

## **CHAPTER 110: ADVERTISING**

### **Section**

#### ***General Provisions***

- 110.01 Purpose
- 110.02 Title
- 110.03 Definitions

#### ***Sign Permits***

- 110.20 Permits required
- 110.21 Application; fees
- 110.22 Effect of sign permit issuance
- 110.23 Nullification
- 110.24 Permit exceptions

#### ***Inspection, Removal, Safety***

- 110.30 Inspection
- 110.31 Removal of signs
- 110.32 Maintenance
- 110.33 Abandoned signs
- 110.34 Street improvement projects
- 110.35 Assurance of discontinuance

#### ***Sign Classifications and Requirements***

- 110.40 Prohibited signs
- 110.41 Exemptions
- 110.42 Temporary signs
- 110.43 Illumination

#### ***Sign Standards by Zone Districts***

- 110.50 General
- 110.51 Residential
- 110.52 Commercial districts
- 110.53 Commercial and industrial districts

#### ***Major Highway Signage***

- 110.60 Purpose and intent
- 110.61 Permitted locations

- 110.62 Prohibited signs
- 110.63 Size and height restrictions
- 110.64 Minimum proximity
- 110.65 Structure specifications

***Enforcement***

- 110.70 Authorization to enforce and inspect
- 110.71 Interpretation
- 110.72 Right to appeal
- 110.73 Civil remedies
  
- 110.99 Penalty

***GENERAL PROVISIONS*****§ 110.01 PURPOSE.**

The purpose of this Outdoor Advertising Sign Code is to regulate all signs in the incorporated area of the town so as to protect the general public and promote traffic safety and public health. The chapter establishes on-premise sign standards for all zoning districts in the town and off-premise sign standards.

**§ 110.02 TITLE.**

This chapter shall be known as the Outdoor Advertising Sign Code of the town and may be so cited and pleaded and shall be referred to herein as the Outdoor Advertising Sign Code.

**§ 110.03 DEFINITIONS.*****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 and shall be the smallest combination of rectangles which enclose the whole group, including any loops or special symbols.

***BILLBOARD SIGN.*** A billboard shall be defined as 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, or commercial stores, the majority of which stores have entrances facing upon a common enclosed mall. The term **ENCLOSED MALL SHOPPING CENTER** as used herein shall not include free standing buildings located at or about such enclosed mall shopping center.

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

**HIGH-RISE SIGN.** A high-rise sign shall be defined as a sign erected at a minimum height of 50 or more feet above grade level and upon premises of the business being advertised. High-rise signs are permitted along interstate highways only. Other locations are prohibited.

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

- (1) Part of a properly recorded subdivision; or
- (2) Duly recorded under the state recording statutes.

**MAINTAIN or MAINTENANCE.** The act of permitting a sign, structure, or part of each to continue; or to repair or to 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 a duly authorized agent, a purchaser, a devisee, or a 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 buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of 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, services. Such right-of-way improvements are in the form of hard surface materials (black-top, 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.** 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, NONCONFORMING.** Signs which were lawful prior to the time this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter shall be deemed legal nonconforming.

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

**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 sit on top of the ground or to be temporarily staked or tied to the ground.

**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 covers, poles, piers, and other structural components.

**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. This term 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.

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

### **SIGN PERMITS**

#### **§ 110.20 PERMITS REQUIRED.**

Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Town Planning Commission, or cause the same to be done without first obtaining a sign permit for each sign from the Town Building Commissioner.

Penalty, see § 110.99

#### **§ 110.21 APPLICATION; FEES.**

(A) 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 county, including:

(1) Name and address of the property owner of the premise 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 attachment, character of attachment, and character of structural members to which attachment is made. If required by the Town 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 or approvals from the other affected governmental agencies; and

(6) Permission in writing from the person in possession or ownership of shopping centers or industrial premises, if applicable, shall be supplied as part of the application documentation.

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

#### **§ 110.22 EFFECT OF SIGN PERMIT ISSUANCE.**

No permit for a sign issued hereunder shall be deemed to constitute 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.

#### **§ 110.23 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 date of the permit, and completed within a reasonable time thereafter.

#### **§ 110.24 PERMIT EXCEPTIONS.**

The following shall not be considered as 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 messages on an approved sign such as a theater marquee or an electronic message center 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 sign as listed in § 110.42 and exempt sign per § 110.41 of this Outdoor Advertising Code are exempt from permit requirements, unless specified elsewhere.

### ***INSPECTION, REMOVAL, SAFETY***

#### **§ 110.30 INSPECTION.**

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

**§ 110.31 REMOVAL OF SIGNS.**

The Building Commissioner may order the removal of any sign erected or maintained in violation of this Outdoor Advertising Sign Code. He shall give 30 days' notice in writing by certified mail to the owner of a permanent sign, or place a notice of such violation on the building, structure, premises, or sign in violation, to remove the sign or to bring it into compliance. He shall give a three-day notice for temporary or portable signs.

**§ 110.32 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.

**§ 110.33 ABANDONED SIGNS.**

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 is no longer conducted on the premises. If the owner or lessee fails to remove it, the Building Commissioner shall give the owner 30 days' written notice by certified mail to remove it. Upon failure to comply with this notice, the Building Commissioner or his duly authorized representative may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the sign as provided in this Outdoor Advertising Sign Code, this removal requirement shall not apply. The new sign user shall forthwith notify the Building Commissioner's office, in writing, of this change. 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.

**§ 110.34 STREET IMPROVEMENT PROJECTS.**

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

**§ 110.35 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 provision of this Outdoor Advertising Sign Code, 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 any provision of this Outdoor Advertising Sign Code, which makes the alleged act or practice unlawful for the purpose of securing an injunctive relief from a court of competent jurisdiction.

***SIGN CLASSIFICATIONS AND REQUIREMENTS*****§ 110.40 PROHIBITED SIGNS.**

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

- (A) A-frame signs. A-frame signs or sandwich board, sidewalk, or curb signs are prohibited.
- (B) Abandoned signs. Such 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.
- (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 and 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 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 is prohibited unless otherwise permitted by this Outdoor Advertising Sign Code.
- (G) Moving signs. No sign or any portion thereof shall be permitted which moves or assumes any motion, or give the illusion of moving.
- (H) Off-premise signs. Off-premise signs shall be prohibited except as is expressly permitted in this Outdoor Advertising Sign Code.
- (I) Projecting signs. No sign shall project over or into the street 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 Outdoor Advertising Sign Code.
- (K) Swinging. 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 Town 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 a 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 Outdoor Advertising Sign Code;
  - (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 § 110.41(D);
  - (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 traffic or roadway sign or 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) Were erected before the adoption and effective date of the Outdoor Advertising Sign Code, and for which a proper permit was not issued; or
  - (9) Are not included under the types of signs permitted in this Outdoor Advertising Sign Code.
- Penalty, see § 110.99

#### **§ 110.41 EXEMPTIONS.**

The following types of signs are exempted from all provisions of this Outdoor Advertising Sign Code, 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 name of the business or building, that such sign shall be mounted flush against the wall, and that such 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 stones, 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 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 premise. Illumination of these signs shall be permitted in accordance with § 110.43. The leading 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 plaques, 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 structure; such nameplate shall state nothing other than the name or address of the occupant, or legal customary home occupation. No other sign shall be allowed. This paragraph 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 houses 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 that 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; provided, however, such signs have a minimum spacing of 500 feet between any two signs in this category.

(I) Vehicle signs. Signs on vehicles are permitted, provided the sign is painted to or attached permanently 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. Such vehicles and semi-trailers shall be parked a minimum distance of ten feet from any street right-of-way and shall be located so as to not create an obstruction or hazard to the traveling public. Trucks and trailers may be used as signs for special events or sales for a maximum period of 30 days, if trucks or trailers are loaded with sale items.

(J) Window signs. Window signs are permitted, provided such signs conform to the construction, illumination, and safety regulations of this Outdoor Advertising Sign Code.  
Penalty, see § 110.99

#### **§ 110.42 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 of the purpose for which the building intended during the construction period to 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 to 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 any 180-day period. Renewal permits may be obtained so long as there are no zoning violations relative to that permit, provided such sign shall:

- (1) Be located not less than 10 feet from any public right-of-way.
- (2) Not obstruct the flow or sight 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 § 110.43 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. The minimum setback from the street right-of-way shall be ten feet. Signs shall reflect no advertising or promotional material other than to indicate the party listing the property for sale, rental, or lease. Such a 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.

(1) One temporary subdivision or multiple-family project identity sign indicating only the name or address of the premises or name of the management. Such a sign shall not exceed 32 square feet or 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 10) 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.

(2) Such sign may be extended for another 12 months by the Town Building Commissioner or until the project is 85% completed or is occupied. Permanent identification signs may be obtained pursuant to § 110.51.

Penalty, see § 110.99

#### **§ 110.43 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 an 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 stress 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 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.

Penalty, see § 110.99

### ***SIGN STANDARDS BY ZONE DISTRICTS***

#### **§ 110.50 GENERAL.**

(A) 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 ordinance and official zone map. Only signs as described herein, and as may be described under §§ 110.41 and 110.42 shall be permitted in each particular zone.

(B) If any zone is omitted from this section, or if a new zone is created after enactment of this Outdoor Advertising Sign Code, no sign shall be permitted therein until this Outdoor Advertising Sign Code shall have been amended to include the new zone.

#### **§ 110.81 RESIDENTIAL.**

(A) Scope. This section of the sign code shall apply to all zones designated by the zoning

ordinance as A, A-1, A-2, B, C, SR, and Single Family, Multiple Family, Cluster Housing, Condominiums, High-Rise Apartments, or any variety of these.

(B) Residential.

(1) One nameplate not exceeding a combined area of two square feet in area is permitted. That nameplate shall not be subject to the permit requirements of this Outdoor Advertising Sign Code.

(2) Signs in conjunction with home occupations as defined in the Town Zoning Ordinance, and 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 § 110.43 and division (D) below.

(4) Any sign as permitted under §§ 110.41 and 110.42 of this Outdoor Advertising Sign Code.

(5) One subdivision identity sign as permitted under § 110.42 of this Outdoor Advertising Sign Code. 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 Town Building Commissioner.

(C) Permitted signs, medium and heavy density.

(1) For each duplex or multiple-family building, one nameplate per occupancy not to exceed two square feet in area is permitted. Such nameplate shall not be subject to the permit requirements of this Outdoor Advertising Sign Code. No illumination shall be permitted.

(2) Signs in conjunction with home occupations as defined in the Town Zoning Ordinance. 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 § 110.43 and division (D) below.

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

(5) 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 Building Commissioner. Any temporary sign as provided in this section shall be removed before a permanent sign may be erected.

(D) Location standards for signs permitted in divisions (A) and (B).

(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 10) 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 ridge line of the principal roof.

**Morristown - Business Regulations**

(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.

(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.

(7) 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. Penalty, see § 110.99

**§ 110.52 COMMERCIAL DISTRICTS.**

(A) Scope. This section of the code shall apply to the zone designated by the Town Zoning Ordinance as CBD - GB - LB.

(B) Permitted signs.

(1) Ground signs.

(a) Limit of one. One ground sign indicating the name and nature of the business shall be permitted for each business parcel. Such ground sign shall not be illuminated if adjacent to a residential use.

(b) Height. The height of any ground sign shall be such that no part of the sign face shall exceed a maximum height of four feet.

(c) Size and location. A ground sign 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.

(2) Wall signs. One wall sign shall be permitted on each building. The maximum sign area shall be one- and one-half square feet for each lineal foot of building frontage; however, in no instance shall such signage exceed 50 square feet for a single business. Location shall be as explained in § 110.53(D). Such wall sign shall not be illuminated. 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.

(Ord. 1988-10, passed - - ) Penalty, see § 110.99

**§ 110.53 COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(A) Scope. This section of the Outdoor Advertising Sign Code shall apply to all zones designated by the Town Zoning Ordinance as Industrial Business - OI - EI - RB.

(B) Permitted signs.

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

(a) 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 place. Such sign shall not exceed 100 square feet in area (except as permitted in division (C) below and the definition of multi-faced signs in § 110.03) 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 (D) below. Such ground sign may be illuminated as provided in § 110.43.

(b) 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 linear foot of building frontage; however, in no instance shall such signage area exceed 200 square feet. Location shall be as explained in division (D) below. Such wall sign may be illuminated as provided in § 110.43. 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.

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

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

1. One pole sign shall be permitted;
2. Such sign shall indicate only the name and location of such business or businesses;
3. Such sign shall have a maximum surface area not exceeding 200 square feet, except as otherwise permitted in division (C) below and the definition of multi-faced signs in § 110.03
4. 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.
5. Where a strip shopping center or developed parcel in an industrial zone is authorized by the Town Plan Commission to have more than one pole (freestanding) sign, the distance between each sign shall not be less than 100 feet;
6. Such signs may be illuminated as provided in § 110.43 or as approved by the Town Plan Commission.

(b) Wall signs. One wall sign shall be permitted per business. Maximum sign area shall be four square feet for each linear foot of building frontage; however, in no instance shall any individual signage area exceed 200 square feet. Location shall be as explained in division (D) below. Such wall sign may be illuminated as provided in § 110.43 or as approved by the Town Plan Commission.

(3) Permitted signs for enclosed mall shopping centers.

(a) Pole signs. All pole signs at enclosed mall shopping centers are to be made a part of the site development plan, shall be subject to the approval of the Town Plan Commission, and shall meet the following requirements:

1. One pole sign shall be permitted along each street or highway right-of-way abutting such an enclosed mall shopping center;
2. Such sign shall indicate only the name and location of such enclosed mall shopping center or the business comprising the same;
3. Such sign shall have a maximum surface area not exceeding 300 square feet, except as otherwise permitted in division (C) below and §§ 110.20 - 110.24.
4. Where an enclosed mall shopping center has in excess of 600 feet of street frontage along any given street or highway right-of-way, one additional pole (freestanding pole) sign may be approved by the Town Plan Commission for placement along such public street, highway, or road right-of-way provided that the distance between such signs along such street or highway right-of-way shall be not less than 500 feet;
5. Such sign shall not exceed 35 feet in height;
6. Such signs may be illuminated as provided in § 110.43 or as provided by the Town Plan Commission.

(b) Wall signs. Wall signs shall be permitted on each wall facing the enclosed mall shopping center's parking lot. Maximum sign area on each of such walls shall be two square feet for each linear foot of building frontage on such parking lot; however, in no instance shall any individual sign exceed 400 square feet. Such sign shall indicate only the name and location of that business. Location shall be as explained in division (D) below. Such wall sign may be illuminated as provided in § 110.43 or as approved by the Town Plan Commission.

(4) Signs for commercial and industrial parks. Off-premises signs shall be permitted for directing the traveling public to commercial or industrial parks providing the following requirements are met:

- (a) A permit shall be obtained prior to the erection of the sign;
- (b) Such sign shall indicate only the name, location, and information about the park itself; products or services shall not be advertised;
- (c) Such sign shall have a maximum sign face area of 100 square feet, a minimum height of nine feet above grade level, and a maximum setback of ten feet from the street right-of-way;
- (d) Such sign shall be a minimum distance of 500 feet from any residential zoning district;
- (e) Such sign shall be a minimum distance of 500 feet from any other off-premises sign.

(C) 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.

**(D) Locational standards.**

(1) (a) Ground or pole signs. 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.

(b) 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.

(c) 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 that sign is to be located, but in no event shall such sign be closer than 15 feet.

(2) Wall signs. All wall signs shall be flush-mounted on the building surface and shall not project above the roof line.  
Penalty, see § 110.99

### ***MAJOR HIGHWAY SIGNAGE***

#### **§ 110.60 PURPOSE AND INTENT.**

(A) The purpose of this section is to control and regulate off-premises and on-premises advertising signage along interstate highways and located within the jurisdiction of the Town Plan Commission in the manner that is fair and equitable.

(B) With this intent in mind, the scope includes, but is not necessarily limited to, regulations that cover location, size, site and construction specifications, illumination, maintenance, and administrative procedures necessary to carry out effective control. Regulations within §§ 110.60 - 110.65 apply to signs located within 660 feet of the nearest edge of interstate highway right-of-way. Signs located more than 660 feet from an interstate right-of-way shall be governed by the other appropriate sections of this Outdoor Advertising Sign Code.

#### **§ 110.61 PERMITTED LOCATIONS.**

Outdoor advertising structures and signs are permitted along an interstate highway where the site is zoned commercially or industrially according to the zoning ordinance, subject to the specifications and requirements of §§ 110.60 - 110.65.



**§ 110.62 PROHIBITED SIGNS.**

The following types of outdoor advertising signs are prohibited:

(A) Signs which are illuminated or animated by means of flashing, fluctuating, scintillating, blinking, or traveling lights or any other means not providing constant illumination as provided herein.

(B) Signs which advertise illegal activities, or are obscene, or which contain untruthful copy, or which are improperly mounted or erected, or which represent a traffic hazard.

Penalty, see § 110.99

**§ 110.63 SIZE AND HEIGHT RESTRICTIONS.**

(A) Minimum and maximum face areas, heights and setbacks shall be established.

(B) On back-to-back or V'ed double-faced sign structures, the maximum face area shall be permitted for each face.

(C) Extensions to the basic rectangular billboard type sign face shall not exceed a maximum of four feet along the top and one foot on the sides and bottom; providing, however, no extensions along the bottom shall encroach upon the 12-foot minimum height requirement.

(D) Minimum and maximum heights shall be measured from the grade level at the base of the sign.  
Penalty, see § 110.99

**§ 110.64 MINIMUM PROXIMITY.**

(A) There shall be a minimum spacing of 1,000 feet between any type of off-premises outdoor highway advertising structures and signs on each side of the interstate highway.

(B) No off-premises billboard shall be allowed within 500 feet of an interchange or intersection, that 500 feet to be measured along the interstate from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. This 500-foot prohibition does not apply to on-premise signs which otherwise meet the requirements of this Outdoor Advertising Sign Code.

Penalty, see § 110.99

**§ 110.65 STRUCTURE SPECIFICATIONS.**

(A) All pole and structural members shall be of steel. All billboard type signs shall be mounted on single-pole or I-Beam structures. High-rise type signs may be erected on one or more steel support structures. All members shall be painted.

(B) All frames surrounding poster or bulletin signs shall be of painted metal, rough sawn cedar, or of a framing material of equivalent quality.



(C) Each sign structure shall have the name, address, and telephone number of the owner posted thereon. On sign structures utilizing electricity for illumination and so forth, the sign structure shall feature Underwriter's Laboratory approval of that installation.

(D) A sign may be mounted with two faces back-to-back (or V'ed) at an angle not to exceed 60 degrees.

(E) When a structure is constructed in such a manner as to have a copy material facing in a single direction, the exposed rear of the sign and the structural members shall be finished and maintained to a degree equal to that of the copy side of the sign.

(F) All lighting intended to illuminate copy on an outdoor interstate highway sign shall be mounted below the sign and directed upward towards the copy in order to prevent spillover onto the surrounding uses.

(G) All signs and structures shall be kept in good repair and in a safe, neat, clean, and attractive condition. Failure to comply with the maintenance requirements as determined by the Town Building Commissioner following an inspection of the sign may result in revocation of the sign permit. Should the lack of maintenance of the sign provide an immediate threat to public health, safety, or welfare, as determined by the Town Building Commissioner, he shall order, in writing, the immediate removal of the sign by the sign owner on record.

(H) The Building Commissioner shall, following his inspection of the sign and notification of the sign owner of record, order the removal of any obsolete or abandoned sign by the sign owner of record. Penalty, see § 110.99

## ***ENFORCEMENT***

### **§ 110.70 AUTHORIZATION TO ENFORCE AND INSPECT.**

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

### **§ 110.71 INTERPRETATION.**

Where there is any ambiguity or disputes concerning the interpretation of this Outdoor Advertising Sign Code, the decision of the Building Commissioner shall prevail, subject to appeal as provided herein.

### **§ 110.72 RIGHT TO APPEAL.**

Any person aggrieved by any decision or order of the Building Commissioner may appeal to the Zoning Board of Appeals. The Building Commissioner shall take no further action on the matter pending

the Zoning Board of Appeals' decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this Outdoor Advertising Sign Code.

#### **§ 110.73 CIVIL REMEDIES.**

In addition to or instead of proceeding under the Town Zoning Board of Appeals, or any designated enforcement official of this Outdoor Advertising Sign Code, may institute a suit for an injunction in the County Circuit Court to restrain an individual or a government unit from violating this Outdoor Advertising Sign Code. The Board of Zoning Appeals or any designated enforcement official may also institute a suit for mandatory injunction directing an individual or governmental unit to remove a structure erected in violation of this Outdoor Advertising Sign Code. A suit for mandatory injunction relief is an additional remedy which does not preclude any designated enforcement official from utilizing any and all other statutory remedies available to the town for the enforcement of ordinances.

#### **§ 110.99 PENALTY.**

Any person who violates this Outdoor Advertising Sign Code shall be guilty of an ordinance violation, and upon conviction, shall be punishable by a fine of not more than \$2,500, and each day in which any such violation shall occur will be deemed a separate offense.

## **CHAPTER 111: GARAGE AND YARD SALES**

### **Section**

- 111.01 Definitions
- 111.02 License required
- 111.03 Application; fees
- 111.04 Issuance of license; rights and limitations
- 111.05 Posting of license
- 111.06 Exempted persons and organizations

### **§ 111.01 DEFINITIONS.**

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

**GARAGE SALE.** A sale of miscellaneous property on premises which are located in a residential area.

**RESIDENTIAL AREA.** Areas within the town, which are zoned as suburban residence, garden apartment, single-family residence, and single-two and multi-family residences by the master plan of the town.

### **§ 111.02 LICENSE REQUIRED.**

It shall be unlawful for any person to hold, have, or engage in the business of a garage sale in a residential area without first having secured a license therefor.  
Penalty, see § 10.99

### **§ 111.03 APPLICATION; FEES.**

(A) Any person desiring to hold, have, or engage in the business of a garage sale shall make an application in writing to the Clerk-Treasurer for a license so to do, which application shall be filed at least seven days before such applicant shall be authorized to begin business. The application shall state the name and residence of the applicant, and the place where the business is to be conducted.

(B) Upon the filing of an application, a license shall be issued by the Clerk-Treasurer to the applicant to conduct business at the location stated in the application, and the applicant may begin business not less than seven days after the date of filing the application, upon the payment of a \$5 license fee. All license fees must be paid in advance and if any licensee desires to continue in business

after the expiration of the license, a new license must be secured in the same manner and upon the same terms as the original license.

Penalty, see § 10.99

#### **§ 111.04 ISSUANCE OF LICENSE; RIGHTS AND LIMITATIONS.**

(A) Each license shall entitle the holder thereof to conduct a three-day sale.

(B) No license shall be issued to any one licensee or any one address more than seven times within any calendar year.

#### **§ 111.05 POSTING OF LICENSE.**

Any license issued under this chapter shall be posted by the licensee at the location of the sale so that the license shall be visible from any abutting public street.

Penalty, see § 10.99

#### **§ 111.06 EXEMPTED PERSONS AND ORGANIZATIONS.**

(A) This chapter shall not apply to churches or other organizations which are exempt from the state property tax.

(B) Any person exempted by the laws of this state from the payment of the license fees set forth in this chapter shall, before beginning such business present to the Clerk-Treasurer his credentials, showing that he is entitled to an exemption. He shall then receive a certificate from the Clerk-Treasurer authorizing him to hold, have, and engage in the business of garage sales in accordance with this chapter.