

# CITY OF CLAYTON, OHIO

ORDINANCE NO. O – 01 - 14 - 01

**AN ORDINANCE AMENDING CLAYTON CODIFIED ORDINANCE CHAPTER 1179 TO INCLUDE A NEW SECTION 1179.14 ENTITLED, “DIGITAL SIGNS” AND AMENDING CLAYTON CODIFIED ORDINANCE SECTION 1179.02(d) AND SECTION 1179.05 (f)**

**WHEREAS**, City staff has reviewed Clayton Codified Ordinance Chapter 1179 entitled, “Signs” and recommends revision thereto in order to allow digital signs in the following districts within the City: O-S, GB, HS, I and PD; and

**WHEREAS**, Council desires to adopt the recommendations of City staff to amend Clayton Codified Ordinance Chapter 1179 entitled, “Signs” so as to allow digital signs in the following districts within the City: O-S, GB, HS, I and PD.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That Chapter 1179 of the Clayton Codified Ordinances is hereby amended to include the following Section 1179.14 as follows (additions are in **bold**):

**1179.14 DIGITAL SIGNS.**

**(a) Digital signs are permitted in only the following districts as part of a freestanding, permanent, ground-mounted sign: O-S, GB, HS, I, PD provided that:**

- (1) The electronic message board component of a sign shall not exceed fifty (50) percent of the total area of the sign face.**
- (2) The minimum display period for electronic messaging shall be twenty (20) seconds and the change sequence must be accomplished by instantaneous re-pixelization.**
- (3) The message shall not flash, move, scroll, or contain animation of any kind.**
- (4) Undue brightness is prohibited. “Undue brightness” is construed to mean illumination of a white portion of the sign in excess of the following intensity levels: Day: 5,000 nits; Night: 1,000 nits. The sign must be dimmed to 1,000 nits from 30 minutes before sunset until 30 minutes before sunrise. To ensure compliance, prior to issuance of a permit for a digital sign, the applicant shall provide**

**written certification from the sign manufacturer that the light intensity does not exceed the levels specified above.**

- (5) Digital signs are not to be located within one-hundred (100) feet of a residential structure.**
  - (6) Digital signs shall not project audio of any kind.**
  - (7) There shall be no more than one (1) digital sign per property.**
  - (8) In the event of a malfunction or failure, the digital sign must be repaired within twenty-four (24) hours. If the digital sign cannot be repaired within twenty-four (24) hours, then it must be deactivated completely until repairs are completed.**
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2. That Section 1179.02 (d) of the Clayton Codified Ordinances is hereby amended to read as follows (additions are in **bold**):

1179.02 GENERAL PROVISIONS

...

(d) No sign shall have animation, moving parts, flashing lights or changing colors, except part of a sign, which by means of changes in copy or moving parts, indicates time or temperature. Signs may be illuminated by either external or internal sources of light. However, no illuminated sign shall be permitted, any part of which flashes on or off or displays changing degrees of intensity. This regulation applies to signs located outside buildings and to window signs inside buildings which are meant to be seen from the outside. **This regulation does not apply to digital signs as permitted in Section 1179.14. Digital signs permitted by Section 1179.14 are governed by the restrictions specified therein.**

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3. That Section 1179.05 (f) of the Clayton Codified Ordinances is hereby amended to read as follows (additions are in **bold**):

1179.05 PROHIBITED SIGNS

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(f) All blinking, flashing, or intermittent lighting is prohibited, **except to the extent permitted in Section 1179.14.**

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4. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.
  5. That in accordance with Clayton Charter Section 4.031 the requirement that this enactment be read on two (2) separate days is complied with by readings on January 16, 2014 and February 6, 2014.
  6. That in accordance with Clayton Charter Section 4.031(H) this enactment shall become effective thirty days after its second reading and enactment.

ADOPTED BY COUNCIL ON FEBRUARY 6, 2014.

AUTHENTICATION:

  
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Mayor (Presiding Officer of Council)

  
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Clerk of Council

APPROVED AS TO FORM:

  
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Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper                      Date of publication  
Englewood Independent      Feb. 13, 2014

  
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CLERK