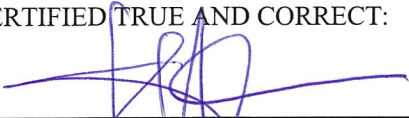


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session
LEGISLATIVE SESSION VOTING RECORD

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 and further amended on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building November 18, 2019				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓	I				
Senator Kelly G. MARSH (TAITANO), PhD		III ✓				
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON					✓	✓
Senator Sabina Flores PEREZ		III ✓				
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓	I				
Senator Telo T. TAITAGUE		II ✓				
Senator Jose “Pedo” TERLAJE	✓					
Senator Therese M. TERLAJE		✓				
Senator Mary Camacho TORRES					✓	✓

TOTAL:	9	4			2	2
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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 and further amended on the Floor.

*

Introduced by:

Tina Rose Muña Barnes

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Guam's sign laws do not address signage in the *Tumon* Bay H Resort-Hotel Zone, which is where most of the island's tourism infrastructure 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 of the 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.

1 It is also vital to clearly define “digital signs” in the same capacity as identified
2 by the United States Signs Council (USSC), in its creation of the Model On-Premise
3 Sign Code, which establishes sign code regulations for various land uses, including
4 the number to be established, size, lighting, and location. This legislation defines the
5 characteristics of digital signs, as they are utilized in many other resort zones
6 nationally, while ensuring that they exist within the codes established on Guam.

7 **Section 2.** A new § 61541(f) is *added* to Subarticle 5 of Article 5, Chapter
8 61, Title 21, Guam Code Annotated, to read:

9 “(f) In the *Tumon Bay H Resort-Hotel Zone*, signs *shall* comply with
10 §§ 61541(b)(2)-(3), 61543, and 61544 of this Subarticle. No exterior signs
11 shall be erected, displayed or maintained, except for signs indicating the name
12 of a person, the type of business occupying the premises, or the name of the
13 building, or signs displaying messages appurtenant to the use of, products sold
14 on, or the sale or lease of, the property on which it is displayed, and for public
15 service announcements; provided, that:

16 (1) Signs *shall* be placed along on the building wall or behind
17 a window or clear covering on the building wall, *shall not* be higher
18 than the roof line of the building, and *shall* protrude no farther than
19 eighteen (18) inches from the wall to which they are attached.

20 (2) Except for electronic or other signs authorized by a Guam
21 Land Use Commission variance prior to the enactment of this Act,
22 individual signs *shall not* cover an area in excess of ten percent (10%)
23 of the surface of the wall to which they are attached.

24 (3) Violations. Any person in violation of Subsections
25 61541(f)-(f)(2) of Chapter 61, Title 21, Guam Code Annotated, *shall*
26 pay a civil penalty not to exceed One Thousand Dollars (\$1,000) for
27 each violation. If violation(s) are not corrected within ten (10) business

1 days of receipt of a Notice of Violation from the Department of Public
2 Works, such person *shall* be subject to an additional late action civil
3 penalty not to exceed Three Hundred Dollars (\$300) per day for each
4 remaining violation. Failure to pay penalties and to rectify the
5 violations may result in the termination or non-renewal of the digital
6 sign permit. The Director of Public Works *shall* have the authority to
7 waive parts or all of the late action penalty should the violator
8 demonstrate a good faith effort to address the violation in a timely
9 manner; provided, that such waiver is limited to *no more than* thirty
10 (30) calendar days. All penalties recovered in any such action *shall* be
11 paid into the General Fund.”

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

14 **“§ 61547. Regulation of Digital Signs.**

15 (a) Definitions.

16 (1) *Animated sign* means a sign employing actual motion, the
17 illusion of motion, or light and/or color changes achieved through
18 mechanical, electrical, or electronic means. Animated signs, which are
19 differentiated from changeable signs as defined and regulated by this
20 Section, include the following types:

21 (A) *environmentally activated animated signs* or
22 *devices* are motivated by wind, thermal changes, or other natural
23 environmental input, such as spinners, pinwheels, pennant
24 strings, and/or other devices or displays that respond to naturally
25 occurring external motivation;

26 (B) *mechanically activated animated signs* are
27 characterized by repetitive motion and/or rotation activated by a

1 mechanical system powered by electric motors or other
2 mechanically induced means;

3 (C) *electrically activated animated signs* produce the
4 illusion of movement by means of electronic, electrical, or
5 electromechanical input and/or illumination capable of
6 simulating movement through employment of the characteristics
7 of one (1) or both of the classifications noted below:

8 (i) *flashing* - animated signs or animated
9 portions of signs whose illumination is characterized by a
10 repetitive cycle in which the period of illumination is
11 either the same as or less than the period of non-
12 illumination. A cyclical period between on-off phases of
13 illumination exceeding four (4) seconds *shall not*
14 constitute flashing;

15 (ii) *patterned illusionary movement* - animated
16 signs or animated portions of signs whose illumination is
17 characterized by simulated movement through alternate or
18 sequential activation of various illuminated elements for
19 the purpose of producing repetitive light patterns designed
20 to appear in some form of constant motion.

21 (2) *Changeable sign* means a sign with the capability of
22 content change by means of manual or remote input, including the
23 following types:

24 (A) *manually activated* – changeable sign whose
25 message copy or content can be changed manually on a display
26 surface;

27 (B) *electrically activated* - changeable sign whose

1 message copy or content can be changed by means of remote
2 electrically energized on-off switching combinations of
3 alphabetic or pictographic components arranged on a display
4 surface. Illumination may be integral to the components, such as
5 characterized by lamps or other light-emitting devices; or it may
6 be from an external light source designed to reflect off the
7 changeable component display.

8 (3) *Digital sign* means an on-premise electrically activated
9 animated sign, changeable sign, illuminated sign, or Electronic
10 Message Center sign located in the *Tumon Bay H Resort-Hotel Zone*.
11 Digital signs are *not* environmentally or mechanically activated
12 flashing animated signs or devices.

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

19 (A) *display time* - the amount of time a message and/or
20 graphic is displayed.

21 (B) *dissolve* - a mode of message transition
22 accomplished by varying the light intensity or pattern, in which
23 the first message gradually appears to dissipate and lose legibility
24 with the gradual appearance and legibility of the second message.

25 (C) *fade* - a mode of message transition accomplished
26 by varying the light intensity, where the first message gradually
27 reduces intensity to the point of not being legible and the

subsequent message gradually increases intensity to the point of legibility.

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

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

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

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

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

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

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

(6) *Luminance* means the light that is emitted by or reflected from a surface, measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units).

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

(8) *Off-premise business information* means commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

(9) *On-premise sign* means a sign erected, maintained or used

1 in the outdoor environment, or visible from the outside environment,
2 for the purpose of the display of messages appurtenant to the use of,
3 products sold on, or the sale or lease of, the property on which it is
4 displayed, and for public service announcements. For purposes of this
5 Subsection, public service announcements are limited to factual
6 information about public health and public safety as determined by the
7 Department of Public Health and Social Services, the Guam Police
8 Department, or the Office of Civil Defense.

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

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

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

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

25 (B) In the case of signs painted on a building, or
26 individual letters or graphic elements affixed to a building or
27 structure, the sign face *shall* comprise the sum of the geometric

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

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

11 (b) Restrictions.

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

15 (2) The Department of Public Works *shall* promulgate rules
16 and regulations for digital sign permits in the *Tumon Bay H Resort-*
17 *Hotel Zone*.

18 (3) Digital signs, as identified in this Section, *shall be* subject
19 to the Department of Public Works digital sign permit process and may
20 be erected and operated *only after* a building permit and an occupancy
21 permit are issued.

22 (4) It *shall* be unlawful to display off-premise business
23 information on a digital sign.

24 (5) It *shall* be unlawful to erect a flashing digital sign.

25 (6) Digital signs *shall* be properly maintained. The Building
26 Official of the Department of Public Works *shall* issue a Notice of
27 Violation to the permittee for any digital sign that is damaged or non-

functional. The permittee *shall* make necessary repairs within ninety (90) days of notice.

(7) Digital signs *shall* be placed along on the building wall or behind a window or clear covering on the building wall, *shall not* be higher than the roof line of the building, and shall protrude no farther than eighteen (18) inches from the wall to which they are attached.

(8) A digital sign authorized under this Section *shall only* be placed on any building wall along Pale San Vitores Road or Gun Beach Road that faces the road. Such digital sign *shall not* illuminate or shed light onto the beach or ocean.

(9) Any permitted digital sign under this Section may be illuminated at night.

(10) On-premise digital signs *do not* constitute a form of outdoor lighting at night and are exempt from any other outdoor lighting regulations that the Department of Public Works has adopted.

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

(12) Digital signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, *shall* have lighting fixtures or luminaries that are fully shielded.

(13) All illuminated digital signs must comply with the maximum luminance level of sixty-five (65) foot candles at least one-half (½) hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce, for the specific geographic location and date. All illuminated digital signs must comply with this maximum

1 luminance level throughout the night, if the digital sign is energized,
2 until Apparent Sunrise, as determined by the NOAA, at which time the
3 digital sign may resume luminance levels appropriate for daylight
4 conditions, when required or appropriate.

5 (14) A digital sign *shall not* have a sign face exceeding twenty
6 percent (20%) of the allowable signage area on the façade of the
7 building, as prescribed by law or by a variance from the Guam Land
8 Use Commission, except that in no case shall digital signage area
9 exceed two (2) signs of one hundred sixty-five (165) square feet each.

10 (15) Digital sign emissions are prohibited. No digital sign
11 which emits smoke, flames, visible vapors, particles, sound, or odor
12 shall be permitted.

13 (16) Digital signs are prohibited from promoting obscene
14 material, as defined in 9 GCA § 28.90.

15 (17) The Department of Public Works *shall* promulgate a fee
16 schedule for digital sign permits based on its size.

17 (c) Statutory Interpretation. A digital sign *shall* be considered and
18 deemed prohibited if it is not explicitly allowed in this Section.”

19 **Section 4.** The Guam Land Use Commission *shall not* grant a variance for
20 electronic signs that exceed the size limits and the lumens in this Act, and *shall not*
21 allow for audible digital signs.

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

27 **Section 6. Effective Date.** This Act *shall* be effective upon enactment.