

ARTICLE 2. SIGNS

16B-200 PURPOSE. The purpose of this article is: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

16B-201 APPLICABILITY. A sign may be erected, placed, established, created, altered or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this article.

16B-202 GENERAL STANDARDS ALL SIGNS

(a) Gross Surface Area of Sign. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. When two or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by Section 16B-203(b)

(b) Corner and Through Lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phrased in terms of "signs per zoning lot" shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.

(c) Height of Sign. The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined for purposes of Article 10 as independent from the maximum structure height for zoning districts. Signs that are elevated from ground level by one or more members must be elevated at a minimum of eight (8) feet measured to the bottom of the sign face or structural elements containing the sign face.

(d) Building and Electrical Codes Applicable. All signs must conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.

(e) Clearance for Projecting Awning, Canopy, or Marquee Signs. All awning, canopy, or marquee signs shall maintain a clearance of at least seven feet to the grade directly below the sign.

(f) Accessway or Window. No sign shall block any accessway or window required by any applicable building, housing, fire or other codes or regulations.

(g) Signs on Trees or Utility Poles. No private sign shall be attached to a tree or utility pole whether on public or private property, except identification markers.

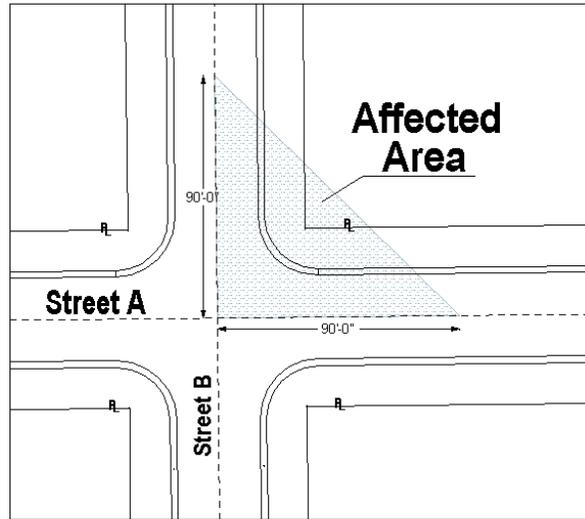
(h) Traffic Safety.

(1). No sign shall be maintained at any location where by reason of its position, size, shape or color; it may obstruct, impair, obscure, interfere with the view of, or be confused with; any traffic control sign, signal or device; or where it may interfere with, mislead or confuse traffic.

(2). No sign shall be located in any vision triangle except official traffic signs and signs mounted eight feet or more above the ground whose supports, not exceeding two, do not exceed 12 inches at the widest dimension and, thus, do not constitute an obstruction. "Vision triangle" shall mean, when applied to uncontrolled intersections, a triangular area bounded on one side (Side "A" on the Fig.1) by an unmarked line measured from the midpoint of the intersection and extending ninety (90) feet, bounded further on the adjacent side (Side B on the attached Fig.1) by an unmarked line measured from the midpoint of the intersection and extending ninety (90) feet, and bounded further on the final side (Side "C" on the attached Fig.1) by an unmarked line joining the unmarked lines extending from the midpoint of the intersection. The Public Works Director, or his or her designee, shall determine, upon request, the location of any sight triangle.

(i) Digital Signs: Any Digital Sign adjacent to or across from any residential zoning within the City or surrounding jurisdiction may not be operational between 11:00 p.m. and 6:00 a.m.

Figure 1.



(j) Location. No sign or structure thereof shall be permitted on a public right-of-way or public easement, except:

- (1). As an exception granted by the Public Works Director, or designee based on the conditions stated in K.S.A. 12-759(e)(1) for granting a variance, for signs otherwise permitted in a district; or
- (2). As a use permitted by the Governing Body for public informational or directional purposes; or
- (3). Garage sale signs, not to exceed six square feet in size.
- (4). Real estate signs, on premise of the property in which is being promoted for sale or lease.
- (5). Real estate signs, off premise of the property, not to exceed six square feet in surface area, advertising an open house for not more than four days at any one showing.

Any unauthorized sign placed on public property, including the public street right-of-way, is declared to be a public nuisance and be the cause of its removal and impoundment without notice. If not redeemed within 30 days by the owner paying a service charge of \$20, the City may dispose of the sign in any manner deemed appropriate. The Public Works Director, or his or her designee, may revoke the permit for any sign deemed to be in violation of this Section, i.e., 16B-203L, or of any condition on which the permit was based and order its removal within a reasonable period consistent with public safety. Repeat offenders may face a loss of privilege or increased fees.

(k) Damaged, Unsafe or Blight Signs. The Public Works Director, or his or her designee, shall require the immediate repair or removal of any conforming or nonconforming sign or sign structure which has been damaged or deteriorated so as to become a public hazard or blight. Such a sign or sign structure may be restored to its original condition without obtaining a permit, unless the sign is replaced and, thus, must conform to the current regulations. (Blight is defined as possessing defects that increase the hazards of fire, accident,

or other calamities; dilapidation; disrepair; structural defects; uncleanliness; overcrowding; impinging upon adequate ingress and egress; or of a quality and appearance not commensurate with the character of the properties in the neighborhood.)

(l) Abandoned signs. Any sign which is located on a property which becomes vacant and unoccupied for a period of thirty days, or any sign which was erected for an occupant or business unrelated to the present occupant or his business shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed within thirty days after notification by the public works director, or designee.

(m) Maintenance of Signs.

(1) All signs, together with all their supports, braces, connections, anchors and any appurtenance thereto shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a safe, clean, sanitary and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish and weeds.

(2) Any crazing, fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect shall be corrected. No repair required by the public works director, zoning administrator, or their designee, take longer than thirty days after notice has been made in conformance with the provisions of this Article.

(3) If any sign is not maintained in good condition so as to meet the approval of the public works director, zoning administrator or their designees, then the public works director, zoning administrator or their designees may order such sign to be removed under the provisions of the nuisance code of this City.

(Ord. 901; Code 2007; Code 2010; Code 2013)

16B-203. CLASSIFICATION OF SIGNS.

(a) Functional Types:

(1). **Bulletin Board Sign:** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.

(2). **Business Sign:** A sign which directs attention to a business or profession conducted; or to a commodity or service sold, offered or manufactured; or an entertainment offered on the premises where the sign is located or to which it is affixed.

(3). Construction Sign: A temporary sign indicating the names of designers and contractors involved in the construction of a project during the construction period and only on the premises on which the construction is taking place.

(4) Digital Signs: A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and may also enable changes to be made to messages from locations other than at the sign. Any Digital Sign adjacent to or across from any residential zoning within the City or surrounding jurisdiction may not be operational between 11:00 p.m. and 6:00 a.m.

(5). Directional/Informational Sign: An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. Such signs may contain a logo; provided, that the logo may not comprise more than 20% of the total sign area.

(6) Flashing or Moving Signs: Flashing, rotating or moving sign, animated sign, sign with moving lights or signs which create the illusion of movement achieved by electrical pulsation or by other means such as sequential light phasing.

(7). Garage Sale Sign: A sign which directs attention to a garage sale, yard sale, estate sale or auction. All garage sale signs must contain the address of the garage sale and the date or dates of the sale. Garage sale signs may be placed in public right-of-way. All garage sale signs must be picked up within two days from the last day posted on the garage sale sign. Such signs remaining after this period will be deemed litter and will be subject to the provisions of Chapter 11 of the City Code of the City of Haysville.

(8). Identification Sign: A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

(9). Illuminated Signs: any sign 1) designed to give forth any amount of artificial light, or 2) designed to reflect such light deriving from any source which is intended to cause such light or reflection, such as spotlights.

(10). Nameplate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, their professional status.

(11). Off Site Advertising Sign: Off-site advertising signs are allowed only in areas of like or less restrictive zoning. Example: An advertisement for a business allowed in Heavy Commercial zoning will only be permitted for off-site advertising in a Heavy Commercial Zone through a Heavy Industrial Zone.

(12) On and Off Premises Real Estate Signs. Notwithstanding the provisions of Section 16B-203N and, to temporarily provide additional visibility for new real estate developments within the

City but not located along major traffic routes, the Public Works Director, or designee, may consider an application for an exception to allow off premises real estate signs in any zoning district. If approved, such real estate signs shall otherwise comply with the provisions for real estate signs of the district in which it is located. Such sign shall be removed when all of the lots in the subdivision have been sold.

(13). Retail Promotional Sign: A temporary sign which promotes a sale associated with a business.

(b) Structural Types:

(1). Awning, Canopy or Marquee Sign: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project further below than seven feet from the ground level or beyond the physical dimensions of the awning, canopy or marquee.

(2). Monument or Ground Sign: Any sign placed upon the ground or supported by a base that is a minimum of 50% of the width of the monument at its widest point, independently of the principal building or structure on the property. A sign on accessory structures shall be considered a ground sign.

(3). Pole Sign: A sign that is mounted on free-standing poles or pylon. All pole signs shall be separated from residential property a distance measured in feet equal to the gross surface area of the sign measured in square feet.

(4). Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, included, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; feather signs, menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(A) Use of a vehicle for a sign or sign support. It shall be prohibited to park or use a vehicle in such a way as to function as a sign, defined to include the parking of any vehicle, trailer or similar movable structure containing or supporting any signage with the exception of:

(i) Vehicles actively involved in construction on or the serving of the site;

(ii) Vehicles delivering products to the site in designated loading areas;

(iii) Vehicles parked in designated truck parking areas of business park districts that have been screened from or are not generally visible from the public right of way; or

(iv) Passenger vehicles, pick-up trucks and vans

of a size that can fit fully within a standard parking space, containing signs painted on or permanently affixed on the doors or integral side body panels.

(5). Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

(6). Temporary Sign: A sign in the form of a banner, pennant, valance or advertising display constructed of fabric, card board, wall-board or other light weight materials, with or without a frame, intended for temporary display of not more than 30 days, four times per calendar year.

(7). Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building. Window displays, painted and decaled, shall be computed in the allowable percentage of square footage for wall signs. The area of a wall shall be computed at the total square footage based on height and width of the wall, including areas of windows and doors. Height shall be measured from the ground to the point in which the wall meets with roof structures. Width shall be measured as the area from one 90 degree angle of the building to another.

(8). Billboard Sign: Any sign or advertisement used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from the display.

(Ord. 901; Code 2007; Code 2010; Code 2013)

16B-204 EXEMPTIONS.

(a) The following signs shall be exempt from the requirements of this Article but shall not be permitted on a public right-of-way unless otherwise stated:

(1) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc. Such signs may be permitted on public right-of-way.

(2) Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organizations, when displayed on private property.

(3) Directional/Informational signs, not exceeding six square feet in area, displayed on private property.

(4) Address numerals and other signs required to be maintained by law, rule or regulation; provided, that the content and size of a sign does not exceed such requirements.

(5) Memorial signs which are displayed on private property.

(6) Scoreboards in athletic fields or stadiums.

(7) Political campaign signs, not exceeding six square feet in gross surface area, which are displayed on private property and not otherwise in the public right-of-way. Such signs must be removed 48

hours after a candidate is elected to office or is eliminated from further participation in the election as a candidate, with similar provisions for bond issues and other ballot issues. Such signs may also be displayed as advertising signs where permitted by Section 16B-210.

(8) Portable signs promoting an event sponsored by a government, civic, educational or religious organization, not exceeding 32 square feet in gross surface area, which are displayed on private property. Such signs must be removed 72 hours after the event being promoted. Such signs may be placed on public property, public rights-of-way and public easements with permission from the Governing Body.

(9) Signs designed as an integral part of vending machines and dispensing equipment, signs which are an integral part of merchandise display racks, and similar merchandise and advertising displays. All such signs included in this exception shall be located within eight feet of the building and not on public right-of-way; provided, however, such signs located on service station properties may also be located on, or immediately adjacent to, the service islands. This provision shall in no way be deemed to permit the display or storage of merchandise, vending machines or equipment not otherwise permitted by the provisions of this code.

(10) Menu board signs, except in any residential zoning district, provided that any ground menu board sign is located no closer to a front property line than the front wall elevation of the principal use structure, and no closer to a rear or side property line than the building setback allowed by the zoning ordinance or by any overlay zoning district standards or requirements. Menu board signs shall be limited to a maximum of two, fifty square foot maximum menu board signs per business, or one maximum one hundred square foot menu board sign per business, for display of menu items, pictures and/or prices. Smaller menu boards of up to six square feet may be located at individual parking stalls without meeting the building or compatibility setback requirements outlined above.

(b) The following signs are exempt from the permit requirements of Section 16B-205, but shall comply with all of the other regulations imposed by this Article:

(1) Nameplate signs not exceeding two square feet in gross surface area accessory to a residential building, including all types of manufactured and mobile homes.

(2) Identification signs not exceeding 24 square feet in gross surface area accessory to a multiple-family dwelling.

(3) Bulletin board signs not exceeding 24 square feet in gross surface area accessory to a church, school or public or non-profit institution.

(4) Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products

produced on the premises.

(5) Real estate signs not exceeding six square feet in surface area which may also be placed on the public rights-of-way and public easements; provided, (1) that they are placed no more than five feet from the property line, (2) permission is obtained from the adjacent private property owner, and (3) such signs shall only be displayed during such period of time as the model homes are regularly available for showing, or open houses for not more than four days at any one showing. Commercial property real estate signs not to exceed 32 square feet gross surface area.

(6) Temporary construction signs not exceeding 32 square feet of gross surface area.

(c) The following signs are exempt from the fee requirements of Section 16B-205, but shall comply with all of the other regulations imposed by this Article including obtaining a permit:

(1) Signs of a public or private school or of a religious organization, when located on private property.

(d) The following signs shall conform to the General Standards All Signs requirements of this Article, but are exempt from all of the other regulations imposed by this Article:

(1) Retail Promotional Signs when located on the private property of the business offering the sale/promotion. The sign must contain the dates of sale/promotion and may only be advertised during the two days prior to and including actual dates of sale/promotion. Signs advertising products not at a special rate or promotion shall be considered in their allowable number of signs and square footage per frontage and will be required to comply with all regulation of this article including permitting and fees.

(2) Ideological signs such as may pertain to religious or political expressions or personal beliefs when located on private property of the proponent.

(Ord. 901; Code 2007; Code 2013)

16B-205 GENERAL PERMIT PROCEDURES. The following procedures shall govern the application for, and the issuance of, all sign permits under this article:

(a) Applications. All applications for sign permits of any kind shall be submitted to the Public Works Director on forms prescribed by the Governing Body. Each application shall be accompanied by the applicable fees, which shall be established by the Governing Body of the city from time to time by ordinance.

(b) Action. Within fourteen days of the submission of a complete application for a sign permit, the Public Works Director, or his or her designee, shall either:

(1) Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this article;
or

(2) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this article. In case of a rejection, the Public Works Director, or his or her designee, shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

(3) Determine if a waiver from any requirement of this code is appropriate in accordance with the Administrative Waivers section of this code. The Public Works Director, or his or her designee, will have an additional fourteen days to either issue or reject the sign permit.

(c) After a sign permit has been issued, the copy, wording or pictures may be changed without the necessity of obtaining a new permit or paying any additional fees, so long as the new copy, wording or pictures comply with the provisions of this article, but no change shall be made in the type, size, or shape of a sign nor shall any structural alterations be made without first obtaining a new sign permit.

The issuance or granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Article. No permit presuming to give authority to violate or cancel the provisions of this Article shall be valid, except insofar as the work or use which it authorizes is lawful.

(Ord. 901; Code 2007; Code 2010)

16B-206 PERMITS TO CONSTRUCT OR MODIFY SIGNS. Permanent signs shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the Public Works Director, or his or her designee. Such permits shall be issued only in accordance with the following requirements and procedures.

(a) Permit for New Sign or for Sign Modification. The individual applying for the permit must be either the property owner or the owner of the sign. An individual shall be the permittee, not a corporation or other legal entity. The property owner shall sign the Permit acknowledging such property owner's responsibility for maintaining such sign in conformance with this Article. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. If the Public Works Director, or his or her designee, deems it necessary, he may also require that a licensed engineer furnish information concerning structural design of the sign and the proposed attachments. One application and permit may include multiple signs on the same zone lot.

(b) Permit to Operate. Such Permit for New Sign or for Sign Modification shall become the permit to maintain and operate the sign upon completion of construction of such sign, and approval by the Public Works Director as described below. The holder of the Permit shall be the primary party to whom notice of any violation shall be sent, and one of the party's subject to prosecution for maintaining or operating a sign in

violation of this Code.

(c) Inspection. The Public Works Director, or his or her designee, shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the building and electrical codes, the Public Works Director, or his or her designee, shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit number or other reference. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Public Works Director, or his or her designee, shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Public Works Director, or his or her designee, shall affix to the premises the permanent symbol described above.

(d) Permit Not a Defense to Nuisance. No permit for a sign issued under this chapter shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.

(Code 2007; Code 2010)

16B-207. Reserved

16B-208 TEMPORARY SIGN PERMITS. Temporary signs on private property shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

(a) Term. A temporary sign permit shall allow the use of a temporary sign for a specified 30-day period.

(b) Number. Only four temporary sign permits shall be issued to the same property owner or business license holder on the same zone lot in any calendar year.

(c) Type. A sign in the form of a banner (including feather), pennant, valance or advertising display constructed of fabric, card board, wall-board or other light weight materials, with or without a frame, intended for temporary display of not more than 30 days, four times per calendar year.

16B-209 TEMPORARY FIREWORK SIGNS

In order to allow accessory signage for temporary fireworks sales locations, the following standards shall apply:

(1). Structural Types Permitted: One of each structural type of

sign shall be permitted, excluding permitted permanent signs.

(2). **Maximum Gross Surface Area:** One square foot of sign area for each one lineal foot of arterial street or U. S. Highway 81 frontage or four hundred square feet, whichever is lesser.

(3). **Required Setback:** All temporary firework signs not otherwise affixed to the fireworks sales structure shall be separated from any principal residential building by one foot for every one square foot of sign surface area or one hundred feet, whichever is the lesser.

(4). **Maximum Height:** 25 feet when adjacent to an arterial street.

(5). **Time Restrictions:** Temporary firework sign permits issued accessory to temporary fireworks sales locations shall be limited to three days prior to, and three days past the duration of the fireworks sales temporary use permit. Upon the expiration of the temporary sign permit, all of the elements of the sign, including any temporary support structure shall be removed.

16B-210 **PORTABLE SIGN PERMITS.** Portable signs on private property shall be allowed only upon the issuance of a Portable Sign Permit, which shall be subject to the following requirements:

- a. **Term, Commercial.** A portable sign permit shall allow the use of a portable sign for a specified 30-day period when used for a commercial use on a non-residential zoned lot.
- b. **Term, Celebratory.** A portable sign permit shall allow the use of a portable sign for a specified 7-day period when used for a celebratory purpose (i.e., birth announcements, graduations, etc.) on a residential lot.
- c. **Number.** Only three portable sign permits shall be issued to the same resident, property owner or business license holder on the same zone lot in any calendar year.
- d. **Type.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, included, but not limited to, signs designed to be transported by means of wheels; signs converted to A-or T-frames; feather signs, menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

(Ord. 901; Code 2007; Code 2013)

16B-211 **DISTRICT REGULATIONS.**

- (a) **AA, AAA, A, AB, AC, AZ, BB, B, Residential Districts**
 - (1) **Functional Types Permitted:**
 - (A) Bulletin Board signs.
 - (B) Business signs pertaining to home occupations.

- (C) Construction signs.
 - (D) Garage Sale signs.
 - (E) Identification signs.
 - (F) Nameplate signs.
 - (G) Real estate signs.
- (2) Structural Types Permitted:
- (A) Ground signs.
 - (B) Pole signs.
 - (C) Wall signs.
 - (D) Business signs pertaining to home occupations shall be affixed flush to the wall of a building.
 - (E) Temporary signs limited to those attached to the face of the principal structure, a permanent fence, or screening wall.
- (3) Number of Signs Permitted: One of each functional type per zoning lot.
- (4) Maximum Gross Surface Area.
- (A). Bulletin board, business and identification signs: 16 square feet in all residential districts, but 40 square feet is permitted for churches or public institutions in all residential districts.
 - (B) Construction signs: 32 square feet.
 - (C) Nameplate signs: Two square feet.
 - (D) Real estate signs: Six square feet per lot; provided, that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed when all of the lots in the subdivision have been sold.
 - (E) Entry Monument: One per phase of development, or arterial or collector street entrance to a development. Limited to 10 feet maximum height, two square feet of gross surface area per lot or dwelling unit for sale or lease included in such development, but not to exceed 100 square feet maximum area, including the structure. Limited to ground lighting only.
 - (F) Wall signs shall be limited to 20% of the area of the wall area on which they are located.
 - (G) Temporary signs: 21 square feet.
- (5) Maximum Height: 15 feet; provided, that signs associated with one and two-family dwellings and all types of manufactured and mobile homes shall not be located at a height greater than eight feet above ground floor elevation.
- (6) Required Setback: 15 feet from the front line, except temporary real estate and garage sale signs, and none from the side yard setbacks.

- (7) Illumination: No sign shall be illuminated, except that entry monument, bulletin board, and identification signs may be indirectly illuminated with incandescent or fluorescent light.
- (b) CC Residential District and C Manufactured Home District.
- (1) Functional Types Permitted:
- (A) Bulletin board signs.
 - (B) Business signs pertaining to home occupations.
 - (C) Construction signs.
 - (D) Garage Sale signs.
 - (E) Identification signs.
 - (F) Nameplate signs.
 - (G) Real estate signs.
- (2) Structural Types Permitted:
- (A). Ground signs.
 - (B). Pole signs.
 - (C). Wall signs.
 - (D). Business signs pertaining to home occupations shall be affixed flush to the wall of a building.
 - (E). Temporary signs limited to those attached to the face of the principal structure, a permanent fence, or screening wall.
- (3) Number of Signs Permitted: One of each functional type per zoning lot.
- (4) Maximum Gross Surface Area.
- (A) Bulletin board, business signs and identification signs: 16 square feet in all residential districts, but 40 square feet is permitted in the C District and for churches or public institutions in all residential districts.
 - (B) Construction signs: 32 square feet.
 - (C) Nameplate signs: Two square feet.
 - (D) Real estate signs: Six square feet per lot; provided, that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed when all of the lots in the subdivision have been sold.
 - (E) Entry Monument: One per phase of development, or arterial or collector street entrance to a development. Limited to 10 feet maximum height, two square feet of gross surface area per lot or dwelling unit for sale or lease included in such development, but not to exceed 100 square feet maximum area, including the structure. Limited to ground lighting only.
 - (F) Wall signs shall be limited to 20% of the area of the wall area on which they are located.
 - (G) Temporary signs: 21 square feet.
- (5) Maximum Height: 15 feet; provided, that signs associated with one and two-family dwellings and all types of manufactured

and mobile homes shall not be located at a height greater than eight feet above ground floor elevation.

(6) Required Setback: 15 feet from the front line, except temporary real estate and garage sale signs, and none from the side yard setbacks.

(7) Illumination: No sign shall be illuminated, except that entry monument, bulletin board, and identification signs may be indirectly illuminated with incandescent or fluorescent light.

(c) OC Office Commercial Districts.

(1) Functional Types Permitted:

- (A) Bulletin Board signs.
- (B) Business signs.
- (C) Construction signs.
- (D) Directional/Informational signs.
- (E) Garage Sale signs.
- (F) Identification signs.
- (G) Illuminated signs.
- (H) Name Plate signs.
- (I) Off Site Advertising signs for “OC Commercial” businesses.
- (J) Real Estate signs.
- (K) Retail Promotional signs.

(2) Structural Signs Permitted:

- (A) Awning, Canopy, Marquee signs.
- (B) Monument/Ground signs.
- (C) Pole signs.
- (D) Portable signs.
- (E) Temporary signs.
- (F) Wall signs.

(3) Number of Signs permitted:

- (A) Monument, ground and pole signs: One of each functional type per zoning lot.
- (B) Other structural types permitted: Limited to one of any of the other structure types.

(4) Maximum Gross Surface Area: One square foot of sign area for each one foot lineal of street frontage or One Hundred square foot maximum area, whichever is the lesser. Wall signs shall be limited to 20% of the area of the wall on which they are located. (*Refer to 16B-203a for calculation*).

(5) Maximum Height: 10 feet, except when adjacent to an arterial street within 200 feet of an intersection of two arterial streets, then 20 feet.

(6) Required Setback: No minimum required.

(d) DD Hotel Motel

Signage in the DD Hotel Motel District shall be approved by the Public Works Director, Zoning Administrator, and any other applicable administrative positions during the site plan review for construction. Approval of sign structure, function, and setbacks shall be based on factors unique to the site, building, surrounding land uses, and traffic patterns. Replacement of existing signs may be approved so long as the sign face is not increasing or new components such as digitalization or lighting are not being added if not previously included in the original allowances.

(d) D Light Commercial Districts.

(1) Functional Types Permitted:

- (A) Bulletin Board signs.
- (B) Business signs.
- (C) Construction signs.
- (D) Digital signs.
- (E) Directional/Informational signs.
- (F) Garage Sale signs.
- (G) Identification signs.
- (H) Illuminated signs.
- (I) Name Plate signs.
- (J) Off Site Advertising signs for “D Light Commercial” and “OC Commercial” businesses.
- (K) Real Estate signs.
- (L) Retail Promotional signs.

(2) Structural Signs Permitted:

- (A) Awning, Canopy, Marquee signs.
- (B) Monument/Ground signs.
- (C) Pole signs.
- (D) Portable signs.
- (E) Temporary signs.
- (F) Wall signs.

(3) Number of Signs Permitted:

(A) Ground, monument or pole signs: One of each functional type per zoning lot, except that each freestanding principal building which is part of an integrated shopping center may also have a ground, monument or pole sign and/or complexes with over 300 feet of frontage will be allowed one additional free standing sign for each additional 300 feet or portion thereof.

(B) Other structural types permitted: Limited to one of any of the other structural types per business establishment.

(4) Maximum Gross Surface Area: One square foot of sign area per one lineal foot of street frontage; provided, no single sign shall exceed 150 square feet, except when adjacent to an arterial street within 500 feet of the intersection of an arterial street and a highway, or adjacent to a highway, then sign shall not exceed 200

square feet. Wall signs shall be limited to 20% of the wall area on which they are located. (*Refer to 16B-203a for calculation*).

(5) Maximum Height:

(A) Thirty-five feet when adjacent to a highway, or adjacent to an arterial street within 500 feet of the intersection of an arterial street and a highway.

(B) Thirty feet at all other locations.

(6) Required Setback: No minimum required.

(e) E Heavy Commercial District.

(1) Functional Types Permitted:

(A) Bulletin Board signs.

(B) Business signs.

(C) Construction signs.

(D) Digital signs.

(E) Directional/Informational signs.

(F) Garage Sale signs.

(G) Identification signs.

(H) Illuminated signs.

(I) Name Plate signs.

(J) Off Site Advertising signs for “E Heavy Commercial”, “D Light Commercial”, and “OC Commercial” businesses.

(K) Real Estate signs.

(L) Retail Promotional signs.

(2) Structural Signs Permitted:

(A) Awning, Canopy, Marquee signs.

(B) Billboard

(C) Monument/Ground signs.

(D) Pole signs.

(E) Portable signs.

(F) Temporary signs.

(G) Wall signs.

(3) Number of Signs permitted: One of each structural type permitted except that complexes with more than 500 feet of highway frontage may have two ground, monument, or pole signs, and a business with frontage also on an arterial or collector street may have one ground, monument, or pole sign per 300 feet of street frontage.

(4) Maximum Gross Surface Area: One square foot of sign area for each one lineal foot highway frontage, provided no single sign shall exceed a gross surface area of 400 square feet, except that one additional square foot of gross surface area shall be allowed for each one foot of set back from the front property line. In the instance a sign is located at the intersection of two streets, the additional square footage shall be based on the lesser of

setback. Signs adjacent to an arterial or collector street within 500 feet of the intersection of the arterial or collector street and the highway will be limited to 200 square feet. Wall signs shall be limited to 20% of the wall area on which they are located. (*Refer to 16B-203a for calculation*).

(5) Maximum Height: 20 feet above the highest point of the principal structure or 40 feet above the average ground level, whichever is less.

(6) Required Setback: No minimum required.

(f) F and G Industrial Districts.

(1) Functional Types Permitted:

- (A) Bulletin Board signs.
- (B) Billboard
- (C) Business signs.
- (D) Construction signs.
- (E) Digital signs.
- (F) Directional/Informational signs.
- (G) Garage Sale signs.
- (H) Identification signs.
- (I) Illuminated signs.
- (J) Name Plate signs.
- (K) Off Site Advertising signs
- (L) Real Estate signs.
- (M) Retail Promotional signs.

(2) Structural Signs Permitted:

- (A) Awning, Canopy, Marquee signs.
- (B) Monument/Ground signs.
- (C) Pole signs.
- (D) Portable signs.
- (E) Temporary signs.
- (F) Wall signs.

(3) Number of Signs Permitted. One of each structural type except that complex with frontage on more than one street may have one group or monument.

(4) Maximum Gross Surface Area: One square foot of sign area for each one foot lineal street frontage, provided no single sign shall exceed a gross surface area of 400 square feet.

(5) Maximum Height: 20 feet above the highest point of the principal structure or 40 feet above the average ground level, whichever is less.

(6) Required Setback: No minimum required.

16B-212 TIME OF COMPLIANCE: NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS. Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the

requirements of this ordinance or for which there is not a current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring it in to conformity with the requirements of this ordinance.

(a) Signs Existing on Effective Date. For any sign existing in the city on November 12, 2004, an application for a sign permit must be submitted to the Public Works Director, or his or her designee, before June 1, 2005. For any sign on property annexed at a later date, applications for sign permits shall be submitted within six months of the effective date of the annexation or within such period as may be established in an annexation agreement between the city and the landowner. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this ordinance and shall not be entitled to the protection outlined in the Zoning and Subdivision Regulations.

Applications for permits for existing signs submitted before June 1, 2005 shall be exempt from the initial fees adopted under authority of this article, but not from renewal and subsequent fees.

(b) Nonconforming Existing Signs, Permits and Terms. A permanent sign that would be permitted under this article only with a sign permit, but which was in existence on November 12, 2004 or on a later date when the property is annexed to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be issued a Nonconforming Sign Permit if an application in accordance with Section 16-B-211(a) of this article is timely filed.

Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this article, to remain in place and be maintained provided that no action is taken which increases the degree or extent of the nonconformity. Any nonconforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than 25 percent of the lesser of the original value or replacement value of the sign. A legal nonconforming sign is subject to the provisions of Section 16B-203(l) and 16B-203(s) (abandoned signs). A change in the information on the face of an existing nonconforming sign is allowed.

(c) Nonconforming Portable Signs and Temporary Signs. Any portable or temporary sign legally in existence on November 12, 2004, shall be allowed to remain at the same location for a period ending no later than December 31, 2005, as a legal nonconforming use. Any portable or temporary sign remaining past said date shall be declared a violation, and become subject to the provisions of Section 16B-212.

(Ord. 901; Code 2007)

The public works director, zoning administrator or their designees may revoke any sign permit under the provision of this Article or order the removal of any sign for any of the following reasons:

- (1) Whenever a permit holder is convicted of a violation of any of the provisions of this Article or any other ordinance relating to signs;
- (2) Whenever a permit holder is convicted of any violation of any condition on which the permit was based;
- (3) Whenever any false statement or misrepresentation has been made on the application on which the issuance of the permit was based;
- (4) Whenever the sign owner has failed to maintain a sign in conformance with this Article or any other ordinance relating to signs;
- (5) Whenever the owner obtains a change in the zoning of the lot and the existing sign becomes nonconforming.

Any sign for which a permit has been revoked in conformance with this Article shall be removed by the property owner immediately, or may be removed by the City in conformance with Section 16B-214, with costs assessed to the property owner.

16B-214 VIOLATIONS OF ARTICLE; FINES AND COST OF SIGN REMOVAL.

(a) It shall be unlawful to violate any provision of this Article.

(1) Any owner of the sign, holder of the sign permit, or the owner of the property upon which the sign is located shall be subject to administrative citation for such violation issued by the public works director, zoning administrator or their designee. Every day of violation shall be a separate and distinct offense.

(2) An administrative monetary penalty in the amount of \$50.00 shall be levied for each violation. If the property owner or permittee fails to pay the fine, such fine shall be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land upon which the sign was located in the manner provided by law.

(b) Any sign removed by the public works director, zoning administrator or their designees may be disposed of in any reasonable manner deemed appropriate by the city. The following fee schedule for removal and storage of unauthorized or hazardous signs is hereby established:

- (1) Routine removal, each\$30.00
- (2) Removal requiring special equipment or extra labor: Actual cost of removal.

The fee may be collected from the property owner, sign owner, or sign permittee. If the property owner, sign owner, or permittee fails to pay the authorized fee, such fee shall be certified to the city clerk, who shall assess the costs as a special assessment against the lot or parcel of land upon which the sign was located in the manner provided by law.

(c) Notwithstanding the foregoing, any property owner where a sign is located, permittee or owner of a sign which is being operated or maintained in violation of the provisions of this Article or any reasonable rule or order of the public works director, zoning administrator or their designee, or causing, permitting or suffering the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or both such fine and imprisonment, and any such violation may be prosecuted in municipal court.

16B-215 REMOVAL OF SIGNS.

(a) Any sign placed on private property, including billboards, in violation of any provision of this Article or any other Article of the Code of the city may be removed and impounded by the public works director, zoning administrator or their designees. The public works director, zoning administrator or their designees shall prepare a written notice specifying the violation involved which shall also state that if the sign is not removed or the violation not corrected within three days, the sign shall be impounded. Additionally, the notice shall inform the recipient that he or she may appeal the violation in conformance with the provisions of the nuisance code of this City. If the violation is not corrected within the stated time period, the sign shall be removed by the public works director, zoning administrator or their designees. The city will hold the sign(s) for ten business days. After at least ten business days of storage, the city shall have the sign properly disposed. Prior to the expiration of the ten business day period the owner of the sign may secure its return upon the payment of any fines and the removal and storage fee.

(b) Any sign, including billboards, placed on city property, city right-of-way, and city easements, in violation of any provision of this Article or any other Article of the Code of the city may be immediately removed and impounded by the public works director, zoning administrator or their designees. The public works director, zoning administrator or their designees shall prepare a written notice specifying the violation involved for which the sign has been impounded, and mailed by certified and regular mail to the address provided upon the sign permit and the property owner. Additionally, the notice shall inform the recipient that he or she may appeal the violation in conformance with the provisions of the nuisance code of this City. After at least ten business days of storage, the city shall have the sign properly disposed. Prior to the expiration of the ten business day period the owner of the sign may secure its return upon the payment of any fines and the removal and storage fee.

(c) Notwithstanding the above, the public works director, zoning administrator or their designees may cause immediate removal of a dangerous or defective sign, including any billboard, which poses an immediate threat or hazard to person or property. The public works director, zoning administrator or their designees shall prepare a written notice specifying the violation involved for which the sign has been impounded. Additionally, the notice shall inform the recipient that he or she

may appeal the violation in conformance with the provisions of the nuisance code of this City. After at least ten business days of storage, the city shall have the sign properly disposed. Prior to the expiration of the ten business day period the owner of the sign may secure its return upon the payment of any fines and the removal and storage fee.

- (d) Any notice provided for in this Article involving administrative violations of this Article or removal of signs shall be served by certified mail, personal delivery or posting in a conspicuous place upon the property. Notice of an administrative violation may be served upon 1) the owner of the sign, holder of the sign permit, or an employee or representative of the permittee, and 2) the owner of the property upon which the sign is located or owner of property adjacent to the city right-of-way on which it is located as shown on the records of the register of deeds. Notice of an infraction offense shall be served upon the party to be prosecuted in conformance with the applicable law.

(Code 2010)

16B-216 ADMINISTRATIVE WAIVERS_

(a) Administrative waivers may be granted upon agreement of the Public Works Director, Chief Administrative Officer, and Mayor. Waivers shall take into consideration factors that are unique to the property or business and shall not conflict with the general intent of these regulations. Factors to consider may include, but are not limited to, the use of adjacent properties, the direction of the proposed sign, the height of the proposed sign, the characteristics of the area, etc. When the appropriateness of an Administrative Waiver is being determined, an additional fourteen days will be allowed for the Public Works Director, or his or her designee, to either issue or reject the sign permit.