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Date February 8, 2022 **Report No.** 2022-127
To Chair and Members
Committee of the Whole – Planning and Administration
From Heidi de Vries
General Manager, People, Legislated Services and Planning

1.0 Type of Report

Consent Item []
Item For Consideration [X]

2.0 Topic **Proposed Amendments to Chapter 478 – Signs – Outdoor – Other Advertising Devices, Additional Information [Financial Impact- None]**

3.0 Recommendation

- A. That Report 2022-127, Proposed Amendments to Chapter 478 – Signs – Outdoor – Other Advertising Devices, Additional Information, BE RECEIVED as information; and
- B. THAT staff BE DIRECTED to present a by-law to amend Chapter 478 – Signs – Outdoor – Other Advertising Devices, to include:
- i. the definition of digital sign
 - ii. regulations pertaining to brightness, dwell time, and transition time
 - iii. existing signs that meet the definition of a digital sign be required to comply with digital sign regulations

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- iv. the definition of electronic message display to differentiate from the definition of a digital sign
 - v. reducing the separation distance between an illuminated sign and signalized intersection or crosswalk from 50 m to 30 m.

4.0 Executive Summary

In response to a Council resolution passed on November 23, 2021, staff conducted further consultation with marketing and advertising equipment manufacturers regarding proposed regulations for digital signs within the City of Brantford. The results of the consultation and staff recommendations are contained within this report.

The report also includes information to clarify requirements around the distance separation between a digital sign and signalized intersection or pedestrian crosswalk, current digital sign measurements, and the requirement for current signs that meet the definition of a digital sign to comply with proposed requirements once approved.

5.0 Purpose and Overview

At the November 23, 2021 Council Meeting, City Council referred report 2021-664, Proposed Amendments to the City of Brantford Municipal Code, Chapter 478 – Signs – Outdoor – Other Advertising Devices, back to staff to consult further with marketing equipment and sign manufacturers. The report will attempt to further clarify existing digital signage within the City of Brantford.

6.0 Background

At the November 23, 2021 City Council meeting, Council approved the following resolution to refer Report No. 2021-664, 'Proposed Amendments to the City of Brantford Municipal Code, Chapter 478 – Signs – Outdoor – Other Advertising Devices', to staff for further consultation with manufacturers of advertising and marketing equipment.

“THAT the following BE REFERRED back to staff for one cycle to obtain input from manufacturers of advertising and marketing equipment:

- A. *THAT Report 2021-664, Proposed Amendments to the City of Brantford Municipal Code, Chapter 478 – Signs – Outdoor – Other Advertising Devices, be RECEIVED as information; and*

B. THAT staff BE DIRECTED to present a by-law to amend Chapter 478 – Signs – Outdoor – Other Advertising Devices, which shall include the definition and regulations pertaining to digital signs to Council for consideration.”

7.0 Corporate Policy Context

The proposed amendments align with the following priority and plan:

2021-2022 Council Priority, #1 Desired Outcome: All neighbourhoods in the City are safe, vibrant, attractive and inclusive.

Long-Term Desired Outcomes, Economic Vitality and Innovation: Brantford will have a strong diversified economic base that provides its citizens with excellent local job opportunities. Brantford will be a business friendly community. Brantford will be known as a leading centre for learning and innovation – supported by a comprehensive education system. Brantford’s downtown will be vibrant and successful – the hub for its citizens, students, businesses, visitors and government. Brantford will be a proud City with a positive image.

Official Plan, Principle 10: A flexible approach to local economic development will ensure the City is able to adapt as trends change, and remain prosperous with a diversity of employment opportunities for its residents, including the rural/agricultural economy.

8.0 Input From Other Sources

Staff contacted a number of sign contractors including: Pattison Outdoor Advertising, FASTSIGNS, Brooks Signs, and TekSign Inc., Media City, Target Outdoor, and Roots Marketing. In addition, staff consulted with a local business owner with expertise in this area, who provided helpful reference material on digital signs as well as a recommendation to decrease the minimum distance for a digital sign from a traffic signal.

The common theme reported with respect to the draft regulations was that the 20 second minimum dwell time proposed by staff be reduced. Staff received requests to reduce the dwell time to 10 seconds from Pattison and to 15 seconds from Target Outdoor. Other sign/media contractors have noted the markets they work in typically require dwell times in the range of 6 to 10 seconds. Comparatively, the current 3 digital billboard

signs within the City of Brantford appear to fall within the 6 to 10 second dwell time range.

Staff are recommending a 20 second minimum dwell time to align with the Sign Corridor Policy which the Ontario Ministry of Transportation uses to regulate signs along provincial highways, and the Transportation Association of Canada's (TAC) Regulatory and Road Safety Assessment Guidelines for Digital and Projected Advertising Displays (DPADs). The City of Guelph also implemented a minimum dwell time of 20 seconds for digital signs in 2021.

9.0 Analysis

The following updates to the chapter are proposed as a result of consultation, municipal comparator review, and the TAC guidelines for DPADs.

9.1 Defining Digital Signs

A digital sign may use a liquid crystal display (LCD), light-emitting diodes (LED), or a projection screen to display videos, graphics, and messages in an effort to educate, engage, and inform viewers. Popularity has grown for digital signage in recent years as businesses seek new ways to market their goods by harnessing modern technology. Digital advertising in Canada is predicted to grow exponentially over the next few years.

Staff propose the following definition be included in Chapter 478 for the purposes of digital signage:

***“Digital Sign”** means a sign that uses liquid crystal display (LCD), light-emitting diodes (LED), or other projection screen technology to display videos, graphics, and/or messages, and may include a billboard, ground sign, and wall sign.*

9.2 Regulating Digital Signs

While many of the current regulations within Chapter 478 can be applied to digital signs, adding a definition and regulations specific to the digital aspect of a sign will provide for greater certainty with

respect to characteristics such as brightness, minimum dwell time (MDT), and minimum transition time (MTT).

Digital signage regulations would apply to billboards, ground signs, wall signs that include digital content, but would not apply to electronic message displays as those regulations are already established. For example, if an applicant were applying for a ground sign that contained a digital component, the regulations relating to digital signage would apply to that digital component. However, the existing regulations for electronic message displays would continue to apply to the electronic components

9.2.1 Brightness

The Transportation Association of Canada (TAC) reports there is research to suggest that brighter signs reduce glance duration and can actually improve road safety. While other research points to digital signs increasing distraction and glare for drivers, as they can cause longer adaptation times for the driver when looking from the sign back to the roadway. The majority of the TAC research concludes that “brightness should vary with ambient light levels”.

“Nit” means a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of various digital displays, such as LCD and LED monitors. To put the following terminology into perspective, the light emitted by a typical desktop computer monitor is between 50 to 300 nits. Staff recommend that Chapter 478 be amended to prohibit:

- any digital sign that emits light exceeding a maximum luminance of 5000 Nits between sunrise and sunset; and
- any sign that emits light exceeding a maximum luminance of 300 Nits between sunset and sunrise.

9.2.2 Minimum Dwell Time (MDT)

Minimum Dwell Time (MDT) - means the minimum duration that fixed sign copy/image on a digital sign is shown.

Currently Chapter 478 would allow the dwell time to be as short as 3 seconds. The Minimum Dwell Time (MDT) is proposed to be increased to 20 seconds, to align with third party advertising regulations in the Corridor Signing Policy, which allows the Ministry of Transportation to regulate signage along provincial highways, and regulations established recently in other municipalities (e.g. City of Guelph, 2021).

9.2.3 Maximum Transition Time (MTT)

A maximum transition time between frames of one (1) second is recommended to align with regulations established recently in other municipalities (e.g. City of Hamilton). Currently Chapter 478 does not regulate the transition time, and staff recommends that a MTT be established.

9.2.4 Redefining Electronic Message Display

Currently, Chapter 478 defines an Electronic message display as an electronically and/or computer controlled sign, or part thereof, which displays illuminated copy or graphic information in a prearranged sequence which may or may not change. Upon establishing a definition for digital signs, staff recommend the current definition of Electronic message display be amended in order to differentiate from the definition of a digital sign.

“Electronic Message Display” means a sign that displays only text or copy, that can be electronically changed by remote and/or automatic means, but does not include a digital sign.

Examples of electronic message displays include but are not limited to restaurant menu boards, reader board signs, time and temperature signs. Please note that some of these examples could also constitute digital signage depending on the technology used.

9.2.5 Existing Distance Separation Requirements

The chapter includes minimum distance separations for various sign types from residential zones, restricted zones, intersections, the street, etc.

For example:

478.4.12 Illumination - flashing - distance from residential zone

*No flashing illumination of signs shall be permitted within **40 m** (131.2 ft) of any residential zone, except where the construction of the building or structure upon which the sign is erected is such that any such sign is not visible from such residential zone.*

478.4.14 Illumination - animated - moving - changing message

No electronic message display, illuminated sign being electrically animated or having moving parts or message changes is permitted except:

*...(d) a sign located not closer than **50 m** (164 ft) to the nearest traffic signal of an intersection or to the nearest signal of a pedestrian crossing. By-law 60-2012, 18 June, 2012.*

The distance separation established between illuminated signs with animated, moving or changing copy characteristics and a signalized intersection/pedestrian crosswalk was reviewed during the initial phase of public consultation.

It should be noted that the 50 m distance separation requirement between an illuminated sign and signaled intersection/pedestrian crosswalk in the City of Brantford is a larger distance than required by other Municipalities. The most consistent distance separation across a number of municipalities in this regard appears to be either 30 m or that the sign cannot be located in the sight triangle. The

size of the sight triangle varies throughout municipalities and is 9.0 m in Brantford. The 50 m distance was also questioned throughout the stakeholder and public consultation phases and staff have received a request that it be reduced from 50 m to 18 m.

Several sign contractors were asked about the distance separation and indicated they were not concerned with the current 50 m requirement, while one contractor requested the distance be reviewed, referencing the 30 m distance requirement in other municipal markets.

The TAC Assessment Guidelines note that two main subjects be considered in order to establish consistency when regulating DPADs near decision-making points. First, that the key decision-making points are defined, currently Chapter 478 includes signalized intersections and pedestrian crosswalks in this regard. The second issue being that a standard method be employed for defining DPAD distance to these points and Chapter 478 includes a 50 m separation. The TAC Assessment Guidelines also state that the literature “does not provide guidance for establishing a minimum distance between DPADs and major decision-making points. Due to the lack of research support and significant variation in existing by-laws, human factors may need to be applied in establishing proximity regulations.” TAC. (2015) DPADs: Regulatory and Road Safety Assessment Guidelines, 57.

Based on the municipal data collected, TAC guidelines, feedback from the public and stakeholders, staff recommend reducing the 50 m setback to 30 m, to be measured from the intersection of the extension of the property lines adjacent to each street.

478.8.1 Minimum distance apart

*Ground signs located on a property shall not be located closer to each other than **30 m** (98 ft). By-law 154-2002, 23 September, 2002.*

478.14.13 Restricted zone - distance from - minimum

*A billboard sign shall not be located within a distance of **30 m** (98.5 ft) of any residential zone, hospital, park or school property which has frontage on the same side of the street as the lot upon which said sign is proposed to be erected.*

9.3 Existing Digital Signs within the City of Brantford


Currently, Chapter 478 does not apply to existing signs that are not being altered, and further indicates that a change in sign messaging is not considered to be an alteration to the sign. As such, staff are proposing that the chapter be amended to require that existing signs that meet the definition of a digital sign shall comply with the regulations as proposed for maximum brightness, minimum dwell time, and maximum transition time.

10.0 Financial Implications

There are no municipal financial implications associated with the recommendations contained within this report.

11.0 Conclusion

As a result of consultation with the manufacturers of marketing and advertising equipment, key stakeholders, the public, City staff, in addition to reviewing digital sign regulations in other municipalities, staff are proposing amendments to Chapter 478 to define and regulate digital signs, and reduce the distance separation for illuminated signs from signalized intersections/pedestrian crosswalks. The definition for digital signs is designed to be applied in addition to the already established regulations for a billboard, ground sign or wall sign, and also to differentiate a digital sign from an electronic message display for greater clarity.



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Prepared By:

Jill Binkley, Manager of Property Standards and By-Laws
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Attachment:

1. Letter from Nathan Jankowski, Manager, Permits & Legislation, Pattison Outdoor Advertising
2. Letter from Dave Ezeard, Director of Outdoor Real Estate, Vendo Media

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required yes no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk yes no

Is the necessary by-law or agreement being sent concurrently to Council? yes no