

EXHIBIT 5

Section 109-1.11 Electronic Messaging re: Billboards

109-1.11 Electronic messaging centers (EMCs).

- A** *Levels of electronic messaging.* For purposes of this chapter, electronic messaging centers (EMCs) are divided into two categories: level 1 electronic messaging and level 2 electronic messaging, as defined in section 6.
- B** *EMC illumination.* The nighttime illumination of an electronic messaging center shall conform to the criteria set forth in this section.
1. *Illumination measurement criteria.* The illuminance of an electronic messaging center shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the EMC turned off, and again with the EMC displaying a white image for a full color-capable electronic messaging center, or a solid message for a single-color electronic messaging center. All measurements shall be taken perpendicular to the face of the electronic messaging center at the distance determined by the total square footage of the electronic messaging center as set forth in table 109-1b below.

TABLE 109-1b MEASUREMENT DISTANCE AS A FUNCTION OF SIGN AREA			
Area of Sign (sq. ft.)	Measurement Distance (ft.)	Area of Sign (sq. ft.)	Measurement Distance (ft.)
5	22	55	74
10	32	60	77
15	39	65	81
20	45	70	84
25	50	75	87
30	55	80	89
35	59	85	92
40	63	90	95
45	67	95	97
50	71	100	100
For EMCs with an area in square feet other than those specifically listed in this table, the measurement distance may be calculated using the following formula: Measurement Distance = $\sqrt{\text{Area of sign sq. ft.} \times 100}$			

2. *EMC illumination limits.* The difference between the "off" and "solid-message" measurements using the illumination measurement criteria outlined in subsection 11(b)(1) above shall not exceed 0.3 foot-candles at night.
3. *Dimming capabilities.* All permitted electronic messaging centers shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according

to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurement criteria.

4. *EMCs as a portion of sign area.* When allowed, electronic messaging centers may comprise not more than 50 percent of the allowable sign area of a particular sign.
5. *Certification.* Prior to the issuance of a permit relating to an electronic messaging center, the applicant shall provide a written certification from the owner of the sign attesting that said owner has read and understands the provisions of this section, agrees to abide by said section, and agrees to cooperate with City of Surprise staff with regards to any nighttime testing that may be necessary should the 0.3 foot-candle limitation be at question.
6. When Electronic Messaging Centers are utilized in conjunction with a Billboard Sign, the sign area of the Electronic Messaging Center may encompass 100% of the allowable sign area as outlined in Paragraph 109-1.9.C.9.