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PASSED: 9/9/13

AN ORDINANCE NO. 0029-231

AN ORDINANCE AMENDING THE SIGN ORDINANCE OF THE CITY OF BALDWIN, GEORGIA; TO AMEND THE SIGN ORDINANCE IN ORDER TO MAKE CERTAIN CORRECTIONS TO SAID ORDINANCE, TO ESTABLISH ADDITIONAL SIGN REGULATIONS FOR ON PREMISE SIGNS AS TO PROPERTY THAT ADJOINS THE RIGHT-OF-WAY OF STATE HIGHWAY 365 (A/K/A STATE HIGHWAY 13); TO REPEAL CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Art. IX, § II, ¶ IV of the Georgia Constitution providing that each municipality may adopt plans and exercise the power of zoning, and pursuant to Art. IX, § II, ¶ III of the Georgia Constitution, each municipality has supplemental powers, being police powers for the regulation of activities within the City, and pursuant to said constitutional authorization, the City of Baldwin, Georgia has duly enacted a sign ordinance;

WHEREAS, the City Council of the City of Baldwin, Georgia finds that it is appropriate to amend said sign ordinance to provide additional provisions regarding on premise signs as to non-residential property that adjoins the right-of-way of Georgia State Highway 365 (a/k/a Georgia State Highway 13); and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by the above-referenced authority as follows:

SECTION 1. AMENDMENT TO SECTION 12 OF THE SIGN ORDINANCE.

Section 12 of the Sign Ordinance of the City of Baldwin, Georgia is hereby amended by modifying subsection 12.3 within Section 12 as follows:

(a) Subsection 12.3 is stricken in its entirety, and a new section 12.3 is substituted in lieu thereof, and which shall read as follows:

12.3 Except as provided herein, animated changing signs, being signs that use movement or change of lighting to depict action or create a special effect or scene, including but not limited to a sign that is capable of changing the visible display of words, numbers, symbols, graphics and/or position or format of word messages or other displays when such changes are actuated by any type of remote control or automatic mechanism rather than manually. Animated changing signs shall include mechanically operated devices which change the message through rotation of any type of panel and signs which are illuminated partially or entirely by a matrix of electric lamps, movable discs, movable panels, light apertures, the use of light emitting diodes, backlighting, or any other light source that is electronically charged. An animated changing sign shall also include but not be limited to a large screen video display sign, signs composed of monochromatic light emitting diodes, electronic message centers, and sometimes referenced to as LED or EMC signs. Any animated changing sign that includes both mechanical and electronic elements shall be regulated as an animated changing sign. An animated changing sign shall be allowed if it complies with the provisions of subsections 13.3.f. and 13.3.g. of this ordinance.

SECTION 2. AMENDMENT TO SECTION 13.3 OF THE SIGN ORDINANCE.

Section 13.3 of the Sign Ordinance of the City of Baldwin, Georgia is hereby amended, by adding a new subsection g. to Section 13.3 and which shall read as follows:

g. On-premise animated changing signs as to non-residential property that adjoins the right-of-way of Georgia Highway 365 (a/k/a Georgia State Highway 13), and meeting the following requirements:

A. On premise animated changing signs must meet the requirements of subsection 13.3.f.

B. Additional regulations for on-premise animated changing signs are as follows:

1. Each message displayed on any changing sign display shall remain static for at least ten seconds following the completion of its transition from the previous message. As used in this subsection “static” shall mean a display that is fixed in one position with no portion of the display being in motion or changing in color or light intensity.

2. When a message is changed mechanically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in three seconds or less. The transition period shall be measured as that period between any movement of any part of the display of the previous message and the time that the display of the next message is fully static.

3. When a message is changed electronically, the transition between a complete static display of the previous message and a complete static display of the next message shall be accomplished in two seconds or less. The transition period shall be measured as that period between the time that the previous message is static and fully illuminated and the next message is static and fully illuminated.

4. No changing sign may include animated, flashing, full-motion video or other intermittent elements. The transition period between two fully illuminated static messages displays in an electronically changed sign shall not be considered an intermittent element so long as the purpose of the changing light intensity is to fade or dissolve into the next message.

5. No changing sign may have any type of changing effect on the border of the sign that is not fully integrated with a static message display and which does not transition to the next static message display in the same manner as the rest of the display.

6. No display or other effect from any electronically changed sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Such display or effect shall be considered an acute traffic hazard and shall be subject to the regulations contained in this ordinance.

7. An electronically changed sign which uses the scrolling of letters, numbers or symbols onto the sign face to form words or messages shall be allowed to appear on the sign face from only one direction for each static display. Message transitions achieved by means of the scrolling of the letters, numbers or symbols shall be completed within two seconds and shall remain static for at least ten seconds following the completion of the transition from the previous message.

8. All signs shall appropriately adjust display brightness as ambient light levels change so that the brightness of the display does not cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. The failure of an electronically changed sign to appropriately adjust display brightness as ambient light levels change shall be considered an acute traffic hazard and shall be subject to the regulations contained in this ordinance.

9. No malfunction of a changing sign shall cause a glare or other condition that impairs the vision of the driver of any motor vehicle or which otherwise interferes with the safe operation of a motor vehicle. Any such condition resulting from a malfunction shall be

considered an acute traffic hazard and shall be subject to the regulations contained in this ordinance.

10. Except as to a variable message board sign, no other general advertising sign employing changing sign technology which is permitted by state law to be located on or adjacent to the interstate highway system or a general advertising sign with a changing message sign face that is visible from an interstate highway shall be located within 5,000 feet of another general advertising sign employing changing sign technology that is permitted adjacent to an interstate highway and on the same side of said interstate highway or any other general advertising sign with a changing message sign face that is visible to traffic traveling in the same direction of said interstate highway. The distances shall be measured in a straight line from the nearest edges of the signs. Any application to employ changing sign technology on a general advertising sign which has been submitted to the City Council prior to the passage of this ordinance and which remains legally eligible for consideration after the passage of this ordinance shall not be subject to this distance requirement.

11. A business identification sign which is not permitted to be a changing sign and employing any changing technology shall contain only static messages and shall not be allowed to change more than once every 24 hours. Any change of copy shall require a new sign permit.

12. A freestanding sign which is not permitted to be a changing sign and employing any changing sign technology shall contain only static messages and shall not be allowed to change more than once every 24 hours. Any change of copy shall require a new sign permit.

13. Any building which is allowed to have a building signature sign employing

any changing sign technology may not change the sign more frequently than once every 24 hours and all building signature signs on all sides of the building shall display an identical message which meets the definition of a building signature sign. Any change of copy shall require a new sign permit.

14. Shopping center signs may employ changing sign technology in those districts where changing signs are allowed. The portion of the sign face which is capable of employing changing sign technology shall be limited to 50 percent or less of the total area of the sign face.

15. Permit applications for electronically changed signs must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with this part and that the owner or operator shall provide proof of such conformance upon request of the City Council or the City Council's designated agent. Whether the sign is programmed from the site or from a remote location, the computer interface or other method that programs or controls the changing of the sign shall be available for inspection upon request of the City Council or the Council's designated agent so that the City Council can determine the messages being displayed. If the information from the computer interface or other control method is not immediately available, the sign shall cease operation until such access can be provided.

16. Any general advertising sign which applies to employ changing sign technology shall be required to include as a part of its application, a statement which shall indicate whether the applicant is willing to allow law enforcement agencies to utilize its display capabilities to disseminate emergency messages.

17. Any changing sign currently in existence shall comply with the regulations of

this ordinance. If a changing sign currently in existence cannot meet these requirements due to the limitations of the technology being employed, the owner of the sign shall be allowed to continue the existing use upon a showing, satisfactory to the City Council, that the requirements of this part cannot be met.

18. Animated changing signs shall contain static messages only, and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign, nor shall such sign have varying light intensity during the display of any single message except during the transitional period.

19. Every line of copy and graphics in a digital display must be at least 15 inches in height. If there is insufficient room for copy and graphics of this size in the maximum allowable sign area, then no digital display is allowed. Variances can be allowed regarding this requirement.

20. Digital signs may not operate at brightness levels of more than 0.20 footcandles above ambient light levels as measured at the following distances:

Sign (sq. feet)	Distance (feet)
<300	150
301-400	200
401-672	250

21. The owner of said digital general advertising sign or on-premise sign shall arrange for an annual certification of the brightness showing compliance by an independent contractor and provide said certification to the City of Baldwin.

22. Each sign must have a light-sensing device that will adjust the brightness of the display as the natural ambient light conditions change.

23. The owner of said digital advertising sign or on-premises sign shall provide

to the City of Baldwin information for a 24-hour contact able to turn off the electronic sign promptly after a malfunction occurs. If, at any time, more than 50% of the digital display lights malfunction or are no longer working, the owner of said digital general advertising sign or on-premises sign shall make repairs to the sign within 60 days or the sign will require removal.

24. If the Mayor, Councilmember or a designated agent of the City of Baldwin finds that the digital general advertising sign or on-premises sign exceeds the brightness specified in paragraph 20 above, the owner of the sign, within 24 hours of a request by a designated agent of the City of Baldwin, shall reduce the intensity of the sign to be in compliance with this ordinance and provide said certification.

25. Each sign must comply with all Georgia Department of Transportation rules and regulations applicable to electronic changeable message signs where not in conflict with this ordinance.

26. No sign shall be erected, and there shall be no lighting of signs or premises in such a manner and location so as to obstruct the view or, or be confused with any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement.

27. No flashing or animated sign shall extend over a public right-of-way.

28. If any sign is found to constitute a traffic hazard, the owner of the sign may be required to reduce the intensity of the condition or effect which caused the hazard to a level acceptable to a designated agent of the City Council. The City Council or its designated agent may through the issuance of a stop work order cause an immediate cessation of such conditions or effects where an imminent danger to the traveling public is found.

29. Due to the limitation on distances between certain electronic changing signs, an approved application to employ changing sign technology must be acted upon within the time frames stated on the sign permit. After expiration of the permit, a new application for the location shall be required and the expired permit shall not be considered to bar location of other changing signs due to distance requirements under this part. The City Council may issue one extension of 60 days for good cause as shown in writing by the permit holder.

30. All variance requests seeking relief from these standards must be made to City Council.

SECTION 3. REPEALER.

This sign ordinance, as amended, shall be effective upon adoption and shall repeal all conflicting ordinances and resolutions to the extent of the conflict.

SECTION 4. SEVERABILITY OF PARAGRAPHS.

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not effect or impair the remaining portions unless it clearly appears that other parts or wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

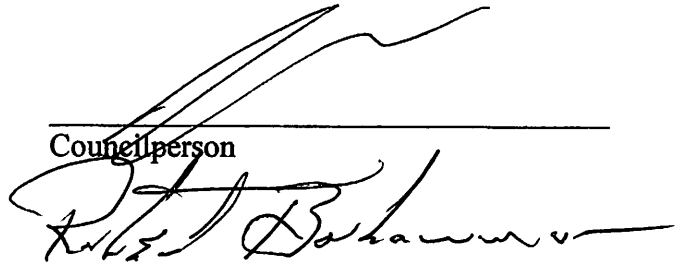
SO ORDAINED this 9 day of September, 2013.

BALDWIN CITY COUNCIL

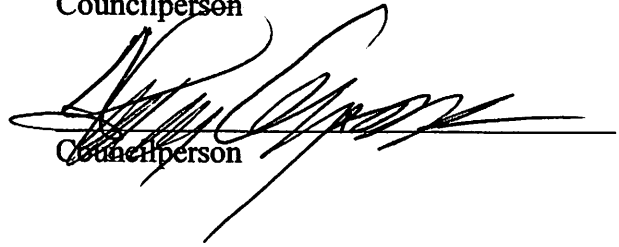
By: Jerry Meall
Mayor

[Signature]
Councilperson

Councilperson



Councilperson



Councilperson

Councilperson

Attest:



Amanda Sexton, City Clerk

RDS/mem/W153317