MUNICIPAL CODE REVIEW SUGGESTIONS

The info below should give you a good start regarding these issues - and hopefully result in a favorable outcome for all - but please also know that we stand ready to render further assistance if it is needed beyond this summary and the referenced materials also provided.

Although I am in no way a zoning attorney and can not offer legal or business advice, I can tell him that I have extensive experience dealing with these types of issues and a pretty good track record of being able to work with others to achieve a favorable outcome. So, feel free to use or not use the advice below as you thinks best, but only as modified or endorsed by your own legal and business advisors.

As a starting point, you should be aware that there is a large body of legitimate evidence which shows that there are no increased safety hazards due to the use of digital sign technology, and that to the best of my knowledge there is no actually supportable anti-display position which is based on a verifiable justification related to traffic safety. Typically, most such regulations and requirements are based on "assumptions", "feelings", "instincts" and "common sense" stemming from the opinions of those who are creating and enforcing the regulations, and have no fact-based validation for their implementation or enforcement.

With that said, I never want to take against an aggressive "you're wrong" approach to addressing this. In my experience makes no friends, and creates issues of embarrassment and enforcement around the current code.

Most of all, it is important to me to let you know that our industry is not "anti-regulation". We totally support and believe in reasonable, appropriate regulations which make a positive difference for the community and it's residents. In fact, there are many restrictions which we are fine with supporting if they reflect the desires of the community.

We are proponents for positive regulation of electronic displays. Well crafted regulations benefit everyone, help the local tax base to grow, and support local business and residents. When properly regulated and implemented displays generally enhance way-finding, reduce visual clutter at the streetscape level, and increase driver safety as well.

So, generally, our suggestions are designed to only pursue changes for the few code conditions which are really problematic.

I would suggest that any code review begins by first quickly addressing these positive aspects of EMC use:

1) Enhanced way-finding. Displays simply communicate with drivers better and more clearly vs static traditional signage. When properly used, located and sized they are easier to read, visible from a greater distance, able to be updated with the most current information and easily able to reflect emergencies, detours and road changes in real time. (This is why street and highway informational display use by municipalities is growing exponentially.)

2) Visual clutter. In most applications the display board takes the place of many different tenant and sign panels. As a result, the overall sign is able to be greatly simplified and becomes far easier to read as well as more visually attractive. Instead of a large group of disparate messages, just one unified message is presented at a time. And, display signs generally mitigate any need for banners, A-frames, temporary signs, and other less attractive and possibly dangerous types of traditional signage.

3) Increased safety. The enhanced readability and visibility created by upgrading traditional signage to an electronic display mean that drivers are able to "read it at a glance", comprehend the messages more quickly, and see the messages further down the road giving more time to react. This enhanced way-finding also means that drivers are much less likely to be slowing down then speeding up while looking for a business location, or to be cutting across lanes trying to reach a destination which was only seen right before the required turn.

4) Tax Base Gains. Since digital displays and social media are pretty much the only two effective advertising mediums left which work for most business types, when they are prevented from effectively using an EMC it tends to hold down sales, and thus tax revenues. However when they can use them well, it tends to increase sales and thus tax revenues.

Following this it is good practice to look at the current restrictions and evaluate if they support the above benefits, or work against them. Generally speaking, there are really only a few areas that need to be regulated in order to achieve a reasonable balance between safety, economics, aesthetics and advertising needs.

Following that I would look at all of the restrictive language and determine which restrictions fall into the categories listed below which are the six most commonly and appropriately regulated code restrictions as regards display use:

1) Requiring a minimum time interval for message changes.

2) No use of special effects (transitions) for message changes

3) No flashing

4) No animation/video

5) Maximum allowable brightness levels

Here's the rational for each:

1) This is rarely an actual issue for "smart" users as due to the nature of viewing messages, the typical speed of traffic going by the sign, and the typical high percentage of commuters who are passing the sign 10 times a week it is actually detrimental to change messages too quickly. However, like all things, some users will not understand and will change messages very rapidly. It is easy to control this by just enforcing a reasonable minimum rate of change. Most codes have a minimum of 5-10 second change intervals, and anywhere in this range works pretty optimally.

2) These actually have a slightly negative impact on the signs effectiveness as they waste viewing time showing incomplete and confusing message transitions. So, (although there is no evidence they create any safety issue) this is an easy item to regulate so that people in general are more comfortable with the signs, and without really harming the effective use of the sign. Generally codes ban this, or limit the specific effects which may be used.

3) Flashing also has no actual proven safety impact, but it does totally annoy viewers, looks tacky, and does not really attract any attention in a positive way so it is totally un-needed for the sign to be effectively used. Generally codes ban this.

4) Although signs are just as (or sometimes even more) effective with still messages vs video messages, they add a very cool factor to the display, allow for more exciting presentations and enables the use of video elements from multiple sources. Generally there is a high desire among users to allowed to show this type of message. Codes are split on this issue with some allowing videos, and some not. Many codes allow for "partial video only" as a compromise (ie: moving backgrounds but not "scrolling" or other primary animations).

5) This is an important issue on a couple fronts as it affects safety, readability, way finding, and aesthetics. We strongly suggest that brightness be fully regulated to address all of the above and also to ensure that signs are "neighborhood friendly". This is another area where it is actually very mush in the users best interest to control brightness any way, but where some folks will fail to do so. The majority of codes do regulate brightness.

Once you have redefined what you wish to regulate I suggest that you then outline that the code is written to be beneficial to the community, reasonable, justifiable and centered on the following principles:

1) The primary purpose of the signage (and the requested use of it) is to provide needed timely information and way finding. And, the digital signage is uniquely able to do this in the safest possible way as it provides enhanced readability and sufficient size for drivers to be able to read it at a glance. In particular, it allows for up-to-date center information, identification of tenants and services, traffic directional info which is easy to understand and which reduces unnecessary slowing and last minute maneuvers across lanes, instant emergency and accident information which is relative to drivers, and it allows the use of colors appropriate to the message (i.e.: amber for amber alerts, red for emergencies, etc.) to enhance comprehension.

2) The ability to have and use the signage as planned is crucial to the economic and practical success of any new developments. Without it, tenant attraction and retention will be far more difficult, and sales generated by the tenants will be adversely affected as well, resulting in more empty space, and more business failures. Thus, the signage plan is an integral part of making area developments a success - which is what is needed for it to provide long term benefit to the community as a whole.

Without a well written sign code, these positive benefits will be severely constrained.

Finally, here are some areas that I suggest you look at and then try to eliminate (or limit) any such restrictions within the code:

1) Limiting the total size of the sign to a point that it can't effectively display content in a size which is readable from an appropriate viewing distance, or where an entire "message" can't reasonably be contained within a single "frame". (Both of these restrictions negatively impact safe and easy viewing)

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2) Restricting the percentage of the sign which can be used for a display vs that which is used for static signage. (Doing so is not "content neutral" which is generally considered to be necessary, and also conflicts with more modern and useful sign designs and uses)

3) Limiting placement of the display portion of a sign design to specific areas or heights within the allowable sign structure. (It is better to evaluate design on a case-by-case basis as artificial requirements such as this serve no real safety purpose, and disallow best designs plus consideration of actual terrain and viewing angles)

As support for all of the above I am also providing several types of other information for your use.

These include studies, reference materials, white papers, and some sample code examples which I have developed to show some possible ways to regulate the areas under discussion.

Please let me know what else I can do to help!

Best regards,

Erik

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