

# MEMORANDUM

TO: General Services Committee

FROM: Shawn Raborn, City Manager

DATE: January 6, 2017

SUBJECT: Discussion on Sign Ordinance

Staff would like for the committee to consider scaling back the discussion on the sign ordinance at this time and focus on a couple of issues that were identified as part of the signage review process. I would like to focus on four issues:

- 1) The Electronic Variable sign issue and how we regulate this type of sign specifically,
- 2) The number of signs that can be placed on a property,
- 3) Prohibited Signs and
- 4) Sign Maintenance Standards

Attached for discussion is an updated ordinance that only deals with the Electronic Variable sign issue and the specific sections that address prohibited and maintenance of signs.

Attachment:

- 1) Updated draft of Sign Ordinance dated 1-6-17
- 2) Sections related to Prohibited Signs and Sign Maintenance

DRAFT OF AN ORDINANCE DEALING WITH ELECTRONIC MESSAGING SIGNS

(by F. A. Romberg [January 5, 2017](#))

Section 1: Purpose

The purpose of this ordinance is to regulate the use of electronic messaging signs within the City of La Grange, and to establish administrative review procedures whereby businesses and other organizations can promptly determine whether a proposed sign and associated operating procedures will be allowed under this ordinance.

The provisions of any La Grange City ordinances dealing with signs which are previously in force shall remain in force except where the provisions of this ordinance conflict with them, in which case the provisions of this ordinance shall supersede the provisions of previous ordinances.

Section 2. Definitions

*Electronic message sign (EMS):* A sign (on which informational content can be changed or altered remotely) ~~on a display~~ screen showing on a display electronically or electrically illuminated segments or elements, composed of but not limited to LED (light emitting diode) signs, television screens, plasma screens, video boards, and other signs that utilize digital or other image projection technology to display messages or images to the public.

Other terms used in this ordinance shall have the meanings and interpretation indicated in Appendix A ~~or~~ of this ordinance.

Section 3. Road Types and Special Areas

- (a) Standards for signs shall be determined by one of the following:
  - (1) The type of road adjacent to the lot or multi-occupant center
  - (2) The type of road which an occupant frontage faces
  - (3) The special area in which the sign is to be located
- (b) *Road types.* All roads fall within one of the following road types: freeways, commercial roads, and neighborhood roads. A roadway type may change over time. A roadway may have more than one type along its length.
  - (1) *Freeways.* For the purposes of these guidelines, freeways shall include only the following roads:
    - Highway 71 Bypass
  - (2) *Commercial roads.* For the purpose of ~~these guidelines~~this ordinance, commercial roads shall include the following roadways:
    - Highway 77 Corridor (also known as Jefferson Street)
    - Highway 71 Business Corridor (also known as Travis Street)
    - Highway 159
    - FM 609
    - Von Minden from the intersection at Highway 71 Bypass and North to the city limit
  - (3) *Neighborhood roads.* For the purposes of ~~these guidelines~~this ordinance, any road not classified as a freeway or commercial road shall be considered to be a neighborhood road.

(c) *Special areas.* The special areas are as follows:

- (1) Fayette County Courthouse Historic District (HD)
- (2) Entry Corridor Overlay Area (EC)

The Entry Corridor Overlay area shall include the following areas: within 500 feet of the Fayette County Courthouse Historic District, Travis Street from the intersection of Jefferson Street to the River Bridge and Jefferson Street from the intersection of Travis Street to the River Bridge.

#### Section 4. Illumination Standards

The following standards shall apply to illumination of signs:

- (1) The brightness and intensity of an illuminated sign shall not be greater than necessary to meet reasonable needs of the business or use served.
- (2) No sign shall be illuminated to such intensity or in such a manner so as to cause a glare or brightness to a degree that ~~it~~ constitutes a hazard or nuisance to vehicular traffic, pedestrians or adjacent sites.
- (3) No sign may be illuminated with fixtures that allow for the unshielded upward transmission of light.
- (4) No neon signs or bare bulbs shall be used, unless an item of information that is a registered trademark requires its use.

#### Section 5. Electronic Messaging Sign Standards

(f) *Electronic messaging signs (EMSs)* shall meet the following requirements.

- 1) EMSs shall not be permitted in Historic District ~~and Entry Corridor~~ special areas. *(Discuss)*
- 2) The owner of an electronic sign shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters.

~~3)~~ *Messaging standard.* Electronic message signs must ~~only~~ display all messages as a static or fixed message/image of the entire screen/message board area for each message/image displayed. Static or fixed messages/images must be displayed a minimum of five (5) minutes before ~~rotating or~~ displaying the next message. Scrolling, blinking, ~~or and~~ other forms of moving text ~~is are~~ prohibited. ~~Flashing, blinking, or and~~ other forms of text manipulation, such as but not limited to enlarging or shrinking of the message/text ~~is are~~ prohibited. Scrolling text is prohibited. ~~Static images, graphics, or pictures shall be displayed in the same color as the text elements of the electronic message.~~

~~4)3)~~ All electronic message signs shall be turned off or shall display a blank screen when malfunctioning.

~~5)4)~~ *Brightness standards.* The brightness standards are applicable to all forms of electronic message signs in the city.

- a. All such signs shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed by the Illumination Standards in this section.

Maximum brightness shall not exceed seven thousand (7,000) nits when measured from the sign's face at its maximum brightness during daylight hours and shall not

Formatted: Highlight

Formatted: Indent: Left: 0.25", Hanging: 0.56"

Formatted: Font: (Default) Times New Roman, 11 pt

Formatted: Font: 11 pt

Formatted: Font: (Default) Times New Roman, 11 pt

exceed one thousand (1,000) nits when measured from the sign's face at its maximum brightness at night.

- b. If such sign is located within one hundred (100) feet of a property with residential zoning, the sign must be oriented such that no portion of the electronic sign face is visible from a residentially-zoned property or the brightness is reduced to no more than two hundred fifty (250) nits at night.
- c. Prior to the issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been ~~factory~~ preset not to exceed the levels specified above.

### Section 6. Sign Maintenance Standards

- (a) The property owner/occupant shall maintain the sign in a condition appropriate to its intended use and to all city standards, and has a continuing obligation to comply with all building code requirements. It shall be a violation of this section if any of the following conditions exist:
  - (1) Elements of the sign have portions of the finished material missing, broken or otherwise illegible.
  - (2) Any elements of the sign are inoperable, bent, twisted, dented, cracked, splintered, torn, or leaning at angles other than those at which it was originally erected.
  - (3) The sign is partially disassembled.
- (b) The sign display area must display information that is current. If the information is not current a blank sign panel must be installed or the entire sign removed within thirty (30) days.
- (c) If the sign is deemed by the city to be in an unsafe condition, the owner/occupant of the business shall be notified in writing, and shall, within forty-eight (48) hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after ten days, the unsafe condition has not been corrected through repair or removal, the city may refer the matter to the building official as an unsafe structure to be remedied in accordance with city ordinance.
- (d) Whenever any sign, either conforming or nonconforming to these regulations, is required to be repaired, repainted, refinished or cleaned, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
  - (1) The sign is not being refaced to display a new occupant, replace a panel or display new items of information
  - (2) There is no alteration or remodeling to the structure or the mounting of the sign itself
  - (3) There is no enlargement or increase in any of the dimensions of the sign or its structure
  - (4) The sign is accessory to a legally permitted, conditional or nonconforming use

### Section 7. Sign Permitting, Fees, Review Procedures and Enforcement

- (a) *Permit required.* No EMS shall be attached, erected or otherwise constructed until all necessary permits are issued by the city.
- (b) *Fees.* All applications for sign permits shall be accompanied by the appropriate building permit.
- (c) *Permission of property owner.* No sign shall be erected, constructed or maintained upon any property or building without the consent of the owner, the person entitled to possession of the property or building, if any, or their authorized representative.

(d) *Permit application review.*

- (1) The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the city to verify compliance with all applicable laws.
  - a. Applicants for a permit to install an electrical sign shall maintain the appropriate State of Texas electrical sign contractor's license or an electrical contractor's license.
- (2) For signs located in Historic District special areas identified in ~~these guidelines~~[this ordinance](#), the following shall be considered in the review and approval of a sign permit application:
  - a. The design of signs shall be compatible with the character of the surrounding area and other conforming signs.
  - b. The materials used in the construction of the sign shall be the same or similar to those found in the construction of the city's historic districts and historic landmarks in the area.
  - c. Wherever possible, colors from historic palettes shall be used.
  - d. Signs shall not cover, obstruct, damage or otherwise adversely affect the building's salient architectural or historic features.
  - e. Signs shall be approved by the Main Street Design Committee.
- (3) A comprehensive sign plan (CSP) may be submitted that considers unique conditions, flexibility and creativity. Such CSP is subject to approval by city council.

(e) *Permit issuance.*

- (1) *Approved plans.* Approved plans associated with a permit application shall not be changed, modified or altered without authorization from the city, and all work shall be done in accordance with the approved plans.
- (2) *Validity of permit.* If the work authorized by a permit issued under this chapter has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.
- (3) *Suspension or revocation.* The city may, in writing, suspend or revoke a permit under the provisions of these guidelines when the permit is issued in error, is based on incorrect information supplied or is a violation of these guidelines or any other ordinance of the City of La Grange or laws of the State of Texas or the federal government. Any signs installed under a revoked permit shall be removed within ten days of written notice of the revocation.

(f) *Inspections.*

- (1) *General.* All signs for which a sign permit is required shall be subject to inspection. It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. The city shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection. The permit and approved plans are to be available and accessible at the job site for all inspections.
- (2) *Inspection requests.* It shall be the duty of the person doing the work authorized by a permit to notify the city that such work is ready for inspection.
- (3) *Approval required.* No work shall be done on any part of the structure beyond the point indicated in each successive inspection without first obtaining approval. Such approval shall be given only after an inspection shall have been made of each successive step in the construction.

(g) *Appeals.*

- (1) Municipal Sign Review Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made in the enforcement of these guidelines.
- (2) Appeals shall be filed no later than ten business days from the final action on a sign permit.
- (3) The decisions of city council shall be final. Any appeal shall be subject to court review as prescribed by law.

(h) *Removal of signs in a prohibited area.*

- (1) Any sign found within a prohibited area is hereby declared to be illegal and may be removed by the city.
- (2) Any sign removed by the city shall immediately become the property of the city.
- (3) The removal of any sign by the city shall not preclude the city from prosecuting any person for violating this subsection. This can include legal fees, sign removal cost, and other fines and fees.

## Appendix A. Definitions

The following words and phrases used in this ordinance shall have the following meanings:

*Abandoned sign.* A sign which for a period of at least ninety (90) consecutive days advertises or identifies a business establishment that has been closed or abandoned.

*Animated sign.* A sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, scroll, rotate, revolve, change, flash, ~~oscillate~~ oscillate or visibly alters in appearance of the sign. This shall specifically exclude barber poles, and time/temperature signs.

*Architectural feature.* Any element or details of a building or structure that defines its style, such as, but not limited to, windows, doors, and building material coursing patterns.

*Area identification sign/entry feature sign.* Any sign or entry feature identifying the name of a subdivision, district or development with multiple buildings grouped together with a distinct identity.

*Armature sign.* A freestanding sign that hangs, suspended by chains, hooks, or similar means, below an arm extending horizontally from a single vertical support affixed to the ground.

*Awning/canopy.* A shelter extending from the exterior wall of a building.

*Awning/canopy sign.* Any sign that is painted on or applied directly to, and contained entirely within the face, valance, or side panels of an awning/canopy. When the shelter is made from rigid materials, a sign ~~may be~~ mounted to the underside or top.

*Bandit sign.* A temporary sign, usually made of cardboard or foam board, mounted on an angle iron or a wooden stake.

*Banner.* A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface and that is typically constructed of nondurable materials, including, but not limited to, cloth, and/or plastic.

*Base (of a sign).* The portion of a sign that is in contact with the finished grade, and acts as the sign ~~structure~~ support.

*Billboard sign.* A large outdoor board for displaying advertisements which promotes or advertises commodities or services available at a location other than where the sign is located. ~~and shall~~ Billboard signs include those signs whose message space is available for lease, rent or hire and exceeds the maximum allowance of sign display area for freestanding signs in this chapter.

*Building construction sign.* A nonpermanent sign identifying persons, firms or businesses directly connected with a construction project.

*Building scrim sign.* A large, nonrigid banner of a durable, mesh, fabric material that allows air and light to pass through, used to wrap a building or portion of a building with items of information.

*Building sign.* Any sign attached to any portion of a building, including accessory buildings and structures, on windows, and attached or placed on awnings/canopies.

*Business use.* Land uses classified by the zoning ordinance as commercial, and industrial, including churches, schools and similar institutional uses, governmental uses, and multifamily projects, but not customary home occupations.

*Cabinet sign.* A sign, which is typically internally lit and contains all of its components and items of information within a single enclosure and whose perimeter is not shaped to the content of the sign and where the sign face is differentiated from the structure against or within which a sign face is placed. Logos, pan-faced signs, raceways and taglines shall be exempt from this definition.

Canopy. See Awning/canopy.

Canopy sign. See Awning/canopy sign.

*Cap (of a sign).* The uppermost surface or part of a sign that is usually added as a decorative feature.

*Community service (or public service) sign* means a A sign which solicits support for or advertises a nonprofit community use, public use, or social institution. Such sign topics may include, but shall not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, religious activities, civic wayfinding/locational signs or events of community interest. Such signs shall be placed only by units of local, state, or federal governments, nonprofit organizations, schools, the chamber of commerce, or normally recognized religious organizations.

*Contractor (or construction sign) sign, commercial* means a A sign located on the premises of a permitted commercial construction project, which may be erected for a limited amount of time, identifying any or all of the property owners, developers, engineers, architects, contractors, mortgagees, or other project participants in the construction or improvement of the premises, but which displays no other goods or services for sale or other advertising.

*Contractor (or construction sign) sign, residential* means a A sign located on the premises of a permitted residential construction project, which may be erected for a limited period of time, identifying any or all of the property owners, developers, engineers, architects, contractors, mortgagees, or other project participants in the construction or improvement of the premises, but which displays no other goods or services for sale or other advertising.

*Construction traffic signage* means a A sign or system of signs that are placed to provide temporary wayfinding or detouring of traffic during periods of construction.

*Changeable message.* Items of information that may be changed or rearranged through manual, mechanical or electrical means, including time and temperature messages and EMC's.

*Channel letters.* Individually constructed and individually illuminated letters, graphics, or graphic elements.

*City.* The City of La Grange, a municipal corporation in the State of Texas.

*Clearance (of a sign).* The distance between the finished grade and the bottom of a sign over a public-right-of-way or walkway that shall remain clear of all obstruction.

*Commercial message.* Words and trademarked logos which identify the goods and services available at a business use.

*Comprehensive sign plan (CSP).* A coordinated plan of all signs, including exempt and temporary signs for one or more business uses, located on a development site. The CSP shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site.

*Directional sign.* A permanent sign located on private property, directing or guiding traffic onto the property and/or toward parking, exits or other identified locations on the property.

*Electronic message sign, monument* means a sign ~~which is on which informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments, including but not limited to, LED (light emitting diode) signs, television screens, plasma screens, video boards, or other signs that utilize digital or other image projection technology to display a message seen by the public. This sign differs from the standard electronic message sign because it is erected as part of a monument sign and is regulated herein.~~ An electronic message sign

*Electronic message sign (EMS)* means a sign on which informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments, including but not limited to, LED (light emitting diode) signs, television screens, plasma screens, video boards, or other signs that utilize digital or other image projection technology to display a message to the public.

*Elevation.* A view of a building seen from one side.

*External illumination (of a sign).* Light shining on the outer surface of a sign. Includes backlit signs when shielding is provided.

*Fascia-mounted sign.* Any sign erected on the fascia of a building. For the purposes of these guidelines, a fascia-mounted sign is considered to be a type of wall sign.

*Finished grade.* The completed elevations of lawns, walks, roads and other surfaces brought to a grade as designed.

*Flag.* Any fabric, banner or bunting used as a symbol of a government, or political subdivision.

*Freestanding sign.* Any sign which is attached to or is a part of a completely self-supporting structure. The supporting structure shall be firmly in or below the ground surface and not attached to any building or other structure, whether portable or stationary.

*Garage/yard sale sign.* Any sign advertising the sale of personal household goods in a residential zoning district or on the property of a nonprofit organization.

*Gas/fuel price electronic message sign* means an electronic sign type that is distinguished from electronic message signs due to the limited amount of information displayed and the length of time periods the message will remain unchanged. These signs are limited to displaying the gas/fuel prices only to advertise to the general public. Any messaging capacity beyond the gas/fuel price shall constitute an electronic message sign as defined and regulated herein.

*Ground-mounted sign.* Any sign whose means of support is primarily a structure standing on the ground.

*Halation illumination (of a sign)/illumination by halation.* Effect given off by cove or reverse channel lighting where the light source is shielded from direct view and illumination of a sign occurs as a result of the light reflecting off an adjacent background.

*Hanging sign.* Any sign suspended from an awning, canopy, eave or overhang, typically by a chain, hooks, brackets or similar devices intended to affix hanging signs to a building.

*Historic-age sign.* A sign that is itself of historic significance, contributes to the historic fabric of the area, or is historically linked with the operation of a business. These signs are typically at least fifty (50) years old and may be preserved in place as decorative features.

*Historic District.* The historic area nationally designated as the Fayette County Courthouse Historic District. (See appendix A)

*Holiday decorations.* Signs or displays including lighting which are a nonpermanent installation celebrating national, state and local holidays or holiday seasons.

*Home occupation sign.* A sign located at a residence that displays the name of a customary home occupation.

*Illuminance.* A measure of the amount of light intercepting an object at a given distance from a light source measured in foot candles.

*Illumination (of a sign).* Any artificial source of light is used to make readable the sign's message, including internally and externally lighted signs, halation, and reflectorized, glowing or radiating

Formatted: Font: Not Italic



signs. Illumination includes light sources such as neon, cold cathode, LED (light emitting diodes) incandescent lamps, fluorescent lamps, high intensity discharge lighting and photo luminescent material.

*Incidental sign.* A small sign, emblem or decal (not otherwise defined herein) containing information incidental to the operation of the business, such as, but not limited to, hours of operation, telephone number, address, accepted credit cards, directory signs, information signs, drive-through menuboard signs, and parking signs within a parking lot or garage.

*Inflatable sign.* Any hollow sign or balloon expanded or enlarged by the use of air or gas ~~that and which~~ contains a commercial message.

*Information sign.* Bulletin boards, changeable copy directories or temporary signs relating solely to governmental institutions (city, county, state, school district) intended for use by the institution on whose site the sign is located.

*Internal illumination (of a sign).* Lighting for a sign where conduits are housed within the sign or sign cabinet so that light shines through the surface of the signs. Neon signs shall also be considered to be internally illuminated.

*Items of information.* A word, logo, abbreviation, number, symbol, geometric shape, or similar item that is intended to be part of the sign display area.

*Kiosk.* A small structure used for providing information or displaying advertisements.

*Kiosk-Wayfinding signs,* also known as ~~wayfinding a kiosk~~ signs, shall be allowed as off-premises signs to provide directional information for the CBD, and other special districts, public parking, points of interest (parks, historic places), cultural facilities (libraries, museums, schools, etc.).~~These signs shall be developed only as part of a city sponsored program.~~

*Light pole-mounted banner.* A banner mounted on a vertical light pole.

*Logo.* An emblem, letter, character, pictograph, trademark, color scheme, or symbol that is registered, trademarked, or used in media to represent any firm, organization, entity, product or service.

*Lot.* A single, legally created parcel of land intended as a unit for transfer of ownership or for development and having frontage on a dedicated street.

*Margin.* The area of a sign that is required to be kept free and clear of items of information and may be required around a building sign or around the items of information contained in a sign cabinet's panel in a freestanding sign.

*Model home sign.* Any sign identifying a model home; as being a builder's or contractor's model open to the public for inspection.

*Monument sign.* Any freestanding sign, the entire bottom of which is attached directly to the ground or is supported by a sign structure that is a base whose width measures at least seventy-five (75) percent of the width of the sign that is placed or anchored in the ground.

*Multi-occupant center.* Three or more separate business uses that utilize common facilities such as off-street parking and landscaping and share driveways and utilities. Three (3) or more separate lots under single or multiple ownership that utilize common facilities may choose to be considered a multi-occupant center by entering into an agreement subject to the approval of the city which agreement is recorded in the real property records of the applicable county.

*Mural.* A picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction, to the advertisement of any product or service or the identification of any business.

*Neighborhood information kiosk.* A sign utilized and maintained by a homeowners association or a neighborhood association with a legal entity for the purpose of conveying information related to association activities to the association members.

*Neon sign.* A sign with tubing that is internally illuminated by neon or other electrically charged gas.

*Nonconforming sign.* A sign which is in conflict with the current provisions of these sign guidelines.

*Novelty sign.* A sign which is irregularly shaped, whose structure does not conform to the regulations defining other types of signs.

*Occupant frontage.* That length of a wall of a building occupied by a single business or by multiple businesses with a single entrance, which faces either a dedicated public street or internally to a parking lot or driveway of a multi-occupant center.

*Off-premises sign.* Any sign normally used for promoting an interest other than that of a business, individual, products or service available on the premises where the sign is located.

*On-premises sign.* Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.

*Pan-faced sign.* An internally lit sign with an opaque frame of extruded structural plastic that is shaped to the content of the sign and where the sign face is sculpted in relief.

*Panel (of a sign).* A flat, solid surface containing the raised, recessed, or framed part of the sign display area that is separate and distinct from the background to which it is attached, or from the sign's supports.

*Parapet.* The extension of a false front or wall above a roofline.

*Pedestal sign.* A ground-mounted sign with a height of less than five (5) feet from the finished grade and that has a panel mounted on a stand.

*Pillar sign.* A sign that is a stream-lined sculptural element of a single geometric shape such as an ellipse, an obelisk, or a column.

*Political campaign sign.* Any sign that displays information which references an election or referendum, or pertains to or advocates political views and policies that may be considered during an election or referendum.

*Portable sign.* Any sign not permanently affixed to a building, structure or the ground that is designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes. This term specifically includes an advertising display affixed to or installed on a vehicle or other mobile unit, such as a trailer, wheel or skid.

*Post/panel sign.* A freestanding sign that is not internally illuminated where the sign face is a panel that is raised off the ground by ~~two~~ poles with a clearance of less than four feet between the finished grade and the sign display area.

*Projecting sign.* A sign which projects from and is supported by a wall or parapet of a building with the display surface of the sign perpendicular to a wall attached by a bracket or similar device intended to affix this type of sign to a building.

*Promotional signs.* Signs and/or banners promoting drives or events of civic, philanthropic, education, neighborhood or religious organizations, or ~~those~~ promoting special events which are lawfully permitted.

*Pylon sign.* A freestanding sign, that is supported by a structure extending from and permanently attached to the ground by a foundation or footing where the width of the sign structure measures less than 75 percent of the width of the sign.

*Raceway.* An electrical enclosure which may also serve as a mounting device for individual letters in a sign and other elements of display that are items of information.

*Real estate marketing sign.* Any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

*Regulatory sign.* A sSigns or notices erected and maintained by public officers or governmental agencies.

*Road type.* The hierarchy of roadways used herein to regulate sign types and sizes.

*Roof-mounted sign.* Any sign erected upon a roof or roof-mounted structure and extending above the roof or parapet of a building or structure, with the exception of building signs that are attached flush to the parapet, on a mansard roof, and signs mounted on a building canopy but do not extend above the top of the wall or parapet.

*Sandwich board sign.* ~~A means a~~ temporary sign, ~~that is~~ also known as an "A" frame sign, which is portable and displayed to provide business information to the public directly adjacent to a business space. ~~There~~ These signs are meant to function as the detached sign form for the downtown or main street district areas.

*Setback (of a sign).* The horizontal distance between a sign and the front or side property line, as measured from any part of the sign, including its extremities, supports and sign structure.

*Sidewalk sign.* A moveable, portable, pedestrian-oriented, temporary sign that is supported by its own frame, and that is not secured or attached to the ground or surface upon which it is located.

*Sight visibility triangle.* Where one street intersects with another street or a driveway, the triangular area formed by extending two curb lines a distance of forty (40) feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines a distance of thirty (30) feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. Where a street intersects with an alley or driveway, the sight visibility triangle is the triangular area formed by measuring eight feet to a point along the property lines and adjoining said points with an imaginary line, thereby making a triangle. (This definitipon should be supplemented with diagrams.)

Formatted: Font: Italic

*Sign.* Any device or surface on which letters, numbers, illustrations, designs, figures or other symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached, that is used for the purpose of advertisement, announcement, declaration, demonstration, way-finding, display, identification or expression. The sign ~~shall include~~ any device, or structure supporting the same, or any other device of similar nature design to attract attention outdoors, and ~~shall include~~ all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof.

*Sign display area.* The surface or face of a sign that can be used to identify, display, advertise, communicate, or otherwise represent items of information, exclusive of the sign structure.

*Sign structure.* Any pole, pylon, post, foundation or other supporting materials or fixtures, including decorative elements, ~~which are~~ used to hold, secure or support a sign, or part thereof to the finished grade ~~and is not considered part of the sign display area when items of information are not displayed on it.~~

*Spacing.* The distance required between signs of the same category or, between freestanding signs located on the same lot or multi-occupant center.

*Special area.* ~~Aa areas~~ of the city identified in this chapter as having different requirements than and superseding those requirements associated with road type, ~~as identified in Section 6.~~

*Surround (of a sign).* The area framing the sign display area, ~~that is~~ typically constructed of the same material of the sign's supports for freestanding signs and which is required when using a cabinet sign.

*Swooper flag.* A temporary, freestanding, vertical sign consisting of a loose polyknit sign face that flutters in the wind from a harpoon-style pole or staff driven into the ground for support.

*Tag line sign.* A secondary sign that is rectilinear in shape with rounded corners and displays a single line of text where the text size is too small to use channel letters.

*Temporary sign.* Any sign which conforms to the requirements stated in these guidelines and the use of which is for a limited time.

*Theater.* An indoor entertainment venue in which movies are shown or plays and other dramatic performances are given.

*Vehicle canopy.* A covered structure which shelters a vehicle and is detached from the building to which it is an accessory, and is open on two or more sides.

*Wall sign.* Any sign, erected flush against an exterior wall, supported by the wall, and having the sign face parallel to the wall or painted directly onto a wall. For the purposes of these guidelines, a fascia-mounted sign is considered to be a type of wall sign.

*Window, area of.* The area of a single window including all of the window panes in a larger frame that is separated by mullions or other dividers.

*Window sign.* Any items of information affixed in any manner to a window or exterior glass door such that is intended to be viewable from the exterior.

### **Sign Maintenance Standards**

- (a) The property owner/occupant shall maintain the sign in a condition appropriate to its intended use and to all city standards, and has a continuing obligation to comply with all building code requirements. It shall be a violation of this section if any of the following conditions exist:
  - (1) Elements of the sign have portions of the finished material missing, broken or otherwise illegible.
  - (2) Any elements of the sign are inoperable, bent, twisted, dented, cracked, splintered, torn, or leaning at angles other than those at which it was originally erected.
  - (3) The sign is partially disassembled.
- (b) The sign display area must display information that is current. If the information is not current a blank sign panel must be installed or the entire sign removed within thirty (30) days.
- (c) If the sign is deemed by the city to be in an unsafe condition, the owner/occupant of the business shall be notified in writing, and shall, within forty-eight (48) hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after ten days, the unsafe condition has not been corrected through repair or removal, the city may refer the matter to the building official as an unsafe structure to be remedied in accordance with city ordinance.
- (d) Whenever any sign, either conforming or nonconforming to these regulations, is required to be repaired, repainted, refinished or cleaned, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
  - (1) The sign is not being refaced to display a new occupant, replace a panel or display new items of information
  - (2) There is no alteration or remodeling to the structure or the mounting of the sign itself
  - (3) There is no enlargement or increase in any of the dimensions of the sign or its structure
  - (4) The sign is accessory to a legally permitted, conditional or nonconforming use

### **Prohibited Signs**

~~All signs not expressly authorized by this chapter, are prohibited.~~ Prohibited signs include, but are not limited to the following:

- (1) Off-premises signs unless otherwise specifically permitted by this chapter.
- (2) Cabinet signs, including those mounted on buildings, and freestanding cabinet signs that do not have a surround.
- (3) Abandoned signs, with the exception of freestanding signs where items of information shall be removed and the sign display area left so that it does not indicate the former use.
- (4) Billboard signs.
- (5) Animated signs.
- (6) Roof-mounted signs.
- (7) Inflatable signs.

- (8) Swooper flags.
- (9) Searchlights and any clearly similar attention getting features or devices.
- (10) Portable signs with the exception of sidewalk signs. Signs on vehicles or trailers shall be prohibited when the vehicle/trailer is placed in a location not normally expected for such vehicles, and the location apparently has the primary purpose of advertisement of products or directing people to a business or activity located in the same or nearby property or any other premises. This shall not be interpreted to prohibit "For Sale" or similar signs being placed on vehicles or trailers.
- (11) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.
- (12) Merchandise, equipment, products, vehicles or other items which are not available for purchase or rental, but are intended to attract attention, or for identification or advertising purposes.
- (13) Signs, posters or outdoor advertising, except as expressly permitted, placed in the public right-of-way or attached to any public property, including but not limited to, electric utility poles, fire hydrants, meters, and public facilities.
- (14) Signs in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- (15) Signs erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.