



City of Fergus Falls Committee of the Whole Agenda

October 2, 2024
7:00 am
City Council Chambers

A. Call to Order

B. Roll Call

C. Discussion Items

1. Plantings in City Boulevards

Len Taylor

Requested Action: Recommendation to the council to direct the City Attorney to draft an ordinance update not allowing plantings or landscaping in the city right-of-way (boulevard)

2. WCI Downtown Signage Project

Mallory Jarvi and Wayne Hurley

3. City Project 7774, Lake Alice Grit Chamber Stormwater Improvement Project
Brian Yavarow

Requested Action: Recommendation to the council to accept Interstate Engineering's professional services proposal for final design in the not to exceed amount of \$49,870.00

4. Public Improvement 5352, Friberg and Pebble Lake Road Resurfacing Projects
Brian Yavarow

Requested Action: Recommendation to the council to initiate PI 5362, Friberg Avenue: Lincoln Avenue to Fir Avenue (MSAS 123); Pebble Lake Road: Arlington Street to TH 210 (MSAS 132) Resurfacing Project (STIP) SFY 2026 and to accept Moore Engineering's professional services agreement, through final design, in the amount of \$342,940.00

5. Cannabis Selection Policy

Klara Beck

Requested Action: Recommendation to the council to adopt the Cannabis Selection Policy

6. Sign Ordinance Amendments

Klara Beck

Requested Action: Recommendation to the council to approve the proposed updates to City Code Chapter 154.70 through 154.177 as recommended by the Planning Commission and to direct the City Attorney to draft the ordinance amendments

D. Additional Agenda Items

Announcements

October 7 City Council meeting 5:30 pm
 Fire Department Chili Cook-off/Open House
October 16 Committee of the Whole meeting 7:00 am

Adjourn



Council Action Recommendation

Page 1 of 1

Meeting Date: October 2, 2024

Subject: Right of Way

Recommendation: Motion directing the City Attorney to draft an update to the ordinance that does not allow plantings or other landscaping in the city right of way (boulevard)

Background/Key Points:

(Definition) BOULEVARD. The area between the street and sidewalk or, in the absence of a public sidewalk, the area between the street and property line adjacent to all streets within the city limits.

City ordinance is contradictory in this regard:

95.26 (4): (Native Planting) This section does not allow planting in the boulevard. It states, "The area does not extend into the public right-of-way".

153.05 C: (Registration and Right of Way Occupancy) This section allows planting in the boulevard. It states, "Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter"

- Plantings and other uses in the boulevard interfere with the intended purpose of the right of way (utilities and snow storage)

Budgetary Impact: Cost of recording and publishing the ordinance

Respectfully Submitted: Len Taylor, Public Works Director

Attachments: Code sections

§ 95.26 APPLICATION.

The application for a natural landscape permit, which shall be provided by the City Administrator or designee, shall contain the following:

(A) Name and address of property owner(s);

(B) Site plan showing lot lines, buildings, location of proposed native vegetation, the property's legal description and corner visibility requirements as defined by the city code;

(C) Common names of the native vegetation the applicant plans to cultivate; and

(D) A maintenance plan, which shall include the following:

(1) Prior vegetation is eliminated, and the native vegetation is planted through transplanting or seed by human or mechanical means;

(2) The area is cut at least once per year to a length of no more than six inches, if weeds cover more than 25% of the area;

(3) The area is clearly defined by edging, fence or similar material;

(4) The area does not extend into the public right-of-way; and

(5) A sign is posted on the property in a location likely to be seen by the public, advising that a meadow, prairie or native vegetation are being established. The sign is required only if the native vegetation is in an area likely to be seen by the public. The sign must be in addition to any sign permitted by the city's sign ordinance, but must be no smaller than ten inches square, no larger than one square foot and no higher than three feet tall. The sign is no longer required when weeds cover 25% or less of the area.

(2002 Code, § 6.23) (Ord. 31, Seventh Series, effective 7-25-2015; Ord. 48, effective 10-10-2016; Ord. 68, Seventh Series, effective 6-10-2018)

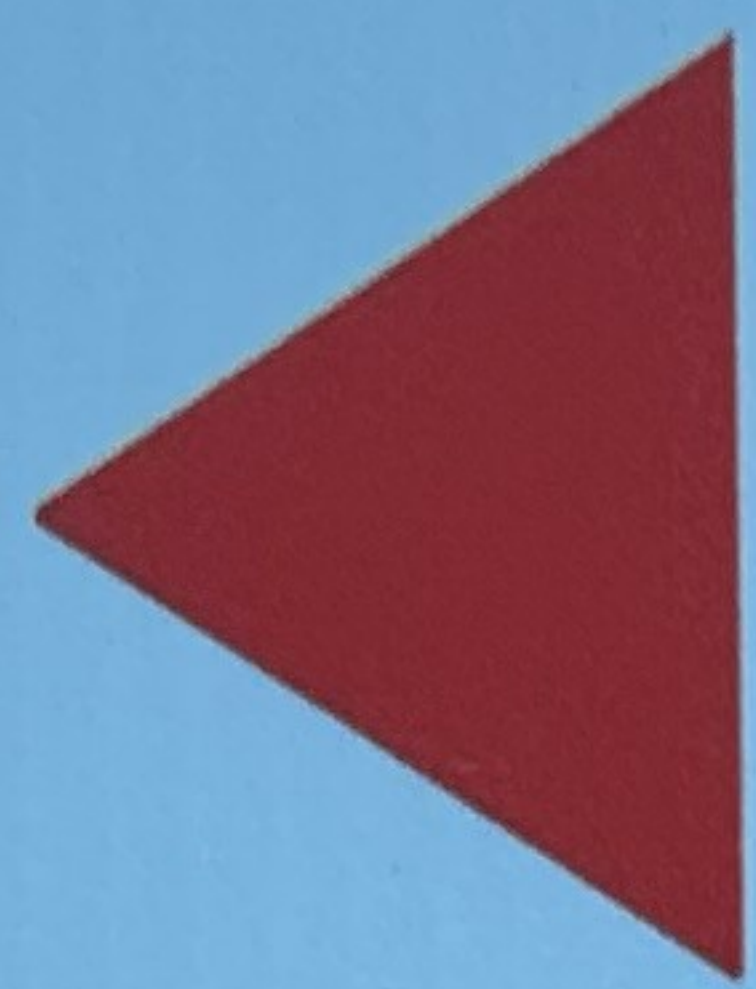
§ 153.05 REGISTRATION AND RIGHT-OF-WAY OCCUPANCY.

(A) *Registration.* Each person who occupies or uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in or on the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information.

(B) *Registration prior to work.* No person may construct, install, repair, remove, relocate or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the city.

(C) *Exceptions.* Nothing herein shall be construed to repeal or amend the provisions of a city ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein relieves a person from complying with the provisions of the M.S. Ch. 216D, Gopher One Call Law, as it may be amended from time to time.

(2002 Code, § 5.04) (Ord. 154, Second Series, effective 1-1-1979; Ord. 80, Seventh Series, effective 4-5-2019)



Children's Museum



4 min.

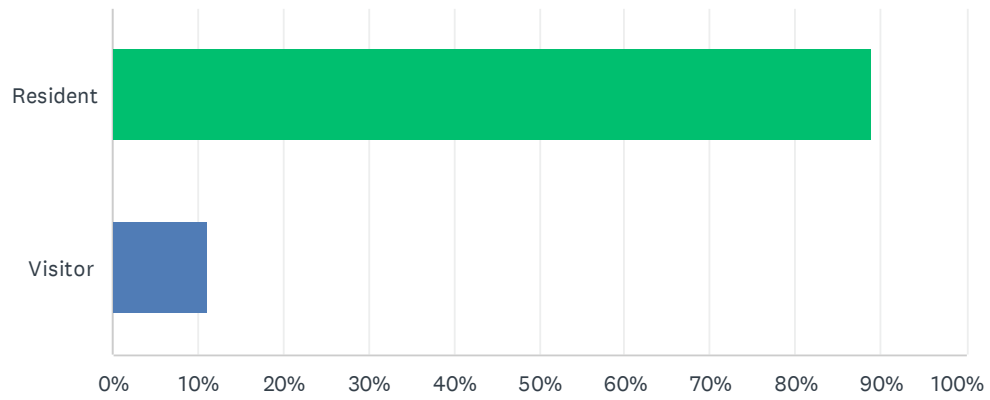


1 min.



Q1 Are you a resident or visitor of Fergus Falls?

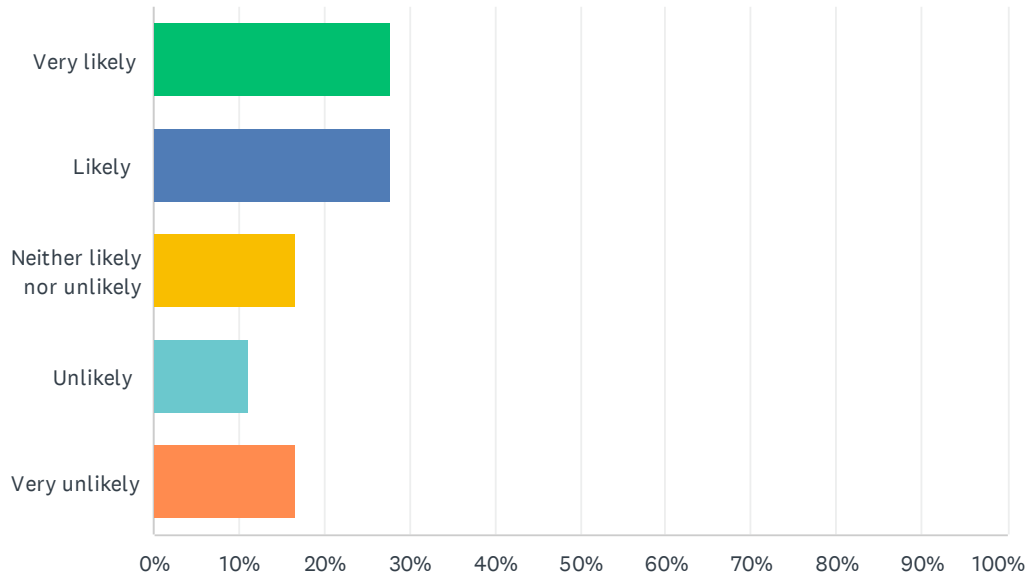
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Resident	88.89%	16
Visitor	11.11%	2
TOTAL		18

Q2 How likely were you to walk or bike to a destination based on the wayfinding signs.

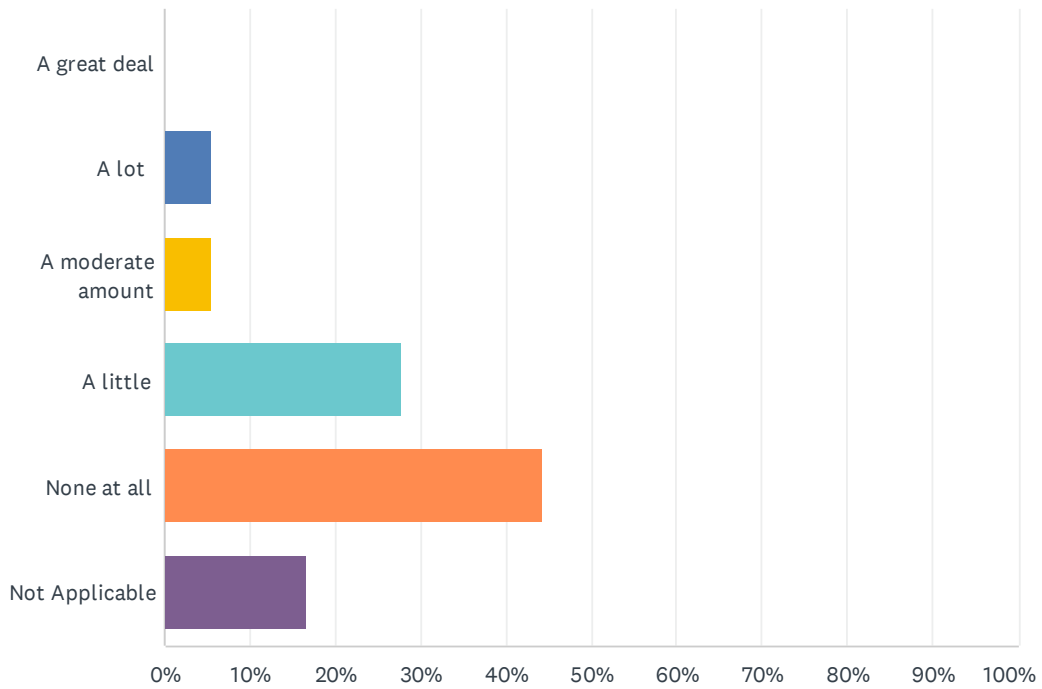
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very likely	27.78%	5
Likely	27.78%	5
Neither likely nor unlikely	16.67%	3
Unlikely	11.11%	2
Very unlikely	16.67%	3
TOTAL		18

Q3 Were you surprised at all by the length of time to reach destinations?

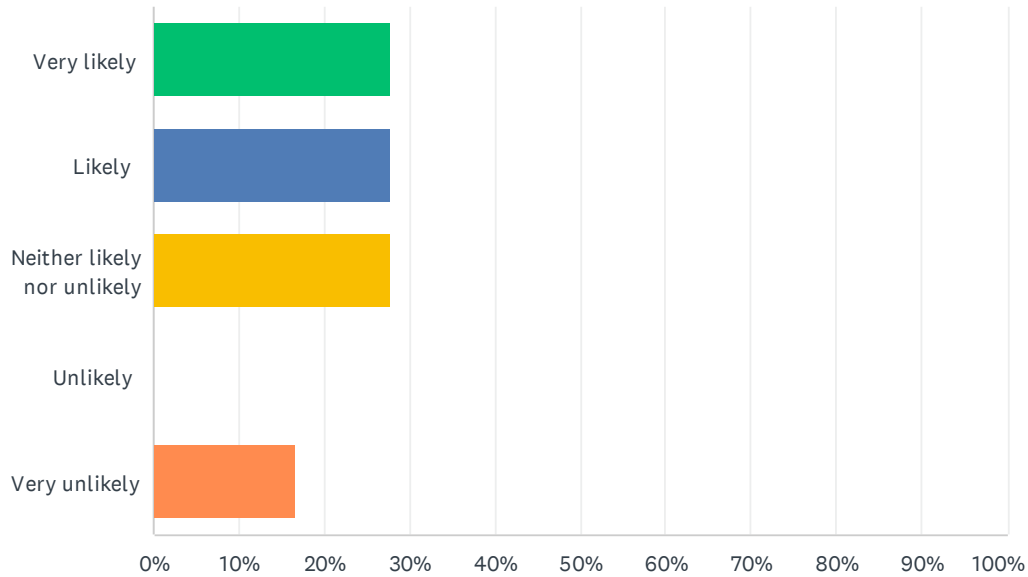
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES
A great deal	0.00% 0
A lot	5.56% 1
A moderate amount	5.56% 1
A little	27.78% 5
None at all	44.44% 8
Not Applicable	16.67% 3
TOTAL	18

Q4 Are you more or less likely to walk or bike to destinations in Fergus Falls in the future based on the information on the wayfinding signs?

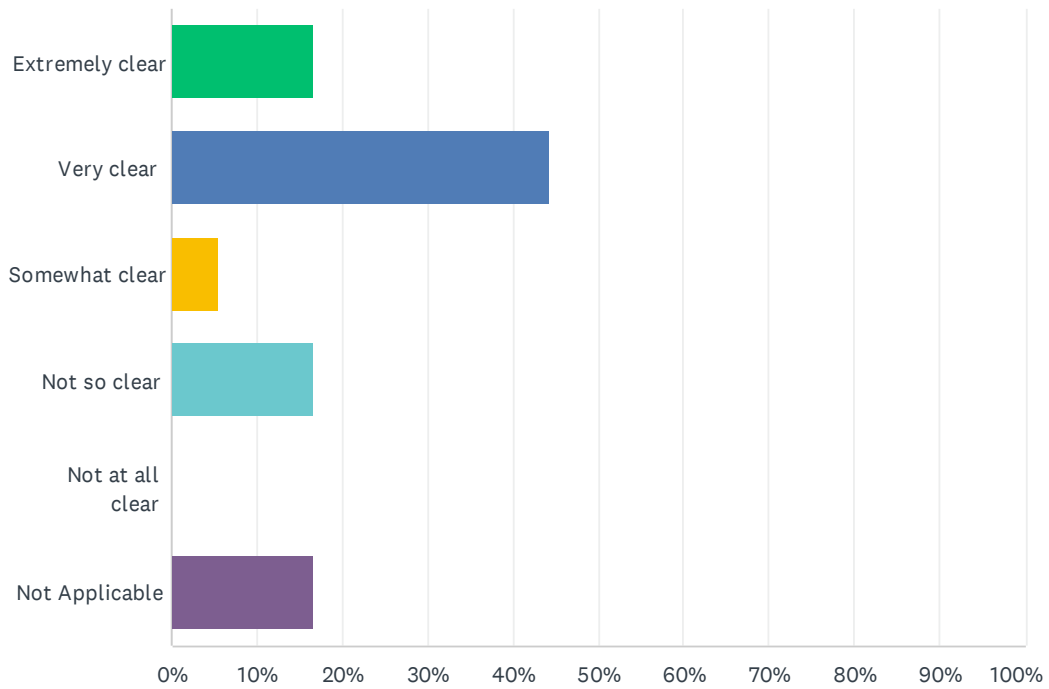
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very likely	27.78%	5
Likely	27.78%	5
Neither likely nor unlikely	27.78%	5
Unlikely	0.00%	0
Very unlikely	16.67%	3
TOTAL		18

Q5 How clear were the directions and time to reach the destinations?

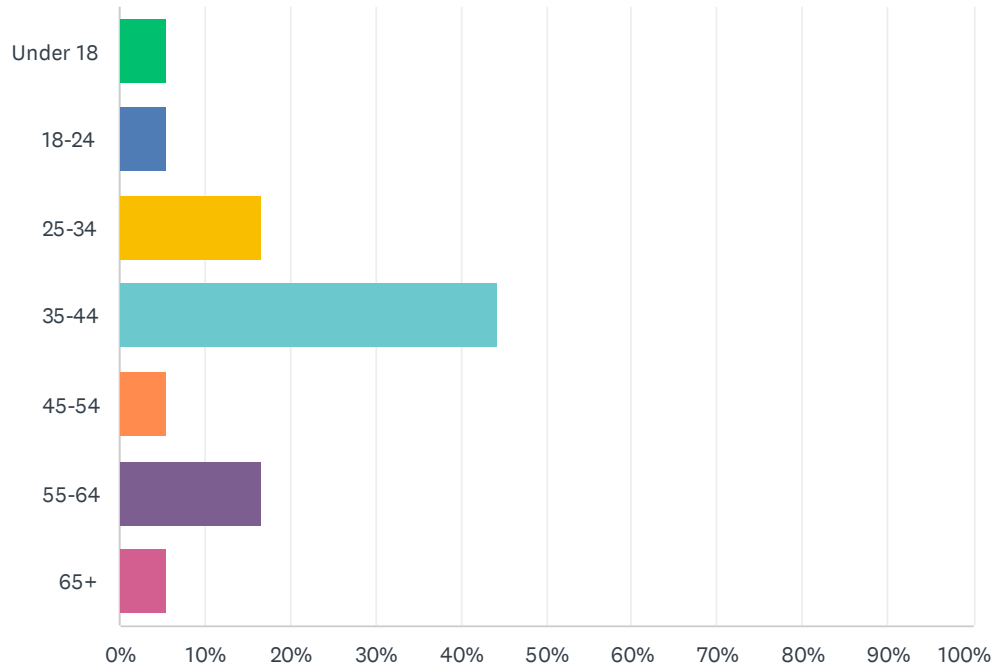
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Extremely clear	16.67%	3
Very clear	44.44%	8
Somewhat clear	5.56%	1
Not so clear	16.67%	3
Not at all clear	0.00%	0
Not Applicable	16.67%	3
TOTAL		18

Q6 Please select age range.

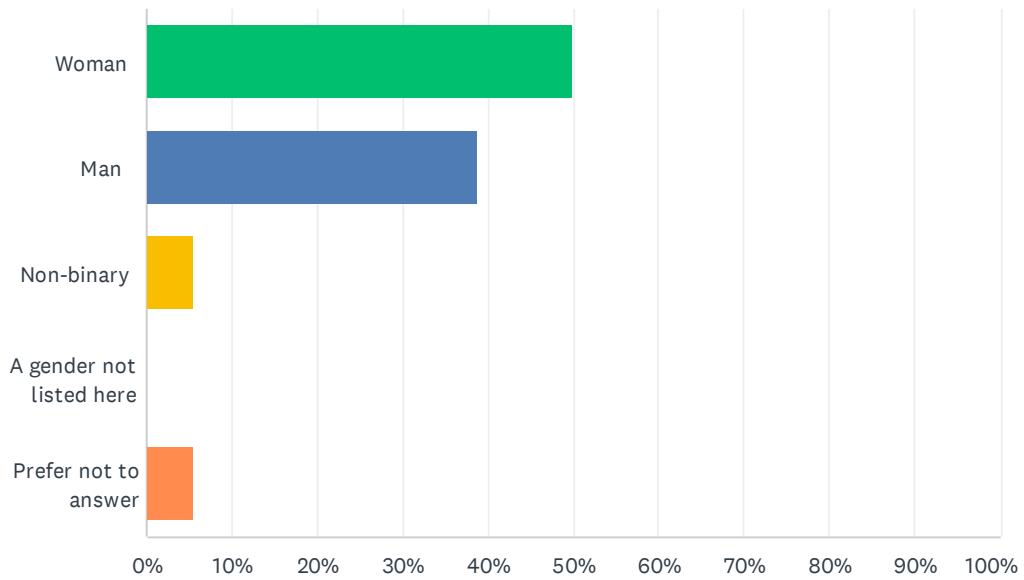
Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Under 18	5.56%	1
18-24	5.56%	1
25-34	16.67%	3
35-44	44.44%	8
45-54	5.56%	1
55-64	16.67%	3
65+	5.56%	1
TOTAL		18

Q7 Which of the following options most closely aligns with your gender?

Answered: 18 Skipped: 0



ANSWER CHOICES	RESPONSES	
Woman	50.00%	9
Man	38.89%	7
Non-binary	5.56%	1
A gender not listed here	0.00%	0
Prefer not to answer	5.56%	1
TOTAL		18



Council Action Recommendation

Page 1 of 1

Meeting Date:

October 2, 2024 – Committee of the Whole

October 7, 2024 – City Council

Subject:

City Project No. 7774 – Lake Alice Grit Chamber Stormwater Improvement Project

Recommendation:

- Resolution accepting Interstate Engineering’s professional services proposal for final design in the not to exceed amount of \$49,870.00

Background/Key Points:

Interstate Engineering provided a professional engineering services proposal for final design in the amount of \$49,870.00. Interstate Engineering’s design service fees are consistent with the preliminary total estimated project cost.

If acceptable, Interstate Engineering and staff will begin the preliminary design and identify the optimal location to construct these water quality improvement structures. Construction is tentatively scheduled for summer, 2025.

Budgetary Impact:

The total estimated project cost is \$686,000. The City was awarded \$500,000.00 from the Lessard-Sams Outdoor Heritage Council. The remaining \$186,000 is proposed to be funded thru the City Stormwater Enterprise fund to fully fund this project.

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:



Council Action Recommendation

Page 1 of 2

Meeting Date:

October 2, 2024 – Committee of the Whole

October 7, 2024 – City Council

Subject:

PI 5352 – Friberg Avenue from Lincoln Avenue to Fir Avenue (MSAS 123)

Pebble Lake Road from Arlington Street to TH 210 (MSAS 132)

Resurfacing Project (STIP) SFY 2026

Recommendation:

1. Initiate Public Improvement No. 5352
2. Accept Moore Engineering's professional services agreement, through final design, in the amount of \$342,940.00

Background/Key Points:

The City of Fergus Falls programmed Friberg Avenue from Lincoln Avenue to Fir Avenue and Pebble Lake Road from Arlington Street to TH 210 to receive a bituminous mill & overlay in 2026 through the State Transportation Improvement Program (STIP).

The current project work scope consists of approximately 1.82 miles of street resurfacing (mill & overlay), base patching, and ADA improvements as required throughout the project limits. Please refer to the attached location map for additional detail.

Construction is scheduled for Spring 2026. This project is funded with federal aid, through the Delegated Contract Process (DCP) which requires significant lead time to complete the necessary steps.

Budgetary Impact:

This project is proposed be funded 100-percent thru Federal and State Aid funds. The preliminary estimate construction cost is \$2,255,000. The preliminary cost shares are:

Federal Share: 80-percent for construction only (max. rate)

State Aid Share: 20-percent construction (match Federal funds) engineering design (Moore) and contract administration

Originating Department:

Engineering Department

Respectfully Submitted:

Brian Yavarow, P.E. – City Engineer

Attachments:

PI 5352 – Project Location Map



2026 STIP LOCATION MAP FRIBERG AVENUE AND PEBBLE LAKE ROAD

This map has been compiled from information on file at the City of Fergus Falls Engineering Department. The City of Fergus Falls makes no representation and assumes no liability for errors, omissions, or inaccuracies contained on this map. This map should not be used for boundary survey information.





Council Action Recommendation

Page 1 of 1

Meeting Date: October 2, 2024 Committee of the Whole
October 7, 2024 City Council Meeting

Subject: Cannabis Selection Policy

Recommendation: Recommendation to the council to adopt the Cannabis Selection Policy

Background/Key Points: On August 19, 2024, the City Council adopted Ordinance 59, Eighth Series entitled Cannabis Business and Sales. Section 121.08.4 of this ordinance states “If multiple applications for a state-licensed cannabis retail business are received within a 30-day period and the total would exceed the maximum number of registered businesses permitted under section 121.11, City Council may create a policy regarding the selection policy.”

The Council Cannabis Committee reviewed the proposed selection policy and it is their recommendation the council adopt the attached draft policy.

Budgetary Impact: None

Respectfully Submitted: Klara Beck

Attachments: City of Fergus Falls Cannabis Selection Policy

City of Fergus Falls Cannabis Selection Policy

Minnesota Statutes Chapter 342 authorizes the City of Fergus Falls to protect the public health, safety and welfare of city residents by regulating cannabis businesses within the legal boundaries of the City of Fergus Falls. This policy establishes guidelines for selecting who shall receive a cannabis retailer license within the City of Fergus Falls.

Number of Licenses

The city shall issue at least one registration for a cannabis retail business and may issue up to two. *Fergus Falls City Code §121.06*

Registration Process

No individual or entity may operate a state-licensed cannabis retail business within the City of Fergus Falls without first registering with the City of Fergus Falls.

Fergus Falls City Code §121.06

The City of Fergus Falls only accepts applications for an individual or entity from the Office of Cannabis Management for retail registration.

Compliance Checks

Prior to issuance of a cannabis retail businesses registration, the City of Fergus Falls shall conduct a preliminary compliance check to ensure compliance with local ordinances. All cannabis businesses must comply with local zoning ordinances and state building and fire codes. *Fergus Falls City Code §121.07*

Applications

The City of Fergus Falls shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22. Applicants must fill out an application form, as provided by the City of Fergus Falls, that includes:

- The full name of the property owner and applicant
- Address, email address and telephone number of the applicant
- The address and parcel ID for the property which the retail registration is sought
- Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn Stat. 342.13
- Application fee
- Consent to background check by Fergus Falls Police Department
- Copy of a valid state license or written license of OCM license preapproval
- Site plan
- Security plan
- Signage plan
- Odor control plan
- Waste control plan

Fergus Falls City Code §121.08.2

Selection Process

If multiple applications for a state-licensed cannabis retail business are received within a 30-day period and the total would exceed the maximum number of registered businesses permitted, the council will score and prioritize the applications based on the criteria outlined below.

The highest-scoring applications will be prioritized to ensure that the most compliant, well-planned, and economically beneficial businesses are approved. Each application will be evaluated based on the following criteria, with a maximum possible score of 60 points:

1. **Compliance with State and Local Regulations (20 points):**
 - a. Complete application packet for retail registration (10 points)
 - b. Comprehensive site plan(s) indicating adherence to local zoning laws, including distance from schools, parks, daycares, and residential treatment facilities (10 points).
2. **Business Plan (20 points):**
 - a. Operations plan, including odor control and waste management plans, and overall business strategy (10 points).
 - b. Procedures for ensuring product safety and quality, including third-party testing (5 points).
 - c. Financial stability and funding (5 points).
3. **Experience and Qualifications (10 point):**
4. **Qualifications and backgrounds of the management team (10 points).**
5. **Economic Impact (10 points):**
 - a. Potential for job creation and local economic investment (5 points)
 - b. Ownership is local or regional (5 points).

The City Council reserves the right to revoke this policy or implement additional requirements if public safety or city regulations are compromised.

POLICY ADOPTED ON ____ 2024 BY RESOLUTION # ____



Council Action Recommendation

Page 1 of 1

Meeting Date:

October 3, 2024- Committee of the Whole

Subject:

Ordinance amending City Code Chapter 154.70 through 154.177, Signs.

Recommendation:

Approve proposed updates to City Code Chapter 154.70 through 154.177 as recommended by the Planning Commission and start the ordinance adoption process.

Background/Key Points:

City Code Chapter 154.70 through 154.177 covers rules about signs in all zones of the city. Over the years, city staff has received feedback that the sign ordinance could use updating. Planning Commission has therefore taken the time to respond to that feedback with a comprehensive overhaul of sign code.

The proposed ordinance amendment introduces several updates to the city's sign regulations. Modeled on language from the City of Hopkins and Duluth, MN, the amendment introduces definitions for various types of signs and associated terminology, specifies exemptions to the code, clarifies computation methods and the permitting process, updates regulations for temporary signs based on community feedback, adds a stand-alone section for billboards, and includes tables detailing the permitted sizes, locations, and types of signs for all zoning districts.

Budgetary Impact:

Publishing costs (TBD)

Respectfully Submitted:

Klara Beck
Community Development Director

Attachments:

Draft ordinance amending chapters on signs.

ORDINANCE NO. 62, EIGHTH SERIES

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CITY CODE
CHAPTER 154.170 THROUGH 154.177 ENTITLED
SIGNS.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. Amendment. Fergus Falls City Code Chapter 154.170 through 154.177 entitled Signs is hereby amended as follows:

SIGNS

§154.170 GENERALLY.

All signs hereafter erected or maintained, except official, traffic and street signs, shall conform with the provisions of this subchapter and any other ordinances or regulations of the city.

(2002 Code, § 7.40) (Ord. 324, effective 11-20-1965; Ord. 106, Second Series, effective 3-15-1977; Ord. 156, Second Series, effective 1-1-1979; Ord. 9, Third Series, effective 7-15-1979; Ord. 123, Sixth Series, effective 8-26-2010; Ord. 146, Sixth Series, effective 5-25-2013; Ord. 150, Sixth Series, effective 7-20-2013; Ord. 14, Seventh Series, effective 9-20-2014) Penalty, see § 154.999

§154.171 FINDINGS, PURPOSE AND EFFECT.

A. *Findings.* The city council 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 traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The city's zoning regulations have, since as early as 1965, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has

had a positive impact on traffic safety and the appearance of the community.

- B. *Purpose and intent.* It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:
1. Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
 2. Maintain, enhance, and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.
 3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.
 4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.
- C. *Effect.* A sign may be erected, mounted, displayed, or maintained in the city if it is in conformance with the provisions of this article. The effect of this article, as more specifically set forth herein, is to:
1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this article.
 2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this article.
 3. Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
 4. Provide for the enforcement of the provisions of this article.

§154.172 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this article. The city council hereby declares that it would have adopted this article in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

§154.173 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign. Any sign that pertains to a time, event or purpose which no longer applies shall be deemed to have been abandoned. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned unless the display surface and/ or its supporting sign structure are maintained without reference to the purpose of the previous structure. Signs which are present because of being legally established non-conforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of the term "abandoned sign."

Awning means a roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning which also projects over a door shall be counted as an awning.

Awning sign means a building sign or graphic printed on or in some fashion attached directly to the awning material.

Banner means a temporary sign constructed of a non-rigid material.

Billboard or electronic billboard means a large outdoor board for displaying advertisements.

Campaign sign means any sign that contains the name of, image of, or any message regarding a candidate in any election or that contains a message or identification of an issue in any election. Campaign signs are also considered non-commercial language.

Canopy means a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable copy sign. A sign which allows characters, letters, or illustrations to be changed without altering the sign.

Commercial speech means speech advertising a business, profession, commodity, service, or entertainment.

Elevation means the view of the side, front, or rear of a given structures.

Electronic message center (EMC) means a sign that can display words, symbols, figures or images that can be electronically changed by remote or automatic means for on-site promotional purposes and/ or to promote non-commercial messages.

Feather sign means a temporary sign constructed of cloth, canvas, plastic fabric, or similar lightweight, non-rigid material and supported by a single vertical pole mounted into the ground or on a portable structure.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign means a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. The term "flashing sign" also means any mode of lighting which resembles zooming, twinkling, or sparkling.

Freestanding sign means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

Ground sign or monument sign means any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding eight feet.

Height of sign means the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated sign means any sign which contains an element designed to emanate artificial light internally or externally.

Marquee means any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign means any building sign painted, mounted, constructed or attached in any manner on a marquee.

Menu board sign means a sign erected as part of a drive-through facility used to display and order products and services available through a drive-through business.

Monument sign see ground sign.

Multiple tenant site means any site which has more than one tenant, and each tenant has a separate ground level exterior public entrance.

Non-commercial speech means dissemination of messages not classified as commercial speech, which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics. See also "campaign signs".

Non-conforming sign means any sign and its support structure lawfully erected prior to the effective date of this chapter which fails to conform to the requirements of this chapter. A sign which was erected in accordance with a variance granted prior to the adoption of the ordinance from which this chapter is derived and which does not comply with this chapter shall be deemed to be a legal non-conforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Off-premises sign means a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. For the purposes of this article, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premises sign.

On-premises messages means identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Owner means, in the case of a lot, the legal owner of the lot as officially recorded by the county, and including fee owners, contract for deed purchasers, and ground lessees. The term "owner" means, in the case of a sign, the owner of the sign, including any lessees.

Pole sign. See *Pylon sign*.

Portable sign means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Projecting sign means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two feet beyond the surface or such building or wall face.

Public street right-of-way, or right-of-way, means the entire right-of-way of any public street.

Pylon sign means any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated aboveground level by poles or beams and with the area below the sign face open.

Roof means the exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of the Uniform Building Code.

Roof line means the upper-most edge of the roof or in the case of an extended facade or parapet, the upper- most height of said facade.

Rotating or moving sign means a sign or portion of a sign which turns about on an axis.

Sandwich board signs are freestanding "A" frame-style signs with two faces or sides.

Shimmering sign means a sign which reflects an oscillating, sometimes distorted visual image.

Sign means any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Sign face means the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure means any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Stringer means a line of string, rope, cording, or an equivalent to which is attached a number of pennants.

Unsightly means the sign or its structure have not been maintained in order to prevent their deterioration due to weather, rot, or other damaging conditions, or are not free from loose or broken materials.

Visible means capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Wall sign means any building sign attached parallel to, but within two feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign means any building sign, pictures, symbol, or combination thereof designed to communicate information about an activity, business, commodity,

event, sale, or service that is placed upon the windowpanes or glass and is visible from the exterior of the window. This includes the glass of a glass door.

§154.174 ELECTRICAL SIGNS.

Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement.

§154.175 UNAUTHORIZED SIGNS.

The following signs are unauthorized signs and are prohibited by this section:

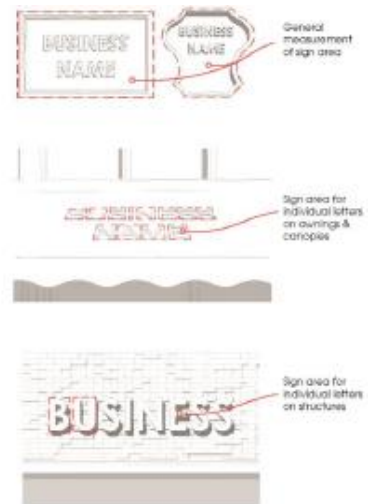
1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
2. Signs painted, attached or in any other manner affixed to trees, rocks, or similar natural surfaces, or attached to public utility poles, bridges, towers, or similar public structures.

§154.176 COMPUTATION METHODS.

1. General measurement of sign area. Sign area is measured as follows:

a) For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supports or bracing, unless such framework or bracing is part of the message or sign face; For signs consisting of freestanding letters or logos, the sign area is calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face;

b) For awning and canopy signs, the sign area is the printed area of the awning or canopy, calculated as the total area of each square, circle, rectangle or triangle, or combination thereof, that encompasses each individual letter or logo.



c) If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back-to-back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area;

d) Necessary supports or uprights on which the sign is erected are not included in the sign area computation.

2. General measurement of sign height:

a) Pole sign height is measured from the grade to the uppermost point of the sign. Grade is established by the elevation of the back of curb or, if no curb exists, from the edge of pavement at the center of the abutting street frontage where the sign will be erected. The pole sign height may also be measured from the natural slope of the lot where the sign will be erected;

b) Monument sign height is measured from the existing lowest point of the ground where the monument sign is to be installed to the uppermost point of a sign.

§154.177 SIGNS ON CANOPIES, MARQUEES AND FIXED AWNINGS.

No marquee, awning, canopy, or similar architectural element shall be used for advertising purposes except as specifically provided in this section.

- No wood, paper, cloth, or temporary sign shall be hung or attached to any such architectural element.
- Canopies, marquees, and fixed awnings containing signage must comply with all dimensional restrictions and placement requirements outlined for awnings, canopies, and marquees in section §154.176 COMPUTATION METHODS.

The provisions of this subsection do not prohibit the erection and maintenance of signs, either illuminated or not illuminated, which are on the sides of a marquee which is firmly attached to and a part of a theatre, providing such signs are an integral part of the marquee.

§ 154.178 BILLBOARDS

The following regulations shall apply to billboards:
SEE TABLE

§ 154.179 SIGNS IN R-A, R-1, R-2, R-3, R-4 AND R-5 DISTRICTS

In all classes of residence districts, the following regulations shall apply to signs:
SEE TABLE

§ 154.180 SIGNS IN B-1 DISTRICT

In the B-1 district, the following regulations shall apply to signs:
SEE TABLE

§ 154.181 SIGNS IN B-2, B-3, B-4, B-5 AND B-6 DISTRICTS

In the B-2, B-3, B-4 B-5 AND B-6 districts, the following regulations shall apply to signs:

SEE TABLE

§ 154.182 SIGNS IN I-1 AND I-2 DISTRICTS

In all classes of industrial districts, the following regulations shall apply to signs:
SEE TABLE

§154.183 TEMPORARY SIGNS AND COMMUNITY EVENTS.

All temporary signs, including those related to community events, hereafter erected or maintained, shall conform with the provisions of this section.

1. **TEMPORARY SIGNS** are those signs which identify a special, unique, or limited activity, service, product, or sale of limited duration and are not affixed to a permanent structure and are removed immediately after the event they advertise.
 - a) Temporary signs may be erected not more than thirty (30) days before an event, maintained for a period of not more than 120 days, and shall be removed within three (3) days of the cessation of the activity, service, project, or sale.
 - b) Temporary signs include banner signs, feathers, freestanding changeable text signs, or signs affixed to a vehicle or trailer or any other similar sign as determined by the Zoning Administrator.
 - c) Temporary signage may be used to identify individuals or products involved in the construction of a building or related to community, non-profit, religious, and school district or youth-related events, including farmers markets, concerts, or any other similar events as determined by the Zoning Administrator or their designees.
 - d) Temporary signs shall be professionally painted and/or made of superior quality weather and wind-resistant materials. Signs shall not be illuminated or contain electronic moving parts.
 - e) Temporary signs shall be anchored or temporarily affixed in a manner to prevent being blown away or blown over.
 - f) A temporary sign shall not be larger than forty (40) square feet in gross service area for each exposed face area, nor more than six (6) feet in height above grade.
 - g) A temporary sign is to be located in the front yard of the lot and shall not extend over any property line or be placed within 15 feet of any driveway access to a public street. No temporary sign placed within 100 feet of an area zoned for residential use may have blinking, flashing, rotating, or fluttering lights or other illuminating devices that have a change in intensity, brightness, or color.
 - h) All temporary signs must be kept in good repair and in a proper state of maintenance. If the city determines a sign is in need of repair, the city may, after written notice, remove the sign and issue an administrative fine.

- i) Temporary signs which have been placed within any portion of any right-of-way may be confiscated under the direction of the city's Code Enforcement Officer.
 - j) The erection of temporary signs shall be exempt from the requirements of § 114.20 through 114.23 of this code of ordinances, as amended.
2. **COMMUNITY EVENTS:** The city may determine that a temporary sign is for a community-wide event or a non-profit event. Temporary signs advertising a community-wide event or sponsored by a non-profit agency may be located in the Van Dyk and Triangle Parks with the permission of the City Administrator's office. The temporary signs may be located in the park for a maximum of 14 days. The number of signs allowed in each park shall be two (2) at any one time.

§154.184 ELECTRONIC MESSAGE CENTERS (EMCs)

Limitations:

- One electronic message center sign per property is permitted and may promote non-commercial messages as well. A double-sided configuration will be considered a single sign when applicable.
- Flashing, blinking, and strobing features are prohibited.
- Multiple electronic message center signs on a single property require a conditional use permit.
- EMCs are permitted only in non-residential zoning districts.
- EMCs may be located within 400 feet of or within a residential zoning district under specific conditions, including positioning, operating hours, and additional restrictions as determined by the Planning Commission.
- Automatic dimming technology is required to adjust brightness based on ambient light conditions.
- Message brightness must not exceed specified foot-candle levels at certain distances, and light should not cause glare or impair drivers' vision.
- Prohibition of traffic signal and/or emergency vehicle signal colors if potential problems are identified.
- EMCs must not exceed the maximum sign area for the applicable zoning district and are limited to one dynamic display per sign.
- EMCs must have a mechanism to immediately discontinue the display in case of malfunction, and owners must cease operation until compliance is restored.

These regulations aim to ensure that EMCs are installed and operated responsibly, considering their impact on the surrounding environment and community.

154.185 GENERAL PROVISIONS. **Replaces §154.176**

The following regulations shall apply to all signs hereinafter permitted in all districts.

- A. Except as provided in the following regulations, commercial signs shall not be permitted within the public right-of-way or easements, except that the Council may grant special permits for temporary signs and decorations to be strung across the right-of-way.
- B. Signs painted on a building shall be governed by the square footage limitations specified in the appropriate zoning districts. These shall be repainted when required and be kept in good condition and shall be repainted, removed or painted out when in the opinion of the Council they are not so maintained.
- C. No sign shall project more than four feet over a public right-of-way, except where located on the edge or face of marquees or awnings and except where hanging below a covered walk or marquee, in which case the sign may

extend to the outer edge of the covered walk or marquee. Any sign projecting over a public right-of-way must be at least eight feet above the walk or ground grade line.

- D. No signs shall project more than 24 inches across a required front or side yard, except as allowed in this section, and except:
 - (1) In B-2, B-5 and B-6, Business Districts, signs shall not be subject to front yard requirements;
 - (2) In all classes of residence districts signs may not be located closer than 15 feet of any property line that abuts any of the classes of residence districts;
 - (3) In an I-1, Planned Industrial District, signs may not be located in any front yard or in any side yard or rear yard that abuts any of the classes of residence districts, and in no instance shall signs be located within 15 feet of a front, side or rear property line; and
 - (4) In an I-2, General Industrial District, signs may not be located within 15 feet of any property line that abuts any of the classes of residence districts.
- E. No sign, excluding window signs, shall be permitted to obstruct any window, door, fire escape stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- F. The owner, lessee or manager of the ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which sign is located.
- G. Signs which may be or may hereafter become rotted, unsafe or unsightly shall be repaired or removed by the sign owner or owner of the property upon which the sign stands upon notice of the Code Enforcement Officer.
- H. External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property.
 - (1) Where a sign is illuminated, the source of light shall not be directed into any part of a residence or into any of the classes of residence districts.

154.186 PERMIT REQUIRED Replaces §154.177

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit. Application for a permit shall be in writing addressed to the zoning administrator and shall contain the following information:

1. Names, address, and signature of the applicant;

2. Name, address, and signature of the property owner, if different than applicant;
3. Contractor;
4. The address at which any signs are to be erected;
5. The property zoning designation;
6. A complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placement of the signs;
7. Type of sign (i.e., wall sign, monument sign, etc.); and;
8. Certification by applicant indicating the application complies with all requirements of this article.

The zoning administrator shall approve or deny the sign permit in an expedited manner no more than 30 days from the receipt of the complete application, including applicable fee. All permits not approved or denied within 30 days shall be deemed approved. If the permit is denied, the issuing authority shall prepare a written notice of denial describing the reasons for denial within ten days of its decision.

§154.187 EXEMPTIONS.

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this article or any other law or ordinance regulating the same.

1. The changing of the display surface on a painted or printed sign only.
2. Any sign required by federal, state, or local law or a public utility company.
3. Any sign inside a building.
4. Works of art with no commercial message.
5. Temporary lost/ found pet signs provided the lost/ found sign shall include the date of original posting and are only allowed for thirty days.
6. "No trespassing", "no hunting", "no fishing" or "no loitering" or similar sign which do not exceed two (2) feet by three (3) feet in area.
7. Menu board signs as an accessory use to a restaurant with a drive-thru window.
8. Sandwich board signs shall be allowed within all business zoning districts subject to the following regulations:
 - One (1) sandwich board sign is permitted per site entry or one per tenant for multi-tenant sites. Sandwich board signs shall be placed only on the business property or be located within ten feet of the business entry.
 - Sandwich board signs shall be located so as to maintain a minimum four (4) foot pedestrian walkway unless additional setback is necessary due to high-volume pedestrian traffic as determined by the zoning administrator, except that, in the area bounded by Cavour

Avenue on the north, Whitford and Friberg Avenues on the east, Washington Avenue on the south, and Vine Street on the west, sandwich boards may be placed on public sidewalks directly in front of the business being advertised. The owner of a property on which the sandwich sign is to be located in the public right-of-way will agree to hold harmless the City of Fergus Falls in case of any occurrence leading to liability claims including, without limitation, bodily injury, death and property damage.

- Sandwich board signs shall not block driveways, entryways, parking spaces and pedestrian accesses, create a safety hazard or obstruct vehicular/pedestrian traffic visibility.
 - Sandwich board signs shall only be displayed during the hours when the business is open to the public.
 - Sandwich board signs shall be professionally painted and/or made of superior quality weather and wind resistant materials. Signs shall not be illuminated or contain electronic moving parts.
9. Flags and flagpoles, provided that there shall not be more than two flags on a flagpole at any time and no flag or flagpole on any residential lot shall bear a commercial message.
 10. Garage sale signs, provided signs are in compliance with *Chapter 118: Garage and Rummage Sales*.
 11. Non-commercial signs when permanently or temporarily installed in a residential zone.
 12. Campaign signs. All signs of any size containing the name of, image of, or any message regarding a candidate in any election or that contains a message or identification of an issue in any election may be posted in any number from 46 days before the state primary in a state general election year until ten (10) days following the general election in accordance with M.S. § 211B.045. All such signs or posters shall be confined to private property. No such sign or poster shall be within any polling place or within 100 feet of the building in which any polling place is situated on the date of any public election held within the city.
 13. Window signs displaying commercial speech, both temporary and permanent. The area of window signage shall not be included in the calculation of square footage limitations specified in the appropriate zoning districts. Window signs shall be well maintained. Window signs will be removed within 30 days following cessation of on-site business activities.

Section 2. Summary Publication. Pursuant to Minn. Stat. §412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance.

**AN ORDINANCE OF THE CITY OF FERGUS
FALLS, MINNESOTA, AMENDING CITY CODE
CHAPTER 154.170 THROUGH 154.177 ENTITLED
SIGNS.**

Section 3. Effective date. The effective date of this ordinance shall be the
_____ day of _____, 2024.

THIS ORDINANCE was introduced on the _____ day of _____
2024, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the
_____ day of _____, 2024, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Fergus Falls Daily Journal on _____.

barb/acityoffergusfalls/ords/8thseries/Ord62

§ 154.178 BILLBOARDS

B-1 Business District

Billboards not permitted.

B-2, B-3, and B-4 Business Districts; B-5 and B-6 Shopping Center Business District; all Industrial Districts

No billboards shall be erected closer than 800 feet to any existing billboard on the same side of the road except back-to-back. The structure may not contain more than two signs per facing nor exceed 55 feet in total length. No billboard may be erected within 100 feet of an adjoining residential district. Billboards may be illuminated.

§ 154.179 SIGNS IN R-A, R-1, R-2, R-3, R-4 AND R-5 DISTRICTS

Nameplate Sign

- Description: Identifies the owner or occupant.
- Surface Area: Not to exceed 2 square feet.
- Height: Not specified.
- Illumination: Allowed.

Lease/Sale Sign

- Description: Pertains to the lease or sale of the property.
- Surface Area: Not to exceed 12 square feet.
- Height: Not specified.
- Illumination: Allowed.

Temporary Subdivision Development Signs

- Description: Advertises a new subdivision or development.
- Surface Area: 96 square feet maximum for the main sign, 12 square feet maximum for additional signs.
- Height: Maximum 15 feet, minimum 2 feet above ground.
- Illumination: Not allowed.

Temporary Construction Sign

- Description: Identifies the engineer, architect, contractor, or owner involved in the construction.
- Surface Area: Not to exceed 96 square feet.
- Height: Maximum 15 feet, minimum 2 feet above ground.
- Illumination: Not allowed.

Identification Sign for Institutions

- Description: For institutions such as churches, schools, hospitals, libraries, etc.

- Surface Area: Not to exceed 48 square feet.
- Height: Not specified.
- Illumination: Allowed.

§ 154.180 SIGNS IN B-1 DISTRICT

Identification Sign

- Description: For institutions such as churches, schools, hospitals, libraries, etc or and for groups of dwelling units
- Details: Max 48 sq. Ft. Signs may indicate the names and addresses of the buildings.
- Illumination: Allowed

Business/Professional Office Signs

- Details: Max 48 sq. ft. or 10% of wall area (whichever is greater); two signs allowed on corner lots
- Illumination: Allowed
- Roof/Marquee Signs
- Details: Max 48 sq. Ft. or 10% of wall area (whichever is greater)
- Illumination: Allowed

Signs on Roof, Covered Walk, or Marquee

- Details: Max 48 sq. Ft. or 10% of wall area (whichever is greater)
- Illumination: Allowed
- Rotating and Flashing Signs
- Details: Not permitted

Sign Height

Cannot project more than 6 feet above the building or 24 feet above average grade.

§ 154.181 SIGNS IN B-2, B-3, B-4, B-5 AND B-6 DISTRICTS

B-2, B-3 and B-4

Front Signs

- Area Maximum: 2 square feet per linear foot of lot frontage; cannot exceed 300 square feet per sign.
- Illumination: Allowed.

Rear Signs

- Area Maximum: 2 square feet per linear foot of rear lot line; cannot exceed 100 square feet per sign.
- Illumination: Allowed.

Side Signs

- Area Maximum: Maximum area is 1/3 of 2 square feet per linear foot of side lot line; not exceeding 200 square feet per sign.
- Illumination: Allowed.

Signs on Roof, Covered Walk, or Marquee

- Area Maximum: Follows the same area maximums set for front, rear, or side signs.
- Illumination: Allowed.

Rotating and Flashing Signs

- Area Maximum: Permitted only by conditional use permit.
- Illumination: N/A

Sign Height

Signs cannot project more than 15 feet above the building or roofline.

[B-5 and B-6 Districts](#)

Pylon/Ground Identification Signs (B-5 District)

- Area Maximum: Maximum 80 square feet in surface area, 55 feet in height.
- Illumination: Allowed.

Pylon/Ground Identification Signs (B-6 District)

- Area Maximum: Maximum 200 square feet in surface area, 55 feet in height.
- Illumination: Allowed.

Front Signs (B-6 District)

- Area Maximum: Maximum 20% of the building facing; small signs cannot be combined to exceed 10% of building face.
- Illumination: Allowed.

Rotating/Flashing Signs (B-6 District)

- Area Maximum: Conditional use permit required unless the sign is an electronic message center (EMC).
- Illumination: N/A

[§ 154.182 SIGNS IN I-1 AND I-2 DISTRICTS](#)

Front Signs

- Area Maximum: 2 square feet per linear foot of lot frontage; cannot exceed 300 square feet per sign.
- Illumination: Allowed.

Rear Signs

- Area Maximum: 2 square feet per linear foot of rear lot line; cannot exceed 100 square feet per sign.
- Illumination: Allowed.

Side Signs

- Area Maximum: One-third of 2 square feet per linear foot of side lot line; cannot exceed 200 square feet per sign.
- Illumination: Allowed.

Signs on Roof, Covered Walk, or Marquee

- Area Maximum: Follows the same area maximums set for front, rear, or side signs.
- Illumination: Allowed.

Rotating and Flashing Signs

- Area Maximum: Permitted only by conditional use permit.
- Illumination: N/A