

76.130 - Definitions.

Add the following definition:

Electronic Billboard - 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.

Sign Area - The area shall be measured by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed. Where a sign consists solely of individual letters painted or mounted on a wall, any blank area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded.

Where a sign has two or more faces, the area of all faces shall be included in determining the area of a sign, except that where two faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be deemed to be only the area of one face, or if faces are of different sizes, the area of the larger face.

Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy or colors, patterns, logos that are a trademark or reasonably recognizable identification for the establishment and/or sign owner subject to the above provisions.

The necessary supports or uprights on which the sign is placed may not exceed 30 percent of the permitted square footage of the sign, excluding those portions of the support structure below street grade.

76.200 - Billboards.

- A. Billboards may be located on a lot, building site or parcel within an area 150 feet in width on either side of the right-of-way of U.S. Highway 131 zoned "C", Local Business District or lower. Such billboard shall meet the building and setback requirements of the Ordinance for signs except for, and in addition to, the following requirements:

1. No more than one billboard may be located per linear mile of highway regardless of the fact that such billboard may be located on a different side of the subject highway or in another jurisdiction than any other billboard. No billboard shall be located within 750 feet of a residential zone and/or an existing residence.
2. The total surface area of any billboard facing one direction shall not exceed 300 square feet and a height of 20 feet.
3. Billboards may be illuminated, however, the lighting fixtures used to illuminate a billboard shall be mounted on the top of the structure and directed down so that no light rays are emitted by the installed fixture at angles above the billboard's highest horizontal plane or onto any adjacent lot, building site or parcel.
4. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
5. All billboards and all appurtenances thereto shall be kept in good repair and in a proper state of preservation with all display surfaces neatly painted or posted at all times.
6. All billboards shall be oriented with the longest side parallel to the ground.
7. Doubled-stacked billboards are prohibited.

B. Electronic Billboards

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, electronic 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, electronic 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 Section 76, Signs and Billboards. Further, billboards are allowed only within certain zoning districts. Billboards are in themselves distracting and their removal serves public safety. A single electronic display can serve the function otherwise performed by multiple traditional billboards. Thus, billboard owners ought to be encouraged to use electronic displays to consolidate such activities in appropriate locations while removing traditional billboards that currently do not conform to Ordinance standards.

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 Township.

Electronic 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.* An electronic billboard shall not contain any visible moving parts, revolving parts, or mechanical movement of any description or other apparent visible movement except for electronic displays subject to the following requirements and standards:
 - a. Except as otherwise stated herein, electronic billboards are subject to the same requirements as traditional billboards as provided for in Section 76.200.A of this Ordinance, including size, height, separation, and location.
 - b. The images and messages displayed must be static or still images. Such images and messages shall be permitted to fill the entire sign area. 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. Under no circumstances shall any message or display appear to flash, undulate, pulse, move, portray flashes of light or blinking lights, or otherwise appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or make other comparable or hypnotic movements.
 - c. An electronic billboard may not allow the display or message to change more frequently than once every eight seconds, with a transition period of one second or less.
 - d. The transition from one static image or message to another on an electronic billboard 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 incrementally rather than all at once.

- e. An electronic 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 the terms of this article.
- f. Sequential messaging as part of an electronic billboard 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.
- g. Every line of copy and graphics on an electronic billboard must be at least 12 inches in height.
- h. Electronic billboards 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 electronic display when notified by the Township that it is not complying with the standards of this section. Prior to issuing any necessary permits for an electronic billboard, the applicant shall submit to the Township written verification from the manufacturer that the electronic billboard is so designed and equipped.
- i. The owner of the electronic billboard 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 natural disasters, road emergencies, weather emergencies, or defense situations. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

3. *Brightness.*

- a. The maximum brightness levels for electronic billboards shall not exceed 0.3 (three tenths) foot-candles over ambient light levels measured within 150 feet of the source, consistent with the terms of this section. The measurement shall be taken at ground level perpendicular to the surface of the screen. 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 and shall be the responsibility of the sign owner in order to ensure that the specified brightness levels are maintained at all times.

b. Brightness of digital signs shall be measured as follows:

(1) At least 30 minutes following sunset, a foot candle meter shall be used by the person doing the inspection 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.

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

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

4. *Incentives.* Billboards do not need to serve the same wayfinding function as do on-premises signs. Further, due to size and spacing requirements of this section of the Ordinance, most if not all billboards in the Township are nonconforming, and no additional billboards can be constructed beyond the 11 currently located in the Township without additional changes to the Ordinance. Finally, billboards are in themselves distracting and their removal serves public safety. The Township is extremely limited in its ability to cause the removal of these signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of billboards in certain settings. This removal results in an overall advancement of one or more goals set forth in this section, including reducing the degree of nonconformity, 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 Township.

A person may obtain a sign permit from the Township to replace an existing nonconforming billboard with an electronic billboard in the same location, at the same or reduced height and at the same or reduced area, if the requirements stated below are satisfied. Otherwise, such signs would be required to conform to all of the standards of this Section as a new sign.

a. The applicant shall agree in writing to permanently remove, prior to the issuance of any necessary permits for the installation of an electronic billboard, at least two other nonconforming billboards within the Township owned or leased by the applicant, each of which must satisfy the criteria of subparagraphs (b) through (d) below. (Each individual billboard face shall be considered a separate billboard, and the billboard proposed to be replaced by the new electronic billboard face may be considered one of the two nonconforming billboards to be removed.) Unless being replaced by an electronic unit, 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 that the nonconforming billboards have been removed prior to issuing any necessary permits for an electronic billboard. 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 Kalamazoo County Registrar of Deeds.

- b. The Township has not previously issued a sign permit for an electronic billboard based on the removal of the particular nonconforming billboards relied upon in this permit application.
- 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 electronic billboard 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 Township that the State permit has been surrendered prior to any necessary permits for an electronic billboard being issued by the Township.

76.300 - Permits required and conditions.

Unless otherwise provided by this Section, all signs shall require permits and payment of fees. This shall include face changes for signs and billboards. No sign shall be installed or utilized until and unless a permit has been issued by the Township. No permit is required for the maintenance of a sign.

A permit issued pursuant to this Section becomes null and void if work is not commenced within 180 days of issuance. If work authorized by the permit is suspended or abandoned for more than 180 days, the permit must be renewed with an additional payment of one-half the original fee as provided on the fee schedule adopted by resolution of the Township Board and on file at the Township Hall.

76.410 - Lighting.

Unless otherwise specified by this Section, all signs may be illuminated.

- A. No sign regulated by this Section may utilize:
 - 1. An exposed incandescent lamp* with an external reflector and without a screen or comparable diffusion device.
 - 2. Any exposed incandescent lamp* in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture beyond the advertising display area.

3. Any revolving beacon light.
4. Lights that could be confused with or construed as traffic control devices.
5. Direct or reflected light that could create a traffic hazard to operators of motor vehicles.

(*For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.)

- B. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.
- C. Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement.
- D. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane or in any event beyond the advertising display area.
- E. The operating of lighting fixtures on or in signs, with the exception of time and temperature displays, from midnight to sunrise is prohibited when the lot, building site or parcel upon which it is located abuts a residential zoning district, unless the premises is open for business.
- F. No sign may be illuminated by flashing, rotating, oscillating or intermittent lighting.
- G. Electronically changeable copy signs, with the exception of Electronic Billboards (see Section 76.200.B), may change message no more than once every six (6) seconds and shall not use transitions that dissolve, fade, flash, and/or scroll.
- H. Signs utilizing electronically changeable copy signs may not be so bright as to be objectionable or inappropriate for the surroundings.
- I. Up to 25 percent of the permitted sign area of an allowable sign may be dedicated to changeable copy or to electronically display the current time and/or temperature. This percentage shall be increased to 50 percent for filling stations solely for the purpose of displaying fuel prices within the additional area provided. This limit shall not apply to electronic billboards.