

## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

### BY-LAW 2012-206

**REGULATIONS:** (R1.19) A by-law to regulate digital signs within the City of Sault Ste. Marie.

**WHEREAS** it is desirable to ensure that public safety and vehicular traffic is not compromised by the placement of digital signs in the City of Sault Ste. Marie;

**NOW THEREFORE THE COUNCIL** of the Corporation of the City of Sault Ste. Marie, pursuant to section 10(2) and 99 of the *Municipal Act, 2001, S.O. 2001, c.25* and amendments thereto **ENACTS** as follows:

#### 1. **INTERPRETATION**

- 1.1 Notwithstanding the provisions of Signs By-law 2005-166, this by-law shall exclusively regulate digital signs and digital fuel price indicator signs.
- 1.2 Where a specific provision of this by-law conflicts with a specific provision of By-law 2005-166, the provision contained herein shall prevail.

#### 2. **DEFINITIONS**

- 2.1 Billboard Sign – means any outdoor sign that advertises goods and services that are not available upon the same property or premises in which the sign is located.
- 2.2 Digital Sign – means any sign that is remotely changed on or off site and incorporates a technology or method allowing sign copy to be changed without having to physically or mechanically replace the sign face or its components. Such signage may include but is not limited to the following:
  - LED, LCD, Plasma screens and projectors which may depict and/or project text, pictures and/or videos
  - Digital readerboards which depict moving or static text only**Exclusion** – Digital Fuel Price Indicator Signs.
- 2.3 Digital Fuel Price Indicator Sign – means a portion of a sign in association with a fuel sales use, as defined by Zoning By-law 2005-150, as amended, which contains a digital display of current fuel prices only.
- 2.4 Sign – means a device or structure used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes.
- 2.5 Sign Copy – means any colour, graphic logo, symbol, word, numeral, text, image, message, picture or combination thereof displayed on a sign face.
- 2.6 Sign Face – means the interior area of a sign, excluding the frame portion of the sign.

### 3. REGULATIONS FOR DIGITAL SIGNS

#### 3.1 General Prohibitions

No digital sign shall:

- a. Flash, scroll or fade, during the transition of sign copy as described later in this by-law, including any lighting or backlighting effects;
- b. Emit sound or be interactive in any way;
- c. Depict or display sign copy that could be misinterpreted as an emergency vehicle or traffic control device;
- d. Block or reduce the visibility of any part of the road, road users including vehicles, cyclists or pedestrians, traffic signals, traffic signs or other traffic control devices;
- e. Contain the words or phrases 'Stop', 'Go Slow', 'Caution', 'Danger', 'Warning', 'Emergency', 'Yield' or 'Detour', unless such word or phrase is part of the name of a business or product and is displayed solely to identify such business or product;
- f. Be a portable sign as defined by Signs By-law 2005-166;
- g. Be projected onto a building structure or any surface, unless approved by the Commissioner of Engineering and Planning, or designate, as outlined in Section 5 of this by-law; or
- h. Be located or encroach upon a public right of way, unless permitted herein or in By-law 2008-131 as amended.

#### 3.2 Duration of Message

Digital sign copy shall be displayed continuously in a static manner and without change for a period of time that is not less than **15 seconds**.

#### 3.3 Transition of Messages

Sign copy may change if the transition:

- a. Is no longer than 0.25 seconds in duration;
- b. Is a change of the entire digital sign copy area;
- c. Does not consist of partial, incremental or sequential changes of the sign copy area; and
- d. Does not display any visible effects including but not limited to motion, fading, dissolving, flashing, intermittent or blinking light, scrolling or the illusion of such effects.

#### 3.4 Brightness

- a. All digital signs shall be equipped with an automatic light sensor to adjust the brightness level of the sign copy area. The sensor must be set so that brightness levels do not exceed 3.23 lux (0.3 foot candles) above ambient light conditions as measured using a Lux meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the sign area x 100. [Example using a 5m<sup>2</sup> sign:  $\sqrt{(5\text{m}^2 \times 100)} = 22.3\text{m}$ ].
- b. Notwithstanding maximum brightness levels, the sign shall not cause undue glare as determined by the Chief Building Official.

#### 3.5 Location

- a. Digital signs are permitted in Commercial, Industrial, Institutional and Parks and Recreation Zones as outlined in Zoning By-law 2005-150. Digital signs are also permitted in accordance with the billboard

regulations set out in Signs by-law 2005-166, unless otherwise noted in this By-law.

- b. Unless otherwise noted in this By-law, digital signs shall adhere to the size, setback and sight triangle regulations set out in by-law 2005-166.
- c. Digital signs shall be setback a minimum of 22m from a residential zone.

### 3.6 Setbacks from Intersections

Where a digital sign is to be located within **100m** of a signalized intersection or **50m** of a non-signalized intersection of two publicly owned roadways or a railway crossing, prior to the issuance of a permit, a safety review must be conducted by a Professional Engineer, to the satisfaction of the Commissioner of Public Works and Transportation. The distances shall be measured from the lot lines abutting the intersection.

The safety review shall identify why the sign is acceptable at the location being proposed, as well as any mitigating measures aimed at reducing potential risks, based upon but not limited to the following items:

- i. Crash history
- ii. Traffic and pedestrian volumes
- iii. Roadway speed
- iv. Existing and expected driver workload
- v. Relative geometric complexity of the roadway and/or intersection.

The distance from any intersection shall be measured from the centre of the intersection to the nearest part of the sign face.

### 3.7 Specific Digital Sign Regulations

Sign Types where Digital Sign Copy is Permitted	Maximum Size	Maximum Projection From Wall (Where Applicable)	Minimum Clearance above established grade	Maximum number of Digital Signs per Lot	Minimum setbacks, maximum height and sight triangle regulations, minimum separation between signs and any other provisions not specifically mentioned in this by-law.
Billboard Sign	20m <sup>2</sup>	N/A	3m	Not more than 1 digital sign per lot.	Same as those outlined for specific sign types in By-law 2005-166
Copy, Awning, Marquee	N/A	N/A	3m		
Ground Sign	7.5m <sup>2</sup>	N/A	No minimum.		
Projecting Sign	1m <sup>2</sup>	0.3m	3m		
Roof Sign	20% of roof area or 8m <sup>2</sup> , whichever is lesser.	0.3m	3m		
Wall Sign	15% of facade area or 8m <sup>2</sup> , whichever is lesser.	0.3m	3m		
Window Sign	50% of total window area or 8m <sup>2</sup> , whichever is lesser.	N/A	3m		

4. **REGULATIONS FOR DIGITAL FUEL PRICE INDICATOR SIGNS**

Nothing in this by-law shall restrict the use of Digital Fuel Price Indicator Signs so long as they are in association with, and located upon the same site as a fuel sales use. Not more than 2 digital fuel price indicator signs are permitted. Each digital fuel price indicator sign copy area shall not exceed **0.5m<sup>2</sup> (5.3sq.ft)**.

5. **REGULATIONS FOR DIGITAL SIGNS THAT ARE PROJECTED ONTO A BUILDING, STRUCTURE OR ANY OTHER SURFACE.**

- a. Prior to the issuance of a sign permit for any digital sign that is to be projected onto a building, structure or any other surface, the written approval of the Planning Director is required. The Planning Director shall consult with relevant city departments and outside agencies, including but not limited to:
  - i. Public Works and Transportation
  - ii. Building Division
  - iii. Legal Department
  - iv. Community Services Department
  - v. PUC Services Inc.
- b. An application to project digital signage onto any building, structure or surface, shall be submitted to the Planning Division, and must be accompanied by:
  - i. Application fee of \$150;
  - ii. A site plan showing:
    - 1) Size and location of the projected sign, and
    - 2) Location of projector; and
  - iii. Written confirmation from the property owner, agreeing to the application to permit a projected digital sign, as well as projecting equipment.
- c. If the application is denied, the applicant may appeal the decision to City Council.

6. **ADDITIONAL REGULATIONS FOR ALL DIGITAL SIGNS**

- a. Digital signs shall be designed so as to cease operation in the case of a malfunction.
- b. Except in the case of a billboard sign, digital signs may not display off-site advertising.

7. **APPLICATION REQUIREMENTS**

Applications for digital signs must include the following, in addition to the application requirements set out in Signs by-law 2005-166:

- i. One copy of a scaled drawing for each side of the sign, giving all dimensions and areas, as well as colours and materials used;
- ii. One copy of a site plan showing the proposed location of the sign in relation to sight triangles, signalized and non-signalized intersections and lot lines.  
(If applicable, a safety review, completed by a qualified Professional Engineer, as outlined above.); and
- iii. One signed copy of Appendix A which includes the following statements:

"The applicant has read, understands and agrees to adhere to the regulations contained in the following sections of this by-law:

- General Prohibitions
- Duration of Message
- Transition of Messages
- Brightness"

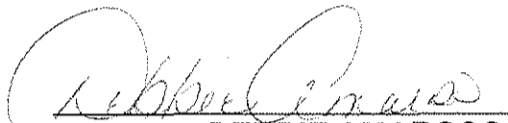
8. **PENALTY**

Every person who contravenes the provisions of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.

9. **EFFECTIVE DATE**

This by-law is effective on the date of its passing.

PASSED in Open Council this 5<sup>th</sup> day of November, 2012.

  
MAYOR – DEBBIE AMAROSO

  
CITY CLERK – MALCOLM WHITE

APPENDIX A

APPLICANT AFFIDAVIT FOR DIGITAL SIGNS

I hereby affirm and certify that the sign being installed under this permit application will adhere to the requirements of the City of Sault Ste. Marie Digital Signs By-law, including but not limited to:

1. The sign will display 'static' messages for a period of at least 15 seconds.
2. The transition between sign copy will take less than 1 second. Such transition will be a change of the entire digital sign copy area, without any effects such as flashing, fading or scrolling.
3. The digital sign will be equipped with an automatic light sensor, set so that brightness levels do not exceed 3.23 lux above ambient light conditions.

I \_\_\_\_\_ (print name) have read and understand the requirements and restrictions set out in the Digital Signs By-law.

X \_\_\_\_\_

Date: \_\_\_\_\_