

ORDINANCE NO. 4063-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA AMENDING CHAPTER 90, ZONING, ARTICLE 16, SIGNS; SECTION, 90-16-07.G, DIGITAL STANDARD FOR SIGNS, BY AMENDING SECTION 90-16-07.G.(4)., DISPLAY; PROVIDING FOR REPEALER, SEVERABILITY AND, CODIFICATION.

WHEREAS, more businesses within the City of Muskogee desire to utilize advancements in technology which permit signs to change copy electronically; and

WHEREAS, these newer technologies pose additional risks impacting the safety of the citizens of Muskogee and potentially adversely impacting adjacent areas; and

WHEREAS, digital signs may negatively dominate the environment in which they operate unless regulated in a reasonable fashion; and

WHEREAS, regulations for digital signs which utilize newer technologies will minimize the negative impact that accompany the unregulated display of digital signs; and

WHEREAS, regulating the display of digital signs will preserve the character, protect property values, and reduce traffic hazards caused by undue distractions; and

WHEREAS, the purpose of this Ordinance is to promote the health, safety and general welfare of the public; and

WHEREAS, the City of Muskogee finds that there is a public benefit to amending the regulations for digital signs.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:

Section 1. The City of Muskogee Code of Ordinances, Chapter 90, Zoning, Article 16, Signs, Section 90-16-07, Commercial and Industrial District Sign Regulations are hereby amended by creating Section 90-16-07.G. Digital Standard for Signs.

Section 90-16-07.G. Digital Standards for Signs.

- (1). Purpose and Intent. More businesses desire to utilize advancements in technology which permit signs to change copy electronically (for example, utilizing pixel imagery), including but not limited to LED, electronics, digital, video, or like image technology signs. These newer technologies pose additional risks of impacting adjacent areas and adversely dominating the environment in which they operate unless regulated in a reasonable fashion. The intent of this section is to establish operating standards and regulations for signs which utilize these newer technologies in order to minimize the secondary effects that often accompany the unregulated display of digital signs, preserve the character, protect property values, and reduce traffic hazards caused by undue distractions.

- (2). Definition. For the purpose of this Section the word “digital” shall mean and include any pixel-based or like technology used to display and/or change the image and/or copy on a sign by electronic, digital, LED, video, or similar technological means.
- (3). Location.
 - a. Digital signs shall be allowed only in C-2, C-3, I-1, I-2, and P Districts, or lots that abut the Highway Commercial District.
 - b. Digital signs shall only be allowed within the CBD and C-1 Districts upon approval from the Board of Adjustment.
 - c. Digital signs located on or attached to a parked vehicle shall comply with all of the regulations within Section 90-16-07.G. (Digital Standards for Signs).
 - d. Digital signs located on or attached to vehicles or trailers, while in motion shall only be required to comply with Section 90-16-07.G.(4). Display
 - e. Digital signs for churches and schools that are not located within a Commercial District, Industrial District or the Highway Commercial District will be allowed with the following conditions.
 - (i). Digital signs shall comply with Section 90-16-07.G.(4). Display; and
 - (ii). Signs shall not be displayed between the hours of 10:00 p.m. and 6:00 a.m.; and
 - (iii). The maximum area allowed shall be fifty-four (54) square feet per sign area; and
 - (iv). Digital signs shall comply with all other relevant regulations and ordinances adopted by the City of Muskogee.
- (4). Display.
 - a. A digital sign shall not allow any single display, advertisement, or message to change more frequently than once every six (6) seconds, with a transition period (between each display) of one second or less.
 - b. The maximum brightness levels for a digital sign shall not exceed forty (40) foot-candles as measured at a distance of eight (8) feet from the base of the sign, between sunset and sunrise. Certification must be provided to the City of Muskogee demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower.

- c. Digital sign illumination measurement criteria.
 - (i). All measurements shall be taken from a distance of eight (8) feet from the base of the sign.
 - (ii). All digital signs shall be equipped with a sensor or other device that automatically adjusts the sign to comply with the forty (40) foot candle measurements. Certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City at its reasonable discretion, at the owner's expense, to ensure that the specified brightness levels are maintained at all time.
 - (v). Existing digital signs may use a timer, photocell or other means to adjust the brightness to comply with Section 90-16-07.G.(4).c.(iv). Timers shall be set to lower the brightness from thirty (30) minutes before sunset to thirty (30) minutes after sunrise throughout the year. If the sign owner fails to adjust the settings on the timer to comply with said time, the owner will be required to install a sensor or other device that automatically adjusts the sign to comply with Section 90-16-07.G.(4).b.
- (5). Size and Other Requirements. The use, size, height and location of digital signs shall comply with all other relevant regulations and ordinances adopted by the City of Muskogee.

Section 2. CODIFICATION. Chapter 90, Zoning, Article 16, Signs, Section 90-16-07.G., Digital Standards for Signs set forth in this ordinance is hereby codified as Chapter 90, Zoning, Article 16, Signs, Section 90-16-07.G., Digital Standards for Signs in the City of Muskogee Code of Ordinances.

Section 3. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 28th DAY OF JANUARY, 2019.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(Seal)

Approved as to form and legality this _____ day of _____, 2019.

ROY D. TUCKER, CITY ATTORNEY