Chapter 23

Regulation of Signs

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Sec. 23.1. Definitions: In addition to the definitions set forth elsewhere in this ordinance, the following definitions relate to signs:

23.1.1. Display surface area. That area of a sign including the entire area within a regular geometric shape or combination of regular geometric shapes enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information or meaning. Frames or structural members not bearing informational or representational matter shall not be included in calculating the display surface area.

23.1.2. Marque: A permanent roofed structure attached to and supported by a building.

23.1.3. Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located, including signs defined below as mobile signs and portable signs, provided however, that the following shall not be included in the applications of the regulations herein:

(1) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

(2) Flags and insignia of any government except when displayed in connection with commercial promotion.

(3) Legal notices, identification, informational or directional signs erected or required by governmental bodies.

(4) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.

23.1.4. Sign advertising. Any sign which relates in its subject matter to products, accommodations, services or activities sold or offered elsewhere than upon the premises on which such sign is located. Mobile signs and portable signs may be advertising signs, and advertising signs include, but are not limited to, those signs commonly referred to as outdoor advertising signs, billboards or poster boards.

23.1.5. Sign, business. Any sign which relates in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities offered, sold or engaged in on the premises. Mobile signs and portable signs may be business signs, but billboards or advertising signs as defined in Section 23.1.4 are not business signs.

23.1.6. Sign, copy. All words, letters, numbers, figures, characters, artworks, symbols or insignia that are used on a display surface area.

23.1.7. Sign, freestanding. A sign which is permanently affixed to the ground and which is not a part of a building or other structures.

23.1.8. Sign, mobile. A sign which may be moved from one location to another, is not permanently affixed to the ground, and is differentiated from a "portable sign" in that it may be equipped for transporting by motor vehicle or other mechanical means and including signs referred to as trailer signs. Such signs may be considered as either business signs or advertising signs according to their utilization.

23.1.9. Sign, portable. A sign which is movable by a person without aid of a motor vehicle or other mechanical equipment. Such signs may be considered as either business signs or advertising signs, according to their utilization.

23.1.10. Sign, projecting. Any sign, other than a "wall sign" which projects from and is supported by a building.

23.1.11. Sign, wall. Any sign attached flat and parallel to the exterior wall or surface of a building or other structure and which projects not more than twelve (12) inches from that wall or surface.

23.1.12. Kiosk. A freestanding sign, having one (1) to four(4) faces, designated to provide identification (name and nature only) of more than two (2) activities of businesses identified located on a single premise. A kiosk shall count as one sign for each business identified thereon.

23.1.13. Sign, illuminated. A sign may be illuminated by an external source which directs light to its surface or by an internal source with light being transmitted through its face or any part thereof.

Sec. 23.2. General Provisions.

23.2.1. Purpose. The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising and outdoor signs of all types; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; and reduce hazards caused by signs overhanging or projecting over public right-of-way.

23.2.2. Sign permits. Except as otherwise herein provided, no persons shall erect, modify or move any signs visible from the public way without first applying for and obtaining from the town administrator a sign permit. Applications shall be on forms prescribed and provided by the town administrator setting forth such information as may be required for a complete understanding of the proposed work.

23.2.3. Maintenance. All signs shall be maintained in sound structural condition. No sign shall be allowed to deteriorate to a condition in which it is unsightly in appearance or to a condition in which it requires repairs or renovations in an amount which exceeds seventy-five (75) percent of its current replacement cost. Signs which deteriorate to such a condition are deemed to be in violation of this ordinance and must be either removed or improved, or the person responsible for maintaining the sign shall be subject to the penalties hereinafter provided for the violation of this ordinance.

23.2.4. Signs in rights-of-way or easements. The town administrator shall issue no permit for any proposed sign which will project into or over any public right-of-way. Existing signs in violation of this provision shall be removed within three (3) years of this enactment.

23.2.5. Sign lighting. No signs employing confusing, distracting or intense illumination shall be permitted. No sign shall be permitted which utilizes pulsing (strobe type) lights, flashing or blinking lights, or any type of pulsating or moving light. No sign shall employ lighting which casts illumination onto any residential area or traffic right-of-way. Although internal illumination is permitted, properly directed external illumination is permitted.

Sec. 23.3. Prohibited Signs.

23.3.1. Signs imitating traffic or emergency signals. No sign shall be permitted which imitates an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or which displays intermittent lights resembling the color, size, shape or order of lights customarily used in traffic signals or an emergency or law enforcement vehicle, except as part of a permitted private or public traffic control sign.

23.3.2. Signs employing confusing motion. No sign shall be permitted which moves or presents the illusion of movement in any manner which may confuse, distract or unduly divert the attention of drivers or vehicles.

23.3.3. Maximum and minimum height. No freestanding sign or kiosk shall exceed a height of twenty-five (25) feet above grade. No freestanding sign or kiosk shall be constructed or situated so as to obstruct the vision of any motorist on, or attempting to enter, any road right-of-way.

23.3.4. Signs attached to or painted on selected features. No sign shall be attached to any utility pole or street sign, or attached to or painted on tree trunks, rocks or other natural objects.

23.3.5. Discontinued uses. Signs which advertise a discontinued product, place, activity, person, institution or business shall be removed within thirty (30) days from

the date of termination.

Sec. **23.4. Temporary Signs.** This section is in addition to the sign limitations imposed by Section 23.6.

23.4.1. Temporary subdivision signs. Temporary signs announcing a land subdivision development may be erected on the premises of the land subdivision, provided such signs do not exceed thirty-two (32) square feet in area, are set back at least twenty (20) feet from any property line, are spaced at least five hundred (500) feet apart and are removed not more than thirty (30) days from such time as seventy five (75) percent of the lots are conveyed.

23.4.2. Craftsmen's signs. Signs of craftsmen, artisans, house painters, contractors or subcontractors may be erected and maintained during the period that such persons are performing repairs, remodeling, repainting or improvement work on the premises on which such signs are erected, provided that the size of such signs is not in excess of nine (9) square feet and that such signs are removed immediately upon completion of the work.

23.4.3. Contractor's signs on buildings under construction. One sign displaying the names of the building, contractor, architects, engineers and similar information is permitted upon the premises of any work under construction or any work of major repair or improvement, provided that the sign does not exceed twelve (12) square feet in area and that the sign is removed within seven (7) days after completion of the work.

23.4.4. Real estate and garage sale signs. Signs offering real estate for sale, rent or lease provided that the combined display surface area of all such signs does not exceed four (4) square feet for every one hundred (100) of street frontage and that total display surface area shall not be required to be less than six (6) square feet on any individual lot. These same provisions apply to on-site garage sale signs.

23.4.5. Political campaign signs.

(1) Such signs shall be confined to a maximum size of six (6) square feet, on private property subject to consent, and at the town hall, subject to nondiscriminatory regulation, not more than (30) days before the election date to which the sign refers.

(2) Such signs must be removed within three (3) days after the election or referendum for which they were prepared.

23.4.6. Portable, mobile, inflatable and windblown signs. (Pennants, balloons, banners, windsocks, or streamers intended to attract attention of the public shall be considered to be windblown.) Such signs would be permitted only as temporary signs, and only

in the general commercial and light manufacturing districts subject to the following provisions.

(1) Opening or closing of a business, change of ownership or management not to exceed thirty (30) days.

(2) Special sale or promotional event, not to exceed three (3) times in any twelve (12) month period, for a maximum of thirty (30) days each time.

(3) Civic, public, charitable, educational or religious events not to exceed three (3) times in any twelve (12) month period, for a maximum of thirty (30) days each time.

(4) For traffic direction.

(5) Prior to placement, a permit for any such sign, except category four (4) must be obtained from the town administrator. Any such signs not removed at the end of the thirty (30) day time limit may be removed by the town administrator at the permittee's expense.

Sec. 23.5. Signs Permitted in Residential Districts. Signs are permitted in the residential districts subject to the following regulations:

23.5.1. Signs excluded from regulation by definition. Those signs excluded from the definition of signs by Section 23.1.3 are permitted.

23.5.2. Temporary signs. Temporary signs permitted by Section 23.4 (1-5) shall be permitted.

23.5.3. Home occupation signs. One (1) sign shall be permitted for each home occupation, provided that the display surface area of such sign does not exceed two (2) square feet in area. If illuminated, such signs shall utilize only external white lighting. Such lighting shall not cast illumination onto any other residence or traffic right-of-way.

23.5.4. Permanent subdivision signs. Permanent signs displaying no information other than the name of the residential land subdivision in which they are located shall be permitted provided that such signs do not exceed fifty (50) square feet in area, do not encroach upon vision clearances established in Section 21.53 of the zoning ordinance and are maintained in accordance with provisions of Section 23.2.2.

23.5.5. Group residential uses and nonresidential uses. Signs relating to permitted group housing developments, mobile home parks, residential high rise structures, and permitted nonresidential uses of recreational, civic, charitable, fraternal, cultural, religious, educational, institutional, governmental, and service nature, not elsewhere

regulated or specified, may be erected, subject to the following provisions:

(1) Size. Not to exceed fifty (50) square feet of display surface area per street frontage.

(2) Location. Not to exceed one (1) sign per street frontage. If building mounted, such signs shall be flat wall signs.

(3) Height. If building mounted, such signs shall not project above the roof line. If freestanding, such signs shall not exceed four (4) feet above ground level when located in required front yards, or six (6) feet above ground level when located elsewhere. All vision clearances established by Section 21.53 of the zoning ordinance must be observed.

(4) Additional signs allowed. In addition to those signs allowed under (1), (2), and (3) above, not more than one bulletin or notice board displaying information related to activities or services conducted or offered on the premises may be erected per lot frontage provided that display surface area of such bulletin or notice board does not exceed fifty (50) square feet.

Sec. 23.6. Signs Permitted in Commercial and Industrial Districts. Signs permitted in residential districts shall be permitted in commercial and industrial districts. Other signs are permitted in the commercial and industrial districts, subject to the following provisions.

23.6.1. Business Signs.

(1) Shopping plazas or malls. In addition to permitted signs for each business therein, an off-street shopping plaza or mall may have one kiosk. Each business or activity within the plaza or mall may have a sign on the kiosk. Each sign thereon shall be of equal size and shape and shall not exceed three (3) square feet, except the dominant tenant, whose sign shall not exceed six (6) square feet. The total kiosk sign area shall not exceed twenty-five (25) square feet (per face) for five (5) or fewer businesses or activities, forty (40) square feet for six (6) to ten (10) businesses or activities and sixty (60) square feet for more than ten (10). In addition, each business or activity within the plaza or mall may have an individual wall sign, not to exceed ten (10) percent of the first floor wall space. All such signs shall be compatible and aligned.

(2) Wall signs, other than mall. Each building in the town may have one or more signs attached thereto, provided that the total area of all such signs shall not exceed ten (10) percent of the wall space, or seventy-two (72) square feet, whichever is less.

(3) Free-standing signs. In addition to a wall sign as above, each business in a building (other than a mall may have a free-standing on-premises sign with a maximum area of thirty-six (36) square feet per face; such that, free-standing

signs shall not be spaced closer than one hundred (100) feet to another free-standing sign. Use of such signs for more than one (1) business is encouraged. A product sign of sixteen (16) square feet may also be placed on premises, or incorporated into the business sign. The combined area of all signs may not exceed one hundred (100) square feet. No sign shall project higher than seven (7) feet above the eaves of the building.

(4) Changeable copy signs. Signs on which message copy is changed manually through the utilization of attachable letters, numbers, symbols, and other similar characters or changeable pictorial panels. Poster panels and printed boards are not considered changeable copy signs. Any business permitted to erect a sign may devote up to one half (½) of the sign area to one (1) changeable copy sign. Moving message boards and computerized digital displays are not considered changeable copy signs, and are prohibited.

(5) In addition to a maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than four (4) feet above ground level are permitted with permission of the town administrator.

(6) Non conforming signs (including replacements) are grandfathered for up to five (5) years from enactment of this amendment, or until sale or closing of the existing business, whichever first occurs.

23.6.2. Advertising signs.

(1) location. Advertising signs are permitted only in GC and LM zoning districts.

(2) Advertising signs (off-premises) larger than nine (9) square feet are prohibited in all districts. Existing advertising signs are grandfathered for three (3) years from the date of the enactment of this amendment.

Sec. 23.7. Permit Requirements for Signs. All on-premises signs over six (6) square feet in size and all off-premise (advertising) signs regardless of size shall require the issuance of a zoning permit before erection or replacement of the sign structure. All signs must comply with all of the regulations contained herein, irrespective of whether a permit is required.

Sec. 23.8. Permit Fees. The following fee schedule shall apply to all signs (except temporary political signs) erected after the enactment of this amendment.

23.8.1. Each sign up to twelve (12) square feet - $10.00

23.8.2. Each sign face between twelve (12) and fifty (50) square feet - $25.00

23.8.3. Each additional square foot of sign area over fifty (50) square feet - $1.00

23.8.4. At the discretion of the town administrator the fee may be waived for temporary signs that are not intended to advertise or promote any continuing commercial enterprise.

23.8.5. Churches and civic events or organizations are exempt.

23.8.6. All other temporary signs - $10.00

Sec. 23.9. Administration and Enforcement of Sign Regulations, Penalties and Appeals

23.9.1. When any violation of any provision of this section is found to exist, the town administrator is hereby authorized and directed to institute any actions and proceeding that may be appropriate or necessary to enforce the provision of this section, including applications for injunctive or other relief in the circuit court, after due notice per 23.9.2.

23.9.2. If the town administrator finds any provision of this section is being violated, he shall notify by certified mail the person determined to be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Such corrective action shall be taken within thirty (30) days after mailing the notice, unless good cause be shown why an extension of time should be granted, or unless the order is appealed to the board of appeal within such time, which appeal stays the order, except in such case where the violation constitutes a clear and present danger to the public.

23.9.3. In his notice, the town administrator may order the removal of any sign which represents a hazard to public safety or which is found to be in such disrepair so that it fails to perform its function. The owner of a sign ordered removed shall have thirty (30) days to either conform with this section or to appeal the town administrator's order to the board of appeal within such thirty (30) day period and before removal of the sign by the town. This thirty (30) day period may be reduced where the violation constitutes a clear and present danger to the public.

23.9.4. Unless the town administrator has filed a complaint in the circuit court, any person aggrieved by a decision of the town administrator may appeal to the board of appeal within thirty (30) days. The board of appeal has the authority to interpret the provisions of the ordinance which are called into question and to grant a variance from the required number and size of signs as described in this ordinance when a literal enforcement of the provisions of this ordinance would result in undue hardship.

23.9.5. Any person aggrieved by the decision of the board of appeal or by an order rendered by the board of appeal to remove a sign may appeal said decisions to the

circuit court. Notice of Intent to Appeal shall be served upon the town administrator and filed with the clerk of court within ten (10) days of the order appealed. A petition setting forth the grounds for the appeal, and the relief requested, shall be served and filed within thirty (30) days of the filing of the notice.

23.9.6. Any person who fails to remedy a violation of any provision of this ordinance, after due notice by the town administrator, and either fails to perfect his appeal, or whose appeal is denied by the board of appeal, or the circuit court, shall be summoned to appear before the municipal court, and shall be guilty of a misdemeanor, and on conviction shall be fined not more than $35.00 per offense. Each day a violation exists after the appeal period may constitute a separate offense.

Sec. 23.10. Effective Date. This ordinance shall become effective immediately upon adoption.

Sec. 23.11. Waiver provision. Sections of this ordinance may be waived for holidays and celebrations at the discretion of the town administrator or town council.