

Chapter 66 - SIGNS^[1]

Footnotes:

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Editor's note— Ord. No. 891, § 1, §§ 1, 2, adopted October 5, 2006, repealed and reenacted chapter 66 to read as herein set out. Formerly, chapter 66 pertained to similar subject matter, and derived from Ord. No. 874, §§ 1, 2, adopted February 16, 2006.

Cross reference— Buildings and construction, ch. 18; streets, sidewalks and other public ways, ch. 70; zoning, app. A; land development ordinance, app. B.

State Law reference— Control of signs and signals, O.C.G.A. § 32-6-50 et seq.; outdoor advertising near state highways, O.C.G.A. § 32-6-70 et seq.

ARTICLE I. - GENERAL

Sec. 66-1. - Purpose.

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to maintain and attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.

Specifically, the mayor and city council find that:

- (1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment.
- (2) An improperly regulated sign environment imposes health and safety dangers to the public.
- (3) The result of effective sign regulation will be to lessen hazardous conditions, confusion, and visual clutter, caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic control signs, and devices.
- (4) Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.
- (5) Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.
- (6) Through proper regulation of signs, the attractiveness and economic well being of the city will be enhanced as a place to live, work and conduct business.
- (7) Signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the city's public welfare. The city council intend by enacting this chapter to:
 - a. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Further, the objectives of the city's comprehensive plan;

- c. Protect the public health, safety, welfare, and aesthetics of the city;
 - d. Reduce traffic and pedestrian hazards;
 - e. Maintain the image of the city, particularly the planned community nature of the city;
 - f. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
 - g. Promote economic development; and
 - h. Ensure the fair and consistent enforcement of sign regulations.
- (8) While specifically establishing regulations to control signs within the city, it is not the intent of this chapter to regulate:
- a. Art and art symbols;
 - b. Holiday decorations and symbols.
- (9) Recognizing the need for certain types of signs which facilitate the safe and orderly movement of traffic, this chapter provides for the regulation of incidental address identification and subdivision identification signs.
- (10) Recognizing the need to facilitate decreases in crime this chapter provides for the regulation of burglar alarm/security signs.
- (11) Recognizing the historical contribution of certain structures and places to the cultural fabric of the city and the need and desire to identify same, certain provisions are made in this chapter to allow for the identification of those structures and places.
- (12) While this chapter prohibits certain signs from placement within the city and exempts certain signs from certain regulations of this chapter, such exemptions are not intended to otherwise allow a sign that is prohibited.
- (13) Further, the city has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the city.
- (14) Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city hereby imposes the regulations contained in this chapter.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-2. - Authority.

This chapter is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the City Charter, the general police powers of the city and other authority provided by federal, state or local laws applicable hereto.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-3. - Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them.

Awning means a roof-like-cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of metal, fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoned lot as the light source; also, any light with one or more beams that rotate or move.

Building official means the building official of the city or his or her designee.

Business premises means a building, suite, office or other unit used for nonresidential purposes. In the case of businesses licensed by the city, the area occupied by a single business license holder shall be deemed as one business premises. In the case of professionals paying individual taxes to the city, each professional corporation, partnership or other entity in which the professional participates shall be considered the occupant and all area occupied by that occupant shall be the business premises. For the purpose of this chapter, business premises shall include nonresidential space occupied by charitable organizations, political organizations, institutions or other noncommercial entities.

Canopy means a roof-like structure supported by columns or projecting from a building and open on at least three sides.

Code enforcement officer means the code enforcement officer of the city or his or her designee.

City planner means the city planner of the city or his or her designee.

Commercial message means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of government, political subdivision, or other entity.

Frontage or *street frontage* means the width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Fronts or *fronting on a street*. A business "fronts" on a street when the lot line on the property on which the business is located also forms the line marking the edge of a publicly dedicated right-of-way.

Lot. See definition of "zoned lot" herein.

Marquee means any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Non-commercial message means any sign wording, logo or other representation promoting an activity or idea other than a commercial activity or idea.

Pennant means any lightweight plastic, fabric, or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind as a means of attracting attention.

Person means any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Principal building means a building in which the primary use of the lot on which the building is located is conducted.

Setback means the distance from the property line to the nearest part of the applicable building, structure or sign, measured from the property line to that portion of the building, structure or sign which is most proximate to such line.

Sign means any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event or location by any

means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement or illumination. Individual signs shall be defined as follows:

A-frame or easel sign means a portable sign consisting of two sign faces placed back-to-back and hinged together at the top in such a manner that each sign face leans toward the other, connecting at the top and forming a self-supporting structure which is not permanently affixed to the ground.

Animated sign means any sign or attention-getting device, including spinners, which involves motion or rotation of any part by any means, or which is illuminated by flashing, intermittent, or color changing light or lighting, or which uses movement or change of lighting to depict action or create a special effect or scene.

Awning sign means a sign imposed or painted upon an awning (prohibited).

Banner sign means any sign of lightweight fabric or similar material that is mounted to a building or structure. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Blade sign means a sign affixed to a wall and extending more than four inches from the surface of such wall and perpendicular to the wall surface.

Building sign means a sign that in any manner is fastened to, projects from, or is placed upon the exterior wall, window or door of a building.

Changeable copy sign means a sign panel that allows the display of words, numbers, symbols and/or graphics on a temporary basis by the use of interchangeable letters or graphics manually mounted to the sign face.

Directional sign means a sign used to give direction or specific instruction to the public, such as, but not limited to, "enter," "exit," "no parking," "drive through," "rest room," etc. Such signs shall contain only instructional information, and shall not contain any logos, trademarks, or other commercial message.

Directory sign means a sign used to identify the location of structures or a single structure.

Externally-illuminated sign means any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Internally-illuminated sign means any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face (prohibited).

Marquee sign means any sign attached to, in any manner, or made a part of a marquee (prohibited).

Monument sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A monument sign may include individual letters, numbers, figures mounted on a surface composed of stone, brick or other permanent structures. The supporting structure must rest on the ground.

Political sign means a temporary sign erected for the purpose of soliciting votes or support for or in opposition to any candidate or issue in an election or any political party under whose designation any candidate is seeking nomination or election or any public question on a ballot in an election held under the laws of the state.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and

visible from the public right-of-way, unless said vehicle is used in the normal, day-to-day operations of the business, then the vehicle shall be parked in a designated parking space at the location of the business and furthest from the right-of-way at the location of the business.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message.

Roof sign means a sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall also constitute any signage placed upon sloped building fascia intended to appear as or actually be roof elements of the building (prohibited).

Shared sign means a sign that serves as common or collective use for a group of persons or businesses operating on the same lot such as, but not limited to, a shopping center or business park. Ownership of and responsibility for a shared sign shall remain with the owner of the building or buildings served by the sign.

Sign face means that portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Special event sign means a temporary sign utilized in conjunction with and for the same time period as a valid special event permit issued by the city.

Spectacular sign or device means spectacular sign or device includes, but is not limited to:

- a. Any piece or strip of cloth, paper, canvas, plastic or similar material, including banners, but excluding flags, on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped for the purpose of advertising or drawing public attention;
- b. Any advertising display, sign or copy that is animated;
- c. Balloons, air and gas filled devices;
- d. Streamers;
- e. Other attention-getting devices.

Subdivision sign means a sign located at the main entrances to and used for identifying the name of a residential, commercial or industrial subdivision.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign means any sign that is used only temporarily and is not permanently mounted or affixed to the ground.

Wall sign means a sign that is fastened directly to the exterior wall of a building and extends from the surface of the wall no more than 15 inches.

Window sign means any type of sign that is located on the interior of a business premises and is either attached to or is located within 48 inches of an exterior window, and is intended primarily to be viewed from the exterior of the premises. Glass doors are to be considered windows for the purposes of administration of this article. Merchandise located within a window shall not be considered a window sign, as long as there are no commercial messages attached to or associated with the display of merchandise.

Street means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street frontage means the length of any property line of a zoned lot, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the zoning definition for yards.

Window means an opening made in the wall of a building to admit light and air, and/or to furnish a view; provided, however, that as such term is used herein, the term "window" shall not include the framework for such opening, but shall only include the glass or translucent portion of such opening.

Zoned lot means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-4. - Applicability.

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this chapter.

The effect of this chapter as more specifically set forth herein, is:

- (1) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter;
- (2) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits;
- (3) To provide for temporary signs with and without commercial messages in limited circumstances;
- (4) To regulate signs so as to prevent the degradation of the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth;
- (5) To prevent the proliferation of signs which may result in roadside clutter that would impede the flow of information from businesses to consumers thereby harming the economic health of the community, and that would impede the flow of information from traffic signs and signal and therefore create hazards to drivers and pedestrians;
- (6) To lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrians and vehicular traffic, and impede vision of traffic, traffic control signs and devices;
- (7) To prohibit all signs not expressly permitted by this chapter; and
- (8) To provide for the enforcement of the provisions of this chapter.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-5. - Prohibited signs.

The following types of signs are prohibited:

- (1) Signs imitating warning signals; signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles; signs using words, slogans, dimensional shape or size, or colors of governmental traffic signs in such a manner as to resemble official traffic signs.
- (2) Signs with lights blinking and/or flashing in series, lines, or rows.
- (3) Flashing, blinking, fluctuating, or otherwise animated signs.
- (4) Signs attached to fences, trees, utility poles or boxes or traffic control devices; signs painted on or otherwise attached to, supported by, leaning or resting on rocks or other natural objects; signs, other than those placed by a local, state or federal government, located within the public street right-of-way or within five feet of the edge of curb or closest edge of the pavement of any public street.
- (5) Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing.
- (6) Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape.
- (7) Banners, fringe, twirling, sidewalk or curb-type signs, balloons, streamers, pennants, portable display signs, air or gas filled figures and other similar temporary signs, other than as specifically authorized in this chapter.
- (8) Roof signs.
- (9) Signs displaying any statement, word, character or illustration of an obscene nature.
- (10) Illuminated signs from or to which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.
- (11) Portable signs, other than as specifically authorized by this chapter.
- (12) Search lights or similar devices.
- (13) Vending machines, trash cans, or other outdoor devices which display a commercial message if the total area of the commercial message is more than two square feet in area.
- (14) Animated signs.
- (15) Awning signs.
- (16) Internally-illuminated signs.
- (17) Marquee signs.
- (18) Bench signs.

No sign otherwise prohibited by this chapter shall be installed within a building in such a manner that is visible from the public right-of-way.

(Ord. No. 891, § 1, 10-5-2006; Ord. No. 1016, § 1, 1-6-2011)

Sec. 66-6. - Signs exempt from the regulations of this chapter.

The following signs shall be exempt from regulation under this chapter:

- (1) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (2) Any sign inside a building, not attached to a window or door, that is not legible from the exterior of the building or structure;

- (3) Works of art that do not include a commercial message;
- (4) Holiday lights and decorations with no commercial message;
- (5) Traffic control signs on private property, such as stop, yield, and similar signs, which meet state department of transportation standards and which contain no commercial message of any sort;
- (6) Address numerals that are affixed to a single family residential structure on the property, or to a mailbox on the property, that are no more than six inches in height, or address numerals that are affixed to a multi-family, commercial, office, or residential structure on the property, or to a mailbox on the property, that are no more than 12 inches in height; and
- (7) Signs pertaining to public safety, including but not limited to signs evidencing the presence of a security, or alarm system, on the property that are no more than one square foot in area, or signs indicating the presence of children in certain rooms of a structure in the event of a fire or other emergency.

(Ord. No. 891, § 1, 10-5-2006)

ARTICLE II. - PERMITS AND PROCEDURES

Sec. 66-7. - Permits and procedures.

- (a) Unless specifically exempted from obtaining a permit under provisions of this chapter, no person shall erect, construct, replace, relocate or structurally alter any sign within the city without first obtaining a sign permit from the city planner. No permit shall be required to repaint or change the lettering of an existing conforming sign, provided that no change of ownership of the entity displaying the message thereon has been made. A permit is not required for a change limited solely to the copy of an existing changeable copy sign, for example, a change in the normal price or products offered on the premises.
- (b) A sign permit application and appropriate application fee must be submitted for each sign being considered for approval. A separate sign permit application and associated fee must be submitted for each type of sign located on a project site (i.e., one permit for all monument signs, one permit for wall signs, one permit for directional signs, etc.).

Applications for permits shall be made upon forms provided by the city and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Address of building, structure, or lot to which or upon which the sign is to be attached or erected.
- (3) One accurate drawing showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features.
- (4) One accurate drawing of the plans, specifications and method of construction and attachment of the sign to the building or ground. Such drawings shall include the size of the sign area, overall height of the sign, location of the sign installation and its relation to existing rights-of-way and all driveways, and, if a monument sign, any protective devices or landscaping around the base of the sign.
- (5) Name, address and telephone numbers of person erecting the sign.
- (6) Written consent of the owner, manager, leasing agent or lessee of the building or land to which or upon which the sign is to be erected.
- (7) The location and size of all other signs on the lot upon which the sign is to be erected.

- (8) The size of the lot on which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented; or, if a wall sign, the overall length of the tenant space where the sign will be located.
 - (9) If the sign is to be lighted, an application for electrical permit meeting all standards of the city's electrical code.
 - (10) Such other information as the city shall require to show full compliance with this and other ordinances of the city.
- (c) For signs shared by more than one person or entity, the owner or sign contractor shall secure a permit for the sign structure and the owner shall be responsible for the maintenance of the structure as well as for removal of individual sign panels identifying uses which no longer exist within the building or buildings covered by the shared sign. In addition to the permit required for a shared sign structure, a separate permit shall be required for each panel, which shall be obtained by the owner, his tenant, an authorized agent, or the sign contractor.
 - (d) Fees for permits shall be as fixed from time to time by the city council.
 - (e) Upon the filing of an application for a permit and the payment of all necessary fees, the city planner shall examine all plans and specifications submitted and the premises upon which the sign is proposed to be erected. Such review shall be completed within 30 days of submission of a completed sign application. If it appears from review of the permit application and the site that the proposed sign is in compliance with the requirements of this chapter and all other ordinances and laws of the city, the city planner shall issue a permit no later than 30 days from receipt of the completed application.
 - (f) For those signs containing electrical components, the applicant must secure appropriate electrical permits from the city's building department and call for an inspection prior to illuminating the sign.
 - (g) Denial of permit. The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this chapter, are incomplete, or contain any false material statements. The city may deny permits for master sign programs, or amendments to master sign programs, based upon the architectural appearance of the program; such review, however, shall not include the content of the message(s) conveyed in the master sign program. Violation of any provision of this chapter will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this chapter, the city planner shall revoke the permit. Should the city planner deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before 30 days after the city received the application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within 30 days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.

No permit shall be denied or revoked, except for due cause as hereinafter defined, and after the applicant is given ten days written notice containing a statement of the reasons for the proposed denial of the permit application or the revocation of a permit. "Due cause" is the violation of any provision of this chapter, or other applicable ordinances, state or federal law, or the submission of an incomplete application or an application containing false material statements.

- (h) Appeals. An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the city council, provided such appellant files a written notice of appeal with the city clerk within ten business days of the city planner's notice. Such appeal shall be considered by the city council at the next city council meeting held after the city's receipt of the written notice of appeal, provided that such notice of appeal is received a minimum of five business days before the next meeting. Appeal notices received within five days of a scheduled city council meeting shall be heard at the next available meeting more than five days following receipt of appeal. The city council shall issue a written decision to the applicant no later than 30 days following

the close of the appeal hearing. Decisions of the city council to affirm the decision of the city planner or to overrule the decision of the city planner and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation. Such decision shall constitute a final determination by the city.

In the event an applicant whose permit has been denied or a permit holder whose permit has been revoked is dissatisfied with the decision of the city council, such applicant or permit holder may appeal such decision via a petition for writ of certiorari to the superior court as provided by law.

- (i) Variances. Each sign shall comply with the provisions of the ordinance, unless a written request is filed and approved to waive this requirement. All variance procedures shall be held in strict conformance with the procedures for variances as set forth in Article XIII, Section 1302 of the city's zoning ordinance.

Variances from the regulations of this chapter shall be limited to the following hardship situations:

- (1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
- (2) Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
- (3) Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
- (4) Such visibility obstruction was not created by the owner of the subject property; and
- (5) The variance proposed would not create a safety hazard to vehicular traffic or pedestrians as determined by the city engineer.

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

Relief from the application of the provisions of this chapter by use of variances granted by the city council shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed using this same time frames and notice requirements as for variances from zoning decisions.

- (j) Double permit fees. Any person commencing work on a sign before securing the necessary permit from the city planner shall be subject to double permit fees under the permit fee schedule.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-8. - Expiration of sign permit.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within three months after the date the permit was issued. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted sign; provided that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign but the fabrication has not yet been completed, one 90-day extension may be granted by the city planner on the duration of the permit. Where a permit has expired for failure to erect the sign, if an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule in effect at the time of resubmission.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-9. - Display of permit.

The owner of the sign shall be responsible for maintaining the permit for every sign approved, erected or maintained for which a permit is required by this chapter. The city planner shall inspect each sign following its installation to ensure the sign is installed in accordance with the approved sign permit. Once it is determined the sign complies with said permit, a decal shall be affixed to the actual sign or to the entrance door of the place of business indicating the sign has been approved. The purpose of this decal shall be to notify city officers and employees that the sign complies with the provisions of this chapter and the approved sign permit application.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-10. - Compliance with technical codes and zoning.

All signs hereafter erected, replaced, reconstructed, altered, relocated or modified within the city shall conform with the requirements of the city's building code in effect on the date the application for a sign permit is submitted, the requirements of the National Electrical Code, and the requirements of all other applicable codes as adopted by the city. Where the provisions of the building or electrical code and this chapter conflict or overlap, the most stringent requirement shall prevail and be controlling.

All signs hereafter erected, replaced, reconstructed, repaired, altered or relocated within the city shall conform to the zoning ordinance of the city. In the event of conflict between the provisions of this chapter and the zoning ordinance, the most stringent requirement shall prevail and be controlling.

(Ord. No. 891, § 1, 10-5-2006)

ARTICLE III. - REGULATION OF SIGNS BY ZONING CLASSIFICATION

Sec. 66-11. - Scope.

The sign standards by district in this section apply to all zoning districts within the city. The districts are defined by the zoning ordinance, appendix A to this Code, and referenced on the official zoning map of the city.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-12. - Public use, all districts.

A church, public school, community center, or other public institutional building shall be permitted one monument sign not exceeding 32 square feet in area and shall extend no more than five feet in height above the ground as described herein.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-13. - Residential (R-1, R-10, R-12, R-15, R-22, R-43, GR, ER, VR, LUR).

Any developed residential property which is zoned other than multi-family residential may post only such signs as are authorized by this section and shall comply with the following requirements:

- (1) Residential signs. Such property may contain not more than one residential sign, the area of which may be not greater than 16 square feet. Any monument sign shall be five feet in height or shorter and shall be setback so that such sign is no closer than five feet from the curb or edge of pavement on streets with no curbing. Signs shall not project over the property lines.
- (2) Subdivision signs. In addition to any other signs authorized by this section, one single faced-sign, one double-faced sign, or two single-faced signs may be permitted at the entrance to any

residential subdivision to identify the name of the subdivision, which shall not exceed 24 square feet each. Such sign may be located within the right-of-way or dedicated sign easement provided that such sign is no closer than five feet from the back of the curb or edge of pavement on streets with no curbing.

- (3) Any sign permitted under section 66-17.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-14. - Multi-family (GR, GR-6, GR-10, GR-12, GR-14, GR-15, LUR).

- (a) In multifamily residential districts, one directory sign per building shall be required, no larger than four square feet. Such sign shall indicate only the name, number, and/or address of the individual building. Each such sign shall be reflective, and shall be placed so that it is visible from the closest interior street or access drive adjacent to the structure.
- (b) One monument sign shall be permitted at each major entry, no larger than 24 square feet.
- (c) Any unit in which a sales or rental office is allowed shall be permitted one building sign not exceeding four square feet.
- (d) Window signs, provided that no more than one window per unit or residence shall be used to display window signs, and further provided that no commercial message is displayed on such window signs.
- (e) Any sign permitted under section 66-17.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-15. - Retail, commercial, office or industrial (LC, GC, LUC, OI, LI, GI, LUI).

For properties which are zoned for any retail, commercial, office or industrial use, such properties may post only such signs as are authorized by this section. All signs not expressly authorized by this section are prohibited on such properties. Authorized signs shall comply with the following requirements:

- (1) Monument signs. Such property may contain one or more monument signs in accordance with the following:
 - a. Except for regulatory signs approved and erected by appropriate federal, state or local authorities, no signs shall be constructed, erected or maintained within a public right-of-way.
 - b. Only one monument sign per platted lot shall be allowed along the right-of-way, provided that for business premises fronting on more than one street, one monument sign shall be allowed along no more than two right-of-way frontages, which signs shall be separated a minimum of 200 feet.
 - c. All monument signs shall be located within a landscaped island with curb and gutter or within a landscaped area. No monument sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards of the zoning ordinance for off-street parking.
 - d. The maximum sign area of any monument sign, inclusive of any border and trim, but excluding the base, apron, supports and other structural members shall be:
 - 1. On lots zoned for retail or commercial use with a single tenant, 35 square feet in sign area.
 - 2. On lots zoned for retail or commercial use with more than one tenant, including signs that are shared, 50 square feet in sign area.

3. On lots zoned for office use, 35 square feet in sign area.
 4. On lots zoned for industrial use with a single tenant, 35 square feet in sign area.
 5. On lots zoned for industrial use with more than one tenant, including signs that are shared, 50 square feet in sign area.
- (2) Drive thru menu boards. In addition to any other monument signs authorized by this section, if such property contains a business premises where materials are delivered at a drive thru delivery point other than on the front side of the building, then one additional monument sign per delivery point shall be allowed to be located on the property in the side or rear yard; no such sign shall exceed 32 square feet in sign area nor five feet in height. The location of the menu board on the lot shall be approved as a part of the site plan review process.
- (3) Wall signs (retail and commercial zoning districts).
- a. For a single tenant building and/ or multi-tenant building with less than 100 linear feet of building frontage, the wall sign for each tenant shall be limited to no more than one and one-half square feet per linear foot of building frontage. The maximum area of the wall sign for each tenant shall not exceed 100 square feet.
 - b. For a single tenant building and/ or a multi-tenant building with more than 100 linear feet of building frontage, the wall sign for each tenant shall be limited to no more than two and one-half square feet per linear foot of building frontage. The maximum size of the wall sign for each tenant shall not exceed 150 square feet.
- (4) Wall signs (office zoning districts).
- a. For a single or multi-tenant office building, the wall sign shall be limited to one-half square feet per linear foot of building frontage to a maximum of 30 square feet.
 - b. Each tenant within a multi-tenant office building that has direct access from the exterior of the building into the actual tenant space may have one wall sign not to exceed ten square feet located immediately adjacent to or above the entrance to the tenant space.
 - c. In a multi-building office complex, each building may have one identification sign not exceeding five square feet.
- (5) Wall signs (industrial zoning districts).
- a. For an industrial building occupied by a single tenant, the wall sign shall not exceed one-half square feet per linear foot of building frontage. The maximum size of the wall sign for the building shall not exceed 50 square feet.
 - b. For a multi-tenant industrial building, each tenant shall be allowed one wall sign not to exceed 30 square feet. In a multi-building complex, each building may have an identification sign not exceeding five square feet.
 - c. For an industrial building with single-tenant or multi-tenant occupancy and more than 30,000 square feet of gross floor area, the wall sign shall not exceed one square foot per linear foot of building frontage. The maximum size of the wall sign shall not exceed 150 feet.
- For any industrial building located on a platted lot with frontage on two or more public streets, a total of two wall signs shall be permitted provided that the lot has entrances from more than one public street and that only one wall sign shall be permitted along each street frontage.
- (6) Wall signs may be flat against the wall or pinned away from the wall, but in no case project more than 15 inches from the wall surface.
- (7) For any building that is primarily used for retail and service commercial, office/institutional or industrial purposes, no part of a wall or building sign shall extend above the eave line or the top of a parapet on the wall to which it is attached.

- (8) For any building that is primarily used for retail and service commercial purposes, no part of a wall sign shall be located more than 36 feet above the existing level of the ground. In addition, for any retail or service commercial buildings, no sign shall be installed on any wall over the level of the bottom of any second story window on that wall unless the building is a multi-tenant structure where tenants have direct access from their second floor space to the outside. This direct access must include outside walkways and stairways properly designed for public use.
- (9) Signs may not cover or interrupt architectural features of a structure.
- (10) Multi-frontage sites are calculated with one major frontage only. The building frontage shall be determined by using the address of the building.
- (11) Multi-tenant building directory. Each development shall be permitted no more than one multi-tenant building directory for every 25,000 square feet of total building square footage per platted lot in accordance with the following conditions:
 - a. Each directory may be two-sided and shall measure no greater than four feet in width and seven feet in height from finish grade to the top of the sign.
 - b. The area of display on each directory shall measure no greater than three feet by six feet.
 - c. A minimum of 50 percent of the total number of directories shall be located within 20 feet of the face of the building(s) on the subject property.
 - d. Directories shall be located no closer than 200 feet from the nearest public street right-of-way and shall be oriented such that the directory graphics are not legible from off-site.
 - e. Directories shall not be located within 400 linear feet of each other, as measured in a straight line between each directory.
 - f. Directories shall not be located in such a manner that they obstruct established emergency access routes within a development.
 - g. Each directory shall be placed within a landscaped island of no less than ten feet in width with curb and gutter.
 - h. Lighting shall be limited to indirect lighting only and shall not exceed two footcandles or less at any point on the directory. Internal illumination is prohibited.
 - i. Directory graphics, including font types, letter sizes and color selections shall be reviewed, approved and incorporated into the master sign program for each development.
- (12) Directional signs. In addition to any other signs authorized herein, any such property may contain not more than two directional signs per driveway entrance. Such signs are limited to no more than 24 inches in height and no more than two square feet in sign area.
- (13) Blade signs. Where blade signs are approved as a part of the overall sign program for a particular retail or commercial development, the blade sign shall not exceed six square feet in area and shall maintain a seven-foot clearance between finish grade and the bottom of the sign. Blade signs shall not be illuminated.
- (14) Master sign plan. All multiple-occupancy development complexes, such as shopping centers or planned industrial parks, shall submit to the city planner a master sign plan prior to the issuance of new sign permits, which plan must comply with all provisions of this chapter.

The master sign plan shall establish standards and criteria for all signs in the complex, which require permits and shall address, at a minimum, the following:

- a. Proposed sign locations.
- b. Approved materials and colors.
- c. Type of illumination, including fixture specifications and wattage.
- d. Design of free standing and wall sign structures.

- e. Size.
- f. Quantity.
- g. Uniform standards for non-business signage, including directional and informational signs.
- h. Identification of delivery or rear access door by name and suite number.

Approval by the city planner shall apply only to the architectural elements, uniformity of size, color and placement of the master sign program. The review by the city planner shall not address the content of any sign within the master sign program.

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

Any amendments to a master sign plan must be approved by the city planner and the property owner(s) within the development complex before such amendment will become effective. Approval by the city planner shall apply only to the architectural elements, uniformity of size, color and placement of the master sign program. The review by the city planner shall not address the content of the master sign program.

It shall be the responsibility of the owner or leasing agent of the property to provide the occupant with a copy of the approved master sign plan.

The signing for new businesses within existing projects shall comply with the provisions of this chapter.

- (15) Banners. Banners shall be permitted in all zoning districts of the city, and shall be permitted for a period not to exceed 14 calendar days at any one time. Only one banner shall be permitted for an individual tenant or business during a period of 120 days. The maximum size of a permitted banner shall not exceed 35 square feet. Banners shall be securely attached to a building and maintain a seven-foot clearance between walking surface and bottom edge of the banner if placed over a walk surface. Banners shall not be attached to the roof of the structure, or above the parapet line of the structure. Unless specifically permitted elsewhere in this chapter, no banner will be permitted off the premises.
- (16) Window signs. Except as otherwise provided in this chapter, window signs are allowed for each tenant within commercial zoning districts only (GC, LC, and LUC). Window signs are defined as any type of sign that is located on the interior of a business premises and is either attached to or is located within 48 inches of an exterior window, and is intended primarily to be viewed from the exterior of the premises. Window signs may be installed without a permit, but they must be installed in accordance with the provisions of this chapter.

Window signage applied directly to the window shall be limited to decal-type or direct adhesion graphics. No panels, boxes or other items mounted directly against the face of the window shall be allowed. There shall be no background for window signage which obstructs view through the glass. Opaque signage shall be limited to the letter and/ or graphics only.

The total square footage of all window signs shall not exceed 25 percent of the individual tenant's total window area exposed to public view, subject to the following conditions:

- a. No more than six windows shall be used to display window signs; and
- b. If the business premises has three windows or less, no more than two windows shall be used to display window signs.
- c. No more than 50 percent of an area of a window shall be used to display window signs, and no window sign shall extend from one window to another. As used in this section, the term "window" shall include only the glass portion of a window, and shall not include any frames or other non-glass portion of such window. Glass doors are to be considered windows for the purposes of administering this article.

d. Temporary writing or graphics applied to the glass or window, such as by marker, paint or shoe polish, shall be prohibited.

- (17) If a lot contains a mixture of commercial, industrial and/or residential uses, the signage requirements shall be based on the base zoning district in which the mixed-use development is located.

(Ord. No. 891, § 1, 10-5-2006; Ord. No. 1000, § 1, 5-20-2010; Ord. No. 1016, §§ 2, 3, 1-6-2011)

Sec. 66-16. - Computation of sign area.

The following principles shall control the computation of sign area for monument and wall signs:

- (1) *Monument signs.* The area of a monument sign shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and are not intended to contain any message or idea and are purely structural or decorative in nature.

The supports or structure upon which the sign face is located shall not be included in determining the overall size of the monument sign unless they are designed in a manner to form an integral part of the display and the surface area of the frame that is parallel to the display is no greater than 100 percent of the area of the sign displayed, and provided that no part of the monument sign is higher than five feet.

Double-sided signs with parallel, opposing faces shall not exceed 18 inches in width as measured from sign face to sign face. Only one face of a double-faced sign and bearing identical copy shall be used to compute the overall sign area.

- (2) *Wall signs.* The area of a wall sign shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and are not intended to contain any message or idea and are purely structural or decorative in nature. Any open space contained within the limits of the rectangle delimiting the sign face, sign face module, or sign structure shall be included in the computation of the area of such sign face, sign face module, or sign structure.
- (3) *Computation of sign height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
- a. Existing grade prior to construction, or
 - b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.

The maximum height of monument signs shall be no greater than five feet.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-17. - Signs permitted in all districts without approval.

In addition to any other signs permitted under this chapter, the following signs may be erected without a sign permit, subject to the following:

- (1) Real estate signs. Real estate signs which indicate the sale, rental or lease of the property are permitted, provided such signs are located on the property, are at least five feet from the paved portion of any street or driveway, and are no more than five feet above ground level. Only one real estate sign per property is permitted.
 - a. In residential zoning districts, the maximum size is six square feet, and the sign must be removed no later than seven days after closing of sale, rental or lease of the property.
 - b. In all other zoning districts, the maximum size is 32 square feet; and the sign must be removed no later than seven days after closing of sale, rental or lease of the property.
- (2) Construction signs. Construction signs are permitted in all districts subject to the following:
 - a. Signs can be no more than five feet in height and are limited to one sign for each site. The sign may be erected after a building permit has been issued for the site and work is in progress; this sign shall be confined to the site of construction. Construction signs shall be used to identify the name of the project, architect, engineers, contractors, and other individuals or firms involved with the construction.
 - b. In single-family residential zones, the maximum size is six square feet; and the sign must be removed no later than seven days after issuance of an occupancy permit by the city (in no case more than two years).
 - c. The sign must be removed when the builder places property for sale or not later than seven days after the closing of the sale.
 - d. In all other zoning districts, the maximum size is 32 square feet; and the sign must be removed no later than seven days after issuance of an occupancy permit by the city (in no case more than two years).
- (3) Vacant or unimproved property. Each vacant or unimproved lot shall be allowed to have one real estate sign, the size of which shall comply to the provisions set forth above. Such signs shall not exceed five feet in height. Once construction begins on any such vacant or unimproved lot, such signs shall be removed and the provisions regarding construction signs set forth above shall be applicable.
- (4) Flags. No more than three flags are permitted on each zoning lot, provided that each such flag does not exceed five feet by eight feet on a lot zoned industrial, four feet by six feet on a lot zoned commercial, and three feet by five feet on a lot zoned to any other zoning classification under the city zoning ordinance.
- (5) Memorial signs or tablets. Memorial signs or tablets, names of buildings and date of erection are permitted when cut into any masonry surface or when constructed of bronze or other incombustible material.
- (6) Bulletin boards. A bulletin board not over 15 square feet in area for a public, charitable or religious institution is permitted when located on the premises of such institution and located in such manner as not to interfere with the vision of motorists.
- (7) Municipal graphics. Traffic or other municipal street graphics such as railroad crossing signs, legal notices and such temporary emergency signs may be required by the city council.
- (8) Utility signs. Signs of public utilities companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities, or of public telephones are permitted.
- (9) Directional, informational, public service signs. Directional, informational or public service signs erected for the convenience of the public, not identifying any commercial or public entity, are permitted.

- (10) Signs regulating use of property. No trespassing signs or other such signs regulating the use of property such as no hunting, no fishing, etc., of no more than two square feet in area are permitted.
- (11) Unless otherwise described in this chapter, and in addition to other signs authorized by this chapter including political signs as per subsection 66-6(h), temporary signs shall be permitted regardless of the message conveyed on each temporary sign, subject to the following:
 - (1) Each temporary sign cannot exceed 16 square feet in area on residential zoned property, and cannot exceed 32 square feet on all non-residential zoned property.
 - (2) Each temporary sign cannot exceed five feet in height.
 - (3) One temporary sign per lot shall be permitted provided, however, that an unlimited number of political signs are allowed.
 - (4) Each temporary sign shall have a date written thereon indicating the date the sign was installed. Any sign that is installed without a date shall be removed.
 - (5) Temporary signs shall not be displayed for more than 30 consecutive calendar days at any one time provided that no more than six temporary signs are located on a zoning lot during a calendar year, and that no less than 30 days passes between the display of subsequent temporary signs.
 - (6) The time limits established in paragraphs (4) and (5) above shall not apply to political signs.

(Ord. No. 891, § 1, 10-5-2006; Ord. No. 1059, § 1, 5-9-2013)

Sec. 66-18. - Signs permitted within the public right-of-way.

- (a) No signs shall be allowed in the public right-of-way, except as otherwise provided in this chapter and as follows:
 - (1) Temporary signs shall be permitted in all zoning districts.
 - (2) Temporary signs shall be freestanding and not attached to any building, post or structure other than those approved within this chapter.
 - (3) All signs permitted within city-owned right-of-way shall be brown and buff in color, and printed on a surface no larger than 12 inches in height and 15 inches in width. Signs may be posted on a stake or stand so as not to exceed a total height of 36 inches from finish grade to the top of the sign.
 - (4) All permitted temporary signs shall be placed a minimum of five feet and a maximum of ten feet from the edge of pavement or back of curb, within 50 feet of the intersection of a street, and shall not obstruct vehicular, pedestrian or golf cart traffic in any manner. For purposes of this chapter, the right-of-way shall be considered approximately ten feet behind the edge of pavement or back of curb.
 - (5) Permitted temporary signs shall not be placed within any median strip, along the rights-of-way of State Routes 54 or 74, or within the right-of-way of any street within 200 feet of any intersection with State Highway Routes 54 and 74.
- (b) Signs permitted—permit required. Temporary signs within the public right-of-way shall be allowed only by permit approved by the city except as specified in subsection (c). Such application shall be submitted on the form provided by the city planner or his designated official. The size, height, color, location, and period of display for all temporary signs associated with a single event shall be stipulated upon each application.

The city planner shall review each request and may issue a temporary sign permit consistent with the following regulations:

- (1) Temporary signs shall be limited to city-recognized holidays and/ or functions, charitable events, baby announcements, graduation announcements, lost pet signs or any other message a property owner wishes to display provided that no commercial message or logo is displayed.
 - (2) Signs for special events sponsored by the city, community groups or civic clubs for public events or public celebrations may be permitted. Such signs shall be approved on an individual basis as to size, height, color, location and period of display.
 - (3) Tethered hot air balloons, other inflatable objects, spinners and banners attached to temporary signs are not permitted.
 - (4) Signs for filming activities may be permitted. Such signs shall be approved on an individual basis as to color, location and period of display.
- (c) Signs permitted—exempt from permit. The following temporary signs shall be exempt from filing an application, provided that such signs comply with the following:
- (1) *Public signs.* Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - (2) *Informational signs.* Informational signs of public utility regarding its poles, lines, pipes, or facilities; and
 - (3) *Emergency signs.* Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
 - (4) *Yard and/or garage sale signs.*
 - a. Each sign shall be acquired at city hall.
 - b. Each sign shall include the date(s) of the sale and the street address.
 - c. No additional writing is permitted on the sign.
 - d. Signs may be placed the evening prior to the sale (after 5:00 p.m.) and must be removed on the last registered date of the sale upon completion of the sale.
 - (5) *Real estate directional signs.*
 - a. Each sign shall be brown with buff lettering, as available from local sign and hardware stores. A sample of the approved sign design shall be available at city hall.
 - b. Phrasing shall be limited to "Home for Sale", "For Sale by Owner", "Estate Sale", "Home for Rent", "Home for Lease" or "Open House" in buff letters on a brown background with an associated directional arrow.
 - c. No additional writing is permitted on the sign.
 - (6) *Non-commercial speech, including but not limited to political signs.*
 - a. Signs shall conform in appearance and placement as specified above.
 - b. Each sign shall be acquired at city hall or approved by the city planner as to appearance and placement, but not as to content, prior to installation.
- (e) Duration of signs. All signs in the public right-of-way shall have a date written thereon indicating the date that the sign was installed. No sign shall be displayed for more than 14 days. Any sign that is installed without a date shall be removed.
- (f) Forfeiture of signs. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing or maintaining such a sign the full costs of removal and disposal of such sign. This cost shall be the same as that established by city council for a sign permit application submittal fee.

(Ord. No. 891, § 1, 10-5-2006; Ord. No. 1028, § 1, 5-19-2011)

Sec. 66-19. - Special events permits.

- (a) In addition to signs otherwise permitted in this chapter, properties in commercial, office and industrial districts wishing to erect special event signs and devices including portable signs and spectacular signs and devices, may do so only by obtaining a permit under the following conditions and requirements:
 - (1) Application. Prior to display of a special event sign, an application for a permit shall be filed with the city planner. One permit shall be issued to cover all signs and devices during the period of permit coverage. Handling of permit requests shall conform to section 66-7. All signs and devices to be covered by the permit shall be specifically described as to their construction and/or composition and location on the business premises.
 - (2) Size. Banners for special events shall not exceed 35 square feet and shall comply with the regulations of this chapter. The maximum size for the total of all special event signs shall not exceed 72 square feet.
 - (3) Number of permits. The maximum number of special event permits to be issued to a single premise in a business, office or industrial district shall be four per year. Each permit shall be issued for no more than seven consecutive calendar days.
 - (4) In considering an application for a special event signs, the city planner shall only consider the size of signs and number of permits issued, and shall not consider the content of the signs.
- (b) Except as modified by this Section all special event signs or devices must comply with all other applicable regulations and conditions set forth in this chapter governing their usage.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-20. - Noncommercial message permitted on all signs.

Any sign otherwise permitted by this chapter may contain a noncommercial message in lieu of a commercial message, provided that such sign complies with the size, height, area, and other requirements applicable to such sign.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-21. - Maximum size and height of signs.

- (a) No sign shall be permitted within the city which exceeds the size of 16 square feet in residential zoning districts and 50 square feet in commercial and industrial zoning districts.
- (b) No sign shall be permitted within the city which exceeds five feet in height from finish grade to the top of the sign.

(Ord. No. 891, § 1, 10-5-2006)

ARTICLE IV. - NON-CONFORMING SIGNS

Sec. 66-22. - Non-conforming signs.

- (a) Signs that, on the effective date of this chapter, were approved and legally erected under previous sign restrictions, and became or have become non-conforming with respect to the requirements of this chapter, may continue in existence subject to the following provisions:
 - (1) No increase in size of the non-conforming sign shall be permitted.
 - (2) Existing signs which were legally erected and which have become non-conforming and do not meet the setback requirements of this chapter due to road widening may be moved to meet the setback requirement of this chapter but shall not be increased in size, shape or changed in any manner except as to become conforming.
- (b) In all zoning districts, signs which were:
 - (1) Illegally erected or maintained with respect to prior ordinances;
 - (2) Made of paper, cloth or non-durable materials (except standard informational signs); or
 - (3) Located in the public right-of-way (except as permitted by this chapter) shall be prohibited and shall be removed by the owner.
- (c) Upon failure to comply with any requirement of this section, the city planner may cause the removal of such sign at the expense of the owner.
- (d) A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or de-mountable material on non-conforming signs shall be permitted.
- (e) Minor repairs and maintenance of non-conforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this chapter; provided that signs damaged by fire or act of God may be restored to their original condition.
- (f) The code enforcement officer shall be responsible for enforcement of the provisions of this section. Notices of violation shall be provided to the sign owner in accordance with the requirements herein.

(Ord. No. 891, § 1, 10-5-2006)

ARTICLE V. - ENFORCEMENT AND SIGN REMOVAL PROCEDURES

Sec. 66-23. - Inspection.

The city planner or code enforcement officer or other designated city officials shall periodically inspect each permanent and temporary conforming and non-conforming sign for the purpose of ascertaining whether the same is secure or insecure, whether it is in compliance with the requirements of this chapter and whether it is in need of repair.

In addition to these inspections, the city planner or code enforcement officer shall cause to be removed any sign that falls under the following classifications:

- (1) *Traffic hazards.* Any sign constituting a traffic hazard or a menace to the motoring public or pedestrians, as determined by the city planner or code enforcement officer in consultation with the chief of police, shall be removed as provided herein.
- (2) *General maintenance.* Every sign, including those signs for which permits are required and those for which no permits or permit fees are required shall be maintained in a safe, presentable and good structural condition at all times. The sign owner shall be responsible for repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the city planner or code enforcement officer shall require its removal in accordance herein.

- (3) *Abandoned signs.* Except as otherwise provided in this chapter, any sign that is located on property that becomes vacant and unoccupied for a period of one month or longer, including any tenant in a multi-tenant commercial, office, or industrial structure, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Sign panels from abandoned signs shall be removed by the owner of the premises on which the sign is located within the time frame specified in this Subsection. The supporting structure of an abandoned sign shall be subject to the non-conforming use provisions herein.
- (4) *Dangerous or defective signs.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the city planner or code enforcement officer shall proceed as described herein.
- (5) *Unlawful signs.* No person shall erect or permit to be erected any sign that does not comply with the provisions of this chapter.

The city planner or code enforcement officer shall prepare a written notice that shall describe the sign and specify the violation involved. The notice shall state that if the sign is not removed or the violation is not corrected within ten business days, the sign shall be removed in accordance with the provisions of this section.

All notices by the city planner or code enforcement officer shall be personally served or sent by certified mail, return receipt requested. Any time periods provided in this section shall be deemed to commence on the date received if hand delivered or otherwise on the date delivered as shown upon the return receipt of the U.S. Postal Service.

The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign, and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

Any person having an interest in the sign or the property may appeal the determination of the city planner or code enforcement officer ordering removal or compliance by filing a written notice of appeal with the city council within ten business days after receipt of the notice. Appeals will be handled as provided in section 66-7.

If the person to whom notice is directed fails to take corrective action within the time period prescribed, or if on appeal the city council affirms the decision of the city planner or code enforcement officer and the person fails to take corrective action or remove the offending sign within the time period prescribed, then the city planner or code enforcement officer shall proceed to have the sign removed or corrected to bring such sign into compliance with this chapter or to remove any unsafe condition.

When it is determined by the city planner or code enforcement officer that the sign would cause imminent danger to the public safety and contact cannot be made with the sign owner or building owner, no written notice shall have to be served prior to removal. In such emergency situation, the city planner or code enforcement officer shall document the unsafe condition and may correct the danger, with all costs being charged to the sign owner or the property owner.

If it shall be necessary for the city planner or code enforcement officer to remove the sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, the city planner or code enforcement officer may sell or salvage any material derived in the removal. He may sell the same at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Any proceeds in excess of the cost of removal shall be returned to the sign owner, if known or if unknown, shall be deposited in the city treasury and maintained for benefit of the owner for a period of three years. At the end of three years, all unclaimed proceeds shall become the property of the city. Where the proceeds derived from such sale are less than the costs of removal, such

deficiency shall constitute a lien against the property on which the sign is located. Such lien shall be collectable in the same manner as city property taxes.

Any sign removed by the city planner or code enforcement officer pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign removal.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-24. - Violations.

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided within section 1-11 of this Code:

- (1) To install, create, or erect any sign requiring a permit without such a permit being obtained;
- (2) To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoned lot on which sign is located;
- (3) To install, cause to be installed, or fail to remove any sign that is installed, created, or erected in violation of this chapter, or for which the building permit for such sign has lapsed; or
- (4) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.

(Ord. No. 891, § 1, 10-5-2006)

Sec. 66-25. - Notice of violation.

Illegal signs erected in the public right-of-way shall be removed without notice. If any sign is erected or maintained in violation of any of the provisions of this article, the city planner shall have the duty to give the owner thereof written notice of such violation, such notice to include a brief statement of the particulars in which this article is violated and the manner in which such violation is to be remedied. If a sign permit has not been obtained and the owner is not known, affixing a copy of the notice to the sign, sign structure or building for a period of ten days shall be sufficient.

(Ord. No. 891, § 1, 10-5-2006)