

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. | 5/2/19 | Committee on Health, Tourism, Historic Preservation, Land, and Justice | 5/21/19 3:00 p.m. | 6/3/19 10:30 a.m. | Request: 5/3/19 Fiscal Note Waiver: 5/30/19 | 10/28/19 As amended by the Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit; and substituted on the floor |
| | | | | 5/8/19 | Re-REFERRED: Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit | | | | |

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

Bill No. 86-35 (COR)

As amended by the Committee on Public Safety,
Border Safety, Military and Veteran Affairs,
Mayors Council, Infrastructure, and Public Transit;
and substituted on the Floor.

Introduced by:

Tina Rose Muña Barnes

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

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

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

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

1 uses, including the number to be established, size, lighting, and location. This
2 legislation defines the characteristics of digital signs, as they are utilized in many
3 other resort zones nationally, while assuring that they exist within the codes
4 established on Guam.

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

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 signs
10 displaying messages appurtenant to the use of, products sold on, or the sale or
11 lease of, the property on which it is displayed, and for public service
12 announcements, provided that:

13 (1) signs may be placed flat on the building wall or behind a
14 window or clear covering on the building wall, shall not be higher than
15 the roof line of the building, and shall protrude no farther than eighteen
16 (18) inches from the wall to which they are attached; and

17 (2) digital signs erected, displayed, or maintained in the H-
18 Resort-Hotel zone shall comply with the provisions of this Subsection
19 and § 61547 of this Chapter.”

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

22 **“§ 61547. Regulation of Digital Signs.**

23 **(a) Definitions.**

24 (1) animated sign means a sign employing actual motion, the illusion
25 of motion, or light and/or color changes achieved through mechanical,
26 electrical, or electronic means. Animated signs, which are

1 differentiated from changeable signs as defined and regulated by this
2 Section, include the following types:

3 (A) environmentally activated animated signs or devices
4 are motivated by wind, thermal changes, or other natural
5 environmental input, such as spinners, pinwheels, pennant
6 strings, and/or other devices or displays that respond to naturally
7 occurring external motivation.

8 (B) mechanically activated animated signs are
9 characterized by repetitive motion and/or rotation activated by a
10 mechanical system powered by electric motors or other
11 mechanically induced means.

12 (C) electrically activated animated signs produce the
13 illusion of movement by means of electronic, electrical, or
14 electromechanical input and/or illumination capable of
15 simulating movement through employment of the characteristics
16 of one or both of the classifications noted below:

17 (i) flashing - animated signs or animated portions of
18 signs whose illumination is characterized by a repetitive
19 cycle in which the period of illumination is either the same
20 as or less than the period of non-illumination. A cyclical
21 period between on-off phases of illumination exceeding
22 four (4) seconds shall not constitute flashing.

23 (ii) patterned illusionary movement - animated
24 signs or animated portions of signs whose illumination is
25 characterized by simulated movement through alternate or
26 sequential activation of various illuminated elements for

1 the purpose of producing repetitive light patterns designed
2 to appear in some form of constant motion.

3 (2) *changeable sign* means a sign with the capability of content change
4 by means of manual or remote input including the following types:

5 (A) manually activated – changeable sign whose message
6 copy or content can be changed manually on a display surface.

7 (B) electrically activated - Changeable sign whose
8 message copy or content can be changed by means of remote
9 electrically energized on-off switching combinations of
10 alphabetic or pictographic components arranged on a display
11 surface. Illumination may be integral to the components, such as
12 characterized by lamps or other light-emitting devices; or it may
13 be from an external light source designed to reflect off the
14 changeable component display.

15 (3) *digital sign* includes an on-premise animated sign, changeable sign,
16 illuminated sign, or Electronic Message Center sign located in the H-
17 Resort Zone.

18 (4) *Electronic Message Center (EMC) sign* means an electrically
19 activated changeable sign whose variable message and/or graphic
20 presentation capability can be electronically programmed by computer
21 from a remote location. EMCs typically use light emitting diodes
22 (LEDs) as a lighting source. Terms principally associated with an EMC
23 are:

24 (A) *display Time* - the amount of time a message and/or
25 graphic is displayed.

26 (B) *dissolve* - a mode of message transition accomplished
27 by varying the light intensity or pattern, in which the first

1 message gradually appears to dissipate and lose legibility with
2 the gradual appearance and legibility of the second message.

3 (C) *fade* - a mode of message transition accomplished by
4 varying the light intensity, where the first message gradually
5 reduces intensity to the point of not being legible and the
6 subsequent message gradually increases intensity to the point of
7 legibility.

8 (D) *dynamic frame effect* - a frame effect in which the
9 illusion of motion and/or animation is used.

10 (E) *frame*- a complete, static display screen.

11 (F) *frame Effect* - a visual effect applied to a single frame.

12 (G) *scroll* - a mode of message transition in which the
13 message appears to move vertically across the display surface.

14 (H) *transition* - a visual effect used to change from one
15 message to another.

16 (I) *travel* - a mode of message transition in which the
17 message appears to move horizontally across the display surface.

18 (5) *illuminance* means the amount of light falling upon a real or
19 imaginary surface, commonly “light level” or “illumination”.
20 Measured in foot candles (lumens/square foot) in the English
21 System, and lux (lumens/square meter) in the SI (metric) system.

22 (6) *luminance* means the light that is emitted by or reflected from a
23 surface. Measured in units of luminous intensity (candelas) per unit
24 area (square meters in SI measurement units or square feet in
25 English measurement units.)

26 (7) *multiple-faced sign* means a sign containing two (2) or more faces.

27 (8) *Off-premise business information* means commercial or

1 noncommercial messages not appurtenant to the use of, products
2 sold on, or the sale or lease of, the property on which it is displayed.

3 (9) on-premise sign means a sign erected, maintained or used in the
4 outdoor environment, or visible from the outside environment, for
5 the purpose of the display of messages appurtenant to the use of,
6 products sold on, or the sale or lease of, the property on which it is
7 displayed, and for Public Service Announcements. For purposes of
8 this subsection, Public Service Announcements are limited to
9 factual information about public health and safety.

10 (10) sign means a device visible from a public place, whose essential
11 purpose and design are to convey either commercial or
12 noncommercial messages by means of graphic presentation of
13 alphabetic or pictorial symbols or representations.

14 (11) sign copy means the physical sign message including any words,
15 letters, numbers, pictures, and symbols.

16 (12) sign face means the surface upon, against or through which the
17 sign copy is displayed or illustrated, not including structural
18 supports, architectural features of a building or sign structure,
19 nonstructural thematic or decorative trim, or any areas that are
20 separated from the background surface upon which the sign copy is
21 displayed by a distinct delineation, such as a reveal or border.

22 (A) In the case of panel or cabinet type signs, the sign face
23 shall include the entire area of the sign panel, cabinet or face
24 substrate upon which the sign copy is displayed or illustrated, but
25 not open space between separate panels or cabinets.

26 (B) In the case of signs painted on a building, or
27 individual letters or graphic elements affixed to a building or

1 structure, the sign face shall comprise the sum of the geometric
2 figures or combination of regular geometric figures drawn
3 closest to the edge of the letters or separate graphic elements
4 comprising the sign copy, but not the open space between
5 separate groupings of sign copy on the same building or
6 structure.

7 (C) In the case of sign copy enclosed within a painted or
8 illuminated border, or displayed on a background contrasting in
9 color with the color of the building or structure, the sign face
10 shall comprise the area within the contrasting background, or
11 within the painted or illuminated border.

12 **(b) Restriction of Use.**

13 (1) Digital signs are authorized only in the H Resort-Hotel Zone in
14 Tumon and shall be subject to the provisions set forth in this Chapter.

15 (2) Digital signs, as identified in this Chapter, shall be subject to the
16 Department of Public Works building permit process and may be erected and
17 operated only after a building permit and an occupancy permit are issued.

18 (3) It shall be unlawful to display off-premise business information on
19 a digital sign.

20 (4) It shall be unlawful to erect a flashing digital sign.

21 (5) Digital signs shall be properly maintained. The Building Official of
22 the Department of Public Works shall issue a Notice of Violation to the
23 permittee for any sign that is damaged or non-functional. The permittee shall
24 make necessary repairs within ninety (90) days..

25 (6) Digital signs may be placed flat on the building wall or behind a
26 window or clear covering on the building wall, shall not be higher than the

1 roof line of the building, and shall protrude no farther than eighteen (18) inches
2 from the wall to which they are attached.

3 (7) A sign authorized under this Section shall not be placed on any
4 building wall along Tumon beach that totally faces the ocean.

5 (8) Any permitted sign under this Chapter may be illuminated at
6 night.

7 (9) On-premise signs do not constitute a form of outdoor lighting at
8 night and are exempt from any other outdoor lighting regulations that the
9 Department of Public Works Building Official has adopted.

10 (10) Signs that are illuminated at night may not exceed a
11 maximum luminance level of seventy (70) foot candles, regardless of
12 the method of illumination.

13 (11) Signs that have external illumination, whether the lighting is
14 mounted above or below the sign face or panel, shall have lighting fixtures or
15 luminaries that are fully shielded.

16 (12) All illuminated signs must comply with the maximum
17 luminance level of seventy (70) foot candles at least one-half hour
18 before Apparent Sunset, as determined by the National Oceanic and
19 Atmospheric Administration (NOAA), US Department of Commerce,
20 for the specific geographic location and date. All illuminated signs must
21 comply with this maximum luminance level throughout the night, if the
22 sign is energized, until Apparent Sunrise, as determined by the NOAA,
23 at which time the sign may resume luminance levels appropriate for
24 daylight conditions, when required or appropriate.

25 (13) A Digital sign shall not have a sign face exceeding twenty percent
26 (20%) of the allowable signage area on the façade of the building, as
27 prescribed by law or by a variance from the Guam Land Use Commission,

1 except that in no case shall digital signage area exceed two signs of one
2 hundred and sixty-five (165) square feet each.

3 (14) Digital signage may be audible but not to exceed seventy-five (75)
4 decibels.

5 **Section 5. Severability.** If any provision of this Act or its application to any
6 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
7 *not* affect other provisions or applications of this Act that can be given effect without
8 the invalid provision or application, and to this end the provisions of this Act are
9 severable.

10 **Section 6. Effective Date.** This Act *shall* become effective immediately
11 upon enactment.