

Chapter 6

ADVERTISING

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ARTICLE I. IN GENERAL**Sec. 6-1. Posting—On trees.**

It shall be unlawful for any person to place any sign, advertisement, poster, dodger, or similar thing on any tree or like woody growths on any of the streets, highways, sidewalks, alleys, neutral grounds, school grounds, parks, playgrounds, or any other public property or property owned by the city.

(Code 1970, § 3-2; Code 1983, § 3-1)

Sec. 6-2. Same—On structures.

It shall be unlawful for any person to paste, tack or otherwise affix any paper or cloth sign, bill, poster, advertisement, or notices on any building, fence or other structure in the city, without the consent of the owner thereof, if the same be private property; or without the consent of the mayor, if the fence, building, structure or tree be the property of the city.

(Code 1970, § 3-3; Code 1983, § 3-2)

Sec. 6-3. Same—On poles.

No person with the exception of governmental or quasi government entities shall post notice, poster, or other paper or device calculated to attract the attention of the public to any light post or utility poles in the public right-of-way, streets, sidewalk, public parks or other public areas of the city; except, however, nothing shall prohibit the posting of legal notice as required by law.

(Code 1970, § 3-4; Code 1983, § 3-3; Ord. No. 05:05/02, § I, 5-14-2002)

Sec. 6-4. Removal of lawfully posted notices.

It shall be unlawful for any unauthorized person to deface, tear down or destroy any ordinance notice or public advertisement that may be lawfully posted by the authority of the governing body or by private persons.

(Code 1970, § 3-5; Code 1983, § 3-4)

State law references—Pulling down lawful advertisements, MCA 1972, § 97-23-5; untrue, deceptive or misleading advertising, MCA 1972, § 97-23-3; construction, erection of billboards, MCA 1972, § 49-23-1 et seq.

Secs. 6-5—6-26. Reserved.**ARTICLE II. DISTRIBUTION OF
HANDBILLS, CIRCULARS, ETC.****DIVISION 1. GENERALLY****Sec. 6-27. Voluntary acceptance of material.**

It shall be unlawful for any person to throw, cast, distribute, scatter, deposit or place upon any public or private place within the city, any handbill, dodger, circular, paper, booklet, poster, advertising sample or device, except that the same may be personally delivered to those who are willing to accept the same.

(Code 1970, § 3-22; Code 1983, § 3-24)

Sec. 6-28. Placing on or in automobiles.

It shall be unlawful for any person to throw, deposit or place in or on any automobile or other vehicle, in the city, without first having obtained the permission of the owner or person in charge thereof, any handbill, dodger, circular, newspaper, paper, booklet, poster, printed matter, advertising literature, sample or device.

(Code 1970, § 3-23; Code 1983, § 3-25)

Sec. 6-29. Cleaning up.

Every person obtaining a permit under this article shall agree to remove all objects after distribution for the cleaning and clearing of the streets, sidewalks, and other public grounds or private property; for a failure to do so, or for damages incurred by the city, the bond, which shall be made payable to the city, shall be forfeited.

(Code 1970, § 3-20; Code 1983, § 3-26)

Secs. 6-30—6-46. Reserved.**DIVISION 2. PERMIT****Sec. 6-47. Required.**

It shall be unlawful for any person to distribute or cause to be distributed by any means or in any manner more than 25 copies of any circular, pamphlet, handbill, poster, dodger, paper cups or

like objects in any public place, street, sidewalk, alley or highway within the city without obtaining a permit therefor.

(Code 1970, § 3-16; Code 1983, § 3-20)

Sec. 6-48. Application—Submitted to board; accompanied by sample of handbills, etc.

Any person desiring to distribute or cause to be distributed by any means or in any manner more than 25 copies of circulars, pamphlets, handbills, posters, dodgers, paper cups or like objects shall make application to the board of mayor and selectmen for a permit so to do. The applicant shall accompany the application with a copy of the circulars, pamphlets, handbills, dodgers, posters or paper cups, etc.

(Code 1970, § 3-17; Code 1983, § 3-21)

Sec. 6-49. Same—Hearing; bond.

At a hearing held for the consideration of an application for a permit required by this article, the board of mayor and selectmen shall determine what bond shall be required of the distributors for the clearing up of the sidewalks or streets and the removal of the debris caused by said distribution and to indemnify the city from any and all claims of damages that may be caused by the throwing of said circulars, pamphlets, handbills, dodgers, posters or paper cups, etc., upon the sidewalks and streets of the city. In making the determination for the permit and bond, the board of mayor and selectmen shall take into consideration the size and volume of the objects, and upon what kind of paper the said objects are made, and the number of objects to be distributed, and the number of people that would be adversely affected thereby, and any and all other questions of fact to determine the size of the bond to be required. The amount of bonds shall at all times be reasonable and commensurate with the application. In issuing permits the applicant shall be judged fairly, without discrimination.

(Code 1970, § 3-18; Code 1983, § 3-22)

Sec. 6-50. Same—Charge.

No charge shall be made for permits issued under the provisions of this article.

(Code 1970, § 3-19; Code 1983, § 3-23)

Secs. 6-51—6-73. Reserved.

ARTICLE III. BUSINESS SIGNS AND OUTDOOR ADVERTISING SIGNS

Sec. 6-74. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed, except as otherwise permitted for off-premises advertising.

Animated sign means any sign which includes action or motion. For purposes of this article, this term does not refer to flashing or changing, all of which are separately defined.

Banner means a sign made of fabric, plastic, paper or other light pliable material, not enclosed in a rigid frame, so as to permit movement of the sign by wind or atmospheric movement.

Billboard. See *Standard outdoor advertising structure.*

Building face or wall means all of the window and wall area of a building in one plane or elevation.

Canopy means any structure attached to a building at the inner end and supported on the other end, or a freestanding structure with one or more supports, meant to provide shelter from weather elements, onto which signs may be affixed or incorporated.

Changeable copy sign (automatic) means a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Changeable copy sign (manual) means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Church bulletin board means a sign attached to the exterior of a church or located elsewhere on church premises and used to indicate the services and/or other activities of the church, and including the church name, if desired.

Copy means the working or graphics of a sign surface.

District means "district" as defined under the land use regulation chapter map.

Erect means to build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

Facade, principal, means the front or main part of a building facing a public street.

Facade, secondary, means the side of a building facing a secondary access street, parking lot or major privately owned circulation road; a side of a building other than the principal facade.

Face of sign means the entire area of a sign on which a message could be placed. The area of a sign which is visible from one direction as projected on a place.

Flashing signs means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not classed as flashing signs.

Frontage means the length of the lot along the street side. The front of a lot bordering more than one street is considered separate for each street.

Gasoline and oil service stations means any business which dispenses, or is designed to dispense gasoline and/or oil for use in motor vehicles or boats.

Ground level means immediate surrounding grade.

Height of sign means the vertical distance measured from the surrounding grade to the highest point of sign.

Illegal sign means a sign which contravenes this article, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.

Interior property line means property lines other than those forming a dedicated public right-of-way.

Logo means a letter, character or symbol used to represent a person, corporation or business enterprise.

Lot means a parcel, tract, plat or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the office of the county recorder of deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one as determined by the code inspector.

Message board means any sign that has changeable or removable lettering.

Off-premises sign means a sign which advertises an activity, business, product or service not conducted on the premises on which the sign is located.

Owner means a person recorded as such in official records and including duly authorized agent, a purchaser, lessee, devisee, receiver, trustee or any person having a vested or contingent interest in the property or business in question.

Planning commission means a board appointed by the board of mayor and selectmen to approve matters pertaining to this article and to review appeals from the decisions of the city code inspector.

Premises means an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Primary roads means that portion of connected main highway, as officially designated, or as may hereafter be so designated, by the state transportation commission, and approved by the United

States Secretary of Commerce, pursuant to the provisions of Title 23, United States Codes, "Highways."

Right-of-way (R.O.W.) means any publicly owned or used right-of-way.

Roofline means the highest point of the coping on a flat roof, false mansard or parapet wall; the decline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and ridge for a gable or hip roof.

Seasonal or special occasion temporary signs means a sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

Setback means the minimum horizontal distance between the face of curb, the edge or pavement, or the right-of-way line, or proposed right-of-way line for streets. On private streets for public use, the setback is measured from the street easement, curb or pavement, or legally required width whichever results in greater setback.

Shopping center means a building containing two or more shops, stores and other retail and/or service places of business, and providing offstreet parking facilities in common for all of the businesses and their customers.

Show window signs means any temporary sign advertising sales or specials attached to or within three feet of the glass surface of any fixed window (glazing) visible from a public right-of-way.

Sign means any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purposes of this article, this definition shall include, but, not be limited to, those signs painted directly upon a building or other structure. For

the purpose of removal, signs shall also include all sign structures. Not included are decorative devices or emblems as may be displayed on a residential mailbox.

Sign area means the surface of a sign shall be computed as including the entire area within a rectangle, triangle, circle, or the regular geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter displayed. Base, apron, supports and other structural members not bearing advertising matter shall not be included in computation of surface area. Border or trim shall be included in computation of surface area.

Sign, attached, means a sign erected or placed upon the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

Sign, canopy, means any sign hanging entirely beneath a canopy, portico or marquee.

Sign, commercial directory, means a permanent pole sign designating the name of a commercial center and listing the various tenants of the center.

Sign, construction, means a temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor, and/or financing institutions of the project.

Sign, directional, means a sign which indicates a direction for vehicular or pedestrian traffic or other movement.

Sign, electrical, means a sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

Sign enforcement officer means the designated authority or officer charged with the administration and enforcement of this article, or his duly authorized representative.

Sign, fluttering, means a sign, including banners, flags, pennants or other flexible material which moves with the wind or by some artificial means.

Sign, grand opening, means any temporary sign used to draw attention to a business or facility which has been newly opened, reopened, expanded in floor area or relocated.

Sign, ground, means any detached sign on the same lot or parcel as the use it advertises which has its bottom portion erected upon or supported by the ground, a ground planter box, or other supports.

Sign, illuminated, means any sign which is illuminated by light sources mounted on or in the sign or at some other location.

Sign, memorial or tablet, means the permanent part of a building which denotes the name of the building, date of erection, historical significance, dedication or other similar information.

Sign, monument, means a freestanding identification sign, the bottom of which is attached directly and permanently to the ground and physically separated from any other structure.

Sign, nonconforming, means a sign legally erected under the previously existing ordinances of the city, but which does not conform to the provisions of this article.

Sign, occupational and/or identification, means an attached wall sign not larger than one square foot in area identifying the name of a person occupying a building.

Sign, open letter, means a sign consisting of letters and/or numbers attached to the face of the building without structural trim or background.

Sign, overhanging, means any sign which projects more than 12 inches beyond the plane of the wall on which the sign is erected or attached.

Sign, placard, means any cardboard, metal, plastic, fabric or vinyl sign less than six square feet in area.

Sign, pole, means any letter, word, model, sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single or multiple stationary pole or post.

Sign, political, means a temporary sign advocating or opposing any political proposition or candidate for public office.

Sign, portable. See *sign, temporary*.

Sign, project identification, means a permanent ground sign identifying an apartment complex, condominium project or mobile home development entry, name and/or street names within the project.

Sign, projecting, means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Sign, property real estate, means a sign pertaining only to the prospective rental, lease or sale of the property upon which it is located.

Sign, residential construction project, means any temporary sign that provides direction to any residential development under construction, or promotes the residential development on the project site.

Sign, roof, means any sign erected on a roof but excluding marquee and canopy signs and wall signs. The general vertical plan of a mansard-type roof shall be interpreted as the same as a wall of a building.

Sign, snipe, means a temporary sign or poster affixed to a tree, fence, etc.

Sign, structure, means the sign and all parts associated with its construction.

Sign supports means all structures by which a sign is held up, including, for example, poles, braces, guys and anchors.

Sign, temporary, means any sign, handbill or poster which is placed to advertise or announce a specific event or which pertains to a particular event or occurrence or which is not designed or intended to be placed permanently. Examples of temporary signs include, but are not limited to:

- (1) Political signs;
- (2) Real estate, for sale or lease signs;
- (3) Holiday display signs;
- (4) Banners;

- (5) Inflatable displays; and
- (6) Grand opening and going-out-of-business signs.

Sign, wall, means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface.

Sign, window, means a sign at the window of a building with the face parallel to and within 12 inches of the plane of the building wall.

Special displays means signs not exceeding 32 square feet, used for holidays, public demonstrations or promotion of civil welfare or charitable purposes.

Special permit. See *Variance.*

Standard outdoor advertising structure, off-premises poster panel and/or billboard means any sign intended to attract general public interest concerning a commercial enterprise, product, service, industry or other activity not conducted, sold or offered on the premises upon which the sign is erected, or a sign which advertises or identifies goods, products or services which may incidentally be sold on the premises on which the sign is located. Such signs, however, shall not include signs which identify or advertise the name of the business or person or primary and principal activity, goods or services located on the premises where the sign is erected. By way of example, a billboard advertising a soft drink or beverage, which is sold as an incident to the business conducted on the premises, shall nevertheless, be considered a billboard, provided the owner or name of the business upon which such sign is located is not identified or named. This includes billboards, detached pole signs on separate parcels, wall signs and signs otherwise attached to buildings and/or supported by uprights or braces on the ground. Real estate signs and political signs are excluded from this definition.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Subdivision identification sign means a permanent ground sign identifying a subdivision entry, subdivision name and/or street names within the subdivision.

Use means the purpose of which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Variance means a relaxation of the terms of this article where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardship.

Zoning ordinance means the land use regulation ordinance of the city and the current zoning district map related thereto.
(Code 1983, § 3-37; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-75. General requirements.

(a) *Maintenance.* All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The city code inspector shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined by the building code.

(b) *Nonconforming signs.* In an instance where a sign is nonconforming to any of the requirements of this article, such sign and any supporting structure may be allowed although such a sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way, which increases its nonconformity. No sign, which has been damaged more than 50 percent of its fair market value, shall be restored except in conformity with the regulations of this article. Any alteration or maintenance of a nonconforming sign such as painting of panels or frame, changing outface panels, or repairs to frame or panel requires a permit from the city code inspector. The permit is to include the total value of the work, including materials and labor to substantiate the value. All nonconforming flashing signs and portable signs have 90 days to be brought into compliance.

(c) *Prohibited signs.* Except as specifically provided otherwise in this article, the following signs and displays shall be strictly prohibited throughout the city:

- (1) Portable, freestanding, changeable or removable letter signs. Portable signs shall not be grandfathered. Owners shall remove within 90 days of approval of ordinance.
 - (2) Signs in public right-of-way which are not city, county, state and federal regulatory signs.
 - (3) Banners, service or bay entrance sign banners, advertising banners (except as otherwise provided), streamers, posters, ribbons, light strings, lightbulbs, light bands, spinners, pennants, attention-getting devices that move, blinking, electronic or flashing signs except time, temperature and date signs, signs which exhibit changing natural or artificial light or color effects, and festoon lighting, signs (other than neon signs) which contain bare, unshielded light or tubes which are visible from a public street or private residence, unless attached to the business.
 - (4) Snipe signs or signs attached to trees, fences, public utility poles, standpipes, gutter drains or fire escapes, other than warning signs issued by government officials or public utilities.
 - (5) Abandoned or defunct signs, including the posts or other supports thereof, that advertise or identify or formerly advertise an activity, business product or service that is no longer conducted or available on the premises where such sign is located. The property owner shall remove such sign within 90 days after the effective date of the ordinance from which this section is derived.
 - (6) Hazardous signs. No signs shall be erected, relocated or maintained so as to prevent free ingress or access from any door, window, fire escape, driveway or utility lines.
 - (7) Roof signs or any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, which ever forms the top line of the building silhouette.
 - (8) Signs which emit an audible sound or odor.
 - (9) Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle.
 - (10) Signs which are illegal under federal or state laws or regulations.
 - (11) Signs which hide or interfere with traffic flow or with any street sign, signal or device.
 - (12) Signs or any advertising device attached to or located on a parked vehicle or trailer on a public right-of-way, public property or private property for the basic purposes of providing advertising of products or services or directing people to a business or activity located on the same or nearby property or any other premises. This does not apply to allowed signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
- (d) *Sign restrictions.*
- (1) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through an intersection or to enter onto or exit from public streets, private roads or driveways.
 - (2) No sign may be erected so that by its location, color, size shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by government agencies. No sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this article.
 - (3) No person may, for the purpose of increasing or enhancing the visibility of any sign,

damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road.

(Code 1983, § 3-39; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-76. General liabilities.

No business sign shall be erected in zoning districts other than commercial or business unless the business sign advertises a use specifically permitted in the zoning district in which the sign is located, or if advertising a nonconforming use, said nonconforming use and sign are subject to the limitations contained in the zoning ordinances of the city concerning nonconforming use and structures.

(Code 1983, § 3-40; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-77. Permanent business signs.

(a) *Permanent business signs.* Permanent business signs shall be permitted as follows:

- (1) The sign area shall be up to a maximum of 150 square feet for each of two sides including message board.
- (2) Front setback shall be five feet from property line to the leading edge of the sign.
- (3) Side setback shall be five feet from property line to the leading edge of the sign. Rear setback shall be five feet from property line to the leading edge of the sign.
- (4) One permanent business sign shall be allowed per lot, except for lots with over 300 feet of frontage on a public right-of-way, which may have up to two permanent business signs.
- (5) The maximum height of the sign shall be 30 feet.
- (6) Message boards shall be permitted for commercial buildings, which may occupy no more than 50 square feet of the permanent business sign face. Message boards shall be white with black lettering accompanied by business identification signage.

(b) *Permanent business sign alternatives; multitenant properties.* The following permanent business sign alternatives may be permitted, subject to approval of the code inspector:

- (1) *Two to four businesses.* The allowable sign area on properties advertising two or more individual business may be a maximum of 250 square feet for each of two sides, including message board, if the following is true:
 - a. Signs advertising multitenant complexes shall be one sign structure with changeable sign faces for individual businesses.
 - b. The appearance of sign structure and the individual sign elements are visually related to form an orderly whole.
 - c. The maximum height of such sign shall be 30 feet.
 - d. The leading edge of the sign may not be located closer than five feet to any property line.
 - e. Sign must have a minimum of six feet clearance from the bottom of the sign.
- (2) *Five or more businesses.* Signs advertising multitenant complexes with five or more individual businesses may be increased to 350 square feet, including message board, subject to the following conditions:
 - a. Signs advertising multitenant complexes shall be one sign structure with changeable sign faces for individual businesses.
 - b. The appearance of the sign structure and the individual sign elements are visually related to form an orderly whole.
 - c. Each business store front shall be provided with a sign area of equal size.
 - d. The sign may not be greater than 30 feet in height.

- e. The leading edge of the sign may not be located closer than five feet to any property line.
- f. Each individual sign shall have no more than 50 square feet.
- g. Each shall have a minimum of six feet clearance on the bottom of the sign.

(c) *Wall signs.* Wall signs shall be permitted as follows: Such signs shall be allowed in zoning districts (C-1) neighborhood business district, (C-2) highway commercial district, and (SCD) central business overlay district.

- (1) Wall signs shall be placed on the principal facade of the building. The maximum total sign area of all wall signs shall not exceed 20 percent of the area of the first two stories of building elevation on which it is placed. However, where an establishment has a rear entrance which is not visible from another sign for the establishment, an additional sign which also directs persons to the rear entrance may be posted above or to the side of the rear entrance, provided that such sign does not exceed four square feet in sign area.
- (2) The maximum sign area shall be 20 percent of the area of the first two stories of building elevation on which it is placed, or in the case of a multitenant retail commercial building or multiowner office condominium, each tenant or owner may have a sign area not to exceed 20 percent of the area of its leased exterior storefront.
- (3) Commercial buildings may have an entrance identification sign on a wall other than specified above, provided that the entrance identification sign does not exceed ten square feet and is located on the wall within ten feet of the primary public entrance which leads directly into a lobby or waiting area.
- (4) Wall signs may not cover any part of a window or extend above the roofline.
- (5) Canopy signs are considered wall signs. Lettering must not exceed 20 percent of

the total canopy area, subject to the other wall sign area limitations in this article; and canopies are limited to placement above windows, doors and principal walkways.

- (6) Movie theaters may have, as additional signs, attraction board wall signs. The marquee sign shall be permitted.
- (7) The wall sign shall extend no further than 18 inches from the wall to which it is attached.

(d) *Secondary facade wall signs.* One secondary facade wall sign may be permitted in lieu of freestanding signs. The maximum total area of the secondary facade wall sign shall not exceed ten percent of the area of the first two stories of the building elevation of the secondary facade.

(e) *Window signs.* Window signs shall be permitted as follows:

- (1) Window signs must not exceed 20 percent of the total window area.
- (2) Neon lettering shall be permitted on window signs. Lettering must not exceed 20 percent of the total window area.

(f) *Projecting signs.* Projecting signs shall be permitted as follows:

- (1) Projecting signs shall be at least ten feet at their lowest level above the street or ground level.
- (2) Projecting signs shall not project over a public right-of-way or project by more than five feet beyond the building line.
- (3) Surface area of projecting signs shall not exceed 40 square feet per facing.
- (4) Height of projecting signs shall not exceed the top of the second story of the structure.
- (5) The number of projecting signs shall not exceed one per structure.

(g) *Ground signs.* Ground signs shall be permitted as follows:

- (1) A minimum of 15 feet from property line.
- (2) Maximum height of ten feet.

(3) Maximum sign size of 100 square feet including message board.

(h) *Church signs.* Church signs shall be permitted as follows:

- (1) A minimum of 15 feet from property line.
- (2) Maximum height of ten feet.
- (3) Maximum sign size of 100 square feet including message board.

(i) *Traffic signs, directional signs, parking signs, and delivery signs.* Signs providing traffic directions (entrance and exits), parking directions, and delivery signs shall not require a permit. Such signs may either be wall- or ground-mounted and they may be directly or indirectly illuminated, but shall not exceed four square feet in area. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area. Maximum height shall be three feet. Minimum front and side setback shall be two feet. (Code 1983, § 3-41; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-78. Outdoor advertising signs (billboards); permits required.

Outdoor advertising signs shall be allowed in (C-2) highway commercial and (C-PL) planned commercial districts only.

- (1) Outdoor advertising signs may be erected in (C-2) highway commercial and (C-PL) districts only. The maximum area of any outdoor advertising sign shall not exceed 300 square feet in sign area, and signs are not to include as part of the measurement the structural components of trim of said sign. No sign in violation of the maximum square footage allowable shall be repaired or replaced if damaged or destroyed except that said repairs or replacement may be made to bring sign into conformity with the provisions of this article.
- (2) Setbacks shall be 25 feet from front property line; 15 feet side; 15 feet rear; to the leading edge of sign.
- (3) Maximum height shall be 30 feet and shall be supported by a single pole. All

signs shall be designed to withstand a minimum wind load of 100 miles per hour and have an engineer's stamp on the drawing.

- (4) All outdoor advertising signs permitted to be erected under this article shall not be erected after passage of the ordinance from which this article is derived unless the sign to be erected is spaced a minimum of 2,000 feet from a then-existing outdoor advertising sign on the same side of the road as measured along a line parallel to such road; this spacing does not exclude back-to-back, side-to-side or v-type sign structures, as such sign structures are considered one sign structure for spacing requirement.
- (5) All illuminated outdoor advertising signs shall be so illuminated as to adhere to the customary practices of the industry in the state at the time of passage of the ordinance from which this article is derived, providing that no lighting device shall be used which in any way imitates any traffic control device, railroad sign or signal, or highway directional sign, or in any manner directs flashing lights to a residential zone.
- (6) All outdoor advertising signs, whether permitted to remain as nonconforming sign structures or erected advertising sign structures under the terms of this article that are found to be abandoned, or are considered to be in such disrepair or are so poorly maintained as to produce a visual blight, shall be subject to removal without liability after providing notice to the sign owner, if known, and the landowner to so remove the sign within 90 days. Any sign which is declared to be an illegal sign, one that is erected or placed on location in violation of this article after said article is effective, shall be removed immediately, without liability for said removal.

(Code 1983, § 3-42; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-79. Temporary signs—No permits required.

(a) *Political signs.* Signs advertising political candidates, referenda or similar issues shall not be placed or erected earlier than 60 days prior to the specified voting day, and shall be removed within ten days following the election to which they pertain. All persons and groups wishing to use signs for political candidates, referenda or similar issues as a means of media shall pay an administrative fee of \$50.00 to the city for all signs collectively prior to erecting any signs. Political signs may not be placed upon governmental building or adjacent lawns, upon public utility poles or on the public right-of-way. Political signs are permitted in all zoning districts; the maximum sign area of one face shall not exceed six square feet. Political signs may be placed on private property with the permission of the property owner. If a political sign is not removed or placed improperly, the city is authorized to remove the sign, even if it is placed on private property. If any sign fails to comply with this section, the candidate being advertised shall be responsible for any litter charges.

(b) *Real estate, for sale or lease signs.* Real estate, for sale or lease signs are allowed in all zoning districts. Signs advertising real property for sale, lease or rent are permitted as follows:

- (1) One on-site unlighted sign shall be permitted per street frontage lot not to exceed six square feet of sign area per face for all single- or two-family developed lots.
- (2) One "open house" sign not to exceed six square feet may be located on the lot to which it applies.
- (3) For undeveloped tracts of two acres or more, the sign area of one face shall not exceed 32 square feet.
- (4) All said signs shall be removed within seven days after the closing of a transaction.

(c) *Holiday display.* Holiday displays are allowed in all zoning districts. Displays, including lighting, erected in connection with the obser-

vance of holidays shall not be installed more than 60 days before the holiday and must be removed within 15 days following the holiday.

(Code 1983, § 3-43; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-80. Same—Permits required.

(a) *Banners.* Banners advertising an event, promotion or special occasion are allowed for a period of 15 days in duration per permit. Four permits are permitted for each business or location per calendar year and these periods may run consecutively.

(b) *Dimensions; restrictions.* Banners shall not exceed 32 square feet and shall be restricted to the principal facade (front) or secondary facade (side) of a building. Banners may not be placed within five feet of the right-of-way, across public or private streets and shall not contain any advertising of alcohol or tobacco products. A banner permit entitles the business or location to one banner.

(c) *Issuance of permit.* Banner permits will be issued by the director of inspections and zoning or his/her designee in advance of the banner being erected. The business owner/operator may request a permit by phoning or visiting the department of inspections and zoning. The director of inspections and zoning will maintain a list by address and business name of all banner permits and their duration requested that calendar year. No fee will be charged for banner permits.

(d) *Grand opening and going-out-of-business signs.* All businesses shall be permitted to display going-out-of-business signs on a one-time basis for a maximum of 30 days. Any going-out-of-business sign shall not exceed 20 square feet and shall be allowed only in commercial districts. (Code 1983, § 3-44; Ord. No. 07:05/04, § I, 5-25-2004; Ord. No. 01:02/06, § I, 2-14-2006)

Sec. 6-81. Bond; insurance.

No person shall engage within the corporate limits of the city in the business of erecting or maintaining outdoor advertising signs as required under this article until after such person shall have filed with the city clerk evidence of

liability insurance coverage of \$50,000.00 property damage, \$100,000.00 personal injury to any one person and \$200,000.00 for personal injury growing out of any one occurrence; such liability insurance will save and keep the city, and all of its officials, employees and agents, harmless from all damages, liabilities, losses or judgments resulting by reason of the erection or maintenance of any such sign, and of any injury to persons or damages to property resulting therefrom.

(Code 1983, § 3-45; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-83. Violations.

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

(Code 1983, § 3-47; Ord. No. 07:05/04, § I, 5-25-2004)

Sec. 6-82. Permit applications; fees.

(a) It shall be unlawful for any person to henceforth erect or relocate any permanent business or outdoor sign structure, without first obtaining a permit, and paying the required permit fee per sign structure. The application for sign permits shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Location of the building, structure or lot to which or upon which the sign is to be located.
- (3) Name of person, firm, corporation or association that will be erecting the sign.
- (4) Evidence of insurance policy or bond responsibility as required for said sign erection.

(b) It shall be the duty of the city's department of inspections and zoning to examine the applications for a sign permit, and if it appears the proposed structure is in compliance with all of the requirements of this article, said sign permit shall be issued. If the work authorized under the sign permit has not been commenced within six months after the date of issuance, said permit shall become null and void.

(Code 1983, § 3-46; Ord. No. 07:05/04, § I, 5-25-2004)

Chapters 7—9

RESERVED