

Town Of Homer
Draft Law
I-81 BILLBOARD OVERLAY DISTRICT

I. **Statement of Intent/Purpose**

- a. To establish standards for the regulation of an Interstate -81 billboard overlay district in the Town Of Homer.
- b. To recognize Interstate 81, with its average 31,000 vehicle traffic counts per day, with future estimates increasing, which travel through the five Cortland County Exits, as a significant marketing source for increased commerce through the county. *(Source: NYSDOT Traffic Data Viewer Website. 2019 Traffic Data)*. Additionally , the Homer and Preble exits provide increased traffic as daily commuters head to work in Ithaca and then home.
- c. To recognize that Billboards are, by their nature, different in scope and purpose from other types of signage in the Town. Interstate-81 Billboards also advertise or communicate goods, services or messages not conducted, sold, or generated on the lot where the Billboard is located.
- d. To recognize that Billboards are significantly larger in size than other types of signage allowed in the Town and their principal purpose is to dramatically attract the attention of the travelling public on Interstate 81
- e. To recognize the potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Recently, more local businesses, non-profits, event centers, desire to utilize advancements in technology which permit signs (including Billboards) to change messages electronically, and with more frequency. *(Source-Cortland County Chamber of Commerce)*
- f. To recognize newer technologies can increase the potential impact of a Billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent is to establish size, location and operating standards and regulations for Billboards, including addressing those utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs.
- g. To recognize the potential financial impact to approximately 1,000 businesses, 8 destination event centers, the Town of Homer, the Village of Homer, and the County of Cortland, as a place to stop, visit, stay & enjoy all that the county has to offer. Businesses and municipalities alike are working together to promote the county as a place to live and raise a family. Being within the driving radius of the future Micron development *(Source-Syracuse.com 03/06/2023- Tim Knauss)*, we can seize the opportunity to showcase all that the Town of Homer and County of Cortland have to offer at the same time as bringing in outside dollars into the county, increasing sales tax proceeds, and potentially reducing the tax burden to the residents of the Town of Homer and the County of Cortland.
- h. To recognize that the majority(**insert percentage**) of the revenue for the Town of Homer annual budget is Sales tax revenue, supplemented by property tax levy.
- i. To comply and adhere to Federal and state Laws enacted under federal law (23 USC 131) (23 CFR 750) and New York State implemented rules found under title 17 NYCRR part 150

NEEDS WORK —

Should be in
Section 13?

2. Definitions

BILLBOARD	Any Single or double-faced Billboard having back to back surface display areas, no part of which is more than two (2) feet apart, is considered to be a single Billboard
STATIC BILLBOARD	A billboard which need definition
DIGITAL BILLBOARD	A Billboard which incorporates, in whole or in part, an Electronic Message.
ELECTRONIC MESSAGE	A Billboard or Freestanding Sign, or portion thereof, that can be electronically changed by remote or automatic means, or that appears to change or have movement caused by any method other than manually removing and replacing the Billboard or its components.
FREESTANDING SIGN	A sign not attached to or part of a building but separate by itself and supported by one or more uprights, braces or other structural elements in or upon the ground.
SIGN FACING	The surface of the sign on, against, or through which the message of the sign is exhibited.
SIGN AREA	The sign surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign
STANDARD ILLUMINATED SIGNS	Signs or individual letters in which an artificial source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.
DIGITAL ILLUMINATION SIGN	Need Definition?
SIGN STRUCTURE	The supports, uprights, bracing, and framework for the sign. In the case of a SIGN STRUCTURE consisting of two or more sides where the angle formed between any of the sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate

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3. Locations

- a. Billboards shall be limited to property with physical frontage on Interstate- 81 in business, commercial, and industrial districts that meets the requirements of Federal law (23 USC 131) (23 CFR 750 and New York State implemented rules found under title 17 NYCRR part 150.
- b. Billboards erected to be visible to travelers on interstate 81 shall be no further than 300 feet from the highway boundary of interstate 81 at a point perpendicular to the centerline of the highway.
- c. Billboards shall not be erected within 500 feet of an interchange, intersection, safety rest stop, or information center.

VERIFY SOURCE →

- d. Billboards shall not be erected within 400 feet from any habitable residential structure.
- e. Billboards located on top of, cantilevered over or otherwise suspended above any building or structure are prohibited.

4. Spacing

- a. Not more than three (3) Billboards may be located per linear mile regardless of the fact that such Billboards may be located on different sides of the roadway. The linear mile measurement shall not be limited to the boundaries of the Town where the particular roadway extends beyond such boundaries.
- b. Insert NYS DOT separation regs here for digital separation requirements?

more needed

5. Height

- a. The height of the Billboard shall not exceed fifty (50) feet above the highest level of the roadway upon which the Billboard faces or to which the message upon the Billboard is directed. In the event that the Billboard is situated upon two roadways having different levels, the height of the Billboard shall be measured from the higher roadway. A Billboard's height, for purposes of this Section, shall be measured from the natural grade at the base of the sign structure to the highest point of the sign structure.

6. Sign Area

- a. The Sign area (messaging component) of any side of a Billboard shall not exceed seven-hundred (700) square feet.
- b. Tandem or stacked Billboards are prohibited.
- c. Vee style Billboards are permitted.
- d. Billboards exceeding four-hundred forty (440) sq. feet in area may not be double-faced, abutting and facing the same direction. Any Billboard with a single sign face divided into separate advertisements, and any Billboards which stand flush to one another () shall be considered double-faced.

7. Illumination

- a. Billboards with standard illumination shall be equipped with a timer so as to only illuminate such Billboard for the time period between one half-hour prior to sunset and one half hour after sunrise.
- b. Billboards with Standard illumination light shall have appropriate shielding directing the light to the sign and reducing spill over.
- c. All Digital illumination Billboards shall be equipped with a light sensor mechanism to automatically adjust the level of brightness in response to ambient light conditions, and to produce a response to the changes in ambient light conditions at all times day or night.
- d. Electronic Messages shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the Billboard owner must immediately stop the electronic message when notified by the Town that it is not complying with the standards of this section. Prior to issuing any necessary permits for an Electronic Message, the applicant shall submit to the Town written verification from the manufacturer that the Digital Billboard is so designed and equipped.
- e. Digital Billboards shall also be equipped with a means to immediately turn off the Electronic message display or lighting if they malfunction, creating a safety hazard or distraction, and the Billboard owner or agent shall immediately turn off the Electronic Messages or lighting when notified by the Town that it is not in compliance with this local law.

Duplicate

- f. The maximum brightness levels of all Billboards shall not exceed .3 (three tenths) foot-candles over ambient light levels measured within one-hundred fifty (150) feet of the source. (*Source: Outdoor Advertising Association of America (OAAA) Dr. Ian Lewin) (American Sign Association)*)
- g. Electronic Images and Messages.

1. Digital Billboards shall contain only a single, contiguous Electronic Message on each Billboard face.
2. Images and messages displayed on Digital Billboards shall be static or still images. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion or moving objects is prohibited.
3. Sequential messaging as part of an Electric Message is prohibited. The images and messages displayed on all Digital Billboards shall be complete within themselves without continuation in content to the next image or message or to any other Billboard.

8. Size.

1. Every line of copy and graphics in an Electronic Message shall be at least twelve (12) inches in height. If there is insufficient room for copy and graphics of this size within the actual copy and graphic area of a Billboard, then no Electronic Message shall be permitted

9. Duration.

1. The display or message on a Digital Billboard may change no more frequently than once every eight (8) seconds. (*Source: international sign association*)
2. The transition from one digital billboard image or message to another shall be instantaneous, without delay or special effects.

10. Emergency Alert notification MOA.

1. Emergency Management Public Communication
2. Digital Billboards shall be made available to the county emergency management and or other authorizing emergency agencies such Fema IPAWS or NYAlert or Amber Alerts that issues emergency declarations under a memorandum of understanding by both parties.

11. Construction and Maintenance

- i. A Billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes, and be stamped by a qualified certified engineer.
- ii. The minimum design load of wind force shall be 35psi, and the hole depth shall be clearly stated in on the stamped engineered plans
- iii. A Billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
- iv. A visual inspection for structure worthiness shall be performed by the Town of Homer Code Officer or licensed certified engineer and shall be submitted to the Town of Homer code office every 5 years.

more work

meet with code officer to review

12. Permitting documents

Discuss with
Code

- a. Prior to submitting a permit, The Town of Homer shall require an authorized OUTDOOR ADVERTISING APPLICATION AND PERMIT (currently form ROW375) from NYSDOT Form in the form of a permit and also a Town of Homer building permit application.

13. Other Applicable Laws

Duplicate?

1. A Billboard must comply with all applicable provisions of Federal and State law, and all other relevant regulations and ordinances of the Town.

14. Validity

1. If any part or provision of this local law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the Town Board. The Town of Homer hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

15. Repeal.

1. All ordinances, local laws and parts thereof inconsistent with this Local Law are repealed.

16. Effective Date.

1. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of New York State's Municipal Home Rule Law.

List of Sources:

American Sign Council
NYDOT Traffic viewer Website
NYS variable message guidelines Office of traffic and safety 2018
National Institute of Health, Impact of billboards on driver visual behavior
Daktronics
Outdoor Advertising Association Of America
Syracuse.com
Chamber of Commerce, Bob Haight
Homer Business Association, Don Richards
NYALERT
FEMA- IPAWS notification
International sign association-
Various towns similar
Chief of Police Homer Robert Pitman

To do:

Consult with Code on Tools for compliance

Does this law require GML 239-m referral? What documentation should be requested?

Detail prerequisite approvals needed by DOT or Highway how to write verbage
TO ACCOMPANY PERMIT REQUEST

Courtney Metcalf emergency management MOA? County Chair?

Additional wordage needed when converting standard to digital signage to require the NYSDOT electronic sign

Definitions need more

DRAFT