

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Amend City Code to Establish New Electronic Message Board, Vehicle Sign, Video Display Sign, and Time and Temperature Sign Standards

PROPOSAL

Based on Council member concerns the City's existing sign regulations do not adequately control the variety of commercially available electronic changeable message signs, particularly in light of the constantly evolving technology, the City Council directed that new standards be created to address changeable message and image signs. Based on input from the City Council and a Focus Group comprised sign industry professionals, staff has prepared a draft ordinance that would regulate the operational characteristics of electronic changing message and video display signs. The proposed ordinance is attached.

BACKGROUND

The City Council approved a three-month moratorium on June 19, 2006 on certain display signs including rapidly changing image and animation displays. The City Council will be considering extension of the moratorium at its September 11, 2006 meeting. The Council directed staff to create new standards related to these types of signs. Staff performed a nation-wide literature review of traffic studies, policy documents, and zoning ordinances relating to electronic message boards. On August 23, 2006 staff convened a Focus Group comprised of sign industry professionals to gather input on a draft version of the proposed ordinance.

OBJECTIVES

This ordinance aims to minimize and mitigate the level of distraction from electronic signs to both motorists and residential areas. Different types of electronic signs present varying levels of distraction to motorists and must be regulated accordingly. Care is also taken to minimize the visual impacts and commercial nature of electronic signs on residential and conservation areas.

ANALYSIS

Advanced electronic outdoor display signs have become more technologically advanced and less costly. The advanced technology, particularly with respect to the more practical and economical light emitting diode (LED) video display signs, has the ability to produce electronic displays that rival photographs and television programs in quality and clarity.

Existing standards

The current sign ordinance does not adequately address the advances made in the electronic and video display industries. Existing references to changeable message and image signs in the City Code are minimal, but include the following.

The following provisions are located in Section 19.106 titled “Signs Prohibited in All Districts.”

- “No rotating beam, beacon or flashing illumination resembling any emergency light shall be used in connection with any sign display, unless the sign is a traffic control sign, a public utility sign, or a public notice.”
- “Flashing Signs Prohibited. Flashing signs shall be prohibited.”
- “Shimmering Signs Prohibited. Shimmering signs shall be prohibited.”
- “Signs Not Listed As Permitted Are Prohibited. Any sign not identified as a permitted sign in Section 19.105 of this Code and in Sections 19.110 through 19.127 of this Code is prohibited.”

The following definition of “flashing sign” is included in Section 19.104:

- “Flashing sign – a directly or indirectly illuminated sign which exhibits changing light or color effects by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.”

The following provision in Section 19.85 applies to sexually oriented businesses:

- “All signs shall be flat wall signs. No signs shall be freestanding, located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages.”

Driver distraction

While video display signs create mood, interest and energy in pedestrian oriented entertainment districts, serious highway safety questions have been raised concerning this visual medium by the Federal Highway Administration (FHWA), National Highway Traffic Safety Administration (NHTSA), the University of North Carolina Highway Safety Research Center, Municipal Research and Services Center of Washington and Wisconsin Department of Transportation. A complete listing of these and related reports is found in the bibliography section of this staff report.

All of the studies conducted reveal that driver distraction continues to be a significant underlying cause of traffic accidents. The National Highway Traffic Safety Administration estimates that at least 25% of police-reported crashes involve some form of driver inattention. Driver distraction is one form of inattention and is a factor in over half of these crashes.

Because there are many different technologies that can be used to create the image that is seen on a large video display sign, it is not feasible to develop technology based sign regulations, rather the regulations must address operational characteristics, capabilities and functions.

Electronic message boards

The proposed ordinance separates electronic message boards into four categories: changeable copy sign (electronic), electronic graphic display sign, video display signs, and time and temperature signs. As summarized below, the disparate nature of these sign types require development standards unique to each sign type.

- *Changeable copy sign, electronic* – Text-only electronic displays, typically used to advertise gas prices at service stations. The proposed ordinance limits the amount of text displayed at one time to improve readability by motorists. Each electronic message must be displayed for a minimum of eight seconds; no portion of the message may flash, scroll, or in any manner imitate movement.
- *Electronic graphic display sign* – Electronic sign displaying both text and pictorial images. These signs have the technical capability to display high-quality, photo-like images in addition to text information. Due to the potential for greater distraction with this type of sign, each electronic message must be displayed for a minimum of twenty minutes; no portion of the message may flash, scroll, or in any manner imitate movement.
- *Video display sign* – Electronic sign whose display is characterized by motion and pictorial imagery. These signs may possess the ability to display television-like images and programs.
- *Time and temperature sign* – Electronic sign displaying only time and temperature information. Each electronic message must be displayed for a minimum of two seconds; no portion of the message may flash, scroll, or in any manner imitate movement.

Official signs and notices are exempt from the proposed ordinance. These signs are address in the existing sign code and defined as:

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

The following table represents the percentage range of motorists who would view a message change on an electronic sign based on the time frequency of change and its visibility:

Percent of passing motorists who would see sign change

Frequency of sign change	Time sign is visible (dependent upon traffic speed/general conditions/etc.)		
	10 seconds	20 seconds	30 seconds
8 seconds	100%	100%	100%
20 minutes	1.7%	3.3%	5%
60 minutes	0.6%	1.1%	1.7%

Residential districts

The potential use of electronic message boards in residential districts for non-residential uses such as schools and churches arose in Focus Group discussions. As electronic message board technology improves and costs decrease these signs will be increasingly attractive to many sign users. Such signs are often more energy efficient and are easier to change the text copy than traditional cabinet signs.

Electronic changeable copy signs in residential districts are restricted to limited text-only messages, amber color, and a minimum message duration of one hour. Images that imitate movement are prohibited.

Vehicle signs

Vehicles are sometimes used to display advertisements and thereby increase the user's total sign square footage above and beyond the legal amount of sign space. Due to their prominent visibility from public streets they present additional distractions to motorists. Vehicle signs are proposed to be prohibited and are defined as:

- “**Vehicle sign** – any sign exceeding ten square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernable from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising identifying an on-site business or supplying directional information to an off-site business.”

Vehicle signs are characterized by:

- The absence of a current, lawful license plate;
- The vehicle on which the sign is displayed is inoperable;
- The vehicle on which the sign is displayed is not parked in a lawful manner;
- The vehicle on which the sign is displayed is not regularly used for transportation associated with the use it advertises; and
- The vehicle remains parked in the same location which maximizes its visibility from the public street on a regular basis.

Bibliography

Staff considered the following references in preparation of the proposed ordinance. Copies of these references can be acquired from the Planning Division.

- Federal Highway Administration (FHWA), *Research Review of Potential safety Effects of Electronic Billboards on Driver Attention and Distraction*, Sept. 11, 2001.
- FHWA, *The Role of Driver Inattention in Crashes: New Statistics from the 1995*.
- University of North Carolina Highway Safety Research Center, *The Role of Driver Distraction in Traffic Crashes*, May 2001.
- University of North Carolina Highway Safety Research Center, *Distractions in Everyday Driving*, May 2003.

- Wachtel, Gerald, Veridan Group, *Video Signs in Seattle*, May 2001.
- Wisconsin Department of Transportation (WisDOT), *Synthesis Report of Electronic Billboards and Highway Safety*, June 10, 2003.
- City of Seattle, Ordinance Number 120466, August 6, 2001, amending Municipal Code Sections 23.55.003, 23.55.030, 23.55.034, 23.55.036, 23.55.040, 23.66.160, 23.66.338, 23.69.021, 23.84.036 and adding 23.55.005.
- City of Fayetteville, Ordinance Number 4100, June 16, 1998, Amending Code, Sections 98.12 – 98.99.

RECOMMENDATION

In Case #10000D-06, staff recommends approval of the attached ordinance to modify sign standards.

ATTACHMENTS

- Proposed Ordinance
- Focus Group meeting minutes
- Development standards comparison table

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