

CHAPTER 153: SIGNS

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GENERAL PROVISIONS

§ 153.01 TITLE.

This chapter shall be known as the Sign Code of the town and may be so cited and pleaded.

§ 153.02 PURPOSE.

The purpose of this chapter is to regulate all signs so as to protect the health, safety, morals and promote the public welfare. Principal features of this chapter are to define advertising signage for the premises on which the sign is located and the total sign area permissible per site.

§ 153.03 HIGHER STANDARDS TO PREVAIL.

(A) If any portion of this chapter is found to be in conflict with any other provisions of any zoning, building, fire, safety or health chapter of the town, the provision which establishes the higher standard shall prevail.

(B) If any section, division, sentence, clause or phrase of this chapter or its application to any person or circumstances is held invalid by the decision of any court of competent jurisdiction, the remainder of this code or the application of the provisions to other persons or circumstances is in effect and shall remain in full force and effect.

§ 153.04 DEFINITIONS.

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

AREA or **SURFACE AREA OF A SIGN.**

(1) The **SURFACE AREA** shall be that area which is enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display; or

(2) The **AREA** of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest combination of rectangles which enclose the whole group, including any loops or special symbols.

BILLBOARD. A sign used to display information or products which are not located on the same premises as the billboard, regardless of whether or not there is a service fee or rental fee for such a sign.

BUILDING FRONTAGE. The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

BUILDING LINE. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

COPY (PERMANENT OR TEMPORARY). The wording or any graphic illustrations on a sign surface either in permanent or removable letter form.

ENCLOSED MALL SHOPPING CENTER. A commercial real estate development comprised of department, retail, and/or commercial stores, the majority of which have entrances facing a common, enclosed mall. **ENCLOSED MALL SHOPPING CENTER** shall not include freestanding buildings located at or about such **ENCLOSED MALL SHOPPING CENTER**.

ERECTED. Attached, altered, built, constructed, reconstructed, enlarged or moved. **ERECTED** includes the painting of wall signs and any attached embellishments.

LOT. A single parcel of land that meets the following requirements:

- (1) Part of properly recorded subdivision;
- (2) Duly recorded under state ownership statutes.

MAINTAIN or **MAINTENANCE.** The act of permitting a sign, structure or part of each to continue; to repair or refurbish a sign, structure or part of either.

MARQUEE. A permanent, roof-like shelter extending from part or all of the building face over a right-of-way (sidewalk), public or private, and constructed of some durable material such as metal, glass, plastic or wood.

MULTI-FACED SIGNS. If a sign has two display or advertising surfaces, the area of any face shall be no greater than 100% of the maximum area permitted for a single-faced sign in the particular district. Should a sign have more than two faces, the area of any single face shall be no greater than 50% of the maximum area permitted for a single-faced sign, with a total maximum area no greater than 400 square feet.

OWNER. A person recorded as such on official records and including only an authorized agent or notary, a purchaser, a devisee, judiciary and person having a vested or contingent interest in the property in question as long as written proof of such can be produced upon request.

PERSON. Any individual, corporation, association, firm, partnership and the like, singular or plural.

PREMISES. An area of land with its appurtenances and building which, because of its unity of use, may be regarded as the smallest conveyable unit or real estate.

RIGHT-OF-WAY or **ROADWAY WIDTH.** A particular distance across a public or private roadway from property line to property line. Such distance being reserved for the movement of vehicles, persons, goods and services. Such right-of-way improvements in the form of hard surface materials (blacktop, cement and the like) and soft surface (grass, dirt areas, and the like)

SIGN. A single or multi-faced structure or device designed for the purpose of informing or attracting the attention of persons not on the premises on which the structure or device is located.

SIGN, ABANDONED. A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

SIGN, BANNER. A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

SIGN, BUSINESS. A sign which directs attention to a business, building, product, activity or service manufactured, sold or offered upon the premises as the primary use where such sign is located.

SIGN, DISPLAY. A sign that is located on and is incidental to a display of merchandise.

SIGN, ELECTRIC. Any sign containing electric wiring. This includes signs illuminated by an exterior floodlight.

SIGN, EXEMPT. A sign exempt from normal permit requirements.

SIGN, GROUND. A sign which is supported by one or more uprights or bases in the ground with sign surface mounted above; the maximum height of which shall not exceed four feet above grade level.

SIGN, IDENTITY. Any sign or sign structure not permanently affixed or installed and intended for short-term use.

SIGN, ROOF. A sign erected, constructed and maintained upon the roof of a building.

SIGN STRUCTURE. Any structure which supports, has supported or is capable of supporting a sign, including decorative cover, poles, piers and other structural components.

SIGN, POLE. A sign which is supported by one or more poles or uprights in the ground with sign surface mounted at a minimum height of nine feet above grade level to the bottom of the sign.

SIGN, PORTABLE. A sign which, by its design and construction, is readily movable from one location to another. Such a sign may be mounted on wheels or on a small trailer frame or may be mounted on a supportive frame which is designed to set on top of the ground or to be temporarily staked or tied to the ground.

SIGN, WALL. One affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits of any building.

SIGN, WINDOW. A sign installed inside a window for purposes of viewing from outside the premises. **WINDOW SIGN** does not include merchandise located in a window.

STRIP SHOPPING CENTER. A commercial real estate development comprised of four or more retail or commercial stores situated side by side and generally facing a street or highway right-of-way. Any commercial real

estate development comprised of fewer than four retail or commercial stores situated side by side shall be considered a **FREESTANDING BUILDING**.

VEHICLES. Automobiles, trucks, trailers, railroad cars, construction equipment and other such mobile equipment whose major purpose is other than display of advertising.

SIGN, OFF-PREMISES. A sign identifying and/or providing directions to a business or organization which is located on premises separate from the location of the sign.

SIGN, NONCONFORMING. Signs which were lawful prior to the time this chapter was passed or amended, which would be prohibited, regulated or restricted under the terms of this chapter.

§ 153.05 EXEMPTIONS.

The following types of signs are exempted from all provisions of this chapter, except for construction and safety regulations and the following requirements:

(A) Business identification sign. An identification sign on or near (above or beside) a public entrance or service entrance to a business in a business, commercial or industrial zone is permitted, provided such signs state only the street address number and the name of the business or building, that such shall be mounted flush against the wall, and that sign shall not exceed four square feet.

(B) Damaged signs. A sign erected under a legally obtained permit which is damaged or destroyed by wind, weather or other accidental means beyond the control of the applicant may be replaced or restored to its original size, shape and location (as prior to the accident) without obtaining an additional permit. Replacement of a damaged or destroyed sign with a new sign of different size, shape or location from the original sign shall require a permit.

(C) Integral signs. Names of building, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type construction and made an integral part of the structure.

(D) Parking signs. Signs for public and private parking shall be permitted. Such signs shall be subject to a three-foot setback from right-of-way and shall not be used for advertising purposes. Signs shall be no higher than six feet and no greater than six square feet in area. Such signs shall be installed so as to not present a hazard to traffic entering or leaving the premises.

(E) Private traffic direction signs. Signs directing traffic movement onto or within a premises. Illumination of these signs shall be permitted in accordance with § 153.63. The leach edge of such signs shall be a minimum of three feet from any curb or traffic movement aisle, the sign shall be no higher than three feet and no greater than six square feet in area.

(F) Public signs. Signs of a noncommercial nature and in the public interest erected by or on the order of public officers in performance of their public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaque signs of historical interest, signs directing the traveling public to public and quasi-public facilities or signs on public buildings or structures and the like.

(G) Small signs. A nameplate which shall not exceed two square feet in area is permitted for each dwelling unit of a single-family or row-structured; such nameplate shall state nothing other than the name and/or address of the occupant and/or legal customary home occupation. No other sign shall be allowed. This division (G) shall not be construed to prohibit each dwelling unit from also displaying a house numbering plate for identification. Signs on the premises announcing rooms, apartments or house for rent and not exceeding four square feet in area. Also provided that the signs are located ten feet from the street right-of-way.

(H) Social or charitable organizations. Signs indicating the names and locations of churches, charitable organizations and community service organizations are permitted, provided the sign area shall not exceed four square feet, shall be located at least ten feet off the street right-of-way and shall in no way obstruct the view of pedestrians or vehicular traffic. Such signs shall be permitted as "off premises" signs; providing, however, such signs have a minimum space of 500 feet between any two signs in this category.

(I) Vehicle signs. Signs on vehicles are permitted, provided the sign is painted or attached directly to the body of the original motor-powered vehicle and does not project or extend beyond the original manufactured body proper of the motor-driven vehicle.

(J) Window signs. Window signs are permitted, provided such signs conform to the construction, illumination and safety regulations of this chapter.

PERMITS AND FEES

§ 153.15 PERMITS REQUIRED.

(A) Permits required. Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign or change the copy of an existing sign structure within the jurisdiction of the Plan Commission or cause the same to be done without first obtaining a sign permit for each sign from the Building Commissioner.

(B) Administration.

(1) All signs permitted shall be required to obtain a permit for erection, construction, enlargement or conversion. This requirement shall not be construed as to require a permit for each copy change on a sign that is constructed to facilitate changeable letters or billboard-type signs which are designed and intended for frequent copy changes.

(2) The permit application shall include:

(a) A site plan showing the dimensions of the property, the location of all existing structures and the location of the proposed sign.

(b) A lease or other appropriate statement demonstrating the consent of the property owner.

(c) Detailed construction plans and specifications of the sign structure and the original copy of the sign face.

(d) The full sign permit fee.

(3) The erection of the sign shall begin within 90 days of the date of issuance of the permit. The sign shall be completed in a timely and orderly manner.

(4) Where there is ambiguity or dispute concerning the interpretation of this section, the decision of the Building Commissioner shall prevail, subject to appeal to the Town Board of Zoning Appeals. Any party aggrieved by any decision or order of the Building Commissioner relating to this section may file an appeal with the Board within 30 days of the decision.

§ 153.16 APPLICATION.

Application for a permit shall be made to the Building Commissioner upon a form provided and shall be accompanied by such information as may be required to assure compliance with the laws and regulations of the town, including:

(A) Name and address of the property owner of the premises on which the sign is located or is to be located.

(B) Name and address of the owner of the sign.

(C) Clear and legible drawings with description showing the location of the sign which is the subject of the permit and all other signs whose construction requires permits, when such signs are on the same premises.

(D) Drawings showing dimensions, construction, supports, sizes, electrical wiring and components, materials of the sign, method of attachments and character of structural members to which attachment is made. If required by the Building Commissioner, engineering data shall be supplied on plans submitted and certified by a duly licensed engineer.

(E) Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from any state or federal roadway shall register, in writing, a statement that they have all necessary licenses and/or approvals from the other affected governmental agencies.

(F) Permission in writing from the person in possession or ownership of shopping centers and/or industrial premises shall be supplied as part of the application documentation.

§ 153.17 FEES.

The application, including all required documentation, shall be filed with the Building Commissioner together with a permit fee as specified by the Plan Commission Fee Schedule. If any sign is erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the fees specified shall be doubled. Payment of such double fee shall not relieve any person from compliance with other provisions of this chapter and penalties prescribed herein.

§ 153.18 EFFECT OF ISSUANCE.

No permit for a sign issued hereunder shall be deemed permission or authorization to maintain an unlawful sign, nor shall a permit issued hereunder constitute a defense in an action to abate an unlawful sign.

§ 153.19 NULLIFICATION.

A sign permit shall become null and void if the work authorized thereunder has not been started within a period of 90 days following the date of the permit and completed within a reasonable time thereafter.

§ 153.20 EXCEPTIONS.

The following shall not be considered creating a sign and therefore shall not be required to have a sign permit unless otherwise specified.

(A) Changeable copy. The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.

(B) Maintenance. Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved or a change in copy is involved.

(C) Temporary or exempt sign. Temporary signs as listed per § 153.62 and exempt signs as per § 153.05 are exempt from permit requirements unless specified elsewhere.

ADMINISTRATION AND ENFORCEMENT

§ 153.30 BUILDING COMMISSIONER TO ENFORCE PROVISIONS.

The Building Commissioner is hereby authorized and directed to enforce all the provisions of this chapter. Upon presentation of proper credentials, the Building Commissioner and/or his duly authorized representative may enter at reasonable times any building, structure and/or premises in the town to perform any duty imposed upon him by this chapter.

§ 153.31 INTERPRETATION.

Where there is any ambiguity or dispute concerning the interpretation of this chapter, the decision of the Building Commissioner shall prevail, subject to appeal as provided herein.

§ 153.32 APPEAL; REMEDIES.

(A) Right to appeal. Any person aggrieved by any decision or order of the Building Commissioner may appeal to the Board of Zoning Appeals. The Building Commissioner shall take no further action on the matter pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this chapter.

(B) Civil remedies. In addition to or instead of proceeding under § 153.32(A), the Board of Zoning Appeals or any designated enforcement official of this chapter may institute a suit for an injunction in the circuit or superior courts of the county to restrain an individual or a government unit from violating this chapter. The Board of Zoning Appeals, the Plan Commission or any designated enforcement official also may institute a suit for mandatory injunction directing an individual or government unit to remove a structure erected in violation of this chapter. A suit for mandatory injunction relief is an additional remedy which does not preclude any designated enforcement officials from utilizing any and all other statutory remedies available to the town for the enforcement of town chapters.

§ 153.33 ASSURANCE OF DISCONTINUANCE.

As an additional means of enforcement the Building Commissioner may accept an assurance of discontinuance of any act or practice deemed in violation of any rule or regulation adopted pursuant thereto from any owner or person

engaging in such act or practice. Such assurance shall be in writing and shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the assurance shall constitute prima facie proof of a violation of this chapter or any rule or regulation adopted pursuant thereto, which makes the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction.

INSPECTION; REMOVAL; SAFETY

§ 153.45 INSPECTION.

Signs for which a permit is required may be inspected periodically by the Building Commissioner and/or his agent for compliance with this and other codes of the town.

§ 153.46 REMOVAL.

(A) The Building Commissioner may order the removal of any sign erected or maintained in violation of this chapter.

(1) He shall give 30 days notice in writing to the owner of a permanent sign or place notice of such violation on the building, structure, premises or sign in violation to remove the sign or to bring it into compliance.

(2) He shall give a three-day notice for temporary or portable signs.

(B) The Building Commissioner may remove a sign immediately and without notice if, in his opinion and with the consent of a majority of the Town Council, the condition of the sign is such as to present an immediate threat to the safety of the public.

(C) Any sign removed by the Building Commissioner and/or his agent pursuant to the provisions of this section shall be held by the town for redemption of the owner. To redeem, the owner shall pay all costs incurred by the town for removal. Should said sign not be redeemed within 30 days of its removal, it may be disposed of in an appropriate court action by the town or by assessment against the property. The cost of removal shall include any and all incidental expenses incurred by the town in connection with the sign's removal.

§ 153.47 MAINTENANCE.

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. Failure to comply will automatically revoke the permit after such noncompliance has been determined by the Building Commissioner and notice has been given to the owner of the sign as reflected by the records of the Building Commissioner.

§ 153.48 ABANDONED SIGNS.

(A) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises no longer is conducted on the premises. If the owner or lessee fails to remove it, the Building Commissioner shall give the owner ten days written notice to remove it.

(B) Upon failure to comply with this notice, the Building Commissioner or his duly authorized representative may remove the sign at cost to the owner.

(C) Where a successor to a defunct business agrees to maintain the sign as provided in this chapter, this removal requirement shall not apply. The new sign user shall forthwith notify the Building Commissioner's office, in writing, of this change.

(D) No new sign permit is required unless the sign is altered or relocated. The Building Commissioner shall be notified in any matters relating to sign relocations.

§ 153.49 STREET IMPROVEMENT PROJECTS.

Any sign projecting over a roadway right-of-way at the time of the effective date of this chapter which was subject to removal or relocation at the owners's expense, pursuant to a permit or other chapter of the town, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this chapter if, as the result of or after completion of a roadway improvement project, the sign does not or would not comply with the provisions of this chapter.

REGULATIONS

§ 153.60 NONCONFORMING USES AND SIGNS.

(A) All signs shall be kept in good repair, safe, neat, clean and attractive condition. In the event signs are not kept in that condition or are demolished by any force to the extent of 50% of their use, the signs shall conform to this chapter.

(B) Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter. Nothing in this chapter shall be construed to give a legal status to any sign without a sign permit.

§ 153.61 PROHIBITED SIGNS.

The following types of signs are expressly forbidden in all zone districts:

(A) "A" frame signs. "A" frame or sandwich board, sidewalk or curb signs are prohibited.

(B) Abandoned signs. Business signs that advertise an activity, business, product or service no longer conducted or available shall be prohibited and may be removed by the town.

(C) Animated and intensely lighted signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other device or means not providing constant illumination. Public service information signs and other electronic message centers classified as changing signs are permitted under special provisions of this chapter and by special sign permit approval by the Plan Commission.

(D) Banners and pennants. Banners and pennants shall be permitted so long as they are at least ten feet from any street right-of-way located so as not to obstruct vision or otherwise create a hazard to traffic. No permit shall be required.

(E) Lights and balloons. Search lights, twirling signs, balloons or other gas-filled figures shall not be used except as set forth below. Such signs shall be permitted at the opening of a new business in a commercial or industrial district for a period not to exceed 60 days and will be permitted in residential districts in conjunction with an open house or model home demonstration conducted by a realtor for two days after and not to exceed a total period of 30 days.

(F) Miscellaneous signs and posters. The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a roadway, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures are prohibited unless otherwise permitted by this chapter.

(G) Moving signs. No signs or any portion thereof shall be permitted which moves or assumes any motions or gives the illusion of moving.

(H) Off-premise signs. Off-premise signs shall be prohibited except as expressly permitted in this chapter.

(I) Projecting signs. No sign shall project over or into the public right-of-way.

(J) Public areas. No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electrolier, hydrant, bridge, tree or other surface located on public property or over or across any street or roadway except as otherwise expressly authorized by this chapter.

(K) Swinging signs. Overhead swinging signs are prohibited.

(L) Towers (water, radio, and the like). No sign shall be placed on any tower or tank without the approval of the Plan Commission.

(M) Unclassified signs. The following signs are also prohibited, which:

(1) Bear or contain statements, words or pictures of an obscene, pornographic, immoral character or which contain advertising matter which is untruthful or will offend public morals or decency;

(2) Are painted on or attached to any fence or any wall which is not structurally part of a building except to identify a residence or residence structure by means of posting the name of the occupant or structure and the street address;

(3) Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements or have visible moving parts of any portion of which moves or gives the illusion of movements except as permitted in this chapter;

(4) Emit audible sound, odor or visible matter;

(5) Signs which purport to be or are an imitation of or resemble an official traffic sign or signal or which bear the words "Stop", "Go Slow", "Caution", "Danger", "Warning" or similar words, except as permitted in division (D) above;

(6) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or constructed as a traffic-control sign, signal or device or the light of an emergency or road equipment vehicle or which hide from view any graphic or roadway sign, signal or device;

(7) Obstruct any door, fire escape, stairway or any opening intended to provide air, egress or ingress for any building or structure;

(8) Are not included under the types of signs permitted in this chapter.

(N) Visible frames. Visible angle-iron frames or structures to support projecting signs from buildings or posts are prohibited.

§ 153.62 TEMPORARY SIGNS.

The following signs shall be permitted at any location within the town and shall be required to have a permit unless otherwise specified:

(A) Construction signs. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with construction but not including any advertisement of any product and signs announcing the character of the building enterprise or the purpose for which the building is intended during the construction period in a maximum of 32 square feet for each firm. The minimum setback shall be ten feet from any street right-of-way. The sign shall be confined on the site of construction and shall be removed within 30 days after the end of construction.

(B) Garage sale signs. Signs advertising the sale of miscellaneous household items for the purpose of a residential garage or yard sale shall not exceed four square feet in area. Such signs may be erected on the premises one week in advance of the sale and shall be removed within 48 hours after the sale. No permit shall be required.

(C) Political campaign signs. Political campaign signs announcing the candidates seeking public political office shall be confined within private property and not within the street right-of-way, shall be permitted no more than 45 days prior to the scheduled election, and shall be removed within 14 days after election for which they were made. Such signs shall not be required to obtain a permit.

(D) Portable signs. One portable sign may be permitted for a time period not to exceed 60 days in a 180-day period. Renewal permits may be obtained so long as there are no zoning violations relative to said permit; provided such sign shall:

(1) Be located not less than ten feet from any public right-of-way;

(2) Not obstruct the flow or sign pattern of vehicular traffic on any established right-of-way;

(3) Not be less than ten feet from adjoining residential lot;

(4) Have a face not exceeding 32 square feet;

(5) Meet the illumination requirements as set forth in § 153.63 and, in addition, be approved by the Building Commissioner.

(E) Real estate signs. one real estate sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed shall not exceed four square feet in residential and 32 square feet in commercial zones. Such sign shall be removed within 14 days of the sale, rental or lease. Such sign shall not be required to obtain a permit.

(F) Street banners. Street banners advertising a public entertainment or event and only for locations designated by the Building Commissioner, during and for, 14 days prior and 14 days after the event. Such signs shall

not be required to obtain a permit.

(G) Subdivision or multi-family sign. One temporary subdivision or multiple family project identity sign indicating only the name and/or address of the premises and/or the name of the management. Such a sign shall not exceed 32 square feet of face area and shall be located a minimum distance of ten feet from any street right-of-way. Excepting, however, for each additional foot beyond ten that the setback distance is increased, the face area of the sign may be increased by one square foot, up to a maximum allowable size of 100 square feet. The maximum time period will be 12 months from the date the sign permit is issued. Such sign may be extended for another 12 months by the Plan Commission or until the project is 85% completed or is occupied. Permanent identification signs may be obtained pursuant to § 153.63.

§ 153.63 ILLUMINATION.

(A) All illuminated signs must meet the standards as specified in the National Electrical Code.

(B) No sign shall have blinking, flashing or fluttering lights nor shall any device be utilized which has a changing light intensity, brightness or color or gives such illusion.

(C) The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electrical wiring shall be in conduit and not exposed to the elements or external street in any way. All electrical signs shall have a disconnecting switch located in a readily accessible place.

(D) Neither the direct nor reflected light from a primary light source shall create a traffic hazard to operators of motor vehicles on public and/or private roadways.

(E) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to the surrounding areas.

STANDARDS BY ZONE DISTRICTS

§ 153.75 APPLICATION.

The following sign standards by districts are intended to include every zone district within the jurisdiction of the town. The zones are as defined in the zoning chapter and official zone map. Only signs as described herein and as may be described under §§ 153.05 and 153.62 shall be permitted in each particular zone. If any zone is omitted from this chapter or if a new zone is created after enactment of this chapter, no sign shall be permitted therein until this chapter shall have been amended to include the new zone.

§ 153.76 RESIDENTIAL DISTRICT.

(A) Scope. This section shall apply to all zones designated by the zoning chapter as R-1, R-2 and R-3, Single-Family, Multiple Family or any variety of these.

(B) R-1, R-2, R-3, residential (light living densities.)

(1) One nameplate not exceeding a combined area of two square feet in area is permitted. The nameplate shall not be subject to the permit requirements of this chapter.

(2) Signs in conjunction with home occupations as stated in § 153.04, no illuminations shall be permitted.

(3) A church or public building, bulletin board or sign not exceeding 32 square feet in area. Such sign may be illuminated but shall conform to § 153.63 and division (D) below. A wall sign stating only the name of the church, school or public building may be approved by the Plan Commission.

(4) Any sign as permitted under §§ 153.62 and 153.05.

(5) One subdivision identity sign as permitted under § 153.62. Such sign shall not be illuminated. In the event the subdivision has entries from more than one street, additional identity signs may be permitted by the Plan Commission.

(6) One permanent subdivision identity shall be permitted. In the event the subdivision has entries from more than one street, additional signs may be permitted by the Plan Commission. Any temporary signs as provided in division (B)(5) above shall be removed before a permanent sign may be erected.

(C) Apartment A-1.

(1) For each duplex and/or multiple family building, one nameplate per occupance not to exceed two square feet in area is permitted. Such nameplate shall not be subject to the permit requirements of this chapter. No illumination shall be permitted.

(2) Signs in conjunction with home occupations as stated in § 153.04. No illumination shall be permitted.

(3) A church or public building bulletin board or sign not exceeding 32 square feet in area. Such sign may be illuminated but shall conform to § 153.63 and division (D) below. A wall sign stating only the name of the church, school or public building may be approved by the Plan Commission.

(4) Any sign as permitted under §§ 153.62 and 153.05 is permitted. Only the multi-family project identity sign may be illuminated but shall conform to § 153.63.

(5) For funeral homes or mortuaries, a nonilluminated nameplate shall be permitted, provided it is not greater than 32 square feet in area.

(6) One permanent, multi-family project identity sign shall be permitted. In the event the project has entries from more than one street, additional identity signs may be permitted by the Plan Commission. Any temporary sign as provided in division (C)(4) above shall be removed before a permanent sign may be erected.

(D) Location.

(1) A permanent identity sign for a single-family subdivision or for a multi-family project shall be placed a minimum distance of ten feet from any street right-of-way. The face of any such sign shall not exceed 32 square feet in area. Excepting, however, for each additional foot beyond ten that the setback distance is increased the face area of the sign may be increased by one square foot, up to a maximum allowable size of 100 square feet.

(2) Building-mounted signs shall be flush mounted. There shall be no projection of any sign above the roof line.

(3) All signs shall be placed a minimum of ten feet from any street right-of-way.

(4) Permitted signs shall not be placed on utility easements or drainage easements as defined on recorded plats or site plans without the express consent of the Plan Commission.

(5) Signs shall not be placed as to interfere with the sight path of vehicular traffic.

(6) The height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of four feet above grade level. The height of any pole sign shall be such that no part of the sign face shall be less than nine feet above grade level. Such pole sign shall not exceed a maximum height of 20 feet.

§ 153.77 COMMERCIAL AND INDUSTRIAL DISTRICTS.

(A) Scope. This section shall apply to all zones designated by the zoning chapter as C-1, C-2, C-3, I-1 and Commercial District, Special Commercial and Light Industrial.

(B) Permitted signs for freestanding buildings including freestanding building located at strip and mall shopping centers.

(1) Ground signs. Either one ground sign or one pole sign, but not both, indicating only the name and nature of the occupancy shall be permitted for each business parcel. Such sign shall not exceed 100 square feet in area (except as permitted in division (E) of this section) and a pole sign shall not exceed 35 feet in height. Such sign shall be installed in accordance with location criteria as explained in division (F) below. Such ground sign may be illuminated as provided in § 153.63 or as approved by the Building Commissioner or the Plan Commission.

(2) Wall signs. One wall sign on a building shall be permitted per each business therein. Maximum sign area shall be four square feet for each lineal foot of building frontage; however, in no instance shall such signage area exceed 200 square feet. Location shall be as explained in division (F) below. Such wall sign may be illuminated as provided in § 153.63 or as approved by the Building Commissioner or Plan Commission. A freestanding building which is situated on a corner lot or which has exposure to two streets may have wall signs on both exposed walls (i.e., limit of two wall signs per building). The face area may be increased by 75% if the sign is for two or three businesses and may be increased by 100% if the sign is for more than three businesses.

(3) Marquee signs. Marquee signs are permitted on the face of marquees subject to approval of the Plan Commission. The lower edge of the marquee sign shall be no less than eight feet above the sidewalk at any point. Unless otherwise approved by the Plan Commission, no part of such sign shall project above the roof line.

(4) Bench signs. Bench signs which are located for the convenience of the public may be permitted upon the approval of the Plan Commission.

(5) Portable signs. Portable signs as specified in § 153.62 shall be permitted.

(C) Permitted signs for strip shopping centers and industrial zones.

(1) Pole signs. Pole signs at strip shopping centers and in industrial zones may be made a part of the site development plan or erected at a later date; shall be subject to the approval of the Plan Commission and shall meet the following requirements:

(a) One pole sign shall be permitted.

(b) Such sign shall indicate only the name and location of such business or businesses.

(c) Such sign shall have a maximum surface area not exceeding 200 square feet; except as otherwise permitted in § 153.04 (see *MULTI-FACED SIGNS*) and § 153.76(C).

(d) Where a strip shopping center or developed parcel in an industrial zone has in excess of 100 feet of street frontage, one additional pole (freestanding) sign may be approved by the Plan Commission.

(e) Where a strip shopping center or developed parcel in an industrial zone is authorized by the Plan Commission to have more than one pole (freestanding) sign, the distance between each sign shall be not less than 100 feet.

(f) Such signs may be illuminated as provided in § 153.63 or as approved by the Plan Commission.

(2) Wall signs. One wall sign shall be permitted per business. The maximum sign area shall be four square feet for each lineal foot of building frontage; however, in no instance shall any individual signage area exceed 200 square feet. Location shall be as explained in division (F)(2) below. Such wall sign may be illuminated as provided in § 153.63 or as approved by the Plan Commission.

(3) Marquee signs. Marquee signs as provided in division (B)(3) above shall be permitted.

(4) Bench signs. Bench signs as provided in division (B)(4) above shall be permitted.

(5) Portable signs. Portable signs as provided in § 153.62 shall be permitted.

(D) Signs for commercial and industrial parks. Off-premise signs shall be permitted for directing the traveling public to commercial or industrial parks (strip shopping center or malls not included) providing the following requirements are met:

(1) A permit shall be obtained prior to the erection of the sign.

(2) The sign shall indicate only the name, location and information about the park itself; products or services shall not be advertised.

(3) The sign shall have a maximum sign face area of 100 square feet, a minimum height of 35 feet above grade, a minimum setback of ten feet from the street right-of-way.

(4) The sign shall be a minimum distance of 500 feet from any residential zoning district.

(5) Such sign shall be a minimum distance of 500 feet from any other off-premises sign.

(E) Signs advertising more than one business. Signs advertising more than one business shall be permitted subject to the following:

(1) If two or three businesses are served, the maximum permitted sign area shall be increased to an area no greater than 75% larger than the total area permitted for a single business.

(2) If more than three businesses are served by such advertising, the total area shall be increased no more than double the area permitted for a single business.

(3) In no instance shall a sign exceed 400 square feet on any face.

(F) Location.

(1) Ground or pole signs. Unless otherwise approved by the Plan Commission, the bottom of the signage area for all pole signs shall be no lower than nine feet from the existing lot grade, the top of the signage area for all ground signs shall be no higher than four feet from the existing lot grade.

(a) All signs shall be subject to a minimum setback from any street right-of-way of not less than ten feet and in no way shall be installed so as to obstruct vision of or otherwise create a hazard to traffic entering or leaving the premises.

(b) Ground or pole signs shall be no closer to the side property line than a distance equal to 35% of the frontage of the property upon which said sign is to be located but in no event shall such sign be closer than 15 feet.

(2) Wall signs. Unless otherwise approved by the Plan Commission, all wall signs shall be flush-mounted on the building surface and shall not project above the roof line.

(3) Marquee signs. Unless otherwise approved by the Plan Commission, all marquee signs shall be flush-mounted on the marquee surface, shall not project above the roof line and shall be no less than eight feet above grade and/or sidewalk at any point.

(4) Billboards. Billboards shall be permitted subject to all other restrictions set forth in this chapter, and also to the following restrictions:

(a) Billboard signs shall be permitted in zoning district I-1, industrial district, and L-1, light industrial district, where the districts face interstate highways and/or federal highways.

(b) Billboard signs shall not be permitted within 1000 feet of another billboard sign measured from posts of one billboard to the posts which support the second billboard.

(c) The distance between a billboard and residential districts R-1, R-2, R-3, commercial districts C-1 and C-2, apartment district A-1, and business district B-1 shall be no less than 500 feet measured from the post which supports the structure to the zoning district.

(d) Billboards shall be constructed on one steel post and have no more than two advertising faces, which back each other up and face the opposite direction from the other.

(e) Lighting must be mounted on the catwalk immediately below the bottom of the lowest trim and the lamp shall be 400 watt metal halide with no greater than 125 foot candles at any point beyond the advertising face of the billboard. There shall be no light pollution beyond the advertising face of the billboard.

(f) The maximum size of any billboard sign shall be 672 square feet, as measured from the outer edge of the trim that surrounds the copy area of the billboard.

(g) The maximum overall height of the top of the frame shall be 60 feet. The minimum height to the bottom of the frame shall be 45 feet. The minimum setback from the right away to any portion of the billboard sign shall be 10 feet.

(h) If any portion of this amendment is found to be in conflict with any of the provisions of any other section of the code, the provisions which establish the higher standard, shall prevail.

§ 153.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, be punishable by a fine of not less than \$10 nor more than \$300. Each day such violation shall occur will be deemed a separate offense.