

ORDINANCE NO. 3-08  
CITY OF CENTERVILLE, OHIO

Sponsored by Council Member Doug Cline on the 21st day of April, 2008.

**AN ORDINANCE AMENDING ORDINANCE NO. 11-86, THE ZONING ORDINANCE OF THE CITY OF CENTERVILLE, OHIO TO REGULATE SIGNS THAT INCORPORATE AN ELECTRONIC MESSAGE CENTER IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 713 OF THE OHIO REVISED CODE.**

**PREAMBLE AND PURPOSE**

**WHEREAS**, The City of Centerville has enacted sign regulations within the Centerville Zoning Ordinance that protect the public health, safety, convenience, comfort, prosperity, and general welfare, respects citizen's need for self expression, track the objectives the courts view as legitimate, and assist the City in its ability to justify distinctions between legal and illegal signs, and

**WHEREAS**, The City promotes the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the City's expressed desire for quality development, and

**WHEREAS**, The City has evaluated these regulations as they apply to newer technologies including electronic message centers that also include light emitting diode (LED) displays, and

**WHEREAS**, The City has reviewed studies that evaluate the impact of electronic message centers on traffic safety; and

**WHEREAS**, The City has concluded that Electronic Message Center Signs that are visible to the public right-of-way will interfere with, obstruct, confuse and distract the attention of motorists.

**WHEREAS**, The City recognizes the need to incorporate these new technologies into its regulations enacting the above stated purposes.

**NOW THEREFORE**; The Municipality of Centerville hereby Ordains:

**Section 1.** Ordinance Number 11-86 passed on the 21st day of July, 1986 and as subsequently amended, be, and the same hereby is revised as follows with new language to be added in *italics* and text to be deleted in ~~strikeout~~ as provided in Section 5.02 of the Centerville Charter:

By amending Section 23, Signs, as follows:

A. Purpose

2. Protect the public health, safety, convenience, comfort, prosperity, and general welfare;;
3. *Show respect for citizens' need for self expression;*
4. *Promote the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with surrounding buildings and landscape, in order to meet the City's expressed desire for quality development;*
5. *Protect the public from a traffic safety concern by addressing driver fatigue, impairment, judgment, error, risk taking, and traffic violations that could occur from the distraction of electronic and changeable copy signs.*

C. Definitions

1. Nit - *The measurement of the amount of light a bulb produces. It is given in nits or one (1) candela per square meter (cd/m<sup>2</sup>). One (1) nit is equal to one (1) cd/m<sup>2</sup>. For purposes of this Ordinance, 5,000 Nits equals 464.5 candela per square foot and 1,000 Nits equals 92.9 candela per square foot.*

~~1-~~ 2. Building Frontage

3. Candela - *A candela is a lumen per steradian. It is used for "point" sources to calculate how much light is cast on a surface no matter where the surface is.*

4. Footcandle - *A measurement of light at an illuminated object. One footcandle is the illuminance at a point on a surface which is one foot from, and perpendicular to, a uniform point source of one candela. One (1) footcandle  $\approx$  10.8 lux.*

5. Lux - *The metric unit of measure for illuminance of a surface. One lux is equal to one lumen per square meter. One (1) lux equals 0.093 footcandles. For purposes of this Ordinance, one (1) lux equals one (1) nit of luminance.*

~~2-~~ 6. Sign

~~3-~~ 7. Sign Area

8. Sign, Changeable Copy - *A sign or portion of a sign where the message is able to be changed by electrical, mechanical, magnetism, or any other means.*

9. *Sign, Electronic Message Center - A sign or a portion of a sign that utilizes light emitting technologies including, but not limited to, television screens, plasma screens, digital screens, holographic displays, and LED (light emitting diode) technology on any portion of a sign face to display a message except as prohibited in the Section 23 E, Prohibited Sign Characteristics of this Zoning Ordinance.*

~~4.~~ 10. Sign Face

~~5.~~ 11. Sign Height

~~6.~~ ~~Sign Permanent~~ 12. *Sign, Permanent - A sign permitted by this Ordinance to be located on a premises for an unlimited period of time.*

~~7.~~ ~~Sign Temporary~~ 13. *Sign, Temporary - A sign permitted by this Ordinance to be located on a premises for a limited period of time.*

14. *Sign, Vehicle Mounted - A sign attached to or placed on a vehicle, including automobiles, trucks, boats, campers, and trailers which is parked on or otherwise utilizing a public right-of-way, public property or on private property in a manner to convey visible information to or attract the visual attention of a person in a public right-of-way for the basic purposes of providing advertisement for products or services or directing people to a business or activity. Vehicle Mounted Signs shall not mean the following:*

a. *Any vehicle displaying an advertisement or business notice of its owner, so long as the advertising devices are attached to and within the normal unaltered lines of the vehicle and the vehicle is engaged in the usual business or regular work of the owner, and not merely, mainly, or primarily used to display advertising;*

b. *Busses or other forms of public transportation;*

c. *Taxicabs.*

E. Prohibited Signs and Sign Characteristics

~~5.~~ ~~Any sign which conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer shall be prohibited.~~

5. *Any sign with visible moving, revolving, rotating parts, visible mechanical movement or conveys at any time the visual sensation or appearance of motion, or presents a non-constant visual image to the eye of an observer shall be prohibited.*

12. *A vehicle mounted sign shall be prohibited.*

F. General Provisions

11. *Static, fixed message*

*A sign must convey a static, fixed message. A static, fixed message under the provisions of this ordinance means a sign message must remain as a constant visual image for at least ten (10) minutes.*

12. *Electronic Message Center, Illumination*

- a. *The message area of an electronic message center emit illumination up to but not exceeding intensity levels of five thousand (5,000) nits during daylight hours and one thousand (1,000) nits during nighttime hours for white illumination.*
- b. *An Electronic Message Center shall have illumination dimming technology to assure daytime and nighttime levels are not exceeded.*
- c. *All illumination levels shall be pre-set by the manufacturer not to exceed the illumination levels stated above and is protected from end-used manipulation of illumination levels by software or other means approved by the Director of Development or appointed Designee. Manufacturer certification shall be required as a part of a sign permit request for an Electronic Message Center.*

~~11.~~ 12. *Directional Signs*

- f. *A wall mounted directional sign may be placed at the entrance to any drive-thru window.*

~~12.~~ 13. *Ground Signs*

~~13.~~ 14. *Projecting Signs*

~~14.~~ 15. *Wall Signs*

~~15.~~ 16. *Temporary Signs*

- d. *A sign having an electronic message center shall be prohibited.*

H. Signs Permitted for Residential Uses

2. *Multi-Family Residential Use*

a. *General*

- ~~1) — Each sign may be illuminated with the exception that no temporary sign may be illuminated.~~

- 1) *No sign shall be internally illuminated. Only external artificial light sources directing light to the sign face shall be permitted.*
  - a) *The color of any energized lamp used shall be white or yellow.*
  - b) *Light fixtures shall be positioned in a manner that focuses light onto a sign face to prevent glare to persons off-premises and the fixture lens or bulb shielded from public view.*
- 2) *A sign having an electronic message center shall be prohibited.*

I. Signs Permitted for Business, Industrial, or Other Non-Residential Uses (Excluding the Architectural Preservation District)

1. General Provisions

- c. *A sign may include an electronic message center subject to the following requirements:*
  - 1) *The sign must be located in a non-residential zoning district.*
  - 2) *The electronic message center shall be limited to a maximum of twenty-five percent (25%) of the sign face area not to exceed twelve (12) square feet in area.*
  - 3) *Light emitted from the electronic message center shall be limited to a single illuminated copy color and a single, non-illuminated background color.*
  - 4) *The surface area of the remaining portion of the sign face shall be a solid and opaque surface.*
  - 5) *A sign having an electronic message center shall only be placed along the frontage of a thoroughfare street as defined by the Centerville Thoroughfare Plan.*

J. Signs Permitted for the Architectural Preservation District (APD)

6. General Provisions (APD)

- ~~d. No sign shall use changeable letters.~~
- d. *Changeable copy signs shall be prohibited.*

e. *A sign having an electronic message center shall be prohibited.*

By amending Section 36, Separability, as follows:

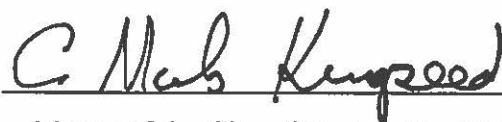
Section 36. Separability Clause

~~Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.~~

*Each chapter, section, paragraph, sentence, clause, phrase or other divisible part of this Ordinance is hereby declared to be severable. If any such chapter, section, paragraph, sentence, clause, phrase, or other divisible part of this Ordinance is declared unconstitutional or otherwise invalid (by any court of competent jurisdiction in a valid judgment or decree), such unconstitutionality or invalidity shall not affect any of the remaining chapters, sections, paragraphs, sentences, clauses, phrases, or other divisible parts of this Ordinance.*

**Section 2:** This Ordinance shall become effective at the earliest date allowed by law.

PASSED THIS 21st day of April, 2008.



Mayor of the City of Centerville, Ohio

ATTEST:

*Debra A. James*  
Clerk of Council  
City of Centerville, Ohio

**CERTIFICATE**

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 3-08, passed by the Council of the City of Centerville, Ohio on the 21st day of April, 2008.

Debra A. James  
Clerk of Council

Approved as to form, consistency  
with existing ordinances, the  
charter and constitutional  
provisions.

Department of Law  
Scott Liberman,  
Municipal Attorney