

February 4, 2008

Alderman Michael Murphy  
Alderman Robert Bauman  
City Hall, Room 205  
Milwaukee, Wisconsin 53202

Re: Common Council File # 070548  
Electronic or Digital Billboards

Dear Alderman Murphy and Alderman Bauman,

This is in response to your letter to me dated January 22, 2008. The proposed ordinance includes a provision setting a maximum brightness for these signs during daylight and between the hours of dusk and dawn. You have asked how we will administer this code section.

We have worked with the Legislative Reference Bureau and have made many telephone calls to cities, L.E.D. billboard manufacturers and manufacturers of light meters across the country trying to establish the appropriate protocol and technology for enforcing this standard. It appears that a number of these standards have been based on other cities standards but when we call them we find no definitive method of measuring the brightness. We are aware of one study of this sign technology that includes comments on brightness limitations. It indicates in part that enforcement of brightness regulations are challenging as luminescence of electronic signage is very difficult to measure in the field. I concur with that statement.

It would have been my recommendation that the Code be modified to include the protocol established by Mesa, Arizona and Lincoln, Nebraska. They have were reported to have included a requirement for written certification from the sign manufacturer that the light intensity has been preset not to exceed the illumination levels established by their codes. They also include a requirement that preset intensity levels are to be

protected from end user manipulation by password protected software or other methods approved by the local code official. Such a provision would provide a method for regulating the signage brightness so that it cannot exceed the established level. Unfortunately, our staff has learned from the L.E.D. sign manufacturers that they would be unwilling to meet this requirement as the signs are preset but that preset can be overridden by the sign owner after purchase.

If the concern that you have is that these signs will have an adverse impact on residential properties, then my recommendation is that we need not amend the code further. Section 80-19 [Nuisance Light on Residential Property] has been in the code for more than 25 years. We respond to complaints of nuisance light with trained staff. We have the light meters to enforce it. It contains defensible light levels and a protocol on how to take measurements. If your concern is that hotel rooms need to be protected from nuisance light, then 80-19 would need to be expanded to include those facilities.

You may wish to retain the brightness standard in the current draft in the event that we are subsequently able to develop a technique to measure it, but at this point, we do not have that ability.

I hope that I have answered your questions sufficiently and in a timely manner. Please feel free to contact me if you have additional questions.

Sincerely,

Martin G. Collins  
Commissioner

C: Don Schaewe  
Kimberly Montgomery