

OFFICE OF THE CITY ATTORNEY
FARGO, NORTH DAKOTA

ORDINANCE NO. 4714

1
2 AN ORDINANCE ENACTING AND ESTABLISHING
3 A MORATORIUM ON THE ISSUANCE OF SIGN PERMITS
4 FOR CERTAIN ELECTRONIC MESSAGE CENTERS

5 WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in
6 accordance with Chapter 40-05.1 of the North Dakota Century Code; and,

7 WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that
8 the City shall have the right to implement home rule powers by ordinance; and,

9 WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that
10 said home rule charter and any ordinances made pursuant thereto shall supersede state
11 laws in conflict therewith and shall be liberally construed for such purposes; and,

12 WHEREAS, Article 25-03 of the Fargo Municipal Code and the Fargo Sign Code,
13 authorized by Section 25-0307, addresses various matters regarding outdoor advertising;
14 however, since the last amendment to the Fargo Sign Code certain technology for
15 advertising signs has become available or is more prominently being used for advertising
16 in the form of electronic message centers which technology and form of advertisement is
17 not directly or adequately addressed in the Fargo Municipal Code or the Fargo Sign
18 Code; and,

19 WHEREAS, the Board of City Commissioners hereby finds that the presence of
20 electronic message centers is a use of property which, particularly when used and located
21 near residential zoning districts, has raised concerns about safety and about disruption to
22 the use and enjoyment of property by nearby residential users and, as a result, such use
23 may be incompatible with residential zoned property nearby; and,

WHEREAS, the Board of City Commissioners has requested that the Planning
Department work toward the development of a proposal to revise the Sign Code of the
City of Fargo which proposal is likely to contain language specifically addressing the
permitting and enforcement of permits for said electronic message centers, particularly
those nearby residential zoning districts; and,

WHEREAS, it is expected that the Planning Department will have a proposal for
revisions to the Sign Code for presentation to the Board of City Commissioners by

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1 February, 2010, and that the Board of City Commissioners will thereafter be in a position
2 to take action on said proposal or any others that may be presented; and,

3 WHEREAS, until the Board of City Commissioners is in a position to take action
4 on such a proposal, it is necessary and appropriate to modify the city ordinances to limit
5 and prohibit the location where a sign permit may be issued for such electronic message
6 centers; and,

7 WHEREAS, the Board of City Commissioners deems it necessary and
8 appropriate to approve a temporary moratorium on the issuance of sign permits for
9 electronic message centers near residential zoning districts.

10 NOW, THEREFORE,

11 Be It Ordained by the Board of City Commissioners of the City of Fargo:

12 Section 1. Enactment.

13 Moratorium. With respect to permits issued under the authority of
14 article 25-03 of the Fargo Municipal Code, entitled "Outdoor
15 Advertising", no permit may be issued for the erection or placement
16 of any electronic message center that is located within 150 feet of
17 any SR or MR zoning district as defined under the Fargo Land
18 Development Code, Chapter 20 of the Fargo Municipal Code.

19 Section 2. Expiration Date.

20 This ordinance is effective through February 18, 2010, and is thereafter
21 ineffective; provided, however that the moratorium established by this ordinance may be
22 extended for a period of no more than 180 additional days by resolution approved by the
23 board of city commissioners.

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Section 3. Effective Date.

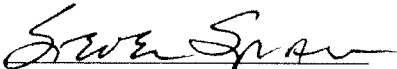
1 This ordinance shall be in full force and effect from and after its passage and
2 approval.

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Dennis R. Walaker, Mayor

5 (SEAL)

6 Attest:

7 
8 Steven Sprague, City Auditor

First Reading: 08-24-2009
Second Reading: 09-08-2009
Final Passage: 09-08-2009

9 F:\CITY\ORDINANCES\Enact Moratorium (Signs - Outdoor Advertising)

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