

## CHAPTER 4

### Community Development

#### Article IX

#### Signs

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## ARTICLE IX

### Signs

#### Sec. 4-9-1. Purpose; basis of regulation.

(a) The purpose of this Article is to:

(1) Coordinate the type, placement and physical dimensions of signs within the different land use districts.

(2) Recognize the commercial communication requirements of all sectors of the business community.

(3) Encourage the innovative use of design.

(4) Promote both renovation and proper maintenance.

(5) Allow for special circumstances.

(6) Guarantee equal treatment under the law through accurate record keeping and consistent enforcement.

(7) Recognize and ensure the right of those concerned to identify businesses, services and other activities by the use of signs.

(8) Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.

(9) Recognize that the size of signs which provide adequate identification in pedestrian-oriented business areas differ from that necessary in vehicular-oriented business areas where traffic is heavy and travel speeds are greater.

(10) Recognize that instances may occur where strict application of the provisions of this Article may deprive a person of the reasonable use of a sign, and provide a procedure whereby variance from the regulations in this Article may, for good cause, be permitted.

(11) Accomplish the above purposes by regulation of the display, construction, erection, alteration, location, use and maintenance of signs.

(12) Preserve and promote the aesthetic qualities and purposes of the Town.

(13) Assure and promote the safety of pedestrian and vehicular traffic.

(b) The use of signs is regulated primarily by type and length of street frontage and building frontage and location. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Article. (Prior code 161-1; Ord. 2003-20 §3)

**Sec. 4-9-2. Reserved.**

**Sec. 4-9-3. Compliance required.**

It is unlawful hereafter to display, construct, erect, alter, use or maintain any sign, except in conformance with the provisions of this Article. It is unlawful to alter, maintain, enlarge, use or display any such sign erected or constructed prior to the enactment of this Article, except in conformance with the provisions herein set forth. (Prior code 161-3; Ord. 2003-20 §3)

**Sec. 4-9-4. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

*Abandoned sign* means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity or for which no legal owner can be found.

*Access point* means that point on the street at which or from which the public is afforded an entrance to the property or the establishment of the sign owner. Some properties or establishments have more than one (1) access point.

*Aggregate sign area* means the entire faces of all signs, including the advertising surface, including any framing, trim or molding, around the perimeter of the sign face, or the supporting structure. On a double-faced, freestanding sign, only one (1) side counts toward the aggregate area. If there are more than two (2) sides on a freestanding sign, the area of all sides but one (1), the smaller, counts toward the aggregate. The aggregate sign area is the total area of all signs on the building or property on which the business is located, except those signs which are exempt from the permit requirements of this Article or are specifically exempted from the aggregate sign area.

*Animated sign* means signs which use movement or change of lighting to depict action or create a special effect or scene.

*Apartment complex sign.* See *subdivision identification sign*.

*Apartment identification sign.* See *subdivision identification sign*.

*Architectural projection* means any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but shall not include signs.

*Awning* means a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. Awnings shall not be backlit. Any downlit awning shall be opaque. If an awning contains graphics, symbols and/or written copy, aggregate sign area shall be measured according to Section 4-9-4.

*Awning sign* means a sign painted on, printed on or attached flat against the surface of an awning.

*Banner sign* means a sign made of fabric or any nonrigid material.

*Barber pole* means a cylindrical rotating sign traditionally used to identify a barbershop.

*Billboard* means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

*Building fascia* means the general outer surface of any main exterior wall or foundation wall of the building, including windows and storefront.

*Building identification sign* means a sign giving the name, logo or address, or any combination of the name, logo and address, of a building on the premises where it is located.

*Cabinet* means the generally hollow portion of a sign to which, or in which, is attached the means of illumination of such and to which the face of translucent materials are attached or on which advertising copy is painted.

*Canopy sign* means a sign which is mounted on a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

*Changeable copy sign (automatic)* means a sign on which the copy changes automatically, such as electrical or electronic time and temperature units.

*Changeable copy sign (manual)* means a sign on which copy is changed manually in the field, such as reader boards with changeable letters.

*Civic sign* means a sign of or relating to a citizen, a municipality or public affairs.

*Clearance (of a sign)* means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over the grade.

*Commemorative sign* means a sign, tablet or plaque memorializing a person, event, structure or site.

*Community Development Department* means that department designated by the Town Council responsible for approving applications for sign installations and who is responsible for enforcement of the provisions of this Article.

*Comprehensive sign plan* means a plan showing the location, size, height, materials and construction of all signs to be placed on a building and on the site.

*Condominium complex sign.* See *subdivision identification sign.*

*Construction sign* means a temporary sign identifying any architect, financier, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

*Copy* means the wording on a sign surface in either permanent or removable letter form.

*Cornerstone* means a stone or block ceremoniously laid into the foundation of a building under construction which unites two (2) walls at the corner of the building.

*Corporate flag* means a piece of cloth, generally rectangular, which displays the name, emblem, symbol and/or logo of a corporation or business.

*Directional-informational sign* means an on-premises sign giving directions, instructions or facility-related information, such as parking or exit and entrance signs placed at each access point onto the property, and which may contain the name or logo of an establishment but no other advertising copy.

*Double-faced sign* means a sign with two (2) faces, if not parallel then with an interior angle of not greater than ninety degrees (90°).

*Electrical sign* means a sign or sign structure in which electrical wiring, connections or fixtures are used.

*Event sign* means a temporary sign allowed as part of an approved event permit for an activity taking place within the Town.

*Exempt sign* means a sign exempted from normal permit requirements.

*Facade* means the entire building front including the parapet. See *building fascia*.

*Face of a sign* means the area of a sign on which the copy is placed.

*Festoons* means a string of ribbons, tinsel, small flags or pinwheels.

*Flashing sign* means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

*Freestanding sign* means a sign affixed to a supporting structure, imbedded in and extending from the ground and detached from the building. A *freestanding sign* may contain up to three (3) modules, including permitted and exempt signs which cannot exceed the total allowable square footage. All modules should demonstrate a uniformity of appearance through the consistent application of color, shape, materials and mounting.

*Frontage* means the length of the property line of any one (1) premises along a public right-of-way on which it borders. On a corner lot, only one (1) street line shall be considered as a front line.

*Frontage, building* means the length of the longest outside building wall on a public right-of-way.

*Garage sale sign* means a sign announcing the sale of used items from a single-family or multi-family property. Signs shall be removed on the last day of the sale and shall not be posted on public property or in the Town right-of-ways.

*Gas price sign* means a sign which displays the price of the various types of gasoline offered for sale.

*Government sign* means any temporary or permanent sign erected and maintained by the Town, County, State or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service or facility.

*Ground sign* means a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.

*Height* (of a sign) means the vertical distance measured 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 of the sign or sign structure, whichever is higher.

*Heraldry sign. See banner sign.*

*Holiday sign* means temporary signs and decorations clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

*Identification sign* means a sign whose copy is limited to the name and address of a building, institution or person and/or to the activity or occupation being identified.

*Illegal sign* means a sign which does not meet the requirements of this Code and which has not received legal nonconforming status.

*Illuminated sign* means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

*Incidental sign* means a small sign, emblem or decal informing the public of goods, facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

*Interior sign* means any sign placed within the building regardless of whether its message is visible to the exterior of the building, but not including window signs as defined by this Section. *Interior signs* are not regulated by the provisions of this Article.

*Kiosk* means a freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

*Large real estate sign* means a permitted sign for buildings fifty thousand (50,000) square feet and larger under one (1) ownership or management, pertaining to the lease or sale of the premises, or a portion of the premises, on which the sign is located.

*Lot* means a parcel of land legally defined on a subdivision map recorded with the County Clerk and Recorder, or a parcel of land defined by a legal record of survey map.

*Main use* means the principal or primary activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

*Maintenance*, for the purposes of this Article, means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

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

*Marquee* means a permanent roof-like structure or canopy of rigid materials supported by, and extending from, the facade of a building.

*Marquee sign* means any sign attached to or supported by a marquee structure.

*Menu sign* means a sign used by restaurants or food establishments to display or reproduce the bill of fare or menu offered by the establishment.

*Module* means one (1) section of a sign or sign display, either single, double or multi-faced, projecting from or mounted flat to a wall or on a freestanding sign structure.

*Multi-faced* means any sign having more than two (2) faces.

*Multiple business building* means a building designed for occupation by two (2) or more businesses, where each business is structurally separated from the others and has its own entrance, either exterior or interior.

*Nameplate* means a nonelectric on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

*Nonconforming sign* means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the Sign Code requirements but for which a special permit has been issued.

*Off-premises sign* means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

*On-premises sign* means a sign which pertains to the use of the premises on which it is located.

*Open house sign* means any sign informing the public of the availability or location of a house or business for sale. See Section 4-9-5(20)

*Owner*, for the purposes of this Article, means the owner of the property on which a sign is located is presumed to be the *owner* of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Community Development Department, such as a sign leased from a sign company.

*Painted wall sign* means any sign which is applied with paint or similar substance on the face of a wall.

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

*Permanent sign* means any sign which is permanently affixed or attached to the ground or to any structure.

*Plaque. See commemorative sign.*

*Pole covers* means covers enclosing or decorating poles or other structural supports of a sign.

*Political sign* means a sign used in connection with a local, state or national political issue, election or referendum.

*Portable sign* means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

*Private warning sign* means an owner-erected sign designed to warn others of specific dangers or prohibitions.

*Project development sign* means a temporary sign identifying a proposed development project.

*Projecting sign* means a sign, other than a wall sign, which is attached to and projects from a building wall a distance of twelve (12) inches or more or is attached to any other structure in like manner, which structure was not designed for the sole support of the sign.

*Property management sign* means a sign identifying the manager of the property.

*Public service informational sign* means any sign intended primarily to promote items of general interest to the community, such as time, temperature, date, atmospheric conditions, news or traffic control.

*Real estate sign* means a temporary sign advertising the real estate as being for rent, lease, sale or trade.

*Rear entrance sign* means a sign affixed to the wall above or adjacent to a rear entrance identifying the business for services to the business.

*Roof sign* means any sign which is erected to extend over or on the roofline of a building.

*Roofline* means the top edge of a roof or building parapet, whichever is higher, excluding any cupola, pylons, chimneys or minor projections.

*Rotating sign* means a sign in which the sign itself, or any portion of the sign, moves in a revolving manner. Such motion does not refer to methods of changing copy.

*Sandwich board sign* means a sign with two (2) faces attached at the top and open at the bottom so that the structure forms a wedge and is self-supporting. It is generally a temporary sign used to advertise merchandise, service or price specials.

*Sign* means any device, structure, fixture or placard using graphics, colors, symbols and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods or services.

*Sign, area of* means:

a. Projecting and freestanding signs. The area of such signs shall have only one (1) face (the larger one) counted of each double-faced sign module in calculating the area, provided that any one (1) interior angle formed by the planes of the sign faces does not exceed ninety degrees (90°). The sign area of a multi-faced sign shall be calculated by adding the area of all sign faces excepting one (1). If the area of the sign faces differs, the smallest sign face will be the one excluded from the calculation. The area shall be the sum of the areas of each module or cabinet, including any framing, trim or molding, and shall not include the supporting structure or decorative roofing, provided that there is not written advertising copy on such structures. The area of irregular shaped signs shall be determined by the sum of not more than the sum of three (3) geometric figures for which the area can be calculated. No sign shall have more than three (3) modules per face.

b. Wall signs. The area shall be within a single continuous perimeter composed of any straight-line geometric figure which encloses the extreme limits of the advertising message. If a sign is composed of individual letters or symbols using the wall as the background (signs without backing) with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of a geometric figure encompassing each letter or symbol. The combined area of the individual figures shall be considered the total sign area and shall be contained in a geometric figure which covers no more than forty percent (40%) of the wall area. Windows and architectural features are excluded from the calculation of the wall area.

*Sign backing* means any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed. Conversely, a sign without backing is any word, letter, emblem, insignia, figure or similar character, or group thereof, that is neither backed by, incorporated in, nor otherwise made a part of any larger display area.

*Sign plan* means a comprehensive site plan of any building, lot, parcel, collection of parcels or other premises, showing the number, size, description, color, copy and location of all signs thereon.

*Sign structure* means any structure which supports, has supported or is capable of supporting a sign.

*Single business building* means a structure or lot containing one (1) business or several related businesses under any form of ownership. If two (2) or more businesses are located in a structure or on a lot, use the same entrance and are not physically separated by walls, they shall constitute one (1) business for the purposes of this Article.

*Snipe sign* means a temporary sign or poster affixed to a tree, fence or any other roadside object.

*Statuary sign* means any sign which is a three-dimensional, sculptured or molded representation of an animate or inanimate object.

*Subdivision entrance sign* means a freestanding or wall sign located at the subdivision entrance identifying a recognized subdivision, condominium complex, apartment complex or residential development.

*Temporary sign* means a sign or advertising display constructed of cloth, canvas, fabric, plywood or other light materials and designed or erected for short-term use.

*Under-canopy sign* means a sign suspended beneath a canopy, ceiling, roof or marquee.

*Uniform Sign Code* means a code published by the International Council of Building Officials and adopted by the Town which regulates clearances, placement and construction of signs.

*Vacancy/no vacancy sign* means a sign displayed where rooms or dwelling units are offered for rent to the public which informs the public if space is or is not available for lease.

*Vehicular sign* means a sign directly placed, affixed, or painted on a motor vehicle or trailer.

*Vending machine sign* means a sign that is incorporated into and designed as a part of the vending machine.

*Walking sign* means a portable sandwich board-type sign carried on the shoulders of a person.

*Wall sign* means a sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letter and cabinet signs, and signs on a mansard roof, marquee or canopy.

*Wind-driven sign* means a sign consisting of one (1) or a series of two (2) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.

*Window sign, exterior* means a sign applied to the outside of a window and shall be counted against total allowable sign area as a wall sign.

*Window sign, interior* means a sign installed on the inside of a window and intended to be viewed from the outside. (Prior code 161-5; 1995-1 §1; Ord. 1996-7 §1; Ord. 2003-20 §3; Ord. 2005-10 §1; Ord. 2008-3 §4)

#### **Sec. 4-9-5. Prohibited signs.**

(a) Except as otherwise provided in this Article, a sign which is located on property which becomes vacant and unoccupied for a period of thirty (30) days or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be considered abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be construed to be abandoned unless the property remains vacant or the business is closed for a period of thirty (30) days or more. An abandoned sign shall be removed by the owner of the sign or the owner of the premises. If the sign or sign structure is covered, or the identifying symbols or letters removed, an extension of time may be granted by the Community Development Department upon good cause for such extension being shown, provided that the sign is conforming in size and height. If the sign is nonconforming in size and height, the structure shall be removed if the property remains vacant for a period of thirty (30) days or more. This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business.

(b) The following signs, unless otherwise stated herein, are prohibited:

(1) A sign which is structurally unsafe, constitutes a hazard to the safety or health of any person by reason of inadequate maintenance of dilapidation, is not kept in good repair, or is capable of causing electrical shocks to persons likely to come in contact with it.

(2) Signs imitating or resembling official traffic or government signs or signals or signs other than government signs using any words, phrases, symbols or characters implying the existence of danger or the need for stopping or maneuvering a motor vehicle or in any other way creating an unsafe distraction for motor vehicle operators.

(3) Moving, animated or rotating signs, except for barber poles of the traditional kind, and dials and gauges animated to the extent necessary to display correct information.

(4) Signs that obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare, or which obstruct free ingress to or egress from a required door, window, fire escape or other required exit way.

(5) Illegal nonconforming signs.

(6) Exposed neon signs. All neon elements shall be covered by translucent panels, approved by the Community Development Department.

(7) Banners. All banner signs are prohibited, except (1) special event banner sponsored by charitable organizations or governmental subdivisions, as approved by the Town Council, (2) heraldry banners or flags used as permanent signs within the Riverfront District, and (3) temporary banner signs allowed by permit under the following procedure: the owner or operator of a business, for which all business licenses are current, may apply to the Town for a temporary banner sign permit for display up to a ten-day interval. No more than five (5) such permits may be granted to any single business during a calendar year. A minimum of sixty (60) days shall elapse between permit display intervals. Maximum banner sign size is thirty-two (32) square feet. Banners shall be in good condition, without rips or tears. Permitted temporary banners shall be suspended perpendicular to the ground, no higher than fifteen (15) feet above the ground on their highest point, and shall be attached at all corners to a permanent structure. Any person displaying a banner sign without a valid permit, or displaying a banner sign in violation of this Section or of the terms of any permit, shall upon conviction be assessed a fine as set forth in Appendix A to this Code.

(8) Signs erected on public right-of-way without proper authorization.

(9) Wind-driven signs.

(10) Searchlights.

(11) Signs which are mounted above the eaves or above the uppermost edge of a parapet wall.

(12) Signs that swing.

(13) Vehicular signs.

(14) Snipe signs, handbills, including signs fastened to trees, fences, telephone poles, public benches, streetlights or placed on any public property or public right-of-way, excepting those authorized by separate action of the Community Development Department.

(15) Signs which contain statements, words or pictures of an obscene, indecent or immoral character.

(16) Portable signs, unless otherwise approved by the Community Development Department.

(17) Billboards.

(18) Sandwich board signs, except as allowed as part of an approved event permit.

(19) Festoons.

(20) Open house signs, unless they are less than six (6) square feet in size. Open-house signs shall be placed no closer than three (3) feet to a paved or gravel surface, and not upon sidewalks, bike paths, roadways, designated trail systems or the median areas of state highways. Off-premises open house signs shall be removed at the end of each day. Any open house sign determined to be in violation of these guidelines may be removed by the Town and disposed of without notice or compensation to the owner.

(21) Statutory signs.

(22) Off-premises signs, unless otherwise approved by the Community Development Department.

(23) Signs with lights or illuminations which flash, scintillate, blink, flicker, vary in intensity, vary in color or use intermittent electrical pulsations.

(24) Freestanding signs, which the most bottom portion of the base is located higher than five (5) feet above grade level, measured on the side which provides the main entrance to the building. (Prior code 161-6; Ord. 1994-23 §1; Ord. 1995-1 §1; Ord. 1996-7 §§2--5, 17; Ord. 2003-20 §3; Ord. 2008-3 §5)

#### **Sec. 4-9-6. Permitted signs generally.**

The following signs are permitted in the Residential District, Riverfront District, Interstate District, Highway 9 District and the Commercial/Industrial District, subject to obtaining the required permits, unless it is specifically stated below that the sign is exempt from permit requirements:

(1) Civic signs used by churches, synagogues or other civic organizations (exempt).

(2) Directional/informational signs of four (4) square feet or less each or as indicated on the site plan approved by the Town (exempt).

(3) Holiday signs and decorations (exempt).

(4) Political signs of eight (8) square feet or less. Signs pertaining to elections shall be removed seven (7) days after the election (exempt).

(5) Signs showing underground or public utilities (exempt).

(6) Interior window signs (exempt).

(7) Private warning signs (exempt).

(8) Vending machine signs (exempt).

(9) Public informational service signs of less than twelve (12) square feet (exempt).

(10) Real estate signs not to exceed six (6) square feet in sign area, and located on the ground floor of the property which is being advertised. One (1) sign is allowed on each street frontage. Off-premises real estate signs shall be placed no closer than three (3) feet to a paved or gravel surface, and not upon sidewalks, bike paths, roadways, designated trail systems or the median areas of the state highways. Real estate signs shall be removed at the end of each day. Such signs shall be removed seven (7) days following closing and shall not be affixed to live trees. Real estate parcels one (1) acre or larger may have a real estate sign not in excess of sixteen (16) square feet and ten (10) feet high. Any real estate sign determined to be in violation of these guidelines may be removed by the Town and disposed of without notice or compensation to the owner.

(11) Garage sale signs. Signs shall not be placed in the Town rights-of-way (exempt).

(12) Incidental signs not exceeding two (2) square feet each or four (4) square feet in aggregate (exempt).

(13) Commemorative signs, cornerstones and plaques not exceeding four (4) square feet (exempt).

(14) Signs required or specifically authorized for public purpose by any law, statute or ordinance (exempt).

(15) Other signs as authorized by action of the Town Council (exempt).

(16) Rear entrance signs.

(17) Kiosks.

(18) Project development signs (see Section 4-9-8).

(19) Event signs as part of an approved event permit.

(20) Construction signs, limited to a maximum of four (4) signs per site, which must be removed on or before the date of issuance of a certificate of occupancy for the project.

(21) Subdivision entrance signs (see Section 4-9-10).

(22) Property management signs, not to exceed six (6) square feet, provided that the management company manages sixty-five percent (65%) or more of the units in the complex.

(23) Flags of any state, nation, government or corporation if the latter is flown in conjunction with any of the preceding flags. Flags may not exceed fifty (50) square feet in size and no flagpole may be higher than thirty-five (35) feet in all zone districts except residential zones, in which the maximum height shall be twenty-five (25) feet (exempt).

(24) Barber poles. Barber poles may not exceed eight (8) feet in height and shall be used in conjunction with a barbershop (exempt).

(25) Gravestones (exempt).

(26) Religious symbols, towers, tanks. Height limitations of this Article shall not apply to church spires, belfries, cupolas or other similar structures not capable of providing human occupancy (exempt).

(27) Commemorative plaques (exempt).

(28) Official government or traffic signs of the Town, County or State (exempt).

(29) Scoreboards, including any advertising thereon and athletic fields. Scoreboards shall not exceed twenty (20) feet in height and sixty (60) square feet in size (exempt).

(30) Public notices or signs relating to an emergency (exempt). (Prior code 161-7; Ord. 1995-1 §1; Ord. 1995-8 §80; Ord. 1996-7 §6; Ord. 2003-20 §3; Ord. 2008-3 §6)

#### **Sec. 4-9-7. Signs permitted in residential districts.**

The following signs are permitted in residential districts, subject to obtaining the required permits, unless indicated below that the sign is "(exempt)":

(1) One (1) nameplate per building, not to exceed two (2) square feet (exempt).

(2) Vacancy and no-vacancy signs of less than six (6) square feet. Words such as *yes*, *no* and *sorry* may be displayed in the same manner (exempt).

(3) Building identification signs.

(4) Under canopy signs of six (6) square feet or less.

(5) Apartment or condominium complex identification signs.

(6) Garage sale signs (exempt). (Prior code 161-7; Ord. 1995-1 §1; Ord. 2003-20 §3)

#### **Sec. 4-9-8. Special regulations in residential districts.**

(a) The allowable height of freestanding and ground signs is not to exceed six (6) feet. Placement is to be at least six (6) feet from any public right-of-way.

(b) Prohibited signs are: projecting and temporary signs in excess of sixteen (16) square feet. All roof signs are prohibited.

(c) For permitted nonresidential uses, including churches, synagogues, medical, public, charitable organizations or child care, one (1) freestanding or wall sign, not to exceed twenty-four (24) square feet in sign area, shall be allowed.

(d) "Grand opening" temporary signs shall be allowed for one (1) week. This allowance may be used only once by a specific business and/or ownership.

(e) Project development signs shall not exceed sixteen (16) square feet and shall be removed if a construction sign is erected or if the project is no longer in the planning approval process.

(f) One (1) construction sign shall be permitted for each construction project, not to exceed six (6) square feet for projects under five thousand (5,000) square feet and thirty-two (32) square feet for buildings five thousand (5,000) to thirty-two thousand (32,000) square feet. One (1) additional square foot of signage may be added to the allowed size of the construction sign for each one thousand (1,000) square feet of building over thirty-two thousand (32,000) square feet. Construction signs may be erected ten (10) days prior to beginning construction and shall be removed prior to issuance of a certificate of occupancy.

(g) Subdivision entrance signs may not exceed thirty-five (35) square feet.

(h) One (1) freestanding identification sign shall be allowed for each apartment building or condominium building, not to exceed twenty-four (24) square feet or ten (10) feet in height; one (1) wall sign for each street frontage, not to exceed twenty-four (24) square feet. Unit numbers, in the event that the complex is two (2) or more buildings, shall not be larger than four (4) square feet on as many sides of the individual buildings as necessary and shall be exempt from permit requirements. Wall signs shall not be placed higher than the second floor or the bottom of the eaves.

(i) Total signage for any residential dwelling structure in the residential district may not exceed twenty-four (24) square feet. (Prior code 161-7.1; Ord. 1995-1 §1; Ord. 2003-20 §3)

#### **Sec. 4-9-9. Signs permitted in the Riverfront District.**

(a) The street or highway side of the Riverfront District will be governed by the regulations governing the Highway 9 District.

(b) The following signs are permitted in the Riverfront District subject to obtaining the required permits, unless indicated below that the sign is "(exempt)":

- (1) Menu signs not visible from the outside of the building (exempt).
- (2) Statuary signs.
- (3) Building identification signs.
- (4) Under-canopy signs.

- (5) Apartment or condominium complex identification signs.
- (6) Wall signs.
- (7) Freestanding signs.
- (8) Projecting signs.
- (9) Ground signs.
- (10) Awning signs.
- (11) Canopy signs.
- (12) Heraldry signs (banners).
- (13) Wall directories.
- (14) "Grand opening" signs (exempt).

(15) Large real estate signs sized according to the following formula may be displayed on a building or complex of buildings fifty thousand (50,000) square feet or larger under one (1) ownership or management. A building of fifty thousand (50,000) square feet or larger is permitted up to one hundred (100) square feet for a wall-mounted real estate sign. Each full increment of ten thousand (10,000) square feet of building over fifty thousand (50,000) square feet allows ten (10) additional square feet to be added to the size of the real estate sign. Hence, a building seventy thousand (70,000) square feet is permitted a wall-mounted real estate sign of one hundred twenty (120) square feet. Real estate signs for buildings fifty thousand (50,000) square feet and larger will be permitted for one (1) year and may be renewed only once for one (1) year. (Prior code 161-8; Ord. 1995-1 §1; Ord. 2003-20 §3)

**Sec. 4-9-10. Special regulations on riverside only for Riverfront District.**

(a) One (1) freestanding or ground sign is permitted per building not to exceed ten (10) feet in height and thirty (30) square feet in area.

(b) One (1) wall sign per building if a single business building, or one (1) per business if a multi-business building shall be permitted. Signs mounted to a canopy or mansard roof which are parallel to the building facade shall be counted as wall signs.

(c) Under-canopy signs shall not exceed twelve (12) square feet and must be mounted at least eight (8) feet above pedestrian traffic.

(d) One (1) kiosk per building shall be permitted in addition to other permitted signs, so long as each face is less than eight (8) square feet, does not exceed six (6) feet in height, has no more sides than six (6) and has a diameter of four (4) feet or less. One (1) side of the kiosk will be counted in the aggregate sign area.

(e) Awning signs. No awning sign shall project above the top of the awning upon which it is mounted. No awning sign shall project from the face of an awning. Awnings on which awning signs are attached shall be at least eight (8) feet above a public walkway, except that any valance attached to an awning may be seven (7) feet in height above a public walkway.

(f) Heraldry signs (banners). Heraldry signs shall be suspended perpendicular to the ground and shall have a length which exceeds the width by fifty percent (50%) or more. The area shall not exceed sixteen (16) square feet and shall not count as part of the aggregate sign area if it is purely decorative and no advertising of the business, products or services is displayed thereon. If it advertises the business, service or products it will count toward the aggregate sign area. Heraldry signs may be hung no higher than fifteen (15) feet above the ground.

(g) Area allowances. The total aggregate of all sign area, of permitted signs for single business buildings, shall be no greater than one (1) square foot per linear foot of building frontage. The total aggregate of all sign area for multiple business buildings for permitted signs shall be one (1) square foot per linear foot of building frontage and an additional one-half ( $\frac{1}{2}$ ) square foot for each level above the first floor per linear foot of building frontage. For multi-business buildings with only one (1) level, the single use allowance will apply. On multi-business buildings, the owner will allocate the total allowance for the building among each business, according to an approved comprehensive sign plan; however, the aggregate for each level may not be transferred from one level to the next.

(h) Wall sign placement. Signs shall be placed no higher than the wall area of the second floor in the case of a multilevel building, nor higher than the wall area above the ground level for single-level buildings. No provision is made for signs for tenants above the second floor, except on a building directory.

(i) Signs with changeable copy. Signs shall limit the changeable copy to twenty-five percent (25%) of the sign, except for a theater, playhouse or other such entertainment facility.

(j) "Grand opening" temporary signs shall be allowed for one (1) week and shall not be in excess of forty (40) square feet.

(k) Project development signs shall not exceed sixteen (16) square feet and must be removed if a construction sign is erected or if the project is no longer in the planning approval process.

(l) One (1) construction sign shall be permitted for each construction project not to exceed six (6) square feet for projects under five thousand (5,000) square feet and thirty-two (32) square feet for buildings five thousand (5,000) to thirty-two thousand (32,000) feet. Construction signs may be erected ten (10) days prior to beginning construction and shall be removed prior to issuance of a certificate of occupancy.

(m) Subdivision entrance signs may not exceed thirty-five (35) square feet.

(n) One (1) freestanding identification sign shall be permitted for each apartment or condominium complex, not to exceed twenty-four (24) square feet or ten (10) feet in height; one (1) wall sign shall be permitted for each street frontage, not to exceed twenty-four (24) square feet. Unit numbers, in the event that the complex is two (2) or more buildings, shall not be larger than four (4) square feet on as many sides of the individual building as necessary and shall be exempt from permit requirements. Wall signs shall not be placed higher than the space between second and third floors or the bottom of

the eaves or, in any event, higher than twenty-five (25) feet. (Prior code 161-8.1; Ord. 1995-1 §1; Ord. 2003-20 §3)

**Sec. 4-9-11. Signs permitted in the Interstate District, Highway 9 District and Commercial District.**

(a) The Interstate District, Highway 9 District and Commercial/Industrial District are defined by the Sign District Zoning Map at Section 4-9-23.

(b) The following signs are permitted in the Interstate District, Highway 9 District and Commercial/Industrial District:

(1) Vacancy and no-vacancy signs of less than six (6) square feet. Words such as *yes*, *no* and *sorry* may be displayed in the same manner (exempt).

(2) Building identification signs, of less than twelve (12) square feet if attached to the building, no limit if built into as an architectural feature (exempt).

(3) Menu signs not visible from the outside of the building (exempt).

(4) One (1) corporate flag not larger than the American flag (exempt).

(5) Under-canopy signs.

(6) Gas price signs.

(7) Wall signs.

(8) Projecting signs.

(9) Canopy signs.

(10) Awning signs.

(11) Public service information signs.

(12) Freestanding signs.

(13) Ground signs.

(14) Wall directories.

(15) "Grand opening" signs. (Prior code 161-9; Ord. 1995-1 §1; Ord. 1996-7 §7; Ord. 2003-20 §3)

**Sec. 4-9-12. Special regulations in Interstate District.**

This district is defined by reference to the Sign District Zoning Map, which is on file in the Community Development Department and may be examined there during regular business hours.

(1) A single business building may have a freestanding or ground sign of no more than seventy-five (75) square feet and/or wall signs with an area equal to two and one-half (2½) times the linear front footage of the building measured on the street side which provides the main entrance to the building. No single sign shall exceed one hundred fifty (150) square feet.

(2) A multiple-business building may have a freestanding or ground sign of no more than eighty (80) square feet and wall signs with an area equal to two and one-half (2½) times the linear front footage of the building measured along the side which provides the main entrance to the businesses. For multiple-business buildings, the owner will allocate the total sign allowance for the building among the businesses, according to an approved sign plan. In lieu of Section 4-9-15, regarding changeable copy, freestanding signs for multiple business buildings may add an additional twenty-five percent (25%) of the area to the sign, provided that the extra allowance is used solely for changeable copy, and the changeable copy does not exceed twenty-five percent (25%) of the total freestanding signage. No single sign shall exceed one hundred fifty (150) square feet.

(3) Height of all freestanding and ground signs shall be not more than twenty-five (25) feet.

(4) Large real estate signs sized according to the following formula may be displayed on a building or complex of buildings fifty thousand (50,000) square feet or larger under one (1) ownership or management. A building of fifty thousand (50,000) square feet or larger is permitted up to one hundred (100) square feet for a wall-mounted real estate sign. Each full increment of ten thousand (10,000) square feet of building over fifty thousand (50,000) square feet allows ten (10) additional square feet to be added to the size of the real estate sign. Hence, a building seventy thousand (70,000) square feet is permitted a wall-mounted real estate sign of one hundred twenty (120) square feet. Real estate signs for buildings fifty thousand (50,000) square feet and larger will be permitted for one (1) year, and may be renewed only once for one (1) year. The large real estate sign permit must be approved by the Planning Commission. (Prior code 161-9.1; Ord. 1995-1 §1; Ord. 1996-3 §1; Ord. 1996-7 §8; Ord. 2003-20 §3)

#### **Sec. 4-9-13. Special regulations in Highway 9 District.**

(a) A single business building may have a freestanding or ground sign of no more than sixty (60) square feet and/or wall signs with an area equal to two and one-half (2½) times the linear front footage of the building measured on the street side which provides the main entrance to the building. No single sign shall exceed one hundred (100) square feet.

(b) A multiple-business building may have a freestanding or ground sign of no more than sixty (60) square feet and/or wall signs with an area equal to two and one-half (2½) times the linear front footage of the building measured on the street side which provides the main entrance to the businesses. For multiple-business buildings, the owner will allocate the total sign allowance for the building among the businesses, according to an approved comprehensive sign plan. No single sign shall exceed one hundred (100) square feet.

(c) Height of all freestanding and ground signs shall be not more than eighteen (18) feet. (Prior code 161-9.2; Ord. 1995-1 §1; Ord. 1996-7 §11; Ord. 2003-20 §3)

**Sec. 4-9-14. Special regulations in Commercial District.**

(a) A single-business building may have a freestanding or ground sign of no more than thirty-two (32) square feet and/or wall signs with an area equal to two and one-half (2½) times the linear front footage of the building measured on the street side which provides the main entrance to the building. No single sign shall exceed sixty (60) square feet.

(b) A multiple-business building may have a freestanding or ground sign of no more than forty (40) square feet and wall signs with an area equal to two and one-half (2½) times the linear front footage of the building measured on the side which provides the main entrances to the businesses. For multiple-business buildings, the owner will allocate the total sign allowance for the building among the businesses. No single sign shall exceed sixty (60) square feet.

(c) Height of all freestanding and ground signs shall be not more than fifteen (15) feet. (Prior code 161-9.3; Ord. 1995-1 §1; Ord. 1996-7 §9, 12; Ord. 2003-20 §3)

**Sec. 4-9-15. Special regulations in Interstate District, Highway 9 District and Commercial District.**

(a) For multi-business buildings with two (2) or more floors, wall signs with an area equal to one (1) times the linear front footage of the building, measured along the side which provides the main entrance to the businesses, may be placed on the building no higher than the wall area of the second floor. Upper-level allowances may not be transferred to the lower level and lower-level allowances may not be transferred to the upper level, but all or part of this allowance may be utilized for a building directory. No signs are permitted for tenants above the second level, except for a building directory. A landlord may allocate all or part of tenants' upper-level allocation to a building directory or building directories at different locations in the case of more than one (1) access point to upper level tenants, provided that they are wall-mounted and no one (1) directory exceeds the maximum limitation of twenty-five (25) square feet.

(b) Signs mounted to a canopy which are parallel to the building facade shall be counted as wall signs.

(c) Under-canopy signs over pedestrian areas shall not exceed twelve (12) square feet and must be mounted with the lowest portion of the sign at least eight (8) feet above pedestrian walkways.

(d) One (1) kiosk per building shall be permitted in addition to other permitted signs so long as each face is less than eight (8) square feet, does not exceed six (6) feet in height, has no more sides than six (6) and a diameter of four (4) feet or less. One (1) side of the kiosk will be counted in the aggregate sign area.

(e) Awning signs. No awning sign shall project above the top of the awning upon which it is mounted. No awning sign shall project from the face of an awning. Awnings on which awning signs are attached shall be at least eight (8) feet above a public walkway, except that any valance attached to an awning may be seven (7) feet in height above a public walkway.

(f) Signs with changeable copy. Signs shall limit the changeable copy to twenty-five percent (25%) of the sign, except for a theater or playhouse or other such entertainment facility. Any sign allowed as a permitted use may use manual or automatic changeable copy.

(g) Project development signs shall not exceed sixteen (16) square feet and must be removed if a construction sign is erected or if the project is no longer in the planning approval process.

(h) One (1) construction sign shall be permitted for each construction project, not to exceed six (6) square feet for projects under five thousand (5,000) square feet and thirty-two (32) square feet for buildings five thousand (5,000) square feet to thirty-two thousand (32,000) square feet. One (1) additional square foot of signage may be added to the allowed size of the construction sign for each one thousand (1,000) square feet of building over thirty-two thousand (32,000) square feet. Construction signs may be erected ten (10) days prior to beginning construction and shall be removed prior to issuance of a certificate of occupancy.

(i) Subdivision entrance signs may not exceed thirty-five (35) square feet.

(j) Six (6) square feet of gas price signs per island do not count as part of total aggregate signage. Any additional gas price signage shall be included in the total allowable signage for the site.

(k) Public service information signs of twenty-four (24) square feet shall be permitted, with twelve (12) square feet to count toward aggregate area allowance.

(l) One (1) rear entrance sign may be erected at each rear entrance, not to exceed twelve (12) square feet and only listing the names of the business afforded access by that entrance.

(m) "Grand opening" temporary signs shall be allowed for one (1) week and shall not be in excess of sixty (60) square feet. (Prior code 161-9.4; Ord. 1995-1 §1; Ord. 1996-7 §10; Ord. 2003-20 §3)

#### **Sec. 4-9-16. Sign plans.**

(a) Single-business buildings. The owner, builder or developer of a building designed for single use shall present to the Community Development Department, at or before the time of certificate of occupancy issuance, a comprehensive sign plan showing proposed locations of all signs.

(b) Multi-business buildings. The owner, builder or developer of a building designed for occupation by two (2) or more businesses under separate ownership shall present to the Community Development Department, at or before the time of certificate of occupancy issuance, a comprehensive sign plan showing proposed sign locations, types and methods of allocating sign area allowances to tenants' use. The sign plan will demonstrate coordinated signage by maintaining a certain uniformity of appearance through the consistent application of three (3) out of the six (6) following elements: color, size, shape, materials, graphics or mounting. All proposed locations of freestanding signs and building directories will be shown. All signs shall comply with the approved comprehensive sign plan.

(c) The Community Development Department shall have authority to approve or reject all comprehensive sign plans and amendments thereto. (Prior code 161-10; Ord. 1995-1 §1; Ord. 1995-8 §81; Ord. 2003-20 §3)

#### **Sec. 4-9-17. General requirements.**

(a) No person may engage in the business of erecting, altering, relocating, constructing or maintaining signs without a valid business license issued by the Town.

(b) Maintenance and installation.

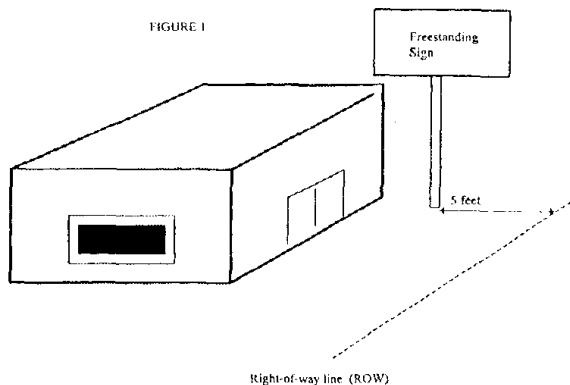
(1) All persons involved in the maintenance, installation, alteration or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the Town, its officers, agents and employees against any and all claims of negligence resulting from such work insofar as the Article has not specifically directed the placement of a sign.

(2) Unless a greater restriction applies within this Article, the requirements for clearances and placement of signs on a building shall be by reference to the Uniform Sign Code available from the Community Development Department. The Uniform Sign Code is a publication of the International Council of Building Officials.

(3) Wall signs, marquee signs, canopy signs and mansard signs shall be placed on any wall as appropriate, but in accordance with the 1991 Uniform Sign Code for wall signs. In no case, other than individual letters or multiple business buildings, shall any more than two (2) modules or sign cabinets of allowable signs be placed on any one (1) wall. Wall signs may not interrupt any architectural feature.

(4) Freestanding sign poles or posts may be installed no closer than five (5) feet from the street right-of-way but no part of the sign shall project into the right-of-way line. On a corner lot no ground sign or freestanding sign with no clear air space from thirty (30) inches from grade to eight (8) feet from grade may be placed within a triangle formed by measuring thirty-five (35) feet along the right-of-way lines from the corner of the lot and then drawing a straight line joining the points thirty-five (35) feet distant from the corner, nor may any such sign be closer than five (5) feet to the side lot line, provided that it shall not project into the adjacent lot. Adjacent parcel developers may request to erect a common sign structure on their common lot lines if written agreement is presented as evidence to the Town and the Town further agrees to such plan, in which case the side setback is waived. However, the freestanding signs shall be installed as specified in the 1991 Uniform Sign Code. (See Figure 1.)

(5) Projecting signs shall not project over six (6) feet from the face of the building nor beyond the minimum required building setback for the zone in which located.



(6) All signs shall be properly maintained. Exposed surfaces shall be clean and painted as paint is required. Defective parts shall be replaced. The Community Development Department shall have the authority to order repairs or repainting as necessary. In any event, a violation would then exist and be dealt with under Section 4-9-22.

(7) Permanent signs will be built of materials which when first installed will be maintenance free with regard to appearance for a minimum of three (3) years and require maintenance thereafter at intervals of no less than two (2) years. Metal sign components will be noncorrosive or coated with suitable paint to prevent corrosion in the time limits specified above. Temporary signs employing plywood as a substrate shall be of medium-density overlay plywood and shall show no signs of cracking or peeling on the painted surfaces in the time limit set for the use of the sign.

(8) Freestanding signs erected at the edge of a parking area or adjacent to a traffic lane shall erect a barrier at its base to prevent collision between motor vehicles and the sign.

(9) No projecting sign which is immediately above a traffic lane shall be less than fifteen (15) feet from the surface of such traffic lane.

(10) No wall, projection, marquee or canopy signs shall be installed above the second level.

(c) Vehicular signs.

(1) Vehicular signs are exempt from permits and may be allowed if all of the following conditions are satisfied, as determined by the Community Development Department:

a. The vehicle must be operable and have a current valid registration;

b. The sign is permanently or directly applied to the vehicle itself;

c. Vehicles with signs permanently or directly applied must be in use during the normal course of business for the transport of persons, goods or services, or be in the service of a municipal, county, state or federal agency; and

d. Vehicles with signs must be parked on the property associated with their place of business.

(2) The specific intent of this Subsection is to prohibit the use of parked vehicles as signs or sign supports. Notwithstanding the provisions of Paragraph (1) above, vehicular signs are prohibited if any of the following conditions exist, as determined by the Community Development Department:

a. The vehicle displays a commercial sign which does not identify the owner of the vehicle or a good or service which may be purchased from the owner; or

b. The vehicle is parked such that the sign is visible from a public right-of-way and the principal use of the vehicle at the time of the display is for display of the sign. (Prior code 161-11; Ord. 1995-1 §1; Ord. 1996-7 §13; Ord. 2003-20 §3; Ord. 2005-10 §2)

#### **Sec. 4-9-18. Safety standards.**

(a) All signs shall be built in accordance with Underwriters' Laboratories, Inc., specifications using approved materials.

(b) Freestanding or projecting signs and sign structures shall be engineered to withstand a wind loading of a minimum of thirty (30) pounds per square foot of sign area without failure of face retention system or sign structure. Engineering data sufficient to prove the reliability of the structure and the foundation shall be submitted with the drawings at the time of permit application for signs over ten (10) feet in height and/or forty (40) square feet in surface area.

(c) Signs in danger of failing down or which become insecure or otherwise represent an unsafe condition shall constitute a violation under the provisions of this Article and shall be removed or corrected by the sign owner under provisions of Section 4-9-22.

(d) Electrical wiring for energizing an electrical sign shall be underground in the case of freestanding and behind the sign cabinet in the case of wall or projecting signs.

(e) All freestanding and ground signs shall be self-supporting, erected on or permanently attached to a concrete foundation. Signs mounted on marquees or projecting signs shall be engineered such that no guy wires are needed for support, other than the sign structure itself. Wall signs shall be mounted on the wall of the building.

(f) Anchors and supports shall be guarded and protected when near driveways, parking lots or similar locations where they could be damaged by moving vehicles. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No anchor or support of any sign, except flat wall signs, shall be connected to or supported by an unbraced parapet wall. (Prior code 161-12; Ord. 1995-1 §1; Ord. 2003-20 §3)

#### **Sec. 4-9-19. Nonconforming signs.**

(a) Existing signs which do not conform to the specific provision of this Article may be eligible for the designation of *legally nonconforming*, provided that the Community Development Department determines that such signs are properly maintained and do not in any way endanger the public, and the sign was covered by a valid permit or variance or complied with all previously applicable laws on the date of adoption of this Article.

(b) A sign may lose this designation if the sign is relocated or replaced, or becomes abandoned (see prohibited signs), or the structure or size of the sign is altered in any way, other than normal maintenance. If the sign suffers more than fifty percent (50%) appraised damage or deterioration from fire, wind or other cause except vandalism, it must be brought into compliance with this Article. If the sign is remodeled or copy or text is changed under new ownership, or was never erected in accordance with any code in force at the time, the sign must be removed or brought into compliance with this Article. (Prior code 161-13; Ord. 1995-1 §1; Ord. 2003-20 §3)

#### **Sec. 4-9-20. Administration.**

The Community Development Department is authorized to process applications for permits and variances and enforce and carry out all provisions of this Article, both in letter and spirit. The Community Development Department is empowered, upon presentation of proper credentials, to inspect any building, structure or premises in the Town for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. (Prior code 161-14; Ord. 1995-1 §1; Ord. 1996-7 §14; Ord. 2003-20 §3)

**Sec. 4-9-21. Permits.**

(a) Any person desiring to construct, erect, relocate, remodel or otherwise change or affect any sign within the Town, except those signs specified in Section 4-9-6 and all signs listed as "exempt," is required to make application for a permit on appropriate forms supplied by the Community Development Department. No work shall be commenced on any sign until such permit is issued by the Town upon the applicant's compliance with all the rules, regulations and procedures under this Article; provided, however, that no permit is required to keep any sign in good repair or otherwise maintain a sign in conformance with the provisions of this Article.

(b) Unless otherwise provided by this Article, all new signs shall require permits and payment of fees. If the signs located on the property are changed, then any replacement signs must conform to all the requirements of this Article. No permit is required for the maintenance of a sign or a change of copy, provided that the sign is conforming.

(c) Application for permits shall be made to the Community Development Department on forms provided. Scale drawings and engineering specifications as required by this Article and as necessary to properly describe the sign structure for which the permit is sought shall be submitted along with application.

(d) Three (3) complete scale drawings (showing size, shape, design, materials, colors, plot plan of site, including any required landscaping, specific sign location, elevation of signs, content, mounting method and lighting) shall be submitted to the Community Development Department. A nonrefundable fee shall accompany each application.

(e) Every sign permit application, together with all supporting documents, must be delivered to the Community Development Department at least one (1) week prior to the date the sign permit is desired.

(f) Review of application.

(1) The Community Development Department shall review the application and supporting document to determine whether the sign as designed can be constructed in conformance with this Code.

(2) In the review of an application, the Community Development Department shall determine whether the proposed sign will:

- a. Be detrimental to adjacent or surrounding property.
- b. Create a hazard or nuisance.
- c. Interfere with the use of public lands or highways.

d. Conflict with the provisions of this Article, the Zoning Ordinance or any other applicable ordinance of the Town.

(3) If the Community Development Department determines that the sign is not in conformance with these requirements, changes necessary to bring the sign into conformance shall be made before a permit may be issued.

(g) Permit fees shall be as set forth in Appendix A to this Code. Upon reapplication for a sign for the same site or business which was previously rejected, another application fee will be required.

(h) An approved permit is valid for one hundred eighty (180) days and the approved sign must be erected within that time period or a new permit must be issued. The Community Development Department may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application. If any sign is installed prior to obtaining a permit and is later approved, the permit fee will be doubled. The installer of a new sign must give twenty-four (24) hours' notice to the Town of intent to install in order that the Town may have an inspector on site to assure compliance with the sign plan and this Article. Such notice and installation shall be during regular business hours. Failure to call for an inspection within seven (7) days following installation may result in an administrative fine assessment to the sign owner. (Prior code 161-15; Ord. 1995-1 §1; Ord. 1996-7 §15; Ord. 2003-20 §3)

#### **Sec. 4-9-22. Enforcement.**

(a) When, in the opinion of the Community Development Department, a violation of this Article exists, the Community Development Department shall issue a written order to the alleged violator. The order shall specify those sections of this Article of which the individual may be in violation and shall state that the individual shall immediately correct the alleged violation. If, upon inspection, the Community Development Department finds that a sign is abandoned, it shall issue a written order to the owner of the sign and/or owner or occupant of the premises stating the nature of the violation and requiring them to remove or repair the sign.

(b) In cases of emergency, including signs that are structurally, materially or electrically defective, signs placed within public streets or rights-of-way, or which in any way endanger the public, the Community Development Department may cause their immediate removal without notice at the expense of the owner of the sign or premises. In the case of prohibited signs, the Town will make an attempt to notify the owner, but may at any time remove the sign and recover the costs of removal from the owner of the sign or premises.

(c) The Town, in its sole discretion, and without limiting any other remedy, may bring an action in a court of competent jurisdiction to obtain the removal of illegal or prohibited signs. (Prior code 161-16; Ord. 1995-1 §1; Ord. 1995-8 §82; Ord. 2003-20 §3)

#### **Sec. 4-9-23. Sign District Zoning Map.**

The Sign District Zoning Map is on file with the Community Development Department. (Ord. 1995-1 §1; Ord. 2003-20 §3)