business, institution or person and the activity of occupation being identified. (Does not include home occupation)
40. **Informational sign:** Any sign that meets the definition of a direction sign.
41. **Illegal sign:** Any sign or advertising structure erected without a permit required by the sign code, or in violation of any of the limitations, prohibitions or requirements of the sign code.
42. **Legal setback line:** A line established by ordinance beyond which a building may not be built. A legal setback line may be a property line.
43. **Location:** Any lot or parcel of land with or without a building thereon.
44. **Lot:** The entire parcel of land occupied or intended to be occupied by a principal building and its accessory buildings, or by a group such as a dwelling group or automobile court and accessory buildings, including the yards, setbacks and open spaces required by this Land Development Code and other applicable law. When a lot is used together with 1 or more contiguous lots for a single use or unified development, all of the lots so used, including any lots used for off-street parking, shall be considered a single lot.
45. **Maintained in good condition:** A sign condition in which the appearance and structural stability of the sign and its supporting system have been kept in a condition comparable to that of the sign when it was first installed. In no case may the sign or its supporting structure be allowed to become deformed in any manner which will affect its legibility or its ability to withstand the required wind design loads on the sign face or its supporting structure.
46. **Marquee:** A permanent roofed structure attached to and supported by the building and projecting over public right-of-way.
47. **Marquee sign:** A sign that is painted on, printed on or attached flat against the surface of a marquee.
48. **Monument style sign:** A freestanding sign with a base width of at least 80% of the width of the sign cabinet or sign face.
49. **Multi-tenant sign:** A sign that advertises two or more businesses on separate parcels, which utilize common off-street parking, shared access or both.

- 50. Nonstructural trim:** The molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.
- 51. Obsolete sign:** A sign that meets the definition of an abandoned sign.
- 52. Off-premise sign:** A sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located. An ancillary off-premise sign shall not be considered an off-premise sign as long as it remains accessory and incidental (less than 10 % of the advertising) to the operations of an on-premise advertising sign.
- 53. On-premise sign:** A sign directing attention to a business, profession, product, service, or activity conducted, sold or offered on the same premises where the sign is located, or a sign that is otherwise defined as an on-premise sign by this article.
- 54. Parcel:** A contiguous area of land described in a single description or one of a number of lots on a plat, capable of being separately conveyed.
- 55. Permanent foundation:** A system of anchorage against uplift and/or displacement of a sign as a result of the application of maximum design wind load from any direction upon a sign and its supporting structure. A permanent foundation must include a concrete foundation system including concrete of a minimum 28 day compressive strength of 2,500 psi and not less than 3/8 inch anchor bolts penetrating at least seven inches into the concrete foundation system. Minimum depth of concrete below finished grade shall be 12 inches.
- 56. Pole or pylon sign:** A sign that is mounted a freestanding pole or pylon placed in the ground.
- 57. Portable display surface:** A display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure at periodic intervals and is intended for special events.
- 58. Portable sign:** Any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with the sign code. When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category, neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors. Portable Signs and High Impact Signs are mutually exclusive.
- 59. Premise:** A lot, plot or parcel of land, together with the building and structures thereon.
- 60. Projecting sign:** A sign other than a wall sign, which extends more than 12inches from and is supported by a wall of a building or structure.

61. **Projection:** The distance by which a sign extends beyond the building line.
62. **Reader board:** A sign that meets the definition of a changeable copy sign.
63. **Real estate sign:** Any sign advertising the real estate upon which the sign is located as being for sale, sold, or lease.
64. **Roof sign:** A sign erected upon or above a roof or parapet of a building or structure.
65. **Sign:** Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter. Artwork, decorations, and cemetery markers do not constitute signs.
66. **Sign permit:** A written permit granted by the Building Official for the erection, construction, enlargement, relocation or conversion of any on-premises, off-premises, portable or temporary sign for which a permit is required by the sign code.
67. **Snipe sign:** A sign made of any material when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premise upon which such sign is located.
68. **Sign structure:** Any structure which supports or is capable of supporting any sign as defined in the sign code. A sign structure may be a single pole and may or may not be an integral part of the building.
69. **Sponsorship sign:** An accessory portion of an on-premise sign which singularly denotes the sponsorship of a business or entity that purchased or funded the purchase of the sign.
70. **Stacked sign:** An off-premise sign or digital billboard containing two or more billboards grouped vertically regardless of supporting systems.
71. **Static sign:** A sign designed to have a single-fixed or permanent message.
72. **Street frontage:** The length of a parcel's property line that runs parallel to and abuts a public right-of-way (other than an alley) to which the parcel borders.
73. **Structure:** Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.
74. **Subdivision development sign:** A sign advertising a subdivision containing a minimum of 10 lots.

- 75. Temporary sign:** Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.
- 76. Wall sign:** Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.
- 77. Width (of a sign):** The horizontal distance measured at the widest point of the sign, including supports, framing and decorative embellishments.
- 78. Window sign:** A sign that is painted directly on a window or affixed to the inside or outside of a window.