

DISCLAIMER

The PDF version of the Code is provided for reference and may not reflect the most current legislation adopted by the City Commission.

The official print version of the Code as enacted by the City Commission, together with any amendments adopted subsequent to the most recent update to the print version, remain the official version of the Code. If any discrepancies exist between the print and Internet/PDF versions of the Code, the print version, together with any amendments, shall be considered correct. Please contact the Planning Department at 878-1665 if you have any questions.

SIGN CODE



CITY OF SHAWNEE, OKLAHOMA

**ADOPTED: JANUARY 19, 1989
UPDATED: FEBRUARY 25, 1999**

SIGN CODE



CITY OF SHAWNEE, OKLAHOMA

**ADOPTED: JANUARY 19, 1989
UPDATED: FEBRUARY 25, 1999**

TABLE OF CONTENTS

SIGN CODE

ARTICLE I: DEFINITIONS

		<u>PAGE</u>	
SEC.	3-1	General	1
SEC.	3-2	A-Frame, Sandwich Sign and Swinger Sign	1
SEC.	3-3	Aggregate Use	1
SEC.	3-4	Animation	1
SEC.	3-5	Architectural Projection	1
SEC.	3-6	Attached Sign	1
SEC.	3-7	Awning	2
SEC.	3-8	Banner	2
SEC.	3-9	Billboard (including poster and panel types)	2
SEC.	3-10	Building Code	2
SEC.	3-11	Canopy	2
SEC.	3-12	Canopy Sign	2
SEC.	3-13	Chief Code Enforcement Official	2
SEC.	3-14	Combination Sign	3
SEC.	3-15	Decoration	3
SEC.	3-16	Directional and Information Sign Accessory	3
SEC.	3-17	Display Surface	3
SEC.	3-18	Display Surface Area	3
SEC.	3-19	Double-faced Sign	4
SEC.	3-20	Electric Code	4
SEC.	3-21	Electric Sign	4
SEC.	3-22	Erect	4
SEC.	3-23	Fascia	5
SEC.	3-24	Fascia Sign	5
SEC.	3-25	Flare	5
SEC.	3-26	Flashing Sign	5
SEC.	3-27	Footlambert	5
SEC.	3-28	Frontage Building	5
SEC.	3-29	Frontage Street	5
SEC.	3-30	Grade Level	6
SEC.	3-31	Ground Sign	6
SEC.	3-32	Height	6
SEC.	3-33	Identification Nameplate	6
SEC.	3-34	Illuminated Sign	6
SEC.	3-35	Illuminated Direct	6
SEC.	3-36	Illuminated Indirect	6
SEC.	3-37	Marquee	7
SEC.	3-38	Marquee Sign	7
SEC.	3-39	Module	7
SEC.	3-40	Module Sign	7
SEC.	3-41	Non-Accessory Sign	7
SEC.	3-42	Parapet Wall Sign	7

TABLE OF CONTENTS CONTINUED

SIGN CODE

ARTICLE I: DEFINITIONS

		<u>PAGE</u>	
SEC.	3-43	Portable Sign	7
SEC.	3-44	Primary Use	8
SEC.	3-45	Projecting Sign	8
SEC.	3-46	Roof Sign (Type "A" and "B")	8
SEC.	3-47	Sight-Triangle	8
SEC.	3-48	Sign	8
SEC.	3-49	Sign Location	8
SEC.	3-50	Structure	9
SEC.	3-51	Temporary Sign	9
SEC.	3-52	Wall Sign	9
SEC.	3-53	Window Sign	9

ARTICLE II: ADMINISTRATIVE PROVISIONS

SEC.	3-54	Title	10
SEC.	3-55	Purpose and Intent	10
SEC.	3-56	Scope and Application of this Code	10
SEC.	3-57	Permits	10
SEC.	3-58	Application for Permit	10
SEC.	3-59	Revocation of Permits	11
SEC.	3-60	Forfeiture of Fees	11
SEC.	3-61	Plans, Specifications and Other Data Required	11
SEC.	3-62	Permit Fees	12
SEC.	3-63	Sign Contractor's License	12
SEC.	3-64	Permit Required	12
SEC.	3-65	Electrical and Neon Sign Hanger- License Required; Fee	12
SEC.	3-66	Sign Contractor's Bond, Letter of Credit Liability Insurance	13
SEC.	3-67	Inspection	14
SEC.	3-68	Suspension of License	14
SEC.	3-69	Identification of Signs	14
SEC.	3-70	Transfer of License	14
SEC.	3-71	Continuation of Legal Nonconforming Signs	15
SEC.	3-72	Discontinuance of Prohibited Signs	15
SEC.	3-73	Discontinuance of Nonconforming Portable/Temporary Signs	15
SEC.	3-74	Removal by Impoundment from Right-of-way Public Property, or Private Property	16

TABLE OF CONTENTS CONTINUED

SIGN CODE

ARTICLE II: ADMINISTRATIVE PROVISIONS

			<u>PAGE</u>
SEC.	3-75	Enforcement	16
SEC.	3-76	Penalty	17
SEC.	3-77	Notices, Hearing and Others	17
SEC.	3-78	Exemptions	18
SEC.	3-79	General Regulations for All Signs	20

ARTICLE III: FLASHING, MOVING AND SOUND EMITTING SIGN REGULATIONS

SEC.	3-80	Moving and Sounding Emitting Signs Prohibited	23
SEC.	3-81	City Departments Review Responsibilities	23
SEC.	3-82	Flashing Sign Restrictions	23

ARTICLE IV: SPECIFIC ACCESSORY SIGN STANDARDS

SEC.	3-83	Standards for Canopy Signs, Marquee Signs, Parapet Wall Signs, Projecting Signs, Combination Signs and Wall Signs, Awning (back lite) Signs	24
SEC.	3-84	Sign Standards for Agricultural, Residential, and Mobile Home Zoning District	25
SEC.	3-85	Sign Standards for C-1 and C-2 Zoning District	26
SEC.	3-86	Standards for all Other Commercial and Industrial Zoning Districts	27
SEC.	3-87	Non-Accessory Sign Standards for Billboards and Similar Non-accessory Types	29
SEC.	3-88	Standards for Neighborhood Identification Sign on Public Right-of-way	30
SEC.	3-89	Regulations for Portable Signs	31



CHAPTER 3

SIGN CODE

ARTICLE I: DEFINITIONS

SEC. 3-1 : General

The following are definitions of words and terms as they are used in this code. Any terms not contained within this list shall be construed to be used in this code as defined in the latest edition of Webster's Unabridged Dictionary.

SEC. 3-2 :

A-Frame or Sandwich Sign and Swinger Sign - shall mean an advertising device which is ordinarily in the shape of an "A", spring mounted on a fixed base, or some variation thereof, located on the ground, but not otherwise attached thereto and which is usually two (2) sided.

Accessory Sign - shall mean any advertising device which identifies or displays information concerning the proprietor of the business conducted on the premises.

SEC. 3-3 :

Aggregate Use - shall mean a group of primary uses integrated in a single development not separated by an opened public street, under common ownership, and sharing private parking facilities and other services in common.

SEC. 3-4 :

Animation - shall mean any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsations or by other means, such as sequential light phasing.

SEC. 3-5 :

Architectural Projection - shall mean any projection, excluding signs, which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including, but not limited to, roof overhangings, wing walls, mansards, unenclosed exterior balconies, marquees, canopies, pilasters, fascias, and awnings.

SEC. 3-6 :

Attached Sign - shall mean an accessory sign attached to, painted on, or in any other way represented on a building or the structural element of a building. Attached signs shall include: canopy sign, combination sign, fascia sign, marquee sign, module sign, parapet wall sign, projecting sign, roof sign, and wall sign.

SEC. 3-7 :

Awning - shall mean a fixed, back lite or movable shelter supported entirely from the exterior wall of a building which can be retracted, folded or collapsed against the face of the supporting building.

SEC. 3-8 :

Banner - shall mean any pennant, streamer, flag, sign, picture, figure, or other object, regardless of the materials of which it is made, which is suspended or otherwise designed for decoration or advertisement, or to attract the attention of passersby; excepting, however, official warning devices, public service facilities, street lights, and similar safety devices.

SEC. 3-9 :

Billboard (including poster and panel types) - shall mean a non-accessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

SEC. 3-10:

Building Code - shall mean the latest building code as amended and adopted by the City of Shawnee.

SEC. 3-11:

Canopy - shall mean a permanently-roofed shelter covering over a sidewalk, service station, driveway or other similar area, which is supported by post or by the building to which it is attached.

SEC. 3-12:

Canopy Sign - shall mean an attached accessory sign painted on or attached to the verticle side of, or erected on the roof surface of, a canopy.

SEC. 3-13:

Chief Code Enforcement Official - shall mean the person charged with the administration and enforcement of this code, or his duly authorized representative.

SEC. 3-14:

Combination Sign - shall mean any single attached accessory sign incorporating any combination of the features of the projecting, parapet wall, canopy, marquee, wall an fascia signs.

SEC. 3-15:

Decoration - shall mean illustration, symbol, flag, streamer, bunting, wreath, figure, insignia, and other devices employed to express and illustrate a message of patriotic holiday or seasonal character and shall not be considered signs for the purpose of this code.

SEC. 3-16:

Directional and Information Sign Accessory - shall mean signs which direct attention to the location of a facility or group of facilities on the same property on which the sign is located, or which display brand names information as herein provided. Such signs may include entrance and exit signs, restroom signs, handicapped parking signs, license or permit information signs and other similar groups. This also shall include the following specific signs: telephone booths or service signs, brand name on petroleum products pumps or other dispensing apparatus located outside of building, identification and informational signs on public utility apparatus, U.S. Post Office signs on postal apparatus.

SEC. 3-17:

Display Surface - shall mean the surface of the sign upon, against or through which the message is displayed or illustrated.

SEC. 3-18:

Display Surface Area - shall mean the net geometrical area enclosed by the display surface of the sign including the outer extremities of all letters, figures, characters, and delineations; provided, however, display surface area shall not include the structural supports for free standing signs if the structural supports are so arranged as not to become a part of the attention attracting aspect of the sign. Unless specifically provided in this code, the display area to be computed shall be based on the following standards:

- (a) For signs of irregular design, the display surface area shall be determined by computing the area formed by an envelope of rectangles and triangles which shall be formed by drawing straight lines which connect the adjacent extreme points of the display surface of adjacent panels, figures, characters, or delineations;

- (b) Where a sign has two (2) faces which are joined in a "V" shape forming an angle not to exceed sixty (60) degrees, or where such a sign contains three (3) or more faces which are joined to form a polygon shape when viewed from above, the total display surface area of the sign may be increased by 150 percent of the allowable maximums as outlined in this section, provided that no one side of the sign exceeds seventy-five (75) percent of the normal maximum size as set forth herein.
- (c) The maximum display surface area of a double-faced sign as defined herein shall be calculated on the basis of only one (1) sign face.
- (d) The display surface area of a double surface sign, when the two (2) surfaces are greater than thirty-six (36") inches apart and not joined to form a "V", as permitted above, shall be computed by adding together the square footage of each display surface.
- (e) The space between modules in a module sign as defined herein, shall not be counted.
- (f) The display surface area of a fascia sign shall be calculated by adding together the individual display surface areas of the front and the larger size of the fascia sign.

SEC. 3-19:

Double-faced Sign - shall mean any sign which has two (2) display surface faces each of which is parallel to the other and not more than thirty-six (36") inches apart.

SEC. 3-20:

Electric Code - shall mean the latest electric code as amended and adopted by the City of Shawnee.

SEC. 3-21:

Electric Sign - shall mean any sign containing electrical wiring, but not including signs illuminated solely by exterior light sources, such as floodlights.

SEC. 3-22:

Erect - shall mean to build, construct, place, locate, relocate, or structurally alter any sign or other advertising device upon the site where it is to be utilized, whether permanent or temporary.

SEC. 3-23:

Fascia - shall mean a continuous translucent panel illuminated from within which may extend around one or more corners, and is attached to and designed as a part of a building.

SEC. 3-24:

Fascia Sign - shall mean a wall, canopy, marquee, or parapet wall sign attached to or printed on a fascia surface. Unless specifically provided in this section, a fascia sign shall be subject to the standards covering the sign it represents.

SEC. 3-25:

Flare - shall mean any torch, fuse, wick, or other illuminating device utilizing open flames to attract attention to an establishment.

SEC. 3-26:

Flashing Sign - shall mean an illuminated sign on which the artificial or reflected light is not maintained stationary and constant in light intensity as a part of the building.

SEC. 3-27:

Footlambert - shall mean the average brightness of any surface, or the uniform brightness of a perfectly diffusing surface, emitting or reflecting one (1) lumen per square foot. Footlamberts are measured with an exposure meter equipped with a footlambert scale.

SEC. 3-28:

Frontage Building - shall mean the horizontal, lineal dimension of that side of a building which abuts a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise, or a public entrance to the building. (In industrial districts, a building side with an entrance open to industrial employees shall also qualify as a building frontage.) Where more than one use occupies a building, each such use having a public entrance or main window display for its exclusive use, shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

SEC. 3-29:

Frontage Street - shall mean the lineal frontage (or frontages) of a lot or parcel abutting on a private or public street which provides principal access to, or visibility of, the premises.

SEC. 3-30:

Grade Level - shall mean the average level of the finished or natural surface of the ground area adjacent to the exterior walls of a building or adjacent to the supports of a sign structure. In this instance, adjacent shall be limited to a radius of twenty-five (25) feet from the center of the sign structure.

SEC. 3-31:

Ground Sign - shall mean a free-standing accessory sign of limited height which is secured to a fixed base, usually at ground level or a slight elevation above ground, rather than being pole mounted. A sign attached to a wall or fence which serves as the boundary of a parcel shall be considered a ground sign.

SEC. 3-32:

Height - shall mean the vertical distance measured from the elevation of the nearest sidewalks, (or, in the absence of a sidewalk within twenty-five (25) feet, then from the lowest point of the finished grade on the lot upon which the sign is located and within twenty-five (25) feet of the sign) to the uppermost point on the sign or sign structure.

SEC. 3-33:

Identification Nameplate - shall mean an accessory sign as permitted herein which is attached to and flat against the wall of a building or suspended from a canopy or marquee.

SEC. 3-34:

Illuminated Sign - shall mean any sign which has character, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes whether such sources of illumination are a part of a sign or not.

SEC. 3-35:

Illumination Direct - shall mean illumination which is performed by electrical apparatus from within the sign structure or which is otherwise a part of the sign structure.

SEC. 3-36:

Illumination Indirect - shall mean illumination which is performed by spotlights or other lighting devices and which is not a part of the sign proper.

SEC. 3-37:

Marquee - shall mean a permanent, fixed roof attached to, wholly supported by and projecting from a building.

SEC. 3-38:

Marquee Sign - shall mean an attached accessory sign painted on or attached to the verticle side of, or erected on the roof surface of, a marquee.

SEC. 3-39:

Module - shall mean a separate unit of a sign which consists of an individual letter or an individual metal, plastic, masonry, or wood unit upon which no more than one letter or message as permitted in the definition of module sign, is mounted or printed.

Modules shall be open on three (3) side or mounted on a building with no visible interconnections between modules.

SEC. 3-40:

Module Sign - shall mean an accessory sign other than an identification sign or identification nameplate which is formed of individual modules which spell out only the name or nature of a business, or the occupant of the premises. a module sign shall be erected so that there is a space between modules, and no more than ne module shall contain information relating to the use of the property other than the spelling out the business or occupant. This sign shall be governed by the regulations applicable to the type of accessory sign which the module sign represents. Any sign not meeting this definition shall be subject to the regular accessory sign regulations.

SEC. 3-41:

Non-accessory Sign - shall mean a sign or advertising device which directs attention to an activity, service or product sold or offered elsewhere than on the premises on which the sign is located.

SEC. 3-42:

Parapet Wall Sign - shall mean an attached accessory sign erected on the top surface of a parapet.

SEC. 3-43:

Portable Sign - shall mean a transportable sign designed for temporary use in compliance with the structural requirements of this code.

SEC. 3-44:

Primary Use - shall mean the single dominant use of any piece of property or lot.

SEC. 3-45:

Projecting Sign - shall mean an attached accessory sign which projects from and which has one end attached to, a building, and which does not employ ground support in any manner.

SEC. 3-46:

Roof Sign - TYPE "A": shall mean an attached accessory sign designed to permit, but not necessarily be limited to, the erection of a shield, symbol, or similar trademark or brand name. Such signs shall be located immediately and entirely over the roof of a building and attached to a wall or pylon or similar physical support that is part of the physical and architectural design of the building. This definition shall apply only to a building which is four (4) stories or less in height.

TYPE "B": shall mean an attached accessory sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building which is five (5) stories or more in height.

SEC. 3-47:

Sight-triangle - shall mean an area which is clear of all structures or other sight impediments formed by measuring back equal distances along two (2) intersecting lines of street curb lines, or driveway lines, a distance of thirty (30) feet, and connecting said points to form a triangle.

SEC. 3-48:

Sign - shall mean any structure or part thereof or any device, permanently or temporarily attached to, painted on, supported by, or represented on a building, fence, post or other structure which is used or intended to be used to attract attention. Sign shall not include a flag, pennant, or insignia of any nation, association of nations, state, city or other political unit.

SEC. 3-49:

Sign Location - shall mean the site where one or more free-standing sign structures may be erected. Where more than one structure is placed on either a permanent or temporary basis, there shall be no more than twelve (12) inch separation between structures at the same sign location.

SEC. 3-50:

Structure - shall mean anything built or constructed whether or not permanently attached to the ground.

SEC. 3-51:

Temporary Sign - shall mean any sign or advertising device constructed of cloth, canvas, light fabric, portable cardboard, wood, wall board, metal or other light materials, with or without frames, which is intended to be displayed for a limited period of time only, and is portable.

SEC. 3-52:

Wall Sign - shall mean an attached accessory sign painted on, or attached to, the wall or surface of a building or display surface which is parallel to the supporting surface. A sign attached to a wall or fence located on the boundary of a parcel shall be regulated as a ground sign.

SEC. 3-53:

Window Sign - shall mean any accessory sign painted on the surface of, located on the interior of, or flashing through a display window.

ARTICLE II: ADMINISTRATIVE PROVISIONS

SEC. 3-54: Title

This code shall be known and cited as the "City of Shawnee Sign Code."

SEC. 3-55: Purpose and Intent

It is the purpose of this code to establish effective sign regulations which recognizes the public as well as private interest and investment in our environment, and which regulates the number, size and location of signs; regulates signs to the individual use, site, and nonconforming signs; and promotes and protects the health, safety, and welfare, convenience and enjoyment of the City of Shawnee for its residents and general public.

It is the intent of this code to promote more effective signing practices which will be compatible with their surroundings and appropriate to the type of activity to which they pertain; to encourage greater consideration of influencing factors, and thoughtful design of signs; to promote economic and business development; to protect property values; to reduce distractions and obstructions that may contribute to traffic accidents; and to enhance and protect the physical appearance and natural beauty of the City of Shawnee.

SEC. 3-56: Scope and Application of this Ordinance

The provisions of this code shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the City of Shawnee, including any sign erected or erected or constructed prior to the adoption of this code.

SEC. 3-57: Permits

- A. It shall be unlawful to display, erect, relocate or alter any sign without first filing an application in writing, and obtaining a sign permit.
- B. When a sign permit has been issued it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Chief Code Enforcement Officer. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Code Enforcement Office.

SEC. 3-58: Application for Permit

The application for a sign permit shall be made by the owner or a sign contractor licensed by the City of Shawnee. Such application shall be made in writing on forms furnished by the Code Enforcement Office and shall be signed by the applicant.

SEC. 3-59: Revocation of Permits

If the Chief Code Enforcement Officer finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any pertinent code, or should he find that there has been any misrepresentation in connection with the application for the permit, he shall notify the owner or sign contractor of such findings and that the violation must be corrected without delay. If such correction is not made, the Code Enforcement Office shall revoke the permit and serve written notice by mail thereof upon the owner of sign contractor. No person shall proceed with any part of such work after such notice is received.

SEC. 3-60: Forfeiture of Fees

When any permit has been revoked under the terms of Section 3-59, permit fees shall not be refunded.

SEC. 3-61: Plans, Specifications and Other Data Required

The application for a sign permit shall be accompanied by the following plans and other information:

- A. The name, address and telephone number of the owner of persons entitled to possession of the sign and the sign contractor or erector;
- B. The location by street address and legal description of the site of the proposed sign structure;
- C. Complete information as required on the application forms provided by the Code Enforcement Office, including a site plan and elevation drawings of the proposed sign, caption to the proposed sign and such other data as is pertinent to the application;
- D. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footing, and material to be used;
- E. Application for, and required information for such application, an electrical permit for all electric signs if the person building the sign is to make the electrical connection;
- F. Furnish wind stress calculations as per Design Table for the construction of symmetrically loaded signs as per attachment to sign application;
- G. A statement of valuation.

SEC. 3-62: Permit Fees

A permit fee shall be paid to the City of Shawnee for each sign permit issued under this code; provided, however, that a fee shall not be charged for copy change when no change in business is involved. The permit fee shall be in accordance with the following schedule:

Portable Signs (Temporary- 30 days per yr.)	\$ 25.00
Permanent Signs	25.00
0-100 Square Feet	25.00
101-200 Square Feet	25.00
201-500 Square Feet	25.00
501- Square Feet	25.00

The above fees do not include electrical permit fees, which shall be in addition to the above.

SEC. 3-63: Sign Contractor's License

- A. No person shall engage in the business of erecting or hanging signs or painting or posting advertisements or bills in the City, without having first procured a license therefore from the City Clerk and having paid to the City Clerk for such license the sum of seventy-five dollars (\$75.00) per annum or any fraction thereof, such license to expire on December 31 following the date of its issuance. The full annual fee of seventy-five dollars (\$75.00) shall be paid, and no license shall be issued for less than the full annual fee. Insurance and bond in the amounts and under the conditions specified in Section 3-66 shall also be required.

- B. One license will cover electrical and non-electrical signs.

SEC. 3-64: Permit Required

No display sign shall be erected or attached to, suspended from or supported on a building or structure until a permit for the same has been issued by the building inspector.

SEC. 3-65: Electrical and Neon sign hangers- License required; fee

- A. No person shall engage in the business of erecting or hanging signs that are equipped with electricity or neon, or altering, rebuilding, enlarging or repairing of such signs in the City, without having first procured a license therefore from the City Clerk and having paid the City Clerk for such license the sum of fifty dollars (\$50.00) per annum or any fraction thereof, such license to expire on December 31 following the date of its issuance. The full annual fee of fifty dollars (\$50.00) shall be paid, and no license shall be issued for less than the full annual fee. All service lines conveying electricity to signs shall be installed only by bonded and licensed electricians.

- B. The penalty for late license renewal shall be fifteen dollars (\$15.00). No license shall be issued for longer than one year. A license may be renewed upon application and payment of fees thirty (30) days preceding or following December 31 of each year and not be subject to a late renewal penalty. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service if an application for renewal is made within one year following his service discharge.

SEC. 3-66: Sign Contractor's Bond, Letter of Credit, Liability Insurance

- A. In addition to the license required by the preceding section, any person applying therefore shall file, previous to the issuance of any license, and annually on the first day of January thereafter, with the City Clerk, a good and sufficient bond and a Letter of Credit to be approved by the City Manager or his designee, running to the City, in the penal sum of two thousand dollars (\$2,000.00), conditioned to indemnify, save and keep harmless the City from all costs, damages or expenses of any kind whatsoever which may be suffered by the City or any of the inhabitants thereof because of negligence on the part of such person in the hanging, erection or maintenance of such signs, or any other act or omission in the conduct of such business, and further conditioned upon the faithful and prompt observance of all the conditions and regulations of this chapter and all other provisions of this Code and any other codes of the City relative thereto. When the number of permits issued to any person shall cover more than fifty (50) signs, panels or structures of twenty-five (25) feet in length or less, the penal sum of such bond shall be increased two thousand dollars (\$2,000.00) for each additional forty (40) of such panels, signs or structures, or fraction thereof, for which permits are issued to such person. Before any license shall be issued to erect, hang or paint signs under this chapter, every person obtaining such licenses shall file with the City Clerk any insurance policy for any indemnity fund as provided in this section.
- B. Such insurance policy shall be issued by any insurance company licensed and authorized to do business in the State of Oklahoma, and shall provide public liability insurance coverage for every operation required in the erecting, hanging or painting of signs in the sum of not less than five thousand dollars (\$5,000.00) for the injury or death of any one person in any one accident, at least ten thousand dollars (\$10,000.00) for the injury or death of any number of persons in any one accident and at least five thousand dollars (\$5,000.00) for property damage in any one accident.

- C. Such policy shall also provide that it cannot be canceled until ten (10) days written notice of such cancellation has been given to the City Clerk, and such policy shall carry an endorsement of actual notice to the City for any changes therein.
- D. Such policy is to be approved by the City Manager or his designee and endorsed thereon. It shall be approved as to form by the City Attorney.
- E. Such policy shall be made for the use, benefit and protection of the City and for the use, benefit and protection of any person who may suffer injury either to his person or property by reason of any accident or omission or negligence of any person engaged in erecting, hanging or painting signs. Such policy if approved by the Chief Code Enforcement Official shall remain in full force and effect during the life of any license issued. If after the approval of such policy and after the issuance of the license, such policy is allowed to lapse or is not renewed by the payment of premiums, the Chief Code Enforcement Official may cancel any license issued under the provisions of this chapter, after notice to the licensee and after an opportunity to be heard. The cancellation of any policy shall in no way affect or terminate any liability arising prior to the effective date of such cancellation.

SEC. 3-67: Inspection

The Chief Code Enforcement Officer or his official designee, shall inspect at such time as he deems necessary, each sign regulated by this code.

SEC. 3-68: Suspension of License

The Chief Code Enforcement Officer of the City of Shawnee, Oklahoma shall have the right to revoke the license of any sign contractor for a violation of any of the City codes relating to signs.

SEC. 3-69: Identification of Signs

Every sign for which a permit has been issued and hereafter erected, constructed or maintained, shall be plainly marked with the name of the person, firm or corporation, owning, erecting, maintaining or operating such sign. The method and location of this identification shall appear on the plans and within the specifications filed with the building official.

SEC. 3-70: Transfer of License

It shall be unlawful for any person holding a license to transfer same or allow the use of same, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the sign work herein specified.

SEC. 3-71: Continuation of Legal Nonconforming Signs

Any sign presently located within the City of Shawnee on the date of the adoption of this code, or located in an area annexed to the City thereafter, which does not conform with the provisions of this code, shall be considered as a legal nonconforming sign and is permitted, provided that the sign was in all respects in compliance with the applicable law on the date of adoption of this code. If such sign is not in conformance with the existing law such sign must be brought into conformance or removed according to procedures established in this code. Such sign shall be maintained in a good condition and shall be allowed to remain in existence so long as, and only as long as, such sign is not:

- A. Changed to another nonconforming sign;
- B. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
- C. Expanded;
- D. Re-established after its discontinuance for 90 days;
- E. Continued in use after cessation or change of ownership of the business or activity to which the sign pertains;
- F. Re-established after damage or destruction if the estimated cost of reconstruction exceeds 50% of appraised replacement cost (as determined by the Chief Code Enforcement Officer).

SEC. 3-72: Discontinuance of Prohibited Signs

Any nonconforming sign which is listed as a "prohibited sign" shall be removed or brought in conformance with the provision of this code according to the following schedule:

- A. Within six months after the effective date of this code, any sign in these categories which is in existence on said effective date, shall be altered in such a manner that its movement or illuminations do not continue operating in a prohibited manner.

SEC. 3-73: Discontinuance of Nonconforming Portable/Temporary Signs

Any nonconforming sign erected or displayed more than 90 days prior to the effective date of this code which is defined as "portable" or "temporary sign" under this code shall be removed forthwith.

SEC. 3-74: Removal by Impoundment from Right-of-way, Public Property, or Private Property

- A. Sign impoundment without notice authorized. Any sign situated in the right-of-way of a public street or in a required sight triangle, or an unanchored sign, or one which has been damaged by storm or collision in such a manner that its presence constitutes a threat to health, safety, and welfare of the public, is hereby declared a public nuisance endangering public safety, and it may be impounded by the Chief Code Enforcement Officer or his designee, or any police officer of the City of Shawnee. If impounded, a reasonable effort shall be made to determine the identity of the sign owner for purpose of notification. If a sign contains ownership information, as required by this code, the Chief Code Enforcement Officer shall provide mailed notice that the sign has been impounded within two (2) working days of the action.
- B. As provided below, signs may be impounded on three (3) days written notice of violation being given to any of the following: The property owner, the sign contractor, or the business identified on the sign advertising copy. Attachment of a tag to the sign citing the nature of the violation shall constitute sufficient notice if none of the above methods are available. The following signs are subject to being impounded:
1. A sign placed on private property without the owner's consent;
 2. A sign placed without a permit, except as exempted by Section 3-78.
- C. All impounded signs shall be stored and, upon proper identification thereof by its owner, may be redeemed upon the payment of a reasonable charge of \$25.00 which is incurred by the City for removal, transportation, storage, safeguarding, accounting, and bookkeeping resulting from the impoundment. All signs which are not redeemed shall be subject to disposal in the manner provided by law for the disposition of unclaimed property after a 30 day holding period.

SEC. 3-75: Enforcement

The Chief Code Enforcement Officer or his designee is hereby authorized and directed to enforce all provision of this code. He shall appear for, and on behalf of, the City of Shawnee in all matters regarding the interpretation and application of this code, and shall resist and oppose any deviations from the provisions of this code.

Upon presentation of proper credentials, the Chief Code Enforcement Officer or his authorized designee, may enter at reasonable times any building, structure or premises usually open to the public in the City, to perform any duty imposed upon him by this code.

SEC. 3-76: Penalty

A person who shall violate a provision of this code or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter, or repair a sign in violation thereof, shall be guilty of a misdemeanor, punishable as provided in Section 3-59 of the Shawnee Code. Each day upon which a violation continues shall be deemed a separate offense.

SEC. 3-77: Notices, Hearing, and Orders

- A. Whenever the Chief Code Enforcement Officer determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violation. Such notice shall:
1. Be in writing;
 2. Include a statement of the reasons for its issuance;
 3. Contain an outline of remedial action, which, if taken, will effect compliance with provisions of this chapter and other pertinent regulations;
 4. Allow a reasonable time, not to exceed seven (7) working days, for the performance of any act it requires;
 5. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed as properly served upon owner or agent when a copy thereof has been sent by certified mail to his last known address.
- B. Any person affected by this notice issued under this chapter or resulting regulations, may request and shall be granted a hearing on the matter before the Zoning Board of Adjustment; provided, that such person shall file with the Chief Code Enforcement Officer a written request for such hearing and setting forth briefly the grounds for such request within ten (10) days after the day the notice was served. The filing of such request shall stay the notice of suspension of permits and licenses except in cases of orders issued under subsection E of this section. The hearing shall be held at the next Zoning Board of Adjustment meeting for which the agenda has not been completed, or at a later meeting if so requested by the petitioner, should the Chief Code Enforcement Officer determine sufficient cause for such delay exists.
- C. After such hearing, the Chief Code Enforcement Officer shall compile the findings of the Zoning Board of Adjustment as to compliance with this chapter and pursuant regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice, which shall be served as provided in subsection D of this section. Upon failure to comply with such order, the permit of the sign or sign companies shall be revoked.

- D. Any person aggrieved by the decision of the Zoning Board of Adjustment may seek relief in District Court.
- E. Whenever the Chief Code Enforcement Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Board of Adjustment, shall be afforded a hearing at the next regular meeting. The provisions of subsection C and D of this section shall be applicable to such hearing and the order issued thereafter.

SEC. 3-78: Exemptions

Except as specifically provided, the following signs shall be exempt from the provisions of this code. All of the following signs shall be securely attached to a structure or to stakes or posts that are firmly embedded in the ground. They shall not be illuminated.

- A. **Real Estate Sign, Residential**
 - 1. Shall advertise only the sale or lease of premises on which the sign is placed.
 - 2. Shall not exceed twelve (12) square feet of display surface area and four (4) feet in height.
 - 3. One sign per street frontage.
 - 4. Shall be removed within fourteen (14) days of sale, lease or rental of the property.
 - 5. In the case of a special event such as an annual or semi "Parade of Homes" or a neighborhood association, or civic organization, housing tour, a single sign for the event may be placed on a property included in the event; provided the sign shall not exceed thirty (30) square feet of display surface area and shall not remain on the property longer than twenty-one (21) days.
- B. **Real Estate Sign, Commercial or Industrial**
 - 1. Shall advertise only the sale or lease of premises on which the sign is placed.
 - 2. Shall not exceed sixty (60) square feet of display surface area and fourteen (14) feet in height.
 - 3. One sign per street frontage.
 - 4. Shall be removed within fourteen (14) days of sale, lease or rental of the property.
 - 5. Shall be removed within fourteen (14) days of sale, lease or rental of the property.

C. **Subdivision Sign**

1. Shall be placed behind all platted setback lines.
2. Shall only advertise sale or lease of property within the development on which the sign is placed.
3. Shall have a separation of at least four hundred (400) feet from another sign for the same subdivision.
4. Shall have a maximum display surface area of 250 square feet and a maximum height of fourteen (14) feet.
5. May have indirect illumination from a source other than a residential structure.
6. Shall be removed upon sale by the developer of all lots and/or residences in the subdivision.

D. **Construction Signs, for Commercial, Industrial, Apartments and Similar large projects**

1. One sign per frontage per contractor, development company or financing institution participating in the construction; sub-contractors shall be identified on the sign of the contractor.
2. Permitted size for all such signs shall be based on two (2) square feet of display surface area for each lineal foot of frontage up to a maximum of five hundred (500) total square feet for all signs.
3. May have indirect illumination.
4. Shall be removed within ten (10) days of completion of construction.

E. **Construction Signs, One through Three Family Residential**

1. One sign per frontage per contractor.
2. Shall not exceed twelve (12) square feet of display surface area for the builder or principle contractor and four (4) square feet for each sub-contractor.
3. Shall be removed within ten (10) days of completion of construction.

F. **Non-commercial, Expressive Signs, Residential**

Non-commercial, expressive signs limited to two (2) signs per frontage with an aggregate of eight (8) square feet of display surface area per frontage shall be permitted in residential areas.

G. **Accessory Directional and Information Signs**

1. Shall include signs directing traffic movement into a premises or within a premises.
2. Shall not exceed four (4) square feet in area per sign.
3. Illumination of such sign shall be permitted in accordance with the Building Code and Zoning district regulations in which the premises are located, provided that no flashing lights shall be permitted.

4. Horizontal directional signs painted on or installed flush with paved streets shall not be subject to the size regulations of this provision.
5. The use of said signs is prohibited except where needed for the safe and efficient movement of traffic and provision of information as provided in the definitions section.

H. Decorations, Insignias, and Flags Permitted

1. *Seasonal Decorations:* Decorations pertaining to recognized national, state and local holidays and observances, provided that such decorations shall be erected earlier than six (6) weeks prior to the holiday or observance and shall be removed no later than two (2) weeks after said holiday.
2. *Insignias and Flags:* Such insignias, flags and emblems of the United States, the State of Oklahoma, and municipal and other bodies of established government, or flags which display the recognized symbol of a nonprofit and/or non-commercial organization.

I. Public Signs Permitted

These regulations shall not apply to signs erected by the city, county, state, or federal government for traffic direction or street identification.

J. Certain Wall Signs

Memorial signs on tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials, shall be exempt from these regulations.

K. Accessory Signs within a Structure Exempted

There shall be no restrictions on placement of signs within a structure where they cannot be viewed from any point outside the structure, for example, a shopping center mall. However, all signs so constructed shall require appropriate building and electrical permits.

L. Public Utility Signs

Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

SEC. 3-79: General Regulations for all Signs

A. General Prohibitions

1. Unless specifically permitted in another section of this code, no sign shall be erected on or over the public right-of-way. Merchandise, such as tires, produce, automotive vehicles, and any other articles for display or sale, shall not be located in any manner in the public right-of-way.

2. Where a parcel is occupied by a use or structure which does not conform to the use regulations of the zoning district in which said parcel is located, no sign shall be erected on said parcel until the use is changed to become conforming.
3. The use of any boulevard, streets, ways, terraces, drives and lanes also park roads or parks, under the control of the city for any political, social, civic, or charitable non-accessory advertising purpose within full view of those traveling on a public road is prohibited; provided that the government use of these areas to display public information, the placement of decorations, or the placement of neighborhood identification signs as authorized by Section 3-87 shall not be included in this restriction.
4. The painting, scattering, posting, or spreading in any manner along any public right-of-way or public property of any signs, bills, wastepaper, paper, cloth, or other materials used in advertising is prohibited. This prohibition shall include the posting of such materials on any utility pole or device.
5. No person shall permit the manufacturing, installing, erecting, or displaying of any obscene, indecent or immoral matter.
6. A-frame, sandwich signs, and swinger signs.
7. The erection, construction or maintenance of any sign which will obstruct any fire escape, stairway, or standpipe, or which will be attached to, or supported by, a fire escape or stairway, or which will interfere with human exit through any emergency opening, or which will obstruct the exterior door or required exit of any building, or which will obstruct any legally required light or ventilation is prohibited.
8. No sign shall occupy any parking space required under the minimum standards of the zoning code, unless additional parking is provided.

B. Signs on Vehicles

1. Signs shall be permitted to be painted or directly attached to a commercial vehicle, provided said signs identify the business for which the vehicle is operated.
2. No trailer or vehicle larger than a one and one-half (1-1/2) ton capacity van or pickup truck shall be parked on the street side of a business property for purpose other than immediate loading or unloading.
3. Use of a message painted or affixed to trucks or semi-trailers as an advertising device shall be prohibited, unless said vehicles are parked in a defined storage area as permitted by the zoning code.
4. No portable, A-frame, sandwich, swinger, or similar sign shall be mounted on a vehicle for purpose of advertising.

C. **Owner and Sign Contractor Responsibilities**

1. *Owner's Consent:* Before any permit is granted for the erection of a sign, plans and specifications shall be filed with the Chief Code Enforcement Officer showing the dimensions, materials and required details of construction, including loads, stresses and anchorage. The applications shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.
2. *Identification:* Every sign for which a permit has been issued and hereafter erected, constructed or maintained shall be plainly marked with the name of the person, firm or corporation owning, erecting, maintaining or operating such sign. The method and location of this identification shall appear on the plans and within the specifications filed with the Chief Code Enforcement Officer.
3. *Alterations:* A sign shall not be enlarged or relocated except in conformity to the provisions of this section for new signs; nor until a proper permit has been secured. The changing of movable parts of any approved sign that is designed for such changes, or for the repainting or reposting of display matter, shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this section are not violated.
4. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary, and free from noxious or offensive substances, rubbish and flammable waste materials.

**ARTICLE III: FLASHING, MOVING AND SOUND EMITTING SIGN
REGULATIONS**

SEC. 3-80: Moving and Sound Emitting Signs Prohibited

- A. No sign or part of a sign shall move or be permitted to move with the exception of movable and flashing signs as permitted in the code.
- B. No sign shall emit any sound which is designed to attract attention.

SEC. 3-81: City Departments Review Responsibilities

- A. The City Staff shall review all applications for the placement of flashing, rotating, and moveable signs, including time-temperature and moving message signs, in authorized zoning districts to protect against traffic hazards, subject to the standards listed in the next section.
- B. The City Staff shall review any complaint by the public or a public official in reference to a possible traffic hazard caused by any sign. Where a hazard is determined to exist, the Chief Code Enforcement Officer shall request that the sign be removed or altered.

SEC. 3-82: Flashing Sign Restrictions

- A. No strobe or high intensity flashing lights shall be permitted except where required on structures for aircraft warning lights.
- B. No flashing signs or lights on a sign used in a flashing manner shall be permitted unless approved by the City Staff. The city Staff shall use the following criteria:
 - 1. The sign shall not be located within 150 feet of a residential district if such lighting can be seen from the residential district;
 - 2. If the sign is an attached sign, it shall have a setback sufficient to avoid any traffic conflicts;
 - 3. If the sign is a free standing sign, it must be set back from the street a distance adequate to avoid traffic conflicts, and shall use lights of a color or combination of colors which will not be confused with emergency or service vehicles and equipment.
- C. The color of all flashing signs or lights on a sign used in a flashing manner shall be approved by the City Staff.

ARTICLE IV: SPECIFIC ACCESSORY SIGN STANDARDS

The following standards shall apply to location or construction of specific accessory sign types where permitted within the Chapter.

SEC. 3-83: Standards for Canopy Signs, Marquee Signs, Parapet Wall Signs, Projecting Signs, Combination Signs, and Wall Signs, Awning (black lite) Signs

- A. **Size.** All above mentioned signs located in commercial zoning districts shall not exceed 100 square feet.
- B. **Clearance.** The clearance above ground for these signs shall be not less than nine (9) feet, or fourteen (14) feet if there will be vehicular access below them. Where there is no pedestrian access below a wall sign, there shall be no clearance requirement.
- C. **Location.**
1. Regardless of building setback requirements, a canopy, marquee, parapet wall, projecting, or combination sign, may project from the supporting surface to a distance not to exceed ten (10) feet or to within two (2) feet of the nearest property line, whichever is the least. No such sign shall extend between the ground surface and the bottom level of the canopy or marquee to which the sign is attached, except as provided for identification nameplates in this code.
 2. A wall sign may extend from the wall as provided below:
 - a. Where the bottom of the sign is less than fourteen (14) feet above the level of the ground below it, the sign may extend twelve (12) inches from the wall;
 - b. Where the bottom of the sign is greater than fourteen (14) feet above the level of the ground below it; the sign may extend twenty-four (24) inches from the wall;
 - c. Maximum width: No sign shall be wider than the surface to which it is affixed, except for a fascia sign.
- D. **Exemption for Certain Wall Signs, Cornerstones, and Tablets**
Memorial signs on tablets, names of buildings and date of erection, when cut into any masonry surface, or when constructed of bronze or other incombustible material, shall be exempt from these regulations.

E. **Accessory Signs within a Structure Exempted**

There shall be no restrictions on placements of signs within a structure where they cannot be viewed from any point outside the structure, for example, a shopping center mall. However, all signs so constructed shall require appropriate building and electrical permits.

SEC. 3-84: Sign Standards for Agricultural, Residential, and Mobile Home Zoning Districts

- A. No accessory sign shall be permitted for single-family through three-family uses, except for the temporary signs authorized in Section 3-89.
- B. Multiple family residential uses shall be permitted either one (1) ground sign or one (1) attached sign as follows:
1. 5-12 units - one sign, not to exceed eight (8) square feet.
 2. 13-29 units - one sign, not to exceed twenty (20) square feet.
 3. 30 or more - one sign per street frontage; permitted size shall be one (1) square foot of display surface area for each three (3) lineal feet of frontage except, where street frontage is not available, then the sign footage will be based upon the number of units, up to a maximum of one hundred (100) square feet.
- C. Subdivision or residential developments of five (5) acres or larger shall be permitted one (1) ground sign per entry street. Said sign shall be non-illuminated, shall not exceed eighteen (18) square feet in area and six (6) feet in height, and shall contain only the name of the subdivision or the street.
- D. The following standards shall apply to non-residential permitted uses and uses permitted on review and special exceptions uses in Agricultural, Residential and Mobile Home zoning districts. They shall also apply to mobile home parks and subdivisions permitted under R-1 and R-2 District regulations of the Zoning Code:
1. **Number** - One (1) per street frontage;
 2. **Type** - Ground sign, or attached sign;
 3. **Size** - One (1) square foot of display surface area for every three (3) lineal feet of frontage, up to a maximum of one hundred (100) square feet;
 4. **Illumination** - Indirect lighting or interior lighting behind a translucent panel. No flashing or intermittent lighting shall be permitted in these districts.

- E. **Maximum Height**
1. *Ground Sign* - Twenty (20) feet above grade level;
 2. *Attached Sign* - not to exceed the height of the surface to which it is attached.
- F. **Setback**
- All permitted free-standing signs shall observe sight triangles of thirty (30) feet from all street curb lines and driveways.
- G. **Permit Requirements**
- In these zoning districts, non-illuminated signs and/or signs not affected by Building Code structural requirements, may be installed by other than a licensed sign contractor, provided a permit is issued after application and review for conformance to all applicable regulations.

SEC. 3-85: Sign Standards for the C-1 and C-2 Zoning Districts

- A. No accessory sign shall be permitted for single-family through three-family uses, except for the temporary signs authorized in Section 3-88.
- B. Signs for permitted multiple family residential uses shall be subject to the standards for Residential Districts in Section 3-83 of this Chapter.
- C. Uses permitted in the C-1 and C-2 Districts shall permit signs as follows:
1. *Number*. One (1) ground sign location and attached sign per street frontage, however, the attached sign can be split into two (2) signs, but cannot exceed the maximum square footage. In the case of multiple occupants, one (1) attached sign shall be permitted for each occupant, provided the total display surface area of all signs does not exceed the minimum permitted total.
 2. *Size*.
 - a. Ground Sign- one (1) square foot of display surface area for each two (2) lineal feet of frontage, not to exceed 150 square feet.
 - b. Attached Sign- one (1) square foot of display surface area for each two (2) lineal feet of building width, not to exceed a total of 150 square feet. An attached sign can be two signs but the total of both signs cannot exceed the maximum square footage.

3. *Maximum Height.*
 - a. Ground Sign- Twenty (20) feet above grade level.
 - b. Attached Sign-
 1. wall sign: not to exceed the height of the structure to which it is attached.
 2. all other: not to exceed six (6) feet above the structure to which it is attached.
4. *Illumination.* Indirect lighting or interior lighting behind a translucent panel. No flashing or intermittent light shall be permitted in these districts.
5. *Setback.* All permitted free-standing signs shall observe sight triangles of thirty (30) feet from all street curb or driveway.
6. *Permit Requirements.* In these zoning districts, non-illuminated signs and/or signs not affected by Building Code structural requirements may be installed by other than a licensed sign contractor, provided a permit is issued after application and review for conformance to all applicable regulations.

SEC. 3-86: Standards for all Other Commercial and Industrial Zoning Districts

- A. **Permitted Residential Uses**

Signs for permitted multiple family residential uses shall be subject to the standards for Residential Districts in Section 3-83 of this Chapter.
- B. **Number**
 1. One (1) free-standing sign location per street frontage for a single business or a group of businesses which share common access and parking facilities; provided that an additional sign location shall be permitted for each 150 lineal feet of frontage which is not included in calculations to permit a larger sign as provided in paragraph (D) below and so long as such sign locations are a minimum of 150 feet apart; plus,
 2. One (1) roof sign, for any structure with three (3) stories or more; plus,
 3. Attached signs for each occupant having street frontage, provided the total display surface area of all such signs shall not exceed the maximum permitted total;
 4. One identification nameplate for each business or professional occupancy of a building without direct exterior access; with a maximum size of four (4) square feet per nameplate and non-flashing illumination permitted;
 5. There shall be no restriction on signs placed inside a display window.

C. Size Standards for Attached Signs

The following standards shall be used to permit larger sign area for attached signs in proportion to increased setback and building width:

BUILDING SETBACK IN FEET

<u>Bldg. Width in Feet</u>	<u>0-24.99</u>	<u>25-39.99</u>	<u>40-59.99</u>	<u>60 or More</u>
Less than 25	50 sq. ft.	60 sq. ft.	70 sq. ft.	75 sq. ft.
25- 35.99	85	105	115	125
36- 45.99	120	145	160	170
46- 55.99	155	190	205	220
56- 65.99	190	230	250	270
66- 75.99	225	270	295	320
76- 85.99	260	315	340	370
86- 95.99	295	355	390	420
96-105.99	330	400	430	465
106-115.99	365	440	480	515
116-124.99	400	480	520	560
Over 125	435	525	570	600

D. Size Standard for Free-Standing Signs

1. Display surface area shall be permitted on the basis of two (2) square feet of sign for each one lineal foot of frontage, up to the following maximum size:
 - a. C-5, CP and C-3 District - 400 square feet.
 - b. I-1 District - 400 square feet.
 - c. I-2 and I-3 District - 700 square feet.
2. Any frontage above 400 feet utilized in calculations to permit an additional free-standing sign location under Paragraph (B) (1) above shall not be included in calculations to permit a larger sign.
3. Where an individual or aggregate use abuts Interstate Highway 40 and U.S. 177/270 and the lineal foot frontage of the use is less than 100 feet, a free-standing sign location may have 200 feet of display surface for better identification of the use from the highway, provided that all other regulations of this Chapter shall apply. A maximum sign height for this "highway district" shall be forty (40) feet. This height shall apply when a sign is located within one-half (1/2) mile of the above identified highway rights-of-way.

E. Height

1. *Free-standing Sign.* A minimum clearance of 14 feet above any driveway, service drive, or traffic way; and as follows:
 - a. Maximum height of 20 feet above grade level, except as provided in paragraph b;
 - b. Use abutting I-40 or U.S. 177/270; maximum height of 40 feet above grade level on thoroughfare frontage to provide better identification of the use from thoroughfares; subject to all other regulations of this Chapter.

F. Illumination

1. Direct or indirect lighting is permitted;
2. Flashing signs shall be permitted subject to all regulations of this Chapter.

G. Setback

All permitted free-standing signs shall observe a sight triangle of 30 feet from all street curb lines and driveways.

H. Permit Requirements

In these zoning districts, non-illuminated signs and/or signs not affected by building code structural requirements may be installed by other than a licensed sign contractor, provided a permit is issued after application and review for conformance to all applicable regulations.

SEC. 3-87: Non-Accessory Sign Standards for Billboards and Similar Non-Accessory Types

The regulations of this section shall not be applied to billboards when constructed on premises as Accessory Signs according to the Accessory Sign regulations of this Chapter. In such cases locations, size, number, and all other relevant development standards for Accessory Signs shall be applied.

A. General

Non-accessory signs shall be permitted as follows:

1. as uses permitted in the C-3, C-5, CP, I-1, I-2, I-3, and A-1 zoning districts.

B. Sign Size

1. The display surface area shall not exceed 672 square feet per sign face, except for 20% allowance for extensions and cutouts.
2. The maximum width of a sign shall be 60 feet.

C. Height

1. The maximum height of the highest point of the structure shall be 20 feet above the road grade except in the highway district where maximum height shall be 40 feet.
2. The minimum clearance between ground level and the lowest point of display surface, exclusive of supports, shall be not less than 6 feet.

D. Location

1. The location shall comply with all established building lines and required setbacks as outlined in this and all other ordinances of the City of Shawnee.

2. Where there is no building setback line established by ordinance or subdivision plat or PUD, such signs shall be set back from the front lot line not less than 25 feet.
3. Where a railroad right-of-way crosses a public right-of-way, required setbacks or established building lines on adjacent properties are extended through or across the railroad right-of-way.
4. No accessory sign shall be constructed, erected, or placed in any way on the roof or walls of a building. A sign may be constructed over but not on a roof provided there is a minimum distance between the roof and the lowest point of sign surface of 10 feet.

E. Spacing

1. In areas zoned C-3, CP, C-5, I-1, I-2, and I-3, no non-accessory sign with a display area of 200 square feet or less shall be constructed, erected, placed or replaced, closer than 500 feet unless such sign reaches a maximum height of 20 feet or less, in which case it may be located no closer than 250 feet to another non-accessory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.
2. In areas zoned C-3, C-5, CP, I-1, I-2, and I-3, no non-accessory sign with a display area or more than 200 square feet shall be constructed, erected, placed or replaced, closer than 750 feet to another non-accessory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.

F. Spacing from Residentially Zoned Property

No non-accessory sign shall be constructed, erected, placed or replaced, closer than 75 feet to the nearest residentially zoned property.

G. Lighting

Non-accessory signs may be illuminated in compliance with the BOCA Electric Code and any other applicable ordinances; provided, that no flashing or intermittent lighting of such signs shall be permitted.

SEC. 3-88: Standards for Neighborhood Identification Sign on Public Right-of-way

- A. The Chief Code Enforcement Officer or his designated representative may issue a permit to erect a non-accessory directional or informational sign on the public right-of-way when it is not considered a traffic hazard and if the following conditions are met:

1. If 60% of the property owners or neighborhood association within the boundaries of any delineated area request the signs.
2. The sign must be used for public purposes such as Historical Preservation markers, Urban Conservation marker, and Neighborhood Watch signs.
3. The sign cannot interfere with the sight-triangle.
4. A map must be submitted to the Chief Code Enforcement Officer showing the location of all proposed signs.
5. A sketch of each type of sign proposed must be submitted indicating approval or disapproval to the location of the proposed sign(s).
6. Letter from major utility companies shall be submitted indicating approval or disapproval to the location of the proposed sign(s).
7. The sign may not exceed four (4) square feet in display area.

SEC. 3-89: Regulations for Portable Signs

In addition to being permitted and regulated in specified zoning districts as ground signs, portable signs shall be permitted as ground signs under the following conditions and in no case to exceed thirty (30) days per calendar year.

- A. **Construction.** Where street, highway, or other public works construction disrupts normal access to a business, the Director of Community Development or designated agent may authorize a portable sign to be located on private (and in some instances, public property), to provide directions to said business, where he has determined that said location will not constitute a hazard to the health, safety, and welfare of the public. This sign shall be permitted only as long as the construction disrupts access or until ordered to be moved by the Director or agent, whichever shall occur first.
- B. **Special Events.** When a spectator event or special entertainment event is proposed, one portable sign shall be permitted in place of an authorized permanent sign for a period not to exceed thirty (30) days per event; provided that no more than one sign per location at a time shall be permitted, subject to all regulations for accessory signs in this Chapter.
- C. **Accessory Sign.** Where no more than one (1) ground sign or free-standing sign is located upon a parcel and additional sign display surface in excess of 32 square feet is available for signing pursuant to this code, one portable sign shall be permitted as an accessory use. Permits may be issued for up to thirty (30) days per year. There shall be a minimum of a 60 day waiting period between renewals.

D. **Construction Requirements.**

1. *Anchoring Required.* For safety purposes, all portable signs shall be secured by one of the following types of anchors:
 - a. If placed upon a concrete slab, concrete anchors at least 1/4 inch in diameter shall be placed to a minimum depth of two (2) inches to secure each corner ground support;
 - b. If placed upon earth base, a metal auger anchor at least 3/8 inch in diameter, with an expanded diameter of three (3) inches, shall be placed to a minimum depth of 15 inches to secure each corner ground support;
 - c. If placed upon asphalt base, a metal stake at least 3/8 inches in diameter shall be placed to a minimum depth of 18 inches to secure each corner ground support.
2. *Lighting and Electric Wiring.* Lighting and electric wiring shall be subject to the National Electric Code and the zoning district standards in which the sign is located.
 - a. In addition, any (construction) sign which is located for a period in excess of thirty (30) days shall be provided with a permanent underground wiring source.
 - b. A temporary portable sign may be served by a code approved 110 volt outlet with a three (3) wire outdoor cord of not less than 16 gauge. No such cord shall exceed 25 feet in length, and it shall not be placed on or across a sidewalk, driveway, or parking space.
 - c. Accessory sign, where no more than one (1) ground sign is located upon a parcel and additional sign display surface in excess of 32 square feet is available for signing pursuant to this code, one portable sign shall be permitted as an accessory use. Permits may be issued for up to ninety (90) days.

Chapter 3

ADVERTISING AND SIGNS*

Article I. In General

- Sec. 3-1. Definitions.
- Sec. 3-2. Purpose and intent.
- Sec. 3-3. Applicability.
- Sec. 3-4. Exemptions; standards for exempted signs.
- Secs. 3-5—3-30. Reserved.

Article II. Administration and Enforcement

Division 1. Generally

- Sec. 3-31. Penalty.
- Sec. 3-32. Enforcing officer; right of entry.
- Sec. 3-33. Inspection of work.
- Sec. 3-34. Notices; hearings; orders.
- Sec. 3-35. Identification of signs.
- Sec. 3-36. Continuation of legal nonconforming signs.
- Sec. 3-37. Removal by impoundment.
- Sec. 3-38. Discontinuance of prohibited signs.
- Sec. 3-39. Discontinuance of nonconforming portable/temporary signs.
- Secs. 3-40—3-65. Reserved.

Division 2. Permits

- Sec. 3-66. Required; alteration.
- Sec. 3-67. Application.
- Sec. 3-68. Plans, specifications and other data required with application.
- Sec. 3-69. Fees.
- Sec. 3-70. Revocation.
- Sec. 3-71. Forfeiture of fees.
- Secs. 3-72—3-95. Reserved.

Division 3. Sign Contractors

- Sec. 3-96. License; fee.
- Sec. 3-97. Electrical and neon sign hanger's license; fee.
- Sec. 3-98. Bond; letter of credit; liability insurance.
- Sec. 3-99. Revocation or suspension of license.
- Sec. 3-100. Transfer of license to obtain permit.
- Secs. 3-101—3-125. Reserved.

Article III. Sign Standards

Division 1. Generally

- Sec. 3-126. Prohibitions.
- Sec. 3-127. Signs on vehicles.
- Sec. 3-128. Alterations.
- Sec. 3-129. Maintenance of sign vicinity.

*Cross references—Buildings and building regulations, ch. 7; businesses, permits and licenses, ch. 8; signs for residential sales, § 8-401; business name or other advertising on ambulance, § 15-40; advertising in parks, § 21-10; planning and development, ch. 22.

SHAWNEE CODE

Secs. 3-130—3-155. Reserved.

Division 2. Flashing, Moving and Sound Emitting Signs

- Sec. 3-156. Review by city departments.
- Sec. 3-157. Moving and sound emitting signs.
- Sec. 3-158. Flashing signs.
- Secs. 3-159—3-185. Reserved.

Division 3. Accessory Signs

- Sec. 3-186. Applicability of division.
- Sec. 3-187. Canopy, marquee, parapet wall, projecting, combination, wall and awning signs.
- Sec. 3-188. Agricultural, residential and mobile/manufactured home zoning districts.
- Sec. 3-189. C-1 and C-2 zoning districts.
- Sec. 3-190. Other commercial and industrial zoning districts.
- Sec. 3-191. Electronic reader board signs.
- Secs. 3-192—3-215. Reserved.

Division 4. Nonaccessory Signs

- Sec. 3-216. Billboards and similar nonaccessory type signs.
- Sec. 3-217. Neighborhood identification signs on public rights-of-way.
- Secs. 3-218—3-245. Reserved.

Division 5. Portable Signs

- Sec. 3-246. Permitted uses and time limits.
- Sec. 3-247. Public works construction disrupting access to businesses.
- Sec. 3-248. Special events.
- Sec. 3-249. Accessory signs.
- Sec. 3-250. Construction requirements.

ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

Any terms not contained within this section shall be construed to be used in this chapter as defined in the latest edition of Webster's Unabridged Dictionary. 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:

Accessory sign means any advertising device which identifies or displays information concerning the proprietor of the business conducted on the premises.

A-frame sign, sandwich sign or swinger sign means an advertising device which is ordinarily in the shape of an "A," spring mounted on a fixed base, or some variation thereof, located on the ground, but not otherwise attached thereto, and which is usually two-sided.

Aggregate use means a group of primary uses integrated in a single development not separated by an opened public street, under common ownership, and sharing private parking facilities and other services in common.

Animation means any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsations or by other means, such as sequential light phasing.

Architectural projection means any projection, excluding signs, which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including but not limited to roof overhangings, wing walls, mansards, unenclosed exterior balconies, marquees, canopies, pilasters, fascias and awnings.

Attached sign means an accessory sign attached to, painted on or in any other way represented on a building or the structural element of a building. An attached sign includes a canopy sign, combination sign, fascia sign, marquee sign, module sign, parapet wall sign, projecting sign, roof sign and wall sign.

Awning means a fixed, backlit or movable shelter supported entirely from the exterior wall

of a building, which can be retracted, folded or collapsed against the face of the supporting building.

Banner means any pennant, streamer, flag, sign, picture, figure or other object, regardless of the materials of which it is made, which is suspended or otherwise designed for decoration or advertisement or to attract the attention of passersby, excepting, however, official warning devices, public service facilities, streetlights and similar safety devices.

Billboard, including poster and panel types, means a nonaccessory sign or sign structure upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

Building code means the latest building code as amended and adopted by the city.

Canopy means a permanently roofed shelter covering over a sidewalk, service station, driveway or other similar area, which is supported by posts or by the building to which it is attached.

Canopy sign means an attached accessory sign painted on or attached to the vertical side of or erected on the roof surface of a canopy.

Chief code enforcement official means the person charged with the administration and enforcement of this chapter or the chief code enforcement official's duly authorized representative.

Combination sign means any single attached accessory sign incorporating any combination of the features of the projecting, parapet wall, canopy, marquee, wall and fascia signs.

Decoration means illustrations, symbols, flags, streamers, bunting, wreaths, figures, insignias and other devices employed to express and illustrate a message of patriotic, holiday or seasonal character and are not considered signs for the purpose of this chapter.

Directional and information sign, accessory means signs which direct attention to the location of a facility or group of facilities on the same property on which the sign is located or which

display brand name information as provided in this chapter. Such signs may include entrance and exit signs, restroom signs, handicapped parking signs, license or permit information signs and other similar groups. This also includes the following specific signs: telephone booths or service signs, brand name on petroleum products pumps or other dispensing apparatus located outside of a building, identification and informational signs on public utility apparatus and U.S. Post Office signs on postal apparatus.

Display surface means the surface of the sign upon, against or through which the message is displayed or illustrated.

Display surface area means the net geometrical area enclosed by the display surface of the sign including the outer extremities of all letters, figures, characters and delineations; provided, however, the term "display surface area" does not include the structural supports for freestanding signs if the structural supports are so arranged as not to become a part of the attention attracting aspect of the sign. Unless specifically provided in this chapter, the display area to be computed shall be based on the following standards:

- (1) For signs of irregular design, the display surface area shall be determined by computing the area formed by an envelope of rectangles and triangles which shall be formed by drawing straight lines which connect the adjacent extreme points of the display surface of adjacent panels, figures, characters or delineations.
- (2) Where a sign has two faces which are joined in a "V" shape forming an angle not to exceed 60 degrees or where such a sign contains three or more faces which are joined to form a polygon shape when viewed from above, the total display surface area of the sign may be increased by 150 percent of the allowable maximums as outlined in this definition, provided that no one side of the sign exceeds 75 percent of the normal maximum size as set forth.
- (3) The maximum display surface area of a double-faced sign as defined in this section shall be calculated on the basis of only one sign face.

- (4) The display surface area of a double-surface sign, when the two surfaces are greater than 36 inches apart and not joined to form a "V," as permitted in this definition, shall be computed by adding together the square footage of each display surface.
- (5) The space between modules in a module sign as defined in this section shall not be counted.
- (6) The display surface area of a fascia sign shall be calculated by adding together the individual display surface areas of the front and the larger size of the fascia sign.

Double-faced sign means any sign which has two display surface faces, each of which is parallel to the other and not more than 36 inches apart.

Electric sign means any sign containing electrical wiring, but not including signs illuminated solely by exterior light sources such as floodlights.

Electrical code means the latest electrical code as amended and adopted by the city.

Electronic reader board means a changeable message sign consisting of an LED matrix which is computer-controlled.

Erect means to build, construct, place, locate, relocate or structurally alter any sign or other advertising device upon the site where it is to be utilized, whether permanent or temporary.

Fascia means a continuous translucent panel illuminated from within which may extend around one or more corners and which is attached to and designed as a part of a building.

Fascia sign means a wall, canopy, marquee or parapet wall sign attached to or printed on a fascia surface. Unless specifically provided in this section, a fascia sign shall be subject to the standards covering the sign it represents.

Flare means any torch, fusee, wick or other illuminating device utilizing open flames to attract attention to an establishment.

Flashing sign means an illuminated sign on which the artificial or reflected light is not maintained stationary and constant in light intensity as a part of the building.

Foot-lambert means the average brightness of any surface, or the uniform brightness of a perfectly diffusing surface, emitting or reflecting one lumen per square foot. Foot-lamberts are measured with an exposure meter equipped with a foot-lambert scale.

Frontage, building means the horizontal, lineal dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the general public and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts, a building side with an entrance open to industrial employees shall also qualify as a building frontage.) Where more than one use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Frontage, street means the lineal frontage of a lot or parcel abutting on a private or public street which provides principal access to or visibility of the premises.

Grade level means the average level of the finished or natural surface of the ground area adjacent to the exterior walls of a building or adjacent to the supports of a sign structure. In this instance, adjacent shall be limited to a radius of 25 feet from the center of the sign structure.

Ground sign means a freestanding accessory sign of limited height which is secured to a fixed base, usually at ground level or at a slight elevation above ground, rather than being pole mounted. A sign attached to a wall or fence which serves as the boundary of a parcel shall be considered a ground sign.

Height means the vertical distance measured from the elevation of the nearest sidewalk (or, in the absence of a sidewalk within 25 feet, then from the lowest point of the finished grade on the lot upon which the sign is located and within 25 feet of the sign) to the uppermost point on the sign or sign structure.

Identification nameplate means an accessory sign as permitted in this chapter which is attached to and flat against the wall of a building or suspended from a canopy or marquee.

Illuminated sign means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes, whether such sources of illumination are a part of a sign or not.

Illumination, direct means illumination which is performed by electrical apparatus from within the sign structure or which is otherwise a part of the sign structure.

Illumination, indirect means illumination which is performed by spotlights or other lighting devices and which is not a part of the sign proper.

Lighting. There are three basic methods of lighting signs: internal lighting that shines through a plastic or other translucent covering; direct external lighting, such as flood or spotlights; and lighting that is external but integral to the sign, such as bulbs that spell out the sign message.

Marquee means a permanent, fixed roof attached to, wholly supported by and projecting from a building.

Marquee sign means an attached accessory sign painted on or attached to the vertical side of, or erected on the roof surface of, a marquee.

Module means a separate unit of a sign which consists of an individual letter or an individual metal, plastic, masonry or wood unit upon which no more than one letter or message, as permitted in the definition of module sign, is mounted or printed. Modules shall be open on three sides or mounted on a building with no visible interconnections between modules.

Module sign means an accessory sign other than an identification sign or identification nameplate which is formed of individual modules which spell out only the name or nature of a business or the occupant of the premises. A module sign shall be erected so that there is a space between modules, and no more than one module shall contain information relating to the use of the property other than spelling out the business or occupant. This sign shall be governed by the regulations

applicable to the type of accessory sign which the module sign represents. Any sign not meeting this definition shall be subject to the regular accessory sign regulations.

Moving sign means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement.

Nonaccessory sign means a sign or advertising device which directs attention to an activity, service or product sold or offered elsewhere than on the premises on which the sign is located.

Parapet wall sign means an attached accessory sign erected on the top surface of a parapet.

Portable sign means a transportable sign designed for temporary use in compliance with the structural requirements of this chapter.

Primary use means the single dominant use of any piece of property or lot.

Projecting sign means an attached accessory sign which projects from and which has one end attached to a building, and which does not employ ground support in any manner.

Roof sign. Types of roof signs shall be as follows:

- (1) *Type A* means an attached accessory sign designed to permit, but not necessarily be limited to, the erection of a shield, symbol or similar trademark or brand name. Such sign shall be located immediately and entirely over the roof of a building and attached to a wall or pylon or similar physical support that is part of the physical and architectural design of the building. This definition shall apply only to a building which is four stories or less in height.
- (2) *Type B* means an attached accessory sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building which is five stories or more in height.

Sight triangle means an area which is clear of all structures or other sight impediments formed by measuring back equal distances along two

intersecting lines of street curblines or driveway lines a distance of 30 feet, and connecting such points to form a triangle.

Sign means any structure or part thereof or any device permanently or temporarily attached to, painted on, supported by or represented on a building, fence, post or other structure, which is used or intended to be used to attract attention. The term "sign" does not include a flag, pennant or insignia of any nation, association of nations, state, city or other political unit.

Sign location means the site where one or more freestanding sign structures may be erected. Where more than one structure is placed on either a permanent or temporary basis, there shall be no more than a 12-inch separation between structures at the same sign location.

Structure means anything built or constructed, whether or not permanently attached to the ground.

Temporary sign means any sign or advertising device constructed of cloth, canvas, light fabric, portable cardboard, wood, wallboard, metal or other light materials, with or without frames, which is intended to be displayed for a limited period of time only and which is portable.

Wall sign means an attached accessory sign painted on or attached to the wall or surface of a building or display surface which is parallel to the supporting surface. A sign attached to a wall or fence located on the boundary of a parcel shall be regulated as a ground sign.

Window sign means any accessory sign painted on the surface of, located on the interior of or flashing through a display window.

(Code 1986, § 3-1; Ord. No. 2169NS, § 1, 7-6-2004)

Cross reference—Definitions generally, § 1-2.

Sec. 3-2. Purpose and intent.

(a) It is the purpose of this chapter to establish effective sign regulations which recognize the public as well as private interest and investment in the city's environment and which regulate the number, size and location of signs; regulate signs to the individual use, the site and nonconforming signs; and promote and protect the health, safety and welfare, convenience and enjoyment of the city for its residents and the general public.

- (b) It is the intent of this chapter to:
- (1) Promote more effective signing practices which will be compatible with their surroundings and appropriate to the type of activity to which they pertain;
 - (2) Encourage greater consideration of influencing factors and thoughtful design of signs;
 - (3) Promote economic and business development;
 - (4) Protect property values;



- (5) Reduce distractions and obstructions that may contribute to traffic accidents; and
 - (6) Enhance and protect the physical appearance and natural beauty of the city.
- (Code 1986, § 3-55)

Sec. 3-3. Applicability.

This chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the city, including any sign erected or constructed prior to the effective date of the ordinance from which this chapter is derived.

(Code 1986, § 3-56)

Sec. 3-4. Exemptions; standards for exempted signs.

Except as specifically provided, the signs listed in this section shall be exempt from this chapter. All of the following signs shall be securely attached to a structure or to stakes or posts that are firmly embedded in the ground; they shall not be illuminated:

- (1) *Real estate signs, residential.* Standards for exempted residential real estate signs shall be as follows:
 - a. The sign shall advertise only the sale or lease of premises on which the sign is placed.
 - b. The sign shall not exceed 12 square feet of display surface area and four feet in height.
 - c. One sign shall be permitted per street frontage.
 - d. The sign shall be removed within 14 days of the sale, lease or rental of the property.
 - e. For a special event such as an annual or semiannual "parade of homes" or a neighborhood association or civic organization housing tour, a single sign for the event may be placed on a property included in the event, provided the sign shall not exceed 30

square feet of display surface area and shall not remain on the property longer than 21 days.

- (2) *Real estate signs, commercial or industrial.* Standards for an exempted commercial or industrial real estate sign shall be as follows:
 - a. The sign shall advertise only the sale or lease of premises on which the sign is placed.
 - b. The sign shall not exceed 60 square feet of display surface area and 14 feet in height.
 - c. The sign shall be limited to property zoned for an office, commercial or industrial district, provided that property in the A-1 district may be advertised for commercial use if the sign shall have placed on it letters of at least six inches in height which state "Presently Zoned A-1."
 - d. One sign shall be permitted per street frontage.
 - e. The sign shall be removed within 14 days of the sale, lease or rental of the property.
- (3) *Subdivision signs.* Standards for exempted subdivision signs shall be as follows:
 - a. The sign shall be placed behind all platted setback lines.
 - b. The sign shall only advertise the sale or lease of property within the development on which the sign is placed.
 - c. The sign shall have a separation of at least 400 feet from another sign for the same subdivision.
 - d. The sign shall have a maximum display surface area of 250 square feet and a maximum height of 14 feet.
 - e. The sign may have indirect illumination from a source other than a residential structure.

- f. The sign shall be removed upon sale by the developer of all lots and/or residences in the subdivision.
- (4) *Construction signs for commercial, industrial, apartments and similar large projects.* Standards for exempted construction signs for commercial, industrial, apartments and similar large projects shall be as follows:
- One sign shall be permitted per frontage per contractor, development company or financing institution participating in the construction; subcontractors shall be identified on the sign of the contractor.
 - The permitted size for all such signs shall be based on two square feet of display surface area for each lineal foot of frontage up to a maximum of 500 total square feet for all signs.
 - The sign may have indirect illumination.
 - The sign shall be removed within ten days of completion of construction.
- (5) *Construction signs, one- through three-family residential.* Standards for exempted one- through three-family residential construction signs shall be as follows:
- One sign shall be permitted per frontage per contractor.
 - The sign shall not exceed 12 square feet of display surface area for the builder or principal contractor and four square feet for each subcontractor.
 - The sign shall be removed within ten days of the completion of construction.
- (6) *Noncommercial expressive signs, residential.* Noncommercial expressive signs shall be limited to two signs per frontage. An aggregate of eight square feet of display surface area per frontage shall be permitted in residential areas.
- (7) *Accessory directional and information signs.* Standards for exempted accessory directional and information signs shall be as follows:
- These shall include signs directing traffic movement into or within premises.
 - The size shall not exceed four square feet in area per sign.
 - Illumination of such sign shall be permitted in accordance with the building code and zoning district regulations in which the premises are located, provided that no flashing lights shall be permitted.
 - Horizontal directional signs painted on or installed flush with paved streets shall not be subject to the size regulations of this subsection.
 - The use of such signs is prohibited except where needed for the safe and efficient movement of traffic and provision of information as provided in section 3-1.
- (8) *Decorations, insignias and flags.* Decorations, insignias and flags shall be exempt from this chapter in accordance with the following:
- Seasonal decorations.* Decorations pertaining to recognized national, state and local holidays and observances, provided that such decorations shall not be erected earlier than six weeks prior to the holiday or observance, and the decorations shall be removed no later than two weeks after the holiday.
 - Insignias and flags.* Such insignias, flags and emblems of the United States, the state and municipal and other bodies of established government or flags which display the recognized symbol of a nonprofit and/or noncommercial organization.
- (9) *Public signs.* This chapter shall not apply to signs erected by the city, county, state or federal government for traffic direction or street identification.

- (10) *Certain wall signs.* Memorial signs on tablets, the name of a building and the date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials, shall be exempt from this chapter.
- (11) *Accessory signs within structure.* There shall be no restrictions on the placement of signs within a structure where they cannot be viewed from any point outside the structure; for example, a shopping center mall. However, all signs so constructed shall require appropriate building and electrical permits.
- (12) *Public utility signs.* Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices, shall be exempt from this chapter.
- (Code 1986, §§ 3-78, 3-83(4), (5))

Secs. 3-5—3-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

DIVISION 1. GENERALLY

Sec. 3-31. Penalty.

A person who shall violate a section of this chapter or who shall fail to comply with any section of this chapter or with any of the requirements of this chapter or who shall erect, construct, alter or repair a sign in violation of this chapter shall be guilty of a misdemeanor, punishable as provided in section 1-10 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

(Code 1986, § 3-76)

Sec. 3-32. Enforcing officer; right of entry.

(a) The chief code enforcement official is authorized and directed to enforce all sections of this chapter. He shall appear for and on behalf of the

city in all matters regarding the interpretation and application of this chapter and shall resist and oppose any deviations from this chapter.

(b) Upon presentation of proper credentials, the chief code enforcement official may enter at reasonable times any building, structure or premises usually open to the public in the city to perform any duty imposed by this chapter. (Code 1986, § 3-75)

Sec. 3-33. Inspection of work.

The chief code enforcement official shall inspect at such time as deemed necessary each sign regulated by this chapter. (Code 1986, § 3-67)

Sec. 3-34. Notices; hearings; orders.

(a) Whenever the chief code enforcement official determines a violation of a pertinent regulation of this chapter exists, he shall notify the licensee or permittee of such alleged violation. Such notice shall:

- (1) Be in writing.
- (2) Include a statement of the reasons for its issuance.
- (3) Contain an outline of remedial action, which, if taken, will effect compliance with this chapter and other pertinent regulations.
- (4) Allow a reasonable time, not to exceed seven working days, for the performance of any act it requires.
- (5) Be served upon the owner or his agent as the case may require, provided that such notice or order shall be deemed as properly served upon the owner or agent when a copy thereof has been sent by certified mail to his last known address or has been posted upon the offending sign.

(b) Any person affected by a notice issued under this chapter or resulting regulations may request and shall be granted a hearing on the matter before the zoning board of adjustment, provided that such person shall file with the chief code enforcement official a written request for such hearing setting forth briefly the grounds for

*Cross reference—Administration, ch. 2.

such request within seven days after the day the notice was served. The filing of such request shall stay the notice of suspension of a permit and license except for orders issued under subsection (e) of this section. The hearing shall be held at the next zoning board of adjustment meeting for which the agenda has not been completed or at a later meeting if so requested by the petitioner, should the chief code enforcement official determine sufficient cause for such delay exists.

(c) After such hearing the chief code enforcement official shall compile the findings of the zoning board of adjustment as to compliance with this chapter and applicable regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice, which shall be served as provided in subsection (d) of this section. Upon failure to comply with such order, the permit of the sign or the sign company's license shall be revoked.

(d) Any person aggrieved by the decision of the zoning board of adjustment may seek relief in district court.

(e) Whenever the chief code enforcement official finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other section of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the board of adjustment shall be afforded a hearing at the next regular meeting. Subsections (c) and (d) of this section shall be applicable to such hearing and the order issued thereafter.

(Code 1986, § 3-77)

Sec. 3-35. Identification of signs.

Every sign for which a permit has been issued and which is erected, constructed or maintained after the effective date of the ordinance from which this section is derived shall be plainly marked with the name of the person owning, erecting, maintaining or operating such sign. The

method and location of this identification shall appear on the plans and within the specifications filed with the chief code enforcement official.

(Code 1986, § 3-69)

Sec. 3-36. Continuation of legal nonconforming signs.

Any sign located within the city on the date of the adoption of the ordinance from which this chapter is derived or located in an area annexed to the city thereafter, which does not conform with this chapter, shall be considered as a legal nonconforming sign and is permitted, provided that the sign was in all respects in compliance with the applicable law on the date of adoption of the ordinance from which this chapter is derived. If such sign is not in conformance with the existing law, such sign must be brought into conformance or removed according to procedures established in this chapter. Such sign shall be maintained in a good condition and shall be allowed to remain in existence so long as, and only as long as, such sign is not:

- (1) Changed to another nonconforming sign.
- (2) Structurally altered, except to meet safety requirements, so as to prolong the life of the sign.
- (3) Expanded.
- (4) Reestablished after its discontinuance for 90 days.
- (5) Continued in use after cessation or change of ownership of the business or activity to which the sign pertains.
- (6) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 50 percent appraised replacement cost, as determined by the chief code enforcement official.

(Code 1986, § 3-71)

Sec. 3-37. Removal by impoundment.

(a) *Impoundment without notice.* Any sign situated in the right-of-way of a public street or in a required sight triangle, an unanchored sign or a sign which has been damaged by storm or collision in such a manner that its presence consti-

tutes a threat to the health, safety and welfare of the public is declared a public nuisance endangering public safety, and it may be impounded by the chief code enforcement official or any police officer. If impounded, a reasonable effort shall be made to determine the identity of the sign owner for purpose of notification. If a sign contains ownership information, as required by this chapter, the chief code enforcement official shall provide mailed notice that the sign has been impounded within two working days of the action.

(b) *Impoundment with notice.* As provided in this subsection, signs may be impounded on three days' written notice of violation being given to any of the following: the property owner, the sign contractor or the business identified on the sign advertising copy. Attachment of a tag to the sign citing the nature of the violation shall constitute sufficient notice if none of the methods in this subsection are available. The following signs are subject to being impounded:

- (1) A sign placed on private property without the owner's consent.
- (2) A sign placed without a permit, except as exempted by section 3-4.

(c) *Redemption.* All impounded signs shall be stored and, upon proper identification thereof by the owner, may be redeemed upon the payment of a reasonable charge of \$25.00, which is incurred by the city for removal, transportation, storage, safeguarding, accounting and bookkeeping resulting from the impoundment. All signs that are not redeemed shall be subject to disposal in the manner provided by law for the disposition of unclaimed property after a 30-day holding period. (Code 1986, § 3-74)

Sec. 3-38. Discontinuance of prohibited signs.

Any nonconforming sign which is listed as a prohibited sign shall be removed or brought in conformance with this chapter according to the following schedule: Within six months after the effective date of the ordinance from which this chapter is derived, any sign in these categories which is in existence on such effective date shall

be altered in such a manner that its movement or illumination does not continue operating in a prohibited manner.

(Code 1986, § 3-72)

Sec. 3-39. Discontinuance of nonconforming portable/temporary signs.

Any nonconforming sign erected or displayed more than 90 days prior to the effective date of the ordinance from which this chapter is derived which is defined as a portable or temporary sign under this chapter shall be removed forthwith.

(Code 1986, § 3-73)

Secs. 3-40—3-65. Reserved.

DIVISION 2. PERMITS

Sec. 3-66. Required; alteration.

(a) It shall be unlawful to display, erect, relocate or alter any sign without first filing an application in writing and obtaining a sign permit.

(b) When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without prior approval of the chief code enforcement official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the code enforcement office.

(Code 1986, § 3-57)

Sec. 3-67. Application.

The application for a sign permit shall be made by the owner or a sign contractor licensed by the city. Such application shall be made in writing on forms furnished by the code enforcement office and shall be signed by the applicant.

(Code 1986, § 3-58)

Sec. 3-68. Plans, specifications and other data required with application.

The application for a sign permit shall be accompanied by the following plans and other information:

- (1) The names, addresses and telephone numbers of the owner or person entitled to possession of the sign and the sign contractor or erector.

- (2) The location by street address and legal description of the site of the proposed sign structure.
- (3) Complete information as required on the application forms provided by the code enforcement office, including a site plan and elevation drawings of the proposed sign, caption to the proposed sign and such other data as is pertinent to the application.
- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings and material to be used.
- (5) Application and required information for such application for an electrical permit for all electric signs, if the person building the sign is to make the electrical connection.
- (6) Wind stress calculations as per the design table for the construction of symmetrically loaded signs as per an attachment to the sign application.
- (7) A statement of valuation.
(Code 1986, § 3-61)

Sec. 3-69. Fees.

(a) A permit fee shall be paid to the city for each sign permit issued under this chapter; provided, however, that a fee shall not be charged for copy change when no change in the business is involved. The permit fee shall be in accordance with the following schedule:

(1) Portable signs (temporary)	\$25.00
(2) Permanent signs:	
0—100 square feet	25.00
101—200 square feet	25.00
201—500 square feet	25.00
501 square feet and over	25.00

(b) The fees in subsection (a) of this section do not include electrical permit fees, which shall be in addition to the fees in subsection (a) of this section.
(Code 1986, § 3-62)

Sec. 3-70. Revocation.

If the chief code enforcement official finds that work under any sign permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this chapter or any pertinent code or if he finds that there has been any misrepresentation in connection with the application for the permit, he shall notify the owner or sign contractor of such findings and that the violation must be corrected without delay. If such correction is not made, the code enforcement office shall revoke the permit and serve written notice by certified mail thereof upon the owner or sign contractor or shall post it upon the offending sign. No person shall proceed with any part of such work after the notice is received. Any violation of this chapter or other pertinent code provision is subject to the penalty in section 1-10 in addition to revocation of the permit.

(Code 1986, § 3-59)

Sec. 3-71. Forfeiture of fees.

When any sign permit has been revoked under the terms of section 3-70, permit fees shall not be refunded.

(Code 1986, § 3-60)

Secs. 3-72—3-95. Reserved.

DIVISION 3. SIGN CONTRACTORS

Sec. 3-96. License; fee.

(a) No person shall engage in the business of erecting or hanging signs or painting or posting advertisements or bills in the city without having first procured a license therefor from the city clerk and having paid to the city clerk for such license \$75.00 per annum or any fraction thereof. Such license shall expire on December 31 following the date of its issuance. The full annual fee of \$75.00 shall be paid, and no license shall be issued for less than the full annual fee. Insurance and bond in the amounts and under the conditions specified in section 3-98 shall also be required.

(b) One license will cover electrical and non-electrical signs.
(Code 1986, § 3-63)

Sec. 3-97. Electrical and neon sign hanger's license; fee.

(a) No person shall engage in the business of erecting or hanging signs that are equipped with electricity or neon or engage in altering, rebuilding, enlarging or repairing such signs in the city without having first procured a license therefor from the city clerk and having paid the city clerk for such license \$50.00 per annum or any fraction thereof. The license shall expire on December 31 following the date of its issuance. The full annual fee of \$50.00 shall be paid, and no license shall be issued for less than the full annual fee. All service lines conveying electricity to signs shall be installed only by bonded and licensed electricians.

(b) The penalty for late license renewal shall be \$15.00. No license shall be issued for longer than one year. A license may be renewed upon application and payment of fees 30 days preceding or following December 31 of each year and not be subject to a late renewal penalty. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service, if an application for renewal is made within one year following his service discharge.

(Code 1986, § 3-65)

Sec. 3-98. Bond; letter of credit; liability insurance.

(a) In addition to the license required by this division, any person applying therefor shall file with the city clerk, prior to the issuance of any license and annually on January 1 thereafter, a good and sufficient bond and a letter of credit to be approved by the city manager or designee, running to the city, in the penal sum of \$2,000.00. The bond and letter of credit shall be conditioned to indemnify, save and keep harmless the city from all costs, damages or expenses of any kind whatsoever which may be suffered by the city or any of the inhabitants thereof because of negligence on the part of such person in the hanging, erection or maintenance of such signs or any

other act or omission in the conduct of such business. The bond and letter of credit shall be further conditioned upon the faithful and prompt observance of all the conditions and regulations of this chapter and all other sections of this Code and provisions of any other city codes relative thereto. When the number of permits issued to any person shall cover more than 50 signs, panels or structures of 25 feet in length or less, the penal sum of such bond shall be increased \$2,000.00 for each additional 40 of such panels, signs or structures or fraction thereof for which permits are issued to such person. Before any license shall be issued to erect, hang or paint signs under this chapter, every person obtaining such license shall file with the city clerk an insurance policy for an indemnity fund as provided in this section.

(b) The insurance policy shall be issued by an insurance company licensed and authorized to do business in the state and shall provide public liability insurance coverage for every operation required in the erecting, hanging or painting of signs in the sum of not less than \$5,000.00 for the injury or death of any one person in any one accident, at least \$10,000.00 for the injury or death of any number of persons in any one accident and at least \$5,000.00 for property damage in any one accident.

(c) The insurance policy shall also provide that it cannot be cancelled until ten days' written notice of such cancellation has been given to the city clerk, and such policy shall carry an endorsement of actual notice to the city for any changes therein.

(d) The insurance policy is to be approved by the city manager or designee and endorsed thereon. It shall be approved as to form by the city attorney.

(e) The insurance policy shall be made for the use, benefit and protection of the city and for the use, benefit and protection of any person who may suffer injury either to his person or property because of any accident or omission or negligence of any person engaged in erecting, hanging or painting signs. Such policy, if approved by the chief code enforcement official, shall remain in full force and effect during the life of any license issued. If, after the approval of such policy and

after the issuance of the license, such policy is allowed to lapse or is not renewed by the payment of premiums, the chief code enforcement official may cancel any license issued under this chapter, after notice to the licensee and after an opportunity to be heard. The cancellation of any policy shall in no way affect or terminate any liability arising prior to the effective date of such cancellation.

(Code 1986, § 3-66)

Sec. 3-99. Revocation or suspension of license.

The chief code enforcement official shall have the right to revoke or suspend the license of any sign contractor for a violation of any of the city codes relating to signs.

(Code 1986, § 3-68)

Sec. 3-100. Transfer of license to obtain permit.

It shall be unlawful for any person holding a license issued under this division to transfer the license or allow the use of the license, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the sign work specified in this chapter.

(Code 1986, § 3-70)

Secs. 3-101—3-125. Reserved.

ARTICLE III. SIGN STANDARDS

DIVISION 1. GENERALLY

Sec. 3-126. Prohibitions.

(a) Unless specifically permitted in another section of this chapter, no sign shall be erected on or over the public right-of-way. Merchandise such as tires, produce, automotive vehicles and any other articles for display or sale shall not be located in any manner in the public right-of-way.

(b) Where a parcel is occupied by a use or structure which does not conform to the use regulations of the zoning district in which the

parcel is located, no sign shall be erected on the parcel until the use is changed to become conforming.

(c) The use of boulevards, streets, ways, terraces, drives and lanes, also park roads or parks, under the control of the city, for any political, social, civic or charitable nonaccessory advertising purpose within full view of those traveling on a public road is prohibited. However, the government use of these areas to display public information, the placement of decorations or the placement of neighborhood identification signs as authorized by section 3-217 shall not be included in this restriction.

(d) The painting, scattering, posting or spreading in any manner along any public right-of-way or public property of signs, bills, wastepaper, paper, cloth or other materials used in advertising is prohibited. This prohibition shall include the posting of such materials on any utility pole or device.

(e) No person shall permit the manufacturing, installing, erecting or displaying of any obscene matter.

(f) A-frame, sandwich signs and swinger signs are prohibited.

(g) The erection, construction or maintenance of any sign which will obstruct any fire escape, stairway or standpipe, be attached to or supported by a fire escape or stairway interfere with human exit through any emergency opening; obstruct the exterior door or required exit of any building or obstruct any legally required light or ventilation is prohibited.

(h) No sign shall occupy any parking space required under the minimum standards of the zoning code, unless additional parking is provided.

(Code 1986, § 3-79(a))

Sec. 3-127. Signs on vehicles.

(a) Signs shall be permitted to be painted or directly attached to a commercial vehicle, provided the signs identify the business for which the vehicle is operated.

(b) No trailer or vehicle larger than a 1½-ton capacity van or pickup truck shall be parked on the street side of a business property for purposes other than immediate loading or unloading.

(c) Use of a message painted or affixed to trucks or semitrailers as an advertising device shall be prohibited, unless such vehicles are parked in a defined storage area as permitted by the zoning code.

(d) No portable, A-frame, sandwich, swinger or similar sign shall be mounted on a vehicle for the purpose of advertising.
(Code 1986, § 3-79(b))

Sec. 3-128. Alterations.

A sign shall not be enlarged or relocated except in conformity to the provisions of this section for new signs, nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or for the repainting or reposting of display matter, shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this section are not violated.

Sec. 3-129. Maintenance of sign vicinity.

The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials.
(Code 1986, § 3-79(c)(4))

Secs. 3-130—3-155. Reserved.

DIVISION 2. FLASHING, MOVING AND SOUND EMITTING SIGNS

Sec. 3-156. Review by city departments.

(a) The city staff shall review all applications for the placement of flashing, rotating and movable signs, including time-temperature and moving message signs in authorized zoning districts, to protect against traffic hazards, subject to the standards listed in section 3-158.

(b) The city staff shall review any complaint by the public or a public official in reference to a possible traffic hazard caused by any sign. Where a hazard is determined to exist, the chief code enforcement official shall request that the sign be removed or altered.
(Code 1986, § 3-81)

Sec. 3-157. Moving and sound emitting signs.

(a) No sign or part of a sign shall move or be permitted to move, with the exception of movable and flashing signs as permitted in this chapter.

(b) No sign shall emit any sound which is designed to attract attention.
(Code 1986, § 3-80)

Sec. 3-158. Flashing signs.

(a) No strobe or high intensity flashing lights shall be permitted except where required on structures for aircraft warning lights.

(b) No flashing signs or lights on a sign used in a flashing manner shall be permitted unless approved by the city staff. The city staff shall use the following criteria:

- (1) The sign shall not be located within 150 feet of a residential district if such lighting can be seen from the residential district.
- (2) If the sign is an attached sign, it shall have a setback sufficient to avoid any traffic conflicts.
- (3) If the sign is a freestanding sign, it must be set back from the street a distance adequate to avoid traffic conflicts, and lights of a color or combination of colors shall be used which will not be confused with emergency or service vehicles and equipment.

(c) The color of all flashing signs or lights on a sign used in a flashing manner shall be approved by the city staff.
(Code 1986, § 3-82)

Secs. 3-159—3-185. Reserved.

DIVISION 3. ACCESSORY SIGNS

Sec. 3-186. Applicability of division.

The standards in this division shall apply to the location or construction of specific accessory sign types where permitted in this chapter. (Code 1986, § 3-82)

Sec. 3-187. Canopy, marquee, parapet wall, projecting, combination, wall and awning signs.

(a) *Standards.* The standards in this section shall apply to canopy signs, marquee signs, parapet wall signs, projecting signs, combination signs, wall signs and awning (backlit) signs.

(b) *Size.* All signs mentioned in subsection (a) of this section and located in commercial zoning districts shall not exceed 100 square feet.

(c) *Clearance.* The clearance above ground for these signs shall be not less than nine feet or 14 feet if there will be vehicular access below them. Where there is no pedestrian access below a wall sign, there shall be no clearance requirement.

(d) *Location.* The location of such signs shall be as follows:

- (1) Regardless of building setback requirements, a canopy, marquee, parapet wall, projecting or combination sign may project from the supporting surface to a distance not to exceed ten feet or to within two feet of the nearest property line, whichever is the least. No such sign shall extend between the ground surface and the bottom level of the canopy or marquee to which the sign is attached, except as provided for identification nameplates in this chapter.
- (2) A wall sign may extend from the wall as follows:
 - a. Where the bottom of the sign is less than 14 feet above the level of the ground below it, the sign may extend 12 inches from the wall.

b. Where the bottom of the sign is greater than 14 feet above the level of the ground below it, the sign may extend 24 inches from the wall.

c. No sign shall be wider than the surface to which it is affixed, except for a fascia sign.

(e) *Memorial signs; cornerstones.* A memorial sign on a tablet, the name of a building and the date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material, shall be exempt from this chapter.

(f) *Accessory signs within a structure.* There shall be no restrictions on placement of signs within a structure where they cannot be viewed from any point outside the structure; for example, in a shopping center mall. However, all signs so constructed shall require appropriate building and electrical permits.

(Code 1986, § 3-83)

Sec. 3-188. Agricultural, residential and mobile/manufactured home zoning districts.

(a) *Single- to three-family uses.* No accessory sign shall be permitted for single-family through three-family uses, except for the temporary signs authorized in division 5 of this article.

(b) *Multiple-family uses.* A multiple-family residential use shall be permitted either one ground sign or one attached sign as follows:

- (1) *Five to 12 units.* One sign, not to exceed eight square feet.
- (2) *Thirteen to 29 units.* One sign, not to exceed 20 square feet.
- (3) *Thirty or more units.* One sign per street frontage. The permitted size shall be one square foot of display surface area for each three lineal feet of frontage. However, where street frontage is not available, the sign footage will be based upon the number of units, up to a maximum of 100 square feet.

(c) *Residential developments.* A subdivision or residential development of five acres or larger shall be permitted one ground sign per entry street. The sign shall be nonilluminated, shall not exceed 18 square feet in area and six feet in height and shall contain only the name of the subdivision or the street.

(d) *Nonresidential uses.* The following standards shall apply to nonresidential permitted uses and uses permitted on review and special exception uses in agricultural, residential and mobile home zoning districts. They shall also apply to manufactured home parks and subdivisions permitted under R-1 and R-2 district regulations of the zoning code:

- (1) *Number.* One sign shall be permitted per street frontage.
- (2) *Type.* The sign shall be a ground sign or an attached sign.
- (3) *Size.* One square foot of display surface area shall be permitted for every three lineal feet of frontage, up to a maximum of 100 square feet.
- (4) *Illumination.* Indirect lighting or interior lighting behind a translucent panel shall be permitted. No flashing or intermittent lighting shall be permitted in these districts.

(e) *Maximum height.* The maximum height of the sign shall be as follows:

- (1) *Ground sign.* For a ground sign, the maximum height shall be 20 feet above grade level.
- (2) *Attached sign.* The maximum height of an attached sign shall not exceed the height of the surface to which it is attached.

(f) *Setback.* All permitted freestanding signs shall observe sight triangles of 30 feet from all street curblines and driveways.

(g) *Permit requirements.* In these zoning districts, nonilluminated signs and/or signs not affected by building code structural requirements may be installed by other than a licensed sign

contractor, provided a permit is issued after application and review for conformance to all applicable regulations.

(Code 1986, § 3-84)

Sec. 3-189. C-1 and C-2 zoning districts.

(a) *Single-family through three-family uses.* No accessory sign shall be permitted for single-family through three-family uses in C-1 and C-2 zoning districts, except for the temporary signs authorized in division 5 of this article.

(b) *Multiple-family uses.* Signs for permitted multiple-family residential uses shall be subject to the standards for residential districts in section 3-188.

(c) *Permitted signs.* In the C-1 and C-2 districts permitted signs are as follows:

- (1) *Number.* One ground sign location with the attached sign is permitted per street frontage; however, the attached sign can be split into two signs, but cannot exceed the maximum square footage. For multiple occupants, one attached sign shall be permitted for each occupant, provided the total display surface area of all signs does not exceed the maximum permitted total.

(2) *Size.* The size of the signs shall be as follows:

- a. *Ground sign.* One square foot of display surface area is permitted for each two lineal feet of frontage, not to exceed 150 square feet.
- b. *Attached signs.* One square foot of display surface area for each two lineal feet of building width is permitted, not to exceed a total of 150 square feet. An attached sign can be two signs, but the total of both signs cannot exceed the maximum square footage.

(3) *Maximum height.* The maximum height shall be as follows:

- a. *Ground sign.* For a ground sign, the maximum height shall be 20 feet above grade level.

b. *Attached sign.* For an attached sign, the maximum height shall be as follows:

1. For a wall sign, the height shall not exceed the height of the structure to which it is attached.
2. For all other signs, the height shall not exceed six feet above the structure to which it is attached.

- (4) *Illumination.* Indirect lighting or interior lighting is permitted behind a translucent panel. No flashing or intermittent light shall be permitted in these districts.
- (5) *Sight triangles.* All permitted freestanding signs shall observe sight triangles of 30 feet from all street curbs or driveways.
- (6) *Permit requirements.* In these zoning districts, nonilluminated signs and/or signs not affected by building code structural requirements may be installed by other than a licensed sign contractor, provided a permit is issued after application and review for conformance to all applicable regulations.

(Code 1986, § 3-85)

Sec. 3-190. Other commercial and industrial zoning districts.

(a) *Permitted residential uses.* Signs for permitted multiple-family residential uses shall be subject to the standards for residential districts in section 3-188.

(b) *Number.* The number of signs permitted shall be in accordance with the following:

- (1) One freestanding sign location per street frontage is permitted for a single business or a group of businesses which share common access and parking facilities, provided that an additional sign location shall be permitted for each 150 lineal feet of frontage which is not included in calculations to permit a larger sign as provided in subsection (d) of this section and so long as such sign locations are a minimum of 150 feet apart; plus
- (2) One roof sign is permitted for any structure with three stories or more; plus
- (3) Attached signs shall be permitted for each occupant having street frontage, provided the total display surface area of all such signs shall not exceed the maximum permitted total;
- (4) One identification nameplate shall be permitted for each business or professional occupancy of a building without direct exterior access, with a maximum size of four square feet per nameplate, and nonflashing illumination is permitted;
- (5) There shall be no restriction on signs placed inside a display window.

(c) *Size standards for attached signs.* The following standards shall be used to permit larger sign area for attached signs in proportion to increased setback and building width:

PERMITTED SIGN AREA FOR ATTACHED SIGNS (SQUARE FEET)

<i>Building Width (feet)</i>	<i>Building Setback (feet)</i>			
	<i>0—24.99</i>	<i>25—39.99</i>	<i>40—59.99</i>	<i>60 or more</i>
Less than 25	50	60	70	75
25—35.99	85	105	115	125
36—45.99	120	145	160	170
46—55.99	155	190	205	220
56—65.99	190	230	250	270

Building Width (feet)	Building Setback (feet)			
	0—24.99	25—39.99	40—59.99	60 or more
66—75.99	225	270	295	320
76—85.99	260	315	340	370
86—95.99	295	355	390	420
96—105.99	330	400	430	465
106—115.99	365	440	480	515
116—124.99	400	480	520	560
Over 125	435	525	570	600

(d) *Size standards for freestanding signs.* Size standards for freestanding signs shall be as follows:

- (1) The display surface area shall be permitted on the basis of two square feet of sign for each one lineal foot of frontage, up to the following maximum size:
 - a. For C-5, CP and C-3 districts, 400 square feet.
 - b. For the I-1 district, 400 square feet.
 - c. For I-2 and I-3 districts, 700 square feet.
 - d. For the C-4 district, 150 square feet.
- (2) Any frontage above 400 feet utilized in calculations to permit an additional freestanding sign location under subsection (b)(1) of this section shall not be included in calculations to permit a larger sign.
- (3) Where an individual or aggregate use abuts Interstate Highway 40 and U.S. 117/270 and the lineal foot frontage of the use is less than 100 feet, a freestanding sign location may have 200 feet of display surface for better identification of the use from the highway, provided that all other regulations of this chapter shall apply. A maximum sign height for this highway district shall be 40 feet. This height shall apply when a sign is located within one-half mile of the rights-of-way of the highways.
- (4) Wall and canopy signs will be allowed in the C-4 central business district. Wall signs will be permitted across property

lines; however, all signs within this district shall have a setback requirement of two feet from existing curbs. There shall be a minimum clearance of eight feet from ground level to the bottom of the sign. Sign heights shall be limited to 20 feet maximum from ground level to the top of the sign. Any property owner within the C-4 central business district who can comply with the sign setback line will be permitted pole and ground signs if in compliance with this chapter.

(e) *Height.* The height of signs shall be as follows:

- (1) *Freestanding signs.* For a freestanding sign there shall be a minimum clearance of 14 feet above any driveway, service drive or trafficway and as follows:
 - a. The maximum height shall be 20 feet above grade level, except as provided in subsection (e)(1)b of this section.
 - b. For a use abutting Interstate Highway 40 or U.S. 177/270, the maximum height shall be 40 feet above grade level on the thoroughfare frontage to provide better identification of the use from thoroughfares, subject to all other regulations of this chapter.
- (2) *Attached signs.* The maximum height for attached signs shall be as follows:
 - a. For a wall sign, the height shall not exceed the height of the surface to which it is attached.

- b. For a roof sign, the maximum height shall not exceed the allowed total height of the particular zoning district.
- c. For all others, the height shall not exceed six feet above the structure to which it is attached.

(f) *Illumination.* Illumination of signs shall be in conformance with the following:

- (1) Direct or indirect lighting is permitted.
- (2) Flashing signs shall be permitted subject to all regulations of this chapter.

(g) *Sight triangle.* All permitted freestanding signs shall observe a sight triangle of 30 feet from all street curblines and driveways.

(h) *Permit requirements.* In these zoning districts, nonilluminated signs and/or signs not affected by building code structural requirements may be installed by other than a licensed sign contractor, provided a permit is issued after application and review for conformance to all applicable regulations.
(Code 1986, § 3-86)

Sec. 3-191. Electronic reader board signs.

(a) The city may permit an electronically changeable message board as an allowed use in commercially zoned districts. Such message signs must conform to the applicable sign codes and further shall be subject to the following minimum standards and requirements:

- (1) The permit shall be accompanied by the following information:
 - a. All of the information required for a sign permit;
 - b. Identification of all interstate highways or other thoroughfares from which the sign will be visible;
 - c. Number of nearest milepost on interstate highway from which the sign will be visible or distance and/or direction from the nearest intersection on another thoroughfare;
 - d. The location of the proposed sign on a U.S. Geological Survey, 1:24,000

scale, topographic map and the location of all existing electronically changeable message boards within one-quarter mile of the proposed location;

- e. A profile of the line through the center of the proposed sign at an angle of zero to 75 degrees to the centerline of each thoroughfare from which the sign will be visible;
- f. A photograph not less than eight inches by ten inches in size, taken of the proposed location(s) of the sign from each thoroughfare from which the sign will be visible. The proposed location of the sign shall be clearly marked on each photograph; and

(2) LED signs are allowed subject to the following regulations:

- a. *Brightness controls.* The sign shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination;
- b. *Location.* The sign shall be erected only by attachment to the primary sign, as the primary sign or to the building facade;
- c. *Content.* The sign is limited to products, goods, services or facilities sold, produced or furnished on the premises on which the sign is located, but may include community service messages;
- d. *Movement restriction.* Nonintervalled, flashing or blinking characters are prohibited; and
- e. *Number.* One LED sign per establishment, lot, or development is permitted.

(Ord. No. 2169NS, § 2, 7-6-2004)

Secs. 3-192—3-215. Reserved.

DIVISION 4. NONACCESSORY SIGNS

Sec. 3-216. Billboards and similar nonaccessory type signs.

(a) *Applicability.* This section shall not be applied to billboards when constructed on premises as accessory signs according to the accessory sign regulations of this chapter. In such cases, locations, size, number and all other relevant development standards for accessory signs shall be applied.

(b) *Permitted uses.* Nonaccessory signs shall be permitted as uses permitted in the C-5, CP, C-3, I-1, I-2, I-3 and A-1 zoning districts.

(c) *Sign size.* The size of the sign shall be as follows:

(1) The display surface area shall not exceed 672 square feet per sign face, except for a 20-percent allowance for extensions and cutouts.

(2) The maximum width of a sign shall be 60 feet.

(d) *Height.* Height of the sign shall be in conformance with the following:

(1) The maximum height of the highest point of the structure shall be 20 feet above the road grade, except in the highway district where the maximum height shall be 40 feet.

(2) The minimum clearance between ground level and the lowest point of display surface, exclusive of supports, shall be not less than six feet.

(e) *Location; setback.* The location and setback shall be as follows:

(1) The location shall comply with all established building lines and required setbacks as outlined in this chapter and all other sections of this Code and city ordinances.

(2) Where there is no building setback line established by ordinance or subdivision plat or PUD, such signs shall be set back from the front lot line not less than 25 feet.

(3) Where a railroad right-of-way crosses a public right-of-way, required setbacks or established building lines on adjacent properties are extended through or across the railroad right-of-way.

(4) No accessory sign shall be constructed, erected or placed in any way on the roof or walls of a building. A sign may be constructed over but not on a roof, provided there is a minimum distance between the roof and the lowest point of the sign surface of ten feet.

(f) *Spacing.* Spacing shall be as follows:

(1) In areas zoned C-5, CP, C-3, I-1, I-2 and I-3, no nonaccessory sign with a display area of 200 square feet or less shall be constructed, erected, placed or replaced closer than 500 feet, unless such sign reaches a maximum height of 20 feet or less, in which case it may be located no closer than 250 feet to another nonaccessory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.

(2) In areas zoned C-5, CP, C-3, I-1, I-2 and I-3, no nonaccessory sign with a display area of more than 200 square feet shall be constructed, erected, placed or replaced closer than 750 feet to another nonaccessory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.

(g) *Spacing from residentially zoned property.* No nonaccessory sign shall be constructed, erected, placed or replaced closer than 75 feet to the nearest residentially zoned property.

(h) *Lighting.* Nonaccessory signs may be illuminated in compliance with the BOCA Electrical Code and any other applicable ordinances, provided that no flashing or intermittent lighting of such signs shall be permitted.
(Code 1986, § 3-87)

Sec. 3-217. Neighborhood identification signs on public rights-of-way.

The chief code enforcement official may issue a permit to erect a nonaccessory directional or

informational sign on the public right-of-way when it is not considered a traffic hazard and if the following conditions are met:

- (1) If 60 percent of the property owners or the neighborhood association within the boundaries of any delineated area request signs.
 - (2) The sign must be used for public purposes such as historical preservation markers, urban conservation markers and neighborhood watch signs.
 - (3) The sign cannot interfere with the sight triangle.
 - (4) A map must be submitted to the chief code enforcement official showing the location of all proposed signs.
 - (5) A sketch of each type of sign proposed must be submitted showing height, length, width and square feet of the display surface.
 - (6) Letters from major utility companies shall be submitted indicating approval or disapproval to the location of the proposed sign.
 - (7) The sign may not exceed four square feet in display area.
- (Code 1986, § 3-88)

Secs. 3-218—3-245. Reserved.

DIVISION 5. PORTABLE SIGNS

Sec. 3-246. Permitted uses and time limits.

In addition to being permitted and regulated in specified zoning districts as ground signs, portable signs shall be permitted as ground signs under the conditions in this division and in no case to exceed 30 days per calendar year.
(Code 1986, § 3-89)

Sec. 3-247. Public works construction disrupting access to businesses.

Where street, highway or other public works construction disrupts normal access to a business, the director of community development or designated agent may authorize a portable sign to be located on private property (and in some in-

stances, public property), to provide directions to the business, where he has determined that the location will not constitute a hazard to the health, safety and welfare of the public. This sign shall be permitted only as long as the construction disrupts access or until ordered to be moved by the director or agent, whichever shall occur first.
(Code 1986, § 3-89(1))

Sec. 3-248. Special events.

When a spectator event or special entertainment event is proposed, one portable sign shall be permitted in place of an authorized permanent sign for a period not to exceed 30 days per event, provided that no more than one sign per location at a time shall be permitted, subject to all regulations for accessory signs in this chapter.
(Code 1986, § 3-89(2))

Sec. 3-249. Accessory signs.

Where no more than one ground sign or free-standing sign is located upon a parcel and additional sign display surface in excess of 32 square feet is available for signing pursuant to this chapter, one portable sign shall be permitted as an accessory use. Permits may be issued for up to 30 days per year. There shall be a minimum of a 60-day waiting period between renewals.
(Code 1986, § 3-89(3))

Sec. 3-250. Construction requirements.

(a) *Anchoring required.* For safety purposes, all portable signs shall be secured by one of the following types of anchors:

- (1) If placed upon a concrete slab, concrete anchors at least one-quarter inch in diameter shall be placed to a minimum depth of two inches to secure each corner ground support.
- (2) If placed upon an earthen base, a metal auger anchor at least three-eighths inch in diameter, with an expanded diameter of three inches, shall be placed to a minimum depth of 15 inches to secure each corner ground support.
- (3) If placed upon an asphalt base, a metal stake at least three-eighths inches in di-

anometer shall be placed to a minimum depth of 18 inches to secure each corner ground support.

(b) *Lighting and electric wiring.* Lighting and electric wiring shall be subject to the National Electrical Code and the zoning district standards in which the sign is located. In addition, the following shall apply:

- (1) Any such sign which is located for a period in excess of 30 days shall be provided with a permanent underground wiring source.
 - (2) A temporary portable sign may be served by a code-approved 110-volt outlet with a three-wire outdoor cord of not less than 16-gauge. No such cord shall exceed 25 feet in length, and it shall not be placed on or across a sidewalk, driveway or parking space.
 - (3) Where no more than one ground sign is located upon a parcel and additional sign display surface in excess of 32 square feet is available for signing pursuant to this chapter, one portable sign shall be permitted as an accessory use. Permits may be issued for up to 90 days.
- (Code 1986, § 3-89(4))



ARTICLE I. IN GENERAL

Sec. 3-1. Definitions.

Any terms not contained within this section shall be construed to be used in this chapter as defined in the latest edition of Webster's Unabridged Dictionary. 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:

Accessory sign means any advertising device which identifies or displays information concerning the proprietor of the business conducted on the premises.

A-frame sign, sandwich sign or swinger sign means an advertising device which is ordinarily in the shape of an "A," spring mounted on a fixed base, or some variation thereof, located on the ground, but not otherwise attached thereto, and which is usually two-sided.

Aggregate use means a group of primary uses integrated in a single development not separated by an opened public street, under common ownership, and sharing private parking facilities and other services in common.

Animation means any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsations or by other means, such as sequential light phasing.

Architectural projection means any projection, excluding signs, which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including but not limited to roof overhangings, wing walls, mansards, unenclosed exterior balconies, marquees, canopies, pilasters, fascias and awnings.

Attached sign means an accessory sign attached to, painted on or in any other way represented on a building or the structural element of a building. An attached sign includes a canopy sign, combination sign, fascia sign, marquee sign, module sign, parapet wall sign, projecting sign, roof sign and wall sign.

Awning means a fixed, backlit or movable shelter supported entirely from the exterior wall

of a building, which can be retracted, folded or collapsed against the face of the supporting building.

Banner means any pennant, streamer, flag, sign, picture, figure or other object, regardless of the materials of which it is made, which is suspended or otherwise designed for decoration or advertisement or to attract the attention of passersby; excepting, however, official warning devices, public service facilities, streetlights and similar safety devices.

Billboard, including poster and panel types, means a nonaccessory sign or sign structure upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

Building code means the latest building code as amended and adopted by the city.

Canopy means a permanently roofed shelter covering over a sidewalk, service station, driveway or other similar area, which is supported by posts or by the building to which it is attached.

Canopy sign means an attached accessory sign painted on or attached to the vertical side of or erected on the roof surface of a canopy.

Chief code enforcement official means the person charged with the administration and enforcement of this chapter or the chief code enforcement official's duly authorized representative.

Combination sign means any single attached accessory sign incorporating any combination of the features of the projecting, parapet wall, canopy, marquee, wall and fascia signs.

Decoration means illustrations, symbols, flags, streamers, bunting, wreaths, figures, insignias and other devices employed to express and illustrate a message of patriotic, holiday or seasonal character and are not considered signs for the purpose of this chapter.

Directional and information sign, accessory means signs which direct attention to the location of a facility or group of facilities on the same property on which the sign is located or which

display brand name information as provided in this chapter. Such signs may include entrance and exit signs, restroom signs, handicapped parking signs, license or permit information signs and other similar groups. This also includes the following specific signs: telephone booths or service signs, brand name on petroleum products pumps or other dispensing apparatus located outside of a building, identification and informational signs on public utility apparatus and U.S. Post Office signs on postal apparatus.

Display surface means the surface of the sign upon, against or through which the message is displayed or illustrated.

Display surface area means the net geometrical area enclosed by the display surface of the sign including the outer extremities of all letters, figures, characters and delineations; provided, however, the term "display surface area" does not include the structural supports for freestanding signs if the structural supports are so arranged as not to become a part of the attention attracting aspect of the sign. Unless specifically provided in this chapter, the display area to be computed shall be based on the following standards:

- (1) For signs of irregular design, the display surface area shall be determined by computing the area formed by an envelope of rectangles and triangles which shall be formed by drawing straight lines which connect the adjacent extreme points of the display surface of adjacent panels, figures, characters or delineations.
- (2) Where a sign has two faces which are joined in a "V" shape forming an angle not to exceed 60 degrees or where such a sign contains three or more faces which are joined to form a polygon shape when viewed from above, the total display surface area of the sign may be increased by 150 percent of the allowable maximums as outlined in this definition, provided that no one side of the sign exceeds 75 percent of the normal maximum size as set forth.
- (3) The maximum display surface area of a double-faced sign as defined in this section shall be calculated on the basis of only one sign face.

- (4) The display surface area of a double-surface sign, when the two surfaces are greater than 36 inches apart and not joined to form a "V," as permitted in this definition, shall be computed by adding together the square footage of each display surface.
- (5) The space between modules in a module sign as defined in this section shall not be counted.
- (6) The display surface area of a fascia sign shall be calculated by adding together the individual display surface areas of the front and the larger size of the fascia sign.

Double-faced sign means any sign which has two display surface faces, each of which is parallel to the other and not more than 36 inches apart.

Electric sign means any sign containing electrical wiring, but not including signs illuminated solely by exterior light sources such as floodlights.

Electrical code means the latest electrical code as amended and adopted by the city.

Erect means to build, construct, place, locate, relocate or structurally alter any sign or other advertising device upon the site where it is to be utilized, whether permanent or temporary.

Fascia means a continuous translucent panel illuminated from within which may extend around one or more corners and which is attached to and designed as a part of a building.

Fascia sign means a wall, canopy, marquee or parapet wall sign attached to or printed on a fascia surface. Unless specifically provided in this section, a fascia sign shall be subject to the standards covering the sign it represents.

Flare means any torch, fusee, wick or other illuminating device utilizing open flames to attract attention to an establishment.

Flashing sign means an illuminated sign on which the artificial or reflected light is not maintained stationary and constant in light intensity as a part of the building.

Foot-lambert means the average brightness of any surface, or the uniform brightness of a perfectly diffusing surface, emitting or reflecting one

lumen per square foot. Foot-lamberts are measured with an exposure meter equipped with a foot-lambert scale.

Frontage, building means the horizontal, lineal dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the general public and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts, a building side with an entrance open to industrial employees shall also qualify as a building frontage.) Where more than one use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Frontage, street means the lineal frontage of a lot or parcel abutting on a private or public street which provides principal access to or visibility of the premises.

Grade level means the average level of the finished or natural surface of the ground area adjacent to the exterior walls of a building or adjacent to the supports of a sign structure. In this instance, adjacent shall be limited to a radius of 25 feet from the center of the sign structure.

Ground sign means a freestanding accessory sign of limited height which is secured to a fixed base, usually at ground level or at a slight elevation above ground, rather than being pole mounted. A sign attached to a wall or fence which serves as the boundary of a parcel shall be considered a ground sign.

Height means the vertical distance measured from the elevation of the nearest sidewalk (or, in the absence of a sidewalk within 25 feet, then from the lowest point of the finished grade on the lot upon which the sign is located and within 25 feet of the sign) to the uppermost point on the sign or sign structure.

Identification nameplate means an accessory sign as permitted in this chapter which is attached to and flat against the wall of a building or suspended from a canopy or marquee.

Illuminated sign means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes, whether such sources of illumination are a part of a sign or not.

Illumination, direct means illumination which is performed by electrical apparatus from within the sign structure or which is otherwise a part of the sign structure.

Illumination, indirect means illumination which is performed by spotlights or other lighting devices and which is not a part of the sign proper.

Marquee means a permanent, fixed roof attached to, wholly supported by and projecting from a building.

Marquee sign means an attached accessory sign painted on or attached to the vertical side of, or erected on the roof surface of, a marquee.

Module means a separate unit of a sign which consists of an individual letter or an individual metal, plastic, masonry or wood unit upon which no more than one letter or message, as permitted in the definition of module sign, is mounted or printed. Modules shall be open on three sides or mounted on a building with no visible interconnections between modules.

Module sign means an accessory sign other than an identification sign or identification nameplate which is formed of individual modules which spell out only the name or nature of a business or the occupant of the premises. A module sign shall be erected so that there is a space between modules, and no more than one module shall contain information relating to the use of the property other than spelling out the business or occupant. This sign shall be governed by the regulations applicable to the type of accessory sign which the module sign represents. Any sign not meeting this definition shall be subject to the regular accessory sign regulations.

Nonaccessory sign means a sign or advertising device which directs attention to an activity, service or product sold or offered elsewhere than on the premises on which the sign is located.

Parapet wall sign means an attached accessory sign erected on the top surface of a parapet.

Portable sign means a transportable sign designed for temporary use in compliance with the structural requirements of this chapter.

Primary use means the single dominant use of any piece of property or lot.

Projecting sign means an attached accessory sign which projects from and which has one end attached to a building, and which does not employ ground support in any manner.

Roof sign. Types of roof signs shall be as follows:

- (1) *Type A* means an attached accessory sign designed to permit, but not necessarily be limited to, the erection of a shield, symbol or similar trademark or brand name. Such sign shall be located immediately and entirely over the roof of a building and attached to a wall or pylon or similar physical support that is part of the physical and architectural design of the building. This definition shall apply only to a building which is four stories or less in height.
- (2) *Type B* means an attached accessory sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building which is five stories or more in height.

Sight triangle means an area which is clear of all structures or other sight impediments formed by measuring back equal distances along two intersecting lines of street curblines or driveway lines a distance of 30 feet, and connecting such points to form a triangle.

Sign means any structure or part thereof or any device permanently or temporarily attached to, painted on, supported by or represented on a building, fence, post or other structure, which is used or intended to be used to attract attention. The term "sign" does not include a flag, pennant or insignia of any nation, association of nations, state, city or other political unit.

Sign location means the site where one or more freestanding sign structures may be erected. Where more than one structure is placed on either a

permanent or temporary basis, there shall be no more than a 12-inch separation between structures at the same sign location.

Structure means anything built or constructed, whether or not permanently attached to the ground.

Temporary sign means any sign or advertising device constructed of cloth, canvas, light fabric, portable cardboard, wood, wallboard, metal or other light materials, with or without frames, which is intended to be displayed for a limited period of time only and which is portable.

Wall sign means an attached accessory sign painted on or attached to the wall or surface of a building or display surface which is parallel to the supporting surface. A sign attached to a wall or fence located on the boundary of a parcel shall be regulated as a ground sign.

Window sign means any accessory sign painted on the surface of, located on the interior of or flashing through a display window.
(Code 1986, § 3-1)

Cross reference—Definitions generally, § 1-2.

Sec. 3-2. Purpose and intent.

(a) It is the purpose of this chapter to establish effective sign regulations which recognize the public as well as private interest and investment in the city's environment and which regulate the number, size and location of signs; regulate signs to the individual use, the site and nonconforming signs; and promote and protect the health, safety and welfare, convenience and enjoyment of the city for its residents and the general public.

(b) It is the intent of this chapter to:

- (1) Promote more effective signing practices which will be compatible with their surroundings and appropriate to the type of activity to which they pertain;
- (2) Encourage greater consideration of influencing factors and thoughtful design of signs;
- (3) Promote economic and business development;
- (4) Protect property values;

- (5) Reduce distractions and obstructions that may contribute to traffic accidents; and
 - (6) Enhance and protect the physical appearance and natural beauty of the city.
- (Code 1986, § 3-55)

Sec. 3-3. Applicability.

This chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the city, including any sign erected or constructed prior to the effective date of the ordinance from which this chapter is derived.

(Code 1986, § 3-56)

Sec. 3-4. Exemptions; standards for exempted signs.

Except as specifically provided, the signs listed in this section shall be exempt from this chapter. All of the following signs shall be securely attached to a structure or to stakes or posts that are firmly embedded in the ground; they shall not be illuminated:

- (1) *Real estate signs, residential.* Standards for exempted residential real estate signs shall be as follows:
 - a. The sign shall advertise only the sale or lease of premises on which the sign is placed.
 - b. The sign shall not exceed 12 square feet of display surface area and four feet in height.
 - c. One sign shall be permitted per street frontage.
 - d. The sign shall be removed within 14 days of the sale, lease or rental of the property.
 - e. For a special event such as an annual or semiannual "parade of homes" or a neighborhood association or civic organization housing tour, a single sign for the event may be placed on a property included in the event, provided the sign shall not exceed 30

square feet of display surface area and shall not remain on the property longer than 21 days.

- (2) *Real estate signs, commercial or industrial.* Standards for an exempted commercial or industrial real estate sign shall be as follows:

- a. The sign shall advertise only the sale or lease of premises on which the sign is placed.
- b. The sign shall not exceed 60 square feet of display surface area and 14 feet in height.
- c. The sign shall be limited to property zoned for an office, commercial or industrial district, provided that property in the A-1 district may be advertised for commercial use if the sign shall have placed on it letters of at least six inches in height which state "Presently Zoned A-1."
- d. One sign shall be permitted per street frontage.
- e. The sign shall be removed within 14 days of the sale, lease or rental of the property.

- (3) *Subdivision signs.* Standards for exempted subdivision signs shall be as follows:

- a. The sign shall be placed behind all platted setback lines.
- b. The sign shall only advertise the sale or lease of property within the development on which the sign is placed.
- c. The sign shall have a separation of at least 400 feet from another sign for the same subdivision.
- d. The sign shall have a maximum display surface area of 250 square feet and a maximum height of 14 feet.
- e. The sign may have indirect illumination from a source other than a residential structure.

- f. The sign shall be removed upon sale by the developer of all lots and/or residences in the subdivision.
- (4) *Construction signs for commercial, industrial, apartments and similar large projects.* Standards for exempted construction signs for commercial, industrial, apartments and similar large projects shall be as follows:
- a. One sign shall be permitted per frontage per contractor, development company or financing institution participating in the construction; subcontractors shall be identified on the sign of the contractor.
 - b. The permitted size for all such signs shall be based on two square feet of display surface area for each lineal foot of frontage up to a maximum of 500 total square feet for all signs.
 - c. The sign may have indirect illumination.
 - d. The sign shall be removed within ten days of completion of construction.
- (5) *Construction signs, one- through three-family residential.* Standards for exempted one- through three-family residential construction signs shall be as follows:
- a. One sign shall be permitted per frontage per contractor.
 - b. The sign shall not exceed 12 square feet of display surface area for the builder or principal contractor and four square feet for each subcontractor.
 - c. The sign shall be removed within ten days of the completion of construction.
- (6) *Noncommercial expressive signs, residential.* Noncommercial expressive signs shall be limited to two signs per frontage. An aggregate of eight square feet of display surface area per frontage shall be permitted in residential areas.
- (7) *Accessory directional and information signs.* Standards for exempted accessory directional and information signs shall be as follows:
- a. These shall include signs directing traffic movement into or within premises.
 - b. The size shall not exceed four square feet in area per sign.
 - c. Illumination of such sign shall be permitted in accordance with the building code and zoning district regulations in which the premises are located, provided that no flashing lights shall be permitted.
 - d. Horizontal directional signs painted on or installed flush with paved streets shall not be subject to the size regulations of this subsection.
 - e. The use of such signs is prohibited except where needed for the safe and efficient movement of traffic and provision of information as provided in section 3-1.
- (8) *Decorations, insignias and flags.* Decorations, insignias and flags shall be exempt from this chapter in accordance with the following:
- a. *Seasonal decorations.* Decorations pertaining to recognized national, state and local holidays and observances, provided that such decorations shall not be erected earlier than six weeks prior to the holiday or observance, and the decorations shall be removed no later than two weeks after the holiday.
 - b. *Insignias and flags.* Such insignias, flags and emblems of the United States, the state and municipal and other bodies of established government or flags which display the recognized symbol of a nonprofit and/or noncommercial organization.
- (9) *Public signs.* This chapter shall not apply to signs erected by the city, county, state or federal government for traffic direction or street identification.

- (10) *Certain wall signs.* Memorial signs on tablets, the name of a building and the date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials, shall be exempt from this chapter.
- (11) *Accessory signs within structure.* There shall be no restrictions on the placement of signs within a structure where they cannot be viewed from any point outside the structure; for example, a shopping center mall. However, all signs so constructed shall require appropriate building and electrical permits.
- (12) *Public utility signs.* Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices, shall be exempt from this chapter.

(Code 1986, §§ 3-78, 3-83(4), (5))

Secs. 3-5—3-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

DIVISION 1. GENERALLY

Sec. 3-31. Penalty.

A person who shall violate a section of this chapter or who shall fail to comply with any section of this chapter or with any of the requirements of this chapter or who shall erect, construct, alter or repair a sign in violation of this chapter shall be guilty of a misdemeanor, punishable as provided in section 1-10 of this Code. Each day upon which a violation continues shall be deemed a separate offense.

(Code 1986, § 3-76)

Sec. 3-32. Enforcing officer; right of entry.

(a) The chief code enforcement official is authorized and directed to enforce all sections of this chapter. He shall appear for and on behalf of the

city in all matters regarding the interpretation and application of this chapter and shall resist and oppose any deviations from this chapter.

(b) Upon presentation of proper credentials, the chief code enforcement official may enter at reasonable times any building, structure or premises usually open to the public in the city to perform any duty imposed by this chapter.

(Code 1986, § 3-75)

Sec. 3-33. Inspection of work.

The chief code enforcement official shall inspect at such time as deemed necessary each sign regulated by this chapter.

(Code 1986, § 3-67)

Sec. 3-34. Notices; hearings; orders.

(a) Whenever the chief code enforcement official determines a violation of a pertinent regulation of this chapter exists, he shall notify the licensee or permittee of such alleged violation. Such notice shall:

- (1) Be in writing.
- (2) Include a statement of the reasons for its issuance.
- (3) Contain an outline of remedial action, which, if taken, will effect compliance with this chapter and other pertinent regulations.
- (4) Allow a reasonable time, not to exceed seven working days, for the performance of any act it requires.
- (5) Be served upon the owner or his agent as the case may require, provided that such notice or order shall be deemed as properly served upon the owner or agent when a copy thereof has been sent by certified mail to his last known address or has been posted upon the offending sign.

(b) Any person affected by a notice issued under this chapter or resulting regulations may request and shall be granted a hearing on the matter before the zoning board of adjustment, provided that such person shall file with the chief code enforcement official a written request for such hearing setting forth briefly the grounds for

*Cross reference—Administration, ch. 2.

such request within seven days after the day the notice was served. The filing of such request shall stay the notice of suspension of a permit and license except for orders issued under subsection (e) of this section. The hearing shall be held at the next zoning board of adjustment meeting for which the agenda has not been completed or at a later meeting if so requested by the petitioner, should the chief code enforcement official determine sufficient cause for such delay exists.

(c) After such hearing the chief code enforcement official shall compile the findings of the zoning board of adjustment as to compliance with this chapter and applicable regulations and shall issue an order in writing sustaining, modifying or withdrawing the prior notice, which shall be served as provided in subsection (d) of this section. Upon failure to comply with such order, the permit of the sign or the sign company's license shall be revoked.

(d) Any person aggrieved by the decision of the zoning board of adjustment may seek relief in district court.

(e) Whenever the chief code enforcement official finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency, including the suspension of the permit. Notwithstanding any other section of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the board of adjustment shall be afforded a hearing at the next regular meeting. Subsections (c) and (d) of this section shall be applicable to such hearing and the order issued thereafter.
(Code 1986, § 3-77)

Sec. 3-35. Identification of signs.

Every sign for which a permit has been issued and which is erected, constructed or maintained after the effective date of the ordinance from which this section is derived shall be plainly marked with the name of the person owning, erecting, maintaining or operating such sign. The

method and location of this identification shall appear on the plans and within the specifications filed with the chief code enforcement official.
(Code 1986, § 3-69)

Sec. 3-36. Continuation of legal nonconforming signs.

Any sign located within the city on the date of the adoption of the ordinance from which this chapter is derived or located in an area annexed to the city thereafter, which does not conform with this chapter, shall be considered as a legal nonconforming sign and is permitted, provided that the sign was in all respects in compliance with the applicable law on the date of adoption of the ordinance from which this chapter is derived. If such sign is not in conformance with the existing law, such sign must be brought into conformance or removed according to procedures established in this chapter. Such sign shall be maintained in a good condition and shall be allowed to remain in existence so long as, and only as long as, such sign is not:

- (1) Changed to another nonconforming sign.
- (2) Structurally altered, except to meet safety requirements, so as to prolong the life of the sign.
- (3) Expanded.
- (4) Reestablished after its discontinuance for 90 days.
- (5) Continued in use after cessation or change of ownership of the business or activity to which the sign pertains.
- (6) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 50 percent appraised replacement cost, as determined by the chief code enforcement official.

(Code 1986, § 3-71)

Sec. 3-37. Removal by impoundment.

(a) *Impoundment without notice.* Any sign situated in the right-of-way of a public street or in a required sight triangle, an unanchored sign or a sign which has been damaged by storm or collision in such a manner that its presence consti-

tutes a threat to the health, safety and welfare of the public is declared a public nuisance endangering public safety, and it may be impounded by the chief code enforcement official or any police officer. If impounded, a reasonable effort shall be made to determine the identity of the sign owner for purpose of notification. If a sign contains ownership information, as required by this chapter, the chief code enforcement official shall provide mailed notice that the sign has been impounded within two working days of the action.

(b) *Impoundment with notice.* As provided in this subsection, signs may be impounded on three days' written notice of violation being given to any of the following: the property owner, the sign contractor or the business identified on the sign advertising copy. Attachment of a tag to the sign citing the nature of the violation shall constitute sufficient notice if none of the methods in this subsection are available. The following signs are subject to being impounded:

- (1) A sign placed on private property without the owner's consent.
- (2) A sign placed without a permit, except as exempted by section 3-4.

(c) *Redemption.* All impounded signs shall be stored and, upon proper identification thereof by the owner, may be redeemed upon the payment of a reasonable charge of \$25.00, which is incurred by the city for removal, transportation, storage, safeguarding, accounting and bookkeeping resulting from the impoundment. All signs that are not redeemed shall be subject to disposal in the manner provided by law for the disposition of unclaimed property after a 30-day holding period. (Code 1986, § 3-74)

Sec. 3-38. Discontinuance of prohibited signs.

Any nonconforming sign which is listed as a prohibited sign shall be removed or brought in conformance with this chapter according to the following schedule: Within six months after the effective date of the ordinance from which this chapter is derived, any sign in these categories which is in existence on such effective date shall

be altered in such a manner that its movement or illumination does not continue operating in a prohibited manner. (Code 1986, § 3-72)

Sec. 3-39. Discontinuance of nonconforming portable/temporary signs.

Any nonconforming sign erected or displayed more than 90 days prior to the effective date of the ordinance from which this chapter is derived which is defined as a portable or temporary sign under this chapter shall be removed forthwith. (Code 1986, § 3-73)

Secs. 3-40—3-65. Reserved.

DIVISION 2. PERMITS

Sec. 3-66. Required; alteration.

(a) It shall be unlawful to display, erect, relocate or alter any sign without first filing an application in writing and obtaining a sign permit.

(b) When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the permit without prior approval of the chief code enforcement official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the code enforcement office.

(Code 1986, § 3-57)

Sec. 3-67. Application.

The application for a sign permit shall be made by the owner or a sign contractor licensed by the city. Such application shall be made in writing on forms furnished by the code enforcement office and shall be signed by the applicant.

(Code 1986, § 3-58)

Sec. 3-68. Plans, specifications and other data required with application.

The application for a sign permit shall be accompanied by the following plans and other information:

- (1) The names, addresses and telephone numbers of the owner or person entitled to possession of the sign and the sign contractor or erector.

- (2) The location by street address and legal description of the site of the proposed sign structure.
- (3) Complete information as required on the application forms provided by the code enforcement office, including a site plan and elevation drawings of the proposed sign, caption to the proposed sign and such other data as is pertinent to the application.
- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings and material to be used.
- (5) Application and required information for such application for an electrical permit for all electric signs, if the person building the sign is to make the electrical connection.
- (6) Wind stress calculations as per the design table for the construction of symmetrically loaded signs as per an attachment to the sign application.
- (7) A statement of valuation.
(Code 1986, § 3-61)

Sec. 3-69. Fees.

(a) A permit fee shall be paid to the city for each sign permit issued under this chapter; provided, however, that a fee shall not be charged for copy change when no change in the business is involved. The permit fee shall be in accordance with the following schedule:

(1) Portable signs (temporary) .	\$25.00
(2) Permanent signs:	
0—100 square feet	25.00
101—200 square feet	25.00
201—500 square feet	25.00
501 square feet and over	25.00

(b) The fees in subsection (a) of this section do not include electrical permit fees, which shall be in addition to the fees in subsection (a) of this section.
(Code 1986, § 3-62)

Sec. 3-70. Revocation.

If the chief code enforcement official finds that work under any sign permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this chapter or any pertinent code or if he finds that there has been any misrepresentation in connection with the application for the permit, he shall notify the owner or sign contractor of such findings and that the violation must be corrected without delay. If such correction is not made, the code enforcement office shall revoke the permit and serve written notice by certified mail thereof upon the owner or sign contractor or shall post it upon the offending sign. No person shall proceed with any part of such work after the notice is received. Any violation of this chapter or other pertinent code provision is subject to the penalty in section 1-10 in addition to revocation of the permit.
(Code 1986, § 3-59)

Sec. 3-71. Forfeiture of fees.

When any sign permit has been revoked under the terms of section 3-70, permit fees shall not be refunded.
(Code 1986, § 3-60)

Secs. 3-72—3-95. Reserved.

DIVISION 3. SIGN CONTRACTORS

Sec. 3-96. License; fee.

(a) No person shall engage in the business of erecting or hanging signs or painting or posting advertisements or bills in the city without having first procured a license therefor from the city clerk and having paid to the city clerk for such license \$75.00 per annum or any fraction thereof. Such license shall expire on December 31 following the date of its issuance. The full annual fee of \$75.00 shall be paid, and no license shall be issued for less than the full annual fee. Insurance and bond in the amounts and under the conditions specified in section 3-98 shall also be required.

(b) One license will cover electrical and non-electrical signs.
(Code 1986, § 3-63)

Sec. 3-97. Electrical and neon sign hanger's license; fee.

(a) No person shall engage in the business of erecting or hanging signs that are equipped with electricity or neon or engage in altering, rebuilding, enlarging or repairing such signs in the city without having first procured a license therefor from the city clerk and having paid the city clerk for such license \$50.00 per annum or any fraction thereof. The license shall expire on December 31 following the date of its issuance. The full annual fee of \$50.00 shall be paid, and no license shall be issued for less than the full annual fee. All service lines conveying electricity to signs shall be installed only by bonded and licensed electricians.

(b) The penalty for late license renewal shall be \$15.00. No license shall be issued for longer than one year. A license may be renewed upon application and payment of fees 30 days preceding or following December 31 of each year and not be subject to a late renewal penalty. No penalty for late renewal shall be charged to any holder of a license which expires while the holder is in military service, if an application for renewal is made within one year following his service discharge.
(Code 1986, § 3-65)

Sec. 3-98. Bond; letter of credit; liability insurance.

(a) In addition to the license required by this division, any person applying therefor shall file with the city clerk, prior to the issuance of any license and annually on January 1 thereafter, a good and sufficient bond and a letter of credit to be approved by the city manager or designee, running to the city, in the penal sum of \$2,000.00. The bond and letter of credit shall be conditioned to indemnify, save and keep harmless the city from all costs, damages or expenses of any kind whatsoever which may be suffered by the city or any of the inhabitants thereof because of negligence on the part of such person in the hanging, erection or maintenance of such signs or any

other act or omission in the conduct of such business. The bond and letter of credit shall be further conditioned upon the faithful and prompt observance of all the conditions and regulations of this chapter and all other sections of this Code and provisions of any other city codes relative thereto. When the number of permits issued to any person shall cover more than 50 signs, panels or structures of 25 feet in length or less, the penal sum of such bond shall be increased \$2,000.00 for each additional 40 of such panels, signs or structures or fraction thereof for which permits are issued to such person. Before any license shall be issued to erect, hang or paint signs under this chapter, every person obtaining such license shall file with the city clerk an insurance policy for an indemnity fund as provided in this section.

(b) The insurance policy shall be issued by an insurance company licensed and authorized to do business in the state and shall provide public liability insurance coverage for every operation required in the erecting, hanging or painting of signs in the sum of not less than \$5,000.00 for the injury or death of any one person in any one accident, at least \$10,000.00 for the injury or death of any number of persons in any one accident and at least \$5,000.00 for property damage in any one accident.

(c) The insurance policy shall also provide that it cannot be cancelled until ten days' written notice of such cancellation has been given to the city clerk, and such policy shall carry an endorsement of actual notice to the city for any changes therein.

(d) The insurance policy is to be approved by the city manager or designee and endorsed thereon. It shall be approved as to form by the city attorney.

(e) The insurance policy shall be made for the use, benefit and protection of the city and for the use, benefit and protection of any person who may suffer injury either to his person or property because of any accident or omission or negligence of any person engaged in erecting, hanging or painting signs. Such policy, if approved by the chief code enforcement official, shall remain in full force and effect during the life of any license issued. If, after the approval of such policy and

after the issuance of the license, such policy is allowed to lapse or is not renewed by the payment of premiums, the chief code enforcement official may cancel any license issued under this chapter, after notice to the licensee and after an opportunity to be heard. The cancellation of any policy shall in no way affect or terminate any liability arising prior to the effective date of such cancellation.

(Code 1986, § 3-66)

Sec. 3-99. Revocation or suspension of license.

The chief code enforcement official shall have the right to revoke or suspend the license of any sign contractor for a violation of any of the city codes relating to signs.

(Code 1986, § 3-68)

Sec. 3-100. Transfer of license to obtain permit.

It shall be unlawful for any person holding a license issued under this division to transfer the license or allow the use of the license, directly or indirectly, by any other person for the purpose of obtaining a permit to do any of the sign work specified in this chapter.

(Code 1986, § 3-70)

Secs. 3-101—3-125. Reserved.

ARTICLE III. SIGN STANDARDS

DIVISION 1. GENERALLY

Sec. 3-126. Prohibitions.

(a) Unless specifically permitted in another section of this chapter, no sign shall be erected on or over the public right-of-way. Merchandise such as tires, produce, automotive vehicles and any other articles for display or sale shall not be located in any manner in the public right-of-way.

(b) Where a parcel is occupied by a use or structure which does not conform to the use regulations of the zoning district in which the

parcel is located, no sign shall be erected on the parcel until the use is changed to become conforming.

(c) The use of boulevards, streets, ways, terraces, drives and lanes, also park roads or parks, under the control of the city, for any political, social, civic or charitable nonaccessory advertising purpose within full view of those traveling on a public road is prohibited. However, the government use of these areas to display public information, the placement of decorations or the placement of neighborhood identification signs as authorized by section 3-217 shall not be included in this restriction.

(d) The painting, scattering, posting or spreading in any manner along any public right-of-way or public property of signs, bills, wastepaper, paper, cloth or other materials used in advertising is prohibited. This prohibition shall include the posting of such materials on any utility pole or device.

(e) No person shall permit the manufacturing, installing, erecting or displaying of any obscene matter.

(f) A-frame, sandwich signs and swinger signs are prohibited.

(g) The erection, construction or maintenance of any sign which will obstruct any fire escape, stairway or standpipe, be attached to or supported by a fire escape or stairway interfere with human exit through any emergency opening; obstruct the exterior door or required exit of any building or obstruct any legally required light or ventilation is prohibited.

(h) No sign shall occupy any parking space required under the minimum standards of the zoning code, unless additional parking is provided.

(Code 1986, § 3-79(a))

Sec. 3-127. Signs on vehicles.

(a) Signs shall be permitted to be painted or directly attached to a commercial vehicle, provided the signs identify the business for which the vehicle is operated.

(b) No trailer or vehicle larger than a 1½-ton capacity van or pickup truck shall be parked on the street side of a business property for purposes other than immediate loading or unloading.

(c) Use of a message painted or affixed to trucks or semitrailers as an advertising device shall be prohibited, unless such vehicles are parked in a defined storage area as permitted by the zoning code.

(d) No portable, A-frame, sandwich, swinger or similar sign shall be mounted on a vehicle for the purpose of advertising.

(Code 1986, § 3-79(b))

Sec. 3-128. Alterations.

A sign shall not be enlarged or relocated except in conformity to the provisions of this section for new signs, nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or for the repainting or reposting of display matter, shall not be deemed an alteration, provided the conditions of the original approval and the requirements of this section are not violated.

Sec. 3-129. Maintenance of sign vicinity.

The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials. (Code 1986, § 3-79(c)(4))

Secs. 3-130—3-155. Reserved.

DIVISION 2. FLASHING, MOVING AND SOUND EMITTING SIGNS

Sec. 3-156. Review by city departments.

(a) The city staff shall review all applications for the placement of flashing, rotating and movable signs, including time-temperature and moving message signs in authorized zoning districts, to protect against traffic hazards, subject to the standards listed in section 3-158.

(b) The city staff shall review any complaint by the public or a public official in reference to a possible traffic hazard caused by any sign. Where a hazard is determined to exist, the chief code enforcement official shall request that the sign be removed or altered.

(Code 1986, § 3-81)

Sec. 3-157. Moving and sound emitting signs.

(a) No sign or part of a sign shall move or be permitted to move, with the exception of movable and flashing signs as permitted in this chapter.

(b) No sign shall emit any sound which is designed to attract attention.

(Code 1986, § 3-80)

Sec. 3-158. Flashing signs.

(a) No strobe or high intensity flashing lights shall be permitted except where required on structures for aircraft warning lights.

(b) No flashing signs or lights on a sign used in a flashing manner shall be permitted unless approved by the city staff. The city staff shall use the following criteria:

- (1) The sign shall not be located within 150 feet of a residential district if such lighting can be seen from the residential district.
- (2) If the sign is an attached sign, it shall have a setback sufficient to avoid any traffic conflicts.
- (3) If the sign is a freestanding sign, it must be set back from the street a distance adequate to avoid traffic conflicts, and lights of a color or combination of colors shall be used which will not be confused with emergency or service vehicles and equipment.

(c) The color of all flashing signs or lights on a sign used in a flashing manner shall be approved by the city staff.

(Code 1986, § 3-82)

Secs. 3-159—3-185. Reserved.

DIVISION 3. ACCESSORY SIGNS

Sec. 3-186. Applicability of division.

The standards in this division shall apply to the location or construction of specific accessory sign types where permitted in this chapter. (Code 1986, § 3-82)

Sec. 3-187. Canopy, marquee, parapet wall, projecting, combination, wall and awning signs.

(a) *Standards.* The standards in this section shall apply to canopy signs, marquee signs, parapet wall signs, projecting signs, combination signs, wall signs and awning (backlit) signs.

(b) *Size.* All signs mentioned in subsection (a) of this section and located in commercial zoning districts shall not exceed 100 square feet.

(c) *Clearance.* The clearance above ground for these signs shall be not less than nine feet or 14 feet if there will be vehicular access below them. Where there is no pedestrian access below a wall sign, there shall be no clearance requirement.

(d) *Location.* The location of such signs shall be as follows:

(1) Regardless of building setback requirements, a canopy, marquee, parapet wall, projecting or combination sign may project from the supporting surface to a distance not to exceed ten feet or to within two feet of the nearest property line, whichever is the least. No such sign shall extend between the ground surface and the bottom level of the canopy or marquee to which the sign is attached, except as provided for identification nameplates in this chapter.

(2) A wall sign may extend from the wall as follows:

a. Where the bottom of the sign is less than 14 feet above the level of the ground below it, the sign may extend 12 inches from the wall.

b. Where the bottom of the sign is greater than 14 feet above the level of the ground below it, the sign may extend 24 inches from the wall.

c. No sign shall be wider than the surface to which it is affixed, except for a fascia sign.

(e) *Memorial signs; cornerstones.* A memorial sign on a tablet, the name of a building and the date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material, shall be exempt from this chapter.

(f) *Accessory signs within a structure.* There shall be no restrictions on placement of signs within a structure where they cannot be viewed from any point outside the structure; for example, in a shopping center mall. However, all signs so constructed shall require appropriate building and electrical permits. (Code 1986, § 3-83)

Sec. 3-188. Agricultural, residential and mobile/manufactured home zoning districts.

(a) *Single- to three-family uses.* No accessory sign shall be permitted for single-family through three-family uses, except for the temporary signs authorized in division 5 of this article.

(b) *Multiple-family uses.* A multiple-family residential use shall be permitted either one ground sign or one attached sign as follows:

(1) *Five to 12 units.* One sign, not to exceed eight square feet.

(2) *Thirteen to 29 units.* One sign, not to exceed 20 square feet.

(3) *Thirty or more units.* One sign per street frontage. The permitted size shall be one square foot of display surface area for each three lineal feet of frontage. However, where street frontage is not available, the sign footage will be based upon the number of units, up to a maximum of 100 square feet.

(c) *Residential developments.* A subdivision or residential development of five acres or larger shall be permitted one ground sign per entry street. The sign shall be nonilluminated, shall not exceed 18 square feet in area and six feet in height and shall contain only the name of the subdivision or the street.

(d) *Nonresidential uses.* The following standards shall apply to nonresidential permitted uses and uses permitted on review and special exception uses in agricultural, residential and mobile home zoning districts. They shall also apply to manufactured home parks and subdivisions permitted under R-1 and R-2 district regulations of the zoning code:

- (1) *Number.* One sign shall be permitted per street frontage.
- (2) *Type.* The sign shall be a ground sign or an attached sign.
- (3) *Size.* One square foot of display surface area shall be permitted for every three lineal feet of frontage, up to a maximum of 100 square feet.
- (4) *Illumination.* Indirect lighting or interior lighting behind a translucent panel shall be permitted. No flashing or intermittent lighting shall be permitted in these districts.

(e) *Maximum height.* The maximum height of the sign shall be as follows:

- (1) *Ground sign.* For a ground sign, the maximum height shall be 20 feet above grade level.
- (2) *Attached sign.* The maximum height of an attached sign shall not exceed the height of the surface to which it is attached.

(f) *Setback.* All permitted freestanding signs shall observe sight triangles of 30 feet from all street curblines and driveways.

(g) *Permit requirements.* In these zoning districts, nonilluminated signs and/or signs not affected by building code structural requirements may be installed by other than a licensed sign

contractor, provided a permit is issued after application and review for conformance to all applicable regulations.
(Code 1986, § 3-84)

Sec. 3-189. C-1 and C-2 zoning districts.

(a) *Single-family through three-family uses.* No accessory sign shall be permitted for single-family through three-family uses in C-1 and C-2 zoning districts, except for the temporary signs authorized in division 5 of this article.

(b) *Multiple-family uses.* Signs for permitted multiple-family residential uses shall be subject to the standards for residential districts in section 3-188.

(c) *Permitted signs.* In the C-1 and C-2 districts permitted signs are as follows:

- (1) *Number.* One ground sign location with the attached sign is permitted per street frontage; however, the attached sign can be split into two signs, but cannot exceed the maximum square footage. For multiple occupants, one attached sign shall be permitted for each occupant, provided the total display surface area of all signs does not exceed the maximum permitted total.
- (2) *Size.* The size of the signs shall be as follows:
 - a. *Ground sign.* One square foot of display surface area is permitted for each two lineal feet of frontage, not to exceed 150 square feet.
 - b. *Attached signs.* One square foot of display surface area for each two lineal feet of building width is permitted, not to exceed a total of 150 square feet. An attached sign can be two signs, but the total of both signs cannot exceed the maximum square footage.
- (3) *Maximum height.* The maximum height shall be as follows:
 - a. *Ground sign.* For a ground sign, the maximum height shall be 20 feet above grade level.

b. *Attached sign.* For an attached sign, the maximum height shall be as follows:

1. For a wall sign, the height shall not exceed the height of the structure to which it is attached.
2. For all other signs, the height shall not exceed six feet above the structure to which it is attached.

(4) *Illumination.* Indirect lighting or interior lighting is permitted behind a translucent panel. No flashing or intermittent light shall be permitted in these districts.

(5) *Sight triangles.* All permitted freestanding signs shall observe sight triangles of 30 feet from all street curbs or driveways.

(6) *Permit requirements.* In these zoning districts, nonilluminated signs and/or signs not affected by building code structural requirements may be installed by other than a licensed sign contractor, provided a permit is issued after application and review for conformance to all applicable regulations.

(Code 1986, § 3-85)

Sec. 3-190. Other commercial and industrial zoning districts.

(a) *Permitted residential uses.* Signs for permitted multiple-family residential uses shall be subject to the standards for residential districts in section 3-188.

(b) *Number.* The number of signs permitted shall be in accordance with the following:

(1) One freestanding sign location per street frontage is permitted for a single business or a group of businesses which share common access and parking facilities, provided that an additional sign location shall be permitted for each 150 lineal feet of frontage which is not included in calculations to permit a larger sign as provided in subsection (d) of this section and so long as such sign locations are a minimum of 150 feet apart; plus

(2) One roof sign is permitted for any structure with three stories or more; plus

(3) Attached signs shall be permitted for each occupant having street frontage, provided the total display surface area of all such signs shall not exceed the maximum permitted total;

(4) One identification nameplate shall be permitted for each business or professional occupancy of a building without direct exterior access, with a maximum size of four square feet per nameplate, and nonflashing illumination is permitted;

(5) There shall be no restriction on signs placed inside a display window.

(c) *Size standards for attached signs.* The following standards shall be used to permit larger sign area for attached signs in proportion to increased setback and building width:

PERMITTED SIGN AREA FOR ATTACHED SIGNS (SQUARE FEET)

<i>Building Width (feet)</i>	<i>Building Setback (feet)</i>			
	<i>0—24.99</i>	<i>25—39.99</i>	<i>40—59.99</i>	<i>60 or more</i>
Less than 25	50	60	70	75
25—35.99	85	105	115	125
36—45.99	120	145	160	170
46—55.99	155	190	205	220
56—65.99	190	230	250	270

Building Width (feet)	Building Setback (feet)			
	0—24.99	25—39.99	40—59.99	60 or more
66—75.99	225	270	295	320
76—85.99	260	315	340	370
86—95.99	295	355	390	420
96—105.99	330	400	430	465
106—115.99	365	440	480	515
116—124.99	400	480	520	560
Over 125	435	525	570	600

(d) *Size standards for freestanding signs.* Size standards for freestanding signs shall be as follows:

- (1) The display surface area shall be permitted on the basis of two square feet of sign for each one lineal foot of frontage, up to the following maximum size:
 - a. For C-5, CP and C-3 districts, 400 square feet.
 - b. For the I-1 district, 400 square feet.
 - c. For I-2 and I-3 districts, 700 square feet.
 - d. For the C-4 district, 150 square feet.
- (2) Any frontage above 400 feet utilized in calculations to permit an additional freestanding sign location under subsection (b)(1) of this section shall not be included in calculations to permit a larger sign.
- (3) Where an individual or aggregate use abuts Interstate Highway 40 and U.S. 117/270 and the lineal foot frontage of the use is less than 100 feet, a freestanding sign location may have 200 feet of display surface for better identification of the use from the highway, provided that all other regulations of this chapter shall apply. A maximum sign height for this highway district shall be 40 feet. This height shall apply when a sign is located within one-half mile of the rights-of-way of the highways.
- (4) Wall and canopy signs will be allowed in the C-4 central business district. Wall signs will be permitted across property

lines; however, all signs within this district shall have a setback requirement of two feet from existing curbs. There shall be a minimum clearance of eight feet from ground level to the bottom of the sign. Sign heights shall be limited to 20 feet maximum from ground level to the top of the sign. Any property owner within the C-4 central business district who can comply with the sign setback line will be permitted pole and ground signs if in compliance with this chapter.

(e) *Height.* The height of signs shall be as follows:

- (1) *Freestanding signs.* For a freestanding sign there shall be a minimum clearance of 14 feet above any driveway, service drive or trafficway and as follows:
 - a. The maximum height shall be 20 feet above grade level, except as provided in subsection (e)(1)b of this section.
 - b. For a use abutting Interstate Highway 40 or U.S. 177/270, the maximum height shall be 40 feet above grade level on the thoroughfare frontage to provide better identification of the use from thoroughfares, subject to all other regulations of this chapter.
- (2) *Attached signs.* The maximum height for attached signs shall be as follows:
 - a. For a wall sign, the height shall not exceed the height of the surface to which it is attached.

- b. For a roof sign, the maximum height shall not exceed the allowed total height of the particular zoning district.
- c. For all others, the height shall not exceed six feet above the structure to which it is attached.

(f) *Illumination.* Illumination of signs shall be in conformance with the following:

- (1) Direct or indirect lighting is permitted.
- (2) Flashing signs shall be permitted subject to all regulations of this chapter.

(g) *Sight triangle.* All permitted freestanding signs shall observe a sight triangle of 30 feet from all street curblines and driveways.

(h) *Permit requirements.* In these zoning districts, nonilluminated signs and/or signs not affected by building code structural requirements may be installed by other than a licensed sign contractor, provided a permit is issued after application and review for conformance to all applicable regulations.
(Code 1986, § 3-86)

Secs. 3-191—3-215. Reserved.

DIVISION 4. NONACCESSORY SIGNS

Sec. 3-216. Billboards and similar nonaccessory type signs.

(a) *Applicability.* This section shall not be applied to billboards when constructed on premises as accessory signs according to the accessory sign regulations of this chapter. In such cases, locations, size, number and all other relevant development standards for accessory signs shall be applied.

(b) *Permitted uses.* Nonaccessory signs shall be permitted as uses permitted in the C-5, CP, C-3, I-1, I-2, I-3 and A-1 zoning districts.

(c) *Sign size.* The size of the sign shall be as follows:

- (1) The display surface area shall not exceed 672 square feet per sign face, except for a 20-percent allowance for extensions and cutouts.

- (2) The maximum width of a sign shall be 60 feet.

(d) *Height.* Height of the sign shall be in conformance with the following:

- (1) The maximum height of the highest point of the structure shall be 20 feet above the road grade, except in the highway district where the maximum height shall be 40 feet.
- (2) The minimum clearance between ground level and the lowest point of display surface, exclusive of supports, shall be not less than six feet.

(e) *Location; setback.* The location and setback shall be as follows:

- (1) The location shall comply with all established building lines and required setbacks as outlined in this chapter and all other sections of this Code and city ordinances.
- (2) Where there is no building setback line established by ordinance or subdivision plat or PUD, such signs shall be set back from the front lot line not less than 25 feet.
- (3) Where a railroad right-of-way crosses a public right-of-way, required setbacks or established building lines on adjacent properties are extended through or across the railroad right-of-way.
- (4) No accessory sign shall be constructed, erected or placed in any way on the roof or walls of a building. A sign may be constructed over but not on a roof, provided there is a minimum distance between the roof and the lowest point of the sign surface of ten feet.

(f) *Spacing.* Spacing shall be as follows:

- (1) In areas zoned C-5, CP, C-3, I-1, I-2 and I-3, no nonaccessory sign with a display area of 200 square feet or less shall be constructed, erected, placed or replaced closer than 500 feet, unless such sign reaches a maximum height of 20 feet or less, in which case it may be located no closer than 250 feet to another nonaccess-

sory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.

- (2) In areas zoned C-5, CP, C-3, I-1, I-2 and I-3, no nonaccessory sign with a display area of more than 200 square feet shall be constructed, erected, placed or replaced closer than 750 feet to another nonaccessory sign facing in the same direction and on the same side of the street or highway from which the sign is intended to be read.

(g) *Spacing from residentially zoned property.* No nonaccessory sign shall be constructed, erected, placed or replaced closer than 75 feet to the nearest residentially zoned property.

(h) *Lighting.* Nonaccessory signs may be illuminated in compliance with the BOCA Electrical Code and any other applicable ordinances, provided that no flashing or intermittent lighting of such signs shall be permitted.
(Code 1986, § 3-87)

Sec. 3-217. Neighborhood identification signs on public rights-of-way.

The chief code enforcement official may issue a permit to erect a nonaccessory directional or informational sign on the public right-of-way when it is not considered a traffic hazard and if the following conditions are met:

- (1) If 60 percent of the property owners or the neighborhood association within the boundaries of any delineated area request signs.
- (2) The sign must be used for public purposes such as historical preservation markers, urban conservation markers and neighborhood watch signs.
- (3) The sign cannot interfere with the sight triangle.
- (4) A map must be submitted to the chief code enforcement official showing the location of all proposed signs.

- (5) A sketch of each type of sign proposed must be submitted showing height, length, width and square feet of the display surface.
- (6) Letters from major utility companies shall be submitted indicating approval or disapproval to the location of the proposed sign.
- (7) The sign may not exceed four square feet in display area.
(Code 1986, § 3-88)

Secs. 3-218—3-245. Reserved.

DIVISION 5. PORTABLE SIGNS

Sec. 3-246. Permitted uses and time limits.

In addition to being permitted and regulated in specified zoning districts as ground signs, portable signs shall be permitted as ground signs under the conditions in this division and in no case to exceed 30 days per calendar year.
(Code 1986, § 3-89)

Sec. 3-247. Public works construction disrupting access to businesses.

Where street, highway or other public works construction disrupts normal access to a business, the director of community development or designated agent may authorize a portable sign to be located on private property (and in some instances, public property), to provide directions to the business, where he has determined that the location will not constitute a hazard to the health, safety and welfare of the public. This sign shall be permitted only as long as the construction disrupts access or until ordered to be moved by the director or agent, whichever shall occur first.
(Code 1986, § 3-89(1))

Sec. 3-248. Special events.

When a spectator event or special entertainment event is proposed, one portable sign shall be permitted in place of an authorized permanent sign for a period not to exceed 30 days per event,

provided that no more than one sign per location at a time shall be permitted, subject to all regulations for accessory signs in this chapter. (Code 1986, § 3-89(2))

Sec. 3-249. Accessory signs.

Where no more than one ground sign or free-standing sign is located upon a parcel and additional sign display surface in excess of 32 square feet is available for signing pursuant to this chapter, one portable sign shall be permitted as an accessory use. Permits may be issued for up to 30 days per year. There shall be a minimum of a 60-day waiting period between renewals. (Code 1986, § 3-89(3))

Sec. 3-250. Construction requirements.

(a) *Anchoring required.* For safety purposes, all portable signs shall be secured by one of the following types of anchors:

- (1) If placed upon a concrete slab, concrete anchors at least one-quarter inch in diameter shall be placed to a minimum depth of two inches to secure each corner ground support.
- (2) If placed upon an earthen base, a metal auger anchor at least three-eighths inch in diameter, with an expanded diameter of three inches, shall be placed to a minimum depth of 15 inches to secure each corner ground support.
- (3) If placed upon an asphalt base, a metal stake at least three-eighths inches in diameter shall be placed to a minimum depth of 18 inches to secure each corner ground support.

(b) *Lighting and electric wiring.* Lighting and electric wiring shall be subject to the National Electrical Code and the zoning district standards in which the sign is located. In addition, the following shall apply:

- (1) Any such sign which is located for a period in excess of 30 days shall be provided with a permanent underground wiring source.

(2) A temporary portable sign may be served by a code-approved 110-volt outlet with a three-wire outdoor cord of not less than 16-gauge. No such cord shall exceed 25 feet in length, and it shall not be placed on or across a sidewalk, driveway or parking space.

(3) Where no more than one ground sign is located upon a parcel and additional sign display surface in excess of 32 square feet is available for signing pursuant to this chapter, one portable sign shall be permitted as an accessory use. Permits may be issued for up to 90 days. (Code 1986, § 3-89(4))