

..Number

150280

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. WITKOWSKI

..Title

A substitute ordinance relating to the regulation of automatic changeable message signs.

..Sections

295-407-4-e cr

295-407-4-f cr

..Analysis

This ordinance establishes the following regulations for on-premise automatic changeable message signs:

1. Prohibits signs within 100 feet of most residential property (RO1 and RO2 are exempted).
2. Requires signs face away from residential properties.
3. Sets daytime and nighttime illumination limits of 465 and 28 lumens, respectively.
4. Limits nighttime light trespass at the property to 0.5 lumens.
5. Prohibits direct light projection into the public right-of-way.
6. Prohibits flashing, blinking or strobing signs.
7. Prohibits interference with the clear visibility of traffic control signals.
8. Requires signs be equipped with automatic dimmer/shut-off and freeze display mechanisms in case of malfunction.
9. Creates an administrative review process for persons aggrieved by determinations of compliance with provisions of this ordinance change made by the department of neighborhood services.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-407-4-e and f of the code is created to read:

295-407. SIGNS.

4. AUTOMATIC CHANGEABLE MESSAGE SIGNS.

e. In addition to the provisions of pars. a to c, on-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

e-1. No automatic changeable message sign shall be located within 100 feet of property zoned residential other than RO1 or RO2.

- e-2. Sign illumination shall face away from properties zoned residential.
- e-3. Daytime illumination from 30 minutes before sunrise to 30 minutes after sundown shall be limited to 465 lumens. Nighttime illumination from 30 minutes after sundown to 30 minutes before sunrise shall be limited to 28 lumens.
- e-4. Nighttime light trespass line shall not exceed 0.5 lumens at the property line.
- e-5. No sign shall cast direct light into the public right-of-way.
- e-6. No sign shall flash, blink, strobe or distract motorists.
- e-7. No sign shall interfere in any way with the clear visibility of any traffic control signal.
- e-8. Every sign shall be equipped with an automatic dimmer/shut-off mechanism to automatically dim illumination or shut the sign off if illumination limits are exceeded. Every sign shall also be equipped with a mechanism to freeze the display, display a static image or shut off the sign in case of display malfunction.

f. Any person aggrieved by a determination of the department of neighborhood services regarding compliance with par. e may request review by the department of neighborhood services. The request shall be made in writing on forms provided by the department of neighborhood services, and shall specify the grounds for administrative review. The request for administrative review shall be filed within 14 days of the determination.

f-1. The administrative review hearing shall occur within 10 days after receipt of the request.

f-2. The commissioner of neighborhood services, or the commissioner's designee, shall conduct the administrative review hearing. At the hearing, the aggrieved person and department staff shall present all information relevant to the determination.

f-3. Within 7 days of completion of the hearing conducted under this paragraph, the commissioner shall mail or deliver to the aggrieved person his or her written determination stating the reasons therefor.

f-4. If an aggrieved person is not satisfied by the decision reached by the commissioner, he or she may make further appeal to the board pursuant to s. 295-311-5.

LRB
APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____

Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____

..Requestor

..Drafter
LRB 158737-2
Aaron Cadle
June 19, 2015