

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
86-35 (COR)	Tina Rose Muña Barnes	AN ACT TO ADD § 61541(f) AND A NEW § 61547 BOTH TO ARTICLE 5, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXTERIOR ON-PREMISE SIGNAGE IN H-RESORT ZONES AND DEFINING DIGITAL SIGNAGE.	4/12/19 4:46 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 86 -35 (COR)

Introduced by:

Tina Rose Muña Barnes ✓

AN ACT TO ADD § 61541(f) AND A NEW § 61547 BOTH TO ARTICLE 5, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXTERIOR ON-PREMISE SIGNAGE IN H-RESORT ZONES AND DEFINING DIGITAL SIGNAGE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that Guam’s sign law does not address signage in the H-Resort zone, which is heavily where the island’s tourism industry exists. It is vital that modern signage techniques be permitted, which are prevalent at competing tourist destinations, while reflecting the scale and character of Guam’s own attractiveness as a destination for visitors.

This legislation does not authorize any bypassing process when it comes to an entity going through the standard process of securing a building and occupancy permit, prior to erecting an exterior sign. The legislation also focuses on exterior on-premise signage, to avoid an overly abundant degree of signage in our tourism zones.

It is also vital to clearly define “Digital Signs” in the same capacity as identified by the United States Signs Council (USSC), in their creation of the “Model Sign Code”, which establishes sign code regulations for various land uses,

2019 APR 12 PM 4:46
Jm

1 including the number to be established, size, lighting and location. This legislation
2 does not recreate any new wheels, rather defines the characteristics of digital signs,
3 as they are utilized in many other resort zones nationally, while assuring that they
4 exist within the codes established on Guam.

5 **Section 2.** §61541(f) of Chapter 61, Title 21, Guam Code Annotated is
6 hereby *added* to read as follows:

7 “(f) In H-Resort zones no exterior signs shall be erected, displayed, or
8 maintained except for signs indicating the name of a person, the type of
9 business occupying the premises, or the name of the building or advertising
10 relating to products and services and sales within the premise, provided that:

11 (1) individual signs shall be non-flashing but may be audible
12 and may be moving or changing. Moving or changing signs are digital
13 signs, as defined in § 61547. On-premise signs *do not* constitute a
14 form of outdoor lighting at night, and are exempt from any other
15 outdoor lighting regulations that the Department of Public Works
16 Building Official has adopted, or will adopt in the future, including
17 the Guam Tropical Energy Code.

18 (2) Individual digital signs *may* be placed flat on the building
19 wall or behind a window or clear covering on the building wall, shall
20 not be higher than the roof line of the building, and *shall* project no
21 further than eighteen (18) inches from the wall to which they are
22 attached.

23 (3) Individual digital signs *shall* not be included in calculations
24 to determine the allowable signage area on a façade.

25 (4) Digital signs, as identified in this Chapter, *shall be* subject
26 to be Department of Public Works building permit process and may

1 be erected and operated *only after* a building permit and an occupancy
2 permit are issued.”

3 **Section 3.** A new § 61547 is added to Article 5 of Chapter 61, Title 21,
4 Guam Code Annotated, to read:

5 **“§ 61547. Digital Signage – Defined.**

6 (a) Digital signage is any device, visible from a public place, whose
7 essential purpose and design are to convey either commercial or
8 noncommercial messages by means of graphic presentation of alphabetic or
9 pictorial symbols or representations. Digital signage is a category
10 of electronic signage in which displays use technologies such as LCD, LED,
11 projection and e-paper to display digital images, video or text. Digital
12 signage can be used as a network of electronic displays that are centrally
13 managed and individually addressable for the display of text, animated
14 and/or video messages for advertising, information, entertainment and
15 merchandising to targeted audiences.

16 (b) Digital signage *may* include animated signs which employ actual
17 motion, the illusion of motion, or light and/or color changes achieved
18 through mechanical, electrical, or electronic means and be electrically
19 activated by means of electronic, electrical, or electromechanical input
20 and/or illumination capable of simulating movement through employment of
21 the characteristics of patterned illusionary movement characterized by
22 simulated movement through alternate or sequential activation of various
23 illuminated elements for the purpose of producing repetitive light patterns
24 designed to appear in some form of constant motion.

25 (c) Digital signage *may* include changeable signs with the capability
26 of content change by means of remote input whose message, copy or content
27 can be changed by means of remote, electrically energized on-off switching

1 combinations of alphabetic or pictographic components arranged on a
2 display surface. Illumination may be integral to the components, such as
3 characterized by lamps or other light-emitting devices; or it may be from an
4 external light source designed to reflect off the changeable component
5 display.

6 (d) Digital signage is generally illuminated by the use of artificial
7 light projecting through its surface.

8 (e) Digital signage may be multiple-faced signs containing two (2) or
9 more faces.

10 (g) Digital signage may be audible but not to exceed seventy-five (75)
11 decibels.

12 (h) Digital signage shall only be used on on-premise signs which are
13 erected, maintained or used in the outdoor environment, or visible from the
14 outside environment, for the purpose of the display of messages appurtenant
15 only to products or services sold on the premise on which the digital sign is
16 displayed and for Public Service Announcements.

17 (i) Digital signage shall not have a sign face exceeding one hundred
18 and sixty-five (165) square feet with a ratio of sign height to sign length not
19 in excess of 1:2.5. For purposes of these dimensions, sign face is the surface
20 against or through which the sign copy is displayed or illustrated, not
21 including structural supports, architectural features of a building or sign
22 structure, nonstructural thematic or decorative trim, or any areas that are
23 separated from the background surface upon which the sign copy is
24 displayed by a distinct delineation, such as a reveal or border and:

25 (1) in the case of panel or cabinet type signs, the sign face shall
26 include the entire area of the sign panel, cabinet or face substrate upon
27 which the sign copy is displayed or illustrated, but not open space

1 between separate panels or cabinets; and

2 (2) in the case of sign copy enclosed within a painted or
3 illuminated border, or displayed on a background contrasting in color
4 with the color of the building or structure, the sign face shall comprise
5 the area within the contrasting background, or within the painted or
6 illuminated border.

7 (j) Digital signage shall not have a sign face smaller than forty (40)
8 square feet with a ratio of sign height to sign length not in excess of 1:2.5.

9 (k) Any one premise may have up to two (2) digital signs. For
10 purposes of this Section, premise shall mean land and the structures on it and
11 operated as one business entity, regardless whether the land is owned or
12 leased or whether the land is a single or multiple lots.

13 (l) Digital signage shall be generally characterized by the following
14 terms: Display Time, Dissolve, Fade, Dynamic Frame Effect, Frame, Frame
15 Effect, Scroll, Transition, and Travel.

16 (1) Display Time- The amount of time a message and/or graphic
17 is displayed.

18 (2) Dissolve- A mode of message transition accomplished by
19 varying the light intensity or pattern, in which the first message
20 gradually appears to dissipate and lose legibility with the gradual
21 appearance and legibility of the second message.

22 (3) Fade- A mode of message transition accomplished by
23 varying the light intensity, where the first message gradually reduces
24 intensity to the point of not being legible and the subsequent message
25 gradually increases intensity to the point of legibility.

26 (4) Dynamic Frame Effect- A frame effect in which the illusion
27 of motion and/or animation is used.

1 (5) Frame- A complete, static display screen.

2 (6) Frame Effect- A visual effect applied to a single frame.

3 (7) Scroll- A mode of message transition in which the message
4 appears to move vertically across the display surface.

5 (8) Transition- A visual effect used to change from one
6 message to another.

7 (9) Travel- A mode of message transition in which the message
8 appears to move horizontally across the display surface.

9 (m) For purposes of this Section, digital signage is not Electronic
10 Message Signage, generally defined as a free-standing sign that changes
11 messages by any electronic process or remote control and generally displays
12 messages about other off-premise businesses.

13 (n) Sign luminance refers to the amount of light falling upon a real or
14 imaginary surface, commonly called “light level” or “illumination”, and is
15 measured in foot candles (lumens/square foot). One (1) foot candle is equal
16 to one (1) lumen per square foot and can be measured by means of an
17 luminance meter. Signs may be illuminated consistent with the following
18 standards:

19 (1) Any permitted digital sign may be illuminated at night.
20 Signs that are illuminated at night may not exceed a maximum
21 luminance level of seventy (70) foot candles, regardless of the method
22 of illumination.

23 (2) Signs that have external illumination, whether the lighting is
24 mounted above or below the sign face or panel, shall have lighting
25 fixtures or luminaries that are fully shielded.

26 (3) All illuminated signs shall comply with the maximum
27 luminance level of seventy (70) foot candles at least one-half hour

1 before Apparent Sunset, as determined by the National Oceanic and
2 Atmospheric Administration (NOAA), US Department of Commerce,
3 for Guam. All illuminated signs must comply with this maximum
4 luminance level throughout the night, if the sign is energized, until
5 Apparent Sunrise, as determined by the NOAA, at which time the sign
6 may resume luminance levels appropriate for daylight conditions,
7 when required or appropriate.

8 (o) Digital signs shall be properly maintained. Damaged or non-
9 functional digital signage shall be repaired within ninety (90) days, or the
10 permitted will be issued a Notice of Violation by the Building Official from
11 the Department of Public Works.”

12 **Section 4. Severability.** If any provision of this Act or its application to any
13 person or circumstance is found to be invalid or contrary to law, such invalidity
14 *shall not* affect other provisions or applications of this Act that can be given effect
15 without the invalid provision or application, and to this end the provisions of this
16 Act are severable.

17 **Section 5. Effective Date.** This Act *shall* become effective immediately
18 upon enactment.