

**ORDINANCE NO. 2006-**

**AN ORDINANCE ESTABLISHING NEW ELECTRONIC MESSAGE BOARD, VEHICLE SIGN, VIDEO DISPLAY SIGN, AND TIME AND TEMPERATURE SIGN STANDARDS THEREBY AMENDING CHAPTERS 14 AND 19 OF THE CITY CODE**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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**CHAPTER 14**

**LICENSES AND PERMITS**

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**ARTICLE IV. BUSINESS LICENSES AND REGULATIONS**

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**SEC. 14.153. STANDARDS FOR LOCATION AND OPERATION.**

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**(c) Installation and Maintenance.**

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- (6) **Location of Advertising.** No advertising shall be displayed on any courtesy bench except upon the front and rear surfaces of the backrest. Newspaper racks shall display no advertising except a logo or other identification of the newspaper being dispensed on the front of the newspaper rack. No courtesy bench or newspaper rack advertising shall display the words, "Stop", "Look", "Danger" or any other word, phrase or symbol that might interfere with, or distract traffic. Courtesy benches and newspaper racks are not subject to the requirements of Sections 19.100 – 19.127 of this City Code.

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Section 2. That Chapter 19 of the City Code is hereby amended by deleting those words that are contained in brackets [ ] and adding those words that are underlined, to read as follows:

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**CHAPTER 19**

**ZONING**

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**ARTICLE X. SIGN REGULATIONS**

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**Division A. Purpose and Application**

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**SEC. 19.100. FINDINGS, [STATEMENT OF] PURPOSE AND INTENT.**

The City Council finds it necessary for the promotion and preservation of the public health, safety, welfare and aesthetics of the community that the construction, location, size, conspicuity, brightness, legibility, operational characteristics and maintenance of signs be controlled. Signs have a direct and substantial impact on traffic safety, pedestrian safety, community aesthetics and property values. The City Council recognizes that a great percentage of signs that are blighted, unattractive, or provide an unsafe distraction to motorists can be corrected by sensible quality control through adequate maintenance, inspection and operational guidelines. The City Council also recognizes that signs provide a guide to the physical environment and, as such, serve an important function to the community and economy. With respect to electronic signs, including video display signs, the City Council finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001 and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; and the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

The City Council intends by [establishes] this Article of the City Code to establish a [as the] legal framework for sign regulation in the City. The regulations promulgated in this Article are intended to facilitate an easy and agreeable communication between people while protecting and promoting the public health, safety, welfare and aesthetics of the community. It is not the purpose or intent of this Article of the City Code to prefer or favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. [The City Council recognizes that signs provide a guide to the physical environment and, as such, serve an important function to the community and economy. The City Council also recognizes that a great percentage of signs that are blighted and unattractive can be eliminated by sensible quality control, through adequate maintenance and inspection, and by reasonable guidelines formulated to minimize sign clutter and blight.]

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**SEC. 19.101. APPLICATION OF REGULATIONS AND SUBSTITUTION CLAUSE.**

This Article shall apply to the location, erection, and maintenance of signs in all zoning districts within the City of Bloomington, Minnesota. The owner of any sign which is otherwise allowed by this Article of City Code may substitute non-commercial copy or message in lieu of any other commercial or non-commercial sign copy or message without any additional approval or permitting subject to the operational standards set forth herein. The purpose of this provision is to prevent any inadvertent favoring of commercial speech or message over non-commercial speech or message. This provision prevails over any more specific provision to the contrary.

**Division B. Construction of Language and Definitions**

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**SEC. 19.104. DEFINITIONS.**

The following words and terms when used in this Article shall have the following meanings unless the context clearly indicates otherwise:

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**Changeable copy sign** - a sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an

illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

**Changeable copy sign, electronic** - a sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects.

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**Electronic graphic display sign** - a sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs 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. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

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**Flashing sign** - a directly or indirectly illuminated sign or portion thereof ~~which~~ that exhibits changing light or color effect by any means, so as to provide intermittent illumination ~~which~~ that changes light intensity in sudden ~~transitory bursts and~~ ~~includes~~ creates the illusion of intermittent flashing light by ~~means of animation.~~ streaming, graphic bursts showing movement, or ~~[Also]~~ any mode of lighting which resembles zooming, twinkling or sparkling.

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**Multi-vision sign** - any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

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**Official signs and notices** - signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or nonprofit historical societies and star city signs erected under Section 173.085 may be considered official signs.

**Off-premises sign** – a sign that is located on property that is not the premises, property or site of the use identified or advertised in the sign.

**On-premises sign** – a sign that is located on property that is the premises, property or site of the use identified or advertised in the sign.

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**Pyrotechnics** - fireworks or similar devices used to ignite a combustible substance or produce an explosion.

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**Rotating sign** – a sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.

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**Time and temperature sign** - any sign which displays exclusively current time and temperature information.

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Vehicle sign - any sign exceeding ten square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernable from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising identifying an on-site business or supplying directional information to an off-site business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device, as determined by consideration of any combination of the following factors:

- (A) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;
- (B) The vehicle on which the sign is displayed is inoperable as defined by this City Code;
- (C) The vehicle on which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot;
- (D) The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises;
- (E) The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises; or
- (F) The vehicle remains parked in the same vicinity on the property in a location which maximizes its visibility from the public street or right of way on a regular basis.

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Video display sign - a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

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### Division C. General Regulations

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#### SEC. 19.106. SIGNS PROHIBITED IN ALL DISTRICTS.

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##### (b) Prohibited Signs.

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- (6) **Flashing Signs Prohibited.** Flashing signs [shall be] not falling under the definition of video display signs are prohibited.

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- (10) **Vehicle Signs Prohibited.** Vehicle signs are prohibited.
- (11) **Video Display Signs Prohibited.** Video display signs are allowed only as provided in Section 19.108 (h) (5) of this City Code.
- (12) **Electronic Changeable Copy Signs Prohibited.** Electronic changeable copy signs are allowed only as provided in Section 19.108 (h) (4) of this City Code.
- (13) **Electronic Graphic Display Signs Prohibited.** Electronic graphic display signs are allowed only as provided in Section 19.108 (h) (6) of this City Code.
- (14) **Signs with Fluctuating Illumination Prohibited.** Any type of sign that fluctuates in light intensity or uses intermittent, strobe or moving light or lights that does not fall under the definition of video display signs, electronic changeable copy signs or electronic graphic display signs is prohibited.
- (15) **Multi-vision Signs Prohibited.** Multi-vision signs are allowed only as provided in Section 19.108 (h) (7) of this City Code.

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**SEC. 19.108. GENERAL PROVISIONS, INCLUDING BASIC DESIGN ELEMENTS.**

**(a) Consent of Property Owner.**

- (1) No person shall construct, erect, place, use or permit the use of any [No] permanent sign or sign structure [shall be placed] on private or public property without the express written consent of the property owner or his/ her representative.
- (2) No person shall construct, erect, place, use or permit the use of any [No] temporary sign or sign structure [shall be placed] on private or public property without the express written consent of the property owner or his/ her representative.

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**(h) Basic Design Elements for Specific [Identification] Signs.**

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- (4) **Electronic Changeable Copy Sign.** Electronic changeable copy signs must meet the following standards. When attached to walls, electronic changeable copy signs are classified as cabinet signs.
  - (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
  - (B) District Limitations. The sign must not be located in a Conservation or Bluff Overlay (BP-1, BP-2) district;
  - (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
  - (D) Setback from other electronic changeable copy, electronic graphic display or video display signs. Electronic changeable copy signs must be separated from other electronic changeable copy signs, electronic graphic display signs or video display signs by at least 35 feet;
  - (E) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
  - (F) Duration. In non-residential districts (B-1, B-2, B-3, B-4, C-1, C-2, C-3, C-4, C-5, CR-1, CB, CS-0.5, CS-1, CO-0.5, CO-1, CO-2, CX-2, HX-R, HX-2, I-1, I-2, I-3, IP, FD-1, FD-2) any portion of the message must have a minimum duration of eight seconds and must be a static display. In residential districts (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50) any portion of the message must have a minimum duration of one hour and must be a static display. In all districts, no portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement;
  - (G) Color. In residential districts (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50) any portion of the message must use an amber color;
  - (H) Limited Text. The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction; and
  - (I) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic changeable copy sign.
- (5) **Video Display Sign.** Video display signs must meet the following standards. When attached to walls, video display signs are classified as cabinet signs.
  - (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
  - (B) District Limitations. The sign must not be located in a Residential (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50), Conservation, or Bluff Overlay (BP-1, BP-2) district;
  - (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
  - (D) Setback from other electronic graphic display, electronic changeable copy or video display signs. Video display signs must be separated from other electronic graphic display, electronic changeable copy signs or video display signs by at least 35 feet;
  - (E) Orientation. In all districts the video display sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot; from any

traveled highway, street, driveway or internal access way; from any park; or from a conservation or bluff district;

- (F) Brightness. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness;
- (G) Dimmer control. Video display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise; and
- (H) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with a video display sign.

**(6) Electronic Graphic Display Sign.** Electronic graphic display signs must meet the following standards. When attached to walls, electronic graphic display signs are classified as cabinet signs.

- (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
- (B) District Limitations. The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) district or Residential district (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50);
- (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
- (D) Setback from other electronic graphic display, electronic changeable copy or video display signs. Electronic graphic display signs must be separated from other electronic graphic display, electronic changeable copy signs or video display signs by at least 35 feet;
- (E) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, any part of the electronic graphic display sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
- (F) Duration. In all districts any portion of the image must have a minimum duration of 20 minutes and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement;
- ~~(G) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic graphic display sign.~~
- (G) Brightness. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness; and
- (H) Dimmer control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
- (I) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with an electronic graphic display sign.

**(7) Multi-vision Signs.** Multi-vision signs must meet the following standards. When attached to walls, multi-vision signs are classified as cabinet signs.

- (A) Location. The sign must be located on the site of the use identified or advertised by the sign;
- (B) District Limitations. The sign must not be located in a Conservation, Bluff Overlay (BP-1, BP-2) district or Residential district (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50);
- (C) Setback from residential. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary;
- (D) Setback from other multi-vision signs. Multi-vision signs must be separated from other multi-vision signs by at least 35 feet;
- (E) Orientation. When located within 150 feet of a residentially-used lot in a residential zone, any part of the multi-vision sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on that lot;
- (F) Duration. In all districts any image or message or portion thereof must have a minimum duration of eight seconds and must be a static display. Transition time must be no longer than 2 seconds; and
- (G) Default mechanism. All multi-vision signs must be equipped with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur
- (H) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with a multi-vision sign.

- (8) **Time and Temperature Sign.** Time and temperature signs must meet the following standards. When attached to walls, time and temperature signs are classified as cabinet signs.
  - (A) Location. The sign must be located on the site of the use advertised or identified by the sign;
  - (B) District Limitations. The sign must not be located in a Residential (R-1, R-1A, RS-1, R-4, RM-12, RM-24, RM-50, RO-24, RO-50), Conservation or Bluff Overlay (BP-1, BP-2) district;
  - (C) Duration. Time and temperature signs must have a minimum display duration of two seconds that is static during each individual message. No portion of the message may flash, scroll, twirl, change color, fade in or out or in any manner imitate movement; and
  - (D) Audio or pyrotechnics. Audio speakers or any form of pyrotechnics are prohibited in association with a time and temperature sign.
- (9) **Rotating Signs.**
  - (A) No sign shall have rotating or moving parts that revolve at a speed in excess of seven revolutions per minute.

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Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Secretary to the Council

APPROVED:

\_\_\_\_\_  
City Attorney