

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, RELATING TO SIGNS; AMENDING CHAPTER 122 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES TO REGULATE ANY LAWFULLY NONCONFORMING ELECTRONIC CHANGEABLE MESSAGE SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS, AND EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 2018-07 which allowed electronic changeable message signs under certain circumstances and subject to certain regulations; and

WHEREAS, the City received a referendum petition pursuant to Section 6.06 of the Charter of the City of Edgewood; and

WHEREAS, the petition was determined sufficient by the City Clerk and considered by the City Council at its meeting on September 18, 2018; and

WHEREAS, the City Council voted to reconsider and repeal Ordinance 2018-07; and

WHEREAS, one application for an electronic changeable message sign was submitted prior to the receipt by the City of the referendum petition; and

WHEREAS, the City Council finds it reasonable and necessary to adopt operational standards applicable for any lawfully nonconforming electronic changeable message sign to ensure the operational limitations contemplated at the time such lawfully nonconforming electronic changeable message sign was applied for and approved remain enforceable.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:

SECTION ONE. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Council pertaining to this Ordinance.

SECTION TWO. Chapter 122, "Signs," of the City of Edgewood Code of Ordinances is hereby amended as follows (Note: additions are indicated by underline, deletions are indicated by ~~strike through~~, and portions of the Code that remain unchanged and which are not reprinted here are indicated by ellipses (***):

Sec. 122-2. Definitions.

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Display Time: the time interval that a static message or frame remains on an Electronic Changeable Message Sign before transitioning to the next message or frame.

Dissolve: a mode of message transition on an Electronic Changeable Message Sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Electronic Changeable Message Sign: A sign that uses changing lights or an electronic medium to form an image, picture, or message of any kind, whether the image, picture, or message is moving or stationary, wherein the sequence of the messages and the rate of change are electronically programmed and can be modified by electronic processes. Electronic changeable signs include LED signs (light emitting diode technology or other similar semiconductor technology), OLED signs (transmissive, organic light emitting diodes), LEP signs (light emitting polymer), OEL signs (organic electro luminescence), or any similar technology.

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Fade: a mode of message transition on an Electronic Changeable Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Flashing: a rapid on and off display of messages, also defined as a message being displayed for less than the identified Display Time in the regulation.

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Frame: a complete, static display screen on an Electronic Changeable Message Sign.

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Illuminance: the amount of light striking a lit object at a given distance (in this case a passersby eye), measured in foot candles.

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Interactive Sign: A sign that has the ability to change the display based on the person or vehicle passing by.

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Scrolling: a mode of message transition on an Electronic Changeable Message Sign where the message appears to move vertically down or up the display surface.

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Static: Motionless.

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Transition: A visual effect used on an Electronic Changeable Message Sign to change from one message to another.

Traveling: A mode of message transition on an Electronic Changeable Message Sign where the message appears to move horizontally across the display surface.

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Sec. 122-10. Prohibited Signs.

The following types of signs are prohibited:

- A. Abandoned signs
- B. Balloons, cold air inflatables, streamers, and pennants.
- C. Banner signs except as expressly allowed in Section 122-12 herein.
- D. Bench signs, other than the identification of the transit company or its route schedule.
- E. Billboards.
- F. Electronic changeable message signs unless otherwise specifically allowed herein.
- G. Pavement markings, except street addresses and vehicle directional arrows.
- H. Portable signs except as expressly authorized in Section 122-12 herein.
- I. Pole signs.
- J. Roof signs.
- K. Signs in or upon any lake or other body of water.
- L. Signs erected by other than a governmental entity on or extending into publicly-owned land, easements or rights-of-way.
- M. Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.
- N. Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of-way thereby creating a potential traffic or pedestrian hazard.
- O. Animated signs or signs that appear to display motion in any way whatsoever, including beacons.
- P. Signs that obstruct, conceal, hide, or otherwise obscure from view any traffic control device sign or official traffic signal.
- Q. Snipe signs.
- R. Obscene signs.
- S. Hazardous signs.
- T. Vehicle signs.
- U. Any sign that is not specifically described or enumerated as permitted.
- V. Signs attached to temporary structures.

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Sec. 122-11. General standards.

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(k) Electronic Changeable Message Signs are prohibited within the City of Edgewood. Any lawfully nonconforming Electronic Changeable Message Sign shall not be moved or structurally altered or expanded from the location or dimensions approved prior to such structure becoming lawfully nonconforming. Any lawfully nonconforming Electronic Changeable Message Sign shall be subject to and comply with all regulations related to Electronic Changeable Message Signs in place at the time of permit application and shall be subject to the following operational restrictions:

(1) The Electronic Changeable Message Sign shall only contain static messages. Movement, or the appearance or optical illusion of 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 flashing, scrolling, traveling, or scintillating or varying of light intensity shall be prohibited.

(2) The Electronic Changeable Message Sign shall not emit noise or use sound.

(3) The Electronic Changeable Message Sign shall not have lighting that would resemble, compete with, or distract from traffic signal lighting.

(4) Interactive signs are prohibited.

(5) The hours of digital display operation shall be between 6:00 a.m. and 10:00 p.m. The digital display shall be turned off outside of these hours.

(6) The electronic display of an Electronic Changeable Message Sign shall not change more frequently than twice during the period between 6:00 a.m. and 10:00 p.m.

(7) The change of messages must be accomplished instantaneously; only static transitions shall be allowed. Messages changed by fade, dissolve, scrolling, traveling, or similar animated images that appear to move or change in size, flashing and video are prohibited.

(8) The Electronic Changeable Message Sign shall be equipped with an automatic shut off or contain a default design to freeze the display in one position if a malfunction occurs.

(9) The illumination of an Electronic Message Sign shall conform to the criteria below.

a. The illuminance of an Electronic Message Sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the Electronic Message Sign off, and again with the Electronic Message Sign displaying a white image. All measurements shall be taken perpendicular to the face of the Electronic Message Sign at the distance determined by the total square footage of the Electronic Message Sign as set forth in the accompanying Sign Area Versus Measurement Distance table (below).

SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

- b. The difference between the off and white screen measurements shall not exceed 0.3 footcandles.
- c. All permitted Electronic Changeable Message Signs shall be equipped with a sensor that automatically determines the ambient illumination and that is programmed to automatically dim according to ambient light conditions to ensure compliance with the 0.3 footcandle limit in all light conditions.

d. The owner or operator of an Electronic Changeable Message Sign shall immediately turn off the display of any Electronic Changeable Message Sign upon receipt of notification from the City that the sign is not complying with the standards of this chapter and shall keep the Display turned off until the nonconformance is corrected.

SECTION THREE. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

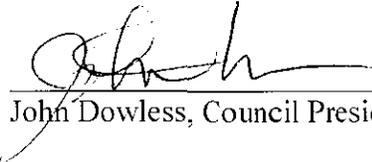
SECTION FOUR. Codification. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION FIVE. Effective date. This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Edgewood.

PASSED ON FIRST READING THIS 20th DAY OF **November, 2018.**

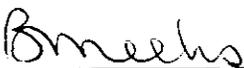
PASSED AND ADOPTED THIS 18th DAY OF **December, 2018.**

CITY OF EDGEWOOD, FLORIDA
CITY COUNCIL



John Dowless, Council President

ATTEST:



Bea Meeks, City Clerk