

## **Section 106. Signs**

### **Section 106.1. Purpose and Findings**

The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance. By enacting this ordinance, the Mayor and Council intend to:

- (a) Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (b) Protect the public health, safety, and welfare;
- (c) Reduce traffic and pedestrian hazards;
- (d) Maintain the historical image of the City;
- (e) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (f) Promote economic development; and
- (g) Ensure the fair and consistent enforcement of sign regulations.

### **106.2. Definitions.**

***Aggregate sign area:*** shall mean the area of all signs on a parcel, excluding the area of one face of all double-faced signs.

***Animated sign:*** shall mean a sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light(s), or lighting device(s) which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically.

***Area of a sign/ Sign area:*** shall mean the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses one face of the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.

***Awning sign:*** shall mean a sign located on a roof-like cover extending before a place as a shelter and which may be used in lieu of a wall sign.

***Billboard sign:*** shall mean any sign with sign area exceeding 300 square feet.

***Decorative banner*** shall mean a sign of cloth, plastic or vinyl with no other substantial backing hung or projecting from a pole, provided said sign is not commercial in nature and does not advertise a specific product or item.

***Double-faced sign:*** shall mean a sign which has two (2) display areas placed back to back against each other or where the interior angle formed by the display areas is sixty

(60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

**Electronic display area:** shall mean the portion of an animated sign which changes by any light(s), or lighting device(s) which change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part thereof automatically.

**Flag:** shall mean any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization.

**Freestanding sign:** shall mean a sign securely affixed to a support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or stanchion signs.

**Illuminated sign:** shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

**Monument sign:** shall mean a freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies.

**Non-conforming sign:** shall mean any sign which does not conform to the provisions of this ordinance that was legal at the time of its erection.

**Parcel:** shall mean a separate tax unit of real property on county real estate records.

**Portable Sign:** Any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a code vehicle, and the primary purpose of which is advertising.

**Roof sign:** shall mean a sign attached to or supported by the roof of a building which extends above the immediately adjacent roof line of the building.

**Sign:** shall mean a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

**Stanchion sign:** shall mean a freestanding sign mounted on one or more steel poles set in the ground and of sufficient strength and size to support the advertisement portion of such structure which rests upon or is supported by such poles.

**Temporary sign:** shall mean a sign of a nonpermanent nature. Includes but is not limited to banners, flags, streamers, and pennants.

**Wall sign:** shall mean a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

**Window sign:** shall mean a sign installed flush with or on a window and intended to be viewed from the outside.

### **106.3. Permits.**

(a) All signs allowed by this ordinance, except those exempted from obtaining a permit shall require a permit issued by the city prior to posting, displaying, substantially changing, or erecting a sign in the city.

(b) Existing signs which conform to the provisions of this ordinance that would be required to obtain a permit under the regulations of this ordinance must register with the city within (90) days of the effective date of this ordinance. The information provided for registration will be the same information required in a permit application under Section 106.4. No permit fee will be required for the registration of existing signs.

### **106.4. Application Information.**

Applications for sign permits required by this ordinance shall be filed by the sign owner or the owner's agent with the Community Development Director. The application shall describe and set forth the following:

(a) The street address of the property upon which the sign is to be located and a plat map of the property, drawn to scale, showing all existing structures, including existing signage and which bears an indication of the proposed location of the sign.

(b) The aggregate area for all signs on the parcel.

(c) The name(s) and address(es) of all of the owner(s) of the real property upon which the subject sign is to be located.

(d) Consent of the owner, or the owner's agent, granting permission for the placement or maintenance of the sign.

(e) Name, address, phone number of the sign contractor.

(f) The type of sign to be erected, the area of the sign, the height of the sign, the shape of the sign, and an explanation of how the sign is to be mounted or erected.

(g) The distance of the sign from the closest adjacent sign in either direction.

(h) The size of the parcel on which the sign is to be placed.

### **106.5. Time for Consideration.**

The City shall process all sign permit applications within (30) business days of the City's actual receipt of a completed application and accompanying sign permit fee. The Director

of Community Development shall give notice to the applicant of the decision of the City by hand delivery or by mailing a notice, by first class mail, to the address on the permit application on or before the 30<sup>th</sup> business day after the City's receipt of the completed application and fee. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the City fails to act within the thirty (30) business day period, the permit shall be deemed to have been granted.

#### **106.6. Denial and Revocation.**

(a) *Procedure:* The City shall deny permits to applicants that submit applications for signs that do not comply with the provisions of this ordinance, are incomplete applications, or applications containing any false material statements. Violation of any provision of this ordinance 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 ordinance, the Community Development Director shall revoke the permit. Should the city deny a permit, the reasons for the denial are to be stated in writing and mailed by first class mail or via hand delivery to the address on the permit application on or before the 30th business day 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 re-submission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined, and the applicant is granted a public hearing before a hearing officer designated by the city. The applicant will be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the denial of the permit application, or the revocation of a permit. "Due cause" is the violation of the provisions of this ordinance, state or federal law related to signage, or the submission of an incomplete application or an application containing false material statements.

(b) *Appeal:* An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the hearing officer to the Planning Commission upon filing of written notice of an appeal with the Community Development Director within ten (10) business days of the hearing officer's decision. Such appeal shall be considered by the Commission at the next Planning Commission meeting held after the city's receipt of the written notice of appeal, provided that notice of appeal is received a minimum of five full business days before the meeting. If the appeal is not heard at such meeting, it shall be heard at the next regular meeting of Commission thereafter. The Commission shall make a final decision no later than thirty (30) days from the date of the hearing.

(c) In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the Planning Commission, he or she may petition for writ of certiorari to the superior court as provided by law.

### **106.7. Permit Expiration.**

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed in accordance with the permit application within six (6) months after the date of issuance. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If later an individual 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 applicable at such time.

### **106.8. Fees.**

The cost of a permit shall be in an amount as determined by City Council.

### **106.9. Prohibited Signs.**

The following types of signs are prohibited throughout the city:

- (a) Signs which make use of lights, colors, characters or symbols in such a manner as to constitute a hazard;
- (b) Signs on public rights of way other than publicly owned or maintained signs;
- (c) Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated § 16-12-80;
- (d) Signs which simulate an official traffic control or warning sign or hide from view any traffic or street sign, signal or public service sign;
- (e) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing;
- (f) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;
- (g) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, post, curve, utility pole, or other structure except as set forth herein;
- (h) Rotating signs;
- (i) Temporary signs;
- (j) Any sign that is structurally unsound, or is a hazard to traffic or pedestrians; and

(k) Any sign or other device, including banners and temporary signs, set in motion by the atmosphere except decorative banners sponsored by a governmental agency, the Downtown Development Authority, or the Perry Area Chamber of Commerce.

#### **106.10. Restrictions in Residential Zoning Districts.**

Other than subdivision entrance signs allowed under Section 106.11, parcels located in residential zoning districts shall not contain signs having a sign area greater than four (4) square feet. Signs having a height of greater than five (5) feet shall not be located in residential zoning districts. Illuminated signs shall not be located in residential zoning districts. Signs meeting the standards of this section are exempt from permitting requirements.

#### **106.11. Residential Subdivision Entrance Signs.**

Platted residential subdivisions consisting of more than two (2) parcels may erect one monument sign at each entrance to the subdivision. Such sign shall not exceed a height of ten (10) feet above the grade level of the center line of the adjacent street and shall not have a sign area greater than twenty five (25) square feet. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.

#### **106.12. Height and Setback Requirements.**

**106.12.1.** All signs shall be set back as follows:

- (1) Ten (10) feet from the curb line of each street adjacent to the lot upon which the sign is situated where an authorized curb cut exists; applicable to all zoning districts;
- (2) If the right-of-way is more than ten (10) feet from the curb line as described in (1) above, the sign, including its footing or foundations, shall be located on private property (applicable to all zoning districts).
- (3) All sign heights shall be considered to be the vertical distance between the highest part of the sign structure, whichever is higher, and the average grade of the surrounding property. The level of the ground shall not be altered in such a way as to provide additional sign height.

#### **106.13. General Size and Location Requirements in Non-Residential Districts.**

**106.13.1.** No freestanding sign may be located within thirty 30 feet of the intersection of street right- of -way lines extended.

**106.13.2.** No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this ordinance.

### **106.13.3. Billboard signs**

#### **(1) Residential Districts.**

(a) Billboard signs shall only be located on parcels in commercial or industrial zoning areas.

#### **(2) C-1, C-2, M-1, and M-2 Districts.**

(a) Billboard signs shall not exceed the stanchion size limitations in Section 106.13.4(1).

(b) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.

(c) No billboard sign shall be located within one thousand (1,000) feet of another billboard sign.

(d) No billboard sign shall be located within five hundred (500) feet of residential zoned parcels.

(e) No billboard sign shall be located within five hundred (500) feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery.

(f) No billboard sign shall be erected to a height in excess of fifty (50) feet.

#### **(3) CP, LC, OC, and IN Districts.**

(a) Billboard signs shall not exceed the stanchion size limitations in Section 106.13.4(2).

(b) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.

(c) No billboard sign shall be located within one thousand (1,000) feet of another billboard sign.

(d) No billboard sign shall be located within five hundred (500) feet of residential zoned parcels.

(e) No billboard sign shall be located within five hundred (500) feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery.

(f) No billboard sign shall be erected to a height in excess of twenty (20) feet.

(4) Billboards in the C-3 District shall meet the requirements of stanchion sign standards in Appendix B.

(5) Special Districts.

(a) PC, Parkway Corridor District

(1) Billboard signs shall not exceed the stanchion size limitations in Section 106.13.4(4)(a).

(2) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.

(3) No billboard sign shall be located within one thousand (1,000) feet of another billboard sign.

(4) No billboard sign shall be located within five hundred (500) feet of residential zoned parcels.

(5) No billboard sign shall be located within five hundred (500) feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery.

(6) No billboard sign shall be erected to a height in excess of twenty (20) feet.

(b) NC, Neighborhood Commercial Corridor District

(1) Billboard signs shall not exceed the stanchion size limitations in Section 106.13.4(4)(b).

(2) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.

(3) No billboard sign shall be located within one thousand (1,000) feet of another billboard sign.

(4) No billboard sign shall be located within five hundred (500) feet of residential zoned parcels.

(5) No billboard sign shall be located within five hundred (500) feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery.

(6) No billboard sign shall be erected to a height in excess of fifteen (15) feet.

(c) IC, Interstate Corridor District

(1) Billboard signs shall not exceed six hundred and seventy two (672) square feet of sign area. Billboard signs shall not exceed fourteen (14) feet in height or forty eight (48) feet in length.

(2) Billboard signs shall only be located on parcels in commercial or industrial zoning areas.

(3) Billboard signs shall only be located on parcels adjacent to designated state or federal highways and shall be oriented only towards those highways.

(4) No billboard sign shall be located within five hundred (500) feet of another billboard sign.

(5) No billboard sign shall be located within five hundred (500) feet of residential zoned parcels.

(6) No billboard sign shall be located within five hundred (500) feet in any direction of a public park, public playground, public recreation area, public forest, scenic area, or cemetery.

(7) No billboard sign shall be erected to a height in excess of fifty (50) feet.

**106.13.4. Stanchion signs.**

(1) C-1, C-2, M-1, and M-2 Districts.

(a) Stanchion signs for parcels exceeding three (3) acres shall not exceed a sign area of 150 square feet.

(b) Stanchion signs for parcels less than three (3) acres, but equal to or greater than 30,000 square feet shall not exceed a sign area of ninety (90) square feet.

(c) Stanchion signs for parcels less than 30,000 square feet in size shall not exceed a sign area of seventy (70) square feet.

(d) Stanchion signs shall be limited to two such signs per parcel.

(e) One of the stanchion signs shall not exceed a height of twenty (20) feet.

(2) CP, LC, OC, and IN Districts.

(a) Stanchion signs shall not exceed a sign area of thirty-two (32) square feet.

- (b) Stanchion signs shall be limited to one such sign per parcel per street frontage. A maximum of two (2) stanchion signs are permitted per parcel.
- (c) The maximum height for stanchion signs in these districts shall not exceed twenty (20) feet.

(3) Stanchion signs in the C-3 District shall meet the requirements of the Downtown District sign standards in Appendix B.

(4) Special Districts.

(a) PC, Parkway Corridor District

- (1) Stanchion signs for parcels exceeding three (3) acres shall not exceed a sign area of one hundred (100) square feet.
- (2) Stanchion signs for parcels less than three (3) acres, but equal to or greater than 30,000 square feet shall not exceed a sign area of seventy (70) square feet.
- (3) Stanchion signs for parcels less than 30,000 square feet in size shall not exceed a sign area of fifty (50) square feet.
- (4) Stanchion signs shall be limited to one such signs per parcel per street frontage.
- (5) The maximum height for stanchion signs in these districts shall not exceed twenty (20) feet.
- (6) Monopole stanchion signs are prohibited in this overlay district.
- (7) No illuminated stanchion signs shall be located within seventy-five (75) feet of a residential district.

(b) NC, Neighborhood Commercial Corridor District

- (1) Stanchion signs shall not exceed a sign area of thirty-two (32) square feet.
- (2) Stanchion signs shall be limited to one such signs per parcel per street frontage.
- (3) The maximum height for stanchion signs in these districts shall not exceed fifteen (15) feet.
- (4) Monopole stanchion signs are prohibited in this overlay district.
- (5) No illuminated stanchion signs shall be located within seventy-five (75) feet of a residential district.

(c) IC, Interstate Corridor District

- (1) Stanchion signs shall meet the requirements of the underlying zoning district.

**106.13.5. Monument signs.**

(1) C-1, C-2, M-1, and M-2 Districts.

- (1) Monument signs shall not exceed sixty (60) square feet of total area and shall be limited to one such sign per parcel per street frontage.

(2) A monument sign erected under this section shall be in place of, not in addition to, a stanchion sign permitted in Section 106.13.4(1).

(3) The maximum height for monument signs in these districts shall not exceed twenty (20) feet.

(2) CP, LC, OC, and IN Districts.

(1) Monument signs shall not exceed thirty-two (32) square feet of total area and shall be limited to one such sign per parcel per street frontage.

(2) A monument sign erected under this section shall be in place of, not in addition to, a stanchion sign permitted in Section 106.13.4(2).

(3) The maximum height for monument signs in these districts shall not exceed fifteen (15) feet.

(3) Monument signs in the C-3 District shall meet the requirements of the Downtown District sign standards in Appendix B.

(4) Special Districts.

(a) PC, Parkway Corridor District

(1) Monument signs shall not exceed sixty (60) square feet of total area and shall be limited to one such sign per parcel per street frontage.

(2) A monument sign erected under this section shall be in place of, not in addition to, a stanchion sign permitted in Section 106.13.4(4).

(3) The maximum height for monument signs in this district shall not exceed twenty (20) feet.

(4) No illuminated monument sign shall be located within seventy-five (75) feet of a residential district.

(b) NC, Neighborhood Commercial Corridor District

(1) Monument signs shall not exceed a sign area of thirty-two (32) square feet.

(2) A monument sign erected under this section shall be in place of, not in addition to, a stanchion sign permitted in Section 106.13.4(4).

(3) Monument signs shall be limited to one such signs per parcel per street frontage.

(4) The maximum height for monument signs in this district shall not exceed fifteen (15) feet.

(5) No illuminated monument signs shall be located within seventy-five (75) feet of a residential district.

(c) IC, Interstate Corridor District

(1) Monument signs shall meet the requirements of the underlying zoning district.

**106.13.6. Wall, Awning, and Roof Signs**

(1) C-1, C-2, M-1, and M-2 Districts.

- (1) Wall, awning, and roof signs shall not project more than five (5) feet above the wall.
- (2) Wall signs shall not project beyond the building face by more than three (3) feet. Awning signs shall not project beyond the building face by more than six (6) feet.
- (3) The maximum aggregate area of wall and awning signs shall not exceed three hundred (300) square feet or ten percent of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
- (4) The maximum wall or awning sign height shall be ten (10) feet.
- (5) Each building tenant shall be limited to one wall or awning sign on each wall.

(2) CP, LC, OC, and IN Districts.

- (1) Wall, awning, and roof signs shall not project more than five (5) feet above the wall.
- (2) Wall signs shall not project beyond the building face by more than three (3) feet. Awning signs shall not project beyond the building face by more than six (6) feet.
- (3) Wall and awning signs shall not exceed a sign area of one hundred (100) square feet or ten percent of the wall face of the premises to which the sign relates; whichever is less, on each street facing wall.
- (4) The maximum wall or awning sign height shall be six (6) feet.
- (5) Each building tenant shall be limited to one wall or awning sign on each street facing wall.

(3) Wall, awning, and roof signs in the C-3 District shall meet the requirements of the Downtown District sign standards in Appendix B.

(4) Special Districts.

(a) PC, Parkway Corridor District

- (1) Wall, awning, and roof signs shall not project more than five (5) feet above the wall.
- (2) Wall signs shall not project beyond the building face by more than three (3) feet. Awning signs shall not project beyond the building face by more than six (6) feet.
- (3) The maximum aggregate area of wall and awning signs shall not exceed three hundred (300) square feet or ten percent of the aggregate area of the wall faces of the premises to which the sign relates, whichever is less.
- (4) The maximum wall or awning sign height shall be ten (10) feet.
- (5) Each building tenant shall be limited to one wall or awning sign on each wall.

(b) NC, Neighborhood Commercial Corridor District

- (1) Wall, awning, and roof signs shall not project more than five (5) feet above the wall.

- (2) Wall signs shall not project beyond the building face by more than three (3) feet. Awning signs shall not project beyond the building face by more than six (6) feet.
- (3) Wall and awning signs shall not exceed a sign area of thirty-two (32) square feet or ten percent of the wall face of the premises to which the sign relates; whichever is less, on each street facing wall.
- (4) The maximum wall or awning sign height shall be six (6) feet.
- (5) Each building tenant shall be limited to one wall or awning sign on each street facing wall.

(c) IC, Interstate Corridor District

- (1) Wall, awning, and roof signs shall meet the requirements of the underlying zoning district.

**106.13.7. Maximum aggregate sign area.**

- (1) C-1, C-2, M-1, and M-2 Districts. Parcels may contain more than one freestanding sign, provided that:

- (1) Parcels exceeding three acres shall be allowed a maximum aggregate sign area of two hundred (200) square feet for the entire parcel.
- (2) Parcels less than three (3) acres but greater than 30,000 square feet shall be allowed a maximum aggregate sign area of one hundred fifty (150) square feet for the entire parcel.
- (3) Parcels less than 30,000 square feet in size shall be allowed a maximum aggregate sign area of one hundred (100) square feet for the entire parcel.
- (4) These limits shall not include the area of any wall signs or billboard signs located on the parcel.
- (5) These limits shall include the area of all freestanding signs on the parcel.

- (2) CP, LC, OC, and IN Districts. Parcels may contain more than one freestanding sign, provided that:

- (1) Parcels shall be allowed a maximum aggregate sign area of sixty-four (64) square feet for the entire parcel.
- (2) These limits shall not include the area of any wall signs or billboard signs located on the parcel.
- (3) These limits shall include the area of all freestanding signs on the parcel.

- (3) Maximum aggregate sign area in the C-3 District shall meet the requirements of the Downtown District sign standards in Appendix B.

- (4) Special Districts.

- (a) PC, Parkway Corridor District

- (1) Parcels exceeding three acres shall be allowed a maximum aggregate sign area of two hundred (200) square feet for the entire parcel.
- (2) Parcels less than three (3) acres but greater than 30,000 square feet shall be allowed a maximum aggregate sign area of one hundred fifty (150) square feet for the entire parcel.
- (3) Parcels less than 30,000 square feet in size shall be allowed a maximum aggregate sign area of one hundred (100) square feet for the entire parcel.
- (4) These limits shall not include the area of any wall signs or billboard signs located on the parcel.
- (5) These limits shall include the area of all freestanding signs on the parcel.

(b) NC, Neighborhood Commercial Corridor District

- (1) Parcels shall be allowed a maximum aggregate sign area of sixty-four (64) square feet for the entire parcel.
- (2) These limits shall not include the area of any wall signs or billboard signs located on the parcel.
- (3) These limits shall include the area of all freestanding signs on the parcel.

(c) IC, Interstate Corridor District

- (1) Maximum aggregate sign area shall meet the requirements of the underlying zoning district.

**106.14. Special Districts.** Whenever there is conflict between the signage permitted in a special district and the underlying zoning district, the more restrictive shall apply.

**106.15. Animated Signs.**

Animated signs shall be permitted in all non-residential districts subject to the following:

- a) An animated sign in which the electronic display area exceeds two (2) feet in height shall maintain a steady sign face without change for no less than ten (10) seconds. The transition time between messages shall not exceed one (1) second.
- b) An animated sign in which the electronic display area is two (2) feet or less in height shall be permitted to change without limitation subject to Section 106.9(a).
- c) The animated sign shall be subject to same size and area limitations as described in Section 106.13

**106.16. Portable Signs.** Portable signs are considered special-purpose signs which, because of their manner of construction, design and use, create unique problems of safety, regulation and enforcement. The use of portable signs shall be governed by the criteria set out in this section.

**106.16.1 Conditions of Use.**

- (1) Except as provided in 106.15.1.(2) below, a business may utilize a portable sign for thirty (30) day periods, provided that each such use must be separated by a ninety (90) day interval.
- (2) A portable sign may not be used by any business where the use of such sign will exceed the maximum allowable sign area requirements for that business except:
  - (a) Where the business is newly opened or has undergone a change of ownership within forty-five (45) days of the date of the application for the permit.

**106.16.2. Location Requirements.** The location and use of portable signs shall be in accordance with the requirements set forth below.

- (1) Portable signs shall be permitted in the C-1, C-2, M-1, and M-2 Districts.
- (2) A fifty foot (50') interval shall be maintained between portable signs.
- (3) No portable signs shall be placed within the interior portion of a shopping center. For the purposes of this section, the interior portion of a shopping center is defined as the space within the existing building lines of the building or structures in the shopping center.
- (4) Portable signs shall not be located closer than ten feet (10') to the inside curb line of the street on which the premises abuts or, in the event the street abutting the premises has no curb, within ten feet (10') from the edge of the pavement. In no event shall a portable sign be located within the street right-of-way.

**106.17. Construction Standards.**

- (a) All signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with the provisions of the city building code.

**106.18. Nonconforming Signs.**

- (a) Nonconforming signs, which met all legal requirements when erected, may stay in place, provided that within ninety (90) days of the effective date of this ordinance the owner of the non-conforming sign or the owner's agent registers the sign with the city. Such registration shall contain the information listed in Section 106.4 and shall specify the sign being registered as non-conforming and shall state that the sign was completely installed before the effective date of this ordinance. The payment of a fee is not required for the registration of a non-conforming sign; however failure to register shall be considered an offense and may be punished as any other ordinance violation. Non-conforming signs shall be permitted until one of the following conditions occurs:

- 1) The deterioration of the sign or damage to the sign makes it a hazard or unsightly; or
- (2) The sign has been damaged by circumstances beyond the control of the owner to the extent that more than minor repairs are required to restore the sign; provided that signs damaged by Act of God and not due to the owner's action may be restored to their pre-damaged condition, provided that the useful life of the signs is not extended.

(b) No structural repairs except those permitted pursuant to Subsection (a)(2) above change in shape, size or design, shall be permitted except to make a non-conforming sign comply with all requirements of this ordinance.

(c) A non-conforming sign may not be replaced by another non-conforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.

#### **106.19. Variances.**

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variance shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. A variance from compliance with the sign regulations of this ordinance shall be limited to the following hardship situations:

(a) Standards

(1) Where visibility of a conforming sign from the public street and within fifty (50) feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, existing buildings or structures on a different lot; and

(2) Placement of the sign elsewhere on the lot would not remedy the visual obstruction; and such visibility obstruction was not created by the owner of the subject property; and the variance proposed would not create a safety hazard to traffic.

(b) Variance applications shall be submitted to the Planning Commission and shall be heard under the same time frames and rules governing appeals under this ordinance.

#### **106.20. Exemptions from Permit Requirements.**

(a) The following types of signs shall be exempt from the permit requirements of Section 106.3 and shall not count towards the maximum aggregate sign area limits provided in 106.13.7:

(1) Non-illuminated, permanent signs, having a sign area of less than four (4) square feet, provided they are not located in the public right of way.

(2) Window signs installed for purposes of viewing from outside the premises. However, such signs shall not exceed thirty (30) percent of the available window space.

(3) Numerals displayed for purposes of identifying property location and not exceeding four (4) inches in height in residential districts and ten (10) inches in height in nonresidential districts.

(4) Seasonal displays located outside of the public right of way that are erected for a maximum period of thirty days no more than twice a year.

(b) Every parcel may display no more than two (2) flags that shall not count toward the maximum aggregate sign area limits provided in Sections 106.10 and 106.13.7 without obtaining a permit. Flagpoles in residential zoned districts shall not exceed twenty five (25) feet in height or the height of the primary structure, whichever is less.

Flagpoles in commercial or industrial zoned districts shall not exceed sixty (60) feet in height. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed fifty (50) percent of the vertical height.

#### **106.21. Illumination.**

Illumination for signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference. Illumination shall be constant and shall not change, flash, scroll or stimulate movement.

#### **106.22. Enforcement and Penalties**

(a) All signs shall be maintained in good condition as to present a neat and orderly appearance. The city may, after due notice, issue a citation to any permittee for any sign which shows gross neglect or becomes dilapidated. Such due notice shall be in writing, shall specify the sign and location, and shall state that the sign has not been properly maintained. The city shall give the permittee ten (10) days to rectify the condition or remove the dilapidated sign before issuing a citation.

(b) The city may issue a citation for violation of this ordinance by any sign erected, altered, converted, or used in violation of this ordinance.

(c) Any person violating any provision of this ordinance shall be liable for a fine of one hundred fifty dollars (\$150) for each violation. Each day a sign is posted in violation of this ordinance shall constitute a separate violation.

**106.23. Severability.**

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this article, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this article. The City Council declares that it would have enacted the remaining parts of this article if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

**106.24. Effective Date.**

The effective date of this ordinance shall be January 05, 2010. All ordinances and parts of ordinances in conflict herewith are hereby repealed.