

**NOTICE OF PLANNING & ZONING COMMISSION REGULAR MEETING**

**City of Cumming**

**September 22, 2020 – 7:00 p.m.**

Cumming City Hall – Electronically\*

649 N 44th Street

Cumming, Iowa 50061

- I. ROLL CALL**
- II. APPROVAL OF AGENDA** as presented and/or amended.
- III. CONSENT ITEMS**
  - A. August 25, 2020 Meeting Minutes
- IV. PUBLIC COMMENT**
- V. ACTION/DISCUSSION ITEMS**
  - A. No Parking South Side – All Old Cumming Streets
  - B. C-1 Commercial Sign Regulations
  - C. New Ordinance – Animal Registration/Licenses
- VI. UPCOMING PLANNING & ZONING MEETING:**
  - A. Regular meeting – October 27, 2020 at 7:00 p.m. at City Hall
- VII. ADJOURN**

\*This meeting may also be held electronically through the Zoom App. If you would like to participate or view this meeting please download the app and choose "Join Meeting" up to 10 minutes prior. The meeting ID is: 898 5079 2076. Password: 709104. If you would like to join by telephone please call: 312-626-6799 and enter the Meeting ID and Password when prompted.

Please keep your microphone muted unless you are called upon to speak during public comment. The standard rules of order apply during this meeting.

**City of Cumming**  
**Planning and Zoning Commission Meeting**  
**August 25<sup>th</sup>, 2020 Minutes**

The Cumming Planning and Zoning Commission held scheduled meeting on August 25th, 2020 at 7:00 p.m at the Cumming City Hall  
The meeting was called to order by Chair, Don Paulin, at 7:00 p.m.

**I. ROLL CALL**

Present: Jill Stanford, Don Paulin, Matt Daniels, Karen McKinney, Holly De Hamer, Ethan Roos

Absent: none

**II. APPROVAL OF AGENDA**

Stanford moved – Roos second - unanimously approved

**IV. CONSENT ITEMS**

July 28th, 2020 Meeting Minutes

Stanford moved – Roos second - unanimously approved

**V. ACTION/DISCUSSION ITEMS**

- A. Farmers Markets: Discussion to clarify the application of the code to public events only.  
Daniels moved – De Hamer 2<sup>nd</sup> – unanimously approved
- B. No Parking: Council instructed us to look into no parking signs on the south side of Callison, Birch and Alice. There was a public comment discussion with a resident who has a business on Callison and found issue with forcing parking to the north side of the street. Roos motioned to table the topic until the next meeting pending more information about how no parking on either side of the street would affect the residence of the street. McKinney seconded – unanimously approved.
- C. C-1 Commercial Sign Regulations: discussion to consider a variance to our commercial sign code for a sign near the interstate. Currently the land where the sign would be is not zoned for commercial. No recommendation until the zoning is resolved.  
A sub-committee was formed to look into sign heights along the interstate corridor with Stanford, Roos and Daniels.
- D. Board Member Applicants: recommend John Botts to fill the vacant seat.  
Roos moved – Daniels second – unanimously approved
- E. Meeting Frequency: discussed whether we need to meet more then once a month. At this time we did not find a need to meet more often.

**VI. Upcoming Planning A Zoning Meeting**

- F. Regular meeting September 22, 2020 at 7:00 P.M. at City Hall

**VII. ADJOURN:**

McKinney moved – Stanford second – unanimously approved –Adjourned 8:27 PM

## Directive to Planning and Zoning Commission by Mayor/City Council

The City Council of Cumming, Iowa met on the 12<sup>th</sup> day of August and directed the following item to P&Z for discussion/action: No Parking on the south side of all 'Old Cumming' streets

Ordinance Chapter 69, Parking Regulations  
Specifically: 69.08 No Parking Zones

Currently the code states that there is no parking on the south side of Alice and Birch however the Council/Mayor would like the no parking zones to be extended for all of the "old Cumming" streets, on the south side only. Possibly the following verbiage to be added to the existing code:

Birch Avenue, on the south side, from North 43<sup>rd</sup> to the east end of the street.  
N. Callison Avenue, on the south side from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street  
N. Callison Avenue, on the south side, from North 43<sup>rd</sup> to the east end of the street.  
N. Dawson Avenue, on the south side from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street  
N. Dawson Avenue, on the south side, from North 43<sup>rd</sup> to the east end of the street.

## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.07 Persons with Disabilities Parking
69.02 Parking on One-Way Streets	69.08 No Parking Zones
69.03 Angle Parking	69.09 Truck Parking Limited
69.04 Manner of Angle Parking	69.10 Snow Removal
69.05 Parking for Certain Purposes Illegal	69.11 Snow Routes
69.06 Parking Prohibited	69.12 Loading Zones

**69.01 PARK ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

*(Code of Iowa, Sec. 321.361)*

**69.02 PARKING ON ONE-WAY STREETS.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

*(Code of Iowa, Sec. 321.361)*

**69.03 ANGLE PARKING.** Angle or diagonal parking is permitted only in the following locations:

*(Code of Iowa, Sec. 321.361)*

1. North 44<sup>th</sup> Street, on the west side, from Cumming Avenue to North Alice Avenue.

**69.04 MANNER OF ANGLE PARKING.** Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

*(Code of Iowa, Sec. 321.361)*

**69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL.** No person shall park a vehicle upon public property for more than 36 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

*(Code of Iowa, Sec. 321.236[1])*

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

**69.06 PARKING PROHIBITED.** No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.  
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.  
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.  
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.  
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.  
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five feet of a fire hydrant.  
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.  
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.  
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.  
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.  
(Code of Iowa, Sec. 321.358[11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.  
(Code of Iowa, Sec. 321.358[13])

14. Churches, Nursing Homes and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

*(Code of Iowa, Sec. 321.360)*

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.

*(Code of Iowa, Sec. 321.236[1])*

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

*(Code of Iowa, Sec. 321.358[15])*

17. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

**69.07 PERSONS WITH DISABILITIES PARKING.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

*(Code of Iowa, Sec. 321L.4[2])*

A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.

B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

**69.08 NO PARKING ZONES.** No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

*(Code of Iowa, Sec. 321.236[1])*

1. North 43<sup>rd</sup> Street, on the west side, from Cumming Avenue to Alice Avenue.
2. Alice Avenue, on the south side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street.
3. Alice Avenue, on the south side, from North 43<sup>rd</sup> Street to the east end of the street.
4. Birch Avenue, on the south side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street.
5. North 43<sup>rd</sup> Street, on the west side, from Birch Avenue to Callison Avenue.
6. Cumming Avenue, on the north side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street (from north side of sidewalk to center of roadway).
7. Cumming Avenue, on the south side, from North 44<sup>th</sup> Street to North 43<sup>rd</sup> Street (from existing fence line to center of roadway).

**69.09 TRUCK PARKING LIMITED.** Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave unattended a motor truck, semi-trailer, or other motor vehicle with trailer attached on any street within the Business District. When actually receiving or delivering merchandise or cargo, such vehicle shall be stopped or parked in a manner which will not interfere with other traffic. The provisions of this section do not apply to pick-up, light delivery or panel delivery trucks.

*(Code of Iowa, Sec. 321.236[1])*

**69.10 SNOW REMOVAL.** No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.

*(Code of Iowa, 321.236[1])*

**69.11 SNOW ROUTES.** The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

*(Code of Iowa, Sec. 321.236[12])*

**69.12 LOADING ZONES.** It is unlawful to park any vehicle in any areas designated and properly marked as a loading zone, except while expeditiously loading or unloading.

[The next page is 345]

## Directive to Planning and Zoning Commission

### C-1 Highway Commercial

Description: After meeting with prospective commercial property developers it came to our attention that the sign height requirement may be too low. They are asking for an 80 foot minimum, preferably 100 foot sign along the highway. Our current code 167.08 – indicates a maximum height of 30 feet for C-1 commercial signs.

We were also asked about the following: parking lot light height requirements, compact parking and outdoor sales restrictions (they want to sell firewood). As we are beginning more development and commercial properties will be coming these are things that may need to be added to the code.



**From:** Jill Stanford <pzjstanford@gmail.com>  
**Sent:** Monday, September 21, 2020 11:20 AM  
**To:** Don Paulin; pzdpaulin@gmail.com; Ethan Roos; Matt Daniels; deputyclerk@cumming.iowa.gov  
**Subject:** Re:  
**Attachments:** Waukee Sign Code.pdf; InterstateSignExamples.pdf

Hello Don,

Matt, Ethan and I have researched sign height in neighboring cities, so if there is time tomorrow we could share/discuss the attached documents.

Attached is what Ethan found Waukee Sign Code - 167.15 is the ordinance dealing with Interstate Corridor Signage and below is what I found from Ankeny. Matt and I captured some photos of signs along the interstate I-80 and I-35.

Thanks

Ankeny in link here: [Chapter 195](#), but here's a copy of the height requirements in the appendix. I believe a gas station interstate sign would be considered a "pylon sign", but some others to consider as well:

### APPENDIX C: SETBACK AND HEIGHT

The following minimum setbacks and maximum heights shall be required for all signs. All signs shall be placed in a manner to avoid conflicts with visibility triangles at streets, sidewalks, trails and driveways.

Type of Sign	Minimum Setback; Public Street Right-of- Way Line (feet)	Minimum Setback; Other Yards (feet)	Maximum Height (feet)
Advertising	Minimum required building setback	Minimum required building setback	25 feet
Business Building	Minimum required building setback	Minimum required building setback	Highest outside wall
Construction	5 feet	5 feet, with a minimum of 50 feet from a residence	8 feet
Development; Residential, Commercial and Industrial	5 feet	5 feet, with a minimum of 50 feet from a residence	10 feet

Garage Sale, Political and Promotional	5 feet	5 feet	6 feet
Ground Sign	5 feet	5 feet	15 feet
Major Anchor/ Shopping Center	10 feet	5 feet	30 feet/25 feet**
Menu Boards	20 feet	5 feet	8 feet
Monument Development Sign	5 feet	5 feet	8 feet
Pylon Sign*	5 feet	5 feet	30 feet
Real Estate	5 feet	5 feet	8 feet
Noncommercial	5 feet	5 feet	8 feet

NOTES TO TABLE:

\* A pylon sign must be a minimum of 100 feet from any other pylon sign. Any pylon or ground sign must be 300 feet away from any major anchor/shopping center sign.

\*\* A major anchor/shopping center sign may be 30 feet tall along the Interstate 35 right-of-way.

On Sat, Sep 19, 2020 at 9:27 PM Don Paulin <[2carpenterdon@gmail.com](mailto:2carpenterdon@gmail.com)> wrote:

Hi Holly. I saw that you sent the minutes to angie but I didnt get.

## CHAPTER 167

# ZONING REGULATIONS SIGNS

167.01 Statement of Intent	167.12 Association Identification Signs – Residential
167.02 Jurisdiction	167.13 Association Identification Signs – Commercial and Industrial
167.03 Definitions	167.14 Signs for Churches, Schools and Public Facilities
167.04 Permit and General Regulations	167.15 Interstate Corridor Signs
167.05 Signs Not Requiring Permit	167.16 Electric Changeable Copy
167.06 Signs Prohibited in All Zoning Districts	167.17 Temporary Signs
167.07 Fascia/Wall Signs	167.18 Window Signs
167.08 Multiple Tenant Fascia/Wall Signs	167.19 Agricultural Identification Signs
167.09 Monument Signs	167.20 Table of Signs Permitted by Zoning District
167.10 Multiple Tenant Monument Signs	
167.11 Special Provisions for C-2 Downtown District	

**167.01 STATEMENT OF INTENT.** The purpose of this chapter is to permit such signs that will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health and safety, and further, to regulate such permitted signs in a way to promote development that is not detrimental to the property values and aesthetics of the City. Signs allowed by this chapter may be erected and maintained only as on-premises signs, except as permitted elsewhere in this chapter.

**167.02 JURISDICTION.** The lawful use of a sign existing at the time of the effective date hereof may be continued even though such use may not conform to the regulations herein. For those signs permitted before the adoption of these regulations, such signs shall be classified as “permitted nonconforming structures.” No sign permit shall be issued for any lot, tenant, or development after the effective date hereof and not in substantial conformity with the provisions of this chapter. Nor shall any sign, except as hereinafter specified, be erected, substantially improved, converted, enlarged, moved, or structurally altered without conforming with the provisions of this chapter.

**167.03 DEFINITIONS.** For the purpose of this chapter, the following terms and words are defined.

1. “Abandoned sign” means any sign face remaining in place for a period of 30 days or more and which no longer advertises an activity, business, product, or service available on the premises on which the sign is located.
2. “Association identification (commercial or industrial development) sign” means a sign identifying the name of a commercial or industrial development included on a landscape feature, including planter beds, fountains, decorative walls or fences.
3. “Association identification (residential development) sign” means a sign identifying the name of a residential complex, or neighborhood development included on a landscape feature, including planter beds, fountains, decorative walls or fences.
4. “Bag sign” means a temporary cover made of a cloth or canvas material, used to alter the message of an obsolete sign until such time as it is replaced with a new sign.

5. "Banner sign" means a temporary sign composed of lightweight material, either enclosed in a rigid frame or not enclosed, secured or mounted to a structure or post on two or more edges.
6. "Billboard signs" means all structures, regardless of the materials used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), and pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
7. "Building sign" means any sign attached to or erected against the wall or painted on the surface of the wall of a building, with the exposed face of the sign in a plane parallel with a plane of said wall. This definition includes fascia/wall signs.
8. "Directional sign" means a sign, other than a warning or regulatory sign, which is located on private property for the purposes of controlling all modes of traffic.
9. "Directory sign" means a sign containing the name of a building, complex, or center and two or more identification signs or panels of the same size, color and general design, limited to one identification sign per occupant.
10. "Electric changeable copy sign" means a sign that is characterized by changeable copy, letters, symbols or numerals to be modified from time to time by electronic or mechanical devices, which sign is integrated as a part of a permitted monument sign. Electric changeable copy signs may not be used to display commercial messages related to products or services that are not offered on the premises.
11. "Exterior sign" means a sign that directs attention to a business, profession, service, product or activity sold or offered upon the premises where such a sign is located. An exterior sign may be a sign attached flat against a building or structure, or projecting out from a building or structure.
12. "Fascia/wall sign" means a single-faced building or wall sign that is directly attached to and parallel to its supporting wall.
13. "Freestanding or post sign" means any sign erected or affixed in a rigid manner to one or more poles, posts or the ground, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
14. "Home occupation sign" means one unlighted sign not over two square feet in area attached flat against the dwelling and displaying only the occupant's name and occupation, and which advertises the presence or conduct of the home occupation.
15. "Institutional bulletin board sign" means an on-premises sign containing a surface area upon which is displayed the name of a religious institution, school, library, public building, community center, or similar institution and the announcement of its services or activities.
16. "Interstate sign" means a sign on a property abutting an interstate right-of-way, which sign is oriented to the interstate.

17. "Marquee sign" means a sign attached to and contained within the perimeter of the face or valance of a marquee.

18. "Monument sign" means a ground sign that is mounted in or on a monument which does not have any exposed pole or pylon and which includes the name of the development, business or businesses located on the premises.

19. "Multiple tenant monument sign" means a sign intended to provide identification to a multiple tenant commercial development of more than 25,000 square feet of gross building area in which more than three tenants occupy individual space within the building and which is under single ownership, management and control.

20. "Multiple tenant building, horizontal" means a single story building designed for the collocation of two or more tenants located side by side with each tenant separated by demising walls.

21. "Multiple tenant building, vertical" means a multiple story building designed for the collocation of two or more tenants located side by side and/or on separate floors of the building.

22. "Off-site sign" means any sign advertising any interest of any person or firm, products, accommodations, services or activities not provided on the premises in which the sign is placed.

23. "Project identification sign" means a sign that refers to the construction, lease, hire, or sale of a building, premises, or subdivision lots.

24. "Projecting sign" means a double-faced building or wall sign projecting at right angles to its supporting wall.

25. "Roof sign" means a sign attached upon or above a roof or parapet of a building.

26. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, the following are not included in the application of the regulations herein:

A. Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

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

C. Legal notices; identification, informational or directional signs erected, approved or required by governmental bodies;

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

E. Signs directing and guiding traffic and parking on private property, and bearing no advertising matter, not exceeding four square feet in area.

27. "Sign area" means the surface area of a sign and shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area, except

where such frames and structural members are used as an integral primary or subsidiary portion of the graphic, literal, or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign.

28. "Special event sign" means a sign advertising a special event that is sponsored by the City.

29. "Temporary sign" means any sign not permanently attached to the ground, wall or building, and intended to be displayed for a short and limited period of time.

#### **167.04 PERMIT AND GENERAL REGULATIONS.**

1. Permit Required. Except as provided in Section 167.05 of this chapter, a sign permit, signed by the owner and tenant, and approved by the administrative official, shall be required before the erection, construction, alteration, placing or locating of all signs conforming with this chapter.

2. Plans. A copy of plans and specifications shall be submitted to the administrative official for each sign regulated by this chapter. Such plans shall show sufficient details about size of the sign, location, and materials to be used and such other data as may be required for the administrative official to determine compliance with this chapter.

3. Maintenance. All signs shall be maintained in a good state of repair, including (but not limited to) the structural components, the lighting if any, the portion attaching the sign to the ground or structure, and the surface features.

4. Nonconforming Signs. Where a sign exists at the effective date hereof or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such sign may be enlarged or altered in a way that increases its nonconformity; however, reasonable repairs and alterations may be permitted.

B. Should such sign be destroyed by any means to an extent of 50 percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

5. Electric Signs. All electric signs shall be manufactured to meet UL specifications and be approved by the administrative official in accordance with the City Electrical Code.

A. Electric signs shall be watertight, with service holes to provide access to each compartment with fitted waterproof covers.

B. Any electrical equipment or apparatus of a sign which causes interference with radio or television reception shall not be allowed.

6. Wind Pressure and Dead Load Requirements. All signs and sign structures shall be designed and constructed to withstand a wind pressure as regulated by the Building Code of the City, and shall be constructed to receive dead loads as required in the Building Code and/or other ordinances of the City. Temporary signs shall be required to be securely anchored to prevent any and all motion.

7. Illumination. Signs shall be illuminated by internal fixtures or externally with a constant level of light maintained throughout the sign. Reflectors shall be provided with proper glass or plastic lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street of adjacent property. Illumination shall be no greater than one foot-candle in intensity when measured from the property bounds, and all ground lighting shall be concealed from view by landscape plantings.

8. Emissions Prohibited. No sign shall emit audible sound, noticeable odor, smoke or other visible matter.

9. Visibility at Intersections in Any District. On any corner lot in any district, no sign shall be erected, placed, or allowed to be situated in such a manner as materially to impede vision between a height of 2½ and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of intersection of right-of-way lines.

10. Obscene Matter Prohibited. No obscene, indecent, or immoral matter shall be displayed on any sign.

11. Traffic Hazards. It is illegal for any sign to interfere with, obstruct the view of, or be of such design which may be confused with any authorized traffic sign, signal, or device. No sign shall imitate an official traffic sign or include the words "stop," "look," "caution," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse motorists.

12. Appeal. Any person or persons aggrieved by the decision of the administrative official to approve or disapprove a sign permit, as provided by this chapter, may appeal such decision to the Board of Adjustment.

**167.05 SIGNS NOT REQUIRING PERMIT.** Signs hereinafter designated are permitted in all zoning districts.

1. Real Estate. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed eight square feet, shall be permitted on each premises. Such signs shall not extend higher than four feet above grade level or be closer than 10 feet to any property line unless located on the wall of a building. Such signs shall be removed within seven days after the disposition of the premises.

2. Construction. Signs identifying the architect, engineer, contractor, or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended, but not including product advertising. Sign advertising for new incoming businesses will be allowed, provided that a business has been issued a building permit. One non-illuminated sign, not to exceed 50 square feet, shall be permitted per street frontage. Such sign shall not extend higher than 10 feet above grade level or be closer than 10 feet to any property line unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.

3. Political Campaign Signs. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property and shall be removed within one week following the election to which they pertain.

4. Street Banners. Banners advertising a public event, provided that specific approval is granted under regulations established by the Council.
5. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.
6. Directional Signs. Signs used on site in conjunction with any multiple-family residential development, mobile home residential district, commercial, office or industrial development to direct on-site vehicles to specific buildings, building entrances and exits, drive-throughs, or drop boxes.
  - A. Ground Directional Signs. Such signs shall be permitted, provided the following conditions are met:
    - (1) Signs shall not exceed six square feet in area and shall not be higher than four feet above grade.
    - (2) Signs are utilized only when necessary for traffic directional or other informational purposes.
    - (3) Signs do not display logos or other commercial messages.
  - B. Building Directional Signs. Such signs shall be permitted, provided the following conditions are met:
    - (1) Signs shall not exceed eight square feet in area.
    - (2) Signs must be affixed to principal building or accessory structure canopy.
    - (3) Signs do not display logos or other commercial messages.
7. Personal Announcement and Celebration. Signs announcing births, anniversaries, weddings, and similar celebrations.
8. Special Events. Signs advertising or announcing a special event, provided:
  - A. Such signs shall be limited to one sign per event and shall only be permitted to be located within Centennial Park at the corner of University Avenue and Ashworth Drive and at Triangle Park at the corner of 6<sup>th</sup> Street and Ashworth Drive.
  - B. Such signs may be erected 14 days prior to the special event and shall be removed within two days following the special event.
  - C. Such signs shall be set back a minimum of five feet from all right-of-way lines.
9. Home Occupation Signs. Home occupation signs, provided such signs are not larger than two square feet in sign area.
10. Garage Sale Signs. Garage sale signs, limited to six square feet in area. Such signs shall be removed within 24 hours of the event they advertise. No sign shall be placed on public property.
11. Public Signs. Signs of a noncommercial nature and in the public interest, erected by or upon the order of a public officer in the performance of public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating



hospitals, libraries, schools and other institutions or places of public interest or concern.

12. Temporary Directional Signs Placed By City. Signs erected by the City, of a size not greater than four feet by four feet, informing the public of means of access to areas within the City to which normal access has been denied due to highway construction.

13. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete, or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

14. Institutional Bulletin Boards. Institutional bulletin boards.

#### **167.06 SIGNS PROHIBITED IN ALL ZONING DISTRICTS.**

1. Obsolete Signs. Signs that advertise an activity, business, product, or service no longer conducted on the premises on which the sign is located.

2. Banners, Balloons, Posters. Signs that contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided elsewhere in this chapter.

3. Portable Signs. Commercial signs that are not permanently anchored or secured to either a building or the ground.

4. Off-Premises Signs on Public Property. Off-premises signs located on public property that is being used for public purposes except as specifically provided elsewhere in this chapter.

5. Off-Premises Signs. Signs advertising a use not conducted upon the lot where the sign is located.

6. Flashing, Blinking or Rotating Signs. Flashing, blinking, or rotation lights - for either permanent or temporary signs - except time and temperature signs, brief public announcement signs, and as specifically provided elsewhere in this chapter.

7. Moving Signs. Any sign that part of which moves by any mechanical or electronic means except as specifically provided elsewhere in this chapter.

8. Painted Wall Signs. Off-premises signs painted on building walls for commercial purposes.

9. Projecting Signs. Projecting signs, as defined in Section 167.03 of this chapter, except as specifically provided elsewhere in this chapter.

10. Pole Signs. Pole signs, except as specifically permitted within the City.

11. Vehicle Signs. Any vehicle sign, not normally used in the day-to-day operations of a business, parked in such a way to draw attention of people from a public place or street.

#### **167.07 FASCIA/WALL SIGNS.**

1. Sign Area Allowed. The following sign areas shall be allowed.

A. Public street facing tenant:

- i. One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.
- ii. In the case that the tenant sign has a setback of greater than two hundred fifty feet (250') from the nearest public street right-of-way, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.
- iii. In the case that a tenant has frontage along more than one public street, the total sign area shall be calculated off of no more than two (2) public street frontages, up to a maximum of four hundred (400) square feet.
- iv. Buildings greater than 50,000 square feet are not subject to the square footage maximums listed above.

B. Nonpublic street facing tenant:

- i. One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.
- ii. In the case that the tenant sign has a setback of greater than two hundred fifty feet (250') from the nearest public street right-of-way, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.
- iii. In the case that a tenant has frontage along both a non-public street and a public street, the sign area shall be calculated off of the public street facing frontage.
- iv. In the case that a tenant is not oriented towards a street frontage and desires to place a sign on the elevation that faces a street frontage, the maximum allowable sign area allowed to be displayed ~~by all tenants~~ on the public street facing frontage shall be one and a half square feet of sign area per linear foot of building frontage.
- v. Buildings greater than 50,000 square feet are not subject to the square footage maximums listed above.

2. Number of Signs Allowed. A maximum of three (3) signs will be allowed per business with a maximum of one sign per wall. Sign size will be limited by the regulations stated above.

3. Letters, Symbols and Logos. Under no circumstances will a letter, symbol, or logo dimension greater than six feet be allowed, except any use that occupies in excess of 100,000 square feet of building area shall be allowed to have individual letters not to exceed eight feet in height.

4. Projecting Out From Building. No sign shall project out from the building more than 18 inches.

5. Projecting Above Roofline. No sign shall project above the roofline or parapet where one exists.

6. Convenience Stores. In addition to the regulations stated above, one sign on a canopy in a convenience store or gasoline pump use may be permitted. Said sign shall be one square foot per linear foot of frontage of the canopy to a maximum sign area of 50 square feet. Said sign shall be confined to the actual dimensions of the canopy.

**167.08 MULTIPLE TENANT FASCIA/WALL SIGNS.**

1. Sign Area Allowed – Horizontal Multiple Tenant Buildings. The following sign areas shall be allowed.

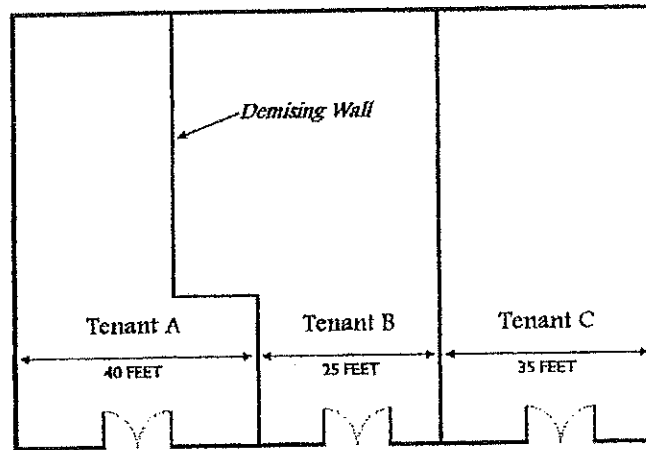
A. Public street facing tenant(s):

- i. One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.
- ii. In the case that the tenant(s) sign has a setback of greater than two hundred fifty feet (250') from the nearest public street right-of-way, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.
- iii. In the case that a tenant has frontage along more than one public street, the total sign area shall be calculated off of no more than two (2) public street frontages, up to a maximum of four hundred (400) square feet.
- iv. Tenants frontage shall be measure from demising wall to demising wall (See Figure 167A).
- v. Buildings greater than 50,000 square feet are not subject to the square footage maximums listed above.

B. Nonpublic street facing tenant(s):

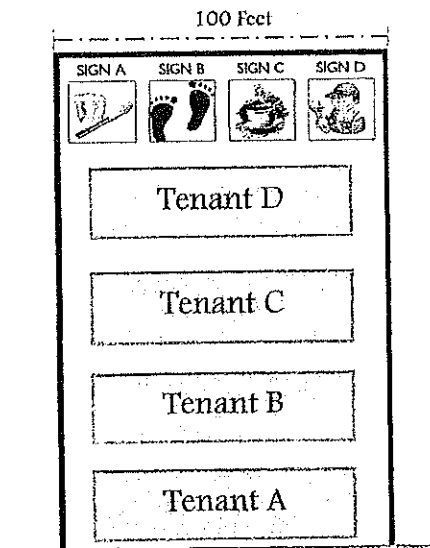
- i. One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.
- ii. In the case that the tenant(s) sign has a setback of greater than two hundred fifty feet (250') from the nearest public street right-of-way, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.
- iii. In the case that a tenant has frontage along both a non-public street and a public street, the sign area shall be calculated off of the public street facing frontage.
- iv. In the case that a tenant is not oriented towards a street frontage and desires to place a sign on the elevation that faces a street frontage, the maximum allowable sign area allowed to be displayed by all tenants on the public street facing frontage shall be one and a half square feet of sign area per linear foot of building frontage.
- v. Tenant frontage shall be measured from demising wall to demising wall (See Figure 167A).

vi. Buildings greater than 50,000 square feet are not subject to the square footage maximums listed above.



**Figure 167A**  
**Horizontal Multiple Tenant Building Oriented Toward Street Frontage**

2. Sign Area Allowed – Vertical Multiple Tenant Buildings. In the case of a vertical multiple tenant building, the maximum square footage for each building or tenant signs shall be one square foot of sign area for every linear foot of building or tenant frontage. In the event that a tenant occupies more than one story, they shall not be permitted to count the frontage on both stories (See Figure 167B).



**Figure 167B**  
**Vertical Multiple Tenant Building Signage**

3. Number of Signs Allowed. A maximum of two signs will be allowed per business with a maximum of one sign per wall. Corner tenants that front a public street or a nonpublic street will be allowed a maximum of three (3) signs. Sign size will be limited by the regulations stated above.

4. Letters, Symbols and Logos. Under no circumstances will a letter, symbol, or logo dimension greater than six feet be allowed, except any use that occupies in excess of 100,000 square feet of building area shall be allowed to have individual letters not to exceed eight feet in height.

5. Design. All signage on a multi-tenant building shall complement the character and architecture of the building and be consistent in design and construction.

#### **167.09 MONUMENT SIGNS.**

1. Number of Signs. One freestanding monument identification sign shall be permitted for each lot, or one sign for each 300 feet of street frontage, whichever is greater, subject to provisions hereinafter specifically set out. A minimum distance of 200 feet shall separate each permitted monument sign. Businesses that have frontage on more than one street will be permitted the use of a second sign. In no case shall more than two monument signs be permitted for each lot.

2. Setback Requirement. The minimum setback required for monument signs shall be 15 feet. All signs shall have a side setback not less than the height of the sign.

3. Sign Area. The total area of a sign shall be the actual square footage of one sign face. Double faced signs may be permitted with the maximum square footage permitted on each side. The maximum sign area of a monument sign shall not exceed 60 square feet. The copy area shall be limited to a single geometric shape unless it emulates the building form or feature.

4. Sign Size. The maximum height shall be 15 feet and the maximum width of the sign shall be 12 feet.

5. Sign Bases. All sign bases shall be designed and constructed of materials that are similar to those used on the principal building. Sign bases shall be dominated with materials of permanency and strength, such as brick, stone, block, or other masonry or concrete materials and shall be consistent with the materials used in the construction of the building. Metal skirting around a supporting pole shall not be considered an acceptable sign base material.

6. Monolithic or Columnar Line. Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The width of the sign base shall be a minimum of 80 percent of the entire width of the sign.

7. Vertical Distance. The vertical distance between the sign face and the base shall not be greater than six inches.

8. Prohibited Signs. Signs that are composed of wood material or signs with metal as the primary material and any sign surface with letters painted upon a panel or wall area are prohibited.

**167.10 MULTIPLE TENANT MONUMENT SIGNS.** Monument signage in planned commercial development with at least three tenants, and over 25,000 square feet of gross building square footage, is intended to provide primary development identification within a planned commercial unit. Additionally, such signage may provide advertisement to tenants of

the development. In lieu of any other permitted monument sign, a multiple tenant sign shall be allowed on lots or tracts under single ownership, management or control, provided the following conditions are met:

1. **Number of Signs.** One freestanding multiple tenant monument identification sign shall be permitted for each lot, or one sign for each 300 feet of street frontage, whichever is greater, subject to provisions hereinafter specifically set out. A minimum distance of 200 feet shall separate each permitted multiple tenant monument sign. Developments that have frontage on more than one street will be permitted the use of a second sign. In no case shall more than two multiple tenant monument signs be permitted for each lot.
2. **Setback Requirement.** The minimum setback required for monument signs shall be 15 feet. All signs shall have a side setback not less than the height of the sign.
3. **Sign Area.** The total area of a sign shall be the actual square footage of one sign face. Double faced signs may be permitted with the maximum square footage permitted on each side. The maximum sign area of a multiple tenant monument sign shall not exceed 100 square feet. The copy area shall be limited to a single geometric shape unless it emulates the building form or feature.
4. **Sign Size.** The maximum height shall be 15 feet and the maximum width of the sign shall be 12 feet.
5. **Sign Bases.** All sign bases shall be designed and constructed of materials that are similar to those used on the principal building. Sign bases shall be dominated with materials of permanency and strength, such as brick, stone, block, or other masonry or concrete materials and shall be consistent with the materials used in the construction of the building. Metal skirting around a supporting pole shall not be considered an acceptable sign base material.
6. **Monolithic or Columnar Line.** Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The width of the sign base shall be a minimum of 80 percent of the entire width of the sign.
7. **Vertical Distance.** The vertical distance between the sign face and the base shall not be greater than six inches.
8. **Prohibited Signs.** Signs that are composed of wood material or signs with metal as the primary material and any sign surface with letters painted upon a panel or wall area are prohibited.

#### **167.11 SPECIAL PROVISIONS FOR C-2 DOWNTOWN DISTRICT.**

1. **Sign Area Allowed – Fascia Wall Signs.** The following sign areas shall be allowed.
  - A. **Public street facing tenant:**
    - i. One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.
    - ii. In the case that the tenant sign has a setback of greater than two hundred fifty feet (250') from the nearest public street right-of-way, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.

iii. In the case that a tenant has frontage along more than one public street, the total sign area shall be calculated off of no more than two (2) public street frontages, up to a maximum of four hundred (400) square feet.

B. Nonpublic Street facing tenant:

i. One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of one hundred (100) square feet.

ii. In the case that the tenant sign has a setback of greater than two hundred fifty feet (250') from the nearest public street right-of-way, two (2) square feet of sign area may be erected per linear foot of tenant frontage to a maximum sign area of two hundred (200) square feet.

iii. In the case that a tenant has frontage along both a non-public street and a public street, the sign area shall be calculated off of the public street facing frontage.

iv. In the case that a tenant is not oriented towards a street frontage and desires to place a sign on the elevation that faces a street frontage, the maximum allowable sign area allowed to be displayed by all tenants on the public street facing frontage shall be one and a half square feet of sign area per linear foot of building frontage.

A.

B. Number of Signs Allowed. A maximum of two signs will be allowed per business with a maximum of one sign per wall. Sign size will be limited by the regulations stated above.

C. Letters, Symbols and Logos. Under no circumstances will a letter, symbol, or logo dimension greater than four feet be allowed.

D. No sign shall project out from the building more than 12 inches.

E. No sign shall project above the roofline or parapet where one exists.

F. If a building houses more than one business, then more than one sign may be erected, provided the total size of all signs are still within the requirements as set forth in this section.

1. Projecting Signs.

A. One projecting sign shall be allowed per establishment.

B. Projecting signs must not exceed nine square feet. The maximum projection beyond the face of the building will be four feet.

C. The maximum height to the top of the sign, as measured from the sidewalk elevation at the building line on the facade to which the sign is attached, shall not exceed 12 feet. The lower edge of such a sign must be at least seven feet, six inches above the sidewalk directly beneath the sign.

D. Two-dimensional signs shall have both faces parallel, vertical, and at right angles to the building line.

2. Monument Signs.

A. One freestanding monument identification sign shall be permitted for each lot, or one sign for each 150 feet of street, whichever is greater, subject to provisions hereinafter specifically set out. Businesses that have frontage on more than one street will be permitted the use of a second sign, provided it measures less than one-third of the total dimension of the principal monument sign.

B. The sign may be two sided. The monument shall not have a total surface in excess of 30 square feet on any side, and not more than two sides of said sign shall be used for advertising purposes. The maximum height shall be six feet, and the maximum width shall be six feet.

3. Canopies, Marquees, Awnings. Canopies, marquees, and awnings may contain signage, provided the following requirements are met:

A. If signage is parallel to the building facade, its area shall be deducted from the maximum allowable area of fascia/wall signs.

B. If at right angles, it shall substitute for all other projecting signs.

4. Sign Materials. Sign materials will not be limited; however, signage should be professional in appearance and should fit in with the buildings and surroundings in the area.

5. Exemptions. The following signs shall be exempt from the limitations of this section. These signs may be repaired or replaced so long as the repaired or replaced sign is identical to the sign in place at the effective date hereof. Where such repair or replacement would change the appearance of the sign, the provisions of this section must be met.

A. 529 Ashworth – Farmer’s Co-Op Pole Sign.

B. 405 6<sup>th</sup> Street – Pin Oak Gallery Mural.

6. Appeal. Any differentiation from the items set forth in this section may be brought before the Board of Adjustment appeals process as defined in Chapter 166 of these zoning regulations.

**167.12 ASSOCIATION IDENTIFICATION SIGNS – RESIDENTIAL.** Association identification signs shall be permitted for the purpose of establishing a common neighborhood or complex identification when there exists an owners’ association that provides for the maintenance of the sign and structures. Such association shall not be disbanded or terminated without the City’s consent. Such signs shall be extensively landscaped with trees, plantings, and natural features. Such signs may incorporate fountains, fences, or similar features. Association identification sign area shall not exceed 40 square feet. The minimum setback required of association identification signs shall be height of the sign. The maximum height of the sign shall be eight feet. Association identification signs shall be dominated with materials of permanency and strength, such as brick or stone.

**167.13 ASSOCIATION IDENTIFICATION SIGNS – COMMERCIAL AND INDUSTRIAL.** A commercial or industrial development may erect one association identification sign with the name of the building, complex, or center, provided there exists an owners’ association that provides for the maintenance of the sign and structures. Such association shall not be disbanded or terminated without the City’s consent. Such signs shall be extensively landscaped with trees, plantings, and natural features. Such signs may incorporate fountains, fences, or similar features. Association identification sign area shall not exceed 60 square feet. The minimum setback required of association identification signs shall



be the height of the sign. The maximum height of the sign shall be 10 feet. Association identification signs shall be dominated with materials of permanency and strength, such as brick or stone.

**167.14 SIGNS FOR CHURCHES, SCHOOLS AND PUBLIC FACILITIES.** Signs for churches, schools, and other public uses shall be regulated in accordance with Sections 167.07 and 167.09 of this chapter.

**167.15 INTERSTATE CORRIDOR SIGNS.** In addition to monument signs as permitted under this chapter, one interstate monument sign shall be allowed on lots or tracts under single ownership, management, or control which have frontage abutting the interstate right-of-way, provided the following conditions are met:

1. Interstate/Freeway Signs. Interstate sign identifies the name of an office park, commercial park, industrial park, or single tenant user. Interstate/freeway signs must have a brick or stone base that preserves largely the same profile from interstate/road grade to bottom edge of sign. The sign face shall be no further than six inches away from the base.
2. Size of Sign. The total area of a sign shall be actual square footage of one sign face. Dual faced signs may be permitted with the maximum square footage permitted on each side. The maximum size of an interstate/freeway sign shall not exceed 120 square feet.
3. Maximum Height. The maximum height of an interstate/freeway sign shall not exceed 30 feet above interstate/road grade with the minimum height set at 15 feet. Refer to monument sign regulations if the sign height falls under the minimum height stated in this section. The minimum brick or stone allotment for the base of the sign shall equal or exceed 40 percent of the width of the sign with the minimum base width of three feet.
4. Sign Setback. Minimum interstate sign setback shall be 15 feet from interstate right-of-way.
5. Prohibited Signs. Signs that are composed of wood material or signs with metal as its primary material and any sign surface with letters painted upon a panel or wall area are prohibited.
6. Distance From Other Signs. An interstate monument sign must be at least 100 feet from any other such interstate monument sign, or other monument sign.
7. Permits. All applicable permits and regulatory approvals as required by law shall be obtained from the State and federal government prior to the issuance of a permit from the City.

**167.16 ELECTRIC CHANGEABLE COPY.** Electric changeable copy shall be allowed on monument signs within certain commercial districts. A maximum of 30 square feet or 50 percent of the maximum sign area, whichever is less, may be dedicated to electric changeable copy, provided the following conditions are met:

1. Electric changeable copy may change no more than one time in a five-minute interval and shall not include any flashing, flowing, alternating or blinking lights. Time and temperature may be included as a component of electric changeable copy or permitted in lieu of electric changeable copy and shall not be restricted by the requirements of the five-minute interval as specified above.
2. Electric changeable copy shall be integral to and a part of an approved monument sign.
3. Sign content should be limited to on premises advertising or public announcements.

**167.17 TEMPORARY SIGNS** The purpose of this section is to allow temporary signage for specified land uses and events of a limited duration.

1. Identification Signs. Project identification signs, provided such signs do not exceed 50 square feet in area, referring to the construction, lease, hire, or sale of a building, premises, or subdivision lots, which sign shall refer to property on which the sign is located.

A. Such signs shall be limited to two signs for each plat listed in any residential district. Such signs shall be limited to one sign for each lot listed in any commercial or industrial district.

B. The minimum setback required of such sign shall be five feet from the property line.

C. Such sign shall be removed as soon as the premises are sold or leased or construction has been completed.

2. Business Advertising, Opening and Closing. Banners, not exceeding 32 square feet, A-frame signs, balloons, posters and signs advertising an opening or closing of business subject to approval by the administrative official.

A. Such signs may only remain in place for four weeks and no more than one time per year per opening or closing.

B. The minimum setback required is five feet from the property line.

3. Business and Public Advertising Special Events. Banners, not exceeding 32 square feet, A-frame signs, balloons, posters and signs advertising a special event subject to approval by the administrative official.

A. Such signs may only remain in place for two weeks and no more than four times per year. Such signs events shall be permitted to be consecutive.

B. The minimum setback required is five feet from the property line.

4. Bag Signs. Such signs shall be permitted for businesses wishing to cover existing signage until the replacement sign is manufactured. Bag signs shall be made of a canvas or cloth material and may be displayed for a period no longer than 45 days.

**167.18 WINDOW SIGNS.** All window signs, whether temporary or permanent, shall be restricted to no more than 50 percent of the size of the applicable window area and shall be located on the interior side of the window. Typical window signs include, but are not limited to: painted signage, vinyl signage, neon beverage signs, sale and product ads, etc.

**167.19 AGRICULTURAL IDENTIFICATION SIGNS.** Signs, not exceeding 10 square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.

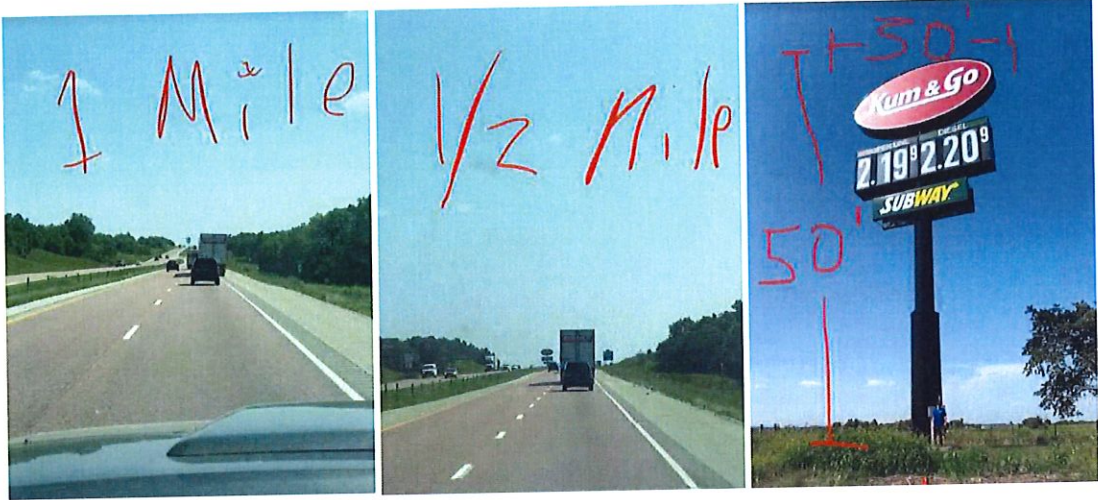
**167.20 TABLE OF SIGNS PERMITTED BY ZONING DISTRICT.** The following Table 167A contains a summary of signs allowed, by zoning district.

**TABLE 167A – SIGNS PERMITTED BY ZONING DISTRICT**

Sign Type	Number Allowed	Sign Area	Minimum Setback	Maximum Height	Design Standards	Permitted Districts
Fascia/Wall	3 per business, 2 per business for internal tenants; 1 per wall	1.5 square foot per linear foot of frontage	0 to 250 feet	n/a	See Section 167.07 of this chapter.	A-1 (schools, churches, public facilities); C-1, C-1A, C-1B, C-2 (subject to Sec. 167.11 of this chapter); C-4, M-1, M-1A and M-2
		2 square feet per linear foot of frontage	251 to 500 feet			
Monument	1 per lot or 1 sign per 300 feet of frontage; 2 per lot for lots with 2 street frontages	60 square feet on each of 2 sides; sides must be parallel	15 feet from all property lines	15 feet	To be constructed of the same materials present on the principal building and subject to 167.09 of this chapter	A-1 (schools, churches, public facilities); C-1, C-1A, C-1B, C-2 (subject to Sec. 167.11 of this chapter); C-4, M-1, M-1A and M-2
Multi-Tenant Monument	1 per lot or 1 sign per 300 feet of frontage; 2 per lot for lots with 2 street frontages	100 square feet on each of 2 sides; sides must be parallel	15 feet from all property lines	15 feet	To be constructed of the same materials present on the principal building and subject to 167.10 of this chapter	C-1, C-1A, C-1B, C-4, M-1, M-1A and M-2; building must be minimum 25,000 square feet and include 3 tenants
Association Identification Signs	1 per development entrance	40 square feet on each of 2 sides; sides must be parallel	Height of the sign	8 feet	To be constructed of brick, stone, or similar material approved as a part of the plans for a development and subject to Sec. 167.12 of this chapter	All residential districts
	1 per development	60 square feet on each of 2 sides; sides must be parallel		10 feet	To be constructed of brick, stone, or similar material approved as a part of the plans for a development and subject to Sec. 167.13 of this chapter	All commercial and industrial districts
Interstate Corridor Signs	1 per lot	120 square feet on each of 2 sides; sides must be parallel	15 feet from interstate right-of-way	30 feet	To be constructed of brick, stone or similar materials	Commercial districts only
Electric Changeable Copy	1 per lot integrated into a monument sign	30 square feet on each of 2 sides or 50 percent of the maximum sign area; sides must be parallel	15 feet from all property lines	n/a	Electronic change of copy subject to 167.16 of this chapter	C-1 and C-1B
Temporary Signs - Opening and Closing	1 per business	32 square feet	5 feet from all property lines or affixed to the building	n/a	Sign allowed for 4 consecutive weeks per year	All commercial and industrial districts
Temporary Signs – Special Events	1 per business	32 square feet	5 feet from all property lines or affixed to the building	n/a	Sign allowed for 2 consecutive weeks, 4 times per year	All commercial and industrial districts
Window	Undefined	Not more than 50 percent of the total window area	n/a	n/a	Sign must be on the inside of the window area	Commercial districts only

(repeal Chapter 305, replace in entirety) July 15, 2019 – Ordinance 2932

Kum & Go at New Virginia



Waukee - New Kum & Go at I-80/Grand Prairie Parkway highway sign (no Interstate sign)



I-35 North near Huxley

Taller than interstate signs in Ankeny



1-35 N Exit 133 – Love's Truck Stop sign



## Directive to Planning and Zoning Commission by Mayor

The City Council of Cumming, Iowa met on the 14th day of September and approved the final reading and posting of Ordinance 2020-03, Chapter 55 Animal Protection and Control. directed the following item to P&Z:

Title: New Ordinance needed.

Description: The recent Ordinance that passed, Ordinance 2020-03 restricts the number of animals per household. There is a now a limit of no more than 3 cats, three dogs, or combination of no more than 5 cats and dogs per household. In order to enforce this Ordinance we will need a new Ordinance for registering/licensing pets within the City. Some examples of other cities ordinances are included for your consideration.



## ORDINANCE 2020-03

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CUMMING, IOWA, BY AMENDING PROVISIONS PERTAINING TO CHAPTER 55 ANIMAL PROTECTION AND CONTROL

**BE IT ENACTED** by the City Council of the City of Cumming, Iowa:

**SECTION 1. CHAPTER MODIFIED.** Chapter 55 of the Code of Ordinances of the City of Cumming, Iowa, is repealed and the following adopted in lieu thereof: See Attached Chapter 55 Animal Protection and Control.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and Approved by the Council the 14<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
Tom Becker, Mayor

ATTEST:

\_\_\_\_\_  
Robert Fagen, City Administrator, Clerk

First Reading: July 13, 2020

Second Reading: August 10, 2020

Third Reading: September 14, 2020

I certify that the foregoing was published as Ordinance 2020-03 on the 24<sup>th</sup> day of September, 2020.

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Angie Ritchie, Deputy Clerk

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions  
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55.09 Vicious Dogs  
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55.13 At Large: Impoundment  
55.14 Disposition of Animals  
55.15 Pet Awards Prohibited

**55.01 DEFINITIONS.** The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.  
*(Code of Iowa, Sec. 717B.1)*
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
  - A. The sale or offer for sale of goods or services.
  - B. A recruitment for employment or membership in an organization.
  - C. A solicitation to make an investment.
  - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
  - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
  - B. An exhibition of agricultural or manufactured products.
  - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.  
*(Code of Iowa, Sec. 717.1)*
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.
9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.



**55.02 ANIMAL NEGLECT.** It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means that causes unjustified pain, distress or suffering.

*(Code of Iowa, Sec. 717B.3)*

**55.03 LIVESTOCK NEGLECT.** It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

*(Code of Iowa, Sec. 717.2)*

**55.04 ABANDONMENT OF CATS AND DOGS.** A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

*(Code of Iowa, Sec. 717B.8)*

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock of any kind other than that which is allowed by this Code of Ordinances or except in compliance with the City's zoning regulations. See Chapter 56 for Urban Chickens for permit requirements.

**55.06 AT LARGE PROHIBITED.** It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

**55.07 DAMAGE OR INTERFERENCE.** It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

**55.08 ANNOYANCE OR DISTURBANCE.** It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles.

**55.09 VICIOUS DOGS.** It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

**55.10 RABIES VACCINATION.** Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

*(Code of Iowa, Sec. 351.33)*

**55.11 OWNER'S DUTY.** It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

*(Code of Iowa, Sec. 351.38)*

**55.12 CONFINEMENT.** If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such

animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

*(Code of Iowa, Sec. 351.39)*

**55.13 AT LARGE: IMPOUNDMENT.** Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

**55.14 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

*(Code of Iowa, Sec. 351.37, 351.41)*

**55.15 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717E)*

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
  - A. A prize for participating in a game.
  - B. A prize for participating in a fair.
  - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
  - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
  - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
  - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated

with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

#### **55.16 SANITATION**

It is the duty of every person owning or having custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another person.

#### **55.17 LIMIT OF NUMBER OF DOGS OR CATS ALLOWED**

It shall be unlawful for an owner or occupant of a dwelling unit or residence, as defined in Chapter 165 of the Cumming Code, to harbor or house on or about the premises more than the following number of dogs and cats over the age of six months unless otherwise authorized in the Cumming Zoning Code.

1. Three dogs.
2. Three cats.
3. A combination of five dogs and cats.

Persons who own, possess, or keep more than five animals per household on the effective date of the ordinance codified in this section shall be permitted to continue to own, possess, or keep those animals only, but shall not be permitted to replace an animal which dies, is sold, transferred, or otherwise disposed of until the total number of animals per household is decreased to five.

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## CHAPTER 56

### LICENSING AND VACCINATION OF ANIMALS

56.01	Annual License Required	56.05	License Tag
56.02	Fees	56.06	License Records
56.03	Delinquency	56.07	Change of Ownership; Transfer of License
56.04	Certification of Vaccination	56.08	Exceptions

#### 56.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog or cat over six (6) months old shall procure a license from the City of DeWitt on or before the first day of April of each year, or within thirty (30) days of the animal being brought into the City, or when the animal has reached six (6) months of age.
2. The owner of a dog or cat for which a license is required shall apply on forms provided by City. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog or cat shall be revaccinated.
3. The owner of any animal that has been deemed or categorized as vicious or declared as dangerous, by an administrative body, tribunal, City Officer or by definition of a high risk animal, in accordance with Chapter 55 of the City of DeWitt Code of Ordinances, shall be required to report and register the animal with the City of DeWitt upon establishing residency within the City of DeWitt. Additionally, those animals that are classified as dangerous animals must receive approval from the DeWitt City Council prior to being brought into the City. Failure to report and/or register the animal shall constitute a simple misdemeanor, punishable as provided by law.
4. All licenses shall expire on April 1 of the year following the date of issuance.

(Ord. 2014-21 – Feb. 15 Supp.)

**56.02 FEES.** The license fee for spayed and neutered animals is ten dollars (\$10.00) per year. For animals that are not spayed or neutered, the annual license fee is thirty dollars (\$30.00).

**56.03 DELINQUENCY.** All license fees shall become delinquent on the first day of April of the year in which they are due and a delinquent penalty of ten dollar (\$10.00) per month shall be added to each unpaid license on and after said date. If the fee including the monthly penalty are not paid within 6 months of the original due date, the Clerk is to certify the total cost of the license fee, any delinquent penalties, and an administrative fee of \$25.00 to the County Treasurer and the total amount of license fees, penalty fees, and administrative fees shall then be collected and in the same manner as general taxes. The Clerk shall certify to the County Treasurer, the aforementioned fees and penalties every subsequent 6 months until all fees are paid in full.

(Ord. 2015-05 – Oct 15 Supp.)

**56.04 CERTIFICATION OF VACCINATION.** At the time of making application for a City license, the owner shall furnish to the City a veterinarian's certificate showing that the pet animal for which the license is sought has been vaccinated against rabies and distemper and that such vaccination will not expire within six (6) months from the date the license is issued. In order to take advantage of the lower rate for spayed and neutered animals, the owner shall, at the time application is made for an animal license, present a certificate of neutering signed by a veterinarian containing a description of the animal, its call name and date of neutering, if known. Such certificate may be used in subsequent license applications.

**56.05 LICENSE TAG.**

1. Upon the original issuance of the license, the City shall deliver or mail to the owner a license tag stamped with the following:
  - A. Name of issuing City.
  - B. Serial number of the license which shall be recorded by the City.
2. Every pet animal shall wear the tag provided whenever such animal is off the property of its owner. Any method may be used to attach the tag to the animal, such as a collar or other suitable device.
3. It is unlawful for any person who is not the owner or the agent of such owner or an employee of the City of its agent acting in an official capacity to remove a license tag from an animal prior to the expiration of the license.
4. Upon the filing of an affidavit that the license has been lost or destroyed, the owner may obtain another tag upon payment of a duplicate fee of three dollars (\$3.00) for spayed and neutered animals and eight dollars (\$8.00) for those animals that are not spayed or neutered.

**56.06 LICENSE RECORDS.** City Hall shall keep a book to be known as the record of licenses which shall show:

1. The date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the animal.
3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the animal is to be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

**56.07 CHANGE OF OWNERSHIP; TRANSFER OF LICENSE.** When the permanent ownership of an animal is transferred, the new owner shall, within thirty (30) calendar days from the date of change of ownership, make application for a new license as provided in this section regardless of whether or not the animal was previously licensed.

**56.08 EXCEPTIONS.** The licensing provisions of this chapter shall not be applied to animals whose owners are nonresidents temporarily within the City, kennel dogs which are kept or raised in facilities licensed pursuant to the Code of Iowa, as amended, solely for the bona fide purpose of sale and which are kept under constant restraint, animals brought into the City for the purpose of participating in any animal show or animals properly trained to assist persons with disabilities, providing such animals are kept restrained on the owner's premises and under supervision or control at all times or under leash at all times.

(Ch. 56 – Ord. 2013-15 – Jan 14 Supp.)

**CHAPTER 57**

**DOG LICENSE REQUIRED**

*Now walk*

- 57.01 Annual License Required
- 57.02 License Fees
- 57.03 Delinquency
- 57.04 License Tags
- 57.05 License Records

- 57.06 Immunization
- 57.07 Exemptions
- 57.08 Transfer of Ownership
- 57.09 Public Service Dog Permits
- 57.10 Penalties

**57.01 ANNUAL LICENSE REQUIRED.**

1. Every owner of a dog six (6) months of age or older shall procure a dog license from the Clerk on an annual (calendar year) basis. Renewal licenses may be purchased beginning December 1<sup>st</sup> for the following year. Renewal licenses purchased after March 31<sup>st</sup> of each year will be subject to a delinquent charge.

2. Such license may be procured at any time after the end of March for a dog which has come into the possession or ownership of the applicant or which has reached the age of six (6) months after said date without any delinquency charge.

3. The owner of a dog for which a license is required shall apply to the Clerk on forms provided by the City. The Clerk may also provide for alternate, electronic means for making application. The application shall state the breed, sex, age, color, markings, and name, if any, of the dog, the date of the most recent rabies vaccination and the date the dog is required to be revaccinated and whether the dog has been spayed or neutered. The application shall also include the name, address and phone number of the owner and shall be signed by the owner.

*(Ord. 18-24 – May 19 Supp.)*

4. All licenses shall expire on January 1 of the year following the date of issuance.

*(Ord. 13-05 – Mar. 13 Supp.)*

**57.02 LICENSE FEES.**

The annual license fee for each dog shall be as established in Chapter 177 of this Code of Ordinances. If an owner of a dog acquires possession of said animal less than six (6) months prior to the expiration date of a license, the license fee shall be reduced fifty percent (50%). A certificate certified by a licensed veterinarian must accompany all applications claiming an animal is spayed or neutered.

**57.03 DELINQUENCY.**

All license fees shall become delinquent on April 1 of the year in which they are due and a delinquent penalty of ten dollars (\$10.00) shall be added to each unpaid license on and after said date.

*(Ord. 13-05 – Mar. 13 Supp.)*

**57.04 LICENSE TAG.**

Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a permanent metal tag stamped with the serial number of the license as shown on the record book of the Clerk and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness which shall be worn at all times by the dog for which issued. A license issued for one dog shall not be transferable to another dog.

*(Ord. 18-24 – May 19 Supp.)*

**57.05 LICENSE RECORDS.**

The Clerk shall keep a book to be known as the record of licenses which shall show:

1. The date when each license tag is issued and the serial number of each tag, and the date of the most recent rabies vaccination.
2. The description of the dog as specified in the application, together with the name and phone number of the owner of the dog.
3. The amount of all fees paid.
4. Such other data as may be required by law.

*(Ord. 13-05 – Mar. 13 Supp.)*

**57.06 IMMUNIZATION.**

Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated against rabies. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog.

*(Ord. 13-05 – Mar. 13 Supp.)*

**57.07 EXEMPTIONS.**

The license requirement shall not apply to the following:

1. If the dog is in transit through the City only.
2. During the first thirty (30) days of the dog's residency in the City.
3. If the dog is housed in a veterinary hospital.
4. If the dog is housed temporarily in an animal grooming shop.
5. If the dog is housed in an established licensed kennel.
6. If the dog is housed in an accredited institution for research purposes only.

**57.08 TRANSFER OF OWNERSHIP.**

When the permanent ownership of a dog is transferred, the license may be transferred by the Clerk, upon notification, by notation on the license record, giving name and address of the new owner.

**57.09 PUBLIC SERVICE DOG PERMITS.**

Individuals housing professionally trained dogs may apply to the Council for a one-year permit to designate a dog as a public service dog. The Council shall have the discretion to issue such a permit when there is a showing that the dog in question is used for drug search, search and rescue, or other governmental or public purpose, including, but not limited to, dogs employed by a police department, fire department or EMS department. The Council shall also have the discretion to issue permits upon a showing that the dog in question is a seeing eye dog or professionally trained dog who assists an individual with a disability.

**57.10 PENALTIES.**

Violations of this chapter are simple misdemeanors and may also be punishable as municipal infractions. The penalties that apply for any violation of a section under this chapter can be found in Chapter 177.

*(Ord. 13-05 – Mar. 13 Supp.)*

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**ARTICLE A. DOGS AND CATS**

## SECTION:

**5-3A-1: Annual License Required****5-3A-2: Applications****5-3A-3: License Fee****5-3A-4: Delinquency; Late Fee Penalty****5-3A-5: Issuance Of License; Evidence Of Vaccination****5-3A-6: Submission Of Rabies Vaccination Certificates By Veterinarians****5-3A-7: Transfer Or Change Of Ownership****5-3A-8: Duration Of License****5-3A-9: Exceptions To License Requirements****5-3A-10: License Tag; Use Of Tag****5-3A-11: Tag Not Transferable****5-3A-12: Duplicate Tag****5-3A-13: Vaccination Of Dogs And Cats****5-3A-14: Confinement Of Female Dogs And Cats In Heat****5-3A-15: Limited Number Of Animals Allowed****5-3A-16: Penalties****5-3A-1: ANNUAL LICENSE REQUIRED:**

The owner of all dogs and cats six (6) months of age or older, shall annually obtain a license as hereinafter provided. It shall be unlawful for any owner to have a dog or cat within the city without obtaining a license as required herein. (Ord. 1943, 1-9-2012)

**5-3A-2: APPLICATIONS:**

The owner of a dog or cat, for which a license is required, shall on or before April 30 of each year apply to the city clerk or designee for a license for each dog or cat owned. Applications may be made at any time immediately following the possession of the dog or cat, or at such time said dog or cat has reached the age of six (6) months. Applications for licenses shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, and the name, address, and telephone number of the owner. A certificate from a licensed veterinarian must accompany all applications claiming an animal has been spayed or neutered.

Applications to license vicious animals must include, in addition to other required information, presentation by the applicant to the city clerk or designee of a certificate of insurance issued by an insurance company licensed to do business in the state of Iowa, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of one hundred thousand dollars (\$100,000.00) for the injury or death of any person, for damage to property of others, and for acts of negligence by the owner or his or her agents, in the keeping or owning of such vicious animals. The certificate of insurance shall require notice to the city if the underlying policy of insurance is



canceled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this section. If a certificate of insurance or policy is not immediately available upon the date the animal has been determined to be vicious, the applicant has thirty (30) calendar days to obtain this insurance coverage. If after thirty (30) calendar days a certificate of insurance or a policy has not been submitted by the applicant to the city clerk or designee, the vicious animal shall be deemed unlicensed. The animal control officer or designee may then seize and impound the unlicensed vicious animal. Upon such a seizure and impoundment, the animal control officer or designee shall have sole discretion to determine the disposition of the unlicensed vicious animal. (Ord. 2002, 9-3-2013)

#### **5-3A-3: LICENSE FEE:**

The amount of the annual license fee for dogs and cats shall be established by resolution approved by the city council, subject to the following provisions:

A. The owner of a certified service animal who applies for a dog or cat license may qualify for a waiver of the annual license fee.

B. If the owner of a dog or cat acquires the animal less than six (6) months prior to the expiration date of the license for that period, the license fee shall be reduced fifty percent (50%) and the full regular license fee as herein provided shall henceforth be in effect the following calendar year. (Ord. 2120, 10-19-2015)

#### **5-3A-4: DELINQUENCY; LATE FEE PENALTY:**

All license fees for dogs and cats become delinquent on May 1 of the year in which they are due and payable, and a late fee penalty shall be added to each unpaid license on and after said date. The late fee penalty schedule shall be established by resolution approved by the city council. (Ord. 1943, 1-9-2012)

#### **5-3A-5: ISSUANCE OF LICENSE; EVIDENCE OF VACCINATION:**

The city clerk or designee shall issue dog and cat licenses when properly applied for and shall require evidence of rabies vaccination as herein provided. The rabies vaccination required shall be an injection of antirabies vaccine approved by the state department of agriculture and land stewardship, and the frequency of revaccination necessary for approved vaccinations shall be established by that state department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture and land stewardship. The veterinarian shall issue a tag with the certificate of vaccination, and the tag shall at all times be attached to the collar of the dog or cat. (Ord. 2030, 5-5-2014)

#### **5-3A-6: SUBMISSION OF RABIES VACCINATION CERTIFICATES BY VETERINARIANS:**

Each veterinarian within the city limits shall forward to the city clerk or designee by the tenth day of each month a copy of each certificate of rabies vaccination issued by the veterinarian during the preceding month. Each certificate of vaccination shall be typed or printed so as to be clearly legible. (Ord. 1943, 1-9-2012)

#### **5-3A-7: TRANSFER OR CHANGE OF OWNERSHIP:**

When the permanent ownership of a dog or cat is transferred and the animal remains within the city limits, the new owner shall be required to apply for a new license as herein provided. The new owner shall have thirty (30) calendar days in which to obtain the new license. (Ord. 1943, 1-9-2012)

#### **5-3A-8: DURATION OF LICENSE:**

All licenses shall expire on April 30 of the year following the date of issuance. (Ord. 1943, 1-9-2012)

#### **5-3A-9: EXCEPTIONS TO LICENSE REQUIREMENTS:**

The requirements for licensing dogs and cats shall not apply in the following circumstances:

A. The animal is in transit through the city only.

B. The first thirty (30) calendar days of residency in the city by the owner, or the first thirty (30) calendar days the owner has owned the animal.

C. The animal has been temporarily housed in a veterinary hospital, an animal grooming shop, an established licensed kennel, or an accredited institution for research. (Ord. 1943, 1-9-2012)

**5-3A-10: LICENSE TAG; USE OF TAG:**

The city clerk or designee shall, upon receipt of application, payment of license fee, proof of rabies vaccination and other necessary required evidence, deliver or mail to the applicant a license which shall be in the form of a metal, permanent tag. The license tag shall be attached by the owner to the dog's or cat's collar and shall be kept on the dog or cat for which the license was issued at all times. (Ord. 1943, 1-9-2012)

**5-3A-11: TAG NOT TRANSFERABLE:**

A license tag issued for one animal shall not be transferable to another animal. A license issued by another city partnering with this city in a consolidated animal licensing agreement shall be honored when a resident moves from that city to this city with the same dog or cat. (Ord. 1943, 1-9-2012)

**5-3A-12: DUPLICATE TAG:**

Upon the filing of a written statement that the license tag has been lost or destroyed, the owner may obtain another tag upon payment of the required license replacement fee, which shall be established by resolution approved by the city council. (Ord. 1943, 1-9-2012)

**5-3A-13: VACCINATION OF DOGS AND CATS:**

Every owner of a dog or cat which is six (6) months of age or over shall obtain a rabies vaccination for the animal. It is unlawful for any owner to have a dog or cat within the city which is six (6) months of age or over, which has not been vaccinated against rabies. (Ord. 1943, 1-9-2012)

**5-3A-14: CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT:**

The owner of any female dog or cat in heat shall confine said female dog or cat in a building which is completely enclosed, or housed in a veterinary hospital or registered kennel, or within the owner's yard enclosed by a fence or other structure having a height of at least forty two inches (42"). Nothing in this provision, however, shall be construed as prohibiting any competent and responsible person from walking said dog or cat with a leash, cord, chain, or other similar restraint not more than ten feet (10') in length, or from transporting such a dog or cat within a motor vehicle. (Ord. 1943, 1-9-2012)

**5-3A-15: LIMITED NUMBER OF ANIMALS ALLOWED:**

It shall be unlawful, except for a licensed kennel or pet shop, veterinary hospital, or animal grooming shop, for an owner to harbor or house on his premises more than four (4) cats or four (4) dogs, or a combination of four (4) such animals, over the age of six (6) months. (Ord. 1943, 1-9-2012)

**5-3A-16: PENALTIES:**

Violations of this article are simple misdemeanors and may also be punishable as municipal infractions. Police officers, animal control officers, code enforcement officers and the police chief's designees shall have the authority to issue citations for violations of this article, and shall have the discretion to enforce this article as either a simple misdemeanor or municipal infraction. (Ord. 1943, 1-9-2012)

# City of West Des Moines Dog & Cat Licenses

## Informational Brochure

	CITY PET LICENSE FEE	DETAILS
Altered Cat	\$17	<ul style="list-style-type: none"> <li>• Date of current rabies vaccination is required at the time of purchase</li> <li>• Proof of spay or neutering is needed if you are licensing a pet at the altered rate for the first time. This is often indicated on the animal's rabies vaccination certificate.</li> <li>• Permits are valid for one calendar year (January 1 - December 31)</li> </ul>
Intact Cat	\$24	<ul style="list-style-type: none"> <li>• Date of current rabies vaccination is required at the time of purchase</li> <li>• Permits are valid for one calendar year (January 1 - December 31)</li> </ul>
Altered Dog	\$19	<ul style="list-style-type: none"> <li>• Date of current rabies vaccination is required at the time of purchase</li> <li>• Proof of spay or neutering is needed if you are licensing a pet at the altered rate for the first time. This is often indicated on the animal's rabies vaccination certificate.</li> <li>• Permits are valid for one calendar year (January 1 - December 31)</li> </ul>
Intact Dog	\$29	<ul style="list-style-type: none"> <li>• Date of current rabies vaccination is required at the time of purchase</li> <li>• Permits are valid for one calendar year (January 1 - December 31)</li> </ul>
Service Animal	\$0	<ul style="list-style-type: none"> <li>• Date of current rabies vaccination is required at the time of purchase</li> <li>• Permits are valid for one calendar year (January 1 - December 31)</li> <li>• Service animals are not eligible for the \$5 / dog discount</li> </ul>

You are required by law to annually license all pets 6 months or older

Pet license are due by April 30

On or after May 1, a \$25/pet late fee will apply\*

\*New residents and/or new pets are not subject to late fee but must license within 30 days

In accordance with City Code, it is unlawful for an owner to harbor or house on their premises more than 4 animals over the age of 6 months

The license tags you will receive are permanent tags designed to last many years and the number on the tag is your pet's permanent identifier

**PURCHASE A CITY PET LICENSE**

**PRINT CITY LICENSE APPLICATION**

## City Pet Licenses can also be purchased at the following locations and times:

### West Des Moines City Hall

Finance Department  
4200 Mills Civic Parkway  
8am-5pm, Monday-Friday  
515-222-3580

Please contact us at (515) 222-3600 or at [WestPet@wdm.iowa.gov](mailto:WestPet@wdm.iowa.gov) with questions.

### Raccoon River Dog Park Information

\*All dogs residing in the City of West Des Moines are required by law to have a City Pet License in order to purchase a Raccoon River Dog Park Annual Permit and users are required to purchase a Dog Park Permit to utilize the facility.