

156.400 SIGNS**(A) PURPOSE AND TITLE****(1) Purpose**

The purpose and intent of this section is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the Town; eliminate potential hazards to motorists and pedestrians that result from signs; and promote the health, safety, and public welfare of the Town.

(2) Title

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

(B) GENERAL STANDARDS

Except as otherwise provided in this Section, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign within the Town, or cause the same to be done without first obtaining a sign permit. The following general sign standards apply to all signs within the Town.

(1) Determining sign area and dimensions

- (a) Generally, the area of a sign shall be calculated as the area used to display the sign message, not inclusive of supporting structures which do not display any message.
- (b) For wall signs that are framed, outlined, painted, or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
- (c) For wall signs comprised of individual letters, figures, or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form one single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Planning Director, shall not be included in the total area of a sign.
- (d) For freestanding signs, the sign area shall include the frame, if any, but shall not include:
 - (1) A pole or other structural support unless such pole or support is internally illuminated or otherwise so designed to constitute a display device.
 - (2) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building, or structural forms complementing the site in general.
- (e) When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.
- (f) The area of a changeable copy sign face shall be included in calculating total sign area.

(2) Determining sign height and clearance

- (a) The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, for example a graded earth mound, shall be measured from the grade of the nearest pavement or pavement curb.
- (b) Clearance under freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or ornamentations.

(3) Determining frontages and wall area

- (a) Building frontage shall be the length of the elevation(s) facing a public street, facing a primary parking area, or containing the public entrance(s) to the building.
 - (b) Building unit frontage shall be measured from the centerline of the party walls defining the tenant space.
 - (c) Lot frontage shall be the length of the public right-of-way adjacent to the lot.
 - (d) Wall area shall be the area of the façade on which the sign is placed, up to the eave line or cornice, and not including any roof area. Wall area shall include any windows, doors, or other openings.
- (4) Inspection
Signs for which a permit is required may be inspected periodically by the Planning Director for compliance with this Section.
- (5) Removal of signs
The Planning Director may order the removal of any sign erected or maintained in violation of this Section, at the cost of the property owner, consistent with the provisions of subsection (I).
- (6) Maintenance
All signs and their components shall be kept in good repair and in safe, neat, clean, and structurally sound condition.
- (7) Abandoned signs
A sign structure, inclusive of all poles, frames, supports, and other structural, electrical, mechanical, and other components, shall be removed by the property owner if the sign is unused for a period of twelve (12) months or longer. Designated historic signs are exempt from this requirement.
- (8) Illumination
All illuminated signs shall meet the following standards:
- (a) Illuminated signs shall meet the standards as specified in the National Electric Code.
 - (b) All illuminating elements 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.
 - (c) Neither the direct nor reflected light from a light source shall create a traffic hazard to motor vehicle operators.
 - (d) The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not exceed three-tenths (0.3) foot-candle at the property line upon any adjoining property located in a residentially zoned district or above one-half (0.5) foot-candle upon any adjoining non-residential property.
- (9) Trademarks
This Sign Code shall not require alterations to Federally-registered trademarks.
- (10) Hazardous signs
Signs, by their location, size, height, or other elements shall not create a hazardous condition to vehicular traffic or pedestrians, on or off the premises, nor to any surrounding properties. Signs shall conform to the sight visibility standards of §156.230.
- (11) Historic signs
A sign may be designated as a historic sign by the Plan Commission. As a historic sign, the cultural significance of the sign can be more important than strict application of the sign code, and so the historic designation may be used to preserve those signs. The Plan Commission, upon written request, shall determine if a sign is to be designated a historic sign, and any conditions of the designation.
- (12) Interim banners
Upon issuance of a permit for a permanent sign, one (1) banner may be installed as an interim sign until the permanent sign is installed. Such banner shall conform to the size and location requirements for temporary signs. The maximum duration for an interim banner shall be 90 days.

(C) EXEMPT SIGNS

The following signs are exempt from the provisions of this Sign Code and no permit shall be required, if the sign is in compliance with the conditions specified below.

- (1) Integral identification features
Names of buildings, date of construction, 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.
- (2) Public and quasi-public signs
Public signs erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques; address numbers; signs of historical interest; and signs directing people to public facilities.
- (3) Utility and emergency signs
Utility marker signs, emergency signs, public safety signs, and the like, installed by public agencies or utilities, unless such signs are determined to be a hazard by the Planning Director.
- (4) Real estate signs
Real estate signs located on the property for sale or lease, provided they are not located in the right-of-way or sight visibility triangle, are a maximum of eight (8) feet in height, do not exceed more than one (1) per property or two (2) per corner lot, and do not exceed six (6) square feet per sign in the residential and apartment zoning districts, and 32 square feet per sign in all other zoning districts, unless such signs are determined to be a hazard by the Planning Director.
- (5) Interior signs
Signs located on the interior of buildings, courts, athletic fields, fences, or other structures which are not intended to be seen from the exterior of said buildings or structures. In addition, exterior signs, which by their size and/or placement, are intended to be seen only by users or occupants of the property and are not reasonably legible from adjacent properties or public rights-of-way.
- (6) Holiday decorations
Holiday decorations and displays, provided they are not located in a public right-of-way, are displayed no more than thirty (30) days before the holiday, and are removed within thirty (30) days after the holiday. Holiday displays that cause hazardous traffic conditions may have reasonable conditions imposed by the Town Marshal or the Planning Director.
- (7) Construction/contractor signs
Signs posted on a construction site or a site for which a contractor is performing work, provided they are not located in a public right-of-way, are setback a minimum of ten (10) feet from any public right-of-way, do not exceed more than two (2) per property, do not exceed six (6) square feet in area per sign in residential zoning districts or 32 square feet in area per sign in all other zoning districts, and are removed upon completion of construction or contractor activity.
- (8) Directional signs
On-premises vehicle directional signs, provided they are not more than four (4) feet in height and six (6) square feet in area. They shall be setback a minimum of two (2) feet from any public right-of-way, and shall comply with the site triangle requirement of §156.230. Such signs shall be located and installed so as to not present a hazard to pedestrians or traffic entering or leaving the premises.
- (9) Social or charitable organization directional signs
Off-site signs indicating the names and locations of churches, charitable organizations, and community service organizations, provided that the sign area not exceed four (4) square feet, be located at least ten (10) feet from the public right-of-way, and be no less than 500 feet from any other sign in this category.
- (10) Pennants and flags
Pennants and flags, provided that they are not located in or encroach upon the public right-of-way. Flag poles located in residential districts shall not exceed the maximum building height set forth by the zoning district.

(11) Antique signs

Signs that exceed 40 years in age, or replicas thereof, used solely for aesthetic and/or educational purposes, and not primarily for advertising or identification of a property, business, organization, or product.

(12) Murals

A work of art, including a hand-painted, hand-tiled, or printed image on the exterior wall of a building which does not contain a message advertising a business conducted, service rendered, event scheduled, political issue, goods produced or sold, or other commercial message. A label indicating only the name and logo of a sponsoring business (or businesses) may be displayed, not to exceed two (2) square feet in area or 5% of the overall mural area, whichever is greater.

(13) Signs on vehicles

Signs painted on or attached directly to the original body of the vehicle and that do not project or extend beyond the original manufactured body proper of the vehicle, provided that the vehicle is operable, used in conducting business (e.g. deliveries, sales calls, employee transportation), and regularly moved off the property.

Signs on vehicles parked on the business property while off-duty, vehicles parked for the purpose of lawfully making deliveries or random sales or service, vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes are also exempt.

Signs on vehicles used primarily for the purpose of displaying the sign are prohibited in subsection (H).

(14) Window signs

Permanent window signs shall not exceed 25% of the area of any one window, and the total area of all window signs, including both permanent and temporary, shall not exceed 75% of the window area.

(15) Weekend signs

Signs erected after 5:30 p.m. on Fridays and removed before 7:30 a.m. on Mondays, provided that they do not exceed six (6) square feet in area, do not encroach on street pavement nor sidewalks (notwithstanding subsection (H)(7) below), and are not illuminated.

(16) General signs, non-commercial/non-profit

Non-commercial or non-profit general signs, provided that they do not exceed four (4) square feet in area, four (4) feet in height, are not located in the public right-of-way, and are a minimum of five (5) feet from any side or rear property line. In no case shall mounding or other terrain alterations be used to increase the height of signs.

(D) DEVELOPMENT STANDARDS FOR NON-RESIDENTIAL SIGNS

These standards apply to all zoning districts except residential and agricultural districts.

(1) See Table 1: Standards for non-residential permanent signs

(2) Additional standards

(a) Building signs shall not extend higher than the building eave line, cornice, or parapet.

(b) Multi-tenant signs

(1) The sign shall indicate only the name and address of the development and the names of tenants.

(2) No other freestanding signs shall be permitted, except for developments with more than one street frontage. In such case, the Plan Commission may permit no more than one additional multi-tenant or other freestanding sign.

(c) Major development signs

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

(2) The sign shall be located within the park development area, unless an off-site location is approved by the Plan Commission.

(3) The sign shall be no less than 500 feet from any residential zone and any other off-premises sign.

Table 1: Standards for non-residential permanent signs					
Zoning district	C-1	C-2	B-1	I-1	L-1
Freestanding Signs					
Pole/pylon					
Height (max.)	35' (min. 9' clearance from grade)	35' (min. 9' clearance from grade)	Not permitted	35' (min. 9' clearance from grade)	35' (min. 9' clearance from grade)
Area (max.)	100 sq. ft.	100 sq. ft.		100 sq. ft.	100 sq. ft.
Setback (min.)	10' from R/W	10' from R/W		10' from R/W	10' from R/W
Number (max.)	1	1		1	1
Ground					
Height	4' (6' sign structure)	4' (6' sign structure)	4' (6' sign structure)	4' (6' sign structure)	4' (6' sign structure)
Area	100 sq. ft.	100 sq. ft.	100 sq. ft.	100 sq. ft.	100 sq. ft.
Setback	10' from R/W*	10' from R/W*	5' from R/W	10' from R/W	10' from R/W
Number	1	1	1	1	1
Shingle					
Height	Not permitted	Not permitted	6'	Not permitted	Not permitted
Area			20 sq. ft. max.		
Setback			5' from R/W		
Notes:					
These standards do not apply to billboards. Billboard standards are defined in subsection (G).	35' (min. 9' clearance from grade)	35' (min. 9' clearance from grade)	Not permitted	35' (min. 9' clearance from grade)	Not permitted
Area	200 sq. ft.	200 sq. ft.		200 sq. ft.	
Setback	10'	10'		10'	
Number	1	1		1	
Building Signs					
Wall signs					
Area				200 sq. ft. (max.)	200 sq. ft. (max.)
Wall area	20% (max.)	20% (max.)	20% (max.)		
Awning signs					
Area	50% (max.) of the awning area; counted against wall area	50% (max.) of the awning area; counted against wall area	50% (max.) of the awning area; counted against wall area	50% (max.) of the awning area; counted against wall area	50% (max.) of the awning area; counted against wall area
Projecting signs					
Area	40 sq. ft. max	Not permitted	40 sq. ft. max	Not permitted	Not permitted
Number	1		1		
Clearance	Bottom of sign must be no less than 9' from grade		Bottom of sign must be no less than 9' from grade		
Notes:					
These standards do not apply to billboards. Billboard standards are defined in subsection (G).					
* When the principal structure where a sign is located is set back less than 25' from the R/W, the sign setback from R/W is reduced to 5'.					

(3) Additional standards for changeable copy signs

- (a) Changeable copy by non-electronic means may be utilized as part of any permitted sign.
- (b) No more than one (1) Electronic Message Center (EMC) sign shall be permitted per property or development or building.
- (c) See Table 2: Standards for Electronic Message Center signs
- (d) Except where unlimited motion is permitted, electronic message displays shall display static foreground images or text for the message hold time interval listed in Table 2. Static foreground images or text may be accompanied by the display background animation, as defined in this section.
- (e) Where unlimited motion is permitted, an animation, animated message, or a sequence of animations shall not exceed eight (8) seconds in length.
- (f) All EMCs are required to have automatic dimming capability that adjusts the sign brightness in relation to the ambient light at all times.
- (g) EMC sign brightness shall be no more than 0.3 foot-candles above the ambient light, as measured at a distance determined by the formula:

$Measurement\ distance = \sqrt{Area\ of\ EMC\ sign\ (in\ sq.\ ft.) \times 100}$. Certification of compliance to this standard shall be submitted to Planning Director at the time of sign installation. Ongoing compliance may be measured in accordance with the Town's operational policies and procedures.

- (h) Transition effects are permitted between messages, except those with the effect of flashing.
- (i) Transition effects, messages, displays, and background animation which cause any portion of the sign to flash or appear to flash are prohibited.

Table 2: Standards for Electronic Message Center signs					
Zoning district	C-1	C-2	B-1	I-1	L-1
Freestanding Signs					
Pole/pylon, ground, multi-tenant, major development signs					
Permitted	Yes	Yes	Ground signs only	Yes	Yes
Area	<50% of sign area	<50% of sign area	<40% of sign area	<60% of sign area	<50% of sign area
Building Signs					
Wall signs					
Permitted	Yes	Yes	Yes	Yes	Yes
Area	50 sq. ft. (max.)	50 sq. ft. (max.)	50 sq. ft. (max.)	50 sq. ft. (max.)	50 sq. ft. (max.)
Projecting signs					
Area	<50% of sign area	N/A	<50% of sign area	N/A	N/A
Window Signs					
Area	4 sq. ft. (max.)	4 sq. ft. (max.)	4 sq. ft. (max.)	4 sq. ft. (max.)	4 sq. ft. (max.)
General Standards					
Message hold time	1.5 seconds	1.5 seconds	1.5 seconds	Unlimited motion	1.5 seconds
Message hold time, window signs	Unlimited motion	Unlimited motion	Unlimited motion	Unlimited motion	Unlimited motion
<i>Notes:</i>					
These standards do not apply to billboards. Billboard standards are defined in subsection (G).					

(4) Temporary signs and banners

In addition to the signs permitted above, one (1) on-premises temporary sign or banner may be permitted per business. A permit shall be required each time a temporary sign or banner is to be used, subject to the following requirements:

- (a) The sign shall not exceed 32 square feet in area. The maximum height shall be eight (8) feet if the sign is oriented vertically, or five (5) feet if the sign is oriented horizontally.
- (b) The sign shall be displayed for a period of fourteen (14) consecutive days or less, a maximum of six (6) times per calendar year.
- (c) The sign may be illuminated, in accordance with section (B)(8). EMC signs may be used, in accordance with section (D)(3). In no instance shall any temporary sign use any flashing or blinking lights or any other effect prohibited by this Code.
- (d) The sign shall be a minimum of ten (10) feet from any public right-of-way and any adjoining residential property.

(5) General signs, commercial

Non-residential properties shall be permitted signs that meet the following standards. No permit shall be required.

- (a) Dimensions. No sign shall be greater than four (4) square feet in area and no more than four (4) feet in height. In no case shall mounding or other terrain alterations be used to increase the height of signs.
- (b) Setback. No sign shall be located in a public right-of-way. No sign shall be located closer than five (5) feet from a side or rear property line.
- (c) Number. General signs of a commercial nature shall be limited to no more than one (1) sign per fifty (50) feet of street or building frontage.

(6) Grand opening signs

For any business that, within the previous 60 days, has opened in the Town, reopened at a new location within the Town, or reopened after a remodeling, the cost of which exceeded 50% of the present assessed value of the property improvements, an on-premises grand opening sign permit may be issued, subject to the following requirements:

- (a) Duration. Not to exceed nine (9) days.
- (b) There shall be no restriction on the number of temporary signs that otherwise conform to the requirements of this section.

(c) Not more than four (4) attractive devices shall be permitted.

(7) Special event attractive devices

For any business event, other than grand openings, a permit for an on-premises attractive device may be issued, subject to the following requirements:

(a) Duration. Not to exceed nine (9) days.

(b) One permit is required for each attractive device.

(c) Permits may be issued concurrently. Not more than four (4) permits shall be issued for attractive devices per business or location per calendar year.

(8) Sidewalk signs

For any business in a structure located within 25 feet of the public street right-of-way line and that fronts a sidewalk with a minimum width of 64 inches, a sign permit may be issued for a sign to be located on the public sidewalk, including sidewalks in the public right-of-way, subject to the following requirements:

(a) Dimensions. No sign shall be greater than 24 inches in width, and no less than 24 inches nor more than 30 inches in height. The maximum sign face area shall be five (5) square feet.

(b) Number. Not more than one sign per first-floor business.

(c) Location. The sign shall be located in front of the business it advertises. No sign shall be located within the site visibility triangle established by §156.230.

(d) A minimum 40-inch clear path on the sidewalk shall be maintained to permit pedestrian passage.

(e) Sidewalk signs shall be displayed only during public business hours and shall be removed from the sidewalk during closed hours.

(f) Proof of liability insurance naming the Town of Whiteland as a co-insured in an amount of at least one million dollars shall be required with the permit application and shall remain in effect for the permit period.

(g) A permit shall be valid for one year, based on the date of issuance. A permit may be renewed if the business has not received a violation notice for sidewalk signs in the previous year. A permit may be revoked upon violation.

(E) DEVELOPMENT STANDARDS FOR RESIDENTIAL SIGNS

These standards apply to all residential and agricultural zoning districts.

(1) Identification signs

In addition to the above, one (1) identification sign not exceeding two (2) square feet in area is permitted on the primary structure. No illumination is permitted. No permit is required.

(2) Home occupations

Permitted home occupation uses shall be permitted one square foot of sign area in addition to the identification sign in (E)(2). No illumination is permitted. No permit is required.

(3) Temporary signs

One (1) sign not exceeding 32 square feet in area, and displayed for a period of seven (7) consecutive days or less may be permitted per property, a maximum of six (6) times per calendar year. Required setbacks shall be those of (E)(1). No illumination is permitted. No permit is required.

(4) Subdivision/development entry signs

Two (2) signs are permitted at each entrance to a residential subdivision, apartment complex, or other residential development, subject to the following standards. A permit shall be required.

(a) Dimensions. No greater than 32 square feet in area. However, for each additional foot beyond the minimum that the setback is increased, the sign area may be increased by one square foot, up to a maximum of 100 square feet.

(b) Height. No sign shall exceed 6 feet in height. However, retaining walls, decorative buildings, and like structures upon which the sign is installed may exceed this height, provided that the sign itself conforms to this standard.

(c) Setback. Minimum ten (10) feet from any public street right-of-way. Signs located in boulevard medians shall require Plan Commission approval.

- (d) Features. Each entry sign should incorporate design features such as decorative brick or stone, fencing, and/or landscaping.
- (e) Illumination. Entry signs may be illuminated in accordance with (B)(8). Internal illumination shall not be permitted.

(5) Model home signs

A permit for signs in conjunction with a permitted model home temporary use may be issued, subject to the following requirements:

- (a) Number. One (1) sign per group of model homes and one (1) sign per model home, located on the same lot as the model home, are permitted.
- (b) Dimensions. No greater than 32 square feet in area.
- (c) Height. No sign shall exceed 6 feet in height.
- (d) Setback. Group signs shall be a minimum of ten (10) feet from any public street right-of-way. Individual model home signs shall be a minimum of five (5) feet from the right-of-way.
- (e) Illumination shall be permitted for only the group sign, in accordance with (B)(8). Internal illumination shall not be permitted.

(6) Model home attractive devices

A permit for attractive devices in conjunction with permitted model homes may be issued, subject to the following requirements:

- (a) Duration. Not to exceed nine (9) days.
- (b) One permit is required for each attractive device.
- (c) Permits may be issued concurrently. Not more than four (4) permits shall be issued for attractive devices per group of model homes per calendar year.
- (d) One (1) balloon exceeding 24 inches in diameter but no higher than 35 feet may be used per model home without a permit required.

(F) DEVELOPMENT STANDARDS FOR INSTITUTIONAL SIGNS

These standards shall apply to signs in conjunction with institutional uses, notwithstanding the zoning district in which they are located.

(1) Permanent signs

- (a) Signs shall meet the requirements for permanent signs in the C-1 zoning district.
- (b) Signs shall be set back at least 20 feet from any residential property line.

(2) Temporary signs and banners

Temporary signs or banners may be permitted without a sign permit, subject to the following requirements:

- (a) Area. Signs shall not exceed 32 square feet in area.
- (b) Duration. A period of seven (7) consecutive days or less may be permitted.
- (c) Number. Maximum four (4) such signs may be displayed at one time.
- (d) Setback. No sign shall be located in a public right-of-way. No sign shall be located closer than five (5) feet from a side or rear property line.
- (e) No illumination is permitted.

(3) Special event attractive devices

A permit for an on-premises attractive device may be issued, subject to the following requirements:

- (a) Duration. Not to exceed nine (9) days.
- (b) One permit is required for each attractive device.
- (c) Permits may be issued concurrently. Not more than four (4) permits shall be issued for attractive devices per location per calendar year.

(4) Sports sponsorship signs

Banners sponsoring a public or private school's athletic team(s) or sports facilities that face the public right-of-way may be allowed with a permit, subject to the following requirements:

- (a) Such banners shall only be affixed to the athletic field's permanent perimeter fencing.
- (b) Such banners shall be a maximum of 32 square feet in area and a maximum of 5 feet in height.
- (c) Such banners shall be in place only during the regular school calendar year.

- (d) Such banners shall not be lighted other than by a light source for the athletic field when the athletic field is in use.
- (e) No more than eight (8) such banners shall be placed on-premises at any one time.
- (f) One (1) permit shall be required per athletic field per school year. Such permit application shall include each sponsor name and size of each banner to be installed.

(G) BILLBOARDS

These standards shall apply to billboards.

- (1) Billboard signs shall be permitted in the zoning districts I-1 and L-1, only where the property on which the sign is located abuts an interstate highway and/or federal highway.
- (2) 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.
- (3) 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.
- (4) Billboards shall be constructed on one steel post and have no more than two advertising faces, which back each other up at an angle not to exceed sixty (60) degrees, and face the opposite direction from the other.
- (5) 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.
- (6) 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.
- (7) 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 public right-of-way to any portion of the billboard sign shall be 10 feet.
- (8) Electronic message display
Any billboard using electronic display techniques in whole or in part must meet the following standards:
 - (a) The full billboard image or any portion thereof must have a minimum duration of seven (7) seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, in any manner imitate movement, or meet the characteristics of a flashing sign.
 - (b) Only instantaneous re-pixelization shall be permitted as a transition between messages.
 - (c) The sign shall not exceed a maximum illumination greater than 0.3 foot-candles above the ambient light, as measured at a distance of 250 feet from the base of the billboard or at the property line of any residential use, whichever is less.
 - (d) The sign shall have automatic dimming capability that adjusts the sign brightness in relation to the ambient light at all times.
 - (e) No portion of any billboard may fluctuate in light intensity or use intermittent, strobe, or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.
 - (f) No portion of any billboard may be used for video or moving pictures display.
 - (g) The sign shall contain a default design that will freeze the sign in a dark or blank position if a malfunction occurs.

(H) PROHIBITED SIGNS

The following types of signs are expressly prohibited in all zoning districts:

- (1) Animated signs
Signs that are animated by means of flashing, scintillating, blinking, or travelling lights or any other device or means not providing constant illumination. Electronic message displays are excluded from this clause.

- (2) Emissions
Signs that emit audible sound, odor, or visible matter are prohibited. The use of any type of pyrotechnics is prohibited. Moving picture projection is prohibited.
- (3) Imitation or impairment of official signs and vehicles
 - (a) Signs that purport to be or are an imitation of or resemble an official traffic sign or signal, or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.
 - (b) Signs that may be confused with or construed as a traffic-control sign, signal or device, or a light of an emergency or road equipment vehicle.
 - (c) Signs that hide from view any official graphic or roadway sign, signal, or device, or that interfere with the sight visibility area, as defined in §156.230.
- (4) Attractive devices
Search lights, twirling signs, balloons exceeding 25 feet in height and/or 24 inches in diameter, inflatable objects or figures, fan-blown streamers, and similar devices shall not be used, except as explicitly permitted in this section.
- (5) Vehicle signs
Signs placed on or attached to vehicles parked on public or private property primarily for the purpose of displaying the sign. Signs on vehicles that are incidental to the vehicle's primary use are exempt by subsection (C).
- (6) Roof-mounted signs
Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than that wall. Banners are excepted.
- (7) Encroachments
Signs located in any public right-of-way, including those placed on utility poles or street signs. Signs specifically permitted to be in the right-of-way elsewhere in this sign code and signs approved by the Town of Whiteland are permitted.
- (8) Tasteless signs
Signs that bear or contain statements, words, or pictures of an obscene, pornographic, immoral character, or which contain advertising that is untruthful or will offend public morals or decency.
- (I) ADMINISTRATION
 - (1) 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 Town or cause the same to be done without first obtaining a sign permit for each sign from the Planning Director. A permit shall not be required for change of copy of a changeable copy sign or billboard, or for normal maintenance and repair such as painting or cleaning (unless a structural change is involved).
 - (2) Permit application
Application for a permit shall be made to the Planning Director 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.
 - (a) All signs shall be required to obtain a permit for erection, construction, enlargement or conversion, unless otherwise specified in this code. 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.
 - (b) The permit application shall include:
 - (1) Name and address of the property owner of the premises on which the sign is located or is to be located.
 - (2) Name and address of the owner of the sign.
 - (3) 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.

- (4) 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 Planning Director or Building Commissioner, engineering data shall be supplied on plans submitted and certified by a duly licensed engineer.
 - (5) 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.
 - (6) 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.
 - (7) A site plan showing the dimensions of the property, the location of all existing structures and the location of the proposed sign.
 - (8) A lease or other appropriate statement demonstrating the consent of the property owner.
 - (9) Detailed construction plans and specifications of the sign structure and the original copy of the sign face.
 - (10) The full sign permit fee.
 - (11) Any other documentation required by this section, or as determined to be necessary by the Planning Director or Plan Commission.
- (3) Sign Permit Fees
- (a) A permit fee as specified in §10.97, Schedule of Fees, of the Town of Whiteland Code of Ordinances, shall be required with the sign permit application.
 - (b) 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.
- (4) Installation deadlines
- (a) The erection of the sign shall begin within 90 days of the date of issuance of the permit. One 90-day extension may be granted upon written request of the applicant to the Planning Director, for reasonable cause shown.
 - (b) 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 or authorized extension and completed within a reasonable time thereafter.
- (5) 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.
- (6) Inspection
- Signs may be inspected periodically by the Planning Director for compliance with this and other codes of the town, upon complaint or at random. Inspections on Saturdays, Sundays, and holidays shall not be required.
- (7) Enforcement
- In addition to the penalties of §156.999, the following enforcement actions apply to this Section.
- (a) The Planning Director may order the removal of any sign erected or maintained in violation of this chapter.
 - (b) Except as otherwise provided below for temporary or portable signs, in the event of a violation, the Planning Director shall give 30-day written notice 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.
 - (c) The Planning Director shall give a three-day notice for temporary or portable signs in violation of this chapter.

- (d) Snipe signs shall be subject to immediate removal.
 - (e) The Planning Director or other authorized agents of the Town may remove a sign immediately and without notice if the location and/or condition of the sign is such as to present an immediate threat to the safety of the public. Signs for which previous notice(s) of violation have been issued may be removed without additional notice.
 - (f) Any sign removed 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. The cost of removal shall include any and all incidental expenses incurred by the town in connection with the sign's 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, or as otherwise permitted by law. Signs removed from public rights-of-way may be disposed of as collected litter.
- (8) 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 section.
 - (b) Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this section. Nothing in this section shall be construed to give a legal status to any sign without a sign permit.

(J) DEFINITIONS

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

ATTRACTIVE DEVICE. A device used primarily to attract the attention of persons located off of the premises on which the device is located. Examples: search lights, inflatable objects or figures, balloons, etc.

BACKGROUND ANIMATION. The appearance of movement on a sign that creates a special effects or scene set in the background of a sign, but where the informational message portion displays static content in the foreground of the sign.

BALLOON. For the purposes of this section, only balloons exceeding 25 feet in height and/or 24 inches in diameter shall be regulated as attractive devices.

BANNER. A temporary sign composed of fabric or lightweight material, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

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.

CONSTRUCTION/CONTRACTOR SIGN. A sign that is placed on a premises by a developer, builder, or contractor to display information about the premises or construction activity. Examples: HVAC/roofing/electrical contractors signs, architect/builder signs, "coming soon" signs, etc.

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

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

FLAG. A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. National, state, and local government flags are exempt from this sign code.

INSTITUTIONAL. Directly involved with a social, charitable, community, non-profit, religious and/or educational function, as reasonably determined by the Planning Director.

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.

PENNANT. Any geometric shaped cloth, fabric or other lightweight material normally fastened to a stringer and limited to a maximum sign area of one and one-half (1 1/2) square feet which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

PLANNING DIRECTOR. The Director of Planning and Zoning, the Building Commissioner, and/or their authorized agents.

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, 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, DIRECTIONAL. Signs directing traffic movement onto or within a premises, and directing parking arrangements. Signs directing to a premises that are not located on the premises are considered off-site directional signs.

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, FREESTANDING. Any permanent sign that does not use a building for structural support.

SIGN, GENERAL. Signs of miscellaneous nature, typically temporary, of either commercial or non-commercial nature, and generally displaying political speech, announcements, or other content. Does not include identification signs. Examples: candidate signs, birth announcements, special sales, garage sales, "now hiring", etc.

SIGN, GROUND. A sign which is supported by one or more uprights or bases in the ground with sign surface mounted near grade level.

SIGN, HISTORIC. Signs, generally over 40 years in age, that are considered landmarks, contribute to the historical context of a property, or otherwise are culturally significant.

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

SIGN, MAJOR DEVELOPMENT. Sign identifying a commercial, industrial, or business park.

SIGN, MULTI-TENANT. Sign in conjunction with a multi-tenant shopping center, mall, or other similar development comprised of at least three (3) tenant spaces.

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.

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, 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 above grade level.

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, PROJECTING. A sign attached to a building so that the sign is perpendicular to the building façade.

SIGN, PYLON. A sign in which the pole or structure is enclosed and has the appearance of a solid monolith or monument.

SIGN, SHINGLE. A freestanding sign that hangs from a projecting bracket.

SIGN, SNIPE. A sign that is typically placed in the right-of-way, on a utility pole, fence, tree, or other convenient location that advertises products or services for businesses or organizations not located in Whiteland. Such signs are often of dubious origin. Garage sale signs and similar directional signs are not considered snipe signs.

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 signs do not include merchandise located in a window.

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

§10.97 Fee Schedule

Attractive devices	\$50
Freestanding signs	
Pole signs	\$100 + \$1 per square foot of sign area
Ground signs	\$50 + \$1 per square foot
Wall signs	\$30 + \$1 per square foot
Billboards	\$250 + \$1 per square foot
Temporary signs	\$75
Grand openings	\$100
Change of copy	\$35
Sidewalk signs	\$35
Model home signs	\$75
Sponsorship signs	\$10

Related addition to the zoning code:

156.230 Sight visibility.

These standards apply to all zoning districts.

- (A) Sight Visibility Triangle Required: All properties shall maintain an area (the "sight visibility triangle") at every intersection of an adjoining street with other streets and entrance drives. The sight visibility triangle shall be free of structures, vegetation, signs (other than street signs), and other opaque or partially opaque objects between a height of 2 1/2 and 12 feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present).
- (B) Sight Visibility Triangle Dimensions: The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way (or edge of pavement in the case of entrances) at the distances from the point of intersection required by the Sight Visibility Requirements table.

Sight Visibility Requirements table

Intersecting street type	Distance from intersection
Arterial	35 feet
Collector	30 feet
Local	25 feet
Private entrance	10 feet