

Plainfield Twp, MI

DIGITAL SIGN AND BILLBOARD ORDINANCE

ORDINANCE NO. 829
RESOLUTION NO. 10-20

CHAPTER 8, ARTICLE VI, SECTIONS 8-130 THROUGH 8-132

The Charter Township of Plainfield ordains:

Section 1. Amendment of Chapter 8 to Add a New Article VI, Section 8-130 through 8-132 of the Code of Ordinances, Charter Township of Plainfield, Kent County, Michigan. Chapter 8, Article VI, Sections 8-130 through 8-132 of the Code of Ordinances, Charter Township of Plainfield, Kent County, Michigan, is hereby created to read as follows:

Section 8-130. Digital Standard

(a) Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (e.g., utilizing an LED type of sign). These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this article is to establish operating standards and regulations for signs which utilize these newer technologies, other than billboards which are regulated separately by the Township, in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values, and reduce traffic hazards caused by undue distractions.

(b) Definitions. For purposes of this section, the words "wall sign", "digital sign", and "freestanding sign" and "sign" shall have the same definitions as contained in the Township's adopted Zoning Ordinance, as amended from time to time.

(c) Display.

(1) A digital sign, other than a digital billboard, may not allow the display of message to change more frequently than once every eight seconds, with a transition period of one second or less.

(2) A digital sign must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.

(3) The maximum brightness levels for digital signs, other than a digital billboard, shall not exceed .2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the source, consistent with the terms of this section. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

(4) Brightness of digital signs shall be measured as follows:

A. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

B. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

C. If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.

(d) Other Requirements. The use, size and location of digital signs, other than digital billboards, must comply with all other relevant regulations and ordinances of the Township.

Section 8-131. Billboards

(a) Purpose and Intent. The Township recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the Township. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold, or generated on the

lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the Township and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Recently, more businesses desire to utilize advancements in technology which permit signs (including billboards) to change copy electronically (e.g., utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish size, location and operating standards and regulations for billboards, including addressing those utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values in all areas of the Township, and reduce traffic and similar hazards caused by undue distractions.

(b) General requirements.

(1) For purposes of this section, the words "billboard", "digital sign" and "sign" shall have the same meaning as provided in the Township's Zoning Ordinance, as amended from time to time. "Digital billboard" shall mean a billboard which incorporates, in whole or in part, a digital sign.

(2) Any double-faced billboard having back to back surface display areas, no part of which is more than two feet apart, is considered to be a single billboard.

(3) Billboard structures having more than one surface display area which are tandem (side-by-side) or stacked (one above the other) are considered two billboards and are prohibited.

(4) The installation or use of a billboard is permitted only to the extent authorized by, and subject to, the provisions of the Township Zoning Ordinance as amended from time to time.

(5) No billboard may be installed or erected at any time when there are 20 or more existing billboards located in the Township.

(c) Spacing.

(1) No more than three billboards may be located within any linear mile along a street, notwithstanding the fact that such billboards may be located on different sides of the street. This distance requirement shall include in its calculation any billboards located outside of the boundaries of the Township.

(2) No billboard may be located within a radius of 1,000 feet of another billboard regardless of geographic jurisdiction or within 200 feet of existing or future residential uses.

(3) If a billboard is illuminated, the minimum distance from an existing or future residential use shall be 300 feet.

(4) No billboard may be located within 75 feet of a property line adjoining a street or 30 feet of any other boundary lines of the property on which the billboard is located.

(5) All distances as provided for in this section shall be measured radially from where the surface display area is visible.

(6) No billboard may be located on top of, cantilevered over or otherwise suspended above any building or structure.

(d) Billboard surface display area; Measurement.

(1) The maximum allowable surface display area for a digital billboard is 672 square feet if the sign is within 100 feet of U.S. 131. The maximum allowable surface display area for all other billboards at any location is 300 square feet.

(2) The surface display area of a billboard shall be measured to include the entire area within a regular geometric form or combinations thereof comprising all of the display area of the billboard, including all of the elements of the matter displayed. Frames and structural members, excluding necessary supports or uprights, shall be included in computation of surface display area. In the case of a sphere, spheroid, or similarly shaped billboard (e.g. a ball), the total surface display area shall be divided by two for determining the maximum surface display area permitted.

(e) Height of Billboards. The height of a billboard may not exceed 35 feet above the natural grade of the ground on which the billboard is located.

(f) Illumination. A billboard may be illuminated, provided such illumination is consistent with the requirements for a digital billboard as set forth herein, or is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

(g) Appearance. Except for time and temperature signs or digital billboards as otherwise regulated herein, all billboards must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of billboard contain a message or display that appears to flash, undulate, pulse, move, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.

(h) Construction and Maintenance. A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

(i) Display.

(1) The display or message on a digital billboard, of any type, may change no more frequently than once every eight seconds, with a transition period of one second or less.

(2) The display or message must otherwise comply with subsection (g) and the digital billboard must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this Ordinance.

(3) Maximum brightness levels for digital billboards shall not exceed .2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the Township, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times.

(4) Brightness of digital billboards shall be measured as follows:

A. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.

B. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

C. If the difference between the readings is 0.2 foot candles or less, the brightness is properly adjusted.

(j) Other Applicable Laws. A billboard must comply with all applicable provisions of federal and state law.

(k) Permitting. Every billboard requires a Township sign permit before installation or modification. Permits shall be reviewed and issued consistent with the terms of this section as well as all other applicable ordinances of the Township including, without limitation, the Township Zoning Ordinance as amended from time to time. Every applicant for a billboard permit shall file with the application a certificate of insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair, and replacement of the billboard. Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a certificate of insurance currently effective on file with the Township so long as the billboard or billboards are in existence. The certificate shall provide that the Township shall receive ten days written notice in case of cancellation of the policy. Any billboard in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the billboard.

(l) Other Requirements. Billboards must otherwise comply with all other relevant regulations and ordinances of the Township.

Section 8-132. Violations; Penalties

(a) Unless a section of this article specifically provides otherwise, any person, firm, corporation, trust, partnership or other legal entity which violates a provision of this article shall be responsible for a municipal civil infraction and shall be fined not less than \$2,500.00 for each violation and further subject to costs and orders as provided by law.

(b) Each day a violation occurs or continues shall constitute a separate offense; and shall make the violator liable for the imposition of a fine and other penalties for each day of violation.

(c) The owner, co-owner and occupant(s) of any lot which is in violation of a provision of this article shall each be responsible for a municipal civil infraction and shall be subject to the fines, costs and orders as provided herein.

(d) Any structure which is erected, altered or converted in violation of any provision of this article is declared to be a public nuisance per se, and may be abated by order of a court of competent jurisdiction.

(e) Any person or entity who, after having been determined to be responsible for a violation of a provision of this article, commits or is found responsible for a subsequent violation within a two-year period, shall be fined double the amount assessed for the immediate preceding violation.

(f) The rights and remedies provided are cumulative and are in addition to any other remedies provided by law.

(g) Nothing herein shall be interpreted to limit the authority of the Township to revoke an approval previously granted due to any violations of this article, which right is expressly reserved.

Section 2. Effective Date. This Ordinance shall take effect 30 days following its publication or a synopsis of the same as permitted by law.

Royal Oak, MI

Therefore, Be It Resolved, that Ordinance 2011-##, entitled an ordinance to amend the Code of the City of Royal Oak, Chapter 770, Zoning, thereof entitled City of Royal Oak Zoning Ordinance, is hereby adopted on First Reading.

The City of Royal Oak ordains:

Section 1 – Ordinance. Pursuant to the provision of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and pursuant to all applicable provisions of law, Chapter 770, Zoning, City of Royal Oak Zoning Ordinance; as amended, is further amended to read as follows:

- A. Article II, Definitions; Rules Applying to Text, §770-8, Definitions, is amended to add a definition of “dynamic display,” which shall read as follows:

DYNAMIC DISPLAY – A billboard, or portion thereof, that can be electronically changed by remote or automatic means, or that appears to change or have movement caused by any method other than manually removing and replacing the billboard or its components, whether the apparent movement or change is in the display, the billboard’s structure, or any other component of the billboard. This includes any video-display, revolving, flashing, or animated displays, and display that incorporates rotating or swinging panels, intermittent illumination or the illusion of such illumination, light-emitting diodes (LED’s) manipulated through digital input, “digital ink,” or any other method or technology that allows the billboard face to present a series of images.

- B. Article V, Special Provisions, §770-57, Billboards, subparagraph (E), Electronic Message, is hereby renamed “Dynamic Displays” and amended in its entirety to read as follows:

E. Dynamic Displays.

- (1) Findings. It is recognized that billboards with changeable or continuous, dynamic content are more distracting and less comprehensible than static images as they require more attention for longer periods of time to comprehend the intended message. Studies show that there is a direct correlation between dynamic displays on billboards and the distraction of drivers which can lead to traffic accidents. Drivers can be distracted by a changing message, by waiting for the next change to occur on a sign, and by messages that do not tell the full story in one look. Drivers are more distracted by special effects used to change the message of a billboard, by messages on a sign that are too small to be clearly seen, or that contain more than a simple easily read message.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages on billboards. Except as prohibited by state or federal law, billboard owners should have the opportunity to use these technologies with certain, reasonable restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation near residential areas where billboards with dynamic displays can adversely impact residential character.

It is also recognized that billboards do not need to serve the same way-finding function as do on-premises signs allowed under Chapter 607, Signs. Further, billboards are allowed only within certain zoning districts. Billboards are in themselves distracting and their removal serves public safety. A single dynamic display can serve the function otherwise performed by

multiple traditional billboards. Thus, billboard owners ought to be encouraged to use dynamic displays to consolidate such activities in appropriate locations while removing traditional billboards from areas where they are not appropriate.

The standards within this section are therefore intended to provide incentives for the voluntary and uncompensated removal of billboards in certain settings. Their removal results in an overall advancement of one or more of the goals set forth in this chapter that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate billboards that would otherwise remain distributed throughout the City.

Dynamic displays should therefore be allowed on billboards but with significant and reasonable controls to minimize their proliferation and potential threats to public safety.

- (2) Regulations. A billboard shall not contain any visible moving parts, revolving parts or mechanical movement of any description or other apparent visible movement, including intermittent electrical pulsation or by action of normal wind currents, except for dynamic displays subject to the following requirements and standards:
- (a) A single, contiguous dynamic display may be permitted on each billboard face. Dynamic displays may occupy all of the actual copy and graphic area of a billboard.
 - (b) The images and messages displayed must be static or still images. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion or moving objects shall be prohibited.
 - (c) The transition from one static image or message to another on a dynamic display shall be instantaneous without any delay or special effects accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate and lose legibility simultaneously with the gradual increase in intensity, appearance and legibility of the second message, such as, but not limited to: flashing; blinking; spinning; revolving; shaking; zooming; fading; dissolving; scrolling; dropping; traveling; chasing; exploding; or similar effects that have the appearance of movement, animation, changing in size, or being revealed sequentially rather than all at once.
 - (d) A dynamic display shall have a minimum duration of 30 seconds except for changes that are necessary to correct time, date, and/or temperature information. Time, date, and/or temperature information shall be considered one dynamic display and may not be included as a component of any other dynamic display.
 - (e) Sequential messaging as part of a dynamic display shall be prohibited. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other billboard.
 - (f) Every line of copy and graphics in a dynamic display must be at least 12 inches in height. If there is insufficient room for copy and graphics of this size within the actual copy and graphic area of a billboard then no dynamic display shall be permitted.

(g) Dynamic displays shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the billboard owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this section. Prior to issuing any necessary permits for a dynamic display, the applicant shall submit to the City written verification from the manufacturer that the dynamic display is so designed and equipped.

(h) Audio speakers shall be prohibited in association with any dynamic display.

(3) Incentives. An applicant may obtain a permit for a dynamic display on an existing billboard, even if said billboard is nonconforming, and the City shall issue such a permit, provided the dynamic display complies with the following permit requirements and meets all other required standards of this chapter.

(a) The applicant shall agree in writing to permanently remove, prior to the issuance of any necessary permits to install a dynamic display, at least 2 other nonconforming billboards within the City owned or leased by the applicant, each of which must satisfy the criteria of subparagraphs (b) through (d) below. Removal shall include the complete removal of the structure and foundation supporting each billboard. The Zoning Administrator shall verify that the billboards to be removed are nonconforming and the Building Official shall verify that the nonconforming billboards have been removed prior to issuing any necessary permits for a dynamic display. The applicant shall also agree in writing that it is removing the nonconforming billboards voluntarily and that it has no right to compensation for the removed billboards under any law. When executed, the applicant shall record said agreement with the Oakland County Registrar of Deeds.

(b) No permit for a dynamic display based on the removal of the particular billboards relied upon in this permit application shall have previously been issued by the City.

(c) Each removed billboard shall have a copy and graphic area equal to or greater than the area of the copy and graphic area for which the dynamic display permit is sought.

(d) If a billboard to be removed is one for which a permit is required by the State of Michigan, the applicant shall surrender its permit to the state upon removal of the billboard. Proof shall be submitted to the City that the state permit has been surrendered prior to any necessary permits for a dynamic display being issued by the City.

No permit for a dynamic display shall be issued for an existing, nonconforming billboard unless the applicant is able to remove at least 2 other nonconforming billboards within the City owned or leased by the applicant as described in subparagraphs (a) through (d) above.

C. Article V, Special Provisions, §770-57, Billboards, subparagraph (F), Illumination, is hereby amended in its entirety to read as follows:

F. Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any

Royal Oak, MI

billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate, except for dynamic displays in accordance with the required standards of this section.

- (1) All billboards including any dynamic displays shall meet the following illumination and brightness standards in addition to those contained in §770-96, Glare and Exterior Lighting:
 - (a) No illuminated billboard shall be brighter than is necessary for clear and adequate visibility.
 - (b) No illuminated billboard shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.
 - (c) No illuminated billboard shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- (2) Prior to issuing any necessary permits for a dynamic display, the applicant shall submit to the City written verification from the manufacturer that the dynamic display is:
 - (a) pre-set not to exceed the maximum permitted illumination levels of this chapter; and
 - (b) equipped with a manual control that allows the brightness to be lowered but not raised above the maximum permitted illumination levels of this chapter.
- (3) The person owning or controlling the billboard shall adjust its illumination to meet the brightness standards in accordance with the City's instructions. The adjustment shall be made immediately upon notice of non-compliance from the City.
- (4) All billboards with illumination by a means other than natural light shall be equipped with a mechanism to automatically adjust the brightness in response to ambient conditions and to produce a distinct reduction in the level of illumination for the time period between one half-hour prior to sunset and one half-hour after sunrise. Such billboards shall also be equipped with a means to immediately turn off the display or lighting if they malfunction, and the billboard owner shall immediately turn off the dynamic displays or lighting when notified by the City that it is not in compliance with the standards of this chapter.

~~**Section 2 – Severability.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.~~

~~**Section 3 – Savings.** As proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.~~

~~**Section 4 – Repealer.** All ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.~~

Minnetonka, MN

8) sign permit fee.

d) All signs not listed above do not require a permit but must comply with the regulations found in this section.

e) When this section becomes effective, the owner or other person having control of any outdoor advertising sign (billboard) must file an application for a permit for the maintenance and annual inspection of such sign.

Application for such permits must be accompanied by detailed plans and such other necessary information to determine the location and compliance with all applicable regulations, and permit may be issued upon payment of the required permit fee. All permits for advertising signs expire on December 31, of each year. The permit and inspection fee is specified in city code section 710.

f) The fee for application for variance from this section or approval of a sign plan for a development is specified in city code section 710.

g) Sign permit applications must be acted upon by city staff within 10 days after a complete application is submitted. A decision must be made in writing. If a permit is denied, the reason must be stated in writing. The applicant may appeal a denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for planning commission review as soon as practicable, but no later than 30 days after the appeal was submitted. The applicant may appeal a planning commission denial by submitting a request in writing within 10 days after the decision. The appeal must be scheduled for city council review as soon as practicable, but no later than 30 days after the appeal was submitted. All review of a sign permit application must be based solely on whether the application complies with city ordinances.

h) Sign permits become null and void if the sign is not installed 180 days after the issuance of a permit.

(Amended by Ord. #2005-05, adopted February 14, 2005; amended by Ord. #2002-26, adopted October 28, 2002; amended by Ord. #2002-21, adopted August 12, 2002)

14. Dynamic Displays.

a) Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent changes.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact

residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is the potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last-second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays generally should not be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the city finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

b) Regulations. Dynamic displays on signs are allowed subject to the following conditions:

- 1) Dynamic displays are allowed only on monument and pylon signs for conditionally permitted uses in residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one, contiguous dynamic display area is allowed on a sign face;
- 2) A dynamic display may not change or move more often than once every 20 minutes, except one for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date, or temperature information is considered one dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 20 minutes before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three seconds;
- 3) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
- 4) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;
- 5) Every line of copy and graphics in a dynamic display must be at least seven inches in height on a road with a speed limit of 25 to 34 miles per hour, nine inches on a road with a speed limit of 35 to 44 miles per hour, 12 inches on a road with a speed limit of 45 to 54 miles per hour, and 15 inches on a road with a speed limit of 55 miles per hour or more. If there is insufficient room for copy and graphics of this size in the area allowed under clause 1 above, then no dynamic display is allowed;
- 6) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified

by the city that it is not complying with the standards of this ordinance;

7) Dynamic displays must comply with the brightness standards contained in subdivision 15;

8) Dynamic displays existing on June 25, 2007 must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause 1 may continue as a non-conforming development subject to section 300.29. An existing dynamic display that cannot meet the minimum size requirement in clause 5 must use the largest size possible for one line of copy to fit in the available space.

c) Incentives. Outdoor advertising signs do not need to serve the same way-finding function as do on-premises signs. Further, outdoor advertising signs are no longer allowed in the city, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The city is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

1) A person may obtain a permit for an enhanced dynamic display on one face of an outdoor advertising sign if the following requirements are met:

(a) The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two other faces of an outdoor advertising sign in the city that are owned or leased by the applicant, each of which must satisfy the criteria of parts (b) through (d) of this subsection. This removal must include the complete removal of the structure and foundation supporting each sign face. The applicant must agree that the city may remove the sign if the applicant does not timely do so, and the application must be accompanied by a cash deposit or letter of credit acceptable to the city attorney sufficient to pay the city's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law.

(b) The city has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application.

(c) Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two or more of the following additional criteria:

(1) The removed sign is located adjacent to a highway with more than two regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to those of an interstate highway;

(2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;

(3) The removed sign is located in a noncommercial zoning district;

(4) The removed sign is located in a special planning area designated in the 1999 comprehensive plan; or

(5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

(d) If the removed sign face is one for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.

(e) The applicant must agree in writing that no dynamic displays will ever be used on one additional outdoor advertising sign that has a copy and graphic area of at least 288 square feet in size. This agreement will be binding on the applicant and all future owners of the sign. If the sign is subsequently removed or destroyed and not replaced, the holder of the enhanced dynamic display permit is not required to substitute a different sign for the one that no longer exists.

2) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight seconds. The designated sign must meet all other requirements of this ordinance.

(Added by Ord. 2007-21, adopted June 25, 2007)

15. Brightness Standards.

a) All signs must meet the following brightness standards in addition to those in subdivision 10:

1) No sign may be brighter than is necessary for clear and adequate visibility.

2) No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle.

3) No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city. The person owning or controlling the sign may appeal the city's determination through the following appeal procedure:

1) After making the adjustment required by the city, the person owning or controlling the sign may appeal the city's determination by delivering a written appeal to the city clerk within 10 days after the city's non-compliance notice. The written appeal must include the name of a person unrelated to the person and business making the appeal, who will serve on the appeal panel.

2) Within five business days after receiving the appeal, the city must name a person who is not an official or employee of the city to serve on the appeal panel. Within five business days after the city names its representative, the city's representative must contact the sign owner's representative, and the two of them must appoint a third member to the panel, who has no relationship to either party.

3) The appeal panel may develop its own rules of procedure, but it must hold a hearing within five

business days after the third member is appointed. The city and the sign owner must be given the opportunity to present testimony, and the panel may hold the hearing, or a portion of it, at the sign location. The panel must issue its decision on what level of brightness is needed to meet the brightness standards within five business days after the hearing commences. The decision will be binding on both parties.

c) All signs installed after June 25, 2007 that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the city that it is not complying with the standards in this section.

(Added by Ord. 2007-21, adopted June 25, 2007)

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ACWORTH, GA

- 9) No portion of any billboard shall be higher than forty (40) feet from the level of the ground.
- 10) No billboard shall be located within one thousand (1000) feet of any other billboard (including billboards outside the City Limits), as measured from any direction. A radial survey shall be provided by the applicant prepared by a registered land surveyor or professional engineer. Tax digest maps or other maps used for reference purposes shall not be accepted as a survey. Said survey shall illustrate (not just label) the nearest adjacent billboards and the parcels upon which they are located with the distances specified.
- 11) Billboards shall be erected only in the buildable area of a lot, and at least forty (40) feet from any property line.
- 12) No tree shall be cut, trimmed, or pruned in locating, erecting, or maintaining any billboard.
- 13) An LED Billboard Shall:

- a) Contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message.
- b) Electronic Changeable Message Signs may not operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at the following distances:

<u>SIGN SQ. FEET</u>	<u>DISTANCE</u>
<u>< 300'</u>	<u>150'</u>
<u>301' - 400'</u>	<u>200'</u>

- c) The owner of said LED billboard sign shall arrange for an annual certification of the lumens showing compliance by an independent contractor and provide said certification to the City of Acworth.
- d) Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
- e) No LED billboard sign shall be located within 5,000 feet of another LED billboard sign on either side of the road.
- f) Electronic Changeable Message Signs shall meet the same installation and permitting requirements and inspections as set out for electrical signs and all other signs.
- g) The owner of said LED billboard sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
- h) The owner of said LED billboard sign shall provide to the City of Acworth contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs. If, at any time more than 95% of the LED display lights malfunction or are no longer working, the owner of said LED billboard shall make repairs to the sign within sixty (60) days or the sign will require removal.

- i) If the City of Acworth finds that the LED billboard sign causes a glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within twenty four (24) hours of a request by the City, shall reduce the intensity of the sign to a level acceptable to the City.
- j) Each sign must comply with all Georgia Department of Transportation rules and regulations applicable to Electronic Changeable Message Signs where not in conflict with this Ordinance.

B) Amendment to monument sign regulations

Staff has been approached with design specifications for monument signs, specifically how tall the base of the sign should be. Currently there is no provision within the sign ordinance that regulates the heights of the monument bases. By setting a standard, this will also create uniformity amongst new signs. Therefore, staff is proposing to add to all sign district monument sign specifications the following amendment (Central Business District, Highway 41 Corridor, Highway 92 Corridor, Light Commercial (Main Street/Baker Rd) Corridor, Industrial District, Gateway District, and Residential District):

*[add text in **bold**]*

The base of the monument sign shall, at a minimum, be a height that is 15 percent of the total height of the overall sign from top to bottom.