

DIVISION 86-VI-2. SIGN REGULATIONS.

SECTION 86-180 PURPOSE AND FINDINGS.

1. Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section to promote health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:
 - a. permanent signs that establish a high standard of aesthetics;
 - b. signs that are compatible with their surroundings;
 - c. signs that are designed, constructed, installed, and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
 - d. signs that are large enough to convey the intended message and to help citizens find their way to intended destinations;
 - e. signs that are proportioned to the scale of, and are architecturally compatible with, principal structures;
 - f. permanent signs that give preference to the on-premises owner or occupant; and
 - g. temporary signs that provide an opportunity for grand openings and special events while managing visual clutter and restricting hazards at public right-of-way intersections.
2. Findings. The city of Marshall finds it is necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. Further, the city finds:
 - a. permanent and temporary signs have a direct impact on and relationship to the image of the community;
 - b. the manner of installation, location, and maintenance of signs affects the public health, safety, welfare, and aesthetics of the community;
 - c. an opportunity for viable identification of community businesses and institutions must be established;
 - d. the safety of motorists, cyclists, pedestrians, and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;

- e. installation of signs suspended from, projecting over, or placed on the tops of buildings, walks or other structures may constitute a hazard during periods of high winds and an obstacle to effective fire-fighting and other emergency service;
 - f. uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
 - g. uncontrolled and unlimited signs, particularly temporary signs which are commonly located within or adjacent to public right-of-way or are located at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard for drivers and pedestrians and also adversely impacts a logical flow of information;
 - h. commercial signs are generally incompatible with residential uses and should be strictly limited in residence zoning districts; and
 - i. the right to express noncommercial opinions in any zoning district must be protected, subject to reasonable restrictions on size, height, location and number.
3. Severability. Every section, subdivision, clause, or phrase of Division 2 is declared separable from every other section, subdivision, clause, or phrase. If any such part is held to be invalid by competent authority, no other part shall be invalidated by such action or decision.

SECTION 86-181. DEFINITIONS.

“Abandoned Sign” - means a sign remaining without a message for a period of six months or more, or pertaining to a time, event, location, or purpose, including a discontinued business (unless evidence is provided that a business is temporarily suspended due to a change in ownership or management), which no longer applies, or remaining after demolition of a principal structure.

“Alteration” – means any change, reconstruction, relocation or enlargement of a sign, but shall not include routine maintenance, painting or change of facing or wording on an existing sign.

“Awning Sign” – means a sign or graphic woven into, printed on, or otherwise permanently attached to the awning material.

“Balloon” - means a temporary sign consisting of a bag made of lightweight material supported by hot or pressurized air or helium inside.

“Banner” means a temporary sign made of paper, fabric, cloth, canvas, plastic sheathing or any other flexible non-rigid material with no enclosing framework, and mounted to stay flat. One banner per property that gets reinstalled repeatedly in the same location for same purpose with the same size for less than 30 days each time and all banners placed inside sign cabinets shall be considered permanent flat signs.

“Cluster Sign” – means several flat signs that identify multiple establishments in a building grouped together in one location on that building, and that are of the same size and generally similar appearance.

“Commercial Sign” – any sign that is used to advertise or identifies a product, business, service, profession, commodity, entertainment or any other matter of a commercial nature.

“District” – means a City zoning district, as defined in the City’s zoning ordinance.

“Directional Sign” - means a sign erected for the single purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including menu boards and signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas. Business name and logo shall not occupy more than 25 percent of such sign area or be greater than 5 square feet.

“Double-face Sign” – means a sign that has images or text on opposite parallel or near parallel (less than 15 degrees) sides mounted not more than 24 inches apart on a single structural component, or a spherical sign. Only one side shall be counted toward the total permitted sign surface area.

"Dynamic Display" – means any sign or characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

"Electronic Graphic Display Sign" - means any sign or portion thereof that displays electronic static or moving images, with or without text information, defined by a number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. These signs include computer programmable, microprocessor controlled electronic or digital displays and projected images or messages with these characteristics onto buildings or other objects.

"Feather Sign" – means a temporary sign with a rounded top edge supported by a continuation of a ground-mounted staff or pole bent accordingly and with a height much greater than the width.

"Flashing Sign"- means a directly or indirectly illuminated sign or portion thereof that exhibits changing light or color effect by any means, so as to provide intermittent illumination that changes light intensity in sudden transitory bursts and creates the illusion of intermittent flashing light by streaming, graphic bursts showing movement, or any mode of lighting which resembles zooming, twinkling, or sparkling with an interval between flashes of less than eight seconds.

"Flag" - means any fabric or similar flexible lightweight piece of material attached at one edge or two points, usually to a pole, but possibly to the underside of a roof structure or a horizontal bar, so as to allow free movement of the material by atmospheric changes.

"Flat Sign" – means a permanent sign mounted on a building or its elements parallel to its vertical or near-vertical (less than 15 degrees off vertical plane) surface and projecting no more than 18 inches off that surface.

"Freestanding Sign" – means a permanent, non-movable sign supported upon the ground by poles, pylons, braces, foundation, solid base or any other permanent structure and not attached to any building.

"Gas Pump Sign" – means a sign factory painted or mounted on a side or top of an operational gas pump.

"Government Sign" – means a sign that is erected and owned by a governmental unit on the public property or right of way.

"Ground Sign" – means a freestanding sign erected on the ground or solid base or mounted on the pole(s) or pylon(s) so that the bottom edge of the sign display area is eight feet or less above the point of contact with the ground.

"Height of Sign" – means maximum vertical distance from the point of contact with the ground to the highest point of the sign.

"Illumination, internal" – means a light source within the sign.

"Illumination, external" - means a light source which is not internal to the sign.

"Integral Sign" – means a sign which is made an integral part of the building structure.

"Multi-faced Sign" – means a sign containing two or more non-parallel faces located at least 24 inches apart on at least one end and mounted on a single structural component. Each face shall be counted separately toward the maximum allowable sign surface area.

Non-commercial Sign – signs that are not commercial in nature, which include, but may not be limited to, expression of politics, religion, public services or ideologies.

"On-premises Sign" – a sign that is not off-premises.

"Off-premises Sign" - a sign exclusively advertising a business, person, activity, goods, products, or services not located on the site, or on an adjacent site, or within 200 feet of where the sign is installed. Permanent off-premises signs shall be considered a "use" as defined in Section 86-1 and regulated accordingly as "exterior structures". Temporary off-premises signs shall not be permitted.

"Permanent Sign" - any sign other than a temporary sign.

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

"Projecting Sign" – means a sign mounted on a building or its elements, including below canopies or awning, perpendicular to its surface, with or without additional ground support or a sign mounted parallel to the building surface but projecting more than 18 inches.

"Pylon Sign" – means a freestanding sign mounted on one or more individual pylon(s), pole(s), post(s) or other similar support(s) so that the bottom edge of the sign display area is more than eight feet above the point of contact with the ground surface.

"Roof Sign" - means a sign, except flags, mounted on a building or the building's elements and projecting above the roof edge or parapet line of a building or marquee with a flat roof or the eave line of a building, awning or canopy with a gambrel, gable, mansard or hip roof.

"Rotating or Moving Sign" – means a sign which revolves or rotates on its axis by mechanical means or has otherwise physical moving parts.

"Sandwich Sign" – means a portable sign, typically A-shaped, with two visible sides spread apart that is placed near the main entrance to a building or on a sidewalk.

"Sign" – means any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. For the purpose of this Section, the term "sign" shall not be deemed to include: the terms "building" or "landscaping", or any architectural embellishment of a building not intended to communicate information; building addresses required by the ordinance; works of art; or any sign structure or device that is not visible from an adjacent street, property line or building on adjacent property.

"Surface Area" - means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. In the case of flat signs consisting of individual not overlapping letters and symbols, not located within clearly defined sign border or frame and mounted on a common background, the surface area shall consist of the combined areas within the continuous outside perimeter of each individual letter, symbol, provided those outside perimeters do not overlap. Graphic striping, patterns, and color bands backgrounds shall not be included in surface area computations unless located within clearly defined sign border or frame. Sign Clusters shall be considered one sign when calculating the relevant surface area for the sign cluster. Surface area shall not include any clearly defined structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face sign structure shall be used in computing total surface area. The area of a spherical sign shall be calculated as the area of a circle.

"Temporary Sign" - means a sign not permanently affixed to a building or foundation structure and intended for temporary, even if repeated, use due to the temporary nature of the sign message or low durability of sign materials.

"Utility Box Sign" – means a sign painted on or attached to the side surface of any utility box.

"Window Sign" – means a sign attached to, placed upon or painted on the interior of a window outward facing, or mounted on the inside within the exterior wall thickness in the window opening and intended for viewing from the exterior of the building.

"Zoning Administrator" – means the zoning administrator of the City or a person designated as such by the City Administrator.

Additional definitions as applicable may be found in Section 86-1 Definitions.

SECTION 86-182. CITATION; ADMINISTRATION AND ENFORCEMENT.

1. Citation. This Division may be cited as the Marshall Sign Ordinance.
2. Administration and enforcement. Pursuant to Section Chapter 1, Section 1-8 of the Marshall Code, the City Administrator, or their delegee as Zoning Administrator, is empowered to enforce the provisions of this Ordinance as necessary to carry out the purpose of this Ordinance. The City Administrator, or their delegee as Zoning Administrator, may cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or electrically or structurally defective sign or a sign for which no permit has been issued or a sign which obstructs or interferes with the public right-of-way. A notice of violation shall be mailed to the sign holder citing the violation. If the violation is not corrected within ten (10) days, the City shall have the authority to remove the sign or impose a fine pursuant to Article 2-VII. No notice is required to be provided to the holder of a temporary sign listed in 86-184, subd. 2 of this Section in violation of this Code, and the Public Works Director, Chief of Police or Zoning Administrator, or their designees are hereby expressly authorized to immediately remove and impound such a temporary sign, the costs of which removal and impoundment may result in an administrative fine against the owner of the site on which the sign was displayed. The sign owner may retrieve the sign during normal business hours from the City within 15 days from the date of impounding. After 15 days, the city will dispose of the sign; and the city may not be held liable for any damage to impounded signs.

SECTION 86-183. PERMITS AND PROCEDURE.

In all districts, any sign authorized under this Chapter is allowed to contain non-commercial copy in lieu of other copy.

1. Permit not required. The following signs do not require a permit but must meet the regulations in this Section and Section 86-184:
 - a. Traffic control devices erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in the state of Minnesota.
 - b. Signs required by law or ordinance for regulatory, notification, or safety purposes.
 - c. Signs with a surface area that does not exceed two (2) square feet.
 - d. Directional signs.
 - e. Signs located on gas pumps.
 - f. Utility box signs.
 - g. Flags mounted on a roof or a wall.
 - h. Government Signs.
 - i. Integral Signs.

- j. All temporary signs.
 - k. Awning signs or canopy mounted signs located on the vertical edges and consisting of separate letters.
 - l. Window signs.
 - m. Signs allowed pursuant to Minnesota Statutes Section 211B.045.
2. Permit required. Other than in subsection (1) above, no sign shall be installed or placed without first obtaining a sign permit from the City. No permitted sign shall be altered in size, location or type without reapplying for a sign permit from the City.
- a. Permit procedure. Sign permit applications shall be handled in the same manner as building permits.
 - b. Fee. Except as modified by this subdivision, applications must be accompanied by payment of the fee as established by the City, to cover the city's costs in processing the application, the investigation and administering the provisions of this section. The application fee is nonrefundable.
 - c. Application for a permit must be on a form provided by the city and must include the following information:
 - i. name and address of the owner of the sign;
 - ii. street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
 - iii. the type of sign as defined in this section;
 - iv. site plan showing the location of the proposed sign;
 - v. specifications and scale drawings showing the materials, design, dimensions, structural supports, method of attachment and electrical components of the sign; drawings for freestanding and projecting signs shall be certified by a structural engineer licensed in the State of Minnesota.
 - vi. plan showing the location and size of all existing signs located on the same premises upon city request;
 - vii. sign permit fee as set in the same manner as building permits pursuant to section 18-23.
 - d. The City Administrator or their designee serving as Zoning Administrator shall approve or deny a sign permit application within 30 business days after a complete application is submitted. A decision must be made in writing and must be mailed or electronically delivered to the applicant at the address or email address provided in the application. If a permit is denied, the reason must be stated in writing.

- e. An applicant may appeal a denial by submitting a request in writing within 10 days after the decision was mailed or electronically delivered. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All reviews of a sign permit application must be based solely on whether the application complies with city ordinances.
- 3. Permit expiration. A sign permit becomes null and void if the sign is not installed within 180 days after issuance of the permit, and a new application must be submitted.
- 4. When applicable, no sign permit shall be issued unless an Ordinance compliant building address is present or will be installed as a part of proposed work.

SECTION 86-184 GENERAL REGULATIONS.

- 1. Scope. The regulations in this section 86-184 apply to signs in all zoning districts.
- 2. Prohibited Sign. The following signs are considered dangerous and prohibited in all districts. Signs:
 - a. Which purport to be or resemble an official traffic control device, sign, signal, railroad sign or signal; or which hide from view or interferes in any material degree with the effectiveness of any traffic control device, sign, signal, railroad sign or signal, or which obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic within visibility triangles. This includes signs higher than three (3) feet installed within visibility triangles.
 - b. Which prominently display the word "stop" or "danger" unless necessary for real warning or as traffic control.
 - c. Which contains statements, words, or pictures of an obscene nature.
 - d. Which are placed on any public right-of-way or recorded easement, except as otherwise provided or allowed by city code or state law, including Minn. Stat § 211B.045, or otherwise approved by council pursuant to Section 62-9 of the Marshall Code, and sandwich signs placed on sidewalks in the Downtown District in those instances when a clear five-foot-wide passage on that same sidewalk exists at the point of sign location.
 - e. Which are placed on private land without the consent of the owner thereof.
 - f. Which are attached to trees, shrubs, or which are painted or drawn upon rocks or natural features; which are affixed to utility poles, flagpoles, and pylons supporting another sign, except government signs.
 - g. Which give off intermittent or rotating light beams or produce flashing, pulsating or moving lights or images.
 - h. Which are structurally unsafe, in disrepair or abandoned.

- i. Which have dynamic displays unless otherwise allowed herein. All displays shall be shielded to prevent any light to be directed at oncoming traffic in such brilliance as to impair the vision of any driver. No device shall be illuminated in such a manner as to interfere with or obscure any official traffic signs or signal. Any illumination of a sign shall not shine directly upon any part of a residence.
 - j. Which protrude over roadways, alleys, access easements, driveways, parking, or any other vehicular traffic areas.
 - k. Which are painted on the wall of a building or structure, except a sign may be painted on a water tower or a grain elevator.
 - l. Roof signs.
 - m. Freestanding banners except those installed in conjunction with city-wide special events.
3. Size, time and location requirements. Signs shall meet the applicable requirements in this Section and under the table incorporated by reference herein, unless otherwise exempted from regulation. If requirements contradict each other, the most stringent one shall apply.
- a. Signs may not be located on property without the permission of the property owner.
 - b. Unless specifically required otherwise, all ground signs must maintain a minimum 5-foot setback from all lot lines. The city engineer may require a greater setback because of public safety reasons which may include the following conditions: vehicle sight distance, distance from intersection, or designation of adjacent right-of-way.
 - c. All signs shall comply with side and rear yards setback requirements.
 - d. Except for Temporary Signs located on active construction sites surrounded by temporary fence, signs may not be attached to fences.
 - e. Signs may not be located so as to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress, or egress for any structure.
 - f. Window signs may be placed within a building; however multiple uncoordinated signs or signs covering between 25 and 80 percent of individual glass panes are prohibited; neon tube signs, signs consisting of individual letters less than six (6) inches in height, and transparent glass film signs of any size are permitted.
 - g. Temporary Signs shall not be installed for more than fourteen (14) consecutive calendar days and, in no instance, more than a cumulative sixty (60) calendar days in any one calendar year. As an exception, sandwich signs under six (6) feet in surface area and installed in the Downtown district do not have time limitation provided they are removed nightly.

- h. Balloon and Feather Signs shall not exceed fifteen (15) feet in height. Balloon Signs must be ground mounted and must not utilize tether lines or tie-downs in a manner which risks the health or safety of the public.
 - i. Flag Signs shall not exceed forty (40) feet in height unless limited otherwise. The bottom edge of Flag Signs mounted on a horizontal bar or projecting more than twenty-four (24) inches from the mounting poles shall provide a minimum vertical clearance of eight (8) feet above ground.
 - j. Temporary signs located at construction sites shall be installed no more than seven days (7) prior to construction commencement, provided a valid permit is issued for construction.
 - k. Unless otherwise provided in the Section, Temporary Signs shall not exceed six (6) feet in height and shall not be illuminated or have moving parts. Temporary Signs left unattended shall be attached to the wall, anchored to the ground or weighted down to be able to withstand 90 mile per hour wind. No temporary signs shall be placed upon the required parking space or access drive.
 - l. All Freestanding Signs or other Sign protruding above dedicated paved walking surfaces shall provide a minimum vertical clearance of more than eight (8) feet above ground. Projecting signs in the Downtown District may protrude over pedestrian sidewalk no more than six (6) feet or two thirds of sidewalk width, whatever is less.
 - m. Signs in the Heritage District shall also comply with Section 86-287 of the Marshall City Code.
 - n. All signs with electrical components, temporary or permanent, are subject to the State Electrical Code and approval of the Electrical Inspector.
 - o. Installation of full-size objects as elements mounted on a sign may be allowed by a conditional use permit in all commercial, mixed, and industrial districts.
4. Electronic Graphic Display signs. Electronic Graphic Display (EGD) signs shall be subject to the following requirements:
- a. EGD signs, except signs used as Off-premises Signs, shall not exceed 40 percent of permitted sign surface area or 60 square feet, whichever is less, in all classes of business or industrial districts, and 60 percent of permitted sign surface area in all classes of residence districts. The remainder of the sign must not have the capability to change messages even if not used.

- b. EGD signs shall display only static images for intervals of at least six (6) seconds per image, except plain text on low-resolution signs may be allowed to scroll. The image change shall be accomplished by means of instantaneous repixelization. Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited. Intervals between successive displays shall be less than 0.5 seconds. Only one image or message may be displayed at a time and images utilizing split screens are prohibited.
 - c. EGD signs shall have an automatic dimmer control that detects ambient light and automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions for all times during the day. Maximum brightness level at any time shall not exceed 0.3 foot-candles (3 lux) above ambient light as measured from a of ten times the square root of the sign area measured in square feet. Maximum luminance of the sign shall not exceed 6,000 nits during daylight hours and 500 nits at night (1 Nit as the approximate equivalent of 3.426 ANSI Lumens).
 - d. EGD signs displays shall be able to freeze an image in one position if a malfunction occurs and shall also have a mechanism to discontinue the display if the sign malfunctions for longer than one hour.
- 5. Sign construction and maintenance.
 - a. Construction specifications. All permanent signs must be constructed in accordance with the Minnesota State Building Code.
 - b. Sign maintenance and repair. All signs must be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of ground signs for distance of ten (10) feet must be neatly trimmed and free of weeds. Rubbish or debris under or near the sign that would constitute a fire or health hazard must be removed.

- c. Abandoned signs and signs in disrepair. An abandoned sign or sign in disrepair is prohibited and shall be removed by the owner of the premises within 30 days after notification for permanent signs and seven days after notification for temporary signs. If compliance with the provisions of this section is not achieved within 30 days, the city may remove the sign as a public nuisance or impose an administrative fine. If an abandoned permanent sign remains in good condition and without holes or other evidence of disrepair or damage, the sign shall not be considered as abandoned for a period of six months.
- d. Nonconforming Signs. Any permanent sign that complied with all applicable laws and ordinances at the time it was erected but since has been or is made nonconforming due to a subsequently enacted amendment of this city code is considered a legal nonconforming sign. Any permanent sign that was installed without a permit shall be brought into compliance by applying for a permit within 30 days after notification.

SECTION 86-185. – District Regulations.

The Zoning District specific sign requirements are listed in Table 86-185.