



CITY OF MARSHALL
Legislative and Ordinance Committee
A g e n d a
Tuesday, November 22, 2022 at 12:30 AM
City Hall, 344 West Main St.

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes

TABLE

OLD BUSINESS

NEW BUSINESS

- [2.](#) Ordinance Amendment to Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property
- [3.](#) Board, Commissions, and Authorities Non-Resident Restriction Amendment
- [4.](#) CVB Member Revisions
- [5.](#) Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances.
- [6.](#) Ordinance amending Chapter 66 Subdivisions, Article 66-II Plat approval, Division 66-II-2 Preliminary Plat, Section 66-55 Procedures
- [7.](#) Sign Ordinance Amendment- Chapter 86, Division 86-VI-2-Signs, Sec. 86-180 through 86-187
- [8.](#) Rental Ordinance

ADJOURN

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Chair
Meeting Date:	Tuesday, November 22, 2022
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes
Background Information:	Enclosed are the minutes from the meeting held on October 11, 2022.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on October 11, 2022, be approved as filed with each member and that the reading of the same be waived.

CITY OF MARSHALL
LEGISLATIVE & ORDINANCE COMMITTEE
M I N U T E S
Tuesday, October 11, 2022

MEMBERS PRESENT: John DeCramer and James Lozinski
MEMBERS ABSENT: Steve Meister
STAFF PRESENT: Jason Anderson, Director of Public Works/ City Engineer; Ilya Gutman, Plans Examiner;
and Steven Anderson, City Clerk.

At 12:45 PM Chairman DeCramer called the meeting to order. Member Meister arrived at 1pm.

Consider approval of the minutes from the L&O meeting held on August 23, 2022

Chairman DeCramer asked approval of the minutes from the August 23, 2022, meeting. Motion by Lozinski, Seconded by DeCramer to approve the minutes. All voted in favor.

Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts

Discussion between staff and members on exposed fasteners. Members had questions on why the amendments were brought up. Staff indicated the industrial look and possible concerns from residents about uniformity were driving factors. Lozinski brought up exposed fasteners on roof only instead of the current proposed wording. Members and staff had discussions about roof pitch and hidden fasteners. The conversation moved towards steel roofs and how the material has been used and is becoming more common. Additional comments were made surrounding fence height and materials.

Motion made by Lozinski, seconded by Meister to approve the fastener change minus the words “with slope less than 4 in 12.” Members Lozinski and Meister voted yay, and member DeCramer voted nay. The motion passed. 2-1.

Sign Ordinance Amendment – Chapter 86-VI-2-Signs, Sec. 86-180 through 86-187

Ilya Gutman explained the research and thought process behind the proposed ordinance amendments. Members and staff conversed about the limiting of foul language and implications. Consensus was made to strike the language limitation from the ordinance. Discussion surrounding the time frame of holiday decorations and restrictions were talked about

Motion by Lozinski, seconded by Meister to have staff re-evaluate the ordinance language further and call for an additional Legislative and Ordinance Committee meeting. All voted in favor.

Ilya Gutman and Jason Anderson proposed an additional agenda item for minor changes to Sec. 86-205 Access; Sec. 86-206 Construction and maintenance; and Sec. 86-226. Minimum size regulations. All members agreed to add the item.

Ordinance Amendment to Chapter 86 sections 86-205, 86-206 and 86-226

Discussion was had to minor changes in the ordinance language to loosen restrictions.

Motion was made by Meister, seconded by Lozinski to accept the proposed changes. All voted in favor.

At 2:04 PM motion by Meister, seconded by Lozinski to adjourn. All voted in favor.

Respectfully Submitted,

Steven Anderson

Item 1. Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance Amendment to Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property
Background Information:	<p>The added subparagraphs (1) and (2) will permit reduced mowing in areas both far away from where people usually are and from around bodies of water. This will save people (and the City) money and will also leave more natural areas around without negatively affecting appearance and safety.</p> <p>Additionally, City Council approved and adopted the resolution calling for the increase and improvement of pollinator habitat at the September 27, 2022, City Council meeting. Considering pollinator habitat includes a large variety of plant species which grow to heights greater than eight inches, new subparagraph (3) will remove grass height restrictions for city-owned property in order to increase and maintain quality habitat for at-risk species.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Sections 82-1 Grass and weeds as recommended by staff.

Sec. 82-1. - Grass and weeds ~~on private property~~.

(a) It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city, to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than eight inches ~~or to allow such weeds or grass to go to seed~~, unless such grass ~~or seed~~ is brome grass or alfalfa, which is cut, baled and removed from the premises according to normal farming practices.

(1) The provision of subparagraph (a) does not apply to any area within Industrial and Agricultural zoning districts, as defined in Chapter 86 Zoning, provided that the area with grass exceeding 8 inches in height is located at least 200 feet from the nearest occupiable building and 100 feet from such building on the same lot; and at least 50 feet from the public right of way, a sidewalk, bike path, parking lot, or any other site feature reasonably expected to be visited by the general public on a regular basis.

(2) The provision of subparagraph (a) does not apply, with the approval of the City Engineer, in all zoning districts within 15 feet of the top of the slope of any permanent body of water such as a pond or a river.

(3) The provision of subparagraph (a) does not apply to City owned agriculturally zoned land maintained as weeded prairie, pollinators, meadow or natural landscape vegetation that does not contain noxious weed growth and that includes the cultivation of native grasses indigenous to Minnesota; and native vegetation shall be cut at least once annually between April 15 and July 15 to a height no greater than ten inches.

(b) If any such owner, occupant or agent fails to comply with this height limitation and, after notice given by the city clerk, has not within seven days of such notice complied, the city shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The finance director shall certify to the county auditor a statement of the amount of the cost incurred by the city. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

(Code 1976, § 10.25; Ord. No. 723 2nd Series, § 1, 8-8-2017)

State Law reference— Minnesota Noxious Weed Law, Minn. Stat. § 18.75 et seq.; special assessment authorized, Minn. Stat. § 429.101.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Board, Commissions, and Authorities Non-Resident Restriction Amendment
Background Information:	<p>Ordinance 21-001 was passed and adopted by the city council on January 26, 2021. This ordinance amendment allowed the MERIT Center Commission and DEI Commission to broaden it available pool of applicants. Ordinance 22-003 passed on May 10, 2022 updated the non-residency requirement to include the Airport and Adult Community Center Commissions as well, both of which were lacking in the interest of city residents to join and had outstanding vacancies.</p> <p>It was brought to the attention of the City Clerk that this ordinance be reviewed and limit the non-residency requirement to 25% of a board, commission, or authority members.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To bring forward a recommendation to city council.

Article 2- VI Boards, Commissions and Authorities

Section 2-145 Qualifications And Compensation [Edit](#)

1. All members to any board, commission, bureau, or authority must be a resident of the city with the exception of the MERIT Center Commission; Diversity, Equity, and Inclusion Commission; Adult Community Center Commission; and Airport Commission
2. All appointed board, commission, bureau or authority members shall serve without compensation, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties.

(Ord. No. 718 2nd series, 4-11-2017; Ord. No. 21-001, 1-26-2021)

HISTORY

Amended by Ord. [22-003](#) on 5/10/2022

Proposal #1

1. All members to any board, commission, bureau, or authority must be a resident of the city with the exception of the MERIT Center Commission. The Diversity, Equity, and Inclusion Commission; Adult Community Center Commission; and Airport Commission are restricted to twenty-five (25) percent of its members residing outside city limits.

Proposal #2

1. All members to any board, commission, bureau, or authority must be a resident of the city with the exception of the MERIT Center Commission; Diversity, Equity, and Inclusion Commission; Adult Community Center Commission; and Airport Commission which are restricted to twenty-five (25) percent of its members residing outside city limits.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	CVB Member Revisions
Background Information:	<p>Visit Marshall/Convention and Visitors Bureau met and discussed changes to the current make-up of the CVB. Suggestions brought up were to have 3 hotel members, remove the Marshall Chamber of Commerce position and to be stricter on attendance.</p> <p><u>Current Members:</u> 3 Hotel and 1 Chamber (no city residency requirement) 5 At Large (city residency requirement)</p> <p><u>Suggested Members:</u> 3 Hotel, 1 SMSU, and 1 Food & Beverage (no city residency requirement) 4 At Large (city residency requirement)</p>
Fiscal Impact:	N/A
Alternative/Variations:	
Recommendations:	To approve the recommendation of member revisions to the CVB.

ARTICLE 70-II LODGING TAX

Section 70-22 Imposition

1. There is hereby imposed a tax of four and one-half percent on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the city and shall be extinguished only by payment to the city. In no case shall the tax imposed by this article upon an operator exceed the amount of tax, which the operator is authorized and required by this article to collect from a lodger.
2. The officially recognized local convention or tourism bureau (hereafter referred to as the "bureau") shall be established to promote convention, visitor, and tourism economic development activities benefitting the city and have all powers, rights, duties, and obligations set forth in Minn. Stat. § 469.190, inclusive, as amended, and other law and to be further set forth by ordinance adopted by the city council except as otherwise limited as follows:
 1. The bureau's board of directors shall be composed of nine voting members. The voting members shall include: ~~one active member of the Marshall Area Chamber of Commerce as they shall appoint~~; three active lodging operators as they shall appoint; ~~one representative from Southwest Minnesota State University (SMSU) as they shall appoint~~; ~~one representative from the food and beverage industry as they shall appoint~~; and ~~five-four~~ additional representatives, not serving as members of any of the aforementioned organizations or lodging operators with designated appointments, who reside within the incorporated municipal boundaries of the city and are appointed by the mayor and confirmed by the city council. The bureau shall also include one non-voting liaison member who is a member of the city council and is appointed by the mayor and confirmed by the city council.
 2. Meetings of the bureau shall be public. Written notice of the date, time, place, and agenda of the meeting must be posted at its place of business and at the city officially designated board at least three days before the meeting. In addition to posting notice, the bureau must also provide advance notice to each person who has filed a written request for notice of special meetings with the bureau.
 3. The bureau shall annually present the city council at a scheduled meeting the final proposed budget prior to adoption.
 4. The bureau shall complete an audit at their expense for its past fiscal year to be provided and presented to the city after completion.
 5. The bureau shall annually present to the city council at a scheduled meeting a report illustrating the expenditures and activities of the bureau for the previous fiscal year.
 6. The city council must authorize the official location of the bureau for purposes of day to day operations by a majority approval following a public hearing at a regularly scheduled meeting.
 7. The bureau shall govern under formally adopted bylaws and other written policies and procedures as it shall determine necessary and appropriate. Such bylaws and other written policies shall be provided as adopted and amended from time to time to the city clerk.
 8. The bureau shall make available all bylaws, policies, procedures, financial records, payroll records, documents and other relevant information to the city upon request to ensure appropriate disposition of public tax proceeds.

Formatted: Strikethrough

Formatted: Strikethrough

(Ord. No. 668 2nd series, § 1, 12-18-2012; Ord. No. 683 2nd series, 12-10-2013)

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances.
Background Information:	<p>On March 15, 2022, the City received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA). The LFD explained that the Flood Insurance Rate Maps (FIRMs) and Lyon County Flood Insurance Study was complete and would become effective on September 15, 2022. In the City of Marshall, map panels 304, 308, and 312 were amended to reflect that the land that is protected by the 1963 levee is land that contains levees that are not accredited, and therefore are not shown to protect from the 1 percent-annual-chance flood.</p> <p>Subsequent to amendment of our flood maps and insurance study, the City amended our floodplain management regulations to ensure said regulations meet federal standards and in order to continue participating in the National Flood Insurance Program (NFIP). On August 23, 2022, the City Council adopted Ordinance 22-009 amending Chapter 38 relating to Floodplain Management.</p> <p>Upon further review of the amended floodplain ordinance, the Minnesota Department of Natural Resources (MNDNR) has advised that some language in our recently revised ordinance is now viewed as “optional language” by the MNDNR. City enforcement of a “regulatory floodplain” is now viewed as optional and “above and beyond” type of language for a Minnesota community to consider. City staff has had concerns and questions with this language from the onset of discussions with the MNDNR about our ordinance revisions.</p> <p>In practical terms, the language that is now optional requires development outside of determined floodplains to be regulated as if it is located in the floodplain. While the intent and idea behind the practice is understandable, city staff believes that it complicates land use decision making in our community and makes it more difficult for citizens, developers, and staff to understand development limitations in our community.</p> <p>To simplify our ordinance, City staff is recommending revisions to the ordinance as attached. In addition to the above-mentioned revisions, staff is proposing one additional revision editing the Board of Adjustment to mean the City Council instead of the Planning Commission.</p>
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the L&O Committee recommend Council introduction and adoption of the proposed ordinance amendments to Chapter 38, Article II of the City Code of Ordinances.

ORDINANCE NO. ____ - ____

**ORDINANCE AMENDING
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 38, ARTICLE 38-II
RELATING TO FLOODPLAIN MANAGEMENT**

The Common Council of the City of Marshall does ordain as follows:

Section 1: City Code of Ordinances, Chapter 38-Floods, Article 38-II Floodplain Management, is hereby amended in Section 38-22, 38-23, 38-24, 38-26, 38-32 and 38-52 as follows:

**MARSHALL CITY CODE OF ORDINANCES
CHAPTER 38 FLOODS
ARTICLE 38-II FLOODPLAIN MANAGEMENT**

DIVISION 38-II-1 GENERALLY

Section 38-22 Definitions

Board of adjustment means City Council-Planning Commission.

Flood fringe means the portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE, as described in Section 38-23(a)(3).

Regulatory floodplain means the geographic limits of the flood hazard areas regulated through this ordinance, which includes the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the Regulatory Flood Protection Elevation (RFPE) (as illustrated in Figure 2). This shall not include those areas protected by flood control structures which meet or exceed the standards contained in 44 CFR 5-65.10.

Commented [BM(1)]: See comment in 3.13. If you choose to omit the provision in 3.13, this should be deleted too.

Commented [BM(2)]: See comment in 3.13. If you choose to omit the provision in 3.13, this should be deleted too.

Section 38-23 Jurisdiction and Districts

- (a) **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of the City of Marshall within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.
- (1) The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - (2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.



~~(3) The regulatory limits of the district boundaries shall be further extended outward based on the horizontal extension of the Regulatory Flood Protection Elevation (RFPE) (Figure 2). Regulatory limits shall not be extended into areas protected by accredited flood control projects.~~

Commented [BM(3)]: This was based on a particularly challenging rule provision, and we've recently gotten direction from our legal counsel that we will no longer be considering this a required provision. We are considering this a higher standard. The city may feel free to omit this provision.

(c) Districts

- (1) Floodway District. Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 38-23(b).
- (2) Flood Fringe District. Those areas within Zones AE on the Flood Insurance Rate Maps referenced in Section 38-23(b), but located outside of the floodway, as well as those areas of 1% annual chance of flood with average depth less than one foot. ~~This district also includes any additional area encompassed by the Regulatory Floodplain.~~
- (3) General Floodplain District. Those areas within Zone A areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 38-23(b). ~~This district also includes any additional area encompassed by the Regulatory Floodplain.~~

Commented [BM(4)]: See comment in 3.13. If you choose to omit the provision in 3.13, the two provisions shown here in this section should be deleted too.

Section 38-24 Requirements for All Floodplain Districts

(c) Minimum Development Standards.

- (2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe**	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(1)a, via 38-26(3)d.2.
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(2)b, via 38-26(b)(3)d.3.
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(3)d.1.
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	38-26(b)(2)c., via 38-26(b)(3)d.4.
Residential – on fill	Not allowed	Allowed with Permit	38-26(b)(1)a
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	38-26(b)(2)a or b via 38-26(d)(1)
Residential – Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain – with CUP	38-26(d)(3)
Residential – Dry (watertight) Floodproofing	Not allowed	Only outside of 1% annual chance floodplain – with CUP Not allowed	38-26(b)(2)c., via 38-26(d)(3) N/A
Non-Residential – on fill	Not allowed	Allowed with Permit	38-26(b)(1)a, via 38-26(b)(2)a
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	38-26(b)(2)b
Non-Residential – Dry (watertight) Floodproofing	Not allowed	Allowed with Permit	38-26(b)(2)c.

Commented [BM(5)]: See comment in 3.13. If you choose to omit the provision in 3.13, the two provisions shown here in this section should be deleted too.

Structure Type	Floodway	Flood Fringe**	Standards*
Non-residential—Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain—with CUP	38-26(d)(2)

*Note – many of these standards are cross-referenced to avoid duplication

** Permit refers to a Building permit or Land Disturbance permit issued by the City of Marshall for related construction activity, or, when not required, a letter of approval from the Zoning Administrator.

Section 38-26 Flood Fringe District

- (c) **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 38-26(d) and 38-31(c), if otherwise allowed in the underlying zoning district:

~~(2) — Basement construction below the Regulatory Flood Protection Elevation (RFPE).~~

- (d) **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 38-24, 38-26(b) and 38-31(b):

~~(3) — With the exception of non-residential, dry floodproofed structures detailed in Section 38-26(b)(2)c, all basement construction below the Regulatory Flood Protection Elevation (RFPE) within the one percent annual chance floodplain is prohibited. Basements may be permitted in structures outside the one percent annual chance floodplain but within the regulatory floodplain, however, such spaces must be protected at least as high as the Regulatory Flood Protection Elevation, and must be built according to one of the following construction methods:~~

~~a. — meeting the basement construction guidance in FEMA Technical Bulletin 10-01, or~~

~~b. — meeting the dry floodproofing standards for non-residential structures detailed in Section 38-26(b)(2)c.~~

Section 38-32 Nonconformities

- (a) **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- (3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 38-32(b), it may not be reconstructed except in conformity with the provisions of this ordinance. ~~Existing structures within the regulatory floodplain, but outside of the one percent annual chance floodplain, as detailed in Section 38-23(a)(3), are exempt from this provision.~~

DIVISION 38-II-2 ADMINISTRATION AND ENFORCEMENT

Section 38-52 Board of Adjustment

A board of adjustment is hereby established. For the purpose of this article, the ~~City Council planning commission~~ shall constitute the board of adjustment.

Section 2: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this ____ day of _____, 20__.

THE COMMON COUNCIL ATTEST:

Mayor of the City of Marshall, MN

City Clerk

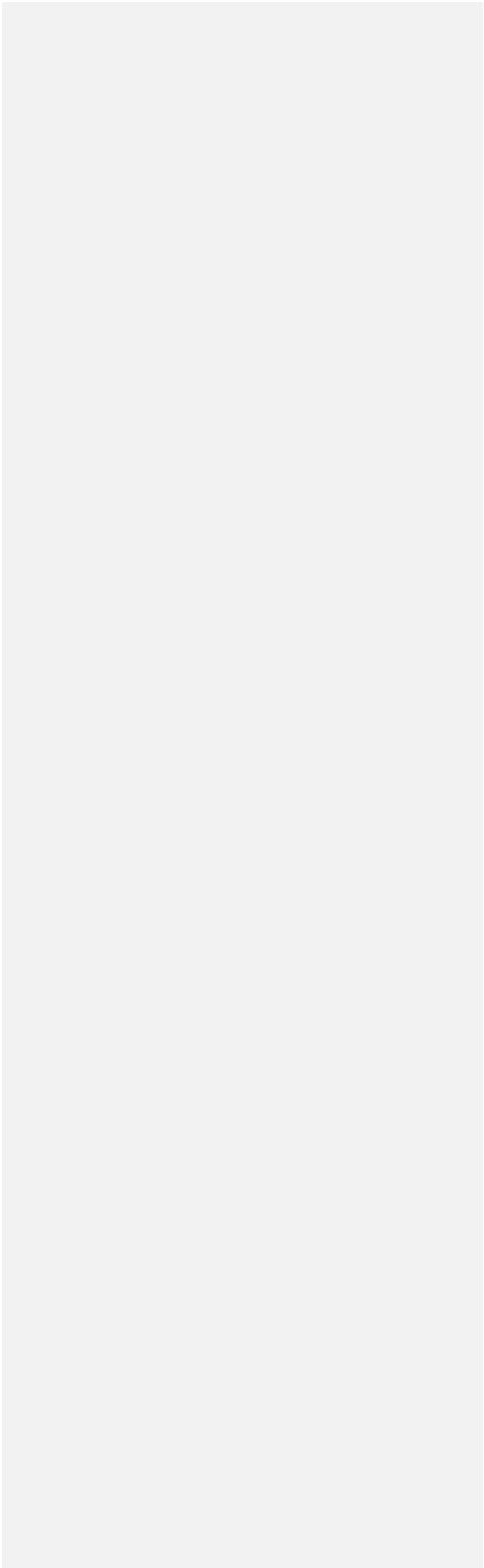
Summary Ordinance Introduced on: _____

Ordinance Introduced on: _____

Commented [BM(6): For this one, as well as d.3 below, see comment in 3.13. If you choose to omit the provision in 3.13, the two provisions shown here should be deleted too.

Commented [BM(7): See comment in 3.13. If you choose to omit the provision in 3.13, this provision should be deleted too.

Final Passage on: _____
Summary Ordinance Published in the Marshall Independent: _____



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance amending Chapter 66 Subdivisions, Article 66-II Plat approval, Division 66-II-2 Preliminary Plat, Section 66-55 Procedures
Background Information:	These are minor revision to the preliminary plat approval procedure. Currently, our ordinance requires mailing notices prior to the Planning Commission meeting. However, that meeting is not a hearing and there is no statutory requirement to do it. To make it more logical and more in line with other hearing processes, staff proposes to change the timing of this mailing to before the hearing at the second Council meeting, at the same time a notice is sent to the official newspaper.
Fiscal Impact:	N/A
Alternative/ Variations:	
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Sections 86-55 Procedures as recommended by staff.

Section 66-55 Procedures

- (a) One copy of any preliminary plat which includes lands abutting upon existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the registrar of deeds (county recorder), shall be forthwith forwarded by the city engineer to the commissioner of transportation highways for his written comments and recommendations. Any such plat which includes land abutting upon any existing or established county or county state aid highway shall be so forwarded to the county engineer for his written comments and suggestions. Action thereon shall be postponed for a period of 15 days pending receipt of such response. Copies of any such responses shall be submitted to the city ~~engineer and forwarded to the secretary of the planning commission.~~
- (b) One copy of the preliminary plat shall be filed with the director of public works/city engineer for city council use, and the council shall be advised by him of such filing at its next regular meeting.
- (c) The city engineer shall forward one copy of the preliminary plat to all utility providers serving the proposed subdivision.
 - ~~(1) One copy of the preliminary plat to the electric utilities serving the proposed subdivision.~~
 - ~~(2) One copy of the preliminary plat to the telephone company servicing the proposed subdivision.~~
 - ~~(3) One copy of the preliminary plat to the natural gas company serving the proposed subdivision.~~
- (d) One copy of the preliminary plat shall be kept by the city engineer. The city engineer shall check and verify the survey and plat to such extent as he deems necessary, provided that he shall check with the zoning administrator and with heads of other departments which, in his opinion, would be affected by approval of the preliminary plat in the form presented. He shall within 30 days, unless such time limit is extended by the council from the filing date, prepare a written report to the council with a copy to the planning commission, including his comments and recommendations and the comments and recommendations of the zoning administrator and other department heads.
- (e) ~~One copy of the preliminary plat shall be referred to the secretary of the planning commission.~~ After receipt of any comments and recommendations from the commissioner of transportation highways and county highway engineer and after the receipt of the report from the city engineer, the planning commission shall meet to review the preliminary plat and make its recommendation to the council.
- (f) Such meeting of the planning commission shall be held within 60 days from the date of filing, extended by the equivalent of any extensions granted by the city engineer to make his report ~~and may be called by the secretary. A ten-day written notice of such meeting, stating the time, place and purpose, shall be given by the zoning administrator to all members of the planning commission, abutting property owners and the subdivider; provided, however, that failure to give such notice shall not affect the validity of such meeting or subsequent proceedings relating to the plat.~~
- (g) At such meeting, the planning commission shall review the preliminary plat, consider all oral and written reports, comments and recommendations, and adopt by majority vote of those present and voting, its own recommendation to the council stating its reasons as to whether or not to approve or disapprove the preliminary plat. Such recommendation shall be forwarded to the council, with a copy to the subdivider ~~within five days after the adjournment of such meeting.~~

- (h) At the next regular or special meeting held more than ten days after receipt of the planning commission recommendations, the city council shall call a hearing on the preliminary plat to be held before the council, fix a time for hearing, and order publication of a notice of such hearing at least ten days before the day of the hearing, as required by state statutes, and mailing of such notice to abutting property owners and the subdivider, provided, however, that failure to mail such notice shall not affect the validity of such meeting or subsequent proceedings relating to the plat.
- (i) At any time prior to council action calling a hearing on the preliminary plat, the subdivider may, in writing, withdraw his application for approval by filing such withdrawal in the office of the city engineer. If he thereafter submits a revised preliminary plat, it shall be so designated to distinguish it from the original preliminary plat, provided that a revised preliminary plat shall be entitled to the same consideration and subject to the same procedure, except that unnecessary duplications shall be avoided whenever possible.
- (j) Within 30 days after the hearing, the council shall decide to approve or disapprove the preliminary plat. If its decision is to approve the preliminary plat, such approval shall be contingent upon the filing of a final plat in accordance with the requirements of this chapter; and the city engineer shall forthwith advise the subdivider of the council action. The action of approving the preliminary plat shall constitute approval of all supplementary documents including, but not limited to, the preliminary drainage and grading plan, the preliminary utility plan, the plans for construction and installation of improvements, and the proposed method of payment therefor. If any variance has been requested by the subdivider and the council approves the plat, it shall also make findings granting such variance. If its decision is to disapprove, the council shall make and adopt findings and conclusions which shall forthwith be forwarded to the subdivider.
- (k) The requirements of subsections (f) and (h) may be waived by the planning commission and city council if the preliminary plat is a replat of an area, and if the preliminary plat does not affect the land use of the area, and if the preliminary plat does not involve the development of additional streets or portions of streets. If the formal hearing and notification processes are waived, the planning commission shall still approve the preliminary plat pursuant to other provisions of this section and pass its recommendation on to the city council for its approval or disapproval, which shall be given within 30 days after the decision of the planning commission.

(Code 1976, § 12.05(3); Ord. No. 723 2nd Series, § 1, 8-8-2017)

State law reference(s)-Public hearing required, Minn. Stat. § 462.358, subd. 3b.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Sign Ordinance Amendment- Chapter 86, Division 86-VI-2-Signs, Sec. 86-180 through 86-187
Background Information:	<p>Current City Sign Ordinance was adopted in 1976 and has practically not been amended ever since. It is therefore outdated in not covering many newer sign types and applications, thus creating ambiguity, restrictive in allowed sign area, and difficult to follow. Considering the above reason, staff suggests completely revising the Sign Ordinance as presented.</p> <p>The revised Ordinance includes all existing sign related definitions that will be moved out of the Chapter definition section (Sec. 86-1) in order to have all sign related information in one place. The new ordinance also expands a list of signs not requiring a sign permit while covering additional types of signs not covered before and includes requirements for LED signs. Additionally, the new Ordinance slightly increases maximum allowed signage area and also gives additional allowances for properties located on extra-large lots and/or facing divided highway.</p> <p>In general, the City's new sign ordinance is less restrictive than sign ordinances of comparable cities and allows for more signage than average. To simplify Ordinance understanding, a summary spreadsheet is attached. Also, staff has created a spreadsheet for signage area calculations that takes into account all ordinance provisions.</p> <p>At the September 14, 2022, regular Planning Commission meeting, Muchlinski made a motion, second by Deutz to recommend to city council an approval as recommend by staff. All voted in favor of the motion.</p> <p>At the meeting on October 5, 2022, Legislative and Ordinance Committee suggested taking a second look at the ordinance and offered to review it. A L&O member comments were received and incorporated into this version. A few other changes were made to minimize City's interference with temporary signs.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	
Recommendations:	Staff recommend the recommendation to the City Council approving the Sign Ordinance Amendment - Chapter 86, Division 86-VI-2-Signs, Sec. 86-180 through 86-187

DIVISION 2. - SIGNS

Sec. 86-1810. - Findings, Objective, and Compliance.

- (a) Regulating the location, size, placement, and physical characteristics of signs is necessary to enable the public to locate goods, services, and facilities and to receive a wide variety of other messages, commercial and noncommercial, without difficulty and confusion. It is recognized that signs serve an important function and, therefore, reasonable and adequate display of signs is permitted under the provisions of this Division. At the same time, this Division recognizes that there is a definite need to regulate the display of signs as signs utilize the visual element of the public right-of-way to bring messages to the public.
- (b) The objective of this Division is to protect the health, safety and public welfare through restricting signs and lights that will increase the probability of traffic congestion and accidents by distracting attention or obstructing vision; reducing conflict among signs and lights and between public and private information systems; preserving and protecting property values and civic beauty by not allowing signs that detract from this objective due to excessive size, height, number, visual impact, undesirable location, maintenance, spacing or illumination; enhancing the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs and encouraging increased communication with the public; establishing standards that will permit businesses a reasonable and equitable opportunity to advertise, but will avoid excessive visual competition among sign displays; and promoting signs that are compatible with their surroundings and appropriate to the type of activity to which they pertain.
- (c) All signs hereafter erected or maintained, except official ~~traffic and street signs~~ public signs, US flags, and temporary decorative banners mounted on street poles and approved by the street superintendent, shall conform with the provisions of this Division and any other provisions of the City Code or regulations of the City.

(Code 1976, § 11.19(1))

Sec. 86-181. Definitions.

- (a) The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign means a name, identification, description, display, illustration, device or lettered figure or pictorial symbol which is affixed to or represented directly or indirectly upon a building, structure or land in view from the public right of way or private street, and which directs attention to a product, place, activity, person, institution or business and is displayed for the purpose of communicating a specific message.

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

Sign, advertising, means a sign which exclusively directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon, or displays a message unrelated to, the premises where such sign is located, provided the above purpose is the sole reason for the sign's existence.

Sign alteration means any change, reconstruction, relocation or enlargement of a sign, or of any of its component parts. Routine maintenance, the changing of movable parts of signs which are designed for such changes, the repainting of sign copy and display matter, and replacement of a sign

facing with the same size facing shall not be deemed to be an alteration within the context of this Chapter.

Sign, banner, means a temporary sign made of fabric, cloth, canvas, plastic sheathing or any other flexible non-rigid material with no enclosing framework mounted on the outside of a building or structure, or on the ground and supported at two or more edges or more than two points.

Sign, balloon, means a temporary sign consisting of a bag made of lightweight material supported by hot or pressurized air or helium inside.

Sign, billboard, means an advertising sign.

Sign, business, means a sign which directs attention to a business, including non-commercial uses and institutions, or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

Sign, cluster, means several flat nameplate signs identifying multiple businesses in a building grouped together in one location on that building.

Sign, construction, means a temporary sign depicting or advertising future building or business, or identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located. Construction signs include "Coming Soon" and "Now Open" types of signs.

Sign, directional, means a sign erected for the purpose of directing pedestrian or vehicular traffic onto or about the property upon which such sign is located, including drive-through menu boards and signs marking entrances and exits, circulation direction, parking areas, and pickup and delivery areas. Directional signs shall not include any unrelated information except business name and logo, which shall not occupy more than 25 percent of the sign area.

Sign, double-face, means a sign which has a message on opposite parallel or near parallel (less than 15 degrees) sides mounted not more than 18 inches apart on a single structural component or is a spherical sign. Only one side shall be counted toward the total permitted sign surface area.

Sign, dynamic display, means any sign in which display portion of a sign appears to have movement or that appears to change, and which is caused by any method other than manually removing and replacing the sign components, such as lettering. This includes, among other types, electronic graphic display sign having a programmable display that has the capability to present text and/or symbolic imagery in motion and in a variety of colors, or any display that incorporates multiple narrow shifting panels that in combination create a larger image, conveyor belts, incandescent bulbs, or any other method or technology that allows a sign face to present a series of images or displays.

Sign, electronic graphic display, 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.

Sign, feather, means a type of a temporary flag sign with a rounded top edge supported by a continuation of a staff or pole bent accordingly and with the height much greater than the width. It may be called bow flag, wind feather, or teardrop.

Sign, 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. In case of a feather flag, the piece of material is continuously supported on two or more sides. Flags are not considered freestanding or projecting signs.

Sign, flashing, means any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use.

Sign, flat, means a 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.

Sign, freestanding, 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.

Sign, gas pump, means a sign factory painted or mounted on a side or top of an operational gas pump.

Sign, ground, 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.

Sign, handwritten, means a homemade sign made with markers, color pencils, letter stencils, and similar means and methods.

Sign, height of, means maximum vertical distance from the point of contact with the ground to the highest point of a freestanding sign, flagpole, or temporary sign.

Sign, help wanted, means a temporary sign related to potential employment and employee hiring.

Sign, holiday decoration, means temporary signs, in the nature of decorations, customarily and commonly associated with any national, local or religious holiday, legally recognized by the US or Minnesota state government.

Sign, illuminated, means a sign which has characters, letters, figures, designs or outlines illuminated by external or internal electric lights, or, in a neon sign, luminous tubes installed as a part of the sign. An electronic graphic display sign is not considered an illuminated sign.

Sign, incidental, means a small sign, emblem, or decal less than two square feet in area, freestanding, placed on the exterior of a building, or attached to a structure on the premises, and informing or warning the public of danger or prohibited actions, such as 'Beware of the dog' or 'No trespassing'. Incidental signs also include private memorial plaques.

Sign, integral, means a sign carrying the name of a building, its date of erection, monumental citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building structure.

Sign, multi-face, means a sign containing two or more non-parallel faces mounted on a single structural component. Each face shall be counted separately toward the maximum allowable sign surface area.

Sign, nameplate, means a sign which states the name or address, or both, but nothing else, except logo, of the business or occupant of the lot where the sign is placed.

Sign, political, means a temporary sign used in connection with a local, state or national election or referendum; expressing a political, or what is widely considered political, opinion; or calling for any public actions, unless a message or opinion is directly related to activity or business conducted on premises. A legal advertising sign displaying a political message is not considered a political sign.

Sign, private sales or event, means a temporary sign advertising private sales of personal property such as garage sales or a car for sale, and the like or private not-for-profit events such as an open house, picnics, carnivals, bazaars, game nights, art fairs, and craft shows or any charity fundraising. Private sales or event signs also include personal celebrations signs, such as graduation.

Sign, projecting, means a sign mounted on a building or its elements, including below canopies or awnings, 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.

Sign, public, means a sign of a public, non-commercial nature, including, but not limited to, safety signs, danger signs, traffic signs, street name signs, city name signs, signs indicating scenic or historical points of interest, public memorial plaques, holiday signs, and the like, erected by or on order of a public officer or employee in the performance of official duty, or required by law.

Sign, pylon, 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.

Sign, real estate, means a temporary sign advertising the real estate upon which the sign is located being for rent, lease or sale.

Sign, roof, means a sign, except flag signs, mounted on a building or its 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.

Sign, rotating or moving, means a sign which revolves or rotates on its axis by mechanical means or has otherwise physically moving parts.

Sign, surface area of, 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, symbols, etc., 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, etc., 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. 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.

Sign, total adjusted sign surface area of, means the sum of all surface areas of individual signs located on the property calculated with all applicable reductions.

Sign, total permitted sign surface area of, means maximum sign surface area for the property calculated based on the property frontage with all applicable increases.

Sign, temporary, 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. Temporary signs cannot be installed for longer than 90 consecutive days.

Sign, transportable advertising, means a temporary sign not permanently affixed to a building or foundation structure, mounted on wheels, legs, poles or any other movable supporting structure integral with the sign for the purpose of easy mobility and removal, and intended for temporary placement on sidewalk or anywhere on the lot for promotion of a business located on the same property.

Sign, utility box, means a sign mounted on any utility box, public or private, except signs conveying safety messages related to such utility box.

Sign, vehicular, means a sign painted on, attached to, or placed in, a parked vehicle or trailer; this category excludes professionally painted or decal signs listing only business name, contact information, motto, logo, and license number, as typical for business vehicles.

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

Sec. 86-182. - Permits.

- (a) *Required.* No sign shall be constructed without first obtaining a sign permit from the City. The following signs are exempted from the permit requirements:
- (1) Public signs and public art projects.
 - (2) Temporary signs located in the public right of way if approved by City Engineer or his designee.
 - (3) Individual flat nameplate signs not exceeding one square foot in surface area and additional nameplate signs installed within a sign cluster with an issued sign permit.
 - (4) Incidental signs.
 - (5) Directional signs not exceeding five (5) square feet in surface area and six (6) feet in height.
 - (6) Gas pump signs and utility box signs.
 - (7) Integral signs.
 - (8) ~~temporary~~ Real estate, help wanted, building lease or sale signs and ~~temporary~~ construction contractors' signs.
 - (9) Permanent flag signs mounted on roof or wall and not exceeding six (6) square feet in surface area; temporary flag and balloon signs; all US and State of Minnesota flags.
 - (10) Private sales or event signs.
 - (11) Temporary banner signs not exceeding 24 square feet in surface area.
 - (12) Marquee, awning and canopy mounted signs located on the vertical edges and consisting of separate not overlapping letters less than six (6) inches in height; awning and canopy signs not exceeding five (5) square feet in surface area and factory printed or embroidered on a newly installed fabric or vinyl cover.
 - (13) Transportable advertising signs not exceeding five (5) square feet in surface area and removed nightly; any transportable advertising sign installed for less than 14 days in a calendar year.
 - (14) Holiday decorations.
 - (15) Window signs consisting of separate not overlapping letters less than four (4) inches in height, neon signs, and individual signs covering less than 20 percent of a glass pane in a window or door and not exceeding five (5) square feet in surface area.
 - (16) Vehicular signs.
 - (17) Any temporary sign installed for two days or less in a calendar year.
 - (18) Political signs ~~as regulated in this division are exempted from these requirements.~~
 - (19) Sign maintenance work, including replacement of a sign facing, unless it changes the type or purpose of the sign.
- (b) *Application.* Sign permit applications shall be the same as for building permits. Fees for sign permits will be the same as for building permits, the schedule adopted and based on the valuation of construction, ~~except that signs defined in this division as temporary transportable advertising signs shall be charged the minimum fee.~~ Required construction documents fully describing new signage and providing information about existing signage shall accompany a sign permit application.
- (c) *Non-conforming signs.* Any non-conforming sign found to be contrary to this Division provisions shall be removed or brought into compliances through a sign permit application process, or a variance permit shall be applied for within 60 days of this Ordinance adoption. This subparagraph does not apply to existing freestanding signs that may continue as non-conforming in accordance with other provisions of Zoning Ordinance.

(Code 1976, § 11.19(1)(F))

Sec. 86-183. - General restrictions.

The following regulations shall apply to all signs permitted in all districts:

- (1) Field pPainted signs on buildings and other structures, except water towers and grain elevators, are prohibited. Murals and similar art projects may be permitted if approved by the City Council.
- (2) Illuminated, dynamic display or electronic graphic display signs giving off intermittent or rotating light beams, or producing flashing, pulsating or quickly changing images, defined as images changing every six (6) seconds or less, are prohibited. ~~shall not be permitted in any district. All flashing signs are prohibited.~~
- (3) Permanent sSigns placed upon, or protruding over, public sidewalks or public right of way shall be subject to the approval of the council in accordance with Section 62-9, except projecting signs in the Downtown District protruding no more than six (6) feet or two thirds of sidewalk width, whatever is less.
- (4) No sign shall ~~be placed that~~ resembles any official marker or traffic sign erected by a governmental agency, ~~or~~ display such words as "stop" or "danger:" for advertising rather than actual warning purpose, or otherwise interfere with traffic or any other safety regulation.
- (5) No sign shall ~~be permitted to~~ obstruct any window, door, fire escape, stairway or opening required by the Building Code intended to provide light, air, ingress or egress for any building or structure, as determined by the building official.
- (6) Window signs ~~restricted to 25 percent of window surface~~ covering over 60 percent of individual glass panes shall be considered flat signs for total permitted sign surface area calculations. Multiple signs within, and single signs covering between 20 and 60 percent of, individual glass panes are prohibited, except neon tube signs, signs consisting of individual letters less than four (4) inches in height, and a single Open/Closed/Welcome/Work Hours sign, provided it does not exceed two (2) square feet in surface area. ~~letter size restricted to a six-inch height.~~
- (7) The owner, ~~lessee or manager~~ of a freestanding ground-sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the property lot on which the sign is located.
- (8) All Advertising signs, ~~business signs and nameplate signs including their structural supports and visible back sides,~~ which ~~are may be or may hereafter become~~ unsafe or unsightly shall be repaired or removed by the owner, or owner of the property upon which the sign stands, ~~upon notice of the council.~~
- (9) Roof~~top-mounted~~ signs and signs mounted on fences are prohibited, except construction signs installed on a temporary fence around construction sites and help wanted signs installed in Industrial zoning districts.
- (10) Where a sign is illuminated, the source of light shall not shine directly upon any part of a residence or into any of the classes of residence districts.
- (11) Abandoned signs shall be removed within 30 days of becoming abandoned except freestanding sign structures are permitted to remain if business names and all messages are removed, provided a principal building remains intact on site.
- (12) Handwritten signs and paper and cardboard signs, except political and private sales or event signs, are prohibited.
- (13) No signs, except holiday decorations, shall be attached to a vertical pylon of another sign, flagpole, utility pole or similar vertical structures; no signs, permanent or temporary, shall be attached to trees or bushes.

- (14) Vehicular signs shall advertise exclusively a business located on the same property; a vehicle with a sign shall be street legal, operational, placed on paved surface within private property, and have current registration. Vehicular signs shall not be utilized for more than 14 consecutive days and 60 days in a calendar year, unless a vehicle is used for transportation on a regular basis or is parked in relations to the transportation needs, such as at loading dock.
- (15) No ground or temporary signs higher than three (3) feet shall be installed within visibility triangles at street intersections. No permanent signs shall be installed within recorded easements. Ground signs exceeding 40 square feet in surface area shall not be placed less than five (5) feet from the front property line.
- (16) Temporary banner signs shall not be installed for more than 14 consecutive days and 60 days in a calendar year; these terms may be extended to no more than 90 consecutive days by an Interim Use Permit. Banners shall not be installed as freestanding for any purpose or for any duration. Building mounted banner signs frequently reinstalled for repeated events or promotions may be regulated as permanent flat signs, provided they are always installed in the same location, are of the same size, and each replacement banner is displayed for no more than 14 consecutive days with at least 30 days in between; this provision is limited to one such sign per building. Banners placed inside sign cabinets shall be considered permanent flat signs. As an exception, temporary banner signs installed as real estate signs, help wanted signs, construction signs, and private sales and event signs shall meet respective term limit requirements for these signs.
- (17) Transportable advertising signs, except those not exceeding five (5) square feet in surface area, shall not be installed for more than 14 consecutive days and 60 days in a calendar year; these terms may be extended to no more than 90 consecutive days by an Interim Use Permit. Transportable advertising signs frequently reinstalled for repeated events or promotions may be regulated as freestanding signs, provided they are always installed in the same location, are of the same size, and are not displayed for more than 14 consecutive days with at least 30 days in between; this provision is limited to one such sign per property. As an exception, transportable advertising signs installed as real estate signs, help wanted signs, and private sales and event signs shall meet respective term limit requirements for these signs.
- (18) Balloon signs shall not be installed for more than 14 consecutive days and 60 days in a calendar year. Balloon signs shall not exceed 15 feet in height and shall not project more than six (6) feet above the roof line of the nearest building. Balloon signs shall be ground mounted and shall not utilize any cabling, tether lines or tie-downs in a dangerous manner.
- (19) Temporary flag signs shall not be installed for more than 14 consecutive days and 60 days in a calendar year. Temporary flag signs shall not exceed 15 feet in height. Feathers flag signs shall be permitted as temporary signs only. Flag signs, except US flags, shall not project more than six (6) feet above the roof line of the nearest building. The bottom edge of flag signs mounted on a horizontal bar or projecting more than 24 inches from their mounting poles shall provide a minimum vertical clearance of eight (8) feet above ground. As an exception, temporary flag signs installed as help wanted signs and private sales and event signs shall meet respective term limit requirements for these signs.
- (20) Private sales or event signs shall be installed no more than seven (7) days prior to advertised sales or event and removed the next day after it ends but shall not be installed for more than 14 consecutive days.
- (21) Construction signs shall be installed no more than seven days (7) prior to construction commencement, provided a valid permit is issued for construction, and removed within seven (7) days after construction ends, as determined by City staff, except "Now Open" signs may stay for 30 days.
- (22) Real estate signs, except new subdivision development signs, shall be removed within seven (7) days after completion of the real estate transaction; a 'sold' tab shall be added within one day of the sale transaction. 'Apartment for lease' signs, except banners, may stay so long as

there are vacant units in a building. New subdivision development signs shall be removed when 75 percent of the subdivision lots are occupied.

(23) Help wanted signs shall be removed on the new hire starting date for individual positions or, provided such sign is not a banner, may stay so long as there are open positions in a business. In industrial districts, help wanted banners signs may stay while open positions are available.

(24) No temporary sign height, except flag, balloon, and building mounted banner signs, shall exceed six (6) feet. No temporary signs shall be illuminated or have moving parts. No temporary signs shall be placed upon required parking space or access drive. No temporary signs shall be placed within public right of way, unless approved by the City Engineer or his designee, except transportable advertising signs not exceeding five (5) square feet in surface area may be placed on sidewalks within the Downtown District, provided at least five-foot-wide clear passage remains unobstructed. City staff reserves the right to remove all temporary signs installed in violation of this Division.

(25) All pylon and projecting sign installations shall be designed by a licensed structural engineer. All temporary signs left unattended shall be attached to the wall, anchored to the ground, or weighted down to be able to withstand 90 miles per hour wind.

(26) All freestanding and projecting signs protruding above walking surfaces shall provide a minimum vertical clearance of eight (8) feet above ground. No sign shall protrude over roadways, alleys, access easements, driveways, parking, or any other vehicular traffic areas.

(27) For all temporary signs, consecutive number of days in term limitations shall apply to individual signs; all yearly term limitations shall apply to the entire property meaning that all temporary signs of the same category installed on the property within a year shall be counted as one sign for the maximum term determination.

(28) Each sign shall meet all applicable requirements listed in this Division unless exempted otherwise. If requirements contradict each other, the most stringent one shall apply.

(29) Sign clusters shall be considered one sign for surface area calculation purposes. All individual signs within a cluster shall be coordinated in sizes and colors and look alike.

(30) Signs located within the Heritage District shall meet requirements of Section 86-287 in addition to this Division requirements.

(31) All signs connected to electrical grid shall meet requirements of the current National Electric Code. All signs located along State highways and county roads shall meet applicable State and County requirements.

(32) No sign permit shall be issued unless an Ordinance compliant flat nameplate sign identifying the building address is present or will be installed as a part of proposed work.

(33) Electronic Graphic Display (EGD) signs shall be subject to the following requirements:

a. EGD signs, except signs used as billboards, shall not exceed 30 percent of total permitted sign surface area or 60 square feet, whichever is less, in all classes of business or industrial districts, and 50 percent of permitted sign surface area in all classes of residence districts.

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; 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 preset distance

depending on sign size; this distance, in feet, shall be 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.

(Code 1976, § 11.19(1)(A))

Sec. 86-184. - Permitted signs in residence and agricultural districts.

(a) Permitted signs: In all classes of residence districts and in agricultural district, no signs, ~~business sign, nameplate sign or advertising sign~~ shall be erected, except the following:

- (1) One~~A unilluminated flat~~ nameplate sign, ~~or professional nameplate sign,~~ identifying the name of the owner or occupant of a building, or dwelling unit, ~~provided that the surface area does and one flat nameplate sign identifying the building address~~ not exceeding one~~two~~ square foot~~feet~~ each in surface area. ~~Such nameplate must not bear the name or symbol of a product or service.~~
- (2) One~~A temporary real estate~~ sign ~~pertaining to the lease, sale or rent of a building or property, provided that such sign shall not exceed~~ ing three (3)~~12~~ square feet in surface area ~~and shall not be illuminated, except two such signs not exceeding 24 square feet in surface area each are permitted in multi-family residence districts and for all non-residential uses.~~
- (3) ~~Temporary~~ Not more than two real estate signs advertising a new subdivision development. ~~Each subdivision or development shall be allowed one sign not to exceed~~ ing 48~~75~~ square feet in surface area each~~and no more than 15 feet in height.~~
- (4) One ~~Temporary unilluminated construction~~ signs ~~identifying an engineer, architect, contractor or product engaged in or used in the construction of a building, provided that such signs shall not exceed~~ ing three (3)~~12~~ square feet each in surface area, and are no more than 15 feet in height, each in surface area, and are no more than 15 feet in height and provided that such signs are removed prior to occupancy of the building, except two such signs not exceeding 24 square feet in surface area each are permitted in multi-family residence districts and for all non-residential uses.
- (5) One freestanding nameplate or business identification sign, ~~not to exceed~~ ing 32~~0~~ square feet in surface area and one flat nameplate or business sign not exceeding 48 square feet in surface area; for non-residential the following uses: church, school, hospital, sanitarium, club, library or similar uses. Such signs shall be solely for the purpose of displaying the name and/or logo of the institution and its activities or services. ~~It may be illuminated but not flashing.~~ Non-residential uses occupying more than five (5) acres and having public right of way frontage over 600 feet may have two such freestanding signs plus one more sign for lots with frontage over 1,200 feet; an area of each sign facing a divided highway may be increased by 50 percent.
- (6) One freestanding nameplate sign for a dwelling group of four~~five~~ (4) or more units not exceeding 32~~6~~ square feet in surface area. Such signs may indicate the names and addresses of the buildings and/or it may be a directory for occupants.
- (7) Not more than two ~~d~~Directional signs not exceeding five (5) square feet in surface area each and six (6) feet in height placed in any parking area as necessary for the orderly movement of traffic, ~~provided that such sign shall not be used as advertising space and shall not be illuminated~~ in multi-family residence districts and for all non-residential uses. Uses occupying

- more than five (5) acres may have four (4) such signs with 10 square feet in surface area each and two more signs for every additional five (5) acres or fraction thereof over initial 10 acres.
- (8) One freestanding nameplate identification sign, not exceeding 32 square feet in surface area or 20 feet in height for a manufactured home park per park entrance in a manufactured home park district.
- (9) One flag sign, temporary or permanent, except feathers, not exceeding 6 square feet in surface area, except the flag surface area may be increased to 24 square feet in multi-family residence districts and for all non-residential uses. Permanent flag signs shall not exceed 15 feet in height, except this height may be increased to 20 feet in multi-family residence districts and for all non-residential uses.
- (10) Holiday decoration signs with maximum luminance of lighted decorations not to exceed 500 nits at night.
- (11) No more than two incidental signs not exceeding three (3) feet in height for freestanding signs. Uses occupying more than five (5) acres may have four (4) such signs up to six (6) feet in height, and two more signs for every additional five (5) acres or fraction thereof over initial 10 acres.
- (12) No more than two private sales or event signs not exceeding three (3) square feet in surface area each except this may be increased to 12 square feet each for non-residential non-commercial uses.
- (b) Sign Height: Unless further restricted by other provisions of this Section, no freestanding sign height shall exceed 10 feet, except this height may be increased to 15 feet in multi-family residence districts and all non-residential uses.
- (c) Prohibited signs: Banner signs, except building mounted real estate rent or lease ones; balloon signs; transportable advertising signs; dynamic display signs, except digital graphic display ones; multi-face signs; political signs installed outside of election campaign time window as defined in the State Statutes; vehicular signs; window signs; utility box signs; help wanted signs; rotating or moving signs; and use of real objects as sign elements are prohibited.

(Code 1976, § 11.19(1)(B); Ord. No. 387 2nd series, § 1, 1-20-1998)

Sec. 86-185. - Permitted signs in mixed, business, and industrial districts.

- (a) Permitted signs: In all classes of mixed, business and industrial districts, business signs and nameplate signs are permitted as follows, subject to the following regulations:
- (1) Signs as permitted and regulated in Section 86-184 (a), subparagraphs (1), (5), (7), (9), and (10), except total permitted sign surface area shall be calculated in accordance with subsection (b) of this Section and sign height in accordance with subparagraph (c) of this Section; the number of permitted signs shall be determined by the total permitted sign surface area. Construction, real estate, political, and private sales or event signs shall not exceed 32 square feet in surface area each and 72 square feet total on the property. The number of incidental signs is not limited, and they may be up to six (6) feet in height. Holiday decoration signs are permitted.
- (2) Help wanted signs not exceeding 32 square feet in surface area each and 72 square feet total on the property; one vehicular sign; one utility box sign not exceeding five (5) square feet in surface area; one gas pump top sign and two side signs not exceeding five (5) square feet in surface area each per gas pump; window signs as described in Section 183 (6); and no more than two balloon or feather flag signs.

- (3) Temporary building mounted banner signs not exceeding 80 square feet in surface area total, except banner signs installed as real estate signs, help wanted signs, construction signs, and private sales and event signs shall meet respective size limit requirements for these signs; one transportable advertising sign not exceeding 48 square feet in surface area on the property.
- (4) The use of real full-size objects, such as cars, boats, appliances, etc. as elements mounted on a sign may be allowed by a conditional use permit only.

(b2) Sign sSurface area:

- (1)a. The total permitted sign surface area of all projecting and/or freestanding business signs on a lot shall be not exceed the sum of two square feet per lineal foot of frontage for the initial 20 feet of its lengthfrontage, plus one square foot per lineal foot of frontage for lengthlot-frontage between 20 and 40 lineal feet, plus one-half square foot per lineal foot of frontage for length between 40 and 100 feet, plus one-fourth square foot per lineal foot of frontage of lots for length over 100 feet-of frontage, but shall not exceed 18065 total square feet of sign surface area. For any shopping center district, the total square feet of sign area shall not exceed 250. For two streets In the case of corner lots, the sum of the longer least dimension width of such a corner lot, plus one-third of another dimensionthe length, shall be considered the frontage length for purposes total permitted sign surface area calculations of this chapter.
- (2)b. For total adjusted sign surface area calculations, The total surface of all flat business signs attached to a building may exceed the limitations of surface area of projecting and/or freestanding business signs by 75 percent or less, but shall not exceed 288 square feet total sign surface area. For shopping center districts the total square feet of sign area shall not exceed 437. The total surface area of a combination of projecting freestanding signs and flat signs shall be 165 square feet and 250 square feet for a shopping center district by considering each square foot of flat business signs and flag signs shall be considered as being equivalent to 0.507 of a square foot. Window signs shall have additional 20 percent reduction.
- (3)e. For total adjusted sign surface area calculations, each sign surface areaAlso, the above maximum total surface sign areas of freestanding, projecting and flat signs, or their combination, may be reducedincreased by 0.355 percent of their area for each foot of distance that the front edge of the sign is placed away from the nearest property line, with a maximum reduction increase of sign surface area not to exceed 500.5 percent of one-half of the average lot depth. In the downtown district, where lots have a public alley frontage, the total surface area may be increased by 50 percent, but shall not exceed the preceding base surface area on any one frontage. Such increase shall not exceed the 165 square feet maximum sign. Each flat, pylon and flag sign surface area may be further reduced by one percent for each foot of sign bottom location over imaginary 15-foot mark above ground.
- (4) For double frontage lots, the total permitted sign surface area shall be based on the longer frontage; the total permitted sign surface area for such lots may be increased by 75 percent provided that no street receives signage in excess of total sign surface area calculated without such increase and the shorter frontage is at least 75 percent of the longer one. For three or more streets corner lots, the total permitted sign surface area shall be based on two adjacent sides providing the greater outcome; the total permitted sign surface area for such lots may be increased by 50 percent provided that no street receives signage in excess of total sign surface area calculated without such increase and the shortest frontage is at least 75 percent of the longest one. For lots open to an alley at the back, the total permitted sign surface area may be increased by 50 percent provided that neither street nor alley receives signage in excess of total sign surface area calculated without such increase. For the purpose of this subparagraph, signs with a face visible from a street shall be considered belonging to such street frontage.
- (5) For lots with calculated frontage over 600 feet, the total permitted sign surface area may be increased by 50 percent provided that no 600 feet of frontage receive signage in excess of total

sign surface area calculated without such increase. For lots with more than one principal use buildings, the total permitted sign surface area may be increased by 25 percent provided that no building receives signage in excess of total sign surface area calculated without such increase. For lots facing a divided highway, the total permitted sign surface area may be increased by 25 percent provided all increase is distributed along such highway. For the purpose of this subparagraph, all building mounted signs visible from a street shall be considered belonging to any and all 600-foot-long frontage segments of such street and all freestanding signs shall be considered belonging to any and all buildings on site.

(6) The total permitted sign surface area increases listed in subparagraphs (4) and (5) and total adjusted sign area reductions listed in subparagraphs (2) and (3) are cumulative.

(7) Two or more lots occupied by one building shall be considered one lot for frontage determination to be used for total permitted sign surface area calculations.

(8) Flat signs, including temporary building mounted banner signs, shall not cover more than 20 percent of a building façade. Building mounted banner signs shall not cover more than 10 percent of a building façade.

(9) Temporary signs mounted on buildings shall be considered flat signs and all other temporary signs shall be considered freestanding signs for total adjusted sign surface area calculations. The surface area of all temporary signs on a lot, except signs exempted from sign permit requirements per Section 86-182 (a), shall be included, with appropriate reductions, into total adjusted sign surface area calculations. Temporary building mounted banner signs may be installed in excess of the total permitted sign surface area, provided this excess, without any reductions, is less than ten percent. The actual surface area, without any reductions, of all temporary signs on a lot shall not, at any given time, exceed 25 percent of total permitted sign surface area for the property.

(10) Individual flat signs not exceeding five (5) square feet in surface area and individual freestanding signs not exceeding two (2) square feet in surface area and three (3) feet in height, and all signs exempted from sign permit requirements per Section 86-182 (a) shall not be considered for total adjusted sign surface area calculations.

(11) The total adjusted sign surface area including all reductions shall not exceed the total permitted sign surface area for the property including all increases.

(c4) **Sign Height:** No freestanding sign shall be project higher than 2530 feet except this height may be increased to 30 feet on lots with computed frontage over 60 feet above the average grade of the building line; except that this height may be further increased by 0.1 feet for each foot of distance that the front edge of the sign is placed away from the front property line; with a maximum increase of permissible height not to exceed ten feet. For lots facing a divided highway, the sign height may be increased by another five feet. Permanent flag signs may be 50 percent higher than otherwise permitted above.

(d3) **Billboards:** Advertising signs may be permitted by a conditional use permit in business districts, provided that sign structures shall be limited to not more than one for a lot with a minimum of 400200-foot frontage or less and to only one per each additional 2400 feet of additional lot frontage. Such structure shall not contain more than two signs or sign panels per side facing nor exceed 55 feet in total length and 45 feet in total height. No advertising sign shall be erected within 2400 feet of an adjoining residential district or within a visibility triangle of any intersection. An advertising sign installed on a lot adjacent to, or within 500 feet from, an advertised business may be regulated as a business sign within the property where it is installed.

(Code 1976, § 11.19(1)(C); Ord. No. 411 2nd series, § 1, 2-16-1999)

~~Sec. 86-186. Permitted signs in industrial districts.~~

~~In I-1 and I-2 industrial districts, business signs, nameplate signs, advertising and billboards are permitted, subject to the following regulations:~~

- ~~(1) Signs as permitted and regulated in section 86-185(2).~~
- ~~(2) Advertising signs may be permitted by conditional use permit in industrial districts, provided that sign structures shall be limited to not more than one for a lot of 100-foot frontage or less and to only one per each additional 100 feet of additional lot frontage. Such structure shall not contain more than two signs per facing nor exceed 55 feet in total length. No advertising sign shall be erected within 100 feet of an adjoining residential district.~~
- ~~(3) Signs as permitted and regulated in section 86-185(4).~~

(Code 1976, § 11.19(1)(D))

~~Sec. 86-187. Temporary transportable advertising signs.~~

~~All signs that are not permanently affixed to a building or foundation structure, mounted on wheels or supporting structure for the purpose of mobility, shall conform to the provisions of this division and any other provisions of the city Code or regulations of the city.~~

- ~~(1) No temporary transportable advertising sign shall be permitted in any of the classes of residence districts.~~
- ~~(2) All signs shall conform to the general sign provisions of this division.~~
- ~~(3) Temporary transportable advertising sign area shall not exceed the permitted sign surface area as regulated by this division. These signs shall be considered as freestanding signs for the purposes of this division.~~
- ~~(4) No temporary transportable advertising sign shall exceed 48 square feet of sign area, exclusive of wheels and standards.~~
- ~~(5) Building permits for temporary transportable advertising signs shall be required and will be issued for a maximum period of 30 days per year.~~
- ~~(6) No temporary transportable sign shall be placed on public property or right-of-way.~~
- ~~(7) No sign shall be permitted to obstruct the visibility of traffic at intersections or private approaches as determined by the city engineer.~~
- ~~(8) Signs shall be constructed of wood, metal or plastic, designed and anchored to resist 25 pounds/square feet horizontal wind pressure loads and stresses.~~

(Code 1976, § 11.19(1)(E))

Secs. 86-188—86-200. - Reserved.

SIGN REGULATIONS SUMMARY															
Sign type ^{33,34} (alphabetically)	Perm.	Temp.	Exceptions for permit requirement ^{35,42}				Residential & Agricultural districts				Commercial & Industrial districts ³⁶				General
			Max size - height	Reference	Term	Reference	Max size - height	Reference	Term	Reference	Max size - height	Reference	Term	Reference	reference
Abandoned		n/a	Not permitted - must be removed within 30 days (except permanent freestanding signs provided main structure remains on site)												183(11)
Advertising/billboard	yes	no	none; CUP is also required				Not permitted				on adjacent lot by PTDF; must be 200 feet apart & from res. area				185(6)
Alteration		n/a	Permit required as for new sign, unless maintenance work only or face replacement												182(a)
Art projects/public	yes	no	all	182(a)		n/a	Council approval required								183(1)
Awning, canopy ²¹	yes	no	5e ¹⁸ or 6l - n/a	182(a)		n/a	n/a				See business signs				
Banner ^{24, 26, 40}	no ¹	yes	24e - n/a	182(a)	14c/60y	183(16) ⁴⁴	n/p	184(c)		n/a	80t&10% ²⁷ -n/a	185(a)(3), 185(b)(8)	14c/60y (90 IUP) ²²	183(16) ⁴⁴	
Balloon ^{26,39}	no	yes	all	182(a)		n/a	n/p	184(c)		n/a	n/a ²⁸ - 15 ⁶	183(18)	14c/60y (90 IUP)	183(18)	
Business	yes	no	none			n/a	32fs/48ft ^{32,2} -10 ³²	184(a)(5)-(b)		n/a	PTDF ¹³ - MCH	185(a)(1)	n/a		
Cluster ⁴³	yes	no	none			n/a	n/a				nsr		n/a		Definition
Construction	no	yes	all	182(a)-183(24)	-7/ev/+7	183(21)	3et,(12e/24t) ³⁷ -6	184(a)(4)-183(24)	-7/ev/+7	183(21)	32e/72t - 6	185(a)(1)-183(24)	-7/ev/+7 ¹²	183(21)	
Directional	yes	no	5e - 6	182(a)		n/a	5e/10t ² - 6	184(a)(7)		n/a	PTDF ¹³ - MCH	185(a)(1)	n/a		
Double-face		n/a	Only one side is counted towards total signage surface area												Definition
Dynamic display ¹⁹	yes	no	none			n/a	n/p	184(c)		n/a	nsr		n/a		
EGD ¹⁹	yes	no	none			n/a	50%PTDF	183(33)(a)		n/a	60&30%PTDF	183(33)(a)	n/a		
Feather (temp flag)	no	yes	See Flag temp for requirements				n/p	184(a)(9)		n/a	See Flag temp for requirements				Definition
Fence		n/a	Not permitted except temporary construction signs installed on temporary construction fence												183(9)
Field painted		n/a	Not permitted except for water towers and grain elevators and public art approved by Council												183(1)
Flag temp ^{7, 23, 26}	no	yes	all	182(a), 183(19)	14c/60y	183(19) ⁴⁴	6et ³ - 15 ⁶	184(a)(9)-183(19)	14c/60y	183(19)	nsr - 15 ⁶	183(19)	14c/60y	183(19) ⁴⁴	
Flag perm ^{7,23}	yes	no	6e ⁸ - 6 ⁸	182(a)		n/a	6et ³ - 15 ⁶	184(a)(9)		n/a	PTDF ^{4,13} -MCH ^{5,6}	185(a)(1)	n/a		
Flashing		n/a	Not permitted												183(2)
Flat ⁴	yes	yes	Signs may not cover more than 20% of a building façade; sign clusters are considered one sign for surface area calculations; areas reduced for total permitted sign area calcs												185(b)(8)
Freestanding	yes	no	May be either ground sign or pylon sign. The owner must maintain land around the sign												183(7)
Gas pump	yes	no	all	182(a)		n/a	n/a				5e - n/a	185(a)(2)	n/a		
Ground	yes	no	If over 40 SF, must be placed 5 feet off front property line; not to be placed within visibility triangles; not to project into ROW or sidewalks												183(15),(26)
Handwritten	no	yes	Not permitted except for political and private sales or event												183(12)
Help wanted	no	yes	all	182(a)-183(24)	ev	183(23)	n/p	184(c)		n/a	32e/72t - 6	185(a)(2)-183(24)	ev	183(23)	
Holiday ⁴¹	no	yes	all	182(a)		nsr	nsr				nsr		nsr		
Illuminated	yes	no	Flashing, intermittent, or rotating beam not permitted; may not shine on residential properties												183(2),(10)
Incidental	yes	no	all	182(a)		n/a	2e/4t ² - 3 ²	184(a)(11)		n/a	2e/ul - 6	185(a)(1)	n/a		
Integral	yes	no	all	182(a)		n/a	nsr				nsr		n/a		
Multi-face		n/a	Each face is counted towards total signage surface area												Definition
Nameplate	yes	no	1e ⁴³ -nsr	182(a)		n/a	1et ^{9,10} - n/a	184(a)(1)		n/a	PTDF ^{9,13} - MCH	185(a)(1)	n/a		
Non-conforming		n/a	Must be removed or brought into compliance or a variance must be applied for within 60 days of this ordinance adoption (freestanding signs are exempt)												182(c)
Political ¹¹	no	yes	all	182(a)	see State Statute	2et-3	183(13)	see State Statute	2et-2	183(13)	see State Statute	2et-2	183(13)	see State Statute	
Private sale/event	no	yes	all	182(a)-183(24)	-7/ev/+1	183(20)	3e/6t ¹⁴ - 6	184(a)(12)-183(24)	-7/ev/+1, 14c	183(20)	32e/72t - 6	185(a)(1)-183(24)	-7/ev/+1, 14c	183(20)	
Projecting	yes	no	Projection over public sidewalk is limited and allowed in downtown only; attachment must be designed by engineer; clearance below must be 8 feet minimum												183(3),(25),(26)
Public	yes	yes	all	182(a)		nsr	nsr				nsr				
Pylon	yes	no	Projection over public ROW by Council permission; must be designed by engineer												183(3),(25)
Real estate	no	yes	all	182(a)-183(24)	ev/+7 ¹⁵	183(22)	3et ¹⁶ - 6	184(a)(2)	ev/+7 ¹⁵	183(22)	32e/72t - 6	185(a)(1)-183(24)	ev/+7 ¹⁵	183(22)	
Roof		n/a	Not permitted												183(9)
Rotating/moving	yes	no	none			n/a	n/p	184(c)		n/a	nsr				
Temporary ^{20,26,44}	no	yes	varies-6	183(24)	varies		varies - 6	183(24)	varies		varies ³⁸ - 6	183(24)	varies		
Transportable ^{25, 26}	no	yes	5e ²⁹ - 6	182(a)-183(24)	14y ³⁰	182(a)	n/p	184(c)		n/a	48t-6	185(a)(3)-183(24)	14c/60y (90 IUP)	183(17) ⁴⁴	
Utility box	yes	no	all	182(a)		n/a	n/p	184(c)		n/a	5e - n/a	185(a)(2)	n/a		
Vehicular ³¹	no	yes	all	182(a)	14c/60y	183(14)	n/p	184(c)		n/a	n/a; one sign	185(a)(2)	14c/60y	183(14)	
Window ¹⁷	yes	no	5e&20%g or 4l-n/a	182(a)		n/a	n/p	184(c)		n/a	See business signs				

Abbreviations:	n/p - not permitted	n/a - not applicable	e - each sign	ev - event (with the number of days before (-) and after (+))
	t - total signage on property	f - building façade area	c - consecutive days	y - total days in a calendar year
	fs - freestanding sign	fl - flat sign	l - individual window glass area	l - individual letters height
	et - each and total i.e. one sign permitted	ul - unlimited	nsr - no specific requirements	
	MCH - maximum calculated height (185(c))	PTDF - part of total depending on frontage (185(b))		
Table notes:	1 - banners may be considered permanent if same size, installed in the same location, and replaced every 30 days or installed within a sign cabinet (183(16)).			
	2 - additional sign surface area and/or higher signs may be permitted for larger sites (184(a)(5),(7),(11))			
	3 - flag sign size in residential districts may be increased to 24 SF for non-residential non-commercial uses (184(a)(9))			
	4 - sign surface area is considered at 50% value for signage surface area calculations (185(b)(2))			
	5 - freestanding flag signs may be 50% higher than otherwise permitted for other signs (185(c))			
	6 - flag and balloon signs may not project more than 6 feet above roof line of the nearest building (183(18),(19)); permanent flag height may be increased to 20 feet for multi-family districts and for non-residential uses (184(a)(9))			
	7 - US and Minnesota flags are exempt (182(a))			
	8 - this permit exception applies only to roof and wall mounted flags so height listed is above roof line (182(a))			
	9 - plus additional address sign under 1 SF (184(1)); address sign must always be installed if not present as a part of every sign permit (183(32))			
	10 - sign surface area may be increased to 32 SF and 10 feet high for dwelling group of 4 or more units and for manufactured home park and further increased for non-residential uses (184(a)(5),(6),(8),(b))			
	11 - political signs related to elections and installed within time frame specified in the State Statutes are not limited in size and height (183(13))			
	12 - Now Open signs may stay for 30 days after construction or remodeling completion or, in general, after new business opening (183(21))			
	13 - signs under 5 SF and 6 feet high and signs not requiring permits are not included in surface area calculations (185(b)(10))			
	14 - sign surface area may be increased to 12/24t SF for non-residential non-commercial properties (184(a)(12))			
	15 - next day after completed lease or rent transactions, except Apartment for Lease (not banners) signs, and after 75% of subdivision occupancy is achieved for subdivision development signs (183(22))			
	16 - subdivision development signs are limited to 2 signs 48 SF each (48e/96t) per subdivision (184(a)(3)); multiple family districts and non-residential uses allow for two such signs 24 SF each or 24e/48t (184(a)(2))			
	17 - windows signs covering between 20% and 80% of glass area are not permitted except neon signs and individual lettering; window signs covering over 80% must be considered flat signs (183(6))			
	18 - signs must be pre-printed or embroidered on canopy or awning material only (182(a))			
	19 - flashing, pulsating or quickly changing images are prohibited (183(2))			
	20 - temporary signs may not be placed on ROW except transportable advertisement signs under 6 SF in downtown or if approved by City Engineer; may not be illuminated, attached to trees, or placed on parking spaces or access drives; may not have moving parts; must be anchored or weighted down (183(3),(13),(24),(25))			
	21 - signs mounted above or below front vertical surfaces are prohibited, except flat signs on sloped surfaces, which are considered flat signs by definition (183(9))			
	22 - same size banner installed repeatedly in the same place may be regulated as a flat business sign if replaced every 30 days (183(16))			
	23 - bottom edge of all flags projecting more than 24 inches must be 8 feet minimum above ground (183(19))			
	24 - banners mounted on buildings must be considered flat signs for signage surface area calculations (185(b)(9)); banners placed within sign cabinets shall be considered permanent flat signs (183(16))			
	25 - transportable signs must be considered freestanding signs for signage surface area calculations (185(b)(9)); frequently reinstalled signs for repeated events may be regulated as permanent signs, with some conditions (183(17))			
	26 - temporary signs of the same type installed on the same property within a year are considered the same signs for determining the yearly term limitations (183(27))			
	27 - size limit is applicable to building mounted banners (185(a)(3)); temporary banners may be installed in addition to total property sign surface area limitations provided excess is less than 10% (185(b)(9))			
	28 - not more than two balloon signs are permitted on the property (185(a)(2))			
	29 - transportable advertisement signs under 5 SF do not have time limitations if removed nightly and never need permit (182(a), 183(17))			
	30 - transportable advertisements signs installed for less than 14 days in a calendar year do not need a permit regardless of size (182(a))			
	31 - vehicle must be street legal, operational, have current registration and placed on the paved surface of the private lot of advertised business; vehicles used for transportation are exempt (183(14))			
	32 - non-residential, multiple family, and manufactured home park only (184(a)(5),(6),(8)); height may be increased to 15 feet in multi-family districts and for non-residential uses (184(b))			
	33 - no sign may resemble official markers, include words like "stop" or "danger" unless in literal sense, or interfere with safety; owner must maintain all signs (183(4),(8))			
	34 - signs falling into multiple categories must meet all applicable requirements; signs within Heritage District shall meet additional requirements; signs with electrical connection must comply with NEC (183(28),(30),(31))			
	35 - if permit is required, it may not be issued unless an address sign is either present or will be installed with proposed sign (183(32))			
	36 - construction documents are required with permit application (182(b))			
	37 - multiple family districts and non-residential uses allow for two such signs 24 SF each or 24e/48t (184(a)(4))			
	38 - all temporary signs on site except those not requiring permit must be included in total area calcs; all temporary signs area, without reductions, may not exceed 25% of PTDF (185(b)(9))			
	39 - balloon signs must be ground mounted and may not utilize cabling, tie-downs or tether lines (183(18))			
	40 - banners signs installed as real estate signs, private sales or event signs, or any other temporary sign category must meet size limit requirements for those signs; term limit is based on sign type (183(16),185(a)(3))			
	banners shall not be installed as freestanding signs for any purpose (183(16)); in industrial districts, help wanted banners may be placed on fences and for long time (183(9),(23))			
	41 - holiday signs may be installed for official holidays only (184(a)(10))			
	42 - any sign installed for two days or less doesn't need a permit (182(a))			
	43 - a sign installed as part of a permitted cluster does not need a permit (182(a))			
	44 - banners, transportable advertising signs, and temporary flags used as real estate, help wanted, or private sales and event signs must meet term limits based on the sign use (183(16),(17),(19))			

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 22, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Rental Ordinance
Background Information:	<p>In the summer of 2021, the City received a complaint about a VRBO rental property in town. The current ordinance does not address short-term rentals, such as VRBO's and AirBnB's. At the Council meeting discussing the situation, staff received direction to develop an ordinance addressing the short-term rentals. However, at the Legislation and Ordinance Committee meeting discussing the first draft, it was suggested that short-term rentals should be handled similar to most other cities, which regulate them through a rental ordinance along with other rental properties.</p> <p>At the subsequent L&O meeting in December 2021, a draft rental ordinance was presented and discussed, receiving generally positive review. Staff presented the Ordinance to the Council in February 2022 and requested an authorization to set up a meeting with local landlords/property owners prior to finalizing the Ordinance and its implementation program.</p> <p>Two meetings, necessary to accommodate a large number of rental properties and their owners in the City, took place at the end of March. There were close to 100 people attending who asked a lot of questions and shared their input. A list of proposed inspections was presented and discussed, and all questions and comments were documented and taken into account.</p> <p>At the L&O meeting on June 28, 2022, the final draft was presented and approved. However, at the W & M meeting on August 29, 2022, while discussing rental ordinance fee, a suggestion was made to have another meeting with property owners before presenting to the Council.</p> <p>Conversation was, again, separated into two meetings that took place at the end of October. The first meeting included mostly multiple family owners with attendance of about 25 people, who complained about high cost of the program, especially inspections. However, they offered a suggestion of, and expressed support for, a registration program backed by significant negative repercussions for Housing Code violations reported to the City by tenants. The second meeting was attended by about 20 people, mostly single-family houses owners, who voiced their strong agreement with the registration plan that was mentioned by staff.</p> <p>The City of Marshall is the only city among comparable cities (and one of very few cities of similar size in the State of Minnesota) that does not have a rental ordinance. It is home to a four-year college, which increases demand for rental properties, and with 44% of the population renting, Marshall is near the top of the list for such percentage in Minnesota. The City has a Housing Code that has been in place for several decades, and is enforced on a complaint basis only. However, many people are unaware of this code, on one hand, and the City is unaware of many rental properties, on the other hand.</p>

	<p>The Rental Ordinance was generally based on similar ordinances from comparable cities, but it has been revised now to become a registration program only. Mandatory registration with a nominal one-time fee and no mandatory regular inspections will reduce owners' expenses. Registration process will require property owners to sign a statement that their properties meet current Housing Code. Valid complaints and concerns - the ones that are made about items covered by the Housing Code and which have been brought up to the owner/manager - will be investigated by staff during inspections. These inspections will review the entire unit for other violations though, and the owner will have to pay inspection fees for these inspections. Fines and revoking registration are possible in cases when cooperation is lacking, and rental units become non-compliant.</p> <p>The revised Ordinance will still absolve landlords of some responsibilities such as pest control in single family rentals. Additionally, short-term rentals are addressed as a separate section within this Ordinance. Staff would also recommend amending the ordinance by allowing renting to more than three unrelated adults, which would expand rental opportunities for college students living in single family houses.</p> <p>The license term is proposed to be two years considering that there are no required inspections and there are no fees, and the first term will start in 2023.</p> <p>An ordinance summary, a Registration Certificate form and inspection lists are attached for reference.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	
Recommendations:	Staff recommend the recommendation to the City Council approving the new Article VIII Residential Rental Code.

SUMMARY:

- All residential rental properties (each building – even if located on the same parcel - is counted as a separate rental property) must be registered with the City of Marshall, except properties that are licensed by the State or are City managed. Buildings with Section 8 units must register.
- All applications will be on-line and will require creating an account.
- The program term is two years for all properties with first term starting January 1, 2023.
- Unregistered properties will have to cease operations after July 1, 2023.
- One-time initial registration fee of \$50 per rental property must be paid at the time of registration; all renewals are free.
- Owners must sign a statement certifying that the building meets the minimum requirements of the Housing Code.
- All properties must have a person – owner or manager - responsible for registration renewals and maintenance and capable of responding to emergencies within an hour. All other complaints must be responded to within 48 hours of a complaint and generally addressed within 5 working days.
- Every rental property will be issued a Registration Certificate, which will have to be posted in the common space when there is one in the building, or in the units, next to electrical box, if there is no common space. This Registration Certificate will list the name of the owner and, if applicable, a manager, and the phone number to call in case of a problem, concern, or complaint. It will also include a time frame for response from the owner/manager.
- The City will respond to valid complaints only. A valid complaint is a complaint that brings up an item covered by the City Housing Code and made after the landlord or manager was notified prior to complaint and at least 48 hours passed with no response, or 5 working days passed with no action taken after an initial response to a complaint. A valid complaint will trigger an inspection.
- All inspections conducted due to a valid complaint will incur \$100 inspection fee. All inspections conducted in a dwelling unit due to a valid complaint will consider and review ALL items covered by the Housing Code, both in the affected unit and in a common space if any. All deficiencies found during such inspections will have to be promptly corrected within allocated time (one inspection to confirm corrections will be free).
- Not correcting all non-compliant items within allocated time after a complaint-triggered inspection and/or additional inspections resulting from the second and all consecutive valid complaints in the same building (even if in a different unit) will result in fines as established by the Council, in addition to all applicable inspection fees. Accumulating more than three complaints in any two-year period and/or failing to make corrections within 90 days of deficiencies' findings may result in registration non-renewal, suspension and/or revocation.
- Failure to renew registration before expiration date will result in fines established by the Council. Being more than 90 days late on registrations or renewals may result in registration suspension and/or revocation.
- Tenants are prohibited from making modifications to rental units or interfering with alarms.
- Having more than three unrelated tenants/renters in a single-family house will be permitted provided enough parking is available.

Chapter 18 – Buildings and Building Regulations

Article VIII – Residential Rental Code

Section 18-137 – Findings, purposes, scope, and administration.

(a) *Legislative finding.* It is hereby found that there exist and may in the future exist, within the City, residential rental premises, rooming units or parts thereof, and renter-occupied mobile homes which, by deficiencies in their structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of people, their safety, and general welfare. To correct and prevent the existence of such adverse conditions, to achieve and maintain such levels of residential environmental quality that will protect and promote public health, safety and general welfare, preserve property values and prevent blight, it is further found that the establishment and enforcement of minimum rental housing standards are required. It is further found that a municipal registration program is appropriate to effectively enforce residential rental unit maintenance standards and correct or prevent law violations, nuisances and other disturbances and disorders involving residential rental units within the City.

(b) *Purpose.* It is hereby declared that the purpose of this Article is to protect, preserve and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate rental units for the purpose of maintaining adequate sanitation and public health, to maintain a quality of character and stability of rental housing, to prevent possible blight, to protect the safety of the people, and to promote the general welfare by legislation, which shall be applicable to all rental units, as defined herein, now in existence or hereafter constructed. It is hereby further declared that the purpose of this Article is to ensure that the quality of rental units is adequate for protection of public health, safety and general welfare; and to determine an adequate level of maintenance, the responsibilities of owners, operators and occupants of dwellings, and provision for the administration and enforcement thereof.

(c) *Scope.* The provisions of this Article shall apply uniformly to the construction, maintenance, use, and occupancy of all dwellings and rental units, inclusive of rental units in mixed-use structures, and to all renter-occupied mobile homes within the jurisdiction of the City, irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated. However, the provisions of this Article shall not apply to state or federally licensed facilities/units that are regularly inspected by the applicable agency, and to congregate living facilities.

(d) *Administration.* This Article shall be enforced by a Housing and Rental Ordinance administrator appointed by the City Administrator.

Section 18-138 – Definitions.

CITY. The City of Marshall or its representative.

DWELLING. Any building or other structure, including a manufactured home, which is wholly or partly used, or intended to be used, exclusively for living and sleeping by human occupants on a permanent basis. Consequently, hotels and motels are not considered dwellings.

OCCUPANT. Any person residing in a rental unit on a permanent or short-term basis.

PERMANENT BASIS. Any consecutive term 30 days or more or inconsecutive terms adding up to more than 30 days in a calendar year.

PROPERTY MANAGER. A natural person who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy, and maintenance of the rental unit.

RENT or LEASE. The offering of a rental unit to a non-owner on a permanent basis, based on a written agreement covering applicable conditions, and with rent paid in money or labor, whereby non-payment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure or a statutory repossession procedure.

RENTAL UNIT. Any house, apartment, condominium, townhouse, manufactured home, or room or group of rooms constituting, or located within, a dwelling and intended for rent or lease to a person or a group of persons. Consequently, a room offered for rent or lease to a roomer or boarder is considered a rental unit.

SHORT-TERM RENT. The offering of a rental unit to a non-owner for a fixed period of time of less than 30 days, based on a written agreement covering applicable conditions. Examples of short-term rent are Bed and Breakfast and VRBO.

Other applicable terms are as defined in the State Building Code and City Zoning Ordinance.

Section 18-139 – Conflict of Ordinances; effect of partial invalidity.

(a) In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of the City existing on the effective date of this section, or of any state or federal statute, rule or regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Article shall be deemed to prevail to the extent allowed by the State and Federal law.

(b) If any division, paragraph, sentence, clause, or phrase of this Article should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Article, which shall remain in full force and effect; and to this end, the provisions of this section are hereby declared to be severable.

Section 18-140 – Registration requirements.

(a) No person or entity may hereafter allow to rent or lease their rental unit within the scope of this Article to another person or entity for occupancy unless the dwelling in which this rental unit is located is registered as required by this Article.

(b) Each dwelling containing rental units shall have separate registration, unless rental units within such dwelling have different property owners, in which case each rental unit shall be registered separately. When multiple dwellings containing rental units exist on one property, a separate registration shall be required for each dwelling.

(c) Each rental unit shall have an owner who is able to respond to urgent complaints within 12 hours and address them within 48 hours or a designated property manager who shall be able to provide the same response time to occupants' complaints and maintenance requests.

(d) Any person or entity desiring to rent or lease their residential rental unit(s) shall apply for registration by using website designed by the City for that purpose. The applicant must provide the following information:

- (1) Name, address, phone number, and e-mail address of the property owner.
- (2) Name, address, phone number, and e-mail address, of a designated property manager, if any.
- (3) The full street address of the rental property.
- (4) The number and types of rental units within the rental property.
- (5) For dwellings containing multiple rental units, a sketch of the property to be rented identifying all rental units by assigned number, and a sketch of the parking lot, unless all required parking is provided within enclosed attached garages or off-street parking is not required by Ordinance.
- (6) For dwellings containing common entry/space, fire sprinkler system, fire panel, and fire extinguishers' most recent testing dates, when applicable.
- (7) An acknowledgment that the applicant has conducted inspections of the dwelling and certify that the building is in full compliance with the requirements of the City of Marshall Housing Code.
- (8) An acknowledgment that the applicant has reviewed and understood the provisions of this Article, intends to abide by its provisions and will include reference to this Article in any written agreement used in renting the property.

Section 18-141 – Registration; renewal; terms.

(a) The initial registration of all existing rental properties shall be completed by June 30, 2023. Thereafter, all rental properties brought to the market shall be registered prior to occupancy.

(b) Upon receipt of a completed registration application and payment of the registration fees, the City shall issue a Registration Certificate for the specified property.

(c) After obtaining the initial registration certification, rental property owners or their designated property managers will receive a renewal notice on or before November 1st of the expiration year (the second year of the term). Renewal application shall be completed no later than December 31st of such year. Failure of the City to deliver renewal application and/or failure of an owner or local property manager to receive a renewal application, does not excuse or waive the renewal requirement of this Article. Renewal applications shall contain all information as listed in Section 18-140 (d).

(d) The Registration Certificate terms shall be two years with the first full term starting on January 1, 2023. Thereafter, all rental properties brought to the market shall have their first terms started at the beginning of the then-current term.

Section 18-142 – Transfer of property.

Every new owner of an existing rental property shall furnish to the City information as listed in Section 18-140 (d) items (1), (2), and (8) before taking possession of the rental property upon closing the transaction. No new registration application or fee is to be required of the new owner, provided that the previous owner has paid all applicable fees and has complied with all requirements of this Article and corrected any violations of health, zoning, fire or safety codes of the city or state law. If any change in the occupancy as originally registered is contemplated by the new owner, a new complete registration application will be required.

Section 18-143 – Posting of certificate.

Each registration holder must post the registration certificate, retain its copy on file, and be able to produce said copy upon demand. Registration certificate shall be posted in a conspicuous spot near the common front entry, such as a public corridor, hallway or lobby, for all dwellings with common front entry. In dwellings without common entry, a copy of the registration certificate shall be posted in each rental unit next to the unit's electrical panel.

Section 18-144 – Fees; fines.

- (a) The council may, by resolution, establish fees for the filing of applications for dwelling registration, registration renewal, inspections, and other related activities. The fee shall be paid in full before the application shall be considered and shall not be refundable. No prorating for partial terms shall be permitted.
- (b) The council may, by resolution, establish fines for non-compliance with this Article, including, but not limited to, failure to apply for a registration or renewal and failure to comply with Section 18-145 Maintenance Standards, subsection (a). All unpaid fines may be assessed to the property owner.

Section 18-145 – Maintenance standards.

(a) Every rental property shall be maintained by its owner in compliance with the current City Housing Code and relevant provisions of the City Ordinance and State Fire Code. Dwelling registration does not constitute certification of full compliance with such codes, standards, ordinances or statutes by the City, and is therefore just an acknowledgement of the completion of the registration process.

(b) Responsibilities of occupants.

- (1) Every occupant of a rental unit shall make no modifications to the rental unit that would make that unit non-compliant with this Article.

- (2) Every occupant of a rental unit shall not remove any smoke or CO detectors or remove the batteries powering the said detectors or render them inoperable in any other way; regular replacement of expired batteries or detectors is the responsibility of the owner.
- (3) Every occupant of a rental unit shall store and dispose of their rubbish, garbage, refuse and any other waste in accordance with their lease or rental agreement and the City Ordinance, and shall not accumulate any of the above on the property except within the garbage enclosure if provided on the premises.
- (4) Every occupant of a dwelling containing a single rental unit shall be responsible for the extermination of bed bugs, roaches, and other pests on the premises.

Section 18-146 – Inspections and investigations.

(a) No regular inspections of the dwellings or rental units are mandated under this Article. Full rental unit inspections shall be conducted in accordance with the current City Housing Code based on valid tenants' complaints only. A valid complaint is a complaint that brings up an item covered by the City Housing Code and made after the landlord or manager was notified prior to complaint and at least 48 hours passed with no response, or 5 working days passed with no action taken after an initial response to a complaint. The rental unit owner shall be given a reasonable time to correct violations and deficiencies. The City shall have the right to conduct additional inspections of all properties based on complaints of landlords, tenants, occupants, neighbors or other individuals.

(b) All persons authorized by the City to inspect dwellings shall have the authority to enter, with three days' notice to the registration holder or property manager, any rental unit or dwelling containing a rental unit, registered or required to be registered, for the purpose of enforcing this Article. All registration holders shall, as a condition of registration, consent to such entries for inspection without warrant, and agree to be present, in person or through property manager, during required inspections. All registration holders shall include, as a condition of any lease or rental agreement, that tenants or occupants agree to such entries for inspection without warrant. This provision does not limit or preclude any other right of entry authorized by law.

Section 18-147 – Failure to grant registration; revocation; suspension; failure to renew registration.

(a) The City reserves the right to not register a dwelling in case it does not comply with the requirements of this Article, has unresolved City Ordinance violations, or is a subject to unpaid taxes and assessments.

(b) Any registration issued under this Article is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew should the registration applicants and holders or their agents, employees, or representatives, directly or indirectly, provide false or misleading information on application, fail to pay appropriate fees, or fail to comply with the requirements of this Article in any other way, including, but not limited to, refusal to provide access to premises for inspections or operate and maintain the dwelling or rental unit according to Section 18-145 Maintenance standards of this Article, any ordinance of the City, any special permit issued by the City, or the laws of the state. However, a registration shall not be denied,

suspended, revoked or not renewed if the registration holder complies with a correction order or orders in a reasonably timely manner as determined by the City.

(c) The City shall notify, in writing, the applicant that registration application has been denied, or the registration holder that registration is about to be suspended, revoked or not renewed. The suspension, revocation or non-renewal shall occur 30 days after the date of the notification order, or at such later date as set out in the notification. Additionally, the revocation shall never occur until a 60-day minimal grace period of suspension expiration.

(d) Any applicant or registration holder, whose application for registration or renewal, respectively, is denied or whose registration is suspended or revoked, may request, and shall be granted, a hearing in the matter before the City Council. The request shall be made in writing and shall state the City action being appealed and the reason for appeal. The request shall be made within 14 days of the City action and the hearing shall be granted within 30 days of the request.

(e) As an alternative to suspension of the dwelling registration, in dwelling containing multiple rental units, the City may exclude a non-compliant rental unit from registration. The procedure for such exclusion shall be the same as for registration suspension.

Section 18-148 – Special conditions for short-term rental units.

(a) No additional occupancy in recreational vehicles, campers, tents, etc. shall be permitted. Off-street parking shall be provided as required by the parking Ordinance. No more than one guest parking on the street shall be permitted.

(b) Exterior appearance, landscaping, and lighting shall be compatible and blend with the neighborhood. No identification signs shall be permitted, except Bed and Breakfast facilities may have one four-square-foot sign mounted on a building near main entrance door.

(c) The property shall not be listed for sale at the time of initial application for registration or any renewals.

(d) If a short-term rental unit is located in a single-family residence or a duplex, the property lines shall be clearly marked with hedge line, fencing, corner posts, etc. If pets are permitted, the entire yard shall be fenced off with a solid fence.

(e) The facility shall comply with all health, fire, safety rules and other regulations of the state and the city, including current Housing Code and City Ordinance. This condition shall be confirmed by a City inspection prior to issuing a registration certificate.

(f) In Bed and Breakfast facilities, the owner shall operate and permanently occupy such facility, shall not operate other commercial enterprises, including food and beverage services to anyone other than registered guests, from such facility, and shall not permit or provide cooking equipment in guest bedrooms.

Section 18-149 – Conduct on registered premises.

(a) The registration holder shall be responsible for preventing repeat instances of disorderly conduct by tenants, occupants, members of their households and guests on the premises. For

the purposes of this section, "disorderly conduct" means any offence involving public safety, public peace and order, and public moral as defined in Chapter 42 of the City Ordinance or violation of any State or Federal law of same nature, that generate police involvement.

(b) If more than three instances of disorderly conduct occur on the premises within twelve consecutive months, the registration holder may be issued a written warning. Another instance of a disorderly conduct within four months of a warning issuance or issuance of two warnings within any three-year time period may be a reason for registration suspension or revocation.

(c) No suspension or revocation shall be imposed where the instance of disorderly conduct on the premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the registration holder to a tenant to vacate the premises where the disorderly use was related to and occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions unless they are diligently pursued by the registration holder.

Section 18-150 – Interim housing.

As a condition of receiving a dwelling registration, the registration holder agrees that in the event that the registration is denied, suspended, revoked, or not renewed or any rental unit is excluded from the registration, due to the action or inaction of the registration holder, all tenants or occupants of the dwelling or excluded rental unit shall be provided, at the registration holder's expense, suitable interim housing similar to the existing living conditions. The registration holder shall provide such interim housing until the registration is restored or until the end of the lease term, whichever is shorter.

Section 18-151 – Applicable laws.

Registration holders are subject to all of the ordinances of the City and state laws relating to rental dwellings and this Article shall not be construed or interpreted to supersede or limit any applicable ordinance or law.

Section 18-152 – Violations; injunctive relief.

(a) Nothing in this Article prevents the City from taking enforcement action under any of its fire, housing, zoning, health safety or other codes, ordinances and state laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Article prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Article or to obtain an order closing such rental units until violations of this particular Article have been remedied by the property owner or designated property manager.

(b) Violation of this Article is a misdemeanor and each separate day on which a continuing violation occurs is a separate violation. All costs of prosecution for such misdemeanor will be assessed to the property owner.

(c) No provision of this Article designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this Section due to failure to perform such duty.



DWELLING REGISTRATION CERTIFICATE

Building address:

Number of Rental Units in the Dwelling:

Owner's name:

Owner's address:

Manager's name:

Issue date:

Expiration date:

Regular maintenance request/complaint contact phone number:

(Regular maintenance request or any other complaint must be responded to within 48 hours and addressed within five working days)

Urgent maintenance request contact phone number:

(Urgent maintenance request must be responded to within 12 hours and addressed within 48 hours)

If you do not receive a response from the Owner/manager or the issue is not addressed within time frame as listed above, you may contact the City of Marshall Community Planning Department at 507-537-6773 for life safety and major livability issues covered by the City of Marshall Housing Code, which can be found at https://cms9files.revize.com/marshallmn/Document%20Center/Marshall_Housing_Code.pdf.

In case of medical or fire emergency call 911

This Certificate is issued in accordance with the City of Marshall Rental Registration Code and in recognition of this property owner's certifying that the building meets City of Marshall Housing Code and providing all required information to the City. This building has NOT been, and will NOT be, inspected by City staff. This registration does NOT constitute certification of full compliance of this dwelling with any code, standard, ordinance or statute, and is just an acknowledgement of the completion of the registration process.

This Certificate must be posted in the building's common space, when there is one in the building, near main entrance, or in each rental unit next to, or on, electrical box, when there is no common space in the building.

Building Address: _____ Unit #: _____

Owner/Manager: _____ Inspector: _____

SUMMARY

In accordance with the provisions of the **City of Marshall Code of Ordinances Chapter 18, Article VIII**, inspection of the above property was completed and the following violations and/or deficiencies requiring corrective action were noted.

_____ Re-inspection is required. Contact the City of Marshall at (507) 537-6773 to schedule a re-inspection after all corrections have been completed. All corrections must be completed in _____ days from the date of this inspection.

Items marked below with an "X" have been found to be in violation of rental maintenance standards.

Heat

- Owner / Manager verifies that the heating requirements is operational*. _____ (Owner/manager's initials)

*Units shall be capable of maintaining 68 degrees, in the winter.

Electrical

1. Switches and outlets must have covers.
2. No exposed wiring is present.
3. Required lighting such as entry / stairs and bathrooms must work.
4. Date of Electrical Inspection: _____ (Date on sticker in electrical panel)

Unit/Garage Separation – if applicable

- The wall – and/or ceiling - between garage and living unit must have gypsum board on garage side.

Building Address Outside – if applicable

- Four-inch minimum numbers height with contrasting colors.

Dryer

- Owner / Manager verifies that the dryer vents are maintained, and properly vented to the outside of the building. _____ (Owner/manager's initials)

Doors & Windows

1. Each bedroom must have an operable egress window* (compliance with current Building Code is not required).
2. Each bathroom must have a door.
3. Main entry/exit door(s) must operate freely.

*Owner / Manager must open each required window and door to prove they are operational.

Proper Locking Devices

- Unit main entry/exit door must be provided with hardware that allows locking from inside and free exiting without a key; the use of double-sided keyed deadbolts is prohibited on all doors.

Smoke Detectors Present and Operational

1. Location of smoke detectors:
 - A. In each bedroom or any room used for sleeping purposes.
 - B. Outside of each bedroom within 10 feet (may serve more than one bedroom).
 - C. Minimum of one unit per floor.
2. Detectors must be located a minimum of 12" from walls/ceilings intersection corner and installed according to manufacturer's installation instructions.
3. Owner / Manager verifies that detectors are less than 10 years old, and batteries are replaced yearly. _____ (Owner/manager's initials)

CO Detectors Present and Operational – if Required

1. A CO Detector is required within 10' of all bedrooms, if the building has either an attached garage or an appliance with combustible fuel source.
2. If a bedroom has gas fueled appliance within, it must also have a CO Detector.
3. Owner / Manager verifies that detectors are less than 10 years old, and batteries are replaced yearly. _____ (Owner/manager's initials)

Rental Unit is not Structurally Dangerous or Unfit for Occupancy

- No visible structural failures, missing or unstable deck boards or guardrail, missing or unstable handrail, or other obvious imminent fire/life safety concerns.

No Pest Infestation

- No visible signs of roaches, rodents, or bedbugs – visual review only.
 - Owner / Manager verifies that there are no pending related complaints. _____ (Owner/manager's initials)

Major Plumbing in Proper Working Order

- Toilets must flush, tub/shower/kitchen sink must have hot water, water heater pressure relief valve must be installed per code.

No Water Leaks – Internal or External

- No visible signs of water leaks from plumbing fixtures or from outside through roof, walls, or windows/doors.

Notes:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

I was present during above listed inspections, reviewed this inspection summary, and certify that I am responsible for all items listed above that required owner/manager's verifications and for correction of all marked non-compliant items.

Owner/Manager Signature: _____

Disclaimer: This Ordinance and Housing Code do not address mold & mildew, appliances, except as explicitly mentioned, and air conditioning. Therefore, the above items were not considered or reviewed during inspection

CITY OF MARSHALL
Building Common Area Inspection

Building Address: _____ Date: _____

Owner/Manager: _____ Time: _____

Inspector: _____

SUMMARY

In accordance with the provisions of the **City of Marshall Code of Ordinances Chapter 18, Article VIII**, inspection of the above property was completed and the following violations and/or deficiencies requiring corrective action were noted.

Re-inspection is required. Contact the City of Marshall at (507) 537-6773 to schedule a re-inspection after all corrections have been completed. All corrections must be completed in ___ days from the date of this inspection.

Comply	Non-Comply	<u>Common Space Requirements:</u>
		Building Address: 4-inch minimum height / contrasting color (MSFC 505.1)
		Dumpsters: minimum (5) Feet from combustible walls, roof eaves, and openings (MSFC 304.3.3)
		Knox Box Present /Keys Work (MSFC 506)
		Fire Alarm Panel: tested annually – last inspection date _____ (MSFC 104 / 901 / 907)
		Manual Stations in Working Condition / Not Blocked (MSFC 108 / 907.4.2.6)
		Fire Sprinklers: tested annually – last inspection date _____ (MSFC 104 / 901 / 903)
		Means of egress: no obstructions - interior & exterior (MSFC 1031.3)
		Emergency Lights in Working Condition (MSFC 108 / 1031)
		Exit Signs with Battery Backup in Working Condition (MSFC 1013, 1031)
		Exits: no blocked exits (MSFC 1028 / 806)
		Hallway Smoke Detectors in Working Condition (MSFC 907) MN Stat. 299F.362 Sub 5
		Fire Extinguishers: tested and tagged - last inspection date _____ (MSFC 906)
		Wall Integrity: no holes / fire stopping in place for rated assemblies (MSFC 701)
		Proper Hardware / Locks on Egress Doors (MSFC 1010)
		Self-Closing Doors: required in laundry room and mechanical room (MSFC 705)
		Handrails on Stairs: present and structurally stable (MSFC 1011)
		Dryers: cleaned and free of lint (MSFC 304.4)
		No Storage in the Boiler Rm/Mechanical Rm/Electrical Rm/Shafts/Under overhangs (MSFC 315)
		Storage Under Interior & Exterior Stairways (MSFC 1011): Not permitted unless in rated enclosure

Notes:

1. _____
2. _____

I was present during above listed inspections, reviewed this inspection summary, and certify that I am responsible for correction of all marked non-compliant items.