

CHAPTER 5: BUSINESS SIGNS AND OUTDOOR ADVERTISING

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Cross-reference:

Business, peddlers and solicitors and the like, see Title 9

§ 14-501 PURPOSE.

The City Sign Code is established to promote reasonable, orderly and effective display of signs, to assure compatibility of signs, to enhance the economy of the city, to protect the visual quality of the environment for the public, to protect the motoring public, to enhance the beauty of the area, to promote tourism and to protect public investment in streets and highways.

(1989 Code, § 14-501)

§ 14-502 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BACK-TO-BACK SIGN. A structure with two sign faces oriented in opposite directions, placed either parallel or forming a V with an angle no more than 45 degrees.

BUSINESS SIGN or ON-PREMISE SIGN. A sign which advertises the business or other activity conducted on or principle products sold on the property upon which the sign is located. (For the purposes of this chapter, the signs are not restricted but are required to obtain a building permit.)

ERECT. To construct, build, raise, assemble, place, attach, create, paint, draw or, in any other way, to bring into being or establish a sign. The term **ERECT** shall not mean a change in the advertising message or customary maintenance and repair on a sign; however repair and maintenance will not include replacing the support structure, except to correct destruction caused by tornadoes or severe storms when designated as such by Cumberland County Emergency Management Agency.

OUTDOOR ADVERTISING SIGN or OFF-PREMISE SIGN. Any outdoor sign, display, figure, painting, drawing, message or billboard which is designed, intended or used to advertise or inform or otherwise directs attention to a business, commodity, service or activity generally conducted, sold or primarily offered elsewhere than upon the premises where the sign is located. None of the following shall be deemed an outdoor advertising sign: directional or other official signs authorized by law, signs advertising the sale or

lease of property upon which they are located; public service/information signs, and the like.

PUBLIC SERVICE/INFORMATION SIGNS. Off-premise or on-premise signs 150 square feet or less in size which utilize over 75% of their advertising message to giving public service information such as time, date, temperature or other similar information, gives education, cultural or religious messages or information, or information related to a non-profit service club or charitable association.

SIGN. All portions of an outdoor advertising structure including structural elements, bases, sign faces, trim and borders.

SIGN FACE. The portion of a sign, including the display area, border and trim, but excluding the base apron, supports and other structural members, facing traffic moving in one direction.

UNZONED COMMERCIAL and UNZONED INDUSTRIAL. According to State Department of Transportation's *Rules and Regulations for the Control of Outdoor Advertising* and adopted herein.

(1989 Code, § 14-502)

§ 14-503 SIGNS ALLOWED IN ANY LOCATION IN THE CITY.

(A) Types of signs:

(1) Flags and signs of duly constituted governmental bodies, including warnings;

(2) Flags or emblems of political, civic, philanthropic, educational or religious organizations;

(3) Public service or public information signs;

(4) On-premise business signs;

(5) Temporary signs pertaining to campaigns, drives or events of civic, philanthropic, educational or religious organizations, as well as political signs;

(6) Garage or yard sale signs;

(7) Signs pertaining to the sales, lease or rental of the property on which the sign is displayed, and temporary signs pertaining to real property to be sold at auction; and

(8) Memorial plaques, cornerstones, historical tablets and the like.

(B) No building permit and no annual permit will be required for the signs listed above, except for on-premise business signs.

(C) Signs listed above will be located off the street or highway right-of-way.

(D) Signs listed above shall not obstruct, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device and cannot obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

(E) No sign, floodlight or other lighting device listed above shall be erected or continued in operation which constitutes a nuisance by reason of light, glare, noise, animation or is considered unsafe or abandoned.

(F) No freestanding flashing or blinking signs will be permitted within 40 feet of the edge of any roadway.

(G) No illuminated sign shall be of such intensity as to unduly disturb the use of any residential property.

(H) All on-premise business signs must be kept in good repair. Any damaged sign must be repaired or removed within six months following written notification of the violation by the City Manager. The Beautification Committee will make recommendations of signs in violation to the City Manager.

(I) All temporary signs described in division (A)(5) and (7) above must be removed from public rights-of-way within one week following the event. All temporary signs described in division (A)(6) above must be removed within one day of the sale and contain the name and address of the seller as well as the date of the sale.

(1989 Code, § 14-503)

§ 14-504 GENERAL REQUIREMENTS PERTAINING TO OFF-PREMISES OUTDOOR ADVERTISING SIGNS.

(A) *General.* Off-premise outdoor advertising signs are classified as commercial activity and shall only be permitted in connection with or within 600 feet of an active operating commercial or industrial business or regularly used building, parking lots, storage or processing of commercial and industrial activity in accordance with rules and regulations established by State Department of Transportation for unzoned commercial or unzoned industrial areas.

(B) *Locations.*

(1) Off-premise outdoor advertising signs and billboards shall be permitted only in the following locations:

- (a) Along Interstate 40;
- (b) On U.S. Highway 127;
- (c) On U.S. Highway 70S and U.S. 70;
- (d) On state highways within one-half mile of an interstate interchange; and

(e) Any properties annexed by the city following the original enactment of this chapter on which an off-premise outdoor advertising sign and billboard exists at the time of annexation.

(2) Outdoor advertising signs and billboards will not be permitted in the central business area of the city on the highways listed above south of Penfield Street, southeast of Central Street, north of Cleveland Street and west of Dogwood Avenue.

(3) Outdoor advertising signs and billboards are further prohibited within 500 feet of a school, church, recreational field or park and within 300 feet of a residence fronting on the same highway.

(4) Locations are also governed by rules and regulations established by State Department of Transportation whose regulations, if more stringent, take precedence over city statutes.

(5) No sign shall be located in a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, nor will it be permitted to obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

(C) *Spacing.*

(1) With the exception of signs and billboards fronting Interstate 40, the spacing of which is controlled by State Department of Transportation, all outdoor advertising signs must be spaced at least 750 feet apart, and at least 750 feet from any existing non-conforming advertising sign or billboard, with each side of the highway considered separately.

(2) Double-stacking and side-by-side placement of new off-premise outdoor advertising signs is prohibited; except that, double-stacking is permitted for off-premise outdoor advertising signs and billboards fronting on Interstate 40.

(3) Back-to-back structures and V-shaped structures, as defined in this chapter, will be counted as one sign for the purpose of spacing.

(D) *Maximum size.* Each sign face for off-premise outdoor advertising signs and billboards cannot exceed 360 square feet in size, except those fronting on Interstate 40 which may be up to 775 square feet.

(E) *Setbacks.*

(1) No portion of any off-premise outdoor advertising sign, the bottom of which is less than ten feet above grade of thoroughfare, shall be erected, placed or hung within ten feet of the street or highway right-of-way.

(2) No portion of any off-premise outdoor advertising sign ten feet or more above grade of a thoroughfare shall be erected, placed or hung in a manner that any portion rests on or hangs over any street or highway right-of-way.

(3) No sign can be erected or placed so as to obstruct the view of traffic or create a hazard for the motoring public.

(F) *Lighting.*

(1) No sign, floodlight or other outdoor advertising device shall be erected or continued in operation which constitutes a nuisance by reason of light, glare, noise, animation or is considered unsafe or abandoned.

(2) No revolving or rotating beams or beacons of light are permitted.

(3) No sign shall have blinking, flashing or glittering light or other illuminating device which has a changing light intensity, brightness or color, except for the display of time and temperature. On-premise neon signs are specifically excluded from the provisions of this division (F).

(1989 Code, § 14-504) (Am. Ord. 1440, passed 4-8-2014)

§ 14-505 GENERAL REQUIREMENTS PERTAINING TO MOBILE SIGNS.

(A) Mobile signs or portable signs can be used as an on-premise business sign but cannot be used as off-premises advertising, except to make temporary announcements relating to educational, cultural or religious activities or relating to non-profit service clubs or charitable associations.

(B) No mobile sign or portable sign shall be erected or continued in operation which has a floodlight or other lighting device that constitutes a nuisance by reason of light, glare, noise, animation or is considered unsafe or abandoned. No flashing or blinking lights will be permitted.

(C) No mobile sign or portable sign shall be located in a manner as to obstruct, or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device, nor will it be permitted to obstruct or physically interfere with a driver's view of approaching or intersecting traffic.

(D) All mobile signs or portable signs must be located off the street or highway right-of-way.

(E) Mobile signs will not be required to obtain building permits or annual permits.

(1989 Code, § 14-505)

§ 14-506 NON-CONFORMING SIGNS.

(A) All non-conforming off-premise outdoor advertising signs and billboards which prior to enactment of this chapter were legally erected, and which are existing and properly maintained, shall be allowed to remain and shall be considered as "grandfathered" in place. These signs may not be enlarged or height extended.

(B) Replacement of wooden support structures for billboards with steel monopole structures will be allowed in compliance with procedures and rules relating to permits and subject to § 14-504(E) and (F).

(C) Non-conforming double stacked wooden signs may be replaced by double stacked single pole steel signs of the same size of existing wooden sign or less, but no larger. State Department of Transportation permits for both sides must have been bought prior to 2-14-1989 and a city building permit must be bought for the new structure.

(D) As of the effective date of this chapter, the supporting structure may not be totally replaced of any outdoor advertising sign of which the supporting structure is in a seriously deteriorating condition and is incapable of safely supporting the face of the sign. An exception of this would be if damage was inflicted by an unusually severe tornado-type storm as interpreted by the office of the Cumberland County Emergency Management Agency. The sign itself or stringers may be repaired as needed. If a company or individual owns an advertising structure of which the supporting poles are deteriorated or unsafe, or if the company fails to repair the face of the structure or lets the paint get in a shabby or unsightly condition, the city is empowered, after 30 days' notice, to remove the sign in violation at the owner's expense.

(E) If an existing billboard is ordered removed for any reason, the new location must comply with the requirements of this chapter.

(1989 Code, § 14-506)

§ 14-507 PERMITS, APPLICATIONS, FEES AND INSURANCE.

(A) *Building permits and fee.*

(1) A building permit is required for the erection or relocation of any off-premise outdoor advertising sign structure and for the erection of any on-premise business sign. The relocation of an on-premise business sign on the same property will not require a

building permit.

(2) The building permit fee is \$25 per sign face.

(3) Applications for building permits will include:

(a) A copy of the signed and notarized lease from the property owner to the sign owner;

(b) Name, address and phone number of the property owner and the sign owner;

(c) The size and height of the sign structure and the size of the sign face;

(d) The tax map and parcel identification for the proposed site indicating the position of the sign on parcel, and enlargement of parcel, if necessary;

(e) For steel structures, a licensed engineer's stamped drawing of construction plans for the underground base and aboveground steel column structure; and

(f) Other information as may be required by the City Manager and/or Building Inspector.

(4) Evidence of insurance as required for the sign erection in this chapter shall be submitted with the application for a building permit, if not already on file with the City Clerk.

(5) Evidence that a state permit, if required, has been or is being obtained from the state must be submitted before the building permit can be issued.

(6) Construction shall conform to wind load requirements of the International Building Code (latest edition), including minimum wind speed of 90 mph and minimum wind load of 30 pounds per square foot.

(7) The Building Inspector and the City Manager will review the application for compliance with all the requirement of this chapter before issuing the permit.

(8) In the case of steel structures, the Building Inspector will inspect and measure excavations and assure base preparation is as shown on engineering drawings as well as inspect above-ground structure against engineering drawings.

(9) The permit will expire if work has not commenced within six months after date of issue. All work must be completed within nine months or permits and fees will be invalid.

(B) *Annual permits and fee.*

(1) An annual fee of \$25 per sign will be required for each conforming and non-conforming off-premise outdoor advertising sign and billboard, as defined by this chapter, located in the city at the time of enactment of this chapter or erected in the future.

(2) Annual fees will be immediately due upon adoption of this chapter, delinquent 3-1-1990, and will cover the year 1990.

(3) No annual fee will be charged for the calendar year in which a sign building permit is obtained.

(4) The annual fee is due and payable between January 1 and February 1 of each calendar year, beginning in 1991, with a grace period until March 1. If the annual fee is not paid by March 1, the structure may be declared illegal and removed at owner's expense.

(5) Information on applications for annual permits consist of divisions (B)(1) through (4) above as required for building permits under division (A)(3) above.

(6) A number to identify each individual structure will be assigned to each off-premise sign permitted and that number must be displayed using four-inch permanent numbers on the side of the pole facing the road.

(C) *Insurance requirements.* No person shall engage, within the corporate limits of the city in the business of erecting or maintaining outdoor advertising signs or billboards as regulated under this chapter until after the persons shall have filed with the City Clerk evidence of liability insurance coverage of \$50,000 property damage, \$100,000 personal injury to any one person and \$200,000 for personal injury growing out of any one occurrence. The liability insurance shall save and keep the city and all its officials, employees, and agents, harmless from all damages, liabilities, losses and judgments resulting by reason of the erection or maintenance of any sign, and of any injury to persons or damages to property resulting therefrom.

(1989 Code, § 14-507)

§ 14-508 APPEALS FOR VARIANCES OR ADJUSTMENTS.

(A) The City Council is hereby designated to serve as the Sign Board to review and decide on requests for variances or adjustments from the specific terms of this chapter.

(B) The appellant shall submit a request letter with site plan and maps to the City Manager outlining all reasons for needing the variance.

(C) Any variance request or appeal may be taken up at any City Council meeting at which the request is a part of the agenda. The Board may render a decision at the meeting or may take the request for study and render a decision at the next regularly scheduled meeting.

(1989 Code, § 14-508) (Am. Ord. 1440, passed 4-8-2014)

§ 14-509 VIOLATIONS.

Any person or business failing to comply with the requirements of this chapter shall be guilty of a misdemeanor, and each day and each occurrence shall constitute a separate violation.

(1989 Code, § 14-509)

§ 14-510 VALIDITY.

Should any section, clause or provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of the chapter as a whole or any other part other than the part judged invalid.

(1989 Code, § 14-510)