SIGN CODE

Model On-Premise Sign Code

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Model Code For Regulation Of On-Premise Signs

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Offered as a model of suggested means that may be found appropriate for local regulation of on-premise signs. No expressed or implied warranty is made that any of the provisions of this model will withstand the scrutiny of a constitutional challenge, and/or be in conformance with prevailing or future requirements imposed by local, state, or national law.

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Since 1996, the United States Sign Council, through its research arm, the United States Sign Council Foundation, has published fourteen major academic studies covering the full range of on-premise sign legibility, placement, illumination, community impact, and traffic safety issues.

This work, by university research teams specializing in human factors and traffic engineering disciplines, has enabled the United States Sign Council to develop guideline standards and models designed to facilitate development of performance oriented community sign systems based on empirical scientific research.

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Foreword

Since the beginning of recorded history, signs have served to provide mankind with one of its most important and easily understood means of communication.

Today, as our environments become increasingly more conplex, the need for direction, guidance, and information by means of adequate sign systems has never been more critical. In the built environment, on-premise signs, such as those depicted here, serve those critical functions.

It is the intent of this model to advance the ability of such signs to provide their communicative function within an orderly landscape consistent with community aesthetic and safety standards.

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MODEL ON-PREMISE SIGN CODE

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iv. Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.

(4) Temporary Wall or Fascia Signs. One (1) temporary wall sign is allowed per street frontage in the Commercial and Industrial Zones. Temporary wall signs may be up to thirty-two (32) square feet in area. Temporary wall signs may not extend above roof lines. Extensions into the right-of-way are prohibited. A temporary wall sign may be displayed no longer than ninety (90) days per calendar year.

(5) Temporary Freestanding or Portable Signs. One (1) temporary freestanding sign is allowed per property in the Commercial Zones and is not counted in the total square footage of permanent signage allowed on the site. Temporary freestanding signs may be up to thirty-two (32) square feet in area. Extensions into the right-of-way are prohibited. A temporary freestanding sign may be displayed no longer than ninety (90) days per calendar year.

Section 20: Electronic Message Centers

A. In the Office, Professional, Commercial and Industrial Zones, Electronic Message Centers (EMCs) are permitted in accordance with the sign areas noted in Table 2 (see Page 38) or Table 3 (see Page 39) respectively.

B. Additional general EMC regulations:

(1) An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.

(2) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with Section 21 of this Code "Sign Illumination Standards".

C. EMC regulations by Zone

(1) In Residential Zones, EMC signs are permitted only in certain circumstances by Special Exception in accordance with Section 16 (G) of this Code. They are otherwise prohibited in Residential Zones.

(2) In Residential Zones, where permitted, EMC signs shall have a minimum display time of twelve (12) seconds. The transition time between messages and/or message frames is limited to one (1) second.

(3) In Residential Zones, where permitted, the following EMC display features and functions are prohibited: scrolling, traveling, flashing,

spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement.

(4) In Office and Professional Zones, EMC signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and or other transition effects.

(5) In Office and Professional Zones, the following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

(6) In Commercial and Industrial Zones, all EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited, and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC. Full motion video as described shall be permitted by special exception only.

Author's clarification notes:

1. Electronic Message Center control and code enforcement issues have become a matter of great interest at the municipal level across the United States. This interest has been spurred primarily by the availability of EMC technology, its increasing quality, and the interest of sign owners / end users in utilizing the technology.

2. Most EMC signs installed today are illuminated via LEDs, or light emitting diodes. LEDs are the current industry standard for the illumination of EMC signs, and it is likely that this will remain so for the near future, until another technology is perfected that is both tolerant to outdoor environmental conditions, sufficiently bright, and cost effective. There may be other sources of illumination in the near future, so the term EMC is intended to refer to any on-premise sign that can display messages and change them at regular intervals via a computer-controlled interface.

3. From a legal and practical standpoint, experience indicates that local control of EMC signs is preferred over an outright ban. Some communities have attempted to implement a prohibition on EMC signs, but it should be noted that there has been a heavy cost associated with these types of bans – legal and administrative costs to the AHJ to defend such a ban; acrimony created within the community by the denial of this new communication technology without a scientific or traffic safety research basis; loss of the benefits created by enhanced EMC communication. In addition, a substantial percentage of EMC signs are installed at churches, municipal buildings, libraries, fire and rescue facilities, hospitals and out-patient medical offices. Therefore, a more prudent and balanced approach to EMC regulation based on sound scientific principles may serve the local AHJ in both the long and short terms.

4. In regard to traffic safety issues and EMC signs, a local AHJ can rely on this statement to be true: up to this time, research has shown no correlation between EMC signs and traffic accidents, and EMC signs have not been found to be a distraction having impact on the driving task or to cause unsafe driving behavior that causes an accident in driver distraction studies. Some have offered opinions and theories about EMC signs and so-called distractions, but there has been no direct scientific research on these distractions and EMC signs. The term "distraction" in and of itself is a pejorative term, suggesting a negative outcome or result. What research on motorist behavior has shown is that drivers engage in a wide variety of activities while operating a motor vehicle, and some for two (2) seconds or longer. Some activities that drivers engage in have a positive effect on motorist performance, even though the driver's eyes are away from the road. Examples of this would be checking the rear view mirror, checking the side mirrors, or checking the speedometer. Other activities that drivers engage in have a demonstrated negative effect on motorist performance – most notably cell phone use and texting while driving. Finally, other activities appear to have no effect either way – positive or negative – on driver performance, and EMC signs fall into this category. Drivers look at EMC signs but their driving performance is not affected, and that is why accident and driver distraction research fails to show any correlation with EMC signs.

5. All stakeholders agree that EMC lighting levels must be adjusted at night. In order for an EMC to be visible and legible during the day, the EMC sign must be energized or illuminated – it must have sufficient brightness to be seen while the sun is present. At night, however, EMC brightness must be adjusted to a much lower level, so that the sign is not over-bright and/or create glare so that a motorist cannot read the sign. Most EMC manufacturers have technology built into their products to accomplish this lighting level adjustment, typically using photocells and/or software timing controls. Section 20 coordinates with the general lighting standards of this Code contained in Section 21 Sign Illumination Standards to insure that all EMCs have an appropriate lighting level at night, based on the needs of the motorist and traffic safety. This standard is a "Luminance" standard, or an objective measurement and control of the actual brightness of the EMC sign, based on on-premise sign research.

6. Section 20 provides regulations for "display time" on an EMC sign. Display time is sometimes also referred to as a "change rate", and is intended to describe the rate at which a message can be changed on the EMC display panel.

7. EMC signs are capable of a wide range of dynamic message and image presentations as well as visual effects including simple scrolling or moving message effects to full video display. Since no negative correlation between on-premise EMC signs and traffic safety has been demonstrated by current research, any restriction on the various operational capabilities of EMC signs are necessarily imposed for aesthetic purposes only.

In placing operational restrictions on EMC sign use in Residential and Professional Zones as an aesthetic consideration, this Model accepts the premise that these zones are not normally commercially active, and do not require the more visually dynamic forms of on-premise communication necessary for the rapid transfer of commercial speech in Commercial and/or Industrial Zones.

Since neither an aesthetic nor traffic safety justification can be advanced for placing similar restrictions on the dynamic operational capabilities of EMC signs in Commercial

and/or Industrial Zones, the Model – except for prohibition of flashing and provision that video display be subject to special exception – places no specific prohibitions on EMC operational usage in those zones. The AHJ, however, in assessing local conditions

involving community aesthetic considerations, may place specific usage restrictions as it determines to be appropriate, or, as the Model suggests regarding video usage, make certain operational usage features of EMC signs within its jurisdiction are subject to special exception.

The prohibition on EMC video display is intended to cover the display of videos, films, motion video clips, and streaming video images that are not a part of the standard EMC software. It is not intended to prohibit the use of standard effects that are a part of the EMC software capabilities, which sometimes can be confused with actual video. These permitted effects are generally shown in the background of a message (flag waving, leaves falling, clouds passing) and are not the primary EMC content or message, but merely a design element intended to compliment the primary communication.

Each AHJ may make a determination in regard to zones where EMC video capabilities enhance the character of the zone, and where they may be prohibited, based on local conditions.

Section 21: Sign Illumination Standards

Signs may be illuminated consistent with the following standards:

A. A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.

B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

D. On-premise signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations that the AHJ has adopted, or will adopt in the future.