

CHAPTER 159: SIGNS

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§ 159.01 PURPOSE

The purpose of this chapter is to regulate and establish the orderly development of signs as a means of communication, including commercial, informational and political messages while protecting the public health, safety and welfare of the city. To that end, this chapter is intended to accomplish the following specific objectives:

- (A) To ensure that signs are installed, maintained and regulated so as not to endanger pedestrian safety and auto traffic safety, or cause property damages or bodily injury;
- (B) To minimize or eliminate sign clutter, distractions and obstructions-of-view that contribute to pedestrian traffic and auto traffic hazards;
- (C) To enhance and protect the visual attractiveness of the city and help to preserve property values and attract sources of economic development and growth;

- (D) To allow for adequate and effective signs for business identification and advertising communication while limiting the excessive number, height and size of signs for the benefit of private enterprise and the community-at-large;
- (E) To coordinate the type, placement and scale of signs in an equitable manner;
- (F) To protect and promote the integrity and character of specific areas of the city and compatibility with the overall residential nature of the city;
- (G) To promote equal treatment under the law through accurate record keeping, reasonable permit processing, reasonable permit fees and consistent enforcement; and
- (H) To allow a reasonable means for persons to exercise their right of freedom of speech while protecting the community from visual blight associated with uncontrolled proliferation of temporary signs.

(1985 Code, § 159.01) (Ord. 93-08, passed 3-1-1993)

§ 159.02 APPLICATION AND OBJECTIVES

This chapter shall be considered a companion code to those portions of the Ohio Basic Building Code, County Building Code, the City Building Code and such rules and regulations as may otherwise be deemed applicable to these matters. The general objectives of this chapter are as follows:

- (A) To establish a permit system to control the types of signs in commercial and industrial zones and, to a more limited degree, the variety of signs in residential zones;
- (B) To allow certain small temporary or directional signs unique to residential or noncommercial uses to be erected with the minimum of delay, cost and administrative entanglements for limited periods of time or for limited noncommercial purposes;
- (C) To prohibit all signs not expressly permitted by this chapter;
- (D) To establish reasonable fees for the permit process which are roughly commensurate with the administrative review necessary;
- (E) To provide procedures for considering unusual circumstances and hardships through appeals and variance applications;
- (F) To provide for the enforcement of the provisions of this chapter; and
- (G) To establish sign regulations for the varying zoning districts within the city which reasonably recognize the distinction between commercial and residential districts.

(1985 Code, § 159.02) (Ord. 93-08, passed 3-1-1993)

§ 159.03 DEFINITIONS

The following words and phrases are explained as follows with the intention that they be interpreted in this chapter to have the meanings described to them in this section. The words and phrases may be cumulative

and are not intended to be exclusive. For example, even though a ground sign and an illuminated sign are separately defined, both definitions may apply to the same sign. If the definition of any word or phrase is unclear, or the word or phrase is used elsewhere in the chapter in a context which makes its intended use unclear, such word or phrase shall be construed in the manner that best fulfills the purposes and objectives set forth in §§ 159.01 and 159.02.

ANIMATED SIGN

Any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.

AREA OF BUILDING WALL

The length times the height of a wall. It shall include the area of any windows located within the wall. The roof of a building shall not be included as part of the height of the wall.

AREA OF SIGN

This is the area within a polygon formed by the edges of the frame of a sign or the surface of the sign capable of displaying a message or the background of a message, whichever is greatest. The AREA OF A SIGN will generally not include the structural supports for freestanding signs unless those supports display all or a part of a message thereon.

BACKGROUND

The portion of the facing of a sign which is free of letters, words, logos, symbols and other representations that actively convey the message of the sign.

BANNER

Any type of temporary sign made of cloth or other light fabric designed and intended to be displayed without a rigid frame. Generally, the face of the sign is made of fabric or plastic and is anchored and secured by cord, rope or similar lines.

BEACON

A type of attraction device which may or may not be part of a larger display. This device is a stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention. While this definition includes lighting devices which are required or necessary under safety regulations prescribed by governmental agencies and flashing lights on emergency vehicles, those used for public safety are not intended to be regulated by this chapter.

BUILDING MARKER

Corner stones and tablets which are used as a memorial or to show the name of a building or the date of the erection of the building, where such cornerstones or tablet is built into the wall of a building and is constructed of bronze, brass, marble or stone or other incombustible material.

BUILDING SIGN

Any sign attached to any part of a building such as but not limited to a projecting sign, a wall sign, an awning sign, a roof sign or a window sign. This is intended to be contrasted with the other general category of signs, which is the freestanding sign.

BULLETIN BOARD

See **INSTITUTIONAL BULLETIN BOARD**.

BUSINESS CENTER

Any lot or adjoining lots under single ownership on which there is located more than one separately owned and operated business (other than home occupations) each of which business occupies separate floor space from other businesses located on the lot or lots and is located in a business or manufacturing zoning district.

CANOPY SIGN

Any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoors area.

CHANGEABLE COPY SIGN

A device which is designed so that all or a portion of a message, information, design or illustration may be changed or rearranged without replacing the background or the frame of the sign. Examples of this type of sign include but are not limited to signs at service stations which display the price of gas or other commodities, boards which may be written or drawn upon and then wiped clear for a new message, devices by which letters or other symbols or pictures may be affixed either by magnetic means, by hooks, grooves or snaps or any similar mechanical or electronic arrangement such as bulletin boards and movie marquees.

COMMERCIAL CORRIDOR SIGN

A freestanding sign designed to primarily display its commercial message to vehicular traffic traveling on a state or federal roadway with a minimum of four lanes. In addition, such sign shall be erected in an area adjacent to such a roadway and be located on property located in an “O,” “A” or “B” Business District and which has frontage along such roadway.

COMMERCIAL MESSAGE

Any display of words, logos, symbols, pictures or combination thereof which is capable and which is intended to call attention to a business, commodity, service or entertainment.

COMMERCIAL SIGN

Any sign which displays a commercial message.

DIRECTIONAL SIGN

See **INFORMATIONAL SIGN**.

ERECT

To build, construct, attach, hang, place, suspend or affix and also includes the painting of wall signs.

ESTATE SALE SIGN

See **GARAGE SALE SIGN**.

FLASHING SIGN

An illuminated sign in which artificial or reflected light is not maintained stationary and constant intensity and color at all times when in use.

FREESTANDING SIGN

A sign designed to be self-supporting, and independent for support from buildings and other structures. A sign which is primarily self-supporting but is incidentally attached to a building or other structure for additional support or for other reasons shall generally be considered to be a **FREESTANDING SIGN**. This type of sign may also be referred to as a **GROUND SIGN** or **POLE SIGN**.

GARAGE SALE SIGN

A sign displaying a message that personal household possessions are for sale. The only message on such a sign shall be either the words “garage sale,” “yard sale,” “estate sale” or “rummage sale,” the hours of such sale and the address or direction to such sale.

GROUND SIGN

See **FREESTANDING SIGN**.

IDENTIFICATION SIGN

See **INFORMATIONAL SIGN**.

INFORMATIONAL SIGN

A sign which provides only information regarding location, direction (such as “entrance” “exit”) and which bears no commercial message. Examples of **INFORMATIONAL SIGNS** include but are not limited to signs with the following messages: “no parking,” “entrance,” “loading only,” “telephone,” street address, “no trespassing,” office hours, “open,” “full service,” “self-service” and similar directives.

INSTITUTIONAL BULLETIN BOARDS

A changeable copy sign which displays only messages relating to public or charitable events such as meetings, bazaars, fund raising events and recognition of achievement in other than commercial ventures.

MAINTENANCE (MAINTAIN)

The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the original copy, original colors, design or structure of the sign. See also **REPAIRS**.

NAMEPLATE

A sign with the name, address and/or profession of a person occupying the lot or part of a building thereon.

NONCONFORMING SIGN

One of the following:

- (1) A sign which was erected legally but which does not comply with the subsequently enacted sign restrictions or regulations; or
- (2) A sign which does not conform to the explicit regulations of the Sign Code but for which a variance or other authorized approval has been granted. Any such variance (by the Board of Zoning Appeals) or authorized approval (by the City Manager) shall be noted on the permit for such a sign.

PERSONAL MESSAGE SIGN

A sign with a message incidental to residential use of property such as birth announcements (“It’s a Girl”), “Welcome Home” and similar messages of a noncommercial nature.

POLE SIGN

See **FREESTANDING SIGN**.

POLITICAL SIGN

A sign indicating support or disapproval of a public issue or political candidate.

PORTABLE SIGN

A sign designed in a manner that emphasizes its portability and ease of relocation. A primary feature of such signs is that the supporting structure need not be attached to a building or affixed to the ground. Such signs include portable swinger signs, “A” frame signs, sandwich board signs, portable signs on wheels, vehicles, platforms or other means of resting the sign and supporting structure on the ground. **PORTABLE SIGNS** are distinguished from temporary signs that are designed to be primarily anchored by cords (such as banners) or by staking (typical political and real estate signs).

PROJECT OR CONSTRUCTION SIGN

A sign which directs attention to the promotion, development and construction of the property on which it is located and which identifies the architects, engineers, contractors, developers and other individuals or firms involved with the construction. The length of time such sign is displayed shall be dependent upon the scope of the project undertaken on such property.

PROJECTING SIGN

A sign, other than a wall sign, erected on the outside wall of a building, which projects at an angle from the wall to which it is attached.

REAL ESTATE SIGN

A sign advertising the sale, rental or lease of the premises on which the sign is displayed, or which indicates the sale of the premises is pending or the property sold.

REMOTE SIGNS OR BILLBOARDS

Signs or billboards displaying a commercial message or advertising any services or commodities not available on the site on which the sign is erected.

REPAIRS

Routine and systematic work done to a sign to keep it in good order, using similar materials, not involving changes in materials or design which constitute rebuilding and reconstruction. See also MAINTENANCE.

RUMMAGE SALE SIGN

See **GARAGE SALE SIGN**.

ROOF SIGN

Any sign erected, constructed, painted or maintained upon or over the roof of any building, and having its principal support on the roof or walls of the building.

SETBACK FROM ADJACENT PROPERTY

The distance from the adjacent side or rear property lines. Setback requirements vary as to the zoning district of the adjacent property.

SIGN(S)

Any writing, word, number, pictorial, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant insignia, flashing light, beacon or other device which is placed in a manner that the communication, announcement, message, attraction, advertisement or promotion inherent to the device is visible or appears to be intended to be visible to persons on adjoining property or nearby public rights-of-way.

STREET MAIL BOX

A mail receptacle containing only the identification of a postal address and/or name of resident located at the street curb, conforming to United States postal regulations.

SUBDIVISION SIGN

A permanent sign containing only the subdivision name and other information approved by the Planning Commission.

TEMPORARY SIGN

- (1) A sign which has either or both of the following characteristics:
 - (a) The primary purpose of the sign will be completed by the occurrence of an event which is likely to take place within a period of a few days to a few months such as an election or sale of real estate; and/or
 - (b) The material of which the sign is made or the manner in which the sign is affixed to the ground or a structure are of such nature as not to be suitable for permanent display because exposure to the elements will unreasonably deface the message, discolor or tear the material or loosen the methods by which such a sign is anchored.
- (2) Examples of **TEMPORARY SIGNS** include but are not limited to political signs, “For Sale” signs, garage sale signs, sale signs and some project signs.

TENANT

Single business unit exclusively occupying and operating in a separately secured building or portion thereof.

VEHICULAR PORTABLE SIGN

A sign mounted or painted on a vehicle or trailer, and includes vehicles parked strategically with sign messages in order to advertise a product or business. Flashing, blinking, revolving and visible reflective spotlights are prohibited.

WALL SIGN

A sign integral with the exterior face of an exterior wall of a building, or attached to and parallel with the wall and projecting not more than 12 inches therefrom.

YARD SALE SIGN.

See **GARAGE SALE SIGN.**

(1985 Code, § 159.03) (Ord. 93-08, passed 3-1-1993)

§ 159.04 PERMITS REQUIRED

Unless otherwise provided for in this chapter, it shall be unlawful for any person to build, erect, structurally or otherwise alter, or relocate within the city any permanent or temporary sign or other advertising device, as defined in this chapter, without first obtaining a building permit from the City Manager and making payment of any required permit fee. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required thereunder. Section 161.08(A)(8) requires ARO approval for

all signs, except temporary signs, prior to the issuance of a permit. Permits shall be obtained in accordance with § 159.24.

(1985 Code, § 159.04) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.05 ILLUMINATED SIGNS; ELECTRICAL INSPECTION

The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the City Manager. The City Manager shall be responsible to see that an examination is made of the plans and specifications respecting all wiring and connections to determine if the same comply with the Electrical Code of the city. He or she shall disapprove the application for permit if noncompliance with such Code is found.

(1985 Code, § 159.05) (Ord. 93-08, passed 3-1-1993)

§ 159.06 INSPECTION

The City Manager may cause the inspection of, at such times as he or she deems necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is properly erected, maintained in good condition and in compliance with the provisions of this chapter.

(1985 Code, § 159.06) (Ord. 93-08, passed 3-1-1993)

§ 159.07 UNSAFE AND UNLAWFUL SIGNS

- (A) If the City Manager shall determine that any sign or other advertising structure is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he or she shall give written notice to the owner or tenant of the property on which the sign is located. It is sufficient if notice is delivered and left on the premises where the sign is located. The notice shall identify the problem with the sign and provide a reasonable period (not less than ten nor more than 30 days) for the problem to be corrected except for temporary signs, which problem shall be corrected immediately. No criminal citation shall be issued prior to the date set forth on said notice. In addition, any such sign is hereby deemed to be a nuisance, subject to all remedies available at law.
- (B) The City Manager may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. In such a case, a citation may be issued without notices and without delay. No additional or different signs, temporary or permanent, shall be erected on property on which a sign or advertising structure is in violation of this chapter.

(1985 Code, § 159.07) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.08 SIGNS ALLOWED IN CERTAIN DISTRICTS

- (A) The following types of permanent signs shall be permitted in all districts where the principal uses to which they are related are permitted. Permits shall not be required for signs enumerated in this section.

- (B) However, the City Manager may direct the removal or relocation of any of the following signs if he or she determines them to be distracting, hinder visibility or not serve the purpose intended pursuant to this section:
- (1) House numbers and nameplates identifying the address and resident of a parcel of land and not exceeding one square foot in area;
 - (2) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible material and not exceeding two square feet in area;
 - (3) Traffic or other municipal, governmental and public utility signs such as the following: legal notices, railroad crossings, danger or other emergency signs;
 - (4) No more than two identification signs may be permitted at each vehicle entrance to a completed residential development and placed only on private property by permission of the owner of that property. Such identification signs must, however, have been approved by Planning Commission as part of its subdivision approval. Each sign shall have a surface area not to exceed 20 square feet;
 - (5) Signs painted on or otherwise attached to motor vehicles which are legally licensed and primarily used on the highways for commercial or business purposes such as transportation of persons, goods or equipment; provided that no such vehicle displaying a sign may be parked within the required front setback of any lot or on any public right-of-way for the primary purpose of advertising any service, product or facility;
 - (6) Vending machines and vending structures shall be allowed signs only attached to the machine or structure, and advertise only the contents in the vending machine. Such signs must be painted on or otherwise permanently affixed to the surface of the vending machine, and may not project therefrom;
 - (7) Automobile full-service stations and automobile fuel-only stations may display the following special signs which are deemed customary and necessary to their respective businesses:
 - (a) Customary lettering or other insignia on a fuel pump consisting of the brand of fuel sold, lead warning sign and other signs required by law and not exceeding a total of three square feet on each pump;
 - (b) A single non-illuminated double-faced sign per fuel pump island, each of which shall not exceed four square feet in area, may be placed on a fuel pump island; such sign may extend a maximum of two feet above pumps; and
 - (c) Directional signs indicating which pump islands are “full service” and which are “self-serve.”
 - (8) Private traffic-control signs such as “in,” “out,” “drive-in window,” “entrance,” “exit” and the like may be installed without a permit as long as the sign contains no advertising for the business or use. No such sign shall exceed one square foot in area. No such sign shall hinder the visibility of motorists or pedestrians; and

- (9) Institutional bulletin boards located on the premises to which the sign pertains. Each sign is subject to the appropriate area, height and placement requirements.

(1985 Code, § 159.08) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.09 NUMBER OF ON-PREMISES ADVERTISING SIGNS

- (A) This section regulates the number of commercial signs which may be displayed by businesses located only in a business or manufacturing zoning district. The intent is to allow separate businesses located on a single lot or adjoining lots under single ownership to announce their location to vehicular traffic on adjacent rights-of-way, but to minimize the visual clutter that occurs when numerous signs are placed or freestanding signs or multiple freestanding signs and wall signs are placed on close proximity. This creates confusion and distraction and promotes competition to display the most garish and largest sign.
- (B) In addition, the speed limits, traffic density, number of lanes of travel, setback of buildings from the adjacent roadways and number of businesses located on a single lot or promoted under a single marketing strategy (such as a large shopping mall) have been considered as factors in establishing the following regulations.
- (1) Generally, one freestanding sign shall be permitted per lot or business center. If a lot or business center has frontage and vehicular access on more than one street (corner lot or through lot), one additional freestanding sign (that is, secondary freestanding sign) may be located near the additional access point; provided, however, that the additional freestanding sign shall be restricted in height and area commensurate with available frontage, traffic density, lanes of vehicular travel on roadway, proximity of businesses and residential areas and parking to that access point, and the distance separating the points of access. Such restrictions on the secondary freestanding sign shall be determined by the ARO based upon the foregoing factors.
 - (2) Where more than one business is on a lot or business center, multiple sign facings advertising the various businesses may be permitted with the approval of the City Manager and ARO provided all such signs are displayed on a single supporting structure. If a secondary freestanding sign is permitted in accordance with division (B)(1) above, multiple sign facings may be displayed on each freestanding sign, subject to the total area limitations.
 - (3) In addition to a freestanding sign (division (B)(1) above) or signs (division (B)(2) above), one wall sign identifying business or product furnished within the building may be permitted for each business located in a separate building or separate area of a building. Such wall signs must be located on the portion of the building actually occupied by such business and no sign shall exceed six square feet in area.

(1985 Code, § 159.09) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.10 FACE OF SIGN SHALL BE SMOOTH

All signs or other advertising structures which are constructed on street lines, or within five feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom. However, raised letters, numbers or trim are permitted.

(1985 Code, § 159.10) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.11 LOCATION OF SIGN

It shall be unlawful for any sign to be located on, above or extend over public property or the public right-of-way, except for traffic signs or other public service signs approved by the City Manager.

(1985 Code, § 159.11) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.12 SIGNS NOT PERMITTED IN ANY DISTRICT

The following signs shall not be permitted, erected or maintained in any district:

- (A) Signs which rotate or move in any plane;
- (B) Any sign or sign structure which:
 - (1) Is structurally unsafe;
 - (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
 - (3) Is not kept in good repair; or
 - (4) Is capable of causing electrical shocks to persons likely to come in contact with it.
- (C) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads;
- (D) Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required entrance or exit way;
- (E) Signs which make use of words such as “Stop,” “Look,” “Danger” or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic. However, appropriate signs shall be allowed without permit when necessary to warn persons concerning high voltage, explosive gases or temporary dangers associated with construction;
- (F) Any sign or other advertising structure containing any obscene matter;
- (G) Any sign unlawfully installed, erected or maintained;
- (H) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold on the premises. Such sign and its supporting structure shall be removed within a period of 90 days after the business ceases operation. A request for a variance may be made to the Board of Zoning Appeals, which shall grant the variance if it determines that it is probable that the next occupant is likely to use sign or supporting structure, that the sign will be kept in good repair and that the sign otherwise conforms to this chapter;

- (I) Exterior exposed gaseous tube type signs (neon);
- (J) Billboards;
- (K) Signs which incorporate in any manner flashing or moving lights;
- (L) Mobile or portable signs whether on wheels, runners, casters, parked trailers, parked vehicles or other mobile devices or any other temporary sign except as specifically permitted in this chapter;
- (M) Signs which are painted on or attached to any trees, telephone poles, public benches, street lights or traffic-control devices, unless for a valid public purpose and unless specifically permitted in writing by the City Manager for good and necessary cause;
- (N) Searchlights;
- (O) Any signs which imitate or resemble official traffic or government signs or signals;
- (P) Any sign which displays cartoons, pictures, photographs, cutouts or figures, unless they are part of a registered trademark or corporate identity and are approved by the City Manager; and
- (Q) Any sign not in conformance with the Building Code.

(1985 Code, § 159.12) (Ord. 93-08, passed 3-1-1993; Ord. 96-24, passed - -1996) Penalty, see § 159.99

§ 159.13 MATERIALS REQUIRED

Except for certain temporary signs as permitted herein, all signs shall be made of durable material and be structurally sound. The supporting members shall be free of exposed unsightly bracing, guy wires, cables and the like. The supports shall appear to be an architectural and integral part of the building where a sign is attached or mounted to a building. The structural design and construction materials of all signs shall be reviewed by the City Manager prior to issuance of a building permit. Only signs determined to be structurally safe and in conformance with this chapter shall be issued a permit by the City Manager.

(1985 Code, § 159.13) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.14 ILLUMINATION

No sign shall be illuminated, except in accordance with the following restrictions.

- (A) No sign shall contain any moving, flashing or animated lights, except such portions of a sign as consist solely of indicators of time, day, date and temperature in Fahrenheit and/or Celsius.
- (B) Lighting external to the sign shall consist of not more than two colors, including white. No external red or green lights shall be used if, in the opinion of the City Manager, such colors would create a driving hazard. No lighting shall be of such brightness or direction so as to cause glare that may be hazardous to pedestrians or auto drivers.
- (C) Illumination shall be so arranged as to reflect light away from residential premises and in such a manner so as not to cast glare.

- (D) The provisions of this section shall apply not only to exterior signs, but also the interior signs which are designed or placed to show through windows or doors of buildings.

(1985 Code, § 159.14) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.15 PERMANENT FREESTANDING SIGNS; HEIGHT AND AREA LIMITATIONS

- (A) Height. Except for commercial corridor signs, it shall be unlawful to erect any permanent freestanding sign whose total height is greater than eight feet above the level of the street upon which the sign displays its message or above the adjoining ground level, if such ground level is above the street level. Copy area shall not exceed 50% of background area.
- (B) Space Between Sign and Ground. Except for commercial corridor signs, permanent freestanding signs mounted near the ground shall have an open space of not less than two feet between the base line of said sign and ground level. This open space may be filled with a platform, plantings or decorative lattice work which does not close off more than one-half of any square foot of such open spaces. No ground sign shall be nearer than two feet to any other sign, building or structure.
- (C) Setback Line. No permanent freestanding sign shall have any portion nearer the street than the building or setback line established by law.
- (D) Premises to be Kept Free of Weeds, and the Like. All freestanding signs and the premises surrounding the same shall be maintained by the owner or permittee thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- (E) Area. The total area of one side of any freestanding sign shall not exceed 50 square feet. This includes the total of all sign facings of different businesses displayed on one side of a single freestanding sign.

(1985 Code, § 159.15) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.16 COMMERCIAL CORRIDOR SIGNS

- (A) As used within this chapter a **COMMERCIAL CORRIDOR SIGN** means a freestanding sign designed to primarily display its commercial message to vehicular traffic traveling on a state or federal roadway with a minimum of four lanes. In addition, such sign shall be erected in an area adjacent to such a roadway and be located on property located in an “O,” “A” or “B” Business District and which has frontage along such roadway.
- (B) All freestanding signs which are located or intended to be located in a manner and location defined in division (A) above shall be regulated as follows.
- (1) Its total height shall not exceed 20 feet above the level of street upon which it intends to display its message, or above the ground on which it is located if such ground is higher than the street level. Copy area shall not exceed 50% of background area.
 - (2) No portion of the sign facing shall be less than seven feet above ground level or street level, whichever requires the greater clearance from the ground.

- (3) No portion of this freestanding sign shall be closer than five feet to the right-of-way.
 - (4) The premises in the vicinity of any such sign must be maintained in a clean, sanitary and orderly manner and shall be kept clear of all noxious substances, rubbish and weeds.
 - (5) One sign facing may be displayed on each side of a sign for each business located on the premises, but in no event may the total area of one side of sign or multiple signs be greater than 150 square feet.
- (C) If a lot or business center has frontage and vehicle access on a corner lot or through lot, and one roadway requires the erection of a commercial corridor sign and the secondary roadway does not, a secondary freestanding sign may be erected in accordance with the provisions of § 159.09(A). (1985 Code, § 159.16) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.17 WALL AND WINDOW SIGNS; LIMITATION OF PLACEMENT AND AREA

- (A) Subject to the other provisions and limitations of this chapter, wall and window signs or any combination thereof may be displayed in any commercial, retail or industrial district up to a total area which does not exceed 25% of the area of a building wall. This area limitation shall apply to both temporary and permanent signs, whether displayed on a wall or a window, or combinations thereof. However, placards, paintings and other non-illuminated sign may be affixed on the interior of a window, without obtaining a permit, provided that the total area of all signs displayed on the wall and window do not exceed 25% of the wall area and no sign is in violation of § 159.12.
- (B) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached. The copy area of a wall sign without a background area (individual letters or numerals) shall not exceed 10% of the area of the building wall. On a wall sign with a background area, the copy area shall not exceed 50% of the background area and the background area shall be limited to 18% of the area of the building wall upon which it is mounted, and the total sign area shall be limited to 25% of the area of the building wall to which it is mounted. Maximum height of a wall sign shall not exceed 12 feet above ground level.
- (C) No wall sign shall be permitted to extend beyond the building line, nor extend into the established right-of-way of any street, sidewalk, alley or other public thoroughfare more than eight inches.
- (D) No wall sign shall be permitted except on the front of the building and on any other side or rear of the building where on premise parking is provided, and to facilitate identification for secondary entrance. Before erection of a wall sign, the approval of the ARO is required.
- (E) All signs shall be subject to the permit regulations set forth in this chapter and be required to be maintained in good condition.

(1985 Code, § 159.17) (Ord. 93-08, passed 3-1-1993; Ord. 96-24, passed - -1996) Penalty, see § 159.99

§ 159.18 MULTIPLE SIGN COPY AREA

Multiple sign copy area shall not exceed 60% of the background area.

(1985 Code, § 159.18) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.19 TEMPORARY SIGNS

- (A) General. Temporary signs shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a short period of time only
- (B) Materials and Area Limitations. No temporary sign of combustible material shall exceed ten feet in one of its dimensions or 50 square feet in area. Temporary signs in excess of 50 square feet shall not be permitted unless sufficient information is provided with the application that will allow the City Manager to determine that the proposed materials and anchoring of the sign will protect the health, safety and welfare.
- (C) Weight Limitations. Every temporary sign weighing in excess of 50 pounds including supporting structure, must be approved by the City Manager as conforming to the safety requirements of the Building Code.
- (D) Projection From Wall and Over Public Property. No temporary sign shall be placed on, extend over or into any street, alley, sidewalk or other thoroughfare, nor shall it project a distance greater than four inches from the wall upon which it is erected, nor be placed or project over any wall opening.
- (E) Obstruction to Doors, Windows and Fire Escapes. No temporary sign shall be erected so as to prevent free ingress to or egress from any door, window or fire escape, nor shall such sign be attached to any standpipe or fire escape.
- (F) Commercial Signs in Office, Retail and Industrial Districts.
- (1) Frequency of Permits. Each separate business on a lot or in a business center located in an office, retail or industrial district may display a temporary sign with a commercial message no more than once every 90 days for no more than 30 consecutive days.
 - (2) Projects Lasting Longer Than 90 Days. Project signs which concern a construction or renovation project intending to last more than 90 days must so indicate on the permit application. The City Manager shall consult with ARO and Building Inspector regarding suitable materials, anchoring, size and aesthetic factors appropriate for the duration of display and location of the project sign. A permit shall be issued only if the proposed sign is in conformity with conditions imposed by the City Manager regarding materials, anchoring, size and aesthetic factors.
 - (3) Advertising Permitted. The advertisement contained on any temporary sign shall pertain only to the business, industry or pursuit conducted on or within the premises on which the sign is erected or maintained. This provision shall not apply to signs of a civic, political or religious nature.

- (4) Real Estate Message Signs. Real estate message signs, as described in division (A)(2) above may be displayed in office, retail and industrial districts. These signs shall not exceed 25 square feet per sign face.

(1985 Code, § 159.19) (Ord. 93-08, passed 3-1-1993; Ord. 96-24, passed - -1996) (Portions repealed by Ord. 19-04, passed 9-23-2019) Penalty, see § 159.99

§ 159.20 TEMPORARY SIGNS IN RESIDENTIAL DISTRICTS

Temporary signs may be placed on private property in residential districts subject to the following limitations and restrictions.

- (A) No part of any temporary sign shall be higher than four feet above grade except as provided in division (G)(4) below.
- (B) No temporary sign shall continue to be displayed if it becomes torn, so worn as its message is not legible from the adjoining public way or wholly or partially separated from its supporting frame or stakes. Such unsightly temporary signs shall be removed, replaced or repaired without undue delay.
- (C) No person shall place any sign on real property of another without the owner or occupant's consent.
- (D) The temporary signs permitted and described in this section may be placed in any yard of a lot in a manner that the copy (message) on the sign is discernable from any adjoining public right-of-way provided it does not obscure or obstruct the visual line of sight of pedestrians or motorists in a manner that creates a safety hazard. No sign shall be placed in any location where it may interfere with or be confused with any traffic-control device. If safety considerations thereby prevent a sign from being placed in a location that allows its message to be seen from a street, then the property owner or occupant may apply for a permit from the City Manager to erect a larger or higher temporary sign that is of sufficient size to be legible from the adjoining street. The City Manager shall visit the site and shall issue such a permit if the proposed larger or higher sign is otherwise

permitted by this section and it is not larger or higher than is necessary to allow the message to be seen from an adjoining right-of-way.

- (E) Temporary signs in residential districts shall not be illuminated by any devices specifically installed for that purpose. Incidental illumination from porch lights and other pre-existing illumination incidental to the residential use of the property is permitted.

(1985 Code, § 159.20) (Ord. 93-08, passed 3-1-1993; Ord. 96-24, passed - -1996) (Portions repealed by Ord. 19-04, passed 9-23-2019) Penalty, see § 159.99

§ 159.21 NONCONFORMING EXISTING SIGNS

Every sign or other advertising structure lawfully in existence when this chapter becomes a law, shall not be expanded, altered, replaced or moved unless it is brought into compliance with the requirements of this chapter. This section shall not prevent repairing or restoring to a safe condition any part of the structural supports of any sign, or the maintenance operations performed thereon. Any sign or any substantial part thereof now existing, and which for any reason or purpose is taken down or removed, except for repair to an extent less than one-half of its replacement value, shall not be re-erected, reconstructed, rebuilt or relocated, unless it shall be made to comply with this chapter.

(1985 Code, § 159.21) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.22 MAINTENANCE

All signs shall be maintained in good condition.

(1985 Code, § 159.22) (Ord. 93-08, passed 3-1-1993)

§ 159.23 VARIANCES

- (A) The Board of Zoning Appeals shall have the authority, by a majority vote of the members appointed to hear appeals from the decisions of the City Manager or ARO and to grant relief from those decisions.
- (B) A sign not constructed or erected in conformity with this chapter may be permitted by the Board of Zoning Appeals when the use of such proposed sign will not be detrimental to public health, safety and general welfare or when a substantial hardship or injustice will prevail in refusing to issue a permit for use of such a proposed sign. The owner shall submit detailed drawings of the proposed sign and its locations to the Board of Zoning Appeals for its review prior to rendering a decision on the issuance of a building permit. The Board of Zoning Appeals may request the Architectural Review Officer to evaluate the drawings and other available material and report his or her findings to the Board. Any variance should be in accordance with the general intent of this chapter.

(1985 Code, § 159.23) (Ord. 93-08, passed 3-1-1993)

§ 159.24 PERMIT APPLICATION PROCEDURE

- (A) Purpose. The intent of this permit procedure is to provide a mechanism for informing persons about the regulation of signs, keeping the administrative time and expense reasonably equivalent to type of sign proposed and providing a method of establishing responsibility for maintaining and removing signs in a timely manner.
- (B) City Manager's Duty. The City Manager shall be responsible for the development of all applications for sign permits which are consistent with the requirements and purposes of this chapter. Permanent signs. Applications for a permit required by this chapter for a permanent sign shall set forth all information required of any building permit. It may also include drawings of sign and supporting structure, proposed location on plat, all dimensional measurements, calculations of total area and copy area, and relative location to other signs. The application may require information and/or calculations concerning wind bearing loading capacity and other information relating to its suitability and safety as a permanent sign. Permit fees shall be in accordance with the building permit schedule. One application and permit shall be required for each such sign.
- (C) Real Estate Sign. A one-time permit shall be required for display of all real estate signs by each real estate broker or individual property owner. Concurrent with the application, a standard real estate sign used by broker or property owner shall be presented for inspection by the City Manager or his or her designee. Such sign shall be inspected to determine whether the size, frame and anchoring system is in conformity with this chapter and suitable for repeated displays without undue weathering. If so, a permit shall be issued which shall allow display of these types of signs on each parcel of real estate the broker or property owner has held for sale or lease throughout the city. However, if any such signs are displayed in violation of this chapter, such permit may be revoked and new application required. As long as signs of a broker remain substantially the same, no new permit shall be required. All such signs, however, must be maintained in good repair.
- (D) Project Signs Shall Require a Permit. If the project sign is intended or is likely to be displayed for more than 90 days, it shall be deemed a permanent sign for purposes of the permit process, but such sign must be removed upon completion of the project. If the project sign is likely to be displayed for less than 90 days, the application and permit process shall be similar to a political sign but shall be valid for only a single site. The application fee shall be \$10.

(1985 Code, § 159.24) (Ord. 93-08, passed 3-1-1993) (Portions repealed by Ord. 19-04, passed 9-23-2019)

§ 159.25 NUISANCE

Any sign erected or maintained in a manner inconsistent with this chapter, including the failure to obtain a permit required by this chapter, is hereby deemed a nuisance. Any such nuisance shall be subject to all remedies of law, including removal thereof, in addition to any penalties or violations set forth in § 159.99.

(1985 Code, § 159.25) (Ord. 93-08, passed 3-1-1993) Penalty, see § 159.99

§ 159.26 FIRST AMENDMENT PROTECTION

- (A) Purpose. It has never been the intent of the city to infringe on the rights of property owners and occupiers to display messages protected by the First Amendment. Therefore, this section is adopted in order to clarify the existing regulations and to remove any doubt that it is the public's right to

receive and display First Amendment protected messages, including but not limited to religious, political, economic, social and philosophical messages. It is the further purpose to reaffirm that an expedient appeal process exists that addresses these First Amendment concerns.

- (B) Definition. For the purpose of this Chapter 159, **FREE SPEECH MESSAGE** shall mean any message that is not intended to convey a commercial message. Free speech messages include but are not limited to religious, political, economic, social and philosophical messages. **COMMERCIAL MESSAGE** means any message intended to call attention to a business or promote the sale of any goods or services.
- (C) Conflict With Existing Provisions. In furtherance of the purpose of this Chapter 159, if there is any conflict between the provisions of this section, with any other section of the Zoning Code, including those provisions regulating signs, and such conflict could be construed to infringe on free speech messages, the provisions of this section shall control.
- (D) Signs Not a Principal Use. Signs shall be considered an accessory use and regulated as an accessory use pursuant to underlying zoning district regulations. However, a sign authorized by divisions (D)(1) and (D)(2) of this section shall be permitted to be displayed by the owner on undeveloped lots.
- (E) Appeal Process for Sign Application Denials. In order to confirm a property owner's ability to exercise his or her First Amendment rights without undue delay, a special process shall be instituted for the appeal of the denial of a zoning certificate or building permit for any sign (if a building or zoning certificate is required) or for the appeal of an order to remove a sign displayed that is purported to be displayed in accordance with division (D)(1) or (D)(2) of this section. To the extent that the appeal process of this section conflicts with other provisions of the Zoning Code, the appeal process of this division (F) shall control.
- (1) It shall be the duty of the City Manager or his or her designee to either approve or deny applications for zoning certificates or building permits for signs within seven business days of the date of application. The ARO shall be consulted and shall provide a written recommendation within this period. If a recommendation against approving the sign is made by the ARO, the matter shall be presented to the Planning Commission for consideration. Any application that is returned because it is incomplete shall be deemed a denial. Any aggrieved applicant shall have the right to appeal the denial of a zoning certificate or building permit for a sign. Such appeal shall be heard by the Board of Zoning Appeals.
 - (2) Any such appeal must be taken within ten days after the decision of the City Manager or his or her designee by filing a notice of appeal, stating the grounds for such appeal, with the City Manager and the Board of Zoning Appeals. The City Manager shall cause the transmittal to the Board of Zoning Appeals of all the papers constituting the record upon which the action appealed from was taken.
 - (3) The Board of Zoning Appeals shall fix a time for the hearing of the appeal not sooner than 15 days and not later than 30 days from the filing of the notice of appeal. The Board of Zoning Appeals shall give at least ten days' notice of such public hearing by posting the time and place of the hearing on the official website of the municipality and in the lobby of the municipal building. The Board shall, in addition, give written notice of the hearing to all interested parties, deposited in the mail ten days in advance of such hearing. The appealing party has the right to waive any and all of the time restrictions imposed on the Board of

Zoning Appeals. However, absent such waiver, failure of the Board to act within these time limitations shall be deemed an approval of the application for the zoning certificate or building permit.

- (4) The Board shall render a written decision on the appeal not later than 14 days after the date of the public hearing.

(1985 Code, § 159.26) (Ord. 05-10, passed 5-23-2005) (Portions repealed by Ord. 19-04, passed 9-23-2019) Penalty, see § 159.99

§ 159.99 PENALTY

- (A) Any person who erects, renovates or otherwise changes any sign, and any person who causes or permits any of the foregoing without obtaining a sign permit required by this chapter shall be deemed guilty of a minor misdemeanor. Each and every day that violation continues shall constitute a separate offense.
- (B) Any person who owns or occupies real property or otherwise has control over said real property, and who fails to repair, renovate, paint or remove a permanent sign within 15 days after receiving notice and an order from the City Manager pursuant to this chapter, shall be deemed guilty of a minor misdemeanor. Each and every day that violation continues shall constitute a separate offense. Temporary signs shall be removed immediately upon order of the City Manager. Any person who fails to remove a temporary sign shall be deemed guilty of a minor misdemeanor for each and every day the violation continues. However, if an administrative appeal of the City Manager's order is filed within the 15 days, no criminal charges shall be filed while the appeal is pending.

(1985 Code, § 159.99) (Ord. 93-08, passed 3-1-1993)