

## ORDINANCE #320

### AN ORDINANCE ENTITLED “CONVERSION OF AN EXISTING NON-CONFORMING STATIC BILLBOARD LOCATED AT 57 HARTFORD TURNPIKE TO A DIGITAL DISPLAY,” REPEALING AND REPLACING ORDINANCE #319 ENTITLED “CONVERSION OF AN EXISTING NON-CONFORMING STATIC BILLBOARD LOCATED AT 51 HARTFORD TURNPIKE TO A DIGITAL DISPLAY”

BE IT ORDAINED by the Town of Vernon that Ordinance #319 of the Code of Ordinances of the Town of Vernon, is hereby repealed and replaced as follows:

#### **Conversion of an Existing Non-Conforming Static Billboard Located at 57 Hartford Turnpike to a Digital Display**

**Purpose and Intent:** This Ordinance allows for the conversion of an existing nonconforming static display highway-oriented billboard located at 57 Hartford Turnpike to a digital display billboard, in exchange for specific economic and community benefits described herein. In making said conversion, the size, height, number of advertising faces, and location of the existing billboard may not be changed in any way. No other static display billboards are authorized for conversion to digital display by this Ordinance and no new off-premises advertising billboards are permitted pursuant to this Ordinance.

**Definitions:** As used in this Chapter, the following terms shall have the meanings indicated:

“Highway-oriented” shall mean any billboard that is adjacent to an interstate highway and is designed to be viewed primarily by persons traveling on the main traveled way of the interstate highway.

“Billboard” shall mean a sign affixed to the ground as a permanent structure used for the display of off-premises advertising.

“Off-premises advertising” shall mean any advertisement that directs attention to a business, commodity, service or activity which is generally sold, offered or conducted elsewhere than upon the premises where the billboard is located.

“Digital display” shall mean a display of off-premises advertising using technology, such as LCD (Liquid Crystal Display) and LED (Light-Emitting Diode), to display images and text.

“Static display” shall mean a display of off-premises advertising that does not use a digital display.

**Requirements:** Notwithstanding any provision contained in the Town’s Ordinances or the Zoning Regulations to the contrary, the static display highway-oriented billboard located at 57 Hartford Turnpike may be converted into a digital display, without losing the sign’s nonconforming status, but only in the following circumstances and subject to the following conditions:

1. Digital Display Requirements:
  - A. The images and messages displayed on a digital display must have a minimum dwell time of at least eight (8) seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.
  - B. The transition or change from one message to another must occur in one (1) second or less and may not contain any animation or special effects.
  - C. The images and messages displayed must be complete in and of themselves within the required dwell time.
  - D. Digital display must be equipped with a default mechanism that freezes the display in one position or presents a static blank display if a malfunction occurs.
  - E. Digital display must be equipped with a light detector/photocell that automatically adjusts the display’s brightness according to natural ambient light conditions.

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- F. Light trespass from the digital display shall not exceed 0.3 foot-candles above ambient light levels at any given time of day or night, as measured from 250 feet from the sign face.
- G. The Town, through authorized emergency management personnel, and in furtherance of its police powers to protect public health, safety, and welfare, may request and require of the billboard owner the use of the digital display for emergency announcements, instructions and broadcasts. Upon notification, the billboard owner will use good faith and reasonable efforts to comply promptly and timely with such request to display, in appropriate sign rotations, Amber Alerts, severe weather alerts, emergency information and/or similar law enforcement emergency information.

#### 2. Operating Agreement Requirements:

The owner of the billboard being converted to digital display must enter into an Operating Agreement with the Town, which Operating Agreement is subject to review and approval by the Town Attorney and Town Council, and which Operating Agreement provides for all of the following:

- A. The payment of a one-time fee for the conversion of any static display face of the sign to a digital display, payable on or before issuance of any building permits;
- B. The provision of a minimum amount of advertising hours each month to the Town for public service announcements, emergency notifications and/or civic, nonprofit or other municipal programming;
- C. The provision of design services in connection with the Town’s advertising;
- D. Review and approval of the manner in which the digital content is displayed by the Town Engineer to ensure compliance with all applicable Town, State and Federal requirements and to ensure that lighting and the digital display does not constitute a nuisance or traffic hazard;
- E. Review and approval of any structural modifications to the sign necessary to accommodate the digital display by the Town Engineer to ensure:
  - (i) There is no increase the height of the sign, the number of advertising faces associated with the sign, or the size of the advertising face of the sign beyond the existing nonconformities contained in the existing nonconforming sign;
  - (ii) That the same shall comply with the applicable requirements of the State Building Code; and
  - (iii) That all ground mounted equipment shall be screened from view at street level.
- F. Requirements for the appropriate maintenance of the sign and all components thereof, including without limitation the digital display.
- G. Requirements governing digital display contained herein (e.g., dwell time, transitions, illumination/brightness, etc.) are subject to ongoing monitoring and future modification by the Town. If the same are modified by the Town, then the billboard owner shall be required to bring the digital display into compliance with all applicable digital display requirements upon any renewal of the Operating Agreement, as provided hereafter.
- H. The Operating Agreement shall be valid for a period of ten (10) years. The Operating Agreement may be renewed upon request of the billboard owner to the Town using the same requirements for approval of an Operating Agreement as contained in this Ordinance, or as may be modified or amended from time to time, with the exception of the payment of a new conversion fee. No new one-time conversion fee shall be required upon the renewal of the Operating Agreement. In the event the billboard owner fails to request a renewal, or in the event the billboard owner is unable or unwilling to comply with the requirements for a renewal contained in the Ordinance at that time,

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then the digital display shall be promptly removed upon the termination of the Operating Agreement and the billboard owner shall thereafter continue its right to maintain the existing nonconforming billboard as a static display only.

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