

# CITY OF MARLBOROUGH MEETING POSTING

Meeting Name: City Council Urban Affairs Committee

Date: July 15, 2014

Time: 5:30 PM

Location: City Council Chamber, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Agenda Items to be addressed:

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF MARLBOROUGH

2014 JUL -9 A 11:08

1. **Order No. 14-1005880:** Communication from the Mayor re: Proposed Draft LED Sign Ordinance.

THE LISTING OF TOPICS THAT THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING IS NOT INTENDED AS A GUARANTEE OF THE TOPICS THAT WILL HAVE BEEN DISCUSSED. NOT ALL TOPICS LISTED MAY IN FACT BE DISCUSSED, AND OTHER TOPICS NOT LISTED MAY ALSO BE BROUGHT UP FOR DISCUSSION TO THE EXTENT PERMITTED BY LAW.

The public should take due notice that the Marlborough City Council may have a quorum in attendance due to Standing Committees of the City Council consisting of both voting and non-voting members. However, members attending this duly posted meeting are participating and deliberating only in conjunction with the business of the Standing Committee.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.



# IN CITY COUNCIL

Marlborough, Mass.,

JULY 7, 2014

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ORDERED:

C. Legally Pre-Existing Non-Conforming EMC And Digital Display Signs.

Legally pre-existing non-conforming EMC signs and Digital Display signs, to the extent they have the technical capability to do so, shall be operated in conformance with the operational standards set forth in this § 526-13. In the absence of a light sensing device, sign owners shall ensure either that the signs are dimmed to meet brightness standards set forth in § 526-13 B(6.) above or that the signs are turned off from sunset to sunrise. All legally pre-existing non-conforming signs shall be brought into compliance with this amendment upon being significantly updated or replaced, as determined by the Building Inspector or a designee of the Building Inspector, or at the end of 10 years from the date of approval of this amendment, whichever is sooner.

D. Governmental Exemption.

Governmental entities are exempt from the above provisions and regulations.

Be and is herewith refer to **URBAN AFFAIRS COMMITTEE.**

ADOPTED

ORDER NO. 14-1005880



# IN CITY COUNCIL

Marlborough, Mass.,

JULY 7, 2014

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## ORDERED:

10. Minimum Display Time: Each message on the EMC sign must be displayed for a minimum of 10 seconds.
11. Message Change Sequence: The change of messages on an EMC sign must be accomplished with a maximum interval of no more than 0.3 seconds of time between messages.
12. Setbacks from Residential Zoned Areas: The sign must be set back a minimum distance of two hundred feet (200') from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially-zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially-zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.
13. Hours of Operation: EMC signs shall be operational only during the time that the associated commercial operation is open for business to the public, and said signs shall be turned off at the conclusion of posted business hours.
14. Malfunctioning Signs: Signs that malfunction shall be turned off immediately.
15. Spacing: Digital Display signs and EMC signs shall be at least one hundred feet (100') apart. If, because of the shape and size of a commercial lot it is not possible to place a new sign more than 100 feet from an existing EMC sign or Digital Display sign, then the Planning Board may grant a variance for closer placement.
16. Public Service Announcements: EMC signs shall be available for public service announcements (PSAs). During a calendar year, ten percent (10%) of the operational time of EMC signs shall be made available at no cost to non-profit organizations for the display of PSA messages.



# IN CITY COUNCIL

Marlborough, Mass.,

JULY 7, 2014

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ORDERED:

6. *Brightness and Color*: The Digital Display sign or EMC sign must not display light of such intensity or brilliance so as to cause glare or otherwise impair the vision of any driver or result in a nuisance to any driver. Colors shall be permitted for electronic displays with a black background or field, and the light intensity shall not exceed a maximum luminance intensity level for all accessory and non-accessory EMC signs shall not exceed 350 (cd/m<sup>2</sup>) nits from sunset to sunrise, and 6,000 (cd/m<sup>2</sup>) nits from sunrise to sunset. A photoelectric sensor shall be installed on the sign structure and set to register the ambient light produced at sunset on any given day. The ambient light level shall determine the cutoff between the two (2) maximum luminance intensity levels, measured in nits, set forth above. Upon installation of the sign, an employee or agent of the Building Department shall confirm compliance with the above nit levels. EMC and Digital Display signs are subject to inspection at the discretion of the Building Inspector. All lighting used to illuminate signs shall be installed so that neither direct nor reflected illumination from such lighting shall cause a public nuisance to adjacent lots or abutting streets. In addition to the maximum luminosity intensity levels set forth above, all displays should adjust brightness intensity according to ambient light conditions to ensure optimum legibility.

7. *Inspections*: Luminosity levels shall be inspected as needed by the City's zoning enforcement officer, or an agent of the City's zoning enforcement officer, using standard industry best practices for such measurement.

8. *Effects*: Except for temperature and time, the EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. The message shall be limited to alphanumeric characters.

9. *Operational Limitations*: Such displays shall contain static messages only, and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.



# IN CITY COUNCIL

Marlborough, Mass., \_\_\_\_\_ JULY 7, 2014  
PAGE 2

ORDERED:

Chapter 526 of the City's sign ordinance. In the event of a conflict between these provisions and other provisions governing signs in Chapter 526, these provisions shall prevail.

This § 526-13 shall apply to all exterior Digital Display signs and all exterior EMC signs, and also to all such signs that are within 3 feet of the interior of a business window and that are visible from the outside of the business window. It shall not otherwise apply to signs or displays located within a commercial structure.

B. Standards.

EMC signs and Digital Display signs shall be allowed, but only pursuant to the following standards:

1. Sign Type: EMC signs are permitted. They shall only be permitted as part of a freestanding sign and shall comply with all of the requirements of § 526-9.
2. Number of Signs: There shall only be one (1) EMC sign permitted on each nonresidential-zoned parcel.
3. Display Area: No more than twenty-five percent (25%) of the allowable sign face shall be dedicated to the EMC portion of said sign. The EMC display portion of said sign is not to exceed a maximum of twenty-four (24) square feet.
4. Design: The EMC area must be integral to the design of the sign and shall not be the dominant element. The EMC portion of the sign face shall not be the uppermost element, but shall instead be located in the bottom one-half ( $\frac{1}{2}$ ) of the sign face. Digital Display signs may be located on free standing signs and wall signs, but are prohibited on portable, temporary, awning, marquee or canopy, projecting banner, window sign, and suspended signs.
5. Automatic Dimming: No Digital Display sign or EMC sign shall be erected without an automatic light sensing device such as a light detector or photocell by which the sign's brightness can be dimmed when ambient light conditions darken.



# IN CITY COUNCIL

Marlborough, Mass.,

JULY 7, 2014

PAGE 1

## ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," WHICH AMENDMENTS SHALL SUPERCEDE SECTION 526-7N AS PROMULGATED UNDER ORDER NO. 13-1005520A, AS FOLLOWS:

1. § 526-2, entitled "Definitions," is amended by inserting the following definitions:  
DIGITAL DISPLAY SIGN: A sign or portion thereof that incorporates light-emitting diode (LED), fiber optic or similar technology to allow messages to change or stay static.

ELECTRONIC MESSAGE CENTER (EMC) SIGN: An on-premises electronically-activated changeable sign or portion thereof whose variable message and/or graphic presentation capability can be electronically programmed and have the capability of changing or staying static. EMCs typically use light-emitting diodes (LEDs) as a lighting source or similar technology.

PUBLIC SERVICE ANNOUNCEMENTS: An announcement made by a nonprofit or civic organization.

2. Chapter 526 is further amended by inserting after § 526-12 a new section, entitled "Electronic Message Center and Digital Display Signs," as follows:

§ 526-13. Electronic Message Center Signs and Digital Display Signs.

A. Applicability.

Notwithstanding any general ordinance or special law to the contrary, the following regulations governing Electronic Message Center ("EMC") Signs and Digital Display Signs shall be in effect.

The regulations in § 526-13 permit Digital Display signs and Electronic Message Center ("EMC") signs in all zoning districts except for Rural Residence ("RR") Districts, Residence ("A-1") Districts, Residential ("A-2") Districts, Residential ("A-3") Districts, Residential B ("RB") Districts, Residential C ("RC") Districts, Retirement Community Residential ("RCR") Districts, and the Downtown Business District outlined in § 526-9L., in which districts such signs are strictly prohibited. Digital Display signs and EMC signs shall be permitted with the approval of the Building Inspector and shall be subject to all other provisions governing signs in



# City of Marlborough

## Office of the Mayor

140 Main Street

Marlborough, Massachusetts 01752

Tel. (508) 460-3770 Facsimile (508) 460-3698 TDD (508) 460-3610

[www.marlborough-ma.gov](http://www.marlborough-ma.gov)

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2014 JUL -2 P 4:53

14  
*Arthur G. Vigeant*  
MAYOR

*Michael C. Berry*  
EXECUTIVE AIDE

*Patricia Bernard*  
EXECUTIVE SECRETARY

July 2, 2014

City Council President Patricia Pope  
Marlborough City Council  
140 Main Street  
Marlborough, MA 01752

VA

### Re: Proposed Draft LED Sign Ordinance

Honorable President Pope and Councilors:

Enclosed for your consideration is a draft proposed order concerning amendments to Chapter 526, the Sign Ordinance, which would regulate LED signs in the City.

I wish to thank former Mayor Nancy Stevens, Councilor Delano, Attorney Doug Rowe, Planning Board Chair Barbara Fenby, and local merchant Walter Enright for serving on the LED Sign Committee and having a substantive dialogue on this matter.

I anticipate this ordinance will receive further discussion by the Council. If I am able to help or answer any questions as this process unfolds please do not hesitate to let me know.

Sincerely,

Arthur G. Vigeant  
Mayor

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and other provisions governing signs in Chapter 526, these provisions shall prevail.

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C. Legally Pre-Existing Non-Conforming EMC And Digital Display Signs.

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D. Governmental Exemption.

Governmental entities are exempt from the above provisions and regulations.

ADOPTED  
In City Council  
Order No 14-  
Adopted

Approved by Mayor  
Arthur G. Vigeant  
Date:

A TRUE COPY  
ATTEST: