

ORDINANCE NO. 2008-10-21-38

AN ORDINANCE AMENDING CHAPTER 4, CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, BY AMENDING SECTION 15, REGULATION OF SIGNS, SUBSECTION K, REGARDING STANDARDS AND CRITERIA, PROVIDING A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS:

That Chapter 4, Code of Ordinances, City of Elgin, Texas, is hereby amended by adding a new Section 15, Regulations of Signs, which shall read as follows:

A. TITLE AND PURPOSE

An ordinance to establish regulations and standards for the construction, maintenance, and removal of signs. This ordinance shall be known as the "Sign Ordinance."

(1) Purpose and Intent

- (a) Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks, and property.
- (b) The provisions of this ordinance are made to establish reasonable and impartial regulations for all exterior signs and to further the objectives of the comprehensive plan of the City of Elgin; to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values and to further economic development.

B. APPLICABILITY

These sign regulations shall apply to all exterior signs within the City limits of Elgin, Texas and its Extra Territorial Jurisdiction.

C. DEFINITIONS

Administrator: The designated government official whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding and/or meeting with applicants, issuing and denying sign permits, inspecting signs and interpreting and enforcing the provisions of this ordinance.

Awning: Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner : A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

Billboard: See off-premise sign.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: A sign attached to a canopy.

Changeable Copy Sign: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

Copy: The characters, letters, or illustrations displayed on a sign face.

Directional Sign: A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

Directory Sign: A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

Freestanding Sign: The general term for any on-site sign which is supported from the ground and not attached to a building.

Frontage, Building: The length of a building that faces a street, parking area or private drive.

Frontage, Lot: The length of that part of a zoning lot that fronts a public street.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.

Illuminated Sign: A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Monument Sign: A freestanding sign with a base affixed to the ground which measures at least two-thirds the length of the sign.

Nonconforming Sign: A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.

Off-Premise Sign: Any sign which is not located on the premises that it identifies or advertises.

Pole Sign: A freestanding sign with a base at least seven feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.

Portable Sign: A sign that is not permanently affixed to a building, structure or the ground or designed to be permanently affixed to a building, structure or the ground.

Projecting Sign: A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.

Sight Distance Triangle: The land adjoining a street intersection that is kept clear of obstructions between three and seven feet above ground to protect the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangle with legs that are the intersecting flowlines of two streets at an intersection. Where local streets meet, the legs shall extend thirty-five (35) feet away from the intersection of the flowlines. Where collector or arterial streets meet, the legs shall extend forty-five (45) feet away from the intersection of the flowlines.

Sign: Any device situated outdoors that displays letters, characters or graphics to identify a land use or attract the public's attention.

Shopping Center: Any lot or lots with 5 or more establishments.

Temporary Sign: A sign that is displayed only for a specified period of time.

Wall Sign: A sign painted on or attached to a wall of a building and parallel to the wall.

D. ADMINISTRATION

The Administrator shall have the responsibility and full authority to administer and enforce all provisions of this ordinance, other than those provisions specifically reserved for the authority of the Board of Adjustments.

E. PERMIT PROCEDURES

- (1) Permit Required: No sign or sign structure, except as provided in Sections I (exempt signs) and L (nonconforming signs), shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purposes of this ordinance, all signs are considered accessory uses of real property and shall be located on the premises of the principal use to which they pertain.
- (2) Permit Application: Applications for sign permits shall be submitted on a form provided by the Administrator and shall contain or have attached at a minimum the following information in either written or graphic form:
 - (a) Application date.
 - (b) Name, address and telephone number of the sign owner-and, if different, the owner of the land on which the sign will be erected.
 - (c) Address of the property where the sign or sign structure will be erected.

- (d) Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
 - (e) Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public right of way and intersections.
 - (f) Type of sign (e.g., monument, wall) and general description of structural design and construction materials.
 - (g) Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter and area dimensions, means of support, method of illumination, if any, and any other significant aspect of the proposed sign.
 - (h) Any other information requested by the Administrator in order to carry out the purpose and intent of these regulations.
- (3) Permit Review, Issuance, and Recording: The Administrator shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application with approval and approval date noted for all signs which conform to the requirements of this ordinance. Such approved applications shall serve as sign permits. The Administrator shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance. Within ten (10) work days of receiving an application for a sign permit the Administrator shall review it for completeness. If it is found to be complete, the application shall be processed. If it is found to be incomplete, the Administrator shall, within such ten day period, send to the applicant a notice of the specific ways in which the application is deficient, with the appropriate references to the applicable sections of this ordinance.
- (4) Inspections: A final inspection by the Administrator or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so ordered by the Administrator.
- (5) Complaints and Revocations: The Administrator shall investigate any complaints or violations of this ordinance and may revoke a permit if there is any violation of the provisions of this ordinance or there was misrepresentation of any material facts in either the application or plans.

F. EXPIRATION OF SIGN PERMITS

If an approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued, the permit shall expire and become null and void.

G. REMOVAL

- (1) Illegal Signs: The Administrator may remove or order the removal of any sign not in conformance with the provisions of this ordinance, at the expense of the sign owner or lessee, after the sign owner or lessee has been provided a ten (10) day written notice to remove sign, or cure any violation of these ordinances.

- (2) Immediate Peril: If the Administrator shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the Administrator cannot locate the sign owner or lessee for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessee.

H. VARIANCES

- (1) Generally: The Board of Adjustments may grant variances for the following reasons:
 - (a) To allow a setback for a sign that is less than the required setback.
 - (b) To allow the area or height of a sign to be increased by up to twenty-five (25) percent of the maximum height or area allowed.
- (2) Standard of Review: The Board of Adjustments shall consider applications for variances only in situations where the applicant has been denied a sign permit by the Administrator. The Board of Adjustments may grant a variance authorized by this Section if it finds that the following special physical conditions exist:
 - (a) The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
 - (b) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area.
- (3) Procedures: All requests for variances must be filed with the Board of Adjustments within thirty (30) days of the decision by the Administrator.

I. EXEMPT SIGNS

Sign permits shall not be required for the following:

- (1) Address and Name of Resident. Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- (2) Artwork. Works of art that do not include any commercial messages or references.
- (3) Decals. Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishment.
- (4) Directional Signs. Signs for non-profit institutions or public amenities giving on-site directional assistance for the convenience of the public, not exceeding four square feet in area and not in the public right-of-way. Directional signs may be internally lit or illuminated by white light only.
- (5) Flags, Emblems, and Insignia of any governmental agency or religious, charitable, public or non-profit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess

area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed forty (40') feet in height. Wall-mounted flags, emblems or insignia shall be limited to one per zoning lot and shall not exceed forty (40) square feet in area. Other flags, emblems or insignia shall be limited to two per utility pole and shall be at least seven (7) feet above the ground that exceed twenty-five (25) feet in height, with approval of the utility pole owner and the city's administration.

- (6) Handicapped Parking Space Sign. Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- (7) Home Occupation Signs. On-premise identification signs for home occupations shall not exceed two square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window or door of the premises.
- (8) Private Drive Signs. On-premise private drive signs limited to one per drive entrance not exceeding two square feet in area with language limited to the words "private drive" and the address of any residences utilizing the private roadway.
- (9) Public signs. Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the City Council or under the direction of the City Council.
- (10) Security and Warning Signs. On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed two (2) square feet in area in residential areas and five square feet in commercial and industrial areas.
- (11) Temporary Real Estate Signs. Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one per property not exceeding six feet in height and not exceeding four square feet in area in residential zones and eight square feet in area in all other zones. Such signs shall be removed within seven days of the settlement or lease of the property. This exception includes "garage sale" or similar signs in residential areas.

J. TEMPORARY SIGNS REQUIRING A SIGN PERMIT

The following signs may be erected only after obtaining a temporary sign permit from the Administrator. The permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove it and charge the costs of removal to the individual or enterprise responsible. No fees shall be charged for temporary signs.

- (1) Construction Signs. Temporary signs announcing new buildings or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one construction sign not exceeding twenty (20) square feet in area and eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
- (2) Political Election Signs. Political Election Signs shall not be erected earlier than ninety (90) days before the election, such signs shall be removed within ten (10) days after the election, and such signs shall not be placed in, on or over any public street right-of-way.

- (3) Seasonal Signs: Temporary and/or portable off-premise or on-premise signs announcing the availability of seasonal products. The number of signs shall not exceed two and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six feet in height. No seasonal sign shall remain in place for more than two (2) months in any given year.
- (4) Special Event Signs and Banners. Signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and events sponsored by religious, charitable or public service groups. Any business, individual, or organization may display once in a 12-month period a maximum of eight (8) signs for up to twenty-one (21) days prior to a special event. Such signs shall be attached to buildings or existing private sign structures or sign poles with the permission of the owner and shall not exceed sixteen (16) square feet in area each and shall be removed immediately following the event. The size, number and location of banners crossing public streets shall be determined by the City Council for special events only as approved by the City Council.
- (5) Temporary Farm Product Signs. Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six feet in height.

K. STANDARDS AND CRITERIA

- (1) Generally: The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within the City limits of Elgin, Texas, and which require a permit. Any sign regulations incorporated into a development plan approved by the City Council may supersede all or part of this Section.
- (2) Determination of Sign Area: In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.
- (3) Determination of Sign Height: The height of a sign erected within thirty (30) feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than thirty (30) feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.
- (4) Street Frontage Requirements for Freestanding Signs: Freestanding signs shall be permitted only on zoning lots with sixty (60) feet or more of street frontage.

- (5) Spacing of Freestanding Signs: No freestanding sign shall be erected within 100 feet of another freestanding sign.
- (6) Installation of Wall Signs: All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than twelve (12) inches.
- (7) Residential Districts: Permits are required for all other allowed signs and must conform to the following criteria:
 - (a) Single-Family Subdivision Identification Signs: Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:
 - (i) Number: Two per entrance, not to exceed eight (8) per subdivision.
 - (ii) Type: Monument sign, which shall include masonry for all non-lettered areas. Landscaping and irrigation shall be installed within 3 feet from the base of the sign along the front of the sign.
 - (iii) Maximum Size and Height: Up to fifty (50) square feet in area and seven (7) feet in height.
 - (iv) Minimum Setback: Ten (10) feet from any property line and outside of all sight visibility triangles.
 - (b) Multi-Family Complex Signs: Signs that identify the name and/or address of an apartment, townhouse, condominium or other multi-family residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:
 - (i) Number: One per main entrance, not to exceed 2 per complex.
 - (ii) Type: Monument sign, which shall include masonry for all non-lettered areas. Landscaping and irrigation shall be installed within 3 feet from the base of the sign along the front of the sign.
 - (iii) Maximum Sizes and Heights:
Monument Sign: Up to 50 square feet in area and up to seven (7) feet in height.
 - (iv) Minimum Setback: Ten (10) feet from any property line and outside of all sight visibility triangles.
 - (c) Accessory Management or Rental Office Signs: Signs that identify an accessory management or rental office shall be erected as follows:
 - (i) Number: One.
 - (ii) Type: Wall.

- (iii) Maximum Size and Height: Six (6) square feet in area and located below the roofline.
- (8) Commercial and Industrial Districts: Permits are required for all other signs and must conform to the following criteria:
 - (a) Signs Facing Residential Areas: Any sign erected within one hundred (100) feet of either an existing residential use or a residential zoning district shall be non-illuminated and limited to sixteen (16) square feet in area and five (5) feet in height.
 - (b) Minimum Setbacks: All signs and sign structures must be located at least ten (10) feet from any property line and outside of all sight visibility triangles.
 - (c) Zoning Lots With One Establishment: Any establishment located on a zoning lot with one establishment may erect signs as follows:
 - (i) Number: Maximum of four (4) signs, but in no case shall two (2) freestanding signs be allowed on the same zoning lot.
 - (ii) Types: Wall, monument, pole, projecting, awning, canopy, or marquee.
 - (iii) Maximum Sizes and Heights:

Wall or Marquee Sign: Thirty-two (32) square feet of area or one and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for all wall or marquee signs, whichever is greater. The top of all wall and marquee signs shall be below the roofline and at a height no greater than thirty-five feet above the ground.

Pole Sign: One square foot of sign area per three linear feet of lot frontage on which the sign or signs are to be erected not to exceed one hundred (100) square feet. For zoning lots with one establishment fronting U.S. Highway 290, the maximum sign area of a pole sign is one hundred fifty (150) square feet. The top of the sign shall not exceed forty (40) feet in height and the base of the sign shall be at least seven (7) feet above the ground.

Monument Sign: One square foot of sign area per five (5) linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of fifty (50) square feet in area. The height of a monument sign shall not exceed seven (7) feet.

Projecting Sign: One and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roofline and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting

signs shall not project from the exterior wall of a building more than six (6) feet.

Awning or Canopy Sign: One and one-half square feet per two linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

- (d) Multiple Establishments on Single Zoning Lots: Multiple establishments on single zoning lots that do not constitute a Shopping Center may collectively erect one monument sign with a maximum of height of seven (7) feet not to exceed fifty (50) square feet in area or one pole sign with a maximum size of fifty (50) square feet and height of forty (40) feet. In addition, each establishment located on a single zoning lot with two or more establishments may erect one sign as follows:

(i) Type: Wall, projecting, awning, canopy or marquee.

(ii) Maximum Size and Height:

Wall or Marquee Sign: One and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for all wall or marquee signs. The top of all wall and marquee signs shall be below the roofline and at a height no greater than forty (40) feet above the ground.

Projecting Sign: One and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roofline and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than six (6) feet

Awning or Canopy Sign One and one-half square feet per two linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

- (e) Shopping Centers: Shopping Centers with five or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria:

(i) Center Identification Sign: One monument or one pole sign per street fronting the center, not to exceed a total of two signs, identifying the name of the center. The name of any major establishment within the center may serve as the name of the entire center. In addition to

identifying the name of the center, the sign may identify the individual establishments within the center.

Monument Sign: Each sign shall have a minimum area of twenty (20) square feet and a maximum area of one square foot per one thousand (1,000) square feet of gross building floor area up to eighty (80) square feet in area and a maximum height of twelve (12) feet.

Pole Sign: Each sign shall have a minimum area of sixteen (16) square feet and a maximum area of one square foot per three hundred (300) square feet of gross building floor area up to one hundred (100) square feet in area or one (1) square foot of sign per three (3) linear feet of street frontage on which sign or signs are to be erected up to one hundred (100) square feet. For Shopping Centers fronting U.S. Highway 290, the maximum sign area of a pole sign is one hundred fifty (150) square feet. The top of the pole sign shall not exceed forty (40) feet in height and the base of the pole sign shall be at least seven (7) feet above the ground.

- (ii) Individual Establishment Signs: No freestanding sign shall be displayed for individual establishments located within a center. Any establishment may display one sign per street frontage, up to a maximum of two signs, according to the following criteria:

Wall or Marquee Sign: One and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for all wall or marquee signs. The top of all wall and marquee signs shall be located below the roofline and at a height no greater than twenty (20) feet above the ground.

Projecting Sign: One and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roofline and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than six (6) feet.

Awning or Canopy Sign: One and one-half square feet per two linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

- (f) Gasoline Stations: Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:

- (i) Changeable Fuel Price Signs: Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall not be included in determining the sign area for the business, but said fuel sign area shall be less than forty (40) square feet.
 - (ii) Gas Pump Signs: Each gas pump shall be permitted a total of one square foot of sign area to identify the product dispensed.
- (g) Office and/or Industrial Centers: Office and/or industrial centers at least two acres in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:
- (i) Center Identification Signs: One monument sign per public street frontage, not to exceed a total of two (2) monument signs, identifying the name of the center only and not exceeding fifty (50) square feet in area and seven (7) feet in height.
 - (ii) Individual Building Signs: Where an office and/or industrial center is comprised of two (2) or more buildings, each individual building may erect one monument sign, not to exceed thirty-two (32) square feet in area and five (5) feet in height, identifying the principle establishment within the building.
 - (iii) Individual Establishment Signs: Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed one and one-half square feet of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of thirty-two (32) square feet in area. The top of the wall sign shall be located below the roofline and at a height no greater than fifteen (15) feet above the ground.
- (h) Directory Signs: Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed fifteen (15) square feet in area and 6 feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.
- (i) Theaters: Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production.
- (9) Other Uses: In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the Administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application.

(Ordinance no.08-10 of October 10, 2008)

L. CONSTRUCTION AND MAINTENANCE

- (1) Building Code Compliance: All signs shall be constructed in compliance with the current 2006 International Building Code.
- (2) General Restrictions: Signs shall not be erected in or over a street or highway right-of-way or any public land except as permitted in Section A-1.
- (3) Condition of Signs: All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.

M. PROHIBITED SIGNS

The following are expressly prohibited unless specifically stated otherwise in this ordinance:

- (1) Animated and Moving Signs. Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers, discs and searchlights.
- (2) Flashing Signs. Any signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.
- (3) Glaring Signs. No sign shall be illuminated to such an intensity or in such a manner as to cause glare of brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed, except for time and temperature on an otherwise permitted sign.
- (4) Inflatable Signs and Objects. Including, but not limited to, balloons, for a period of over two (2) weeks in any given year.
- (5) Off-Premise Signs, Including Billboards. Any sign which is not located on the premises that it identifies or advertises.
- (6) Portable Signs. Any sign that is not permanently affixed to a building, structure or the ground. This shall not apply to authorized temporary signs.
- (7) Posters and Handbills. Any signs affixed to trees or other natural vegetation, rocks or utility poles. Such as but not limited to Garage Sale, lost animals, political, any For Sale signs, etc, except as provided in Section I. Flags, Emblems or Insignia.
- (8) Roof Signs. Any signs which are erected on a roof or which extend in height above the roofline of the building on which the sign is erected.
- (9) Simulated Traffic Signs and Obstructions. Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection or extend into the public right-of-way.
- (10) Strings of Lights. Including lights that outline property lines, sales areas or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity, but excluding a string of lights displayed for non-advertising purposes during the Christmas season, from November 24 to January 4 of each year.

- (11) Vehicular Signs. Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of this ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

N. NONCONFORMING SIGNS

- (1) Generally: Any sign which does not conform to the provisions herein on the date of enactment of this ordinance or any date on which the ordinance is amended and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face be changed so long as the new face is equal to or reduced in height, sign area and/or projection and a sign permit is issued for the sign face change. Irrespective of the above, a nonconforming sign can be moved to a new business location and remain unaltered, so long as the physical location of the sign is in conformance with these regulations.
- (2) Removal: Nonconforming signs may remain, provided they are maintained in good repair, except for the following:
- (a) Damage or Destruction of Sign: A nonconforming sign which is damaged or destroyed to the extent of fifty (50) percent or more of its sign face shall not be altered, replaced or reinstalled unless it is in conformance with these regulations. If the repair cost of the nonconforming sign is less than 50% of the replacement cost of said sign, then said sign may be repaired and retained as a nonconforming sign. The owner of said sign to be repaired shall submit to the City two cost estimates for repair and replacement prior to repair of said sign.
 - (b) Damage or Destruction of Use: A nonconforming sign shall be removed according to the provisions of Section G of regulations if the structure or use to which it is accessory is damaged or destroyed to the extent of fifty (50) percent or more of the principal structure's appraised value.
 - (c) Change of Use: Whenever a land use changes, any previously nonconforming signs or signs which become nonconforming because of the change in land use must be modified so as to be in full compliance with these sign regulations.