

CHAPTER 4

Community Development

Article IX

Signs

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Sec. 4-9-1. Statement of Purpose

The purpose of this Article is to:

- (a) Coordinate the type, placement, and physical dimensions of signs within the different sign districts.
- (b) Preserve the right of constitutionally protected free expression, which may be displayed on signs.
- (c) Promote signage that protects the safety of pedestrian and vehicular traffic.
- (d) Encourage the innovative use of design.
- (e) Promote high quality and weather resistant signs that are properly maintained over time, and renovated when necessary.
- (f) Promote the use of signs that are aesthetically pleasing, of appropriate scale, and well integrated with the surroundings.
- (g) Guarantee equal treatment under the law through accurate record keeping and fair and consistent enforcement.
- (h) Support the economic progress of the community by recognizing and protecting the right of those concerned to identify businesses, services, and other activities by the use of signs.
- (i) Provide a reasonable balance between the right of an individual to identify a business or express a message, and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
- (j) Recognize that the size of signs which provide adequate identification in pedestrian-oriented areas differ from that necessary in vehicular-oriented areas where traffic is heavy and travel speeds are greater.
- (k) 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.
- (l) Encourage signage that advances and conforms with the policies of the Comprehensive Plan.
- (m) Ensure that signage protects neighborhoods, supports economic development, and maintains the mountain town character of the community.
- (n) Accomplish the above purposes by regulation of the size, quantity, construction, erection, alteration, location, use, and maintenance of signs.

Sec. 4-9-2. 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. 4-9-3. Definitions.

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

Aggregate sign area means the total sum of the area of all signs on the building or property, except those signs that are exempt from the permit requirements of this Article.

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

Awning sign means a sign painted on, printed on, or attached flat against the surface of a shelter, which projects from and is supported by the exterior wall of a building, and which is constructed of non-rigid materials.

Banner means a sign made of fabric or any non-rigid material, typically having no enclosing or supporting framework.

Building Façade means the entire outer surface of an exterior wall of a building, including windows and parapets.

Cabinet sign means a sign that contains all the text and/or logo symbols on the display face of an enclosed cabinet.

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

Changeable copy sign means a sign on which the copy can be changed manually, or by electronic or mechanical devices, such as electrical or electronic time and temperature units, or digital displays. Changeable copy signs shall be classified as permanent signs.

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

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 detailing the location, size, height, materials, and/or construction of all signs to be placed on a building or site.

Construction sign means a temporary sign located on a parcel of property, on which construction activities of any type are being actively performed.

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

Digital Display or Electronic Message Center means a sign that contains changing messages or images composed of electronically illuminated segments and/or a series of grid lights, including cathode ray, LED, plasma, LCD, fiber optic, or other electronic media or technology.

Directional/informational sign means a sign located within five (5) feet of an entrance or exit to a lot, for any building on the lot, or for parking for the lot.

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°).

Drive-through sign means a permanent sign located along a drive-through lane.

Event sign means a temporary sign allowed as part of an approved event permit, on a parcel subject to the terms of such event permit.

Exempt sign means a sign expressly designated as exempt from the permit requirements under this Article.

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

Flag means any fabric or similar lightweight material typically attached to a staff or pole, which is intended to be permanently affixed to the ground or attached to a building.

Flashing sign means a sign that contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs or signs that, 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 a building. The term includes pole sign, pedestal sign, monument sign, and ground sign.

Frontage, building means the length of the building façade that abuts the required front yard as stipulated in this zoning code.

Government sign means a sign erected, installed, or maintained by the Federal, State, County, or local government for any purpose, including without limitation traffic direction, or a sign located on a building owned by the Federal, State, County, or local government.

Height (of a sign) means the vertical distance measured from the existing grade (at the time of sign permit application) below the sign to the uppermost point of the sign or sign structure, whichever is higher.

Illegal sign means a sign which does not meet the requirements of this Code, and which has not been designated as “legally nonconforming”.

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

Legal Nonconforming sign means a nonconforming sign designated as “legally nonconforming” under Section 4-9-19 of this Article.

Maintenance means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic design, location, or structure of the sign.

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.

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.

Off-premises sign means a commercial sign that does not pertain to the use of the premises on which it is located.

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

Owner means the owner of the property on which a sign is located. The property owner 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.

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

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

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 on the property.

Project development sign means a temporary sign located at the site of a development project that has received Final Site Plan approval from the Town.

Projecting sign means a sign, other than a wall sign, which is attached to and projects perpendicularly 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.

Roof sign means a sign that is erected upon, over, or on top of any portion of the roof of a building.

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; also known as 'A-frame sign'.

Sign means any object, device, display, structure, or fixture involving graphics, colors, symbols, written copy, or illumination designed for the purpose of advertising, identifying, or providing information about an establishment, a business, a service, an activity, or an organization.

Sign, area of means the entire surface area of a sign, as determined by the Town, including its facing, copy, symbols, electronic displays, background, and borders, but not including the supporting structure or decorative roofing, provided that there is no written copy on such structures.

a. *Measuring Sign Area.* When the surface area of a sign consists of a conventional geometric shape, such as a rectangle or an oval, the accepted mathematical formula for calculating area shall be used in determining the sign area.

b. *Irregular Geometric Shapes.* If a sign consists of a geometric shape without an accepted mathematical formula for calculating area, the sign area shall be calculated by enclosing the sign within a rectangle or the closest conventional geometric shape, with a maximum of three (3) enclosing shapes.

c. *Projecting and Freestanding signs.* The area of such signs shall have only one (1) face (the larger one) counted of each double-faced sign 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.

c. *Individual Letters or Symbols.* If a sign is composed of individual letters or symbols using the wall as the background (signs without backing), the sign area shall be calculated by enclosing each word and/or symbol within a rectangle, or the closest conventional geometric shape, with a maximum of three (3) enclosing shapes. The combined area of the shapes shall be considered the total sign area.

Sign backing means any sign that is displayed upon, against, or through any material, 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 structure means any structure that 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 sign or poster affixed to a tree, fence or any object within a public street or right-of-way.

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

Temporary sign means a sign or display that is designed for short-term use, and that is not intended to be permanently attached to a building wall or permanently installed in the ground. Temporary Signs are signs permitted or allowed for a limited time under this Article.

Temporary freestanding sign means a temporary sign that can be placed on or inserted into the ground with a self-supporting stake or frame.

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

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

Walking sign means a commercial sign that is, or is intended to be, held by, attached, or affixed on 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, cabinet signs, and signs on a 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 means a sign applied or attached to a window or door that is visible and/or legible from the outside.

Sec. 4-9-4. 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, installation, and placement standards.
 - (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 this Article imposes a greater restriction, the requirements for clearances and placement of signs on a building shall comply with the adopted International Code Council (ICC) Codes and local amendments.
 - (3) Wall signs, marquee signs, and canopy signs may be placed on any wall as appropriate. In no case, other than as part of an approved Comprehensive Sign Plan, shall any more than two (2) wall-mounted signs be placed on any one (1) building facade. Wall signs may not interrupt any architectural feature.
 - (4) Signs are not subject to the setback requirements of the zone district where they are located, provided that no sign, or part of the sign, shall project beyond a property line. On a corner lot, no freestanding sign may be located where it impairs the visibility for motor vehicles. A sight triangle shall be established in which no sign is erected in a manner that limits or obstructs the sight distance of motorists. Adjacent parcel owners 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. No sign shall interfere with or obstruct sidewalks, multi-use trails, utilities, snow stack areas, or drainage facilities.

- (5) Projecting signs shall not project over six (6) feet from the face of the building.
 - (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.
 - (7) Permanent signs and sign structures shall be constructed by a professional sign manufacturer or be of similar professional quality. Metal sign components shall be noncorrosive or coated with suitable paint to prevent corrosion. Permanent signs shall be fabricated on materials that are of good quality, durable, and weather-resistant.
 - (8) Temporary signs shall be durable, weather-resistant, and fastened or anchored adequately. 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. Lightweight fabrics or similar materials shall be mounted securely to a rigid surface.
 - (9) A freestanding sign erected at the edge of a parking area or adjacent to a traffic lane shall have a barrier at the base to prevent collision between motor vehicles and the sign.
 - (10) No projecting sign located immediately above a traffic lane shall be less than fifteen (15) feet from the surface of such traffic lane.
 - (11) No wall-mounted, projecting, marquee, awning, or canopy sign shall be located above the ceiling of the second story of a building, except as permitted in the Interstate Sign District.
 - (12) Signs shall be readable, with letters large enough to be legible, and with adequate contrast between the letters and the background.
- (c) Vehicular signs. Vehicular signs are exempt from permits and are allowed if all of the following criteria are satisfied:
- (1) The vehicle is operable and has a current valid registration; and
 - (2) The sign is permanently or directly applied to the vehicle itself; and
 - (3) Vehicles with signs permanently or directly applied must be normally and regularly used for the transport of persons, goods or services, or be in the service of a municipal, county, state, or federal agency; and
 - (4) Vehicles with signs must be parked or stored in areas designated for parking or vehicle storage, and must not obstruct site circulation.
- (d) Digital Displays, Electronic Message Centers, and electronic changeable copy signs. Electronic messages, images, and/or changeable copy signs are permitted in designated sign districts, provided that they meet all of the following criteria:
- (1) Such signs shall be equipped with automatic dimmers, which can be programmed to dim according to ambient light conditions.

- (2) The digital display or changeable copy portion of the sign shall be incorporated into the freestanding or wall mounted sign.
 - (3) The sign shall not be animated, have moving images, shall not scroll across the display, and shall not fade, flash, or strobe.
 - (4) Message or image transitions shall be instantaneous, without any transition animation.
 - (5) Messages or images shall remain static or have a hold time of at least 6 seconds.
 - (6) Minimum pitch resolutions shall be sixteen (16) mm spacing or better (i.e. 12 mm, 10 mm, etc.).
- (e) Interpretation. Unless otherwise stated in this Chapter, all determinations, findings, and interpretations shall be made by the Community Development Director.

Sec. 4-9-5. Prohibited signs.

The following signs, unless otherwise stated herein, are prohibited:

- (a) A sign that is structurally unsafe, unsanitary, or hazardous to the safety or health of any person.
- (b) Signs imitating or resembling official traffic or government signs or signals, or signs creating an unsafe distraction for motor vehicle operators.
- (c) Signs that are in disrepair, damaged, dilapidated, inadequately maintained, or components of signs which do not function as intended.
- (d) Moving, animated, revolving, or rotating signs, except for dials and gauges animated only to the extent necessary to display information.
- (e) 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 entrance or exit way.
- (f) Nonconforming Signs, except legal nonconforming signs.
- (g) Neon, other gas-filled, or LED light tubes, except when used as a window sign. Exposed neon signs located on the exterior of a building are permitted only in the Interstate Sign District.
- (h) Banners, except: (1) temporary banners as allowed as part of an approved event permit and (2) temporary banners allowed by permit under the following procedure: the owner or operator of a business or organization may apply to the Town for a temporary banner permit for display up to eighteen (18) weeks per calendar year, for one (1) week intervals. Maximum banner size is thirty-two (32) square feet. Banners shall be in good condition, without rips or tears, and all corners shall be attached to a building or a projection of a building. A business or organization may hang no more than one (1) banner at a time.
- (i) Signs erected on public rights-of-way, except government signs.

- (j) Wind-driven signs, air-activated graphics, or inflatable signs.
- (k) Signs that utilize or incorporate searchlights.
- (l) Signs mounted on the roof of a building, above canopies or eaves, or extending above the uppermost edge of a parapet wall.
- (m) Walking signs, human signs, or sign spinners.
- (n) Signs with auditory messages or sounds.
- (o) Snipe or poster signs, including signs fastened to trees, fences, utility poles, public benches, streetlights, or placed on any public property or public right-of-way.
- (p) Portable wheeled signs and portable message center signs.
- (q) Billboards or Off Premises signs.
- (r) Sandwich board signs, except as permitted in the Town Core Sign District.
- (s) Festoons, freestanding blade signs, or teardrop flags of any shape.
- (t) Statuary signs, except those proposed as part of a building sign, and whose area does not exceed fifty percent (50%) of the area of the sign.
- (u) Projected image signs or signs with projected copy.
- (v) Signs with lights or illuminations that flash, scintillate, blink, flicker, vary in intensity, or vary in color.
- (w) Freestanding signs supported by a singular pole or post.
- (x) Under-canopy or hanging signs that extend beyond the edge of the canopy or roof from which they are suspended.
- (y) Back-lit awning signs.
- (z) Internally illuminated cabinet signs with a predominantly white, off-white, or other light colored background.

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

The following signs are permitted in all sign districts, subject to obtaining the required permits, unless it is specifically stated below that the sign is exempt from permit requirements:

- (a) Commemorative signs, cornerstones, and plaques not exceeding six (6) square feet (exempt).
- (b) Construction Signs, which must be removed on or before the date of issuance of a certificate of occupancy for the project.
- (c) Directional/informational signs of six (6) square feet or less each or as indicated on an approved Comprehensive Sign Plan (exempt).

- (d) Event signs, as part of an approved event permit.
- (e) Flags, not exceeding fifty (50) square feet in area, 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). A maximum of two (2) flags per property.
- (f) Freestanding signs.
- (g) Government signs (exempt).
- (h) Gravestones (exempt).
- (i) Holiday displays and decorations (exempt).
- (j) Private warning signs (exempt).
- (k) Project Development signs.
- (l) Signs showing underground or public utilities (exempt).
- (m) Scoreboards, which shall not exceed twenty (20) feet in height and sixty (60) square feet in size (exempt).
- (n) Wall Signs.
- (o) Window Signs (exempt).

Sec. 4-9-7. Regulations for the Residential Sign District

- (a) Total aggregate sign area of wall signs for properties in the Residential Sign District may not exceed twenty-four (24) square feet. One (1) wall sign is permitted per street frontage. Required addressing information is exempt from the aggregate sign area of wall signs. (Prior code 161-7.1; Ord. 1995-1 §1; Ord. 2003-20 §3)
- (b) One (1) permanent freestanding sign shall be allowed per property, not to exceed twenty-four (24) square feet or ten (10) feet in height.
- (c) Under-canopy signs, not exceeding six (6) square feet, and counting towards the aggregate sign area of wall signs.
- (d) Projecting signs, Digital Displays, and Electronic Message signs are prohibited.
- (e) Project development signs shall not exceed sixteen (16) square feet, shall not exceed one (1) sign per development project, and shall be removed if a construction sign is erected.
- (f) One (1) construction sign shall be permitted for single family and duplex residences not to exceed six (6) square feet. Multi-family developments and other permitted uses in the zone district shall be permitted a maximum of three (3) construction signs per development site, not to exceed an aggregate sign area of eighteen (18) square feet.
- (g) Each property shall be allowed, without a permit, an additional aggregate sign area of twelve (12) square feet of temporary freestanding signage. Such signage is limited to four (4) feet in height, a maximum of four (4) signs per property at any one time, and a time period not to exceed forty-five (45) days per year. The time period set forth in this

Section shall not apply to any sign placed on a parcel of real property, which is actively listed for sale, as evidenced by such parcel's listing in a multiple listing service or other real estate listing service.

Sec. 4-9-8. Regulations for the Town Core Sign District.

- (a) The Town Core Sign District is defined by the Sign District Map in Section 4-9-19.
- (b) Area allowances. The maximum aggregate area of all signs shall be no greater than one (1) square foot per linear foot of building frontage. On multi-business buildings, the owner will allocate the total sign allowance for the building among each business, according to an approved Comprehensive Sign Plan. Required addressing information is exempt from the aggregate sign area of signs. No single sign shall exceed fifty (50) square feet.
- (c) One (1) permanent freestanding sign is permitted per lot not to exceed twelve (12) feet in height and thirty-two (32) square feet in area.
- (d) Under-canopy or hanging signs shall not exceed twelve (12) square feet and must be mounted at least eight (8) feet above the grade below the sign. Under-canopy or hanging signs cannot extend beyond the edge of the roof from which they are suspended.
- (e) Awning signs. No awning sign shall project from or above the top of the awning upon which it is mounted. 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) Projecting Signs. Projecting signs shall not project more than five (5) feet from the face of the building, nor exceed twenty-five (25) square feet in area. The lowest element of a projecting sign shall be at least eight (8) feet above a public walkway.
- (g) Sign placement. Signs shall be located to complement architectural elements of the buildings. Signs shall be placed no higher than the ceiling of the second story of a building.
- (h) Signs with changeable copy or images. Electronic messages, images, and/or changeable copy signs shall not exceed twenty-five percent (25%) of the sign area, except for a government sign. Such signs shall meet the criteria set forth in Section 4-9-4(d).
- (i) Portable sandwich board signs are permitted in the Town Core Sign District, provided that all of the following criteria are met:
 - 1. Sandwich board signs must have a well-maintained appearance, and shall not exceed three (3) feet in width or three (3) feet in height.
 - 2. Only one (1) sandwich board sign is permitted per business or organization.
 - 3. Sandwich board signs must be located within five (5) feet of the building entrance, or the building area occupied by the entity posting the sandwich board sign.
 - 4. Sandwich board signs shall only be posted during business hours, or the operating

hours of the entity posting the sign.

5. Sandwich board signs shall not obstruct pedestrian walkways or parking areas, and shall not result in non-compliance with the Americans with Disabilities Act (ADA).
- (j) Window Signs shall not exceed twenty-five (25%) of the area of the window onto which they are attached. All window signs must be firmly attached to the interior surface of the window. Window signs are exempt from the permit requirements, and do not count towards the aggregate sign area.
- (k) A maximum of three (3) construction signs shall be permitted for each construction project not to exceed an aggregate sign area of eighteen (18) square feet.
- (l) Project development signs shall not exceed sixteen (16) square feet, shall not exceed two (2) signs per development project, and shall be removed if a construction sign is erected or if the project is no longer in the planning approval process.
- (m) Each property shall be allowed, without a permit, an additional aggregate sign area of twelve (12) square feet of temporary freestanding signage. Such signage is limited to four (4) feet in height, a maximum of four (4) signs per property at any one time, and a time period not to exceed forty-five (45) days per year. The time period set forth in this Section shall not apply to any sign placed on a parcel of real property, which is actively listed for sale, as evidenced by such parcel's listing in a multiple listing service or other real estate listing service.

Sec. 4-9-9. Regulations for the Commercial Sign District.

- (a) The Commercial Sign District is defined by the Sign District Map in Section 4-9-19.
- (b) Area allowances. The maximum aggregate area of all signs shall not exceed one and one half (1.5) square feet per linear foot of building frontage, measured on the street side that provides the main entrance to the building. No single sign shall exceed eighty (80) square feet.
- (c) On 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 eighty (80) square feet.
- (d) One (1) permanent freestanding sign is permitted per lot not to exceed fifteen (15) feet in height, and forty (40) square feet in area. (Prior code 161-9.3; Ord. 1995-1 §1; Ord. 1996-7 §9, 12; Ord. 2003-20 §3)

Sec. 4-9-10. Regulations for the Highway 9 Sign District.

- (a) The HWY 9 Sign District is defined by the Sign District Map in Section 4-9-19.
- (b) Area allowances. The maximum aggregate area of all signs shall not exceed two (2) square feet per linear foot of building frontage, measured on the street side that provides the main entrance to the building. No single sign shall exceed one hundred fifty (150) square feet.
- (c) On 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 fifty (150) square feet.

- (d) One (1) permanent freestanding sign is permitted per lot not to exceed eighteen (18) feet in height, and sixty (60) square feet in area. (Prior code 161-9.2; Ord. 1995-1 §1; Ord. 1996-7 §11; Ord. 2003-20 §3)

Sec. 4-9-11. Regulations for the Interstate Sign District.

- (a) The Interstate Sign District is defined by the Sign District Map in Section 4-9-19.
- (b) Area allowances. The maximum aggregate area of all signs shall not exceed two and one half (2.5) square feet per linear foot of building frontage, measured on the street side that provides the main entrance to the building. No single sign shall exceed two hundred (200) square feet.
- (c) 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 two hundred (200) square feet.
- (d) One (1) permanent freestanding sign is permitted per lot not to exceed twenty-five (25) feet in height, and eighty (80) square feet in area.
- (e) Wall mounted signs, which are mounted parallel to the wall surface, are permitted above second stories in the Interstate Sign District for commercial buildings. No projecting, marquee, awning, canopy, or hanging sign may be installed above the ceiling of the second story. Wall mounted signs on buildings with residential uses may not be installed higher than the lowest of any residential windowsill.

Sec. 4-9-12. Supplemental regulations for the Commercial, HWY 9, and Interstate Sign Districts.

- (a) Signs mounted to a canopy and parallel to the canopy face shall be counted as wall mounted signs.
- (b) Under-canopy or hanging signs shall not exceed sixteen (16) square feet, and must be mounted with the lowest portion of the sign at least eight (8) feet above the grade below the sign. Under-canopy or hanging signs cannot extend beyond the edge of the roof from which they are suspended.
- (c) 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.
- (d) Signs with changeable copy or images. Electronic message, images, and/or changeable copy signs shall not exceed twenty-five percent (25%) of the sign. Such signs shall meet the criteria set forth in Section 4-9-4(d).
- (e) Project development signs shall not exceed sixteen (16) square feet, shall not exceed

two (2) signs per development project, and shall be removed if a construction sign is erected or if the project is no longer in the planning approval process.

- (f) A maximum of four (4) construction signs shall be permitted for each construction project, not to exceed an aggregate sign area of thirty-two (32) square feet.
- (g) A maximum of two (2) drive-through signs are permitted per drive-through lane, not to exceed twenty-four (24) square feet, and six (6) feet in height each.
- (h) Window signs shall not exceed fifty percent (50%) of the area of the window onto which they are attached. All window signs must be firmly attached to the interior surface of the window. Window signs are exempt from the permit requirements, and do not count towards the aggregate sign area.
- (i) Each property shall be allowed, without a permit, an additional aggregate sign area of twelve (12) square feet of temporary freestanding signage. Such signage is limited to four (4) feet in height, a maximum of four (4) signs per property at any one time, and a time period not to exceed forty-five (45) days per year. The time period set forth in this Section shall not apply to any sign placed on a parcel of real property, which is actively listed for sale, as evidenced by such parcel's listing in a multiple listing service or other real estate listing service.

Sec. 4-9-13. Comprehensive Sign plans.

- (a) The purpose of a Comprehensive Sign Plan is to establish a common theme amongst signs on a building or development project to create visual harmony between the signs, and other design elements on the property. The aggregate sign area within the Comprehensive Sign Plan is subject to the area limitations of this Article.
- (b) Single-business buildings. The owner, builder, or developer of a building designed for single use shall present to the Community Development Department, before the time of certificate of occupancy issuance, a Comprehensive Sign Plan showing proposed locations of all signs.
- (c) 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, 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.
- (d) 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, mounting, or lighting. All proposed locations of freestanding signs and building directories shall be shown. All signs shall comply with the approved comprehensive sign plan.
- (e) 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. 4-9-14. Safety standards.

- (a) Freestanding or projecting signs and sign structures shall be engineered to withstand the minimum wind and snow load requirements of the adopted building codes. A building permit and associated engineering data sufficient to prove the reliability of the structure and the foundation shall be submitted for signs over ten (10) feet in height and/or forty (40) square feet in area.
- (b) Signs in danger of falling 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.
- (c) 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.
- (d) All freestanding 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.
- (e) 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 safely support 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. 4-9-15. Legal nonconforming signs.

- (a) An existing sign which does not conform to the provisions of this Article may be eligible for the designation of *legal nonconforming*, provided that the Community Development Department determines that such sign is properly maintained according to all applicable legal requirements, does not in any way endanger the public, and was covered by a valid permit or variance or complied with all previously applicable laws.
- (b) A sign may lose this designation if the sign is relocated or replaced, 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, moved, 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 shall be removed or brought into compliance with this Article. (Prior code 161-13; Ord. 1995-1 §1; Ord. 2003-20 §3)

Sec. 4-9-16. 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. 4-9-17. 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," shall apply for a permit from the Community Development Department. No work shall be commenced on any sign until such permit is issued; 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) If a sign located on the property is changed, then any replacement sign must conform to all the requirements of this Article.
- (c) Scalable drawings and/or engineering specifications may be required to properly describe the sign structure for which the permit is sought.
- (d) One (1) complete scalable drawing (showing size, shape, design, materials, colors, site plan, building elevations, specific sign location, copy, mounting method, and lighting) shall be submitted to the Community Development Department. A nonrefundable fee shall accompany each application.
- (e) Review of application. The Community Development Department shall review the application and supporting documentation to determine whether the sign will conflict with the provisions of this Article or this Code.
- (f) Permit fees shall be as set forth in Appendix A to this Code. Upon reapplication for a sign for the same site or business that was previously rejected, another application fee will be required.
- (g) 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 any applicable 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. 4-9-18. Enforcement.

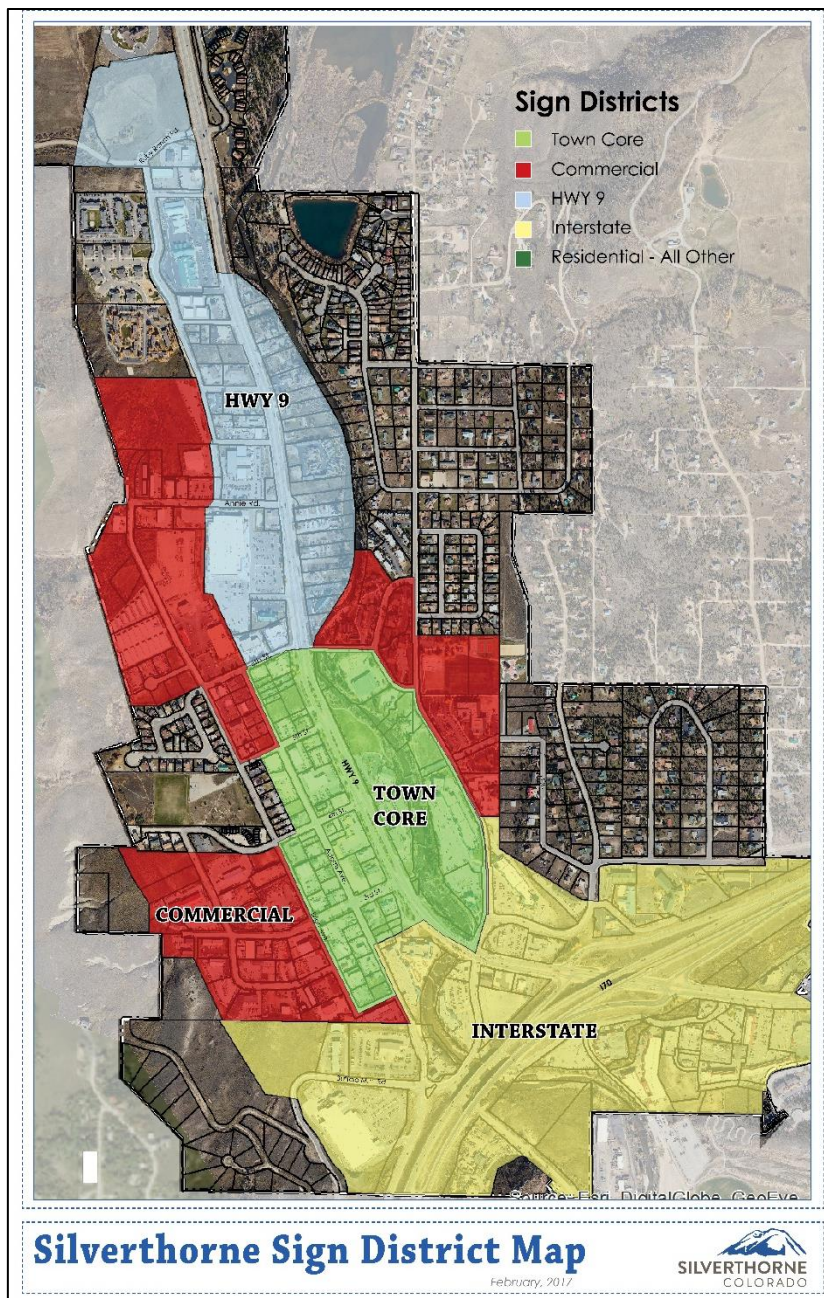
- (a) When, in the opinion of the Community Development Department, a violation of this Article exists, the Community Development Department shall issue a written order to the alleged violator. The order shall specify those sections of this Article of which the individual may be in violation and shall state that the individual shall immediately correct the alleged violation.
- (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. 4-9-19. Sign District Map.

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



Sec. 4-9-20. Substitution.

This Chapter is not intended to, and shall not be interpreted to restrict noncommercial speech on the basis on its content, viewpoint, or message. Any commercial sign authorized to be erected by this Chapter may display a noncommercial message; provided, that the sign structure or mounting device is legal without consideration of content. This Section does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

Sec. 4-9-21. Supplemental Tables.

Area Allowances	
<i>Sign District</i>	<i>Maximum Aggregate Sign Area</i>
Residential	24 ft ²
Town Core	1 ft ² per linear foot of building frontage
Commercial	1.5 ft ² per linear foot of building frontage
HWY 9	2 ft ² per linear foot of building frontage
Interstate	2.5 ft ² per linear foot of building frontage

Freestanding Signs		
<i>Sign District</i>	<i>Maximum Height</i>	<i>Maximum Area</i>
Residential	10 feet	24 ft ²
Town Core	12 feet	32 ft ²
Commercial	15 feet	40 ft ²
HWY 9	18 feet	60 ft ²
Interstate	25 feet	80 ft ²

Sign Types by District					
<i>Maximums</i>	<i>Residential</i>	<i>Town Core</i>	<i>Commercial</i>	<i>HWY 9</i>	<i>Interstate</i>
Wall Mounted	24 ft ²	50 ft ²	80 ft ²	150 ft ²	200 ft ²
Freestanding	24 ft ²	32 ft ²	40 ft ²	60 ft ²	80 ft ²
Under Canopy	6 ft ²	12 ft ²	16 ft ²	16 ft ²	16 ft ²
Projecting	Not Allowed	25 ft ²	N/A	N/A	N/A
Project Development	16 ft ²	16 ft ²	16 ft ²	16 ft ²	16 ft ²
Construction	6 ft ² -18 ft ²	18 ft ²	32 ft ²	32 ft ²	32 ft ²
Temporary	12 ft ²	12 ft ²	12 ft ²	12 ft ²	12 ft ²