

# RECORD OF ORDINANCES

Ordinance No. 2012-04Passed JUNE 19, 2012

## AN ORDINANCE ESTABLISHING REGULATIONS FOR ELECTRONIC MESSAGE CENTERS IN THE CITY OF BROOKVILLE, OHIO.

**WHEREAS**, Electronic Message Centers have become a common component of many signs; and

**WHEREAS**, Council has determined that it is necessary and proper to adopt zoning regulations for the use of Electronic Message Centers in the City of Brookville; and

**WHEREAS**, after Public Hearing on this Ordinance as required by Section 4.11 of the Charter of the City of Brookville, and upon recommendation of the Planning Commission, the Council of the City of Brookville hereby adopts the following zoning regulations for the use of Electronic Message Centers in the City of Brookville.

### **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

**SECTION I:** The Council of the City of Brookville hereby adopts the following regulations for Electronic Message Centers in the City of Brookville:

#### **1161.20 ELECTRONIC MESSAGE CENTERS:**

(a) Electronic Message Centers shall include the following types of electronic signs:

(1) Changeable Copy Signs are defined as a sign that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's) fiber optics, light bulbs, or other illumination devices within the display area.

(2) Video Display Signs are defined as a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

(b) Signs in the CB, GB, HS, I-1, I-2 zoning districts may include Electronic Message Centers subject to the following standards.

(1) The Electronic Message Centers in these districts may include Changeable Copy Signs and Video Display Signs.

(2) The Electronic Message Center component of a sign shall comprise no more than seventy-five (75%) of the sign's total allowed sign face area.

(3) A sign containing an Electronic Message Center must be located on the property where the use identified or advertised by the sign is located.

(4) The Electronic Message Center shall be a portion of a freestanding, permanent, ground mounted sign.

(5) The brightness of Electronic Message Centers shall be limited to the following intensity levels: Day 8:00 am to 6:00 pm: 5000 nits; Night: 6:00 pm to 8:00 am: 1000 nits. To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels. Further, prior to issuance of a permit for an Electronic Message Center, the applicant shall provide written certification from the sign manufacturer that the light intensity level has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other method as deemed appropriate by the Zoning Enforcement Officer.

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(6) Any individual text message or graphic image on an Electronic Message Center shall remain illuminated, visible and static for a period of at least ten (10) seconds. An animated video display shall not exceed a period of ten (10) seconds, and shall be followed by a text message or graphic image that shall remain illuminated, visible and static for a period of at least ten (10) seconds.

(7) Signs containing an Electronic Message Center shall not be located within one hundred (100) feet of any residential structure.

(8) A sign containing an Electronic Message Center shall comply with all other applicable requirements of Chapter 1161 of the Code of Ordinances.

(c) Signs in the R-1A, R-1B, R-1C, R-2, R-3, OR and OS districts may include Electronic Message Centers subject to the following standards:

(1) The sign containing an Electronic Message Center shall be a sign for the following Special Uses:

- (A) Churches
- (B) Schools
- (C) Government Facilities and Parks
- (D) Libraries
- (E) Funeral Homes
- (F) Nursing Homes

(2) The sign containing an Electronic Message Center shall be a Changeable Copy Sign with text messages only. Video Display Signs shall not be permitted in these districts.

(3) Signs containing an Electronic Message Center shall not be located within one hundred (100) feet of any residential structure.

(4) The Electronic Message Center component of a sign shall comprise no more than seventy-five (75%) of the sign's total allowed sign face area.

(5) The Electronic Message Center shall be a portion of a freestanding, permanent, ground mounted sign.

(6) The brightness of the Electronic Message Center shall be limited to the following intensity levels: Day: 8:00am to 6:00pm: 5000 nits; Night: 6:00pm to 8:00am: 1000 nits. To ensure compliance with this provision, the sign must have an automated phased proportional dimmer, which must be used to reduce nighttime brightness levels. Further, prior to issuance of a permit for an Electronic Message Center sign, the applicant shall provide written certification from the sign manufacturer that the light intensity level has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other method as deemed appropriate by the Zoning Enforcement Officer.

(7) Any individual text message on an Electronic Message Center in these residential districts shall remain illuminated, visible and static for a period of at least ten (10) seconds.

(8) The Electronic Message Center in these residential zoning districts shall be turned off from 10:00 pm to 6:00 am. The remainder of the sign may remain illuminated during these hours.

(9) A sign containing an Electronic Message Center shall comply with all other applicable requirements of Chapter 1161 of the Code of Ordinances.

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Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2012-04

Passed JUNE 19, 2012

**SECTION II:** Sections 1161.20-1161.25 of the Code of Ordinances are hereby renumbered to 1161.21-1161.26 of the Code of Ordinances.

**SECTION III:** This Ordinance specifically repeals and rescinds Sections 1161.04(c) and 1161.18(d) of the Code of Ordinances, and repeals and rescinds any other section of the Code of Ordinances in conflict with this Ordinance.

**SECTION IV:** This Ordinance shall take effect thirty (30) days after passage of this Ordinance as provided by the Charter of the City of Brookville, Ohio.

PASSED this 19th day of June 2012.

ATTEST:



Sonja M. Keaton

Sonja M. Keaton, Clerk



David E. Seagraves

David E. Seagraves, Mayor

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2012-04, passed by the Council of the City of Brookville, Ohio, on the 19th day of June 2012.



Sonja M. Keaton

Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2012-04 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 20th day of June 2012, to the 19th day of July 2012, both days inclusive.



Sonja M. Keaton

Sonja M. Keaton, Clerk