



**CITY OF MANDAN
PLANNING AND ZONING COMMISSION
STAFF MEMORANDUM**

To: Planning & Zoning Commissioners
From: Robert Decker, Principal Planner
Meeting Date: June 27, 2016
Subject: Proposed Ordinance No. 1241 related to signs

Current sign requirements are administered through a policy document governing the actions of the Mandan Architectural Review Committee. This proposed ordinance formalizes those procedures as part of the zoning requirements of city code.

This proposed ordinance adds a new article to the zoning chapter of city code, Chapter 105.

BACKGROUND: With the introduction of electronic message signs and the proliferation of portable signs and flags, it is time to upgrade the regulation of signs.

The draft ordinance reorganizes the current policy document so administrative items are first and the types of signs in alphabetical order follow. Language was updated and formatting edits were made. Major changes between the current policy document and this proposed ordinance are:

- Each type of sign has a set of standards.
- A section has been added regulating bench signs.
- The allowable wall sign size in relation to the wall that it is attached to was reduced from 40% to 20%.
- Portable sign companies must now register with the city and provide the city monthly with the location of each sign and the duration of the sign agreement.
- The number of days per calendar year that portable signs can be used has been increased from 180 days to 240 days.
- Temporary signs are limited to 120 days per year.
- Portable and temporary signs cannot remain in place continuously.
- Banners, flags and streamers are grouped under temporary signs.
- The length of streamers allowed on a lot was limited to twice the width of the lot.
- Approval by NDDOT of signs in the right-of-way of streets regulated by NDDOT has been added in conformance with state law.

The proposed ordinance includes the following topics.

- (a) *Purpose.*
- (b) *Definitions.*
- (c) *Application for permit.*
- (d) *Permit exemptions.*
- (e) *Processing of application.*

- (f) *Mandan Architectural Review Committee (MARC).*
- (g) *Unsafe or unlawful signs.*
- (h) *Non-conforming signs.*
- (i) *Maintenance and inspection.*
- (j) *General requirements and provisions.*
- (k) *Zoning district requirements.*
- (l) *Awnings and awning signs.*
- (m) *Basement business signs.*
- (n) *Benches or structures with signage.*
- (o) *Billboard signs.*
- (p) *Canopy and canopy signs.*
- (q) *Electronic signs.*
- (r) *Marquee and marquee signs.*
- (s) *Monument signs.*
- (t) *Political signs.*
- (u) *Portable signs.*
- (v) *Post & panel signs.*
- (w) *Projecting signs.*
- (x) *Pylon signs.*
- (y) *Real estate, construction and finance signs.*
- (z) *Roof signs.*
- (aa) *Sidewalk signs.*
- (bb) *Temporary signs.*
- (cc) *Wall signs.*
- (dd) *Window signs.*

ORDINANCE NO. 1241

An Ordinance to Add and Enact Section 15 to Article 1, Chapter 105 of the Mandan Municipal Code related to signs

WHEREAS, The Mandan Architectural Review Committee reviews and approves the number, design and location of signs, and

WHEREAS, The sign guidelines that have been followed by the MARC are contained in a policy document, and

WHEREAS, Changes in sign technology and the use of various types of signs require an upgrade to how the city regulates signs.

NOW, THEREFORE, BE IT ORDAINED by the Board of City Commissioners of the City of Mandan, Morton County, North Dakota, as follows:

Section 1. Section 15 of Article 1, Chapter 105 is created to read.

Sec. 105-1-15. – Signs

- (a) *Purpose.* The purpose of these sign requirements is to establish regulations which allow businesses to effectively convey information through signage while also maintaining a neat and orderly appearance.
- (b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Awning means a roof-like structure that is supported by a metal or wood frame.

Banner means a sign printed on lightweight, flexible material such as cloth, canvas or plastic that contains decorations and/or graphics or provides information to the public that is temporarily attached to a building or suspended between permanent poles or columns.

Bench sign means a place for people to sit that also contains wording and/or graphics advertising a business or activity.

Billboard means an off-premise sign constructed to industry standards that either advertises one business or contains an easily changeable face that can be rented by a business or multiple businesses for a period of time.

Canopy means a structure or architectural element, other than an awning, that is made of metal or other noncombustible materials and is either freestanding or attached to a building.

Canopy Sign means a message or identification which is affixed to or supported by a canopy.

Directional means an on-premise sign using arrows and/or words to assist with internal circulation that may contain the name or logo of an establishment but no advertising copy.

Display means a structure of any kind that is arranged, intended, designed or used as an advertisement, announcement or direction.

Electronic or Changeable Copy means a portion of a sign that includes a screen or letters, characters, or graphics that are not permanently affixed to the structure, that can be modified from time to time either electronically or manually.

Erect means to build, construct, attach, hang, place, suspend or affix.

Facing or surface means the part of a sign upon, against, or through which the message is displayed or illustrated.

Figurative wall mural means an illustration, diagram or design, not intended to sell a product or to advertise an establishment, that is used for aesthetic purposes or to enhance architectural features of a building.

Flag sign means a loose section of fabric or other flexible material designed to move with the wind that is attached to a lightweight pole which is either pushed into the ground or into some form of support.

Flashing means a pattern of changing light, pictures or wording for the purpose of drawing attention to the sign.

Frame effect means a defining element on an electronic message center sign applied to a single frame or to transition from one frame to the next.

Frame hold means the duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

Freestanding means a sign supported by uprights or braces placed in or upon the ground surface with no attachment to any building.

Illuminated means a sign that has either internal or external lights or luminous tubes.

Marquee means a hood or awning of permanent construction projecting from the wall of a building above an entrance and extending over a sidewalk.

Marquee sign means a message attached to the face of a marquee.

Monument means a freestanding sign where the entire bottom of the sign is affixed to a base on the ground that fully supports the sign.

NIT means a unit of illuminative brightness equal to one candela (12.5 lumens) per square meter measured perpendicular to the rays of the source.

Non-conforming means a sign that was lawfully erected prior to the effective date of the ordinance that adopted this article and which fails to conform to all of the provisions of this article.

Obstructive means a sign erected with the purpose of hiding or covering from the view of the public an adjacent or nearby sign.

Off-premise means a sign advertising a business, person, service or product which is located or conducted elsewhere than on the premises where the sign is located.

On-premise means a sign advertising a business, service or major product located on that property.

Permanent means a sign not falling under the definitions of temporary or portable.

Portable means a sign designed to be transported, including inflatable devices and signs carried or attached to a trailer or vehicle unless such trailer or vehicle is used in normal day-to-day operations of the business.

Post & panel means a freestanding sign supported by more than one support.

Privilege panel means a permanent sign provided by the distributor or manufacturer of a product which utilizes a portion of the sign to advertise a specific product with the rest of the sign allocated to the name of a business located at the property upon which the sign is placed.

Projecting means a sign which is attached directly to a building wall and which extends more than twelve (12) inches from the face of the wall.

Pylon means a free standing sign supported from the ground by one or more supports.

Roof means a sign erected or constructed wholly upon or over the roof of a building.

Sign means any written announcement, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is displayed or placed out of doors in view of the general public and shall include every detached sign or billboard and every sign attached to or forming a component part of any building marquee, canopy, awning, street clock, pole, parked vehicle or other object whether stationary or moveable.

Signable wall surface area means the portion of a building wall that is free of windows, doors or major architectural details.

Sight triangle means the area at the corner of a lot with two intersecting streets or the area on each side of a driveway that provides visibility for vehicles, pedestrians, and cyclists on the street in the proximity of the property or vehicles, pedestrians, and cyclists on the property wishing to exit the property.

Streamer means one or more small, typically triangular, flags attached to a line or cable that can be tied or otherwise attached to a portion of a permanent structure or sign post.

Temporary means a sign that is designed to be used only for a limited period of time to advertise a special event or activity.

Wall mount means a sign which is affixed parallel to the exterior wall of a building and which does not project more than twelve (12) inches from the surface to which it is attached nor does it extend beyond the top of any parapet wall.

Window means a sign which faces the exterior of the building and is applied in any manner to the window from either side.

(c) *Application for permit.* An application for issuance of a sign permit shall be submitted to the City of Mandan Building Department. An application shall include all necessary drawings and specifications showing dimensions and materials to be used on the sign. Required fees must be paid before an application will be processed. Fees for processing and issuance of a sign permit shall be set by action of the board of city commissioners. Actions requiring a permit include the following.

(1) Alterations to an existing sign. No sign shall be altered except in conformity with the provisions of this policy. The changing of moveable parts of an approved sign that is designed for such changes, repainting the sign or reposting of display matter shall not be deemed an alteration provided the conditions of the original approval and the requirements of this section are not violated.

(2) New signs.

(3) Relocated signs. A sign that is moved to another location on the same premise or to another premise.

(d) *Permit exemptions.* No permit shall be required for signs or outdoor display structures listed here. However, not having to get a permit does not relieve the owner of the sign from responsibility for its erection and maintenance in a safe and conforming manner to the requirements contained in this section.

(1) Directional or instructional signs. Signs not exceeding four (4) square feet in area which provide direction, instruction or identify public facilities; are located entirely on the property to which they pertain; and do not in any way advertise a business.

(2) Political signs. Signs that meet the standards contained in this section.

(3) Professional name plates. Professional name plates not exceeding two (2) square feet in area.

(4) Real estate, construction and finance signs. These signs do not require a permit but signs larger than sixteen square feet must be registered with the Building Department.

- (5) Rental signs. Rental companies that provide portable signs to businesses must register with the Building Department and provide an inventory of where the signs are located at least once a month. The inventory shall include the dates that the sign was in place.
 - (6) Special displays. Decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the city and on which there is no commercial advertising.
 - (7) Store signs. Signs erected on a show window or on the door of a store or business establishment which announces the name of the proprietor and the nature of the business conducted therein as well as temporary signs placed in windows used to advertise a special product or sale.
 - (8) Street signs. Signs erected by the city for street direction.
 - (9) Transit directions. Signs designating the location of a transit line, a railroad station or other public carrier not more than three (3) square feet in area.
- (e) *Processing of application.* Upon receipt of a sign permit application, the Building Department shall schedule the application for review and approval by the Mandan Architectural Review Committee (MARC). The MARC meeting shall occur within no more than 30 days of receipt of the application. Once MARC has reviewed the application and rendered a decision, the Building Department will process the application and issue any permit recommended by MARC.
- (f) *Mandan Architectural Review Committee (MARC).* The MARC is responsible to apply the standards contained in this section when reviewing any sign application submitted to it. The MARC shall review the application and notify the Building Department of its determination. If MARC approves the application, the Building Department will issue the appropriate permit. The MARC may attach any conditions it deems appropriate to any approval granted.
- (g) *Unsafe or unlawful signs.* The Building Department shall take whatever action is necessary to correct an unsafe condition with a sign or have an unlawful sign removed. If necessary, the Building Department may file a complaint with any court of competent jurisdiction.
- (1) Whenever any sign becomes insecure, in danger of falling or otherwise unsafe, the owner of the sign shall be notified by the Building Department and given a specified time to correct the problem.
 - (2) The Building Department shall order the removal of any sign that has been unlawfully installed, erected or maintained in violation of any of the provisions of this code.
 - (3) The Building Department shall notify the owner or lessee of a building or structure whenever a sign is so erected as to obstruct free ingress to or egress from a required door, window, fire escape or other required exit way and shall require appropriate corrective action within a specified time frame.
 - (4) Signs damaged by storm or accident shall be repaired to a safe condition by the owner of the sign at the direction of the Building Department within a specified period of time.

Signs that present a clear and present danger to the public shall be removed or repaired within 48 hours. Signs that are impeding traffic may be removed immediately by the city and the owner of the sign billed for the costs incurred by the city.

- (5) Signs that are blown down, destroyed or removed shall not be re-erected, reconstructed, rebuilt or relocated unless the sign is made to comply with all applicable requirements of this section.
 - (6) A sign which no longer advertises a bona fide business or product is considered an unlawful sign and must be removed upon notification by the Building Department.
- (h) Non-conforming signs.
- (1) A properly maintained non-conforming sign will be allowed until substantial improvements are proposed to the sign, structure or site.
- (i) *Maintenance and inspection.*
- (1) It shall be the duty and responsibility of the owner or lessee of every sign to maintain the sign in a clean, sanitary and healthful condition.
 - a. The sign, together with all supports, braces, guys and anchors, and individual letters and symbols shall be kept in repair
 - b. Parts that are not galvanized or constructed of approved corrosion-restrictive materials shall be painted as necessary to prevent corrosion.
 - (2) Every sign for which a permit has been issued shall be inspected by the Building Department upon completion of erection or installation.
- (j) *General requirements and provisions.*
- (1) All signs shall be designed and constructed in conformity to the provisions for materials, loads and stresses of the adopted version of International Building Code Appendix H.
 - (2) No sign shall be illuminated by other than electrical means and electrical devices. Wiring shall be installed in accordance with the requirements of the ND State Electrical Board. No open spark or flame shall be used for display purposes unless specifically approved by the Building Department and the Fire Chief.
 - (3) No sign shall be erected at the intersection of any street or alley in such a manner as to be located in the sight triangle of persons using the intersecting streets and be an obstruction to the sight triangle. No sign shall be placed in the sight triangle of a driveway in a manner that creates an obstruction. Any sign located within a sight triangle shall be deemed an obstruction to the sight triangle if it is greater than 10 inches wide and is between 2 and 10 feet above the edge of the roadway or the top of curb in a commercial or industrial district or between 3 and 10 feet above the edge of the roadway or the top of curb in a residential district.

- (4) No sign shall be erected that closely resembles or approximates the size, shape or form of an official traffic regulation sign or marker.
- (5) No private sign shall be attached to a public building or structure, a utility pole or any existing public signage.
- (6) The light for a sign shall not be directed into any residential district or towards any oncoming vehicle.
- (7) Signs containing or utilizing flashing, rotating, or moving lights shall be prohibited unless they are used solely for public safety, e.g. construction markers.
- (8) The use of laser lights, strobe lights, searchlights, beacons and similar upward or outward oriented lighting as part of any sign is prohibited.
- (9) Privilege panel signs shall have at least seventy-five (75) percent of their total area devoted solely to the name of the business or firm upon which they are located.
- (10) No signs or wall murals shall be painted on any building without prior approval from MARC.
- (11) No signs shall be attached to, affixed to, painted or drawn on trees, shrubs, rocks, other natural features or organic material. Certain species of wood products may be used for construction of a sign with approval of the MARC.
- (12) No Permanent signs shall use fluorescent type coloring such as that known as "day-glow".
- (13) No sign shall be attached to the stair well railing of a basement business.
- (14) Obstructive signs are prohibited.
- (15) No advertising sign within 300 feet of a residentially zoned area shall have any bulb that is greater than 11 watts of incandescent lighting. Public service information signs and other electronic message centers permitted anywhere within an area zoned for commercial or industrial use shall have a bulb no greater than 75 watts of incandescent lighting. Other types of bulbs/lights are restricted to equivalent brightness.
- (16) Illuminated signs are permitted for buildings housing 3 or more dwelling units.
- (17) No sign shall hide from a driver's view or interfere in any material degree with the effectiveness within 500 feet of any traffic control device, sign or signal.
- (18) No advertising sign, by reason of location, position, shape, or color may be designed to be confused with any public sign. The use of cautionary words such as: "stop", "danger", "caution", "beware" or similar words is prohibited unless the sign is being used to convey a public service message that contains no advertising.

- (19) No sign shall contain statements, words, or pictures of an obscene, indecent, pornographic, or immoral character.
- (20) Except for sidewalk signs in the downtown commercial area and signs above sidewalks, no sign shall be allowed in the public right-of-way unless otherwise provided for in this section.
- (21) Signs that can only be accessed from a state controlled roadway must have a NDDOT permit or written approval from NDDOT.
- (22) No motorized vehicle or trailer on which is attached thereto or located thereon any sign or advertising device which provides the advertisement of products, services, or directs people to a business may be parked in a public right-of-way, on public property or on private property visible from a public street. This subsection shall not prohibit vehicular signs which are attached to or affixed on a motor vehicle used in the normal day-day-day operations of the business.
- (23) No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide air, ingress or egress for any building or structure.
- (24) Audio speakers or any form of pyrotechnics are prohibited on or in association with a sign.

(k) *Zoning district requirements.*

- (1) In residential zoning districts the following sign standards shall apply.
 - a. Each residential lot may have one sign not exceeding 2 square feet in area. The sign may be of a wall, foundation or projecting type. Signs may not project past the property boundary.
 - b. For existing subdivisions, one sign not exceeding 12 square feet in area is allowed at each principal entrance.
 - c. For existing subdivisions, one sign not exceeding 6 square feet in area may be erected advertising property for sale or rent.
 - d. For new subdivisions, one sign not exceeding 32 square feet in area may be erected at each principal entrance advertising lots or dwellings for sale.
- (2) In business and industrial zoning districts the following sign standards shall apply.
 - a. Each business on a lot containing one or two businesses may have an individual freestanding sign. Lots with more than two businesses must share any freestanding signage. The MARC shall determine the number of signs allowed on any lot with multiple businesses.

- b. Each business may have one projecting, roof or marquee sign.
- c. Each business may have one wall sign, unless otherwise approved by MARC.

(l) *Awnings and awning signs.*

- (1) Awnings may extend from a building over the public right-of-way two (2) feet less than the distance from building to curb. Such structures shall not be less than eight (8) feet from the sidewalk or ground grade line. Suspended signage or valances shall not be less than (8) feet from the sidewalk or ground grade line.
- (2) Awnings should complement the building architecture. Awning shape, color, material, and location on the building shall be compatible with the building architecture, relate well to the dominant architectural features, and not cover up or hide handsome materials or important details.
- (3) Signs will be allowed on the band or the valance. Signs on a sloped surface shall be at the discretion of MARC. The sign band shall be no greater than 12" in the downtown commercial area. Signs shall not be the dominant feature of an awning.
- (4) Awnings in historic areas and on historic buildings should respect the history of the area and buildings. Historic colors, styles, and mounting locations based on research, old photographs, and historic records are encouraged.
- (5) Arched awnings that are curved in section shall be approved by MARC in the downtown commercial area.
- (6) Awnings should generally be located to fit within window and/or door recesses.
- (7) A uniform shape, color, and placement should be used when multiple awnings are proposed for a single building. New awnings should generally match any existing awnings on the building. Existing inconsistent awning styles of a building do not justify approval of additional or new awning styles. Inconsistent awning styles are to be reduced, not increased with new awning approvals.
- (8) Individual awning proposals for multi-tenant buildings will be evaluated as to their acceptability as a model for use by all other similarly located tenants in the buildings.
- (9) Awnings shall be approved by MARC if installed under significant eave overhangs, cantilevers, or other prominent architectural projections.
- (10) In the downtown commercial area, bright or highly saturated colors, reflective materials, and illuminated back lighting of transparent materials will not be allowed when using canvas-type materials. Weathertite, Sunbrella or similar fabrics will be allowed.
- (11) Solid colors or low contrast, non-jarring patterns are generally acceptable awning color treatments.

- (12) Fabric awnings shall not be painted.
- (13) Awnings shall be maintained in good repair and a clean and attractive condition as long as they are up and installed on the building. Torn or bent and/or faded awnings shall be repaired, replaced, or removed.
- (14) All applications for awning shall include a sample of the proposed awning material to show color, texture, and finish.
- (15) If any upper story window is treated with an awning, then all upper story windows shall be treated with awnings as approved by MARC.

(m) *Basement business signs.*

- (1) When only one (1) business is utilizing a basement area, an appropriate wall sign may be provided.
- (2) When two businesses exit from the basement of a building, appropriate signs or directories to such businesses may be provided on the wall over the entrance to the basement and coordinated with other building signs.
- (3) Signs or directories shall not exceed nine (9) square feet in area.

(n) Benches or structures with signage.

- (1) The total number of bench signs located in any district shall be limited and approved by MARC.
- (2) Bench signs shall not be located closer than 75 feet to one another (measured from base to base).
- (3) Maximum height of four (4) feet.
- (4) Maximum sign area twenty (20) square feet.
- (5) Only one advertising panel advertising one business is permitted per bench.
- (6) Bench rental companies shall be licensed with the City.
- (7) All signs and structures shall be properly maintained, well-kept and in good condition.
- (8) If signage is out of date, the signage or the structure shall be removed or replaced within 10 days.
- (9) Signs must advertise Mandan businesses or events if they are located within public right-of-way.

- (10) After MARC has reviewed the design and content of the bench sign and the bench will be located in public right-of-way, the location of the bench must be submitted to city commission for approval. City commission may include conditions or design requirements with its approval. For roadways regulated by NDDOT, NDDOT approval must also be secured before the bench can be installed within public right-of-way.

(o) *Billboard signs.*

- (1) No billboard sign shall exceed a height of forty (40) feet above the lot grade of the adjacent roadway.
- (2) The exposed upright or super structure of billboard signs shall be of non-corrosive metal materials or be painted a color such as a natural blend, white or gray or earthen green, rust or brown color, so as to blend with the surrounding environment.
- (3) Billboard signs shall be of all steel or similar material, constructed and designed in accordance with the Mandan Building Code.
- (4) There shall be a minimum of 300 feet between billboards.
- (5) All billboards shall meet City, State and Federal requirements and the foundation must be on private property.

(p) *Canopy and canopy signs.*

- (1) Canopies and canopy signs, attached thereon, may extend from a building over the public right-of-way two (2) feet less than the distance from building to curb. Such structures shall not be less than eight (8) feet from the sidewalk or ground grade line. Suspended signage shall not be less than eight (8) feet from the sidewalk or ground grade line.
- (2) Canopy signs shall not extend more than twelve (12) inches above or below a canopy.
- (3) Canopy signs shall not extend closer than three (3) inches to any edge of a canopy.
- (4) Canopy signs may be located beneath or above an overhead canopy but shall not project lower than eight (8) feet above the sidewalk.
- (5) There shall be only one canopy sign per business on each street exposure unless otherwise approved by MARC.
- (6) Canopies should complement the building architecture. Canopy shape, color, material, and location on the building shall be compatible with the building architecture, relate well to the dominant architectural features, and not cover up or hide handsome materials or important details.

- (7) Canopies in historic areas and on historic buildings should respect the history of the area and buildings. Historic colors, styles, and mounting locations based on research, old photographs, and historic records are encouraged.
 - (8) Individual canopy proposals for multi-tenant buildings will be evaluated as to their acceptability as a model for use by all other similarly located tenants in the buildings.
 - (9) Solid colors and/or low contrast, non-jarring patterns are generally acceptable canopy color treatments.
 - (10) All applications for canopies shall include a sample of the proposed awning material to show color, texture, and finish.
 - (11) If any upper story window is treated with a canopy, then all upper story windows shall be treated with canopies or as approved by MARC.
- (q) *Electronic signs.*
- (1) Flashing is prohibited.
 - (2) The City reserves the right to require any sign to be modified based on display message including timing or frame changes or effects of movements displayed.
 - (3) Ground signs, as defined by the IBC Appendix H102 and commonly referred to as billboards or off-premise signs, are permitted in commercial and industrial districts. When adjacent to federal or state aid highways, all NDDOT standards for design and approval must be followed. In those districts where permitted, ground signs must be spaced at least three hundred (300) feet apart along the roadway. Ground signs may not exceed sixteen (16) feet by fifty (50) feet per face of sign in size (multiple faces must be treated as one face), and the support structure and sign may not exceed fifty (50) feet in height, measured from the top of the nearest curb line to the top of the sign or structure. Additional requirements for digital billboards are included elsewhere in this section.
 - (4) No electronic message center sign installed after January 1, 2010 shall be permitted to operate unless it is equipped with:
 - a. A default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs; and
 - b. A mechanism able to automatically adjust the illuminative brightness of the display according to ambient light conditions by means of a light detector/photocell.
 - (5) An electronic message center sign installed prior to January 1, 2010 shall be allowed to continue operation provided the brightness of the sign does not exceed a maximum illumination of five thousand (5,000) NITS during daylight hours or a maximum illumination of seven hundred and fifty (750) NITS between one-half hour before sunset

to one-half hour after sunrise as measured at the sign's face at maximum brightness. These illumination levels may be set manually or by an alternative method approved by the Building Official.

- (6) Only one (1) electronic message center sign shall be allowed per property.
- (7) The electronic message center sign portion of any sign shall not exceed the area specified in the table below. The maximum size is based on the type of zoning district in which the sign is located and the functional classification of the roadway adjacent to the sign or fifty (50) percent of the total sign area, whichever is less.

Zoning District	Functional Classification of Adjacent Roadway				
	Interstate	Principal Arterial	Minor Arterial	Collector	Local
Industrial	100 sf	100 sf	72 sf	48 sf	32 sf
Commercial	100 sf	100 sf	72 sf	48 sf	32 sf
Neighborhood Commercial	72 sf	72 sf	48 sf	32 sf	32 sf

- (8) Electronic message center signs shall be subject to the following operational requirements:
 - a. The sign shall have a frame hold time of no less than one (1) second. The use of animation and background animation is allowed and is not subject to the one (1) second frame hold time requirement.
 - b. Entrance and exit effects may be used to transition from one frame to another, provided said entrance effects result in all of the text within the frame appearing at once or in the order that the text is normally read (including, but not limited to, scrolling from right to left or scrolling from bottom to top entrance effects). Entrance effects where all of the text within the frame does not appear at once or in the order that the text is normally read are prohibited (including, but not limited to, scrolling from left to right, scrolling from top to bottom, and entrance effects referred to as slot machine, slots, splice, mesh, radar, kaleidoscope and spin). There are no limitations on the types of exit effects used. Except for such transitions, each frame shall remain static with no additional frame or hold effects applied to text within the frame (including, but not limited to, the fading or flashing on any part of the message and hold effects referred to as flash, spin, twinkle, wavy and rumble). The use of bijou lights as a frame effect is allowed.
 - c. The use of streaming video or full-motion video on any electronic message center sign is prohibited.
- (9) Electronic message center signs located within three hundred (300) feet of any residentially zoned district, as measured from any part of the sign to the nearest property line within any residential zoning district, are subject to the following additional requirements:

- a. The sign shall not exceed thirty-two (32) square feet in area, or fifty (50) percent of the total sign area, whichever is less.
 - b. Between 7:00 a.m. and 10:00 p.m., the sign shall be allowed to operate. Between 10:00 p.m. and 7:00 a.m., the sign shall only display static images with a frame hold time of no less than three (3) seconds and shall be limited to instantaneous transitions from one static frame to another static frame without the use of any frame entrance, exit or hold effects or the use of any animation or background animation.
- (10) An electronic message center sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of this chapter.
- (11) No portion of any existing sign shall be replaced with an electronic message center sign unless a sign permit is obtained for the new electronic message center sign.
- (12) Digital billboards must be located at least three hundred (300) feet from any other non-digital ground sign (billboard), at least twelve hundred (1,200) feet from any other digital billboard, and at least five hundred (500) feet from an interstate interchange, as measured from any part of the sign to the nearest portion of any part of any other billboard sign on the same side of the roadway or to the nearest right-of-way line of the interchange. Digital billboards that face state or federal highways are subject to NDDOT regulation.
- (13) Digital billboard signs shall have a frame hold time of no less than seven (7) seconds and must transition instantaneously from one static image to another static image without any special effects. The use of streaming video, full-motion video, and animation or frame effects is prohibited.
- (r) *Marquee and marquee signs.*
- (1) Marquees and marquee signs, attached thereon, may extend from a building over the public right-of-way two (2) feet less than the distance from building to curb. Such structures shall not be less than eight (8) feet from the sidewalk or ground grade line. Suspended signage shall not be less than eight (8) feet from the sidewalk or ground grade line.
 - (2) A sign attached to the face of a marquee may not exceed three (3) feet above the top edge of the marquee and not to extend below the marquee's lower edge.
 - (3) Marquee signs shall be constructed entirely of approved materials and size.
 - (4) Marquee signs may extend the full length but in no case shall they project beyond the ends of the marquee.
- (s) *Monument signs.*

- (1) A monument sign shall be solid from the grade to the top of the structure using non-flammable architectural materials.
 - (2) The minimum setback is 10 feet from the property line or sight triangle, whichever is greater.
 - (3) The maximum allowable height of a monument sign is 12 feet unless the sign is set back farther from the property line or sight triangle. For each additional 2 feet of setback, the height of the sign can be increased by 1 foot up to a maximum sign height of 16 feet.
 - (4) Monument signs may be incorporated into a retaining wall or masonry wall.
 - (5) The bottom edge of a monument sign must be in continuous contact with the structural base and a minimum of 12 inches above grade.
 - (6) Monument signs must be placed within a landscaped area.
- (t) *Political signs.*
- (1) Political signs shall follow North Dakota Century Code (NDCC) regulations and MARC is not governing.
- (u) *Portable signs.*
- (1) All sign companies that rent portable signs to customers within the City must be licensed with the City and must register their total sign inventory with the City Building Department. Each rental sign shall have the rental companies name and phone number clearly visible on the sign.
 - (2) All portable signs and sign lettering shall be properly maintained, well-kept and in good condition.
 - (3) Each property is allowed a minimum of one portable sign. Larger properties may have more than one portable sign as long as they are placed a minimum of 100 feet apart.
 - (4) Sign lettering will be limited to two (2) colors. Maximum square footage for a portable sign shall be 100 square feet and maximum height shall be 8 feet. The Portable Sign cannot be Illuminated or Electronic.
 - (5) All portable rental signs will be designed and built to withstand a minimum of a thirty pound wind load per square foot. This would be equal to an eighty mile per hour wind.
 - (6) A portable rental sign will not be placed at an individual business for more than 240 days per calendar year. The Owner of the portable sign shall submit a monthly report to the Building Department showing rental days and location of the each sign.
 - (7) Off premise portable rental signs shall be limited to placement of 30 days and shall obtain a Sign Permit. The off premise sign shall only be advertising a seasonal or special

event. The placement of the portable rental sign will be at the approval of the Building Official.

(v) *Post & panel signs.*

- (1) A Post & Panel sign does not have a base other than the support posts.
- (2) The minimum setback is 10 feet from the property line or sight triangle, whichever is greater.
- (3) The maximum allowable height of a monument sign is 12 feet unless the sign is set back farther from the property line or sight triangle. For each additional 2 feet of setback, the height of the sign can be increased by 1 foot up to a maximum sign height of 16 feet.
- (4) The bottom edge of a post and panel sign must be a minimum of 12 inches above grade and must be placed within a landscaped area.
- (5) The support posts must be made of a non-flammable material or as otherwise approved by MARC.

(w) *Projecting signs.*

- (1) The bottom edge of the sign board, or of any affixed devices, must be at least thirteen (13) feet above grade at sign.
- (2) A projecting sign or any part thereof may not project more than thirty-six (36) inches from the face of the supporting building, shall not be more than ten (10) feet in height and shall not exceed thirty (30) inches in width.
- (3) No projecting sign shall extend more than four (4) feet above a building roof line.
- (4) No projecting sign shall originate from other than a front wall of the building. The maximum square footage for sign face is 50 square feet unless otherwise approved by MARC.
- (5) No projecting sign shall be permitted in any alleyway.

(x) *Pylon signs.*

- (1) No pylon sign shall extend into a public access or right-of-way.
- (2) Unless a greater height is approved by MARC for a specific property, the maximum pylon sign height is 25 feet in the downtown commercial area; 40 feet in the other commercial and industrial districts; and 60 feet in the Gateway Overlay Zone.
- (3) Clearance space, not less than ten (10) feet above top of the curb or prevailing grade, whichever is higher, shall be provided below the sign portion of pylon sign and thirteen (13) feet when within a traffic area.

- (4) For single business properties with sufficient frontage, multiple pylons will be allowed provided they can be set back from the adjacent or adjoining lot line a minimum of twenty-five (25) feet and are no closer to each other, as measured parallel to the property frontage, than one hundred fifty-five (155) feet or otherwise as approved by MARC.
 - (5) A pylon's support shall originate from the surface of the ground only and be made of non-flammable material.
 - (6) Pylon signs may be used as a directory for more than one (1) business.
 - (7) Any commercial condo, strip mall or multiple unit structure shall install a directory sign area when applying for a pylon sign.
- (y) *Real estate, construction and finance signs.*
- (1) Signs indicating real estate is for sale, sold, for rent or lease or under development larger than sixteen square feet shall require registration.
 - (2) Real estate signs in place for more than 360 days must be approved by MARC.
 - (3) Construction signs may be displayed during the duration of a construction project.
 - (4) No such sign shall be installed on public right-of-way.
- (z) *Roof signs.*
- (1) Roof signs shall not project above the roof line (this includes mounting brackets).
- (aa) *Sidewalk signs.*
- (1) All signs must be portable.
 - (2) One sign of this type will be allowed per place of ground level business.
 - (3) The maximum width of a sign shall be 2.5 feet, a minimum height of 3 feet and a maximum height of 4 feet.
 - (4) The sign support and base shall not extend beyond the edge of the sign.
 - (5) The support of the sign shall be able to withstand a wind load of 30 miles per hour and maintain an upright position.
 - (6) A sign shall be placed only where a minimum width of five continuous feet for pedestrian movements can be maintained.

- (7) This type of sign is allowed anywhere within a business district, except that for roadways regulated by NDDOT, NDDOT approval must be secured before sidewalk signs may be used within the right-of-way.
- (8) Signs may be placed on the sidewalk only during hours of operation and must be stored inside the building during non-business hours.
- (9) Signs may be used for on premise advertising only.
- (10) Signs shall not be illuminated.
- (11) Streamers, flags or banners shall not be attached to the sign or use the sign as an anchor.

(bb) *Temporary signs.*

- (1) Banner signs are considered temporary signs. A banner sign may not be larger than 10% of the wall surface area of the wall of the structure to which it is attached or which it is in front of.
- (2) Flag signs are considered temporary signs. Flag signs are limited to one per 50 feet of lot frontage.
- (3) Streamers are considered temporary signs. The total length of line or cord supporting streamers shall not exceed two times the width of the lot.
- (4) Temporary signs may remain in place for a period not to exceed 180 days at one time at one location.
- (5) Once 180 days have expired, it shall be 30 days before another temporary sign can be placed at that same location. Exceptions must be pre-approved by MARC.
- (6) An application for a temporary sign permit must be submitted to the building department along with any applicable fee. The building department may refer the application to MARC prior to issuance of a permit.

(cc) *Wall signs.*

- (1) Wall signs shall be securely fastened to the wall of a building by its supporting structure.
- (2) Wall signs placed against exterior walls of buildings and structures shall not extend more than twelve (12) inches from a wall's surface. The lowest edge of such sign shall be a minimum of eight (8) feet above grade and the sign shall not project beyond any property line.
- (3) No combination of wall signs and supports shall exceed twenty (20) percent of the signable wall surface area up to a maximum of 200 square feet unless other limits are approved by MARC.

- (4) Signs printed directly on exterior walls or surface of a building shall be prohibited.
- (5) No wall sign shall extend beyond the width of a building or project above the roof line.
- (6) Wall signs advertising products or services not related to the primary business shall be approved by MARC.
- (7) Second floor businesses can utilize wall signs to advertise their establishments but must do so between floors and not below their floor.
- (8) A wall sign shall not obstruct the required door or exit window of any building nor shall it be attached to or placed on fire escapes.

(dd) *Window signs.*

- (1) No paper or solid surface signs shall be permitted on a second floor window or above.
- (2) No window signs shall advertise or identify a business other than the one contained therein.

Section 2. Section 15 of Article 1, Chapter 105 is enacted as presented.

 Tim Helbling, President
 Board of City Commissioners

Attest:

 City Administrator

First Consideration: _____
 Second Consideration and Final Passage: _____
 Publication Date: _____