



# CITY OF DAHLONEGA

## City Council Public Hearing - Changes to Sign Regulations - Amended Agenda

May 06, 2024, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

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### CALL TO ORDER

#### *Public Hearing:*

1. Public Hearing - Regarding changes to the City of Dahlonega's sign regulations regarding inflatables and wall signs, including murals.

### ADJOURNMENT

## **NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE THAT THE CITY OF DAHLONEGA CITY COUNCIL WILL HOLD A PUBLIC HEARING ON MONDAY, MAY 6, 2023, AT 6:00 P.M. REGARDING THE MATTER LISTED BELOW. ACTION WILL THEN BE TAKEN ON THIS MATTER BY THE CITY COUNCIL.

Public Hearing regarding changes to the sign regulations of the City of Dahlonega pertaining to inflatables and wall signs including murals.

**THE MEETING WILL BE HELD IN THE CITY HALL COUNCIL CHAMBERS LOCATED AT 465 RILEY ROAD.**

## Chapter 123 SIGNS

### Sec. 123-1. Short title.

This chapter shall be known and may be cited as the "Sign Ordinance of the City of Dahlonega."  
( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### Sec. 123-2. Purpose and scope.

- (a) The mayor and city council find that adoption of sign regulations serves the following purposes:
- (1) The public health, safety and general welfare of the city is enhanced by ensuring the prohibition and removal of dangerous and unsafe signs.
  - (2) Pedestrian and motorist safety is promoted by reducing and limiting the number and area of signs, which can unduly distract motorists and pedestrians, create traffic hazards, confuse motorists when such signs are similar to traffic signs, and reduce the effectiveness of signs needed to direct the public.
  - (3) This chapter is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of the city are affected by the location, size, construction and graphic design of its signs.
  - (4) The mayor and council find that development in the B-3, historical business zoning district, and CBD, the central business zoning district, is unique from other areas of the city due to its history, architecture, cultural heritage and integrity; its substantial contribution to the economic vitality of the city; the compactness of buildings and businesses in the districts; the geometry of public road intersections; and the special mixture of pedestrian and slower speed vehicular traffic.
  - (5) The economic well-being of the city is enhanced by allowing individual businesses to identify themselves and the goods and services offered in a clear and distinctive manner, by creating a more attractive district to tourists, and by preserving and improving the appearance of the historic downtown and surrounding area, thereby ensuring that signs are properly integrated with and harmonious to the buildings and sites in the historic downtown.
  - (6) The purpose of the city's elimination of mobile signs and billboards is to promote the safe movement of vehicular traffic, to reduce vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city.
- (b) By enacting this chapter, the city intends:
- (1) To balance the rights of individuals, businesses, and government to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
  - (2) To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination;
  - (3) To preserve and promote the public health, safety, and welfare of the citizens of the city;
  - (4) To improve traffic and pedestrian safety;
  - (5) To maintain and enhance the visual environment, and preserve the right of citizens and visitors to enjoy the city's scenic beauty;

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- (6) To protect property values of nearby public and private property by minimizing possible adverse effects and visual blight caused by signs;
  - (7) To avoid the harmful aspects of the unrestricted proliferation of signs;
  - (8) To promote economic development;
  - (9) To enable the fair and consistent enforcement of sign regulations; and
  - (10) To promote the purposes stated in this chapter by regulating signs based on objective standards, including, but not limited to, height and size, and without regard to the content of the sign message.
- (c) This chapter is adopted under the authority of the city in furtherance of the more general purposes set forth in the zoning ordinance. This chapter is adopted and hereafter amended pursuant to article IX, section II, paragraph IV of the constitution of the State of Georgia and the Georgia Planning Act of 1989.
- ( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-3. Statement of findings.**

- (a) The city finds that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. Left unregulated, however, signs can become a threat to the public health and safety as a traffic hazard and a detriment to property values and the overall economic growth of the city as an aesthetic nuisance. See, e.g., Scenic America, *Billboards & Sign Control* available at <http://www.scenie.org>; Jerry Weitz, Ph.D., AICP, *The Public Purpose of Rowell's Sign Ordinance and the Implications of Doing Without It: A Position Paper*, (December 7, 1999) available at <http://roswellgov.com>; *Street Graphics and the Law*, 2004 Revised Edition, Daniel Mandelker, Andrew Bertucci, and William Ewald, in particular, based on the cited materials and the studies referenced therein, as well as other related studies included in the city's file, the city finds that unregulated signs:
  - (1) Can be a safety hazard to drivers and pedestrians;
  - (2) Can create unsafe, cluttered and aesthetically blighted thoroughfares throughout the city;
  - (3) Can hamper economic growth;
  - (4) Can lower property values;
  - (5) Can adversely impact public investments;
  - (6) Can degrade the utility of public safety signs; and
  - (7) Can adversely impact the aesthetic quality of the community and surrounding environment.
- (b) The city also finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such types of signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The city finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from traffic hazards such as downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying marks on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.
- (c) Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating

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addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. While such signage is referenced based upon the function it serves within the context of this chapter, the provisions of this chapter are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-4. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-frame sign* means any portable sign or structure no greater in size than two feet wide by three feet high and composed of up to two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces.

*Abandoned sign* means any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

*Alterations* means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.

*Area of sign* means the entire area including any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram, circle or triangle. If the sign has two faces that are not more than two feet apart the area of the sign shall be one-half the area of the two faces, and shall be considered as one sign.

*Awning* means a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

*Banner* means a sign, other than a flag, with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung without a frame. Neither flags nor canopy signs are considered banners.

*Building* means any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.

*Building face or wall* means all window and wall area of building in one plane or elevation.

*Building official* means the code enforcement officer for the city.

*Canopy* means a structure constructed of fabric or other material other than an awning placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings, supported by the building or supports extended to the ground directly under the canopy or cantilevered from the building.

*Changeable copy sign* means any sign that incorporates changing lights, lettering, or images to form a sign message, whether such changes are accomplished electronically or manually.

*Developed lot* means any lot on which a building is located. The building must be occupied or in such a physical condition that it is capable of being occupied.

*Flag* means any unframed fabric or bunting typically containing colors, patterns, or symbols sometimes used as a symbol of a government or other entity or organization.

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*Freestanding sign* means a sign which is supported by one or more uprights or braces which are fastened to, or embedded in the ground or a foundation on the ground. A permanently affixed sign which is wholly independent of a building for support.

*Grandfathered sign* means the same as definition of the term "nonconforming."

*Hanging sign* means a sign that is suspended parallel, or perpendicular from a building, wall, roof, facade, canopy, marquee, or porch by means of brackets, hooks or chains and the like.

*Height of sign* means the vertical distance measured from the normal grade at the base of the sign to the highest point of the sign, including the air space between the ground and the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.

*Historic district* means the city's zoning districts historical business district (B-3) and central business district (CBD), as established in the zoning ordinance of the city ordinance 91-9, as amended, and as such boundaries are established on the official zoning map, as may be amended from time to time.

*Inflatable sign* means a sign that holds its shape by receiving a one-time or continuous supply of air or other gas. Inflatable signs include balloons. Inflatable signs also include any air or gas filled figure regardless of whether the figure contains any form, graphic, illumination, symbol, or writing for visual communication.

*Informational signs* means a sign with an area not greater than six square feet for residential districts and 16 square feet for nonresidential districts with a sign face made for short-term use, containing no reflecting elements, flags, or projections which, when erect, stands at a height no greater than three feet from the normal grade in residential districts and five feet from the normal grade in nonresidential districts at the base of the sign to the highest point on the sign.

*Mansard sign* means a sign attached to a sloped roof or roof-like facade architecturally comparable to a building wall.

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

*Mobile sign* means a sign on any vehicle or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of displaying commercial and/or noncommercial messages.

*Monument sign* means a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size, entirely enclosed or solid with no visible open space and permanently affixed to the ground. A monument sign shall not be mounted on a pole.

*Neon sign* means luminous-tube signs that contain neon or other inert gases at a low pressure.

*Nonconforming signs* (also known as grandfathered sign) means any sign which was lawfully erected and maintained prior to such time as it became illegal under purview of this chapter.

*Out-of-store marketing device* means any facility or equipment which is located outside of a primary building on a site zoned for nonresidential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone books.

*Portable sign* means a sign which is not intended to be anchored or secured to a building or to the ground.

*Projecting sign* means a sign attached to and projecting from the wall or overhang of a building that has a plane that is at a 90-degree angle from the wall.

*Public property* means any property owned by a governmental entity.

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*Rope lighting* means lighting made up of tiny lights, usually incandescent bulbs or light emitting diodes (LEDs), which are spaced about an inch apart and covered in heavy-duty plastic tubing.

*Sign* means every advertising message, announcement, declaration, demonstration, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service. The definition of sign shall also include the sign structure, supports, lighting system, and any attachments, ornaments or other features used to draw the attention of observers.

*Sign, internally lit*, means any sign lighted by a source which is inside of or behind an enclosed sign or sign face made of translucent material.

*Signage plan* means a plan designed to show the relationship of signs for any cluster of buildings or any single building housing a number of users or in any arrangement of buildings or shops which constitute a visual entity as a whole.

*Structure* means the supports, uprights, bracing, guy rods, cables, and framework of a sign or outdoor display.

*Wall sign* means a sign with messages or copy erected parallel to and attached to the wall of a building and extending not more than six inches from the wall, or painted on the outside of the building or mansard. Murals are considered wall signs.

*Window sign* means a sign adjacent to or installed upon a window for the purpose of being viewed from outside of the premises. Signage that is located inside the building within three feet of the window that is intended to be viewed from the outside is considered a window sign for purposes of this chapter.

(Ord. No. 2008-04 Amended, art. 4, 9-17-2015 ; Ord. No. 2008-04, Amend. 3, art. 4, 9-17-2015 )

### **Sec. 123-5. Applicability, authority, interpretation and enforcement.**

- (a) *Applicability.* This chapter shall apply to all properties within the corporate limits of the city. Signs that are not visible from a public right-of-way and are not intended to be viewed from a public right-of-way are not regulated.
- (b) *Historic commission authority.* The historic commission, as established in the zoning ordinance of the city, shall have the authority given it by this chapter to review and make a recommendation to the city council as to variance requests for the erection of signs and other advertising devices within B-3 and CBD, as established in the zoning ordinance of the city, ordinance 91-9, as amended, and as such boundaries are established on the official zoning map, as may be amended from time to time.
- (c) *Interpretation and enforcement.* The zoning administrative officer (zoning administrator) shall be responsible for the interpretation of the provisions of this chapter and for enforcement of this chapter, except to the extent such responsibility is delegated to the city council, zoning board of appeals, or historic commission by this chapter. A violation of this chapter is a misdemeanor. Violations shall be enforced in the same manner as violations of the zoning ordinance.
- (d) *Construction standards.* All signs permitted under this chapter shall be constructed and maintained in accordance with the applicable city building codes.

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

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**Sec. 123-6. Design and location standards.**

- (a) *Area of sign.* The area of a sign shall consist of the entire area of the sign, including any type border which may enclose the outer limits of any writing, representation, emblem, figure, or character. The area of the sign having no perimeter or border shall be computed by enclosing the entire area within a parallelogram, circle, or triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of that parallelogram, circle, or triangle. If the sign has two faces that are parallel (not more than two feet apart) the size of the sign is one-half the area of the two faces, and shall be considered one sign.
  - (b) *Sign materials.* In B-3 and CBD, the exposed surfaces of all sign structures and supports shall be constructed using natural materials and should match local architectural styles. Natural materials include, but are not limited to, concrete, stucco, natural and painted wood, brick, stone or manmade materials such as metal and glass with similar texture and appearance that are considered appropriate to maintain the character of the existing building and structures on the property on which the sign is located.
  - (c) *Illumination.*
    - (1) *Externally illuminated signs.*
      - a. Light fixtures for externally illuminated signs must be simple in form and mounted so they do not obscure building ornamentation. The light fixtures should emphasize the continuity of the building surface and should not clutter the building in an unorganized manner. Spot lights and flood lights shall be directed only at the sign surface. Light shall not be directed off the property.
      - b. No exposed light sources are allowed, and all light sources must be shaded to contain light rays to the sign. Colored lighting is prohibited.
    - (2) *Illumination restrictions.* No sign shall be internally lit, except as noted in the provisions of this chapter dealing with certain window signs.
  - (d) *Type styles.* In B-3 and CBD, type styles are limited to those found in the ordinance from which this chapter is derived, or a style substantially similar.
- ( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

**Sec. 123-7. Sign types requiring a permit.**

The following signs require a permit:

- (1) *Freestanding signs.*
  - a. *Height limit.*
    - 1. B-3 and CBD: signs may not exceed a height of five feet at the highest point anywhere on the sign.
    - 2. All other nonresidential property: signs may not exceed a height of ten feet at the highest point anywhere on the sign.
  - b. *Design.*
    - 1. Freestanding signs are required to be monument signs in all districts. A monument sign is a sign supported entirely by a base structure. The base structure shall be a minimum of two feet by four feet in size, entirely enclosed or solid with no visible open space and permanently affixed to the ground. A monument sign shall not be mounted on a pole.
    - 2. There shall be no graphics located on the vertical support structures of a freestanding sign.

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- c. *Size.* Freestanding signs shall be limited to a maximum of 32 square feet in area.
- d. *Number of signs.* A nonresidential building with at least 50 feet of road frontage may have one freestanding sign. The building must be occupied or in such a physical condition that it is capable of being occupied for its intended purpose. Nonresidential buildings with more than 100 feet of continuous frontage and with more than one entrance may install a freestanding sign at each entrance, provided that the combined square footage of all freestanding signs does not exceed 64 square feet (i.e., two 32-square-foot signs). Where there is frontage on more than one street, each frontage is treated independently provided that no two signs may be closer than 100 linear feet to one another. Signage area may not be transferred from one frontage to another.
- e. *Location and orientation.*
1. B-3 and CBD. Signs shall be located outside of the right-of-way. No sign or sign structure or support shall be placed onto or obscure or damage any significant architectural feature of a building, including, but not limited to, a window or a door frame, cornice, molding, ornamental feature, or unusual or fragile material.
  2. All other locations.
    - (i) Signs shall be located at least two feet outside of the right-of-way.
    - (ii) No freestanding sign may be within 50 feet of another freestanding sign (including signs outside city limits), other than as allowed by subsection (d) of this section, however, within the B3 and CBD zones, freestanding signs may be located within 20 feet of one another.
- f. *Wall and mansard signs.* Wall and mansard signs shall be permitted on the wall or mansard of a building facing a public street. If a building has public street frontage on more than one side, a wall or mansard sign may be allowed on either the main entrance or any side facing a public street. Or alternatively, the allowed square footage for the signage may be divided equally between the main entrance and an adjacent side of the building which also faces a public street. These signs are subject to the following:
1. Wall and mansard signs are allowed in all nonresidential zoning districts.
  2. If a structure is located on a lot that has no street frontage, wall or mansard signs shall be permitted on any single facade.
  3. Wall or mansard signs attached flat against the exterior surface of a building may extend not more than six inches from the wall.
  4. The total area for wall or mansard signage shall not exceed five percent of the area of the building wall.
  5. A directory sign is a wall sign.
  6. For buildings with multiple tenants having store fronts only, the facade rented by the tenant shall be considered as the wall area for a sign area calculation.
  7. No part of a wall or mansard sign shall be located more than 25 feet above the existing level of the ground.
  8. Wall or mansard signs shall not extend above the eave line or top of a parapet on the wall to which it is attached.
  9. Wall or mansard signs to be located in the B3, CBD districts or overlay districts that touch upon the B3 or CBD shall require review and approval by the Historic Preservation Commission prior to the issuance of a sign permit.

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- g. *Projecting and hanging signs.* One projecting or hanging, non-illuminated sign per business shall be allowed, provided the following:
1. The sign is located in a nonresidential zoning district;
  2. The sign is located over a public door entrance to an occupied building;
  3. The sign is no more than nine square feet in area;
  4. The sign may not project more than 36 inches from the wall;
  5. The sign is uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building;
  6. The sign is suspended from the eave or soffit of the building or extends from the wall;
  7. The sign maintains a minimum of eight feet clearance between the bottom of the sign and the walkway below; and
  8. The sign shall not extend vertically beyond the window sill of the second story.
- h. *Banners.*
1. Banners are allowed:
    - (i) On developed lots in nonresidential zoning districts; and
    - (ii) Residential zoning districts on developed lots that are used for nonresidential purposes.
  2. One banner per business may be erected for no more than ten days during any 120-day period. The ten days do not have to be consecutive.
  3. The maximum size of the banner shall not exceed 35 square feet and the height shall not exceed five feet.
  4. The minimum front setback shall be 15 feet from the edge of the pavement or outside of the right-of-way, whichever is greater and ten feet from the side and rear lot lines. However, in no case will a banner be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street-side property lines from their intersection.
- i. *A-frame signs.* Any portable sign or structure composed of up to two sign faces mounted or attached back to back in such a manner as to form a triangular vertical cross section through the faces, provided that the A-frame sign is no greater than two feet wide and three feet high and that the A-frame sign is located on a public or private sidewalk and shall not encroach into a minimum of 60 inches of unobstructed pedestrian access along said sidewalk. Said sign must be located in front of the business served and no greater than 12 feet from the main entrance to the business served. Should a permit for an A-frame sign be denied by the city because of a lack of sufficient unobstructed pedestrian access, then the denied business may add a wall sign not to exceed a size limit of two feet wide by three feet high or a window sign which may not exceed two feet by three feet. Neither the wall nor window sign, however, shall exceed other applicable signage restrictions in this chapter.
- j. *Signage during construction.* Two additional signs shall be allowed during construction of a residential or nonresidential subdivision. The signs shall not be internally illuminated.

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1. *Duration.* The signs shall be allowed beginning with the issuance of a land disturbance permit and ending with the issuance of a certificate of occupancy or installation of a permanent sign at the subdivision entrance, whichever comes first.
  2. *Size.* The sign shall not exceed 16 square feet in area and five feet in height in the historic district and seven feet in height in all other areas.
  3. *Location.* The minimum front setback shall be 15 feet from the edge of the pavement or outside of the right-of-way, whichever is greater and ten feet from the side and rear lot lines. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- k. *Residential subdivision entrance.* No more than two freestanding monument signs shall be allowed to be placed at each entrance of a residential subdivision, including multi-family complexes subject to the following:
1. These signs must be placed on common property under the ownership of the developer, home owners' association (HOA) or apartment complex owner.
  2. The sign face shall not exceed 32 square feet in area and seven feet in height.
  3. If the sign or sign structure is attached to a decorative wall or fence, the decorative wall or fence shall not exceed eight feet in height. The post and/or columns of the decorative wall or fence shall not exceed ten feet in height.
  4. Such signs shall not be internally illuminated.
  5. The permit shall not be issued until after the final plat is recorded.
  6. The minimum front setback shall be 15 feet from the edge of the pavement or at least two feet outside of the right-of-way, whichever is greater and ten feet from the side and rear lot lines. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- i. *Permit requirements for inflatable signs.*
1. The sign must be securely anchored and installed to prevent dislocation, entanglement, encroachment onto adjacent properties or right-of-way and to prevent creation of undue hazard for motorists or pedestrians. For safety purposes illumination may be internal.
  2. The sign may be allowed for 30 consecutive days. Once a sign permit is approved, no new application for an inflatable sign at that location will be accepted for 60 calendar days. However, a master annual sign permit for inflatables may also be obtained. Permit applications for both short term and master annual permits will be provided by the Zoning Administrative Officer upon request based solely upon the requirements within this section. Section 123-10 is not applicable to inflatables.
  3. The sign shall be located so as not to obstruct views of motorists or pedestrians.
  4. The sign height measured from the highest to the lowest part of the sign cannot exceed 8 feet.
  5. Sign width cannot exceed 3 feet.
  6. Sign depth cannot exceed 3 feet.

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7. Sign may be constructed of cloth, vinyl or plastic only.
  8. Total sign count per single location shall not exceed 5.
  9. The City Manager or designee is authorized to approve the following administrative variances for inflatable signs based upon the criteria set forth for the Board of Appeals in Section 123-12 of these regulations:
    - (i) Sign height;
    - (ii) Sign width;

(Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-8. Signs subject to a general permit.**

- (a) Purpose of a general permit. A general permit is hereby granted for the following types of signs in any zoning district other than lots covered by a master sign plan, provided that such signs are erected and maintained in compliance with all applicable provisions of this chapter:
  - (1) Traffic control signs;
  - (2) Official notices issued by any court with competent jurisdiction or authorized public agency, department or official;
  - (3) Flags. Any flag provided that:
    - a. No more than two flagpoles are permitted per developed lot;
    - b. Flags may be set in the ground or attached to a structure;
    - c. No more than three flags are permitted per flagpole;
    - d. The maximum dimension of the hoist side of each flag shall not exceed 20 percent of the height of the flagpole;
    - e. All flagpoles shall be set back from each property boundary a distance equal to the height of the flagpole or 15 feet from the edge of the pavement or outside of the right-of-way, whichever is greater and ten feet from the side and rear lot lines, whichever is greater. However, in no case will a flag be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic safety, flags shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection;
    - f. All flagpoles shall be maintained in good repair, so as not to constitute a threat to public safety;
    - g. On officially designated county, state, and federal holidays, there shall be no restriction as to maximum flag size or number of flags on display in residential districts.
    - h. In nonresidential districts, flagpoles shall not exceed the allowed height provided for a structure or building in the applicable zoning district, or 50 feet, whichever is less. Flagpoles in residential districts shall not exceed 25 feet in height or the height of the primary structure on the lot, whichever is less.
- (b) Window signs.
  - (1) Allowed in all zoning districts in windows of occupied structures.

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- (2) Area of window sign. The maximum area of the window sign shall be ten percent of the available glass area. Based on the definition of window sign, signage that is located inside the building within three feet of the window that is intended to be viewed from the outside is considered to be included in the window sign limitation. Available glass area shall be measured by considering an entire window unit exclusive of any mullions. In commercial zones other than B3 and CBD, one lighted window sign shall be allowed and may include neon or similar type signage. Said lighted window sign cannot be a sign which changes copy electronically using switches and electric lamps, or any other electronic means, or which flashes, blinks or scrolls. However, this sign may be a fiber optic, neon or light-emitting diodes (LED) sign. This sign shall not be greater in size than 324 square inches.
  - (3) No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein second floor tenants have primary direct access from their space to the outside from the second-floor level. The access must include outside walkways and stairways properly designated for public use.
  - (4) In no case shall any window signs be installed above the level of the second-floor windows.
- (c) Informational signs. In addition to any other sign permitted by this chapter, two informational signs are allowed on a single lot, subject to the following:
- (1) *Size limitation.*
    - a. For residential lots, a maximum size of six square feet of sign area, with a cumulative square footage of 12 square feet. Maximum height of any sign is three feet to the top of the sign.
    - b. For all nonresidential lots, signs shall be a maximum size of 16 square feet of sign area, with a cumulative square footage of 16 square feet. The maximum height of any sign is five feet to the top of the sign.
  - (2) *Location.* All signs shall have a minimum setback of ten feet rear and side from side property lines. For front setback, the sign must be at least two feet outside of the right-of-way. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic and pedestrian safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
  - (3) *Function.*
    - a. These signs are limited to a display of noncommercial speech or commercial speech that pertains to a commercial enterprise located on the property, such as a for sale sign, a sign reflecting the property's home occupation, a campaign sign, a political sign, or a yard sale sign, by way of examples.
    - b. In the event that a court should adjudge any part of this subsection of the chapter a violation of the Georgia or United States Constitutions or any other provision of law, it is the specific intent of the city council that this provision referencing a limitation to noncommercial speech or commercial speech that pertains to a commercial enterprise located on the property be omitted from the chapter and the remainder of the chapter stay in effect to regulate signs on property within the city. This severance section is in addition to the legislative intent expressed elsewhere in this chapter.
  - (4) *Mounting devices.* Informational signs shall be mounted on metal frames that do not exceed ¼ inch in diameter or when mounted on frames of other material cannot exceed three-fourths inch by 1½ inch in size. No message may be written on the mounting hardware, so that the entire message area of the sign is contained on the sign face itself.
  - (5) *Lighting prohibited.* Informational signs may not be illuminated in any manner.

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- (d) Numerals displayed for the purpose of identifying property location affixed to a structure such as a mailbox or house, or placed on the ground, not to exceed eight inches in height.
  - (e) Door signs not to exceed one square foot and not more than one sign per door.
  - (f) Holiday lighting. In the B-3 and CBD, only holiday lighting in the form of white/clear only UL approved outdoor "Christmas" type lighting is permitted without historic commission review and approval. However, the period of display is limited to the two-month time period of the Friday preceding Thanksgiving Day through and including January 15, of the next succeeding year. Also prohibited are letters and/or words and/or phrases spelled and exhibited through the use of holiday lighting. This applies exclusively to outdoor lighting and not lighting inside the business premises itself as long as the lighting is at least three feet away from the window. There is no restriction on holiday lighting outside of the historic district.
  - (g) Out-of-store marketing devices. Out-of-store marketing devices are allowed in nonresidential districts provided that they are too small to be legible to the traveling public on neighboring rights-of-way and are otherwise non-removable without damage to the equipment's surface, they do not require a permit and are not subject to overall sign limitations for the lot on which they appear. The minimum front setback shall be 15 feet from the edge of the pavement or outside of the right-of-way, whichever is greater and ten feet from the side and rear lot lines. In no case, however, will an out-of-store marketing device be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic safety, out-of-store marketing devices shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
  - (h) Handheld and portable signs. Handheld and portable signs not exceeding four square feet. A staff or pole attached or otherwise associated with a sign must be blunt at both ends. Such signs must be held at all times and may not be left unattended. Persons with handheld or portable signs may not display the signs in the right-of-way or on private property without the property owner's written consent. A person must be able to produce the written consent of the property owner if requested during the time of the display of the handheld or portable sign. Persons with handheld or portable signs shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public sidewalks.

**(i) Inflatable signs in all residential districts.**

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-9. Prohibited signs and devices.**

The following signs or devices are prohibited:

- (1) *Signs creating traffic hazards.* No sign shall be erected at or near any public street or the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision or at any location where it would interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- (2) *Hazardous signs.* No sign shall be erected or maintained which, due to structural weakness, design defect, or other reason, constitutes a threat to the health, safety and welfare of any person or property.
- (3) *Signs resembling traffic signals or signs.* No sign shall be constructed, erected or maintained which purports to be or resembles an official traffic sign or signal except those signs officially authorized by the city or other governmental entities.
- (4) *Flashing signs or lights.* Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

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- (5) *Rope lights.* In nonresidential districts, rope lights may not be used on the exterior of a structure or anywhere on the property other than use upon stairways for illumination purposes. An occupant may use rope lights in the interior of a building, as long as the rope lights are more than three feet from the windows and are not intended to be viewed from outside.
  - (6) *Electronic message signs.* A sign which changes copy electronically using switches and electric lamps, or any other electronic means, or which flashes, blinks or scrolls. This prohibition includes, but is not limited to, fiber optics, neon and light-emitting diodes (LED), unless otherwise provided for herein.
  - (7) *Signs with dynamic display.* Signs that appear to have movement or appear to change, caused by any method other than physically removing and replacing the sign or its components, including, but not limited to, electronic messaging signs, except as provided herein.
  - (8) *Roof signs.*
  - (9) *Animated signs.* A rotating or revolving sign, or signs where all or a portion of the signs move in some manner are prohibited.
  - (10) *Wind signs.* Any propeller, whirling, or similar device which is designed to flutter, rotate, or display other movement under the influence of the wind. This shall include flags, except as specifically allowed in this chapter.
  - (11) *Bench signs.* Any outdoor bench or furniture with signage.
  - (12) *Mobile signs.* Mobile signs operated upon any street, or other public place within the city in which the public has a right of travel.
  - (13) *Vehicle signs.* The vehicle owner may elect one of the following three options:
    - a. Three dimensional roof or trunk mounted signs on automobiles except that vehicles may have only one sign that is no greater than three square feet on a face, with a maximum length of one foot wide, one foot high, and three feet long;
    - b. Two dimensional (flat) front or rear mounted signs on automobiles except that a single vehicle may have a maximum of two signs with each sign being no greater than a maximum width of two feet and a length of four feet; or
    - c. Vehicle signs of no more than eight square feet on the sides of vehicles if completely flat and painted upon or applied directly to the original body of the vehicle or attached magnetically.Signs attached to or painted on vehicles parked adjacent to and visible from a street for the sole purpose of advertising onto the street are prohibited.
  - (14) *Video signs.* Animated visual messages which are projected on-screen.
  - (15) *Outdoor displays.* Outdoor display of merchandise is considered advertisement and is permitted only on the property in which the owner of the merchandise has a property interest.
  - (16) *Signs on trees, utility poles, telecommunication towers or water towers.*
  - (17) *Signs in the right-of-way and public sidewalk.* Signs in a public right-of-way or public sidewalk, other than those belonging to a government or public service agency, except certain A-frame signs as provided for herein.
  - (18) *Marquee signs.*
  - (19) *Awning and canopy signs.*
  - (20) ~~*Inflatable signs.*~~
  - (21) *Signs not otherwise allowed by this chapter.*

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( Ord. No. 2008-04 Amended, art. 9, 9-17-2015 ; Ord. No. 2020-12, 3-24-2020 )

**Sec. 123-10. Sign permit applications.**

- (a) *Purpose.* The purpose of this chapter is to provide a timely and standardized mechanism for reviewing applications for sign permits to ensure signs within the city comply with the objective standards of this chapter, including, but not limited to, the height and size provisions.
- (b) *Authority.* The zoning administrator is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures of this section and the standards of this chapter.
- (c) *Applicability.* No sign, except those specified in this chapter, shall be erected, placed, reconstructed or structurally altered without the sign owner having first obtained a sign permit from the zoning administrator pursuant to the procedures in this section and the standards of this chapter.
- (d) *Permitted signs by chapter.* Pursuant to section 123-8, a general permit has been granted for those signs listed therein, and no application for a sign permit is required so long as all applicable standards of this chapter are met.
- (e) *Procedure.* The following procedure shall govern the application for, and the issuance of, all sign permits under this chapter. Application for a sign permit shall be made on the form provided by the zoning administrator as required by the city. An application will only be deemed as complete when all required information and accompanying documents are received. The following information will be required at that time:
  - (1) Name, address and telephone number of the party erecting the sign and of the sign owner.
  - (2) The value of the sign.
  - (3) For a freestanding sign, a survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on the property and the distance of the proposed sign from the property's boundaries. This survey shall be signed by a licensed surveyor. For all other signs, a site plan drawn to scale may be substituted for a survey.
  - (4) The square foot area per sign.
  - (5) The name and address of the owner of the real property upon which the sign is to be located.
  - (6) Written consent of the owner of the property, or his agent, granting permission for the placement, maintenance, size and height of the sign to be placed on the property if the applicant is someone other than the property owner.
  - (7) For wall signs, a sketch to scale drawing of the elevation of the building wall upon which the sign will be mounted or installed.
  - (8) Prints or drawings of the plans and specifications for the proposed sign, together with structural details for construction and attachment to a building or placement in the ground. A single submission may be permitted for standardized signs.
  - (9) Any electrical permit required and issued for such sign.
- (f) *Action by the zoning administrator.*
  - (1) Within five working days of submission, the zoning administrator shall inform the applicant of any information or documents necessary for completion of an application. Until such time as the application is complete, the city will not consider the application properly filed.

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- (2) Within 20 working days after the application is determined complete, the zoning administrator shall review the application in accordance with this section and determine whether the application complies with the standards in this chapter.
- a. *Approval.* If the zoning administrator finds that the application complies with the standards of this chapter, the zoning administrator will issue the sign permit. Sign applications for which no action has been taken after 20 working days after the application is complete shall be deemed approved.
  - b. *Fails to comply.* If the zoning administrator determines the application fails to comply with the standards of this chapter, the applicant shall be provided a written notification with an explanation of why the application has been denied. If the applicant resubmits the application within 60 days of the written notification of denial, the resubmitted application does not require payment of the fee. The time for resubmission may be extended an additional 30 days for good cause, if requested of the zoning administrator prior to the original deadline for re-submittal.
  - c. *Re-submittal.* A revised application shall be resubmitted to the zoning administrator and reviewed in the same manner as an original application.
  - d. *Criteria.* A sign permit shall be approved upon a finding that the applicant has demonstrated that the application complies with the standards of this chapter.
  - e. *Expiration.* A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within 60 days after the date of issuance; provided, however, that when an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, the zoning administrator may grant one 30-day extension. 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 submitted and another fee paid in accordance with the fee schedule applicable at such time.
- (g) *Amendments.* A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.
- (h) *Maintenance of permit.* The owner or lessee of a lot containing signs requiring a permit under this chapter shall, at all times, maintain in force a sign permit for such property. Sign permits shall be issued to the owner of a sign for each individual sign and are not transferable.
- (i) *Identification labels.* With each permit the city 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 chapter.
- (j) *Vested rights.* No person applying for a sign permit or erecting a sign under this chapter shall acquire any vested rights to continue maintenance of such signs.
- (k) *Non-transferability.* Sign permits issued pursuant to this chapter are not transferable.
- (l) *Appeals.* The following procedure shall govern the appeal of any decision regarding an application for a sign permit under this chapter:
- (1) Any applicant or person aggrieved or affected by the denial or grant of an application for a sign permit may appeal the determination to the city council by filing a written notice of appeal with the building administrator within 30 days following the decision. The appeal shall be heard within 30 working days of the filing of the written notice of appeal.
  - (2) The city council shall have 30 days following the hearing to issue a written decision.

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- (3) Any party aggrieved or affected by the decision of the city council may appeal the decision by filing a writ of certiorari with the superior court pursuant to O.C.G.A. title 5, ch. 4 (O.C.G.A. § 5-4-1 et seq.).

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

**Sec. 123-11. Master sign plans.**

- (a) *Approval required.* Any new construction or re-development of a nonresidential project including more than one freestanding building shall obtain approval of a master sign plan from the zoning administrator as part of the development review process prior to any signs being erected other than signs permitted during construction. All signs erected or maintained shall conform at all times to the approved master sign plan. The signs approved through the master sign plan are the only signs allowed other than those allowed in section 123-8(c); any deviations from an approved master sign plan shall be unlawful unless and until a revised master sign plan is approved.
- (b) *Master sign plan application.* An application for a master sign plan shall include the following information:
- (1) Accurate site plan, including location of buildings, parking lots, driveways, and landscaped areas;
  - (2) One set of drawings showing details of a construction and foundation of proposed signs;
  - (3) An accurate indication of the location of each present and proposed future sign of any type, whether requiring a permit or not;
  - (4) An elevation drawing or photo depicting the proposed location of signs on buildings, or walls;
  - (5) A scaled drawing showing the size, shape, design, colors, materials, lighting and letter styles of proposed signs;
  - (6) Master sign plans must be signed by all owners or their authorized agents;
  - (7) Any other maps, drawings, or materials as required by the planning department to adequately describe the sign proposal.
- (c) *Master sign plan review.* An application for a master sign plan shall be reviewed as part of the development review process and shall follow all procedures thereof, unless contradicted by this section.
- (d) *Individual sign permits.* Individual sign permits are required for all signs contained within an approved master sign plan.
- (e) *Amendments.* A master sign plan may be amended by filing a new master sign plan application that conforms to all requirements in this section.
- (f) *Maximum number of signs.*
- (1) *One main entrance monument sign.* The maximum sign area shall be 40 square feet with a maximum height of ten feet.
  - (2) *Secondary entrance signs.* Each additional entrance, may have a sign not greater than 20 square feet with a maximum height of eight feet, provided that the secondary entrance sign is at least 500 feet from any other sign.
  - (3) *Internal signs.* One sign shall be allowed at each intersection of internal streets. The signs shall not exceed ten square feet in area and three feet in height.
  - (4) *Monument signs.* One monument sign is permitted for each separate building which is identified on the approved site plan.

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- a. The maximum sign area of the sign shall be 32 square feet for multiple buildings lots and 20 square feet for single user buildings. Maximum sign areas shall apply to each face separately, but no freestanding sign shall have more than two faces. Where two sign faces are located in a "V" formation, the angle between the two sign faces shall not be greater than 60 degrees.
  - b. The maximum height of the sign is eight feet.
- (5) *Wall signs.* Wall signs shall be permitted on the wall facing an internal street subject to the following:
- a. Wall signs attached flat against the exterior surface of a building may extend not more than six inches from the wall.
  - b. The total area for wall signage shall not exceed ten percent of the total area of the one building facade upon which the signage is placed or 100 square feet, whichever is less. A directory sign is a wall sign.
  - c. No part of a wall sign shall be located more than 25 feet above the existing level of the ground. Additionally, no wall sign shall be installed on any wall over the level of the bottom of any second story windows on that wall unless the building is a multi-tenant structure where tenants have direct access from their second floor space to the outside. This direct access must include outside walkways and stairways properly designed for public use.
  - d. Wall signs shall not extend above the eave line or top of a parapet on the wall to which it is attached.
- (g) *Location of entrance sign.* The minimum front setback shall be 15 feet from the edge of the pavement or outside of the right-of-way, whichever is greater and ten feet from the side and rear lot lines. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing. For traffic safety, signs shall not be located within the triangular area on a corner lot formed by measuring 20 feet along both street side property lines from their intersection.
- (h) *Aesthetic considerations.* The master sign plan must be designed so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background.
- ( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-12. Variances.**

- (a) *Authority.* The board of appeals is authorized to consider applications for variances to the provisions of this chapter.
- (b) *Limitations.* The board of appeals is only authorized to increase the size or height of a sign by a maximum of 25 percent of the standards set forth herein.
- (c) *Procedure.* The procedure for filing and hearing variance applications shall be the same as for variances to the zoning ordinance, as provided in article XXIV of the zoning ordinance.
- (d) *Standards.* The board of appeals shall consider the following when voting on a variance application under this chapter:
  - (1) Whether the natural features of the subject property on which the sign is located or is to be located, or of the land immediately adjacent to the subject property, impair the visibility of the sign such that it cannot be seen;

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- (2) Whether there exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the area;
  - (3) Whether a literal interpretation of the provisions of the sign chapter would deprive the applicant of rights commonly enjoyed by other similar properties;
  - (4) Whether granting a variance requested would confer upon the property of the applicant any significant privileges that are denied to other similar properties;
  - (5) Whether the requested variance will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or to the general welfare;
  - (6) Whether the special circumstances are the result of actions of the applicant;
  - (7) Whether granting the variance would result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic;
  - (8) Whether the variance requested is the minimum variance, which will make possible the logical use of the land and sign; and
  - (9) Whether the mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance.
- (e) *Appeals.* Any applicant or person aggrieved or affected by the denial or grant of a variance application may appeal the determination to the superior court by filing a writ of certiorari with the superior court pursuant to O.C.G.A. § 5-4-1 et seq. within 30 days following the decision.

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-13. Removal of signs.**

- (a) *Procedure for removal of unsafe, unlawful and abandoned signs.* In case any sign is installed, erected or constructed in violation of any of the terms of this chapter, is unsafe, or is abandoned, the zoning administrator shall notify by certified mail or written notice served personally, the owner or lessee thereof to alter such sign, secure the necessary permit, make required alterations or remove the sign. If such order is not completed within ten working days from the time of notice being received, the sign shall be removed under instruction of the appropriate official at the expense of the owner or lessee thereof.
- (b) *Nonconforming signs.*
- (1) *Findings.* The city finds that nonconforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of these signs on motorists and pedestrians. Furthermore, nonconforming signs frustrate the purpose of adoption of this chapter as expressed in section 123-2.
  - (2) *Continuation of nonconforming signs.* A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:
    - a. Shall not be enlarged or altered except in conformance with this chapter, but it may be repaired to the extent necessary to maintain it in a safe condition;
    - b. Shall not be replaced, expanded or modified by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted, as long as the business located on the property does not change ownership; however, if a nonconforming sign is replaced or modified by interchanging

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poster panels, painted boards or dismountable material, the replaced or modified sign shall not be internally lit;

- c. Shall not be allowed to be increased in height, size or relocated on the property, but may be decreased in height or size;
- d. Is subject to removal if it has deteriorated to a point of making it a hazard, or unsightly;
- e. Shall be removed if the property on which the sign is located becomes vacant, or has been unoccupied for a period of at least 90 consecutive days. An intent to abandon is not required as the basis for removal under this subsection;
- f. Shall be removed if there is a change in use of the premises on which the nonconforming sign is located;
- g. Shall be removed within 60 days if there is a change in ownership of the business;
- h. Shall not be repaired or restored after having been damaged to the extent of more than 50 percent of its value immediately prior to the event causing the damage or destruction; and
- i. To the extent any portion of this chapter conflicts with O.C.G.A. § 32-6-83 or Ga. Const. art. 3, § 6, ¶ 4(a) in application, this section shall be deemed to provide effected parties the minimum protections provided by O.C.G.A. § 32-6-83 or Ga. Const. art. 3, § 6, ¶ 4(a), as amended from time to time. In no event is it the city's intent to obligate itself to pay any compensation related to the removal of any nonconforming sign.

- (c) *Discontinuation of business.* If a sign advertises an activity, product, business, service or other use which has ceased or the sign user has vacated the premises, the sign shall be removed or the sign text shall be covered up in such a way as to render the text unreadable. The owner of the property on which the sign is located shall be responsible for removal (or covering) of the sign within 60 days of discontinuation of the business or service.

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-14. Enforcement and maintenance.**

- (a) *Enforcement officer.* The provisions of this chapter shall be enforced by the building official.
- (b) *Maintenance.*
  - (1) The area on private property around the sign on which it is erected shall be properly maintained clear of brush, trees, and other obstacles so as to make signs readily visible;
  - (2) All burned out bulbs or damaged panels must be replaced;
  - (3) All sign copy shall be maintained securely to the face and all missing copy must be replaced;
  - (4) All signs shall be maintained in good structural condition at all times so that the public and traffic safety are not compromised;
  - (5) All signs shall present a neat and orderly appearance, without rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded, or flaking paint, nonoperative or particularly nonoperative illuminating or mechanical devices or missing letters in sign copy; and
  - (6) It shall be the joint responsibility of the sign owner and property owner to maintain and ensure compliance with the provisions of this chapter.
- (c) *Penalties.* A violation of this chapter shall result in the sign permit being revoked. Additionally, any person violating this chapter shall be guilty of a misdemeanor and upon conviction, shall be punished as provided in

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section 2706 of the city zoning ordinance, same being Ordinance No. 91-9. If found guilty, a person violating this chapter may be fined up to \$1,000.00 for each violation. Each day an illegal sign remains beyond the period of time the building official gives the person responsible for maintaining the sign to correct the illegality shall be considered a separate violation.

- (d) *Public nuisance.* Any violation of this chapter is hereby declared to be a public nuisance.
- (e) *Notice.* The building official shall give the sign permittee, the sign owner, and the property owner ten to 30 days' written notice, based on the practical considerations of completing measures to comport with the standards of this chapter, to correct the deficiencies or to remove the sign which is in violation of this chapter. If the permittee refuses to correct the deficiencies or remove the sign, the city may have the sign removed at the expense of the permittee.
- (f) *Removal.*
  - (1) The city may order the removal of any sign in violation of this chapter by written notice to the permit holder, sign owner and property owner. If a permit has been issued, such notice shall operate to revoke the permit.
  - (2) If the sign is not removed within the time required by the city (or the date any appeal becomes final), the city shall remove or cause to be removed the sign and collect the costs thereof through appropriate legal proceedings.
  - (3) The city shall have removed any sign in violation of this chapter, without giving notice to any party if: the sign is upon the public right-of-way or upon other public property or if the sign poses an immediate safety threat to the life or health of any member of the public, or injury to property.
  - (4) Signs removed by the city will be destroyed after 14 days if they are not claimed, however, this holding period shall not apply to signs which were removed from any public right-of-way.
- (g) *Appeal.* Any violator may appeal the determination of the building official to the zoning board of appeals in accordance with the procedures of section 2404 of the zoning ordinance. Any appeal shall act as a supersedes of the city's enforcement of this chapter, except to the extent that violation of this chapter is deemed to present a safety hazard to the public.
- (h) *Legal proceedings.* The city, upon a finding that any provision of this chapter is being violated, is authorized to institute legal proceedings to enjoin violations of this chapter. The violator shall be liable for court costs and reasonable attorney fees incurred by the city.

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )

### **Sec. 123-15. Legal status provisions.**

- (a) *Amendment.* This chapter may be amended by the city council.
- (b) *Conflict with other laws.* Whenever the provisions of this chapter impose more restrictive standards than are required in or under any other statute, the provisions of this chapter shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this chapter, the provisions of such statute shall govern.

( Ord. No. 2008-04 Amended, art. 1, 9-17-2015 )