

## ARTICLE XIII. SIGNS

### Sec. 1301. Purpose and findings.

- A. *Findings.* The mayor and council find that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and a detriment to property values and the city's overall public welfare as well as an aesthetic nuisance.
- B. *Intent of mayor and council.* By enacting this article, the mayor and council intend to:
1. 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;
  2. Further the objectives of the city's comprehensive plan, which is expressly incorporated herein;
  3. Protect the public health, safety and welfare of the citizens and others within the city;
  4. Reduce traffic and pedestrian hazard;
  5. Promote the aesthetic qualities of the city;
  6. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
  7. Promote economic development;
  8. Ensure the fair and consistent enforcement of sign regulations; and
  9. Promote the stated purposes of the zoning ordinance which are expressly incorporated herein.
- C. *Intent of sign regulations.* Notwithstanding any other restrictions in this article, any sign authorized under this article can contain any commercial or noncommercial message, other than messages containing nudity or obscenity as defined herein, or other than a sign that advertises an activity that is illegal under state or federal laws.
- D. *Studies considered.* In formulating the provisions of this article, the mayor and council considered and reviewed several studies concerning the relationship between billboards and other highway advertising signs and traffic accidents including the "Minnesota Rural Truck Accident, Access Point, and Advertising Signs Study," the "Study of Relationship Between Advertising Signs and Traffic Accidents on U.S. 40 Between Vallejo and Davis," the "New York State Thruway Authority Relationship Between Accidents and the Presence of Advertising Devices," the "Investigations of Distraction by Irrelevant Information," the "Effects of Visual Distraction on Reaction Time in a Simulated Traffic Environment," and the "Relationship Between Roadside Signs and Traffic Accidents: A Field Investigation."

(Ord. No. 545, 8-15-06)

### **Sec. 1302. Regulation of signs.**

No sign shall be placed or maintained on any property, building or other structure within the city except in conformity with these sign regulations.

- A. *Authority of the city manager.* This article shall be administered and enforced by the city manager or his/her designee.
- B. *Penalty for violation of article.* A violation of this article shall be punishable, upon conviction, as provided by this section.
- C. *Remedies.* In case any sign, advertising device or other device covered by this article is or is proposed to be erected, constructed, altered, converted or used in violation of any provision of this article, the city manager may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of this Code requiring the presence of the violator in the municipal court, or institute injunction or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

(Ord. No. 545, 8-15-06)

### **Sec. 1303. 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, a private street or adjacent property, except as otherwise exempt under this section.

- A. *Exemptions; general.* The following are exempt from all restrictions and regulations imposed by this article:
  - 1. Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.
  - 2. Brand names or logos on products that are an integral part of the product, the product's original packaging, and product dispensers (such as but not limited to a soft drink machine), are not considered to be signs and are exempt from these sign regulations. Product containers intended for the storage of products are not exempt from these regulations.
  - 3. A building design, color, or motif that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.
- B. *Signs that are exempt from regulation.* Each of the following types of signs is 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, board of education 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, board of education or public authority; and at such other locations as a governmental body, governmental agency or public authority may direct.

2. *Property address signs.* Property addresses (including multi-family building or unit numbers) are not signs when displayed on a building or mailbox, provided that such property address consists of lettering at least six inches but no larger than eight inches in height on a nonresidential use, or three inches in height on a residential building or mailbox.
3. *Holiday decorations.* Holiday decorations and displays erected on a seasonal basis that are not intended to be permanent in nature.
4. *Incidental signs.* Small signs and postings as defined in this article of no more than two square feet, provided that the aggregate of all such signs on a property may not exceed 16 square feet unless a larger aggregate area is required by law or government regulation.
5. *Public notice signs.* "No trespassing," "no hunting" and similar type public notice type signs less than six square feet in area, provided no such signs shall be allowed on any public right-of-way.
6. *Transit signs.* Signs owned by and placed by or with the approval of a nonprofit transportation authority or service on bus benches and shelters owned by the organization and located in the NC or I zoning districts.
7. *Signs on business vehicles.* Any sign placed on, mounted on, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when such conveyances are actively being used to transport persons, goods or services in the normal course of business, provided such signs are not being utilized as a "vehicular sign" as defined in this article.

(Ord. No. 545, 8-15-06)

#### **Sec. 1304. Prohibited signs.**

Unless otherwise exempt under section 1303, the following types of signs are prohibited:

- A. *Air or gas-filled balloons.* Air or gas-filled balloons or other devices which have a capacity for air or gas which exceeds three cubic feet are prohibited, with a maximum of one such device of three cubic feet or less per lot.
- B. *Animated and flashing signs.*
  1. Signs (excluding automatic changeable copy signs) that flash, blink, rotate, revolve, or have moving parts or visible bulbs, and signs containing reflective elements that sparkle in the sunlight or otherwise simulate illumination during daylight hours, are not allowed.
  2. For automatic changeable copy signs, see subsection 1307C.

- C. *Attached and painted signs.* Signs that are painted on or attached to trees, curbs, utility poles, or rocks or other natural features, are not allowed.
- D. *Banners.* Banners are not allowed except as provided for temporary signage under subsection 1310E., 1310G. and 1310H. of this article.
- E. *Courtesy benches, trashcans, etc.* Courtesy benches, trashcans, and similar devices on which a sign is displayed.
- F. *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 are not allowed.
- G. *Display of nudity.* Signs displaying nudity, as defined by the state at O.C.G.A. § 32-6-75(b)(1), are not allowed.
- H. *Festoons.* Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, balloons or other devices, or long narrow strips of fabric, plastic, or other pliable material, designed to move in the wind or by mechanical fan, are not allowed.
- I. *Inflatable signs.* A sign that is intended to be expanded by air or other gas for its proper display or support is not allowed except air or gas-filled balloons of three cubic feet or less. See subsection 1304A.
- J. *Misleading statements.* It is unlawful for a person to display false or misleading statements upon signs or other public places calculated to mislead the public as to anything sold, services to be performed, or information disseminated. The fact that any such sign or display contains words or language sufficient to mislead a reasonable or prudent person shall be prima facie evidence of a violation of this section by the persons displaying such sign or permitting such sign to be displayed at their residence, establishment or place of business.
- K. *Obscene signs.* Obscene signs, as defined by the state at O.C.G.A. § 16-12-80(b), are not allowed.
- L. *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.
- M. *Pole or pylon signs.* Pole or pylon signs are prohibited as principal freestanding signs, as defined in this article. Pole signs may be used for miscellaneous signage allowed under subsection 1309A. and for temporary signage allowed under section 1310.
- N. *Portable signs.* A sign designed to be transported or easily relocated and not permanently attached to the ground, such as but not limited to the following, is not allowed:
  - 1. A sign designed to be temporarily placed upon the ground and not otherwise permanently affixed to it as otherwise required by the building code;
  - 2. A sign mounted on a trailer, with or without wheels; or

3. A sidewalk, sandwich board or curb-type sign.
- O. *Vehicular signs.* Any sign that meets the definition of a "vehicular sign" as contained in this article is prohibited.
- P. *Private signs placed on public property.* Any sign posted or erected on utility poles, public rights-of-way or any other public property is not allowed, except those placed or approved to be placed by agencies of the federal, state, or local government, or as otherwise required or authorized by O.C.G.A. § 32-6-50 or any other law.
- Q. *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.
- R. *Search lights and similar devices.* Search lights and similar devices are not allowed.
- S. *Signs advertising illegal activity.* Signs that advertise an activity illegal under state or federal law are not allowed.
- T. *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 rescue vehicles, and any sign that uses the words "stop," "go," "slow," "caution," "danger," "warning" or other message or content in a manner that might mislead or confuse a driver, is not allowed. Any sign that uses the words, slogans, dimensional shape or size, or colors of governmental traffic signs is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.
- U. *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.
- V. *Swimming or projecting signs.* Swinging or projecting signs, unless approval is granted by the building inspector. See subsection 1308A.4.

(Ord. No. 545, 8-15-06)

### **Sec. 1305. General requirements applying to all signs.**

- A. *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 an Interstate, U.S. or state-numbered highway (or any other road designated as a "primary highway" by the state 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 state and the city regulations, such sign must comply with the most restrictive

requirements with respect to each and every item of regulation.

B. *Sign maintenance.*

1. All signs shall be maintained in good condition so as to present a neat and orderly appearance. The city manager may cause any sign to be removed, after due notice, if the sign shows gross neglect or becomes dilapidated, or if the ground area around the sign is not well maintained.
2. The city manager will give the owner ten days' written notice to correct the deficiencies or to remove the sign. If the owner refuses to correct the deficiencies or remove the sign, the city manager shall have the sign removed at the expense of the owner.

C. *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 as specifically provided in this article.
2. No sign or sign structure of any kind shall be located less than ten feet from a side or rear property line.

D. *Visibility clearance area.* Any portion of a sign located within 25 feet of the intersection of the right-of-way lines of streets (in accordance with article V of this zoning ordinance), or within 20 feet of the intersection of the edge of a driveway and the right-of-way line of a street, shall be no more than three feet in height, nor shall such sign otherwise obstruct visibility or pose a threat to traffic safety.

E. *Illuminated signs.*

1. *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.

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 residential zoning district or property occupied by a dwelling.

5. *Exposed wires.* No sign may have exposed electrical wires.

6. *Exposed bulbs.*

- a. Series, lines or rows of electric, neon or other lights on signs or buildings, except as part of a holiday celebration, are prohibited.

- b. Visually exposed neon tube letters, signs or strips of light are prohibited, except for neon signs inside a window in accordance with subsection 1308F.
- 7. *Hours of illumination.* No sign shall be illuminated between 11:00 p.m. and 6:00 a.m. except for those hours during which the premises on which the sign is located is open for business or employees are on the premises.
- 8. *U.L. listing.* All components of an illuminated sign shall be U.L. listed, or the equivalent thereof, with an identification label that shows the manufacturer of the sign.

(Ord. No. 545, 8-15-06)

### **Sec. 1306. 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. Unless otherwise specified as the area of a sign face or sign structure, the term "sign area" shall apply to both the sign face and structure.
  - 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. Project entrance signs. 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.

B. *Multi-faced signs.*

1. *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 double-faced 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.
2. *Signs with three or more faces.* For sign structures having only three faces and the interior angle formed between each 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.

C. *Measurement of sign height and distance.*

1. *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 if the street is within 100 feet of any portion of the sign (when measured perpendicular to the street), 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, signposts or other sign supports shall be included in the height of the sign.

2. *Measurement of distance.* Minimum distances required hereunder shall be measured along the shortest straight line from the nearest point on a sign structure to the nearest point on a property line, sign structure, building or structure to which the minimum distance requirement applies.

(Ord. No. 545, 8-15-06)

### **Sec. 1307. Signs allowed by zoning district.**

A. *Residential zoning districts.* The following types of signs are allowed within the residential zoning districts in the city (NR-1, NR-2, CR and VR):

1. Temporary event signs.
  - a. Temporary event signage in accordance with section 1310, except special business promotions; and
  - b. Temporary event signage during the sale or lease of lots or dwellings within a residential development, one per entrance, not to exceed 16 square feet in area and six feet in height.
2. Permanent project entrance signs in accordance with subsection 1309C., with a maximum area of 24 square feet and maximum height of eight feet. Such signs may be externally illuminated only. See subsection 1305E.
3. Permanent freestanding signage.
  - a. Nonresidential uses such as schools, recreation facilities, religious institutions, public buildings and facilities, as allowed under subsection 1308B.; and
  - b. Residential uses: Permanent monument signs which express the political, religious, or other noncommercial personal views of residents or which display any noncommercial message or any noncommercial speech or any other message that is permitted by the First Amendment to the United States Constitution or the free speech clause of the State Constitution: one per property no more than four square feet in area and three feet in height. Such signs shall not be illuminated.
4. Wall signs.
  - a. Residential uses.
    - i. No wall signs are allowed on a single-family or two-family residence or accessory structure.
    - ii. Wall signs on a multi-family residential building: one wall sign per wall no more than 16 square feet in area.
  - b. Wall signs for nonresidential uses such as schools, recreation facilities, religious institutions and public buildings shall conform to the provisions of subsection 1308A.

B. The following types of signs are allowed within the NC-1, NC-2, CC, VC and I districts:

1. Temporary event signage in accordance with section 1310.

2. Permanent signage in accordance with section 1308:
    - a. Properties occupied by a single business or multiple businesses sharing common space (i.e. not a planned center): one principal freestanding sign and one principal building sign on each street frontage with a curb cut.
    - b. Planned centers: one principal freestanding sign on each street frontage with a curb cut and one principal building sign for each business on a wall facing a street frontage with a curb cut.
  3. Permanent project entrance signs for a residential subdivision or planned unit development in accordance with section 1309C, with a maximum area of 24 square feet and maximum height of eight feet. Such signs may not be internally illuminated. See section 1305E.
- C. *Automatic changeable copy signs.* Automatic changeable copy signs are only allowed on commercial and industrial properties developed in the NC-1, NC-2 or I zoning districts, and only allowed as part of a principal freestanding sign, except that the following are prohibited:
1. Electronic signs that display a message for less than one-half of one second are not allowed.
  2. Electronic signs that repeat messages at intervals of less than two seconds are not allowed.
  3. Electronic signs that display segmented messages which last longer than ten seconds are not allowed.
  4. Electronic signs with traveling messages that travel at a rate slower than 16 light columns per second or faster than 32 light columns per second are not allowed.
- D. *Rear entrance signs.*
1. One rear entrance sign is required for each tenant within a planned center.
  2. Rear entrance signs shall be located on the tenant's rear door.
  3. The area of rear entrance signs shall not exceed three square feet; however, the sign may not be less than 18 inches wide and 12 inches high and clearly legible for public safety personnel.

(Ord. No. 545, 8-15-06; Ord. No. 558, 10-17-06)

### **Sec. 1308. Size, height and setback requirements.**

- A. *Building signs.* Building signs are subject to the following restrictions:
1. The aggregate total area of all building signs on a wall (including the principal building sign, miscellaneous building signs and incidental signs) shall not exceed one square foot of sign face area per linear foot of the length of the wall or tenant frontage on which the sign is affixed.
    - a. For single-occupant buildings, the maximum allowed area for a principal building sign shall be 200 square feet.

- b. For planned centers, the maximum allowed area for a principal building sign for each business or tenant shall be one square foot of sign face area per linear foot of the tenant frontage (as defined in this article) or 200 square feet, whichever is the smaller area.
  2. A building sign may not project higher than the wall or surface it is attached to.
  3. A building sign may not project more than 18 inches from the wall surface unless approved as a swimming or projecting sign under subsection 1308A.4.
  4. Swinging and projecting signs.
    - a. Projecting signs, if allowed by the building inspector, shall not project more than 42 inches beyond the face of the building, nor exceed 16 square feet in area.
    - b. Projections shall be at a 90-degree angle to the building face.
    - c. All sides of a projecting sign shall be finished.
  5. Miscellaneous building signs as allowed under subsection 1309B.
  6. Building signs may be internally or externally illuminated. See subsection 1305E. for prohibitions and restrictions).
  7. Ground clearance under signs.
    - a. Projecting signs shall provide a minimum of eight feet of clearance from ground level to the bottom of the sign.
    - b. Under-canopy signs of greater than four square feet shall be rigidly mounted, and there shall be eight feet of clearance below the base of any rigidly mounted under-canopy sign. There shall be a minimum clearance of seven feet below the base of any nonrigidly mounted under-canopy sign.
    - c. Awning, mansard and marquee signs shall be no less than eight feet above the ground when erected over pedestrian walkways at the lowest extremity of the sign.
- B. *Principal freestanding signs.* Principal freestanding signs are subject to the following restrictions:
  1. Monument signs only are permitted as principal freestanding signs; pole, pylon or stanchion signs are not allowed except as follows: the mayor and city council may exempt establishments within the central business district from the required monument sign based on the design of the sign presented during the review board process if the design preserves the historic character of the district. Any exemption does not apply to height requirements.
  2. Monument signs must conform to the following standards:
    - a. Monument signs shall be constructed with a brick, stucco or stone base and frame within which advertising panels are contained;
    - b. The ground mounted base shall be equal to or greater than the length of the sign face including the cabinet or any other structure within which the

sign is located; and

- c. The monument sign shall be surrounded by a planting bed of two feet in depth with shrubs and supplemental ground cover.
3. Maximum height shall be eight feet.
4. Minimum setback is ten feet from the curb or behind the right-of-way, whichever is greater. See subsection 1305D. regarding the visibility clearance area.
5. Maximum sign area for buildings with under 200 feet of continuous street frontage is 40 square feet; maximum sign area for buildings with 200 feet or more of continuous street frontage is 64 square feet. The principal freestanding sign authorized by such street frontage shall be located no more than 20 feet nor less than ten feet from the driveway/curb cut on such street frontage authorizing the sign.
6. Principal freestanding signs shall be separated from other principal freestanding signs as follows:
  - a. Signs 40 square feet in area or less. Each principal freestanding sign having an area of 40 square feet or less shall be located at least 50 feet from any other principal freestanding sign on the same side of the street. The city manager may reduce this distance 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.
  - b. Signs between 40 and 64 square feet in area. Each principal freestanding sign having an area of between 40 and 64 square feet shall be located at least 100 feet from any other principal freestanding sign on the same side of the street. The city manager may reduce this distance 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.
  - c. Signs greater than 64 square feet in area. Each principal freestanding sign having an area greater than 64 square feet shall be located at least 2,000 feet from any other principal freestanding sign having an area greater than 64 square feet, and at least 100 feet from any other principal freestanding sign on the same side of the street. Distance measurements are to be made horizontally in all directions from the nearest edge of the sign structure.
7. Principal freestanding signs located within 100 feet of a public right-of-way shall display the street address of the property. Within a planned center where multiple addresses exist, the highest and lowest street address numbers shall be identified. This section does not apply to any principal freestanding sign where the sign is located on property that has more than one street frontage and the property address is assigned from a street other than the street frontage whereupon such sign is erected. Street numbers shall be of contrasting colors against the background and visible from both directions of travel along the street.
8. Miscellaneous freestanding signs as allowed under subsection 1309A.

9. Principal freestanding signs may be internally or externally illuminated (see subsection 1305E. for prohibitions and restrictions).
- C. *Signs in planned centers.* Signs in planned (i.e., multi-tenant) centers must adhere to uniform guidelines established by master signage plans approved in accordance with section 1312. Master signage plans are to be filed with the city manager and approved by the mayor and council prior to issuance of a building permit for new development, or prior to issuance of a sign permit for an existing planned center.
- D. *Canopy signs.* Canopy signs are restricted to one canopy sign per road frontage.
- E. *Gas station signs.* In calculating lineal feet of building frontage for purposes of determining wall sign size, gasoline station canopies shall not be included. A company logo, not to exceed four square feet shall be permitted on only one side of a canopy but no wall sign shall be permitted thereon. In addition to the gasoline service building wall sign and the company logo wall sign, one additional wall sign, not to exceed 20 square feet shall be permitted on a detached car wash building that is an accessory use to the gasoline service station building. The detached car wash building wall sign shall be consistent with the color and style of other signage on the site.
- F. *Window signs.* Window signs, placed inside or outside of the window and visible from a public thoroughfare, may not obstruct more than ten percent of the window area; further, each sign is limited to a maximum size of two square feet. See subsection 1305E. for prohibitions and restrictions on illumination.
- G. *Double frontage and corner lots.* Where any lot, parcel, or tract of land exists and has frontage on two or more streets, the following shall apply:
1. Only one principal freestanding sign per road frontage with a curb cut shall be allowed. Each such sign shall conform to the requirements of subsection 1308B. individually, including the maximum sign area based on the length of the street frontage where such sign will be placed.
  2. The city manager shall determine where each sign's predominant message is to be directed.
  3. Any appeal of determination made by the city manager of this section shall be made directly to the mayor and city council. The mayor and city council may vary this section where they find the requested variance is warranted.

(Ord. No. 545, 8-15-06)

### **Sec. 1309. Other permanent signs allowed.**

- A. *Miscellaneous freestanding signs.* Freestanding signs in addition to those allowed under subsection 1307B. are allowed as accessory uses on a property occupied by any multi-family, commercial, institutional, or industrial use if each sign complies with all of the following:
1. Within the area between a street and the minimum front yard setback for principal buildings required for the zoning district, additional signs may be located within three feet of driveways that provide access into or from the property. There shall be no more than two such signs per driveway and each such sign shall not

exceed three square feet in sign area nor be more than three feet in height. No setback from the right-of-way line is required.

2. Miscellaneous freestanding signs located farther from the street than the minimum required front yard setback shall be allowed as follows:
    - a. One miscellaneous sign not to exceed 32 square feet in area nor more than eight feet in height may be located on the property for each principal building on the lot; provided that each such sign must be located at least 100 feet from any street right-of-way line.
    - b. Other miscellaneous freestanding signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial, institutional, or industrial use, provided that such signs shall have no more than three square feet in sign face area nor more than four feet in height (except signs that are required by law to be higher than four feet high, such as those marking a handicapped parking space).
- B. *Miscellaneous building signs.* Miscellaneous building signs are allowed in addition to the principal building signs allowed under subsection 1307B. Examples of these types of signs are "garden shop" signs on department stores, and "car wash" and "lubrication" signs on service stations. Miscellaneous building signs shall not exceed the following:
1. For single-occupant buildings, the maximum allowed area for a miscellaneous building sign shall be 0.25 square feet of sign face area per linear foot of the length of the wall on which the sign is affixed, or 125 square feet, whichever is smaller.
  2. For planned centers, the maximum allowed area for a miscellaneous building sign for each business or tenant shall be 0.25 square feet of sign face area per linear foot of the tenant frontage (as defined in this article), or 125 square feet, whichever is smaller.
  3. The number of such signs shall be limited by the aggregate total sign area allowed on a wall under subsection 1308A.1. less the area of the principal building sign and all incidental signs on the wall.
- C. *Project entrance signs.*
1. Project entrance signs are signs located at an entrance into a residential subdivision, into a multi-family development, or into a planned unit development. Each project entrance shall have no more than one such sign per entrance or two signs if attached to symmetrical entrance structures.
  2. Minimum setback is ten feet from the curb or behind the right-of-way, whichever is greater.
- D. *Recreational support signs.*
1. Signs that support recreational activities provided by nonprofit organizations shall be those signs erected on walls, fences, dugouts, press boxes, stadium stands, concession stands, ticket booths, benches and locker rooms that are sold by nonprofit organizations to support their recreational activities.
  2. Such signs shall be allowed on any property where the aforementioned

recreational facility is permitted and located.

3. Such individual signs shall not exceed eight feet in height and 32 square feet in area and must face inward to the recreational activity area.
  4. 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.
- E. *Official flags.* A properly displayed American flag (i.e., the official flag of the United States of America), state flag, city flag or official flag adopted by a corporation or partnership are permitted in all districts, except that a large vertical pole requiring a footing or foundation must be permitted for nonresidential properties.
1. Official flags other than the American flag shall not exceed 32 square feet in area, nor be located on flagpoles that exceed the building height limitation of the zoning district for the property where the flag is displayed.
  2. The American flag shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.
  3. In order to avoid its use for commercial purposes, no more than one American flag may be flown on a property on a permanent basis. Additional flags may be displayed on a property during national holidays, nonprofit festivities and political events.
  4. No more than three official flags may be flown on a property; provided that the mayor and council may approve additional flags when appropriate to the proposed use of the flags or their relationship to the use of the property.

(Ord. No. 545, 8-15-06)

### **Sec. 1310. Temporary event signs.**

Additional signs are allowed on a property for the duration of a temporary event (as defined in this section), such as the sale or lease of a property, an election, a special business promotion, a yard sale, the construction of a building, a public announcement and other temporary events. Such additional signs shall not be restricted as to the message displayed on the sign, but must comply with the following:

- A. *Standards for temporary event signs.*
  1. *Owner's permission required.* A temporary event sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located. No temporary sign shall be placed with the right-of-way of a public or private street.
  2. *Standards for signs requiring sign permits.* Construction of signs shall meet the same engineering design and materials standards as for permanent signs as required by this article.
  3. *Standards for signs not requiring sign 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.



2. *Size.* Temporary event signs for a model home/apartment or sales office shall be freestanding signs and not exceed four square feet in area and three feet in height.
3. *Number and location.* One per sales office or model home/apartment, no less than a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.
4. *Lighting.* Such signs shall not be illuminated.

D. *Election cycle signs.*

1. *Duration.* Election cycle signs may be placed on the opening day of qualification of candidates, and must be removed within ten days after the election of all candidates to office or resolution of all ballot questions put to the voters in the election.
2. *Size.* No election cycle sign shall exceed four square feet in area, and three feet in height if freestanding.
3. *Number and location.*
  - a. No more than one election cycle sign (which may be double-faced) per road frontage, per candidate or ballot question, may be placed on any one premises.
  - b. Political signs must be set back a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.
  - c. It shall be unlawful for any person to place election cycle signs:
    - i. Within the right-of-way of any public street, road or highway;
    - ii. On any public property or building;
    - iii. On any private property unless the owner thereof has given permission to place such election cycle sign on such property; or
4. *Lighting.* Such signs shall not be illuminated.

E. *Special business promotion.*

1. *Duration.*
  - a. A temporary event sign during a special business promotion may be placed upon announcement of the special sale or sales event, and must be removed upon its completion or 16 days (including three weekends) after initiation, whichever occurs first.
    - i. Such signs may be freestanding or building signs not otherwise prohibited by this article.

- ii. A banner complying with the restrictions of this subsection may be approved by the city manager in lieu of a building sign.
    - b. Signs relating to the initial opening or final closing of a business or service, provided such signs shall not exceed 32 square feet each in size. Such signs may be approved by the city manager for a maximum period of 16 days (including three weekends) for initial opening signs and 30 days (including five weekends) for final closing signs, after which they shall be removed.
    - c. Signs for special business promotions shall not be placed more often than once each four months.
  - 2. *Size.* Temporary event signs during a special business promotion shall not exceed 32 square feet in area, and six feet in height if freestanding.
  - 3. *Number and location.*
    - a. No more than one such sign per street frontage.
    - b. Freestanding temporary event signs during a special business promotion shall be placed no less than a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.
  - 4. *Lighting.* Such signs shall not be illuminated.
- F. *Yard sale.*
  - 1. *Duration.*
    - a. Yard sale signs may be placed two days prior to the announced date of the sale, and must be removed the day after the sale or by 8:00 a.m. Monday.
    - b. Signs for yard sales relating to the same property shall not be placed more often than once each four months.
  - 2. *Size.* Temporary event signs during a yard sale shall be a freestanding sign and not exceed four square feet in area and three feet in height.
  - 3. *Number and location.*
    - a. One freestanding sign per street frontage on the property related to the yard sale.
    - b. Maximum ten per yard sale citywide.
    - c. Yard sale signs shall be placed no less than a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.
  - 4. A yard sale event sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.

5. *Lighting.* Such signs shall not be illuminated.

G. *Building construction or remodeling.*

1. *Duration.* Initiation upon issuance of a building permit authorizing the construction, interior finish or remodeling, and termination within ten days after issuance of the certificate of occupancy, final building inspection, or approval for connection to electric power for the work authorized by the building permit, whichever occurs first.

2. *Size.*

a. *NR-1, NR-2, CR, VR, NC-1 and NC-2 zoning districts.* Temporary event signs located on a property during construction or remodeling in the NR-1, NR-2, PR, CR, VR, NC-1 and NC-2 zoning districts shall not exceed four square feet in area, and three feet in height if freestanding.

b. *CC, VC and I zoning districts.* Temporary event signs located on a property during construction or remodeling in the CC, VC and I zoning districts shall not exceed 32 square feet in area, and eight feet in height if freestanding.

3. *Number and location.*

a. Either one freestanding sign per street frontage may be placed on a property that is under construction or remodeling, or one building sign may be placed on each side of a building that faces a street. Such a building sign may be a banner if approved by the city manager.

b. Freestanding building construction or remodeling signs shall be placed no less than a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.

4. *Lighting.* Such signs shall not be illuminated.

H. *Public announcement.* The following pertains to drives or events of civic, philanthropic, education and religious organizations.

1. *Duration.*

a. Public announcement signs may be placed two days prior to the announced date of the event, and must be removed the day after the event or by 8:00 a.m. Monday, whichever first occurs.

b. A banner complying with the restrictions of this subsection may be approved by the city manager in as a building sign.

c. Public announcement signs relating to the same property shall not be placed more often than once each four months.

2. *Size.* Temporary event signs for a public announcement shall not exceed four square feet in area, and three feet in height if freestanding.

3. *Number and location.*
    - a. One freestanding sign or one building sign per street frontage on the property related to the public announcement.
    - b. Maximum ten per event citywide.
    - c. Freestanding public announcement signs shall be placed no less than a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.
  4. *Lighting.* Such signs shall not be illuminated.
- I. *Weekend directional signs.* Weekend signs are allowed as temporary signs under the following provisions.
1. *Duration.* Weekend signs shall be allowed only between Friday starting at 3:00 p.m. and Sunday ending at 6:00 p.m. (noon). If the Monday is a holiday, the sign shall be removed by 6:00 p.m. on that day. Removal of the sign shall include removal of the sign face, the sign structure and all structural elements such as supporting poles or stakes.
  2. *Size.* Such signs shall not exceed three square feet in area nor be more than 30 inches (two and one-half feet) in height.
  3. *Number and location.*
    - a. Maximum of three such signs per subdivision or specific house/lot for sale, lease or rent;
    - b. Such signs shall be located within two miles of the property to which they refer, as measured along existing streets;
    - c. Not more than one such sign shall be allowed at any "T" intersection;
    - d. Not more than two such signs shall be allowed at any four-way intersection;
    - e. Such signs shall not have any balloons, streamers, pennants, etc., attached.
    - f. Weekend directional signs shall be placed no less than a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.
  4. A weekend directional sign shall be erected and maintained only with the permission of the owner of the property upon which the sign is located.
  5. *Lighting.* Such signs shall not be illuminated.
- J. *Other temporary events.*
1. *Duration.* The initiation and termination dates for any temporary event not listed above shall be determined by the city manager as appropriate to

the nature of such temporary event.

2. *Size.* Such signs shall not exceed four square feet in area, and three feet in height if freestanding.
3. *Number and location.*
  - a. One freestanding sign per street frontage on the property related to the temporary event.
  - b. Such signs shall be placed no less than a minimum of ten feet from back of street curb of any street or out of the right-of-way, whichever is greater, but in no case shall the view of motorists or pedestrians be obstructed.
4. *Lighting.* Such signs shall not be illuminated.

(Ord. No. 545, 8-15-06)

### **Sec. 1311. Sign permits.**

- A. *Sign permit; when required.* In addition to a building permit as may be required under the building code, a sign permit shall be obtained from the city manager prior to installation, relocation, expansion, construction or structural alteration of any sign regulated under this article except for those signs specifically exempted under subsection 1311B., below.
- B. *Exemptions from requirement for a sign permit.*
  1. A sign permit will not be required under the following conditions:
    - a. For an existing business or occupant, 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 permit unless a structural change is made.
    - b. Painting, repairing, cleaning, or maintaining a sign shall not require a sign permit unless a structural change is made.
  2. A sign permit will not be required for the following listed signs, provided that such signs meet the requirements of this article:
    - a. A sign that is otherwise exempt from regulation under section 1303 of this article does not require a sign permit.
    - b. A principal freestanding sign on a single-family or two-family residential property allowed under subsection 1307A.3.b. of this article does not require a sign permit.
    - c. Miscellaneous freestanding signs that are allowed under subsection 1309A. of this article do not require a sign permit.
    - d. A temporary event sign placed by an individual property owner or tenant in conformance with the provisions of section 1310, other than a special business promotion temporary sign (See subsection 1310E., does not require a sign permit.
- C. *Issuance of a sign permit.*

1. *Sign review required.* For any sign requiring issuance of a sign permit 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 nonrefundable application fee established by the mayor and council, shall be submitted to the city manager.
2. *Sign permit application.* Applications for sign permits shall be filed by the sign owner or his agent in the office of the city manager upon forms furnished by this office. The application shall describe and set forth the following:
  - a. The type of the sign as defined in this article.
  - b. The value of the sign.
  - c. The street address of the property upon which the subject sign is to be located, and the proposed location of the subject sign on the subject property. In the absence of a street address, a method of location acceptable to the city manager shall be used.
  - d. The square foot area of the sign face and the sign structure, and the aggregate square foot area if there is more than one sign face.
  - e. The name and address of the owner of the real property upon which the subject sign is to be located.
  - f. The written consent of the owner or his agent granting permission for the placement or maintenance of the subject sign.
  - g. A sketch or print drawn to scale showing all pertinent information required by the city manager, such as wind pressure requirements and display materials. The city manager may require additional information on such print or sketch to ensure compliance with this article.
  - h. The name, address, telephone number and business license number of the sign contractor.
  - i. A site plan or elevation drawing showing the placement of the sign.
  - j. Plans for a planned center or planned unit development signage in accordance with the master signage plan requirements of section 1312.
  - k. Conformance to building codes.
    - i. Plans required for issuance of a sign permit shall be certified as to conformance with all structural and wind-load resistive standards of the building code by a qualified structural engineer, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the building code, if applicable.
    - ii. 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.
    - iii. All electrical service to a sign shall be in compliance with the electrical code. A licensed electrical contractor must obtain an

electrical permit and wire the sign to code.

- iv. Clearance from all electrical power lines shall be in conformance with the requirements of the electrical code.

3. *Issuance of sign permit.*

- a. The city shall process all sign permit applications within 30 days of the city's actual receipt of an application for a sign permit.
  - i. The city manager shall reject any application as incomplete that does not include all items required for a sign permit application as set forth under subsection 1311C.2.
  - ii. The city manager shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been resubmitted on the date of resubmission instead of the original date of submission.
- b. Within 30 days of receipt of a complete application, the city manager shall:
  - i. Issue the permit, or
  - ii. Inform the applicant of the reasons why the permit cannot be issued.
- c. Upon determination that the application fully complies with the provisions of this article, the building code, and all other applicable laws, regulations and zoning ordinances of the city, the sign permit shall be issued by the city manager.
- d. If the city does not process an application for a sign permit within 30 days as set forth in subsection 1311C.3.b., then the applicant shall be permitted to erect or construct the sign, sign structure or advertising device for which the permit is sought unless or until the director notifies the applicant of a denial of the application.
- e. Should it be determined that a sign permit was issued pursuant to an application containing a false material statement, the city manager shall revoke the subject sign permit and the subject sign shall be removed. A revocation pursuant to this section shall be appealable pursuant to the appeal procedures of this zoning ordinance.

4. *Permit fee; registration of existing signs.*

- a. No sign permit shall be issued until the appropriate application has been filed with the city manager and fees have been paid as provided in this section. The fee for such permits shall be based on the square footage of each sign face. If a sign has more than one face, the square footage for purposes of determining the permit fee shall be computed from the sign face with the greatest square footage. The permit fee shall be fixed from time to time by the mayor and council. The permit fee as provided in this section shall be payable only with the initial application for a sign permit.
- b. Each sign, sign structure and advertising device which exists on the

effective date of the zoning ordinance from which this section is derived may be registered by the owner with the city manager within 90 days of such effective date. Any sign, sign structure or advertising device which exists on the effective date of the zoning ordinance from which this section is derived shall not be subject to payment of sign permit fees as set forth in this section.

5. *Sign identification labels.*
  - a. With each sign permit, the city manager shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his agent to affix such sticker to the sign in the lower right-hand area so it will be easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been or is being erected or operated in violation of the provisions of this article.
  - b. It shall be unlawful for any person to attach a sign decal to any sign for which it was not issued, or to remove, tamper with, deface or mutilate any sign identification label or sticker issued or placed pursuant to this section.

(Ord. No. 545, 8-15-06)

### **Sec. 1312. Master signage plans.**

Signage for a planned center or a planned unit development (PUD), whether new or existing, must be established by approval of a master signage plan in accordance with the provisions of this section.

- A. *Master signage plan approval.*
  1. Master signage plans must be approved by the mayor and council prior to the issuance of any building permits for the planned center or PUD.
  2. An application for master signage plan approval shall be submitted to the city manager.
  3. The application shall be scheduled for consideration at the first regularly scheduled meeting of the mayor and council following two weeks after the receipt of a complete application by the city manager.
- B. *Master signage plan standards.* Standards as to type, number, size, height, location, orientation or other design provisions established in addition to or in lieu of the restrictions placed on signs by this article are to be incorporated into the master signage plan.
  1. Master signage plans shall illustrate all proposed signs in sufficient detail so as to provide knowledgeable review and design specificity. Master signage plans shall show, describe or illustrate all signs proposed to be located on a lot and the buildings and structures therein, whether existing or new, and whether permitted by right or as additional signage under these regulations.
  2. Signs that are otherwise exempt under this article need not be shown on

the master signage plan.

3. Upon approval, the master signage plan shall supersede any conflicting restrictions and regulations of this article for the property to which it pertains.

C. *Recordation of approved master signage plan.*

1. Following approval, the master signage plan shall be recorded by the owner in the office of the clerk to the superior court prior to issuance of a certificate of occupancy for the development, and shall be included in any sale, lease or other transfer of right of occupancy affecting any part of the development.
2. A copy of the approved master signage plan, as recorded, shall be filed with the city manager prior to issuance of any sign permit.
3. All tenants of the property or development, whether an owner, lessee, subtenant, purchaser or other occupant, shall comply with the approved master signage plan.

(Ord. No. 545, 8-15-06)

**Sec. 1313. Business license and insurance for sign contractors required.**

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city unless and until such person has obtained a business license issued in the state and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the person has in effect public liability and property damage insurance providing coverage in the sum of \$25,000.00 dollars for property damage for any one claim and public liability insurance in an amount not less than \$100,000.00 dollars for injuries, including accidental death, to one person. The certificate of insurance shall state that the insurance carrier will notify the city 30 days in advance of any termination or restriction of the coverage.

(Ord. No. 545, 8-15-06)

**Sec. 1314. Nonconforming signs.**

A. *Nonconforming signs; defined.*

1. A nonconforming sign is a sign that does not comply with one or more of the current regulations or restrictions imposed by this article.
2. A legal nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption or amendment of this article, and which by reason of such adoption or amendment no longer conforms to one or more of the applicable regulations and restrictions of this article as adopted or amended.
3. Any sign that was not lawfully erected in accordance with the sign regulations in effect at the time of the sign's construction, or was subsequently altered in a way inconsistent with the sign regulations in effect at the time of its alteration, is considered an illegal sign and shall not be granted legal nonconformity status. Illegal signs are subject to removal under the provisions of subsection 1315D.

- B. *Removal of nonconforming signs.* When a business or service is discontinued, all nonconforming signs relating to the business or service, including all nonconforming principal freestanding signs and sign structures and all nonconforming building signs, shall be removed after six months from the date of discontinuance.
- C. *Retention of legal nonconformity status.*
1. A legal nonconforming sign shall immediately lose its legal nonconforming designation and become an illegal sign if:
    - a. The sign is altered in any way that would make the sign less in compliance with the requirements of this article than it was before the alteration;
    - b. The sign is relocated on the property;
    - c. The sign is replaced;
    - d. The sign is abandoned for at least six months;
    - e. The deterioration of the sign or damage for any reason to the sign makes it a hazard to public safety; or
    - f. The sign has been damaged to such extent that repairs required to restore the sign would cost more than 50 percent of its current replacement value.
  2. On the occurrence of any of the foregoing, the sign shall be immediately brought into compliance with all requirements of this article or the sign shall be removed immediately.
- D. *Removal of abandoned signs.* Signs that have been abandoned, as defined in this article, for six consecutive months or more shall be removed thereupon.

(Ord. No. 545, 8-15-06)

### **Sec. 1315. Enforcement.**

- A. *City manager.* The city manager or their designee, is responsible for general administration of this article; the receipt, review and processing of all applications for sign permits; and all sign variance requests filed with the city.
- B. *Building inspector.* Building inspection and building code enforcement responsibilities fall under the city building inspector.
- C. *Citations.* Any violation of this article may be tried upon a citation issued by an authorized representative of the city pursuant to the provisions of this article and state law. Without limitation, businesses, organizations, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this article.
- D. *Removal of illegal or abandoned signs.* The city manager may order the removal of any sign in violation of this article, or any sign abandoned for six consecutive months or more, by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to

the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within seven days after the city gives written notice of noncompliance.

1. *Procedure following removal order.* An aggrieved party may appeal the removal order within ten days from the date that the notice was mailed. Such appeal shall be made to the mayor and council. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the city manager is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.
2. *Removal without notice.*
  - a. The city manager or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article, without giving notice to any party, if:
    - i. Said sign is illegally placed upon the public right-of-way or upon other public property; or
    - ii. Said sign poses an immediate safety threat to the life or health of any members of the public.
  - b. Following such removal, the city may collect the costs as provided in the following paragraph 3.
3. *Costs of removal.*
  - a. Removal of any sign found in violation shall be without liability to the city, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be determined, then the costs of removal shall be the responsibility of any party that procured the erection of the sign.
  - b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the city manager shall certify the amount thereof for collection to the city attorney.
  - c. Costs of removal shall be charged in accordance with a fee schedule adopted by the mayor and council from time to time, or at the actual cost to the city, whichever is more appropriate to the action taken.

(Ord. No. 545, 8-15-06)

Secs. 1316--1399. Reserved.