

## Chapter 22

### LAND USE\*

#### Division 13. Signs

##### Sec. 13-1. Purpose, Regulation and Intent

a) **Purpose of Sign Regulation.** Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the city without difficulty and confusion, to improve the general attractiveness of the city, to take advantage of the beauty of the city's natural environment, and to protect property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of businesses in the city in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies. Accordingly, it is the intention of the City to establish regulations governing the display of signs that will:

- 1) Promote and protect the public health, safety and general welfare.
- 2) Provide for the expression of commercial and noncommercial speech by citizens and businesses in the city.
- 3) Enhance the economy of the city and the success of business and industry by promoting the reasonable, orderly, and effective display of signs.
- 4) Restrict signs and lights that increase clutter or which increase the probability of traffic accidents by obstructing or confusing the vision of drivers, bicyclists or pedestrians.
- 5) Promote signs that are aesthetically compatible with their surroundings.
- 6) Insure proper maintenance, for safety and structural soundness, as well as the appearance and functionality of signs.

The purpose of this Article, therefore, is to support the economic vitality of the city through adequate identification of occupants, services, and events; to safeguard life through traffic safety; to protect the use of property, property values, and the public welfare; and to afford adequate opportunity for self-expression through free speech. These purposes are realized by regulating and controlling the number, location, size, sign type, and type of illumination of signs and sign structures so that all persons have ample opportunity to be equally heard and the public health, safety, and general welfare are adequately secured.

**(b) Regulation of Signs.** No sign shall be placed or maintained on any property, building or other structure within the incorporated area of Elberton except in conformity with this Article.

**(c) Intent of Sign Regulations.** Notwithstanding any other restrictions in this Sign Article, any sign authorized under this Article can contain any commercial or non-commercial message, other than messages containing nudity or obscenity as defined herein, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.  
(Code 2006, Ord 2142)

## Sec. 22-13-2. Definitions related to Signs

**a) Land Use Categories.** Land use categories referred to in this Article have the following meanings. The use in this Article of the term “property” relative to a land use category includes both developed and undeveloped properties, while the term “use” means a property that is developed, occupied or otherwise in operation under the land use category.

*Single- and Two-Family Residential.* A property occupied primarily by one or more single family dwellings or duplex dwellings, or a vacant property zoned or offered for sale or lease for such purpose.

*Multi-Family Residential.* A property occupied primarily by one or more residential buildings containing three or more dwelling units, or a vacant property zoned or offered for sale or lease for such purposes.

*Commercial.* A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes.

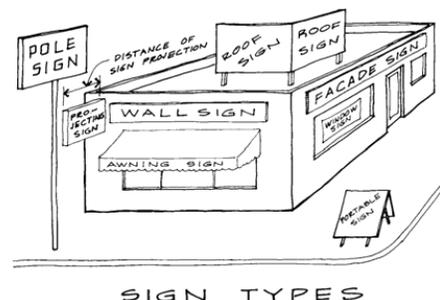
*Industrial.* A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or non-durable goods, or a vacant property zoned or offered for sale or lease for such purpose.

*Public or Community Use.* A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution.

**(b) Definitions of Words and Phrases.** The following words and phrases have specific meanings as used in this Article:

*Abandoned Signs.* A sign shall be considered abandoned when the business activity or firm which such sign advertises is no longer in operation, or does not have a current business license in effect.

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



*Awning Sign.* See “Building Sign.”

*Banner.* A sign other than a flag, made of paper, cloth, thin plastic, or similar lightweight pliable material, and usually containing a message or logo.

*Building Sign.* A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term “building sign” includes but is not limited to the following:

- 1) *Awning Sign.* A sign imposed, mounted or painted upon an awning.
- 2) *Mansard Sign.* A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
- 3) *Marquee Sign.* Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the top of the marquee.
- 4) *Parapet Sign.* A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.
- 5) *Projecting Sign.* A sign affixed to a wall and extending more than 12 inches from the surface of such wall, usually perpendicular to the wall surface.
- 6) *Roof Sign.* A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.
- 7) *Under-Canopy Sign.* A display attached to the underside of a marquee or canopy and protruding over public or private sidewalks.
- 8) *Wall (Or Façade) Sign.* A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 12 inches.
- 9) *Window Sign.* A sign that is placed on or behind a windowpane or glass door and intended to be viewed from outside the building.

*Canopy.* A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

*Changeable Copy Sign.*

- 1) *Automatic Changeable Copy Sign.* A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units. Copy shall mean words and numbers.
- 2) *Manual Changeable Copy Sign.* A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

*Channeled Letters.*

- 1) *Internally Channeled Letters.* Letters or other symbols with recessed surface designed to accommodate incandescent bulbs or luminous tubing.

- 2) *Reverse Channeled Letters.* Letters or other symbols with raised surface designed to be lighted from behind by incandescent bulbs or luminous tubing.

*Double-Faced Sign.* A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

*Flag.* A sign made of paper, woven natural or synthetic fabric, thin plastic, or similar lightweight pliable material that is normally displayed by flying from a pole as a wind activated device.

*Freestanding Sign.* A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term “freestanding sign” includes but is not limited to the following:

- 1) *Pole Sign.* A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
- 2) *Ground Sign.* A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign. Also referred to as a “monument sign.”

*Illuminated Signs.*

- 1) *Internally Illuminated Sign.* Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.
- 2) *Externally Illuminated Sign.* 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.

*Incidental Sign.* A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

*Internally Channeled Letters.* See under “Channeled Letters.”

*Kiosk.* A freestanding sign structure, usually cylindrical in shape, intended to be viewed from all sides and erected for the purpose of posting signs, notices or other public announcements. Kiosks that are composed of flat faces are treated as multi-faced signs.

*Mansard.* A steeply sloped, roof-like façade architecturally similar to a building wall.

*Marquee.* A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

*Marquee Sign.* See under “Building Sign.”

*Minimum Street-Side Setback.* The minimum distance required by the zoning on a property between an adjoining street and the façade of a principal building on the property.

*Monument Sign.* See “Ground Sign” under “Freestanding Sign.”

*Multi-Faced Sign.* A single sign structure consisting of two sign faces (see “double-faced sign”) or three or more sign faces that are separated from each other at their nearest point by no more than three feet. Sign faces on a single sign structure that are separated by more than three feet are treated as separate signs.

*Pennant.* Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term “pennant” shall not include a “banner” or an “official or personal flag” as regulated in this ordinance

*Planned Center.* A single office, commercial, or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship.

*Principal Freestanding Sign.* The main, most prominent or largest freestanding sign or signs on a property.

*Principal Use.* The primary purpose for which land or a building is used.

*Project Entrance Sign.* A permanent freestanding sign located at an entrance designed and permitted for vehicular access into a multi-family development, or into a development containing multiple lots or condominium units, such as but not limited to a particular residential or commercial subdivision, business center, office park or industrial park. Designs for project entrance signs are classified as two types.

*Single Sign.* A project entrance sign designed as a single sign structure with two back-to-back faces, oriented to be seen from both directions on the road adjacent to the development.

*Dual Sign.* A project entrance sign designed as two separate sign structures (each up to the maximum allowed size), each with a single sign face (each up to the maximum allowed size) individually oriented toward the intersection so as to be viewed from only one direction on the road adjacent to the development, and each located on opposite sides of the project entrance. Projecting sign. See under “Building Sign.”

*Reverse Channeled Letters.* See under “Channeled Letters.”

*Road, Controlled Access.* A state or federal highway (usually median divided) that, by design, may only be accessed from:

- 1) Public streets where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit, or
- 2) Public streets where such access is provided at grade level intersections which are designed and permitted by the Georgia DOT as part of the highway construction project, or Right in/right out only private drives without median cuts and where such private drives are permitted by the Georgia DOT due to extenuating circumstances such as no other means of access.
- 3) Controlled access roads are distinguished from other state and federal roads in that the private driveway access is the exception to the rule rather than the norm. This definition does not include “limited access roads.”

*Road, Limited Access.* A median divided state or federal highway which, by design, may only be accessed from public streets and where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit, (an example would be an interstate highway). This definition does not include “controlled access roads.”

*Roof Sign.* See under “Building Sign.”

*Sign.* 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.

*Sign Face.* 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 open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

*Sign Module.* Each portion or unit of a sign face that is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

*Sign Structure.* A structure exclusively or primarily intended to support a sign face and which, in combination with the sign face, comprises a sign as defined in this Article. A sign structure comprises all elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign’s message, and the structural supports. A structure that incidentally supports a sign face but whose primary purpose is other than providing such support, such as, but not limited to, an exterior wall of a building, a roof, a structural retaining wall or a decorative freestanding fence or wall at a project entrance is not considered a sign structure.

*Temporary Event.* An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as.

- 1) The offering of a property or premises for sale or rent.
- 2) An election, political campaign, referendum, or ballot proposition put to the voters as part of city, city, state, or federal governance.
- 3) Special business promotions, such as but not limited to “grand openings,” “closeout sales,” and seasonal sales events.
- 4) A yard sale.
- 5) The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building.
- 6) A special event by a nonprofit organization.

*Tenant.* A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

*Under-Canopy Sign.* See under “Building Sign.”

*Vehicular Sign.* Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way except that this definition shall not apply when:

- 1) Such conveyances are actively being used to transport persons, goods or services in the normal course of business;
- 2) When such conveyances are parked in an inconspicuous area; or
- 3) When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

*Wall Sign.* See under “Building Sign.”

*Window Sign.* See under “Building Sign.”  
(Code 2006, Ord 2142)

### **13-3. Applicability**

- a) **Signs That Are Regulated.** The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this Section.
- b) **Signs That Are Exempt from Regulation.** Each of the following types of signs are allowed on any property and are exempt from the restrictions imposed by this Article:

- 1) *Official Signs.* Signs placed by or at the direction of a governmental body, governmental agency or public authority, such as but not limited to traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural or historic significance or gateways; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.
- 2) *Property Address Signs.* Property addresses are not signs when displayed on a building or mailbox, provided that such property address consists of lettering no larger than 5 inches in height on a building or 3 inches on a mailbox.
- 3) *Incidental Signs.* Small signs and postings as defined in this Article of no more than 1
- 4) square foot, provided that the aggregate of all such signs on a property may not exceed 16 square feet.  
(Code 2006, Ord 2142)

#### **13-4. Prohibited Signs**

The following types of signs are prohibited:

- a) **Alcoholic Beverage Signs.**
- b) **Animated and Flashing Signs.** Signs other than automatic changeable copy signs that flash, blink, rotate, revolve, or have moving parts or visible bulbs, are not allowed. Signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark are not allowed.
- c) **Attached and Painted Signs.** Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features, are not allowed.
- d) **Banners.** Banners are not allowed except as provided for temporary signage under this Article. When allowed as temporary signage, a banner shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as under-canopy signs, flown as flags, or used as any other form of sign.
- e) **Dilapidated Signs.** Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the City are not allowed.
- f) **Display of Nudity.** Signs displaying nudity, as defined by the state of Georgia at O.C.G.A. Section 32-6-75 (b) (1), are not allowed.

- g) **Festoons.** Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind, are not allowed, except as provided for temporary signage under this Article.
- h) **Inflatable Signs.** A sign that is intended to be expanded by air or other gas for its proper display or support is not allowed.
- i) **Obscene Signs.** Obscene signs, as defined by the State of Georgia at O.C.G.A. Section 16-12-80 (b), are not allowed.
- j) **Obstructions.** No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.
- k) **Portable Signs.** A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following, is not allowed, except as provided for temporary signage under this Article:
  - 1) A sign designed to be temporarily placed upon the ground and not otherwise affixed to it.
  - 2) A sign mounted on a trailer, with or without wheels.
  - 3) An A-frame or sandwich board sign.
  - 4) An umbrella used for advertising.
- l) **Private Signs Placed on Public Property.** Any sign posted or erected on utility poles, governmental signs, public rights-of-way or any other public property is not allowed, except those placed by agencies of the federal, state, or local government.
- m) **Roof Signs.** Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof, or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.
- n) **Signs Imitating Public Warning or Traffic Devices.** Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or
- o) rescue vehicles, and any sign that uses the words "stop," "danger," or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.
- p) **Sound or Smoke Emitting Signs.** A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.

- q) **Signs Advertising Illegal Activity.** Signs that advertise an activity illegal under Georgia or federal law are not allowed.

(Code 2006, Ord 2142)

### **13-5. General Requirements Applying to All Signs**

- a) **Conformance to Building Codes.** In addition to any sign approval required under this Article, a building permit shall be obtained from the building inspector prior to installation or placement of any freestanding sign having a sign structure area greater than 15 square feet or any building sign having a sign face area greater than 6 square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all building, zoning and electrical code requirements.
- 1) Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer when deemed necessary by the building inspector, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the building code.
  - 2) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
  - 3) All electrical service to a sign shall be in compliance with the electrical code.
  - 4) Clearance from all electrical power lines shall be in conformance with the requirements of the electrical code.
- b) **Conformance to State Law.** The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of a U.S. or State-numbered highway (or any other road designated as a "primary highway" by the state of Georgia and approved by the U.S. department of transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:
- 1) Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 et seq.
  - 2) Such sign shall comply with all requirements of this Article. Between the Georgia and Elberton city regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.
- c) **Sign Maintenance.**
- 1) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be

given a protective coating as necessary to maintain a clean appearance and safe condition.

- 2) All signs shall be maintained in accordance with all City regulations, including any regulations concerning nuisances and vegetation.

**d) Minimum Sign Setback.**

- 1) No sign or sign structure of any kind is authorized to extend into or above, or be anchored or placed in any portion of a public right-of-way (except official signs). Unless provided otherwise in this Article, all signs on a property are subject to the setback requirements for accessory uses under the property's zoning classification, but in no case may any portion of a sign be located less than 5 feet from a public right-of-way or any other property line.
- 2) Principal freestanding signs shall be located at least 25 feet from a side lot line, or one-half the width of the lot frontage, whichever is less.

**e) Principal Freestanding Signs; Distance Between.**

Each principal freestanding sign shall be located at least 50 feet from any other principal freestanding sign on the same side of the street. This distance may be reduced upon approval by the building inspector if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required in order to maintain the greatest separation possible from such existing signs.

**f) Ground Clearance Under Signs.**

- 1) Projecting signs shall not project more than 3 feet beyond the face of the building. Projecting signs shall provide a minimum of 8 feet of clearance from ground level to the bottom of the sign.
- 2) Under-canopy signs of greater than 4 square feet shall be rigidly mounted, and there shall be 8 feet of clearance below the base of any rigidly mounted under-canopy sign. There shall be a minimum clearance of 7 feet below the base of any non-rigidly mounted under-canopy sign.
- 3) Awning, mansard and marquee signs shall be no less than 8 feet above the ground when erected over pedestrian walkways at the lowest extremity of the sign.

**g) Visibility Clearance Area.**

- 1) No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 3 feet and 15 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or

within 20 feet of the intersection of a street right-of-way and either edge of a driveway.

- 2) No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal or device.

#### **h) Illuminated Signs.**

- 1) **Where Restricted.** Signs are allowed to be externally or internally illuminated, except as follows:
  - a) A sign located on an agricultural property may not be internally illuminated. External illumination must be installed so that it illuminates only the sign face and does not shine onto public rights-of-way or neighboring properties. The source of the external illumination shall be shielded from view from public rights-of-way and neighboring properties.
  - b) A sign located on single- or two-family residential property may not be internally illuminated. External illumination must be installed so that it illuminates only the sign face and does not shine onto public rights-of-way or neighboring properties. The source of the external illumination shall be shielded from view from public rights-of-way and neighboring properties.
  - c) Temporary signs allowed under Sec. 708 shall not be illuminated.
- 2) **Traffic Control.** No sign illumination device shall resemble an official traffic control or warning sign, nor shall it hide from view or distract from any traffic or street sign or signal.
- 3) **Hazards.** Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.
- 4) **Light Pollution.** Sign illumination shall not cast light directly upon adjacent properties or roadways. No illuminated signs are allowed within 100 feet of any property line of single-family or two-family residential property or multi-family property.
- 5) **Neon Tubes.** No sign that has exposed neon tubes or other exposed tubes containing
- 6) luminescent gas shall be used outside a building.
- 7) **Exposed Wires.** No sign may have exposed electrical wires.
- 8) **Strings of Bulbs.** Strings of bulbs are not permitted, except as part of a holiday celebration.

- 9) **Hours of Illumination.** No sign in a residential area, an R-1 zone, or an R-2 zone shall be illuminated between 11 p.m. and 6 a.m. except for those hours during which the premises on which the sign is located is open for business.

**10) Types of illumination.**

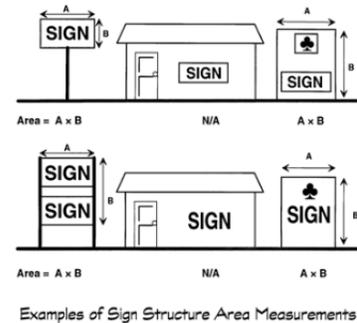
- a) **Externally-illuminated Sign.** An externally-illuminated sign, when permitted, shall have concealed wiring and controls, and shall have shielded and screened external light sources.
- b) **Internally-illuminated Sign.** Internally-illuminated signs, where permitted, must completely shield the source of light from direct view. Internally channeled or reverse-channeled letters are permitted only in instances of wall signs affixed to buildings that are set back from the street more than 250 feet.

c)

(Code 2006, Ord 2142)

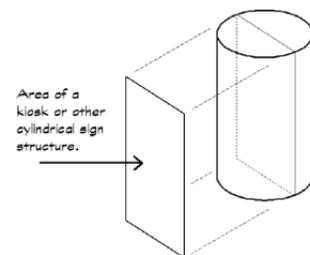
**13-6. Measurement of Sign Area and Height**

- a) **Computation of Sign Area.** In order to determine compliance with the maximum allowable sign areas permitted under this Article, the following shall establish how sign areas are measured. The terms “sign area” and “sign face area” are interchangeable and have the same meaning for the purpose of regulating maximum sign sizes.



**1) Sign Face Area.**

- a) The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- b) For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign’s words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign’s message shall establish the area of the sign’s face.
- c) For signs applied to a kiosk or other cylindrical sign structure, the area of the sign face shall be computed as the largest rectangular area achieved from any one view of the sign. Measurements shall be made as a flat plane rectangle projected on the sign.
- d) The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module.
- e) **Manual changeable copy signs.** For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other



design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

## 2) Sign Structure Area.

- a) The area of a sign structure 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 modules may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely structural or decorative in nature.
- b) For a kiosk or other cylindrical sign structure, the area of the sign structure shall be the largest measurement achieved from any view of the sign structure. Measurements shall be made as a flat plane rectangle projected on or bisecting the sign structure.
- c) For project entrance signs or other signs that are imposed, mounted or painted on a wall or other decorative structure, the sign structure area shall be computed as that portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign.

- 3) **Treatment of Open Spaces.** Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.

## 4) Multi-faced Signs.

- a) **Double-faced Signs.** For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area on the largest side. For doublefaced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.
- b) **Signs with Three or More Faces.** For sign structures having only three faces and the interior angle formed between all of the faces is 60 degrees, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs with three or more sides, the area of the sign shall be the largest total of all faces that are joined by an interior angle of more than 60 degrees that can be viewed from any one direction.

**b) Measurement of Sign Height.** The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 50 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, sign posts or other sign supports shall be included in the height of the sign. (*Code 2006, Ord 2142*)

## 13-7. Sign Types Permitted by Land Use Category

The following two Tables present the maximum number, size, height, and other restrictions relating to specific signage that are permitted by right in each land use category. Additional signage is permitted under this Section and under Section 22-174, Temporary Signs, of this Article.

- a) **Principal Freestanding Sign—One Use on Property.** “Principal Freestanding Sign—One Use on Property” on Table 1 applies to a lot where there is only one use being made of the property, such as but not limited to one single-family or two-family dwelling, one multi-family

development, one public or community institution, or one business occupant. A predominantly agricultural property, with or without a residence on the property, is considered a single agricultural use. Properties that are vacant but zoned or offered for sale or lease for a particular land use also fall under this category.

- b) **Freestanding Sign—Planned Center.** “Principal Freestanding Sign—Planned Center” applies to a single commercial or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately-owned and have no corporate relationship. A planned center may consist of several businesses in a single building or individual businesses in several buildings on the property.
- c) **Project Entrance Signs.** Project entrance signs are signs located at an entrance into a residential subdivision, into a multi-family development, or into an office, commercial or industrial park consisting of two or more lots or condominium units. Each project entrance sign shall not exceed the number, area or height limitations.
- d) **Maximum Number of Principal Freestanding Signs.** Only one principal freestanding sign is allowed on a property on each street frontage, whether the sign is located on a property occupied by only one use, is a planned center sign or a project entrance sign.
- e) **Building Signs.** For building signs permitted, the following shall apply:
  - 1) For single-occupant buildings, the maximum allowed area for a building sign on a wall shall be calculated on the basis of the percentage of the entire area of said wall, including all windows and doors.
  - 2) For multi-tenant buildings, the maximum allowed area for each building sign for each tenant shall be calculated on the basis of the percentage of the area of the wall, including all windows and doors, of that portion of the structure occupied by the tenant.
  - 3) Projecting and under-canopy signs shall be limited to no more than 1 per tenant on a property, and each tenant shall have no more than 1 projecting sign or under-canopy sign.
- f) **PD Planned Development.** For signs in a PD planned development, each property or individual development within the PUD shall conform to the sign regulations established as part of the zoning approval for the PUD. If no such regulations exist, each property or individual development within a planned development shall conform to the provisions of this Article in accordance with the land use category of said property or individual development.

<b>Table 2: Permitted Building Signage – by Land Use</b>						
	<b>Agricultural Property</b>	<b>Single- and Two-Family residential</b>	<b>Multi-Family Property</b>	<b>Commercial Property B-1 &amp; B-2 Zones</b>	<b>Industrial Property</b>	<b>public or Community Use Property</b>
<b>Wall, awning, under-canopy, projecting &amp; window signs on a building:</b>						
<b>Max. Number</b>	1	1	1 per building	2 per tenant <sup>1</sup>	1 per tenant <sup>1</sup>	1 per tenant <sup>1</sup>

<sup>1</sup>Additional wall signage is allowed for each tenant (up to a maximum of three signs) when the tenant meets one or more of the following conditions: a) a second road frontage (add one sign); b) exceeds 50,000 square feet of floor area (add one sign); c) exceeds 100,000 square feet of floor area (add one sign). <sup>2</sup>For a tenant occupying 50,000 to 100,000 square feet of floor area, the

of all building signs						
Max. sign face area on the window	1 sf	1 sf	4 sf	25% of the total window area only.	25% of the total window area only.	25% of the total window area only.
Max. sign face area on the wall	1 sf	1 sf	4 sf	25% of the area of the wall on which the sign is places, up to a max of 50 square feet <sup>2</sup>	25% of the area of the wall on which the sign is places, up to a max of 50 square feet <sup>2</sup>	25% of the area of the wall on which the sign is places, up to a max of 50 square feet <sup>2</sup>
Additional under-canopy sign	Not allowed	Not allowed	Not allowed	1 per tenant, up to 4 sf in area	1 per tenant, up to 4 sf in area	Not allowed
<b>Signs on a free-standing canopy:</b>						
Max. Number of all canopy signs	not allowed	not allowed	not allowed	1 per canopy face	1 per canopy face	not allowed
Max sign face area				10% of the are of each canopy face	15% fo the area of each canopy face	
Max sign face area of				6 sf	12 sf	

(g) *Miscellaneous Freestanding Signs.* Freestanding signs in addition to those shown on Table 7.1

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maximum sign area is 150 square feet, and for a tenant occupying more than 100,000 square feet of floor area, the maximum sign areas is 200 square feet.

**Table 2: Permitted Building Signage – By Land Use amended by Ordinance 2201, August 10, 2018.**

are allowed as accessory uses on a property occupied by any multi-family, commercial, industrial, public or community use if each sign complies with all of the following:

1. Within the area between a street and the minimum street-side setback required for the zoning district, additional signs may be located within 3 feet of driveways that provide access into or from the property. There shall be no more than 2 such signs per driveway and each such sign shall not exceed 4 square feet in sign area nor be more than 3 feet in height.
2. Miscellaneous signs located farther from the street than the minimum required street- side setback shall be allowed as follows:

- a. One miscellaneous sign not to exceed 32 square feet in area or more than 8 feet in height may be located on the property for each principal building on the lot.

- b. Other miscellaneous freestanding signs are allowed beyond the minimum street- side yard setback on a property developed for multi-family, commercial, industrial, public or community use, provided that such signs shall have no more than 4 square feet in sign face area nor more than 3 feet in height (except signs that are required by law to be higher than 3 feet high, such as those marking a handicapped parking space).

**(h) *Outdoor Recreational Facility.*** Signs erected on walls, fences, dugouts, press boxes, stadium stands, concession stands, ticket booths, benches and locker rooms on any public or community use outdoor recreational facility (such as a baseball stadium or soccer field) is permitted with the following restrictions:

1. Each individual sign shall not exceed 8 feet in height and 32 square feet in area and must face inward to the recreational activity area.
2. There shall be no limit on the number of signs per site provided that such sign faces are not visible from neighboring residential property or public rights-of-way.

**(i) *Flags.*** Any cloth, paper, thin plastic, or similar pliable material that is displayed by hanging or flying is allowed as an accessory use on any property that is used in any land use category if it complies with all of the following:

1. *Number and Size of Flags.*

- a. No more than 3 flags may be displayed on a lot occupied by an agricultural use, a single-family or two-family residential use, or a multi-family residential use. No single flag shall be larger than 24 square feet in size, and the total area for all flags collectively shall not exceed 45 square feet.

- b. No more than 3 flags may be displayed on a lot occupied by a commercial use, an industrial use, or a public or community use. No single flag shall be larger than 40 square feet in size, and the total area for all flags collectively shall not exceed 72 square feet.

2. The official flag of the United States of America shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.

**(j) *Automatic Changeable Copy Signs.*** Automatic changeable copy signs are only allowed on commercial and industrial properties.

**(k) *Vehicular Signs.*** Vehicular signs may only be located on a commercial or industrial property.

Each such lot, tract or parcel may contain one vehicular sign as defined herein, except that double frontage lots may have two such signs, one per road front. Vehicular signs shall meet the following criteria:

1. The area of such signs, when combined with the total area of other signs shall not exceed the total area authorized for signs for that lot within the land use category.
2. The height of such signs shall not exceed the height limit for signs authorized in the land use category.
3. Such signs shall not exceed a maximum of two per lot nor a maximum of one per road front.
4. Such signs shall not be lighted.

(Code 2006, Ord 2142)

### **13-8. Temporary Signs**

(a) *Temporary Signs.*

1. Signs in addition to those allowed under Section 22-173 are allowed on a property for the duration of a temporary event (as defined below). Such additional signs shall not be restricted as to the message displayed on the sign, but must comply with the provisions of this Section.
2. Temporary signs must comply with all requirements of this Article, except as modified by the provisions of this Section, including the prohibitions of Section 22-171 and the general requirements applying to all signs under Section 22-172.

(b) *Temporary Event; Defined.* A temporary event is an activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

1. The offering of a property or premises for sale or rent.
2. An election, political campaign, referendum, or ballot proposition put to the voters as part of city, state, or federal governance.
3. Special business promotions, such as but not limited to “grand openings,” “close-out sales,” and seasonal sales events.
4. A yard sale.
5. The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building.
6. A special event by a nonprofit organization.

(c) *Duration of Temporary Signs.* Temporary signs may be placed on any property upon initiation of a temporary event, and must be removed upon the termination of the event. Initiation and termination of particular events shall be interpreted as follows:

1. *Sale or Lease of a Building or Premises.* Initiation upon the availability of the building or premises for sale or lease, and termination upon the closing of the sale or execution of the

rental agreement.

2. *Building Construction or Remodeling.* Initiation upon issuance of a building permit authorizing the construction, interior finish or remodeling, and termination within 7 days after issuance of the Certificate of Occupancy.
3. *Residential or Nonresidential Subdivision or Condominium under Development.* Initiation upon preliminary plat or site plan approval by the City. Termination upon the sale of the last lot, dwelling unit or building, or at the end of 12 continuous months during which no building permits have been issued for new construction within the development, whichever occurs first.
4. *Election or political campaign.* Initiation upon the opening day of qualification of candidates, and termination within 10 days after the election of all candidates to office or resolution of all ballot questions put to the voters in the election.
5. *Special Business Promotion.* Initiation upon announcement of the special sale or sales event, and termination upon its completion or 60 days after initiation, whichever occurs first. Business promotion signs may not be approved more often than twice each calendar year. Additional provisions apply to flags, banners and festoons placed during a special business promotion event in Section 22-174(h).
6. *Yard Sale.* Initiation five days prior to the announced date of the sale, and termination at the end of the announced date.
7. *Public Announcement.* Initiation upon the placement of the sign and termination within 30 days after such placement, unless placed as a weekend sign conforming to Section 22-174(i).
8. *Other Temporary Events.* The initiation and termination dates for any temporary event not listed above shall be determined by the Building Inspector for each temporary event, based on considerations such as: normal beginning and ending dates for such an event, the scheduled occurrence of the event, or similarities to other temporary events listed above or having previously occurred.

(d) *Number of Temporary Signs.* Only one temporary sign related to each temporary event may be located on a property at any one time, except for the following:

1. *Sale or Lease of a Building or Premises.* One freestanding sign per street frontage may be placed on a property that is available for sale or lease. For a planned center, one additional building sign may be placed on each tenant space that is available for sale or lease. During construction of a residential or nonresidential subdivision or condominium development, one additional sign may be placed at each entrance into the subdivision.
2. *Residential or Nonresidential Subdivision or Condominium under Development.* During construction of a residential or nonresidential subdivision or condominium development: one sign per entrance into the subdivision or development.
3. *Election or Political Campaign.* No Limit.
4. For a commercial, industrial, or public or community use building containing 100,000 square feet of gross floor area or more, see Section 22-174(e).

<b>Table 3: Temporary Sign Examples<sup>3</sup></b>			
<b>Type of Temporary Event</b>	<b>Duration</b>		<b>Number Allowed on the Property<sup>4</sup></b>
	<b>Event Starts</b>	<b>Event Ends</b>	
Sale or Lease of a Building or Premises	When put on the market	Closing of sale or execution of lease	1 freestanding per property, 1 building sign per tenant space, 1 per subdivision entrance
Building Construction or Remodeling	Issuance of building permit	Within 7 days of issuance of c.o.	1 on the construction site
Subdivision or Condominium Project Under Development	Preliminary plat or Site Plan approval	Sale of last lot or building, or 12 months of no building permits	1 per entrance into the subdivision or development
Election or Political Campaigns	Opening day of qualification of candidates	Within 10 days after election complete	No limit
Special Business Promotion	Announcement of special sale or sale event	End of sale or 60 days, whichever occurs first	1 plus those allowed under Sec. 708.08
Yard Sale	5 days prior to announced date of sale	At the end of the sale	1 on yard sale site
Public Announcement	Upon placement of the sign	Sign removed within 30 days of placement	1
Other Temporary Events	As determined by Code Enforcement	As determined by Code	1

<sup>3</sup> Examples only. All provisions of Sec. 22-174 apply in all cases.

<sup>4</sup> See also weekend signs (Sec. 22-174(i)).

	Director	Enforcement Director	
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(e) *Size of Temporary Signs.* Temporary signs are restricted to the following sign face areas and sign heights, by land use category (as defined in this Code):

1. *Agricultural Property.* Temporary event signs located on an agricultural property shall not exceed 16 square feet in area and 6 feet in height.
2. *Single- and Two-family Residential Property.* Temporary event signs located on a single- or two-family residential property shall not exceed 6 square feet in area and 5 feet in height.
3. *Multi-family, Commercial, Industrial and Public or Community Use Property.* Temporary event signs located on a multi-family, commercial, industrial or community use property shall not exceed 32 square feet in area and 10 feet in height.
4. *Exceptions.* Notwithstanding the provisions of this Subsection:
  - a. During the construction or remodeling of a commercial, industrial, or public or community use building containing 100,000 square feet of gross floor area or more, no more than two freestanding or wall signs shall be allowed, not exceeding a cumulative total of 64 square feet in area nor more than 12 feet in height.
  - b. During the start-up period while a commercial, industrial, or public or community use building containing 100,000 square feet of gross floor area or more is initially for sale or lease, no more than two additional freestanding signs shall be allowed, not exceeding a cumulative total of 64 square feet in area nor more than 12 feet in height.
  - c. Entrance signage during construction of a residential or nonresidential subdivision or condominium development shall not exceed 36 square feet in area and 8 feet in height at each entrance.

(f) *Location of Temporary Signs.*

1. All temporary signs shall be located at least 5 feet from any street right-of-way line, any side or rear property line, and the pavement edge of a driveway.
2. Temporary signs are not allowed to be placed within or over a public street right-of-way or private street easement.
3. A temporary sign must be a freestanding sign or a building sign (as defined in this Article), and shall not be affixed to any tree, utility pole or official traffic sign or structure.
4. A temporary sign must be located at least 10 feet from any other sign, including another temporary event sign.
5. A temporary sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

(g) *Construction and Lighting Standards of Temporary Signs.*

1. *Construction Standards for Signs Requiring Building Permits.* Except for portable signs and banners, a temporary sign that exceeds (a) 15 square feet for a freestanding sign, or (b) 6

square feet for a building sign must be authorized by a building permit prior to placement. Construction of such signs shall meet the same engineering design and materials standards as for permanent signs as required by the Building Code.

2. *Construction Standards for Signs Not Requiring Building Permits.*

- a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
- b. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face. Automatic changeable copy signs shall not be allowed.

3. *Lighting.* Temporary signs shall not be illuminated.

**(h)** *Portable Signs, Banners, Streamers and Flags.* During a special business promotion event, portable signs, banners, streamers and flags are allowed as temporary signs on a property developed for commercial, industrial, or public or community use, subject to all provisions that pertain to temporary signs and the following additional restrictions.

1. *Portable Signs.* One portable sign per developed lot or business is allowed under the following conditions and requirements:

- a. Prior to the erection or placement of these signs or devices, all required fees and taxes shall be paid by the owner of the sign.
- b. The maximum size allowance for these devices and signs shall not exceed 32 square feet. The square footage of said portable sign, when combined with other signs on the same lot, shall not exceed the total square footage authorized for signs in the land use category. Said sign shall not have arrows, directional arrows, or flashing lights.
- c. No portable sign shall be placed on a lot that is used for residential purposes.
- d. The sign must be placed on the site in such a manner as to be at least 5 feet from the right-of-way and to not be an obstruction for traffic or visibility. The location of the sign is subject to approval of the building inspector.
- e. To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the zoning officer.
- f. All electrical connections to the sign must be in compliance with the electrical codes as adopted by the city, and must be inspected prior to use.
- g. The maximum number of portable sign approvals to be issued to a single location or site at any given time shall be 1 sign.
- h. A site or location for the purpose of this Section shall be defined as land under common ownership.

2. *Banners, Streamers and Flags.*

- a. Banners, streamers and flags shall be counted towards the total square foot sign area permitted for the lot on which they are placed, and when added to the area of all other signs on said lot shall not exceed the total sign area permitted for the lot.
- b. No part of any such sign shall be located in, on or within 5 feet of a public right-of-way.

**(i)** *Weekend Signs.* Weekend signs are allowed as temporary signs under the following

provisions.

1. *Location.* Such signs are allowed on properties in all land use categories. Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
2. *Setback.* No setback from the street right-of-way line shall be required for a weekend sign, except that any such sign shall not be placed within or over the street right-of-way nor affixed to any tree, utility pole or official traffic sign or structure.
3. *Size.* Such signs shall not exceed 6 square feet in area nor be more than 3 feet in height.
4. *Duration.* Weekend signs shall be allowed only between Friday starting at 5:00 p.m. and Sunday ending at 8:00 p.m.
5. *Permanence.* Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic or manual changeable copy shall not be allowed.
6. *Lighting.* Such signs shall not be illuminated.

(Code 2006, Ord 2142)

## **22-9. Sign Approvals and Permitting**

(a) *Sign Approvals; When Required.* In addition to a building permit as may be required under the Building Code, a Sign Approval review first shall be conducted by the Building Inspector prior to installation, relocation, expansion or construction or issuance of a permit of any sign regulated under this Ordinance except for those signs specifically exempted under Section 22-175(b), below.

(b) *Exemptions from Requirement for Sign Approval.*<sup>5</sup>

1. Sign approval will not be required for legally existing signs for which a sign approval has previously been issued, under the following conditions:
  - a. Replacing or altering the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that compose a sign's message, in whole or in part, shall not require a sign approval unless a structural or size change is made.
  - b. Painting, repairing, cleaning, or maintaining a sign shall not require a sign approval unless a structural change is made.
2. *Sign approval will not be required for the following listed signs:*
  - a. Any sign that is otherwise exempt from regulation under Section 22-170 of this Article.
  - b. A principal freestanding sign on a single-family or two-family residential property allowed under Section 22-173(a) of this Article does not require a sign approval.

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<sup>5</sup> These exemptions apply only to the requirement of issuance of a Sign Approval and do not relieve the owner of the sign from compliance with all other requirements of this Article for the particular sign.

- c. Miscellaneous freestanding signs that are allowed under Section 22-173(h) of this Article do not require a sign approval.
- d. Outdoor recreational facility signs that are allowed under Section 22-173(i) of this Article do not require a sign approval.
- e. Flags that are allowed under Section 22-173(j) of this Article do not require a sign approval.
- f. Weekend signs that are allowed under Section 22-173(i) of this Article do not require a sign approval.
- g. Any building sign less than 6 square feet in area does not require a sign approval.

(c) *Issuance of Sign Approval.*

1. *Sign Review Required.* For any sign requiring sign approval under the provisions of this Article, sign review shall be required prior to installation, relocation, renovation, expansion, construction or reconstruction of the sign. The sign application, with the non-refundable application fee established by the council, shall be submitted to the building inspector.

2. *Sign Approval Application.*

**a.** *Application for Signs Other than Temporary Signs.* The application for a Sign Approval for all types of signs other than temporary signs must include the following:

- 1. An itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the property.
- 2. An itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the property and all existing signs proposed to be removed.
- 3. A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.
- 4. The estimated cost of construction for each proposed sign.
- 5. An agreement wherein the applicant shall indemnify the city against all damages, demands, or expenses of any kind caused by the sign or sign structure.
- 6. Any other information as may be reasonably required by the building inspector to determine compliance with all provisions of this Code.

**b.** *Application for Temporary Signs.* The application for a sign approval for a temporary sign must include the following:

- 1. A list of the temporary signs to be placed on the property.
- 2. A description of the temporary signs to be placed on the property.
- 3. For portable signs, banners, streamers and flags, written and graphic evidence of compliance with all requirements of Section 22-174(c).

**c.** *Issuance of Sign Approval.* Once an application for a sign approval, complete in all respects, has been received by the building inspector within 10 business days, shall then review the application for compliance with applicable regulations and either (a) issue the approval or (b) inform the applicant of the reasons why the approval cannot be issued. Upon determination that the application fully complies with the provisions of this Code, and all other applicable laws, regulations, and ordinances, the sign approval shall be issued

by the building inspector within the above prescribed times.

- d. *Building Permit Required.*** For any sign requiring sign approval under the provisions of this Article, issuance of a building permit shall be required prior to installation, relocation, renovation, expansion, construction or reconstruction of the sign, consistent with such sign approval. The building permit application, with the non-refundable application fee established by the council, shall be submitted to the building inspector.
- e. *Permit Identification to Be Placed on the Sign.*** Every sign for which a permit is issued shall be plainly marked with the name of the permittee and shall have the number of the sign approval affixed on the framework in the lower right hand area of the sign or on the sign face using a durable material so that it is easily seen and weatherproof.
- f. *Expiration of Sign Approval for Uncompleted Construction.*** A sign approval shall expire if the sign for which the permit was issued has not been substantially completed (to the extent of at least 60% completion based on the estimated cost of construction from the application for sign approval) within six months of issuance. One 6-month extension may be approved by the building inspector for circumstances deemed extenuating and reasonable. Expiration of a sign approval shall automatically void any building permit issued for the construction of the sign.
- g. *Fee Schedule.*** The council may from time to time by resolution, establish and/or modify said fee schedule as necessary to include, but not necessarily be limited to, the cost of issuing permits, making inspections and other administrative matters related to this section.

(Code 2006, Ord 2142)

#### **22-10. Nonconforming existing signs.**

Any legally existing sign that existed prior to the effective date of this article but which by reason of its size, height, location, design, or construction is not in conformance with this article shall be deemed a nonconforming sign and shall be permitted without alteration in size or location.

Minor repairs and maintenance of nonconforming sign such as repainting, electrical repairs and the replacement of light bulbs and neon tubes shall be permitted. However, no structural repairs or changes in size or shape of the sign is permitted except to make the sign comply with this article

A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, printed boards or demountable material on such signs shall be permitted.

(Code 2006, Ord 2142)

#### **22-11. Sign removal.**

A sign that was constructed, painted, installed, or maintained in conformance with a permit under this article, but for which the permit has lapsed or not been renewed or for a nonconforming sign that has been abandoned for any reason, the building inspector shall have the power to give the owner thereof written

notice of such removal. Said notice shall include a brief statement specifically detailing the section or sections violated, and manner in which violation or violations shall be remedied. If the owner is not known, affixing a copy of the notice to the sign or sign structure or building in question for a period of thirty (30) days shall be considered sufficient notification. If a sign is not permitted by this Ordinance, or is in violation in any way, the owner shall remove such sign within thirty (30) days of notice by the building inspector. If a sign is not removed by the owner or his agent within thirty (30) days of notice by the building inspector, the building inspector shall have the right to remove such sign and charge the expense of removal to the owner, and said building inspector shall have the right to dispose of the sign as necessary. Any person who violates this Ordinance or fails to comply with its provisions shall upon conviction in the municipal court of Elberton, Georgia, of such violation, be subject to the general penalty provision of the Elberton Code.

*(Code 2006, Ord 2142)*

## **22-12. Violation.**

Any of the following shall be a violation of this article and shall be subject to the enforcement remedies and penalties provided by this article:

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
2. To install, create, erect, or maintain any sign requiring a permit without such a permit;
3. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
4. To fail to remove any sign that is installed, created, erected, or maintained in violation of this article, or for which the sign permit has lapsed; or
5. 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 article. Each sign installed, created, erected, or maintained in violation of this article shall be considered a separate violation when applying the penalty portions of this article.