

ORDINANCE NO. _____

AN ORDINANCE FOR A ZONING TEXT AMENDMENT TO CHANGE THE DEFINITION OF A BILLBOARD WITHIN SECTION 16.SSS.(1) OF THE CITY'S ZONING ORDINANCE TO INCLUDE ELECTRONIC GRAPHIC DISPLAY SIGNS, SUBJECT TO ALL PLANNING REQUIREMENTS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING;

SECTION 1: Section 16.sss.(1) of the Zoning Ordinance of the City of Gillette is amended to read:

(1) BILLBOARD: a board, panel or ~~tablet~~ *electronic graphic display sign* used for the display of ~~posters, printed or painted~~ advertising matter, either illuminated or non-illuminated, which directs attention to goods, merchandise, entertainment or services offered elsewhere than the premises where the sign is located.

(a) ELECTRONIC GRAPHIC DISPLAY SIGNS: sign faces attached to billboard structures with electronic graphic displays that are highly visible from long distances and at very wide viewing angles, both day and night.

SECTION 2: Section 10, f. (1) of the City's Zoning Ordinance is amended to read:

(1) Billboard.

(a) The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning or in control of the billboard. *The nameplate shall also include a 24-hour emergency contact phone number for the individual or entity responsible for daily maintenance and operations of the billboard.*

(b) No billboard shall be erected, altered, constructed, reconstructed or moved until an application and plans have been filed with the Zoning Administrator and shall have been approved by the Zoning Administrator as to size, location and construction. *Billboard structures shall be designed and certified by a licensed Wyoming Professional Engineer to ensure the foundation, structure, sign face(s) and other connections meet minimum design loads and all aspects of the City's adopted building codes. All relevant building permits, to be issued by the City of Gillette Building Division, are required for all billboard structures.*

(c) Billboards shall not exceed thirty feet (30') in height above the ground.

(d) The owner, lessee or manager of such billboard and the owner of the sign shall maintain and keep the ground area around the sign free and clean of weeds and debris.

(e) Plans for billboards within fire limits shall be referred to the Fire Chief for review and recommendation.

(f) No billboards shall project beyond the front, side or rear building line established for the zoning district in which the billboard is located.

(g) No billboard shall exceed six hundred eighty (680) square feet in area (on a single face) and shall not be erected closer than one hundred fifty feet (150') from another billboard on the same side of the street.

(h) It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard, in such a manner as to:

(1) obstruct the view of street crossings or railroad crossings;

(2) be unable to stand a pressure of at least thirty (30) pounds per square foot of advertising surface;

(3) be dangerous to the public by falling or blowing down;

(4) increase the danger of loss by fire or to increase fire insurance rates; and

(5) be nearer than five feet (5') from any building, unless attached to the building.

(i) Billboards supported by the ground shall have all posts set in concrete.

(j) ^{30a} In addition to billboards permitted in the A, I-1, and I-2 Districts, there shall be a special zone established within two-hundred-fifty feet (250') of the I-90 right-of-way which allows billboards in the C-1, C-3 and C-O Districts.

(k) No billboard shall be erected within two-hundred-fifty feet (250') of the boundary of any residential zone.

(l) Billboards with Electronic Graphic Display Signs shall comply with the following, additional requirements:

(1) Message display. No electronic graphic display sign shall utilize colors or displays which create confusion with traffic lights and with lights on emergency vehicles. There shall be no multi-frame messages or effects of movement, blinking, animation, scrolling, flashing, or similar effects in individual images. Animated transitions between messages are prohibited. Grayscale or full color may be used.

(2) Dwell Time. All electronic graphic display signs shall be programmed so that the message or image on the sign changes no more frequently than once every six (6) seconds.

(3) Separation. A minimum distance of two thousand (2,000) feet, in all directions, shall be required between each billboard with electronic graphic display sign(s). This distance shall apply in all cases, regardless of any jurisdictional boundaries between billboards.

(4) Residential Buffer. All billboards with electronic graphic display signs must be setback a minimum of 500 feet (measured on all sides) from any residential zoning district.

(5) Intersection Buffer. Billboards with electronic graphic display signs shall not be located within the sight triangle, or fifty (50) feet of the driving surface of a signalized intersection, whichever is greater. The fifty-foot buffer shall be measured in a straight line from the nearest point of driving surface of the signalized intersection.

(6) Brightness. All electronic graphic display signs shall utilize technologies which automatically reduce light levels at night and under cloudy or other darkened conditions. Electronic graphic display signs may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of a driver, or result in a nuisance to the driver. Electronic graphic display signs shall not increase the amount of ambient lighting during nighttime viewing by no more than 0.3 foot candles when measured by a foot candle meter at 100 feet.

(7) Audio. Audio speakers in any form are prohibited on billboards with electronic graphic display signs.

(8) Malfunction. All electronic graphic display signs shall contain a default design that will freeze the device and message in one position if a malfunction occurs. Any electronic graphic display sign that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be restored to its normal operation within twenty-four (24) hours or set to a blank or static display until repairs can be accomplished.

(9) Replacement. *Traditional billboards utilizing painted faces or posters on existing faces can be replaced with an electronic graphic display sign, provided all requirements of this ordinance are met. Traditional billboard structures replaced with electronic graphic display signs will be evaluated and certified by a Wyoming Professional Engineer to ensure the foundation, structure, and other connections are capable of handling the increased loads and meet all aspects of the City's adopted building codes.*

(10) Size. *Electronic graphic display sign panels installed on billboards will not exceed three hundred forty (340) square feet in area as measured as the total face. Billboard structures are limited to no more than one electronic graphic display panel if installed individually, or two panels if installed back-to-back.*

(11) Building Permit Required. *All relevant building permits, to be issued by the City of Gillette Building Division, are required for all billboards with electronic graphic display signs.*

(12) Electrical Service. *Electrical services to all electronic graphic display signs shall be provided by an underground service lateral. In no case shall overhead wires be attached. The applicant agrees to accept electrical service from the City's electrical system for all electronic graphic display signs.*

(13) Application Fee and Annual License Fee. *All electronic graphic display signs will require an application fee of \$2,500 and an annual license fee of \$250, which will expire on December 31st of each year. Nonpayment will result in disconnection from the City's electrical supply.*

(14) Emergency Notification. *The applicant will enter into a separate agreement with the City to provide access for local emergency dispatch agencies to utilize electronic graphic display sign(s) to broadcast emergency notifications and other, critical public service warning messages. Per this agreement, the applicant will provide access*

to display emergency notifications, critical public service warning messages and other public notices within a reasonable time upon notice from the City and its local emergency dispatch agencies. The applicant agrees to provide access for this public service free of charge to the City and its local dispatch agencies and shall reserve a minimum of 8% of its annual sign lease time for this service.

PASSED, APPROVED AND ADOPTED THIS ____ day of _____, 2016.

Louise Carter-King, Mayor

(S E A L)
ATTEST:

Karlene Abelseth, City Clerk

Publication date: