

# Chapter **173** SIGN CODE

## **4-3-1~~10-17-1~~: GENERAL PROVISIONS, TITLE:**

THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE SIGN CODE OF THE CITY OF LITTLETON. (ORD. 7, SERIES OF 2016)

### **4-3-1-1: TITLE:**

~~This chapter shall be known and may be cited as the SIGN CODE OF THE CITY OF LITTLETON. (Ord. 7, Series of 2016)~~

## **4-3-1-2~~10-17-2~~: SCOPE, INTENT AND PURPOSES:**

(A) Scope: This chapter regulates signs, as defined herein, which are located within the corporate limits of the city of Littleton, Colorado ("city"), and over which the city has land use regulatory authority.

(B) Intent: By adoption of this chapter, the city council intends to create and implement a comprehensive system for the regulation of signs within the scope of this chapter, with a regulation system that: 1) accommodates the expression rights of the first amendment to the U.S. constitution and the corollary provisions of the Colorado constitution; and 2) comports with all applicable principles of federal and state constitutional, statutory and administrative law.

~~(C)~~ Purposes And Interests Served: The purposes of this chapter include, but are not limited to: 1) serving the governmental and public interests in controlling visual clutter, protecting community aesthetics, and safety of drivers, passengers, and pedestrians; 2) aiding in the identification of properties, land uses, and establishments; 3) enhancing the general appearance and aesthetics of the urban environment; and 4) protecting the natural beauty of the city. ~~(Ord. 7, Series of 2016)~~

(C)

## **4-3-1-3 10-17-3: BASIC PRINCIPLES:**

- (A) Message Neutrality Policy: It is the policy of the city to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
- (B) Message Substitution Policy: A constitutionally protected noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal. Any substitution shall require the private property owner's consent. The purpose of this provision is to prevent any favoring of commercial speech over noncommercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. This message substitution policy does not: 1) create a right to increase the total amount of sign display area on a site or parcel; 2) create a right to substitute an off site commercial message in place of an on site commercial message or in place of a noncommercial message; 3) affect the requirement that a sign structure or mounting device must be properly permitted; 4) authorize changing the physical method of image presentation (such as digital or neon display) without a permit; or 5) authorize a physical change to the sign structure without compliance with applicable building codes, safety codes, and neutrally applicable rules for sign size, height, orientation, setback, separation or illumination.
- (C) Enforcement Authority: The community development director is authorized and directed to administer and enforce this chapter. FOR PURPOSES OF THIS CHAPTER, COMMUNITY DEVELOPMENT DIRECTOR SHALL INCLUDE ALL DESIGNEES OF THE COMMUNITY DEVELOPMENT DIRECTOR.
- (D) Administrative Interpretations: Interpretations of this chapter are to be made by the community development director and are to be exercised in light of the foregoing message neutrality and message substitution policies.
- (E) Responsibility For Compliance: The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.

~~(F)~~ On Site-Off Site Distinction: Within this chapter, the distinction between on site signs and off site signs applies only to commercial messages. It does not apply to noncommercial messages. ~~(Ord. 7, Series of 2016)~~

(F)

#### **4-3-1-4 10-17-4: DEFINITIONS:**

The following listed specific words and terms are defined as follows:

**ANIMATED SIGN:** Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of position, or any changeable copy sign.

**ARCADE SIGN:** A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

**AWNING:** A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.

**BANNER:** Any flexible material, such as cloth, plastic, vinyl, paper, cardboard or thin metal, with or without a message, attached outdoors to a building, structure or mounting device, or attached indoors to a building, structure or mounting device so as to be visible from the exterior of a building or structure, and used for the purpose of attracting attention.

**BILLBOARD:** A permanent sign structure in a fixed location which meets any one or more of the following criteria: a) it is used for the display of off site commercial messages; b) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., general advertising for hire; c) the sign is a principal or secondary use of the land, rather than an appurtenant, accessory or auxiliary use serving some other principal use of the land.

**BUILDING CODE:** The building code of the city of Littleton as adopted by the city council, including such codes as may be in the future so adopted. (See [chapter1](#) of this title.)

**BUILDING FRONT:** The horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts a building side with an entrance open to industrial employees shall also qualify as a building frontage.)

**BUILDING OFFICIAL:** The city manager or authorized representative charged with the administration of this chapter.

**BULLETIN BOARD:** A device where members of the public may post notices of public events.

**CHANGEABLE COPY SIGN:** A sign displaying a message that may be changed by means of movable letters, slats, lights, light emitting diodes, or movable background material. Signs utilizing digital or dynamic display or changeable electronic variable message (CEVM) are all within this definition.

**COMMERCIAL MASCOT:** A person or animal costumed or decorated to function as a commercial advertising device. Includes "sign twirlers", "sign clowns", "human sandwich boards", and persons or animals holding or supporting any sign or advertising device displaying commercial speech or conveying a commercial message. The definition also applies to robotic devices intended to simulate a live person and/or animal.

**COPY:** The visually communicative elements, including, but not limited to, words, letters, numbers, designs, figures or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter or message.

**DEVELOPER DIRECTION SIGN:** A third party sign used to give directions to a residential development area, which shall mean more than a single lot development.

**DIGITAL OR DYNAMIC DISPLAY:** Display methods utilizing LED (light emitting diode), LCD (liquid

crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

**DIRECTIONAL SIGN:** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot.

**DISPLAY SURFACE OR FACE:** The display surface is the area made available by the sign structure for the purpose of displaying, or drawing attention to, the communicative image.

**DISTANCE OF SIGN PROJECTION:** The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

**ESTABLISHMENT:** Any legal use of land, other than long term residential, which involves the use of structures subject to the building code. By way of example, and not limitation, this definition includes businesses, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes or mobile homes. Multi-unit housing developments are considered establishments during the time of construction but individual multi-family units are not within the meaning of establishment once a certificate of occupancy has been issued and residency begins.

**EXTERIOR WALL SURFACE:** The most exterior part of a wall, sun screen or any screening or material covering a building.

**FEATHER BANNER (Also Known As QUILL BANNER, FEATHER FLAG, QUILL FLAG, Or Other Similar Names):** An attention attracting device consisting of a pole with fabric attached, generally in the shape of a feather or quill. The definition applies regardless of whether there is any symbol, text or logo printed on the fabric.

**FLAG:** A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.

**FLAGPOLE:** A freestanding structure or a structure attached to a building/structure or to the roof of a building/structure and used for the purpose of displaying flags.

**FLASHING SIGN:** Any directly or indirectly illuminated sign either stationary or animated which exhibits changing natural or artificial light or color effects by any means whatsoever.

**GRADE:** The average elevation of the ground at the common boundary line of the street, and the property or sidewalk and property lines, not including common boundary lines with freeways.

**GROUND SIGN:** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

**ILLUMINATED SIGN:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

**JOINT IDENTIFICATION SIGN:** A sign which serves as a common or collective identification for two (2) or more establishments on the same lot or adjoining lots which use common entrances or parking facilities.

**LOT:** A tract, building site, parcel or portion of land separated from other parcels or portions by descriptions as on a subdivision or record of survey map, or by metes and bounds, for the purpose of sale, lease or separate use.

**MARQUEE:** A permanently roofed structure attached to and supported by a building, and projecting

from the building.

MARQUEE SIGN: A sign attached to, painted on, erected against or extending from a marquee.

MURAL: A PIECE OF ARTWORK PAINTED OR APPLIED DIRECTLY ON AN EXTERIOR WALL, CEILING OR OTHER PERMANENT EXTERIOR SURFACE. A DISTINGUISHING CHARACTERISTIC OF MURAL PAINTING IS THAT THE ARCHITECTURAL ELEMENTS OF THE GIVEN SPACE ARE HARMONIOUSLY INCORPORATED INTO THE PICTURE. IMAGES THAT ARE COMMUNICATIVE IN NATURE WITH THE INTENT OF COMMUNICATING INFORMATION ABOUT A PRODUCT, SERVICE OR EVENT ARE A SIGN FOR PURPOSES OF THIS CODE

NEW ESTABLISHMENT SIGN: A third party type sign used to advertise and give directions to a new or relocated establishment that has been located or established, within thirty (30) days of the request for the sign.

OFF PREMISE: A LOCATION OTHER THAN THE PREMISES THAT CONTAINS A BUSINESS, PRODUCTS OR SERVICES NOT SOLD OR OFFERED TO THE PUBLIC.

PERMANENT SIGN: Roof, marquee, arcade, wall, projecting or ground sign.

~~POLITICAL SIGNS: They shall be temporary and for a specified election and shall be removed within ten (10) days after the election to which the signs pertain.~~

PORTABLE SIGN: ~~A sign that is not permanently affixed to a building, structure or the ground.~~

PORTABLE SANDWICH BOARD SIGN: A SIGN THAT IS NOT PERMANENTLY AFFIXED TO A BUILDING, STRUCTURE OR GROUND, PORTABLE SIGNS INCLUDE BUT ARE NOT LIMITED TO SANDWICH BOARD SIGNS THAT ARE CONSTRUCTED IN SUCH A MANNER TO FORM AN "A" WITH SIGN FACE ON EACH SIDE, AND IS INTENDED TO COMMUNICATE SPECIFIC INFORMATION ABOUT THE BUSINESS THAT PLACED THE SIGN

PROJECTING SIGN: A sign other than a wall sign which projects from a wall or roof and is supported by a wall or roof of a building.

PUBLIC RIGHTS OF WAY: Streets, roadways, highways, alleys, sidewalks, paths, and all other areas or ways owned, dedicated, or conveyed to the public, to be used primarily for vehicle, bicycle, or pedestrian traffic.

ROOF SIGN: A sign erected upon or above the roofline or parapet of the building or structure, including all signs for which any portion of the support structure is attached to a roof.

ROOFLINE: The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.

SAFETY CODES: Those codes, adopted by the city, which state rules for safe construction, including, by way of example and not limitation, building, electrical, grading, and demolition.

SIGN: Any visually communicative image placed on public display and visible from the exterior of any portion of the public right of way or place open to passage by the public. For the purpose of defining the regulatory scope of this chapter, the term "sign" does not include:

- (A) Decorative or architectural features of buildings (not including lettering, trademarks or moving parts) which do not perform a communicative function, such as stripes around a building;
- (B) Newsracks, newspaper vending devices, newsstands, automated teller machines (ATMs) and self-serve gasoline dispensing devices;
- (C) Cornerstones and foundation stones;
- (D) The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;
- (E) Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased;
- (F) Interior graphics which are visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;
- (G) Manufacturers' marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
- (H) Doormats, floor mats, welcoming mats and similar devices;
- (I) Personal appearance, such as makeup, masks, wigs, costumes, jewelry, apparel and the like, unless it constitutes a commercial mascot;
- (J) Searchlights used as part of a search and rescue or other emergency service operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events);
- (K) Shopping carts, golf carts, horsedrawn carriages, bicycles and similar devices, and properly licensed motorized vehicles that legally pass through the city.

**SIGN PERMIT:** A building permit that authorizes the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to the building code of the city and this chapter.

**SIGN STRUCTURE:** All supports, uprights, braces and framework of the sign but not including the communicative image.

**STREET FRONT:** Any boundary line of a lot or parcel of land that runs parallel to and within twenty feet (20') of the right of way of a street or highway designated and assigned an individual name or number by the legislative action of the city.

**STREET PROPERTY LINE:** A common boundary between private property and a dedicated street or alley.

**SUBDIVISION ENTRANCE SIGN:** A permanent sign installed at or near a public entrance to a development.

**TEMPORARY SIGN:** A sign that is constructed of lightweight or flimsy material, and is easily installed ~~AND removed using ordinary hand tools.~~ Any sign that qualifies as a "structure" under the building code is not within this definition. SUCH SIGNS INCLUDE REAL ESTATE "FOR SALE," "FOR RENT", AND "OPEN HOUSE" SIGNS, GARAGE SALE SIGNS, TEMPORARY SIGNS IDENTIFYING THE ARCHITECT, ENGINEER OR CONTRACTOR FOR WORK CURRENTLY UNDER CONSTRUCTION, ON-SITE COMMERCIAL MESSAGES, OR TEMPORARY NONCOMMERCIAL MESSAGES INCLUDING POLITICAL, ELECTION, OR IDEOLOGICAL SIGNS.

**TIME AND/OR TEMPERATURE DEVICES:** Signs consisting of devices which provide time and/or temperature information.

**USE BY RIGHT:** The primary permitted use or accessory use as defined by the zoning ordinance of the city. (See [title10](#) of this code.)

**WALL SIGN:** A sign attached to, painted on or erected against a wall of a building and whose display surface is parallel to the face of the building upon which the sign is attached.

**WIND SIGN:** Any sign in the nature of a series of two (2) or more banners, flags, pennants or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind, breeze, or forced air. By way of example only, includes devices known by commercial names such as wind dancer and AirCrow.

**WINDOW:** For purposes of this chapter, a window shall be an opening in the wall of a building, said opening to be covered with glass or similar material for the purpose of admitting light and/or air.

**WINDOW SIGN:** A sign which is applied or attached to the interior of a window only, which sign can be seen through the window from the exterior of the structure. ~~(Ord. 7, Series of 2016)~~

#### **4-3-2-110-17-5: SIGNS FOR AREAS DEVELOPED AS PLANNED DEVELOPMENTS OR PLANNED DEVELOPMENT OVERLAYS:**

Such signs shall be as specified on the approved planned development plan. Further, they shall comply with the purposes of this sign code as specified in section 4-3-4-2 10-17-2 of this chapter. (Ord. 7, Series of 2016)

#### **4-3-24-3-3 10-17-6: REGULATIONS OF SIGNS:**

#### **4-3-2-14-3-3-1 10-17-6-1: SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT:**

The following signs may be erected and maintained in all districts without a permit and without being deducted from other permitted sign face areas:

(A) Bulletin Boards: One bulletin board per street frontage not over twenty (20) square feet in area.

(B) Construction Site Signs: A sign mounted on a site where duly permitted, actual construction is currently in progress, not exceeding twelve (12) square feet in image display area.

(C) Directional Signs: NON ILLUMINATED Directional signs not exceeding seven (7) square feet in size per sign. HOWEVER, IF SUCH SIGNS ARE ILLUMINATED THEN SUCH SIGNS SHALL BE SUBJECT TO REGULATION UNDER THIS CODE. ILLUMINATED MEANS HAVING A LIGHT THAT SHINES ON THE SIGN ALLOWING THE PUBLIC TO SEE THE SIGN DURING NIGHTTIME HOURS REGARDLESS OF WHETHER THE ILLUMINATION IS USED.

~~(D) Flags: Flags, and flagpoles.~~ FOR PURPOSES OF THIS SECTION, FLAGS SHALL CONSIST OF THE UNITED STATES FLAG, FLAG OF ANY STATE OR POLITICAL SUBDIVISION OF THE UNITED STATES, FLAG OF ANY CITY, FLAG OF ANY FOREIGN NATION, HISTORICAL FLAGS OF THE UNITED STATES FLOWN OVER ANY STATE.

(E) Signs On Residences: For each dwelling unit, a total sign display area of ten feet (10') is allowed. Such signs may not be used as general advertising for hire. This provision does not override terms of private agreements, contracts and leases between landlords and tenants.

(F) Signs In Display Windows: Window signs and temporary signs in the display window of an establishment, which are incorporated with a display of merchandise or a display relating to services or products offered.

~~(G) Subdivision Entrance Sign: One permanent subdivision entrance sign shall be allowed. In residential subdivisions, such sign shall be limited to a maximum size of twenty (20) square feet per display face and shall not exceed two (2) faces per sign. In commercial and industrial subdivisions, such sign shall be limited to a maximum size of fifty (50) square feet per display face and shall not exceed two (2) faces per sign.~~

(H) Decorations On Display From ~~October 1 To January 31~~ January 1 to December 31: Such decorations may not be used as general advertising for hire. (Ord. 7, Series of 2016)

~~4-3-2-24-3-3-2~~ 10-17-6-2: **SIGNS PROHIBITED AND SIGNS ALLOWED BY SPECIAL PERMIT:**



(A) Signs Prohibited: The following signs shall not be permitted in any zone district:

1. COMMERICAL MASCOT AND/OR Rotating signs;
2. Portable ~~or wheeled advertising devices~~ signs, except as specifically permitted in subsection 4-3-2-10-17-6-5(C) of this chapter;
3. Roof signs; OR ROOF AND RIDGELINE OF A BUILDING ILLUMINATION DESIGNED TO ILLUMINATE SIGNS LOCATED ELSEWHERE ON THE BUILDING
4. Billboards, as defined in this chapter, except as specifically permitted in subsections 4-3-2-610-17-6-6(H) ~~and (I)~~ of this chapter;
5. Price signs at gasoline service stations except as authorized by subsection 4-3-2-510-17-6-5(F)4 of this chapter;
6. Other signs: No person shall erect any sign except as authorized by this chapter or other ordinance of the city and then only in accordance with the provisions thereof.

(B) Signs Allowed By Special Permit: The following signs shall be allowed in any business, transitional, CA, or industrial zone district by special permit. Not more than ~~two (2)~~ FOUR (4) permits may be issued each calendar year for a cumulative period of not more than ~~sixty (60)~~ ONE HUNDRED AND TWENTY (120) days.

1. Hot air balloons and other types of lighter than air objects.
2. Banners, FEATHER BANNERS or wind signs.
3. FLAGS THAT ARE NOT THE FLAG OF THE UNITED STATES, ANY FOREIGN NATION, ANY STATE OR POLITICAL SUBDIVISION OF THE UNITED STATES OR POLITICAL SUBDIVISION OF THIS STATE OR FLAG OF A POLITICAL ENTITY HAVING EXISTED IN THE UNITED STATES HAVING HISTORICAL OR CULTURAL SIGNIFICANCE.

—PORTABLE SANDWICH BOARD SIGNS SHALL BE ALLOWED IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE BY SPECIAL PERMIT. THE APPLICATION FOR THE PERMIT SHALL BE FILED WITH THE COMMUNITY DEVELOPMENT DEPARTMENT, TOGETHER WITH THE REQUIRED FEE.

(C)

(D) MURALS SHALL BE ALLOWED IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE BY SPECIAL PERMIT. THE APPLICATION SHALL BE FILED WITH THE COMMUNITY DEVELOPMENT DEPARTMENT TOGETHER WITH THE REQUIRED FEE

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(E) SUBDIVISION ENTRANCE SIGN: ONE PERMANENT SUBDIVISION ENTRANCE SIGN SHALL BE ALLOWED. IN RESIDENTIAL SUBDIVISIONS, SUCH SIGN SHALL BE LIMITED TO A MAXIMUM SIZE OF TWENTY (20) SQUARE FEET PER DISPLAY FACE AND SHALL NOT EXCEED TWO (2) FACES PER SIGN. IN COMMERCIAL AND INDUSTRIAL SUBDIVISIONS, SUCH SIGN SHALL BE LIMITED TO A MAXIMUM SIZE OF FIFTY (50) SQUARE FEET PER DISPLAY FACE AND SHALL NOT EXCEED TWO (2) FACES PER SIGN.

~~4-3-2-34-3-3-3~~ **10-17-6-3: SIGNS PERMITTED IN SINGLE-FAMILY RESIDENCE ZONES:**

Upon application to and issuance by the building official COMMUNITY DEVELOPMENT DIRECTOR OF a permit therefor, the following signs may be erected and maintained in single-family residentially zoned districts:

- (A) General: Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located and shall be located on the same lot as the use by right.
- (B) Permitted Sign Types: Wall, window.
- (C) Permitted Maximum Number: One sign for each front line of the lot on which the use by right is located.
- (D) Permitted Maximum Sign Area: Three (3) square feet per display face.
- (E) Permitted Location: Permitted signs shall be set back from the boundary lines of the lot on which they are located, the same distance as a structure containing a use by right; provided, however, wall signs may project into the required setback space eighteen inches (18").
- (F) Permitted Illumination: None.
- (G) Animation: Shall not be animated. (Ord. 7, Series of 2016)

~~4-3-2-44-3-3-4~~ **10-17-6-4: SIGNS PERMITTED IN MULTI-FAMILY RESIDENCE ZONED AND TRANSITIONAL ZONED DISTRICTS:**

Upon application to and issuance by the building official COMMUNITY DEVELOPMENT DIRECTOR of a permit therefor, the following signs may be erected and maintained in multi-family residentially zoned districts and in transitionally zoned T districts which in the case of such T districts are used for the following purposes: residential use, club or lodge, library or reading room, tourist home.

- (A) General: Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located and shall be located on the same lot as the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single dwelling unit.

(B) Permitted Sign Types: Wall, window and ground.

(C) Permitted Maximum Number: One wall or window and one ground sign for each front line of the lot on which the use by right is located.

(D) Permitted Maximum Sign Area: Three (3) square feet per unit, not to exceed twenty (20) square feet total.

(E) Permitted Maximum Height Above Grade:

1. Wall and window signs: Twenty feet (20').
2. Ground signs: Twelve feet (12').

(F) Permitted Location:

1. Wall and window signs shall be set back from the boundary lines of the lot on which they are located, the same distance as a structure containing a use by right; provided, however, wall signs may project into the required setback space eighteen inches (18").
2. Ground signs shall be set back ten feet (10') from the boundary lines of the lot on which they are located, provided that a clear area be maintained to a height of seventy two inches (72"), within fifty five feet (55') of the intersection of two (2) streets, a railroad right of way and a street, or a driveway and a street.

(G) Permitted Illumination: May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.

(H) Animation: Shall not be animated. (Ord. 7, Series of 2016)

#### ~~4-3-2-54-3-3-5~~ **10-17-6-5: SIGNS PERMITTED IN BUSINESS, TRANSITIONAL AND CA ZONES AND INDUSTRIAL ZONES:**

Upon application to and issuance by the ~~building official~~ **COMMUNITY DEVELOPMENT DIRECTOR** OF a permit therefor, the following signs may be erected and maintained in business and transitionally zoned T districts which in the case of such T districts are used for a commercial parking garage or lot, correctional institution, hospital, medical service center, mortuary, office, post office, studio, restaurant, motel and hotel, and savings and loan association and in industrially zoned districts:

(A) General: Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located and shall be located on the same lot as the use by right.

(B) Permitted Sign Types: Wall, window, ground, arcade, marquee, projecting, time and temperature signs, MURALS and portable signs as described herein.

(C) Permitted Maximum Number: The following table shall be used to determine the maximum number of signs allowed for a use by right. In the following table, the center column indicates the total number of allowed permanent signs, while the far right column indicates how many of the signs listed in the center column may be ground signs. For example, in the first row, the total number of permanent signs is three (3), and of those three (3), not more than one may be a ground sign.

Linear Front Feet Of Lot	Number Of Permanent Signs Allowed	Number Of Ground Signs Allowed
151 or less	3	1
151 to 301	3	2
301 to 451	4	3
451 to 600	5	4
601 or more	5	5

In addition, not more than one portable sign shall be allowed for each street front line on the lot for which the use by right is located. Such portable signs shall be constructed of ~~wood or metal~~ **ON OF AN APPROVED MATERIAL** and shall contain no more than twelve (12) square feet per display face. No permitted portable sign, tool or vending device shall be located in any public right of way, EXCEPT AS PROVIDED BY THIS CODE.

(D) Permitted Maximum Sign Area:

1. Each use by right shall be allowed the greater of thirty two (32) square feet, or one square foot of sign area for each one and one-half ( $1\frac{1}{2}$ ) linear feet of street frontage with a maximum total area per sign of one hundred (100) square feet per display face, two hundred (200) square feet per sign and three hundred (300) square feet per use; provided, however, that in computing the area of such signs, the measurement of not more than two (2) contiguous front lot lines shall be used. If a lot has two (2) or more uses by right, the same limitations shall apply. However, the basis for measurement of signage for each use by right shall be one square foot of sign area for each one and one-half ( $1\frac{1}{2}$ ) horizontal linear feet of that portion of building frontage occupied by the use by right.

When the lot size shall allow only thirty two (32) square feet of signage, an additional one square

foot of signage shall be allowed for each two feet (2') of setback of the primary structure on that lot, up to a maximum allowable area of fifty (50) square feet. These building setback provisions shall not apply to those lots which allow signs in excess of fifty (50) square feet due to the amount of linear front footage on that lot.

In addition to the maximum size sign area allowed by this subsection, the maximum size of wall signs may be increased by twenty five percent (25%) for each ten feet (10') of height above thirty feet (30'), not to exceed two hundred (200) square feet per sign. Example: thirty feet (30') equals one hundred (100) square feet of allowable sign area; forty feet (40') equals one hundred twenty five (125) square feet; fifty feet (50') equals one hundred fifty (150) square feet; etc. Signs shall be limited to one per building face.

2. On those buildings which are not set back from the public right of way, one projecting sign not exceeding eighteen (18) square feet per display face or thirty six (36) square feet per sign shall be allowed for each use by right; provided, however, that the sign shall not project into the public right of way more than three feet (3'), shall not be lower than eight feet (8') above grade, nor higher than twenty feet (20') of the roofline or parapet wall of the building, whichever is less.

(E) Permitted Maximum Height Above Grade:

1. Wall or window signs: Shall be permitted to the maximum height of the wall structure. Buildings with flat roof: Signs may not project above the parapet wall. Buildings with peaked roof: Signs may not project above the top plate of the wall. Buildings with mansard roof: Signs may not project above fifty percent (50%) of the height of the mansard.
2. Ground, arcade, projecting and marquee signs: Twenty five feet (25').
3. Signs projecting into the public right of way as provided in subsection (F) of this section: Twenty five feet (25') or not higher than the top plate or parapet of the building, whichever is less.

(F) Permitted Location:

1. Any projecting marquee or wall sign shall be set back from the boundary lines of the lot on which it is located the same distance as a structure containing a use by right; provided, however, that projecting marquee signs may project into the public right of way a maximum of forty eight inches (48"). Wall signs, WITH THE EXCEPTION OF MURALS may project into the public right of way a maximum of twelve inches (12").
2. Ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy two inches (72") within fifty five feet (55') of the intersection of the edges of rights of way of two (2) streets, a railroad right of way and a street, or a driveway and a street. No ground sign may project into public rights of way.
3. Projecting signs shall be located in such a manner that there is a clearance of at least eight feet (8') above the public right of way.
4. Price signs at gasoline service stations shall be limited to the gasoline pumps and to the allowed ground sign, provided that they are made a part of the ground sign and the price portion of the sign does not exceed twenty five (25) square feet per display face.
5. MENU ORDERING SIGNS AT RESTURANTS THAT OFFER DRIVE THROUGH SERVE SHALL BE LOCATED WITHIN TWO FEET OF THE CURB OF THE DRIVE THROUGH AND

SHALL BE ATTACHED TO THE GROUND AND THE TOTAL SIGN SHALL NOT EXCEED TWENTY FIVE SQUARE FEET. THE SIGN MAY HAVE A SEPARATE LIGHT AT THE TOP DESIGNED TO ILLUMINATE THE SIGN BUT SHALL BE SHIELDED TO FORCE ILLUMINATION ON THE SIGN

(G) Permitted Illumination: May be illuminated but only from a concealed light source.

(H) Animation: Shall not be animated except for changeable copy signs when the following conditions are met:

1. Traffic And Pedestrian Safety: The sign is located in such a manner that it does not interfere with traffic or pedestrian safety. The minimum setback from the front property line shall be twenty feet (20'). At a signalized intersection the minimum setback shall be twenty five feet (25').
2. Display Face: The display face of the sign must be limited in area to less than thirty two (32) square feet and must be stationary with a change sequence of not more than one change each two (2) seconds.
3. Constant Light Intensity: Such signs shall maintain a constant light intensity and color during the entire copy display. Mode changes such as reverse, flashing, and inverse flashing are prohibited.

(I) Joint Identification Signs: Subject to the conditions hereinafter set forth and upon application to and issuance by the building official of a permit therefor, joint identification signs are permitted for two (2) or more uses by right on the same lot as the sign, excluding parking. The following joint identification signs are in addition to all other permissible signs and must comply with all of the following conditions:

1. Permitted Sign Types Of Joint Identification Signs: Wall and ground.
2. Permitted Maximum Number Of Joint Identification Signs: One sign for each front line of the lot or for each five hundred (500) linear feet of street frontage.
3. Permitted Maximum Sign Area Of Joint Identification Signs: The total overall size of any joint identification sign shall not exceed one hundred (100) square feet per display face. The allocation of space on the joint identification sign shall be determined by the landlord and the tenants.
4. Permitted Maximum Height Above Grade Of Joint Identification Signs: Twenty five feet (25').
5. Permitted Location Of Joint Identification Signs:
  - (a) Wall signs shall be set back from the boundary lines of the lot on which they are located the same distance as a structure containing the use by right. Wall signs may project into the public right of way a maximum of twelve inches (12").
  - (b) Ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy two inches (72") within fifty five feet (55') of the intersection of two (2) streets, railroad right of way and a street, or a driveway and a street. No ground sign may project into the public right of way.

6. Permitted Illumination Of Joint Identification Signs: May be illuminated but shall not flash, blink or fluctuate.
7. Animation Of Joint Identification Signs: Shall not be animated except for changeable copy signs when the following conditions are met:
- (a) Location: The sign is located in such manner that it does not interfere with traffic safety. At a signalized intersection the minimum setback shall be twenty five feet (25').
  - (b) Display Face: The display face of the sign must be limited in area to less than thirty two (32) square feet and must be stationary with a change sequence of not more than one change each two (2) seconds.
  - (c) Constant Light Intensity: Such sign shall maintain a constant light intensity and color during the entire copy display. Mode changes such as reverse, flashing, and inverse flashing are prohibited. (Ord. 7, Series of 2016)

~~4-3-2-64-3-3-6~~ **10-17-6-6: TEMPORARY SIGNS:**

Upon application to and issuance by the ~~building official~~ **COMMUNITY DEVELOPMENT DIRECTOR** of a permit therefor, the following temporary signs may be erected and maintained and each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location:

- (A) Permitted Sign Types Of Temporary Signs: Wall and ground.
- (B) Permitted Number Of Temporary Signs: A minimum of one sign for each lot or designated land area on which the signs are to be located. The maximum number of permitted signs shall be determined by the total sign area permitted as defined in subsection (C) of this section.
- (C) Permitted Sign Area Of Temporary Signs: Fifty (50) square feet plus one square foot per acre of the designated land area, with no single sign exceeding one hundred (100) square feet per display face.
- (D) Permitted Maximum Height Above Grade Of Temporary Signs: Twelve feet (12').
- (E) Permitted Location Of Temporary Signs: Wall signs shall be set back from the boundary lines of the lot on which they are located the same distance as a structure containing a use by right; provided, however, wall signs may project into the required setback space eighteen inches (18"). Ground signs may project into the required setback space eighteen inches (18"), provided that a clear area be maintained to a height of seventy two inches (72") within fifty five feet (55') of the intersection of two (2) streets, a railroad right of way and a street or a driveway and a street. No ground sign may project into the public right of way.

(F) Permitted Illumination Of Temporary Signs: Temporary signs may not be illuminated in a single-family residential zone, but may be illuminated from a concealed light source only in other zones so long as they do not flash, blink, fluctuate or use intermittent light or digital display.

(G) Animation Of Temporary Signs: Shall not be animated.

(H) Developer Direction Signs: Developer direction signs shall meet the following criteria:

1. Shall not exceed thirty two (32) square feet per display face or sixty four (64) square feet per sign.
2. Shall not exceed twelve feet (12') in height.
3. Signs allowed shall be limited to not more than two (2) signs for each project.
4. The location of the sign shall be located on the nearest major arterial street only. No sign shall be allowed for a development which is located on a completed and through major arterial or on lesser streets when the traffic count on said streets exceeds that for a minor arterial street.
5. A building permit shall be required which makes the sign valid for a period not to exceed twenty four (24) months or the duration of the project, whichever occurs first. The expiration date of the permit shall be affixed on the sign.
6. When two (2) or more developers utilize the same sign, the size of the sign may be increased by a factor equal to the number of users except that no such sign shall exceed one hundred (100) square feet per display face or two hundred (200) square feet per sign.
7. Shall be arranged so as to minimize impacts on traffic safety and visibility and impact on adjacent residential areas.
8. Shall not be sandwich board or portable signs.
9. Shall be affixed in a manner to minimize the possibility that the forces of nature will destroy or remove said sign.
10. Shall be made of materials which will not deteriorate over the life of the sign.

(I) New Establishment Signs: New establishment direction signs may be erected only after approval by the director of community development. Approval is automatic when signs meet all of the following criteria:

1. Shall not exceed thirty two (32) square feet per display face or sixty four (64) square feet per sign.
2. Shall not exceed twelve feet (12') in height.
3. Number of signs is limited to one sign per establishment.
4. A new establishment sign shall be located no nearer than one hundred feet (100') from any



other sign unless they are placed on an existing pedestal. No sign shall be allowed for a new or relocated establishment which is located on a completed and through major arterial or on such lesser street when the traffic on said street exceeds the traffic level normally established for a minor arterial.

5. A building permit shall be required which makes the sign valid for a period of not to exceed six (6) months. The expiration date of the permit shall be affixed on the sign.
6. Shall be arranged so as to minimize impacts on traffic safety and visibility and impact on adjacent residential areas.
7. Shall not be sandwich board or portable signs.
8. Shall be affixed in a manner to minimize the possibility that the forces of nature will destroy or remove said sign.
9. Shall be made of materials which will not deteriorate over the life of the sign. (Ord. 7, Series of 2016)

(J) PORTABLE SIGNS CONSISTING OF SANDWICH BOARD SIGNS MAY BE PERMITTED IN ACCORDANCE WITH THIS SUBSECTION.

1. PORTABLE SANDWICH BOARD SIGNS SHALL REQUIRE A SEPARATE PERMIT AND BE INDICATED SEPARATELY SEPARATELY ON A SIGN PACKAGE APPLICATION.
2. THE SIGN MAY NOT BE MORE THAN TWO FEET WIDE NOR MORE THAN FOUR FEET TALL
- 2.3. IF IT IS TO BE LOCATED ON PRIVATE PROPERTY A SIGN PERMIT IS STILL REQUIRED
- 3.4. THE SIGN MAY BE LOCATED IN THE PUBLIC RIGHT OF WAY SUBJECT TO THE FOLLOWING
  - (a) BASED ON THE DIAGRAM SUBMITTED BY APPLICANT, THE CITY DETERMINES THAT THERE IS SUFFICIENT CLEARANCE IN THE PUBLIC RIGHT OF WAY TO MEET ALL AMERICANS WITH DISABILITIES ACT REQUIREMENTS PERMITTING INDIVIDUALS WITH DISABILITIES FULL ACCESS OF THE PUBLIC SIDEWALKS
  - (b) THE SIGN WILL NOT BLOCK ANY TRAFFIC CONTROL DEVICES; UTILITY INFRASTRUCTURE AND TELECOMMUNICATIONS FACILITIES AND WILL NOT INTERFERE WITH OR DAMAGE ANY LANDSCAPING, PUBLIC OR PRIVATE
  - (c) THE SIGN SHALL BE PLACED, WEIGHTED DOWN, CONSTRUCTED OR DESIGNED IN SUCH A MANNER NOT TO BE DISTURBED BY NATURAL FORCES SUCH AS WIND, RAIN, HAIL OR SNOW OR TO FALL DOWN IF BUMPED INTO.
  - (d) THE SIGN PLACEMENT SHALL NOT INTERFERE WITH INGRESS OR EGRESS FROM LEGALLY PARKED VEHICLES
  - (e) SIGNS MAY ONLY BE PLACED ON THE RIGHT OF WAY DURING BUSINESS HOURS AND MUST BE REMOVED DURING NON-BUSINESS HOURS
  - (f) NO OFF-PREMISE PORTABLE SIGNS UNDER THIS SUBSECTION SHALL BE PERMITTED
  - (g) IF SUFFICIENT SPACE SIX FEET IS NOT AVAILABLE OR THE CITY RIGHT OF WAY IS LESS THAN SIX FEET IN WIDTH, THE SIGN MUST BE PLACED FLAT FLUSH AGAINST THE BUILDING AND IN SUCH A MANNER AS TO AVOID FALLING DOWN OR OBSTRUCTING USE OF THE SIDEWALK.
- 4.5. SIGN PERMITS UNDER THIS SUBSECTION SHALL BE VALID FOR ONE YEAR AND MUST BE RENEWED. FAILURE TO COMPLY WITH THIS SUBSECTION SHALL BE GROUNDS FOR DENIAL OF A SIGN PERMIT OR RENEWAL.
- 5.6. ONLY ONE SIGN SHALL BE PERMITTED PER EACH BUSINESS PROPERTY FRONTING ON A STREET PARCEL OF PROPERTY, HOWEVER MULTIPLE

BUSINESSES LOCATED IN THE SAME STORE FRONT PROPERTY MAY BE IDENTIFIED ON THE SINGLE SIGN

- 6.7. THE APPLICANT SHALL BE REQUIRED TO EXECUTE AN INDEMNIFICATION AGREEMENT INDEMNIFYING THE CITY AND ITS OFFICIALS FROM ANY CAUSE, ACTION, DAMAGES, EXPENSES OR CLAIM ARISING OUT OF INJURIES ON THE PUBLIC RIGHT OF WAY FROM THE USE OF, LOCATION AND OR PLACEMENT OF THE PORTABLE SIGN
8. PLANNED DEVELOPMENT ZONES THAT PROHIBIT SUCH SIGNAGE SHALL GOVERN NOTWITHSTANDING THIS SUBSECTION

(L) TEMPORARY SIGNS ASSOCIATED WITH A NON-COMMERCIAL EVENT SUCH AS A COMMUNITY FAIR OR ELECTION

1. MESSAGE SUBSTITUTION, AN ELECTION MESSAGE IS PERMITTED ON ANY OTHERWISE DULY PERMITTED OR ALLOWED SIGN UNDER THIS CHAPTER, PROVIDED IT CONFORMS TO THE SIZE AND HEIGHT LIMITATIONS OF SUCH SIGN.

2. SHALL BE REMOVED WITHIN TEN (10) CALENDAR DAYS AFTER THE EVENT FOR PURPOSES OF ELECTION RELATED SIGNS THE EVENT IS DEFINED AS THE PRIMARY OR GENERAL ELECTION DAY.

3.6 SQ. FT. PER SIDE; 12 SQ. FT MAX/4' MAX HEIGHT

4. PERMITTED IN ALL DISTRICTS

7.

~~4-3-2-74-3-3-7~~ 10-17-6-7: **LOW PROFILE SIGNS:**

Signs of a low profile planter type design which are not more than six feet (6') in height, may exceed the maximum area regulations for that specific lot, provided that an application is submitted to and approved by the ~~board of adjustment~~ COMMUNITY DEVELOPMENT DIRECTOR and the location of the sign is not in conflict with subsections ~~4-3-2-5~~ 10-17-6-5(F)2 and (I)5 of this chapter. AN APPLICANT MAY APPEAL A REJECTION OF A SIGN APPLICATION UNDER THIS SUBSECTION OR REQUEST ADDITIONAL SIGNS TO THE BOARD OF ADJUSTMENT(Ord. 7, Series of 2016)

~~4-3-2-84-3-3-8~~ 10-17-6-8: **SHOPPING CENTERS; SIGNS PERMITTED:**

Upon application to and issuance by the ~~building official~~ COMMUNITY DEVELOPMENT DIRECTOR of a permit therefor, the following signs may be erected and maintained in shopping centers. SIGNS THAT REQUIRE A SEPARATE STRUCTURE FROM THE PHYSICAL BUILDING MAY ALSO REQUIRE A BUILDING PERMIT AND REVIEWED IN ACCORDANCE WITH THE CITY'S ADOPTED BUILDING CODE:

(A) General: Signs may be erected, altered and maintained only for and by a use by right at the

shopping center in which the establishment is located and such signs shall be located in the same general frontage area as the use by right.

(B) Permitted Sign Types: Sign types shall be wall, window, arcade, or marquee signs. Ground signs shall be allowed only as the shopping center identifier or as a joint identification sign as specified in subsection ~~4-3-2-5~~ 10-17-6-5(I) of this chapter. Individual pads within the shopping center may be allowed a low profile monument type sign upon application to and approval by the director of community development if the conditions of section ~~4-3-2-7~~ 10-17-6-7 of this chapter have been met.

(C) Permitted Maximum Number: The maximum number of signs allowed to a use by right shall be three (3).

(D) Permitted Maximum Sign Area: Each use by right shall be allowed fifty (50) square feet of sign area or one square foot of sign area for each one and one-half ( $1\frac{1}{2}$ ) linear feet of building frontage or one square foot of sign area for each thirty (30) square feet of gross floor area, whichever is greater. The maximum total sign area allowed shall be limited to two hundred (200) square feet per use by right.

(E) Permitted Maximum Height Above Grade:

1. Wall or window signs: Forty feet (40').
2. Ground signs used as shopping center identifiers: Thirty feet (30').
3. Low profile monument signs: Six feet (6').

(F) Permitted Location:

1. Any projecting marquee or wall sign shall be located upon the structure in the same general area as the use by right. Projecting signs may project into the public right of way a maximum of thirty six inches (36"). Wall signs may project into the public right of way a maximum of twelve inches (12").
2. Ground signs shall be located in such a manner so that a clear area is maintained below them to a minimum height of seventy two inches (72") if said signs are located within fifty five feet (55') of the intersection and the edges of the rights of way of two (2) streets, a railroad right of way and a street, or a driveway and a street. No ground sign may project into any public right of way.

(G) Permitted Illumination: Shopping center signs may be illuminated but only from a concealed light source.

(H) Animation: Shall not be animated except for changeable copy signs when the following conditions are met:

1. Location: The sign is located in such a manner that it does not interfere with traffic or pedestrian safety. The minimum setback from the front property line shall be twenty feet (20'). At a signalized intersection the minimum setback shall be twenty five feet (25').
2. Display Face: The display face must be limited in area to less than sixty (60) square feet and must be stationary with a change sequence of not more than one change each two (2) seconds.
3. Constant Light Intensity: Such sign shall maintain a constant light intensity and color during the entire copy display. Mode changes such as reverse, flashing and inverse flashing are prohibited. (Ord. 7, Series of 2016)

#### ~~4-3-2-94-3-3-9~~ : **SIGNS FOR AREAS DEVELOPED AS PLANNED DEVELOPMENTS OR PLANNED DEVELOPMENT OVERLAYS:**

~~Such signs shall be as specified on the approved planned development plan. Further, they shall comply with the purposes of this sign code as specified in section [4-3-1-2](#) of this chapter. (Ord. 7, Series of 2016)~~

#### **4-3-3-10-17-7: ADMINISTRATION:**

#### **4-3-3-10-17-7-1: SIGN AREA MEASUREMENT:**

The area of a sign shall be measured in conformance with the regulations as herein set forth provided that the structure or bracing of a sign shall be omitted from measurement unless such structure or bracing is made part of the message or face of the sign. Where a sign has two (2) or more display faces, the area of all faces shall be included in determining the area of the sign.

(A) Signs With Backing: The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

(B) Signs Without Backing: The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

(C) All Other Signs Or Combinations Thereof: The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of any of the following combinations; the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign that have backing and each word, written representation (including any series of letters), emblems or figures of a similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign having no backing. (Ord. 10, Series of 1975)

#### **4-3-3-2~~10-17-7-2~~: REGISTRATION OF EXISTING SIGNS:**

(Rep. by Ord. 49, Series of 1988)

#### **4-3-3-3~~10-17-7-3~~: NONCONFORMING SIGNS:**

(A) Declaration Of Public Policy: It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when he is allowed to continue the nonconforming signs while at the same time assuring that the district in which the nonconforming signs exist will eventually benefit from a substantial uniformity of permanent signs.

(B) Definition Of Nonconforming Signs: A nonconforming sign shall be any sign which:

1. On the effective date hereof was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by this Chapter in the district in which the sign is located; or
2. On or after the effective date hereof was lawfully maintained and erected in accordance with the provisions of this Chapter, but which sign, by reason of amendment to this Chapter after the effective date thereof, does not conform to the limitations established by the amendment to this Chapter in the district in which the sign is located.

(C) Continuance Of Nonconforming Signs: Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after the effective date hereof; provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this Chapter established for signs in the district in which the sign is located; and provided, further, that the burden of establishing a sign to be nonconforming under this Section rests entirely upon the person or persons, firm or corporation claiming a nonconforming status for a sign.

1. One stay of any portion of this amortization schedule may be granted by the Board of Adjustment for a period of six (6) months, if substantial attempt at compliance is proven.

2. Any owner or operator of a nonconforming sign in a newly annexed area shall terminate such nonconforming sign in accordance with the schedule set forth in this Section, with the effective date of the annexation ordinance being the start of the time limitation.

(D) Termination Of Nonconforming Signs:

1. By Abandonment: Abandonment of such nonconforming sign shall terminate immediately the right to maintain such sign.
2. By Violation Of this Chapter: Any violation of this Chapter shall terminate immediately the right to maintain a nonconforming sign.
3. By Destruction, Damage Or Obsolescence: The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged to the extent that the cost of repair would be greater than fifty percent (50%) of the replacement cost, or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the Municipality to the extent that the sign becomes a hazard or a danger.
4. By Amortization: The right to keep, own, use, maintain or display signs prohibited by the terms of this sign code within the City as a legal nonconforming use shall cease and terminate in accordance with the following schedule:
  - (a) The use of searchlights shall cease on the effective date hereof.
  - (b) Animation, fluctuation, rotation or flashing of any sign within the City shall cease on the effective date hereof.
  - (c) The use or display of banners, pennants, balloons, wind operated signs and other portable signs which would cost less than one hundred fifty dollars (\$150.00) to replace shall cease on the effective date hereof.
  - (d) The use or display of banners, pennants, balloons, wind operated signs and other portable signs which would cost one hundred fifty dollars (\$150.00) or more to replace shall cease on the effective date hereof.
  - (e) The use or display of any permanently attached legal nonconforming sign shall cease within three (3) years of the effective date hereof, subject to the following:
    - (1) That the City recognizes a reasonable and proper amortization period of seven (7) years from the date of the initial installation of such signs or the date of the renovation of such signs where the cost of renovation exceeded sixty percent (60%) of the initial cost of the sign, whichever comes later. Provided, however, that any such renovation shall have been completed on or before the effective date hereof.
    - (2) That it shall be the responsibility of the owner or lessee of an affected sign to prove to the City that the grace period described above would constitute a period of amortization less than the permitted seven (7) years. Business records indicating the date of initial installation or the date and cost of renovation shall be acceptable to the City. Upon presentation to and acceptance by the City of such business records, the City shall issue a special permit extending the grace period until the full seven (7) year amortization period is realized. (Ord. 10, Series of 1975)

#### **~~4-3-3-4~~10-17-7-4: PERMITS, INSPECTIONS AND MAINTENANCE:**

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert or demolish any sign in the City, or cause the same to be done, without first obtaining a separate ~~building~~ building-SIGN-permit for each such sign, pursuant to the ~~building~~ SIGN code of the City, subject to the exceptions contained herein.

(A) Permits: In addition to the information required to be contained by the ~~building code~~ Sign Code of the City, each application for a sign permit shall also contain or be accompanied by the following information:

1. Name and address of owner of the sign.
2. Name and address of owner of the premises where the sign is located or to be located.
3. Name and address of person entitled to possession of premises where sign is located or to be located.
4. Plot plan definitely showing the location of the sign which is the subject of the permit and all other existing signs on the same premises.
5. Plans showing the dimensions, supports, sizes and materials of sign.
6. Statement of valuation of all materials and labor incorporated in sign.

(B) Inspections: All signs shall be subject to inspections by the ~~Building Inspector~~ COMMUNITY DEVELOPMENT DIRECTOR AND THEIR DESIGNEE and all other persons duly authorized for such purposes under the ordinances of the City.

(C) Maintenance: Every sign in the City, including, but not limited to, those signs for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including such exempted signs, shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant materials. The ~~Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE shall inspect and have the authority to order the painting, repair, or removal of a sign which shall constitute a nuisance or hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute such a hazard for any other reason.

#### **10-17-7-5 NUISANCE AND ABATEMENT**

~~(D)~~ (A) Signs Declared Nuisance: The ~~Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR may declare any sign found by him to be a nuisance or hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, to be a public nuisance. Any such declaration shall state the reasons of the ~~Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR for such declaration. Any sign owned, kept, displayed or maintained by any person within the City, the ownership, keeping, display or maintenance of which is unlawful pursuant to the provisions of this sign code, is hereby declared to be a public nuisance. The ~~Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR may declare any such unlawful sign



to be a nuisance, and any such declaration shall state the reason or reasons why such sign and the keeping, owning, maintenance and display or operation thereof are unlawful under the terms of this sign code.

(E) ~~(B)~~ Abatement: The Building Official ~~COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE~~ SHALL serve a copy of such declaration upon the owner of the sign and the person entitled to the possession of the premises upon which the sign is located, together with a notice requiring the owner or person entitled to possession of the building or premises, within forty eight (48) hours ~~THREE (3) CALENDAR DAYS~~, to commence either the required repairs or improvement, or the demolition and removal of the sign declared to be a public nuisance; and such repair, improvement or demolition and removal shall be completed within thirty (30) days from the date of notice, unless otherwise stipulated by the Building Official. ~~COMMUNITY DEVELOPMENT DIRECTOR. NOTHING IN THIS SECTION SHALL PROHIBIT A SEPARATE ENFORCEMENT ACTION FOR VIOLATION OF THE ADOPTED BUILDING CODE OF THE CITY~~

Service of such notice and declaration shall be by personal service upon the person entitled to possession, if he shall be found within the City limits; but if he shall not be found within the City limits, such service may be made upon him by registered mail or certified mail, return receipt requested; provided, that if such notice is by registered mail or certified mail, return receipt requested, the designated period within which said person is required to comply with the order of the Building Official ~~COMMUNITY DEVELOPMENT DIRECTOR~~ shall commence three (3) days following the day of mailing ~~INDICATING RECEIPT~~ of such notice. ~~THE OWNER OR PERSON ENTITLED TO POSSESSION OF THE SIGN OR A PERSON AT THEIR LAST PLACE OF ABODE OF A REASONABLE AGE AND DISCRETION MAY ALSO BE SERVED WITH THE NOTICE AND DECLARATION~~

(F) ~~(C)~~ If the owner of the premises shall not be the same person as the person entitled to possession of the premises, a true copy of such declaration and notice shall also be mailed to said owner by certified or registered mail at the address shown upon the tax rolls of the County. ~~AND AT THEIR LAST KNOWN ADDRESS.~~

(G) ~~(D)~~ If the owner of the sign shall not be the same person as the person entitled to possession of the premises, a true copy of such declaration and notice shall also be mailed to said owner by certified or registered mail at his last known address.

(H) ~~(E)~~ The notice given by the Building Official ~~COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE~~ SHALL state not only the remedial action required to be taken, but shall also state that if such action is not taken within the time limits set forth in this Chapter, the cost of demolition and removal may be assessed against the property on which the sign is located, together with an additional five percent (5%) for inspection and incidental costs and an additional ten percent (10%) penalty for cost of collection, and collected in the same manner as real estate taxes against the property.

(I) ~~(F)~~ In the event that the owner of the premises, or person entitled to possession, or the owner of the sign, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish the sign declared to be a nuisance, the owner of the sign, the owner of the premises



upon which the sign is located, and the person entitled to possession thereof (if other than the owner of the premises), or all or any of them, may be prosecuted for violation of this Chapter; and the Building Official ~~COMMUNITY DEVELOPMENT DIRECTOR OR~~ DESIGNEE ~~MAY ORDER THE SIGN DEMOLISHED~~ and remove the sign declared to be a public nuisance.

~~(J)(G)~~ If it shall be necessary for the Building Official ~~COMMUNITY DEVELOPMENT DIRECTOR OR~~ DESIGNEE to demolish and remove any sign pursuant to the provisions hereof, the Building Official ~~COMMUNITY DEVELOPMENT DIRECTOR OR~~ DESIGNEE shall certify to the City Clerk the legal description of the property upon which the work was done, together with the name of the owner thereof, as shown by the tax rolls of Arapahoe County COUNTY IN WHICH THE PROPERTY IS LOCATED, together with a statement of work performed, the date of performance and the cost thereof.

~~(K)(H)~~ Upon receipt of such a statement, the City Clerk shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by first class mail, postage prepaid, notifying such owner that work has been performed pursuant to this Chapter, stating the date of performance of the work, the nature of the work, and demanding payment of the cost thereof (as certified by the Building Official ~~COMMUNITY DEVELOPMENT DIRECTOR OR~~ DESIGNEE), together with five percent (5%) for inspection and other incidental costs in connection therewith. Such notice will state that if said amount be not paid within thirty (30) days of mailing the notice, it shall become an assessment upon and a lien against the property of said owner, describing the same, and will be certified as an assessment against such property, together with a ten percent (10%) penalty, for collection in the same manner as the real estate taxes upon the property.

~~(L)(I)~~ If the Clerk CITY shall not receive payment within the period of thirty (30) days following the mailing of such notice, the Clerk shall inform the City Council of such fact and the Council shall thereupon enact an ordinance assessing the whole cost of such work, including five percent (5%) for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the sign has been removed, and together with a ten percent (10%) penalty for cost of collection.

~~(M)(J)~~ Following passage of such ordinance upon second reading, the Clerk shall certify the same to the County Treasurer, who shall collect the assessment, including the ten percent (10%) penalty for cost of collection, in the same manner as other taxes are collected.

(C) THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE IS AUTHORIZED AND DIRECTED TO ENFORCE ALL PROVISIONS OF THIS CHAPTER INCLUDING THE AUTHORITY TO REVIEW AND APPROVE OR DENY SIGN PERMITS. FOR SUCH PURPOSE, THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL HAVE THE POWERS TO ENTER AT REASONABLE TIMES ANY BUILDING, STRUCTURE, OR PREMISES IN THE CITY TO PERFORM ANY DUTY IMPOSED UPON HIM OR HER BY THIS CHAPTER WITH THE CONSENT OF THE LAWFUL OCCUPANT OF THE PREMISES OR UPON PROBABLE CAUSE TO OBTAIN AN INSPECTION WARRANT.

(D) FAILURE TO COMPLY. A FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE SHALL BE UNLAWFUL, AND SUBJECT TO THE PENALTIES IN SECTION 1-4-1 OF THIS CODE. ANY PERSON VIOLATING OR FAILING TO COMPLY WITH ANY OF THE PROVISIONS OF THIS ARTICLE SHALL, UPON CONVICTION THEREOF, BE PUNISHED AS PROVIDED IN SECTION 1-4-1 OF THIS CODE. SUCH PENALTY SHALL NOT RELIEVE ANY PERSON FROM FULLY COMPLYING WITH THE REQUIREMENTS OF THIS CHAPTER OR FROM ANY OTHER PENALTIES PRESCRIBED IN THIS CHAPTER.

(E) REMEDIES. IF ANY SIGN OR SIGN STRUCTURE IS ERECTED, CONSTRUCTED, DISPLAYED, MAINTAINED OR USED IN VIOLATION OF THIS CHAPTER, THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE MAY INSTITUTE ANY APPROPRIATE ACTION OR PROCEEDINGS TO CORRECT SUCH VIOLATION. THE IMPOSITION OF ANY PENALTY UNDER THIS SECTION SHALL NOT PRECLUDE THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE FROM INSTITUTING ANY APPROPRIATE ACTION OR PROCEEDING TO REQUIRE COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER AND WITH ADMINISTRATIVE ORDERS AND DETERMINATIONS MADE UNDER THIS CHAPTER.

(F) REMOVAL. ANY SIGN IN VIOLATION OF THIS CHAPTER MAY BE REMOVED IN ACCORDANCE WITH THIS CHAPTER. WHEN REMOVAL OF A SIGN IS REQUIRED, THE ENTIRE SIGN AND ALL SUPPORTING STRUCTURES SHALL BE REMOVED. SIGNS PAINTED DIRECTLY ON AN EXPOSED BRICK, STONE, OR CONCRETE WALL SHALL BE REMOVED BY A PROCESS THAT STRIPS THE ENTIRE SIGN FROM THE WALL, NOT BY PAINTING OVER THE SIGN. PLACEMENT OF SIGNS IN MEDIANS, PARKS, OPEN SPACE AREAS, ON ANY TRAFFIC CONTROL DEVICE, IN ANY RIGHTS-OF-WAY WITHOUT AUTHORIZATION, OR IN A MANNER IMPAIRING TRAFFIC OR PEDESTRIAN VISIBILITY IS PROHIBITED, SUCH SIGNS BEING SUBJECT TO IMMEDIATE REMOVAL WITHOUT NOTICE TO THE OWNER.

(G) NOTICE TO REPAIR OR REMOVE AND CREATION OF LIEN. IN ADDITION TO ANY OTHER VIOLATION OR PENALTY PROVIDED FOR IN THIS CHAPTER, THE COMMUNITY DEVELOPMENT DIRECTOR SHALL GIVE NOTICE TO THE OWNER OR TO ANY PERSON OCCUPYING SUCH PROPERTY THAT THE SIGN ON HIS OR HER PREMISES IS IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER. THE PARTY RECEIVING NOTICE FROM THE CITY MAY REQUEST A HEARING BEFORE THE CITY MANAGER OR A HEARING OFFICE APPOINTED BY THE CITY FOR SUCH PURPOSE. UPON AN ADVERSE DECISION AFTER SUCH A HEARING, THE CITY MANAGER SHALL, UPON DETERMINATION OF COSTS INCURRED BY THE CITY, CERTIFY THE COSTS FOR COLLECTION TO THE COUNTY TREASURER. THE COSE SHALL INCLUDE THE COST OF REMOVAL, A FIVE (5%) PERCENT INSPECTION FEE AND IF UNPAID AFTER THIRTY (30) CALENDAR DAYS OF RECEIVING NOTICE A TEN (10%) PERCENT COLLECTION FEE. UNPAID AMOUNTS SHALL BEAR INTEREST AT THE RATE OF TWELVE PERCENT (12%) PER ANNUM COMMENCING ON THE DATE OF IMPOSITION OF THE COLLECTION FEE UNTIL PAID.

1. NOTICE MAY BE SENT BY REGISTERED OR CERTIFIED UNITED STATES MAIL RETURN RECEIPT REQUESTED TO THE ADDRESS OF THE PROPERTY AND THE ADDRESS OF THE OWNER ON THE TAX ROLL OF THE COUNTY. IN THE EVENT THAT THE PERSON IN POSSESSION OF THE PROPERTY OF THE OWNER AS SET FORTH ON THE TAX ROLLS MAY NOT BE LOCATED, THE NOTICE MAY BE SERVED BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OR BY PERSONAL SERVICE UPON ANY PERSON OF REASONABLE AGE AND DISCRETION RESIDING AT THE ADDRESS ON THE TAX ROLL.

2. THE PERSON IN LAWFUL POSSESSION OF THE PROPERTY OR THE OWNER OF THE PROPERTY AS SET FORTH ON THE TAX ROLL SHALL HAVE SEVEN (7) CALENDAR DAYS TO FILE A WRITTEN REQUEST WITH THE COMMUNITY DEVELOPMENT DIRECTOR FOR A HEARING BEFORE THE CITY MANAGER

3. THE DECISION OF THE CITY MANAGER OR HEARING OFFICER APPOINTED FOR SUCH PURPOSE IS FINAL AND NOT SUBJECT TO ANY FUTURE REVIEW

(H) THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE SHALL NOTIFY THE OWNER OR OCCUPANT OF THE PREMISES OF THE TOTAL COSTS, INCLUDING PENALTIES AND COLLECTION FEES INCURRED FOR SUCH REPAIR OR REMOVAL OF THE SIGN. IF THE OWNER OR OCCUPANT SHALL FAIL WITHIN 30 DAYS AFTER THE NOTIFICATION TO PAY THE ENTIRE COSTS AND EXPENSES OF SUCH REPAIR OR REMOVAL THE COLLECTION FEE SHALL BE IMPOSED AND SUCH COSTS AND EXPENSES SHALL BECOME A LIEN AGAINST THE PROPERTY. THE FINANCE DIRECTOR OF THE CITY SHALL CERTIFY THE COSTS AND EXPENSES TO THE TREASURER OF THE APPROPRIATE COUNTY FOR COLLECTION IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE COLLECTED.

(I) THE AMOUNT CERTIFIED BY THE DIRECTOR OF FINANCE TO THE COUNTY TREASURER FOR COLLECTION SHALL INCLUDE THE ACTUAL COST OF REPAIR OR REMOVAL OF THE SIGN, PLUS ANY COSTS ASSOCIATED WITH ANY PENALTY, COLLECTION FEE AND INTEREST FOR THE COST OF COLLECTION.

~~(N)~~(J) Each such assessment shall be a lien against each lot or tract of land assessed, until paid, and shall have priority over all other liens except general taxes and prior special assessments.

~~(O)~~(K) For all purposes hereof, the owner of the premises shall be presumed to be the owner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the Building Official COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE.

~~4.~~a. Identification And Marking: Each sign, requiring a permit under the terms of this Chapter, hereafter erected or remodeled shall bear, in a permanent position thereon, a clearly legible identification plate stating the name and address of the owner of the sign, and the person responsible for its construction and erection, and the date of erection. Electrical signs shall be marked with input amperes at full loss input.

~~2.~~ Allowable Stresses, Materials And Engineering Standard: The design of all members shall conform to the requirements of the building code. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the building code; and materials, construction and structures shall be of the quality and grade required by the building code BUILDING AND SIGN CODES. All signs and

b. structures shall be designed and constructed to meet building code requirements. (~~Ord. 10-~~ Series of 1975)

**4-3-3-510-17-7-6 10-17-7-6: ILLEGAL SIGNS; SIGN CODE TO GOVERN IN EVENT OF CONFLICT:**

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, convert, maintain, own, or display any sign prohibited by the terms of this Chapter, within the City, and the terms and provisions of this sign code shall prevail in the event of any conflict between the provisions hereof and any ordinance of this City heretofore enacted or in the event of any conflict between the provisions hereof and any other provisions of the Zoning Ordinance other than this sign code. (Ord. 10, Series of 1975)

#### **4-3-3-610-17-7-7 10-17-7-7: SEVERABILITY AND TRANSITION OF SIGN CODE:**

If for any reason any one or more sections, sentences, clauses or parts of the sign code are held invalid, such judgment shall not affect, impair or invalidate the remaining revisions of this sign code, but shall be confined in its operations to the specific sections, sentences, clauses or parts of this Chapter held invalid and the invalidity of any section, sentence, clause or part of this Chapter or in any one or more instances shall not affect or prejudice in any way the validity of this sign code in any other instance.

All offenses committed and all liabilities incurred prior to the effective date hereof, shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. Nothing herein contained shall be taken to authorize or to make lawful or to permit a period of amortization for any nonconforming sign or billboard or device which was not a legal nonconforming use prior to the effective date hereof. (Ord. 10, Series of 1975)

#### **4-3-3-7 10-17-7-8: REMEDIES NOT EXCLUSIVE:**

In the event that any sign shall be declared a public nuisance by the ~~Building Official~~ COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE, the City Attorney is hereby authorized on behalf of the City to bring action to abate and enjoin any such nuisance, and for damages, and for the cost of abatement, in addition to any other remedies which may be sought under this Chapter, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder. (Ord. 10, Series of 1975)

#### **10-17-7-9: ORDERS OF THE COMMUNITY DEVELOPMENT DIRECTOR:**

WHEN IT IS THE OPINION OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE THAT A VIOLATION OF THIS CHAPTER EXISTS, HE SHALL ISSUE A WRITTEN ORDER SHALL BE ISSUED TO THE ALLEGED VIOLATOR. THE ORDER SHALL SPECIFY THOSE CHAPTER SECTIONS OF WHICH THE INDIVIDUAL IS ALLEGED TO BE IN VIOLATION. THE WRITTEN ORDER SHALL SPECIFY A PERIOD OF NOT MORE THAN SEVEN CALENDAR DAYS FROM THE DATE OF THE ORDER TO CORRECT THE ALLEGED VIOLATION. THE TIME SPECIFIED IN THE ORDER SHALL DEPEND ON THE DIFFICULTY OF REMOVING THE UNLAWFUL SIGN. (ORD. 39, SERIES OF 1985)

#### **4-3-4: BOARD OF ADJUSTMENT<sup>1</sup>:**

#### **4-3-4-1: ORDERS OF THE BUILDING OFFICIAL:**

~~When it is the opinion of the Building Official that a violation of this Chapter exists, he shall issue a written order to the alleged violator. The order shall specify those Chapter sections of which the individual is alleged to be in violation. The written order shall specify a period of not less than three (3) hours or more than ten (10) days from the date of the order to correct the alleged violation. The time specified in the order shall depend on the difficulty of removing the unlawful sign. (Ord. 39, Series of 1985)~~

#### **4-3-4-2~~10-17-7-10~~: APPEAL TO AND REQUEST FOR VARIANCE FROM BOARD OF ADJUSTMENT:**

(A) Any aggrieved person who believes the alleged violation as contained in the order of the Building Official COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE is factually or legally contrary to the provisions of this Chapter, may appeal the same to the Board of Adjustment, hereinafter sometimes referred to as the "Board", in a manner provided by such Board. UNLESS THE APPEAL INDICATES THAT THE RELIEF REQUESTED INCLUDES A VARIANCE, THE BOARD OF ADJUSTMENT SHALL ONLY ACT ON THE APPEAL OF THE ORDER. ~~IN the alternative,~~ Aan aggrieved person may request that the Board grant a variance from the requirement of this Chapter. The filing of such request shall be in the manner provided by the Board. NOTWITHSTANDING THE FOREGOING ANY ORDER REQUIRING DEMOLITION OR REMOVAL OF THE SIGN AS A NUISANCE PURSUANT TO SECTION 10-17-7-5 MAY ONLY BE APPEALED IN ACCORDANCE WITH THAT SECTION AND THE BOARD OF ADJUSTMENT SHALL HAVE NO JURISDICTION OVER SUCH APPEALS

(B) Any aggrieved person may also appeal to the Board any decision of ruling of the Building Official COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE involving the interpretation of any provision or term of this Chapter. Before the Board hears an appeal, however, from a ruling of the Building Official COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE that a particular proposed building or other structure will itself constitute a sign, for which reason the Building Official COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE has refused to issue a building SIGN permit, the Board shall receive an advisory report A WRITTEN DETERMINATION from the Building Official COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE, in which the Building Official shall state his opinion whether the proposed structure constitutes a sign. ON THE APPLICATION FOR A SIGN PERMIT AND THE BASIS FOR THE DECISION BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE (Ord. 27, Series of 1975)

(C) The Board shall have no jurisdiction to hear an appeal from an order of the COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE unless such appeal is filed with the City Clerk COMMUNITY DEVELOPMENT DEPARTMENT within TWENTY EIGHT (28) CALENDAR days from the date of such order. In every appeal before the Board, the burden of proof shall be on the

COMMUNITY DEVELOPMENT DIRECTOR or his designee to support the alleged violation by a preponderance of the evidence. (Ord. 27, Series of 1975)

(D) THE APPLICATION REQUESTING A VARIANCE BEFORE THE BOARD SHALL BE SUBMITTED WITH THE FEE ESTABLISHED BY THE CITY COUNCIL FOR SUCH HEARINGS.

~~The Board shall have no jurisdiction to hear an appeal from an order of the Building Official unless such appeal is filed with the City Clerk within thirty (30) days from the date of such order. In every appeal before the Board, the burden of proof shall be on the Building Official or his designee to support the alleged violation by a preponderance of the evidence. (Ord. 27, Series of 1975)~~

**4-3-4-4~~10-17-7-11~~: VARIANCES:**

In every case in which a request for a variance from the requirements of this Chapter has been filed, the Board shall not grant a variance unless it specifically finds each and every one of the following conditions to exist:

- (A) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right of way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention, and do not apply in general to all businesses or enterprises in the area.
- (B) The variance would be in general harmony with the purposes of this Chapter, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located.

(C) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise. (~~Ord. 27, Series of 1975~~)

(~~C~~) (D) The Board may grant a variance subject to any conditions which it deems necessary or desirable to make the device which is permitted by the variance compatible with the purposes of this Chapter (~~Ord. 27, Series of 1975~~)

**4-3-4-5: CONDITIONS:**

~~The Board may grant a variance subject to any conditions which it deems necessary or desirable to make the device which is permitted by the variance compatible with the purposes of this Chapter. Any fees for requesting a variance before the Board shall be in accordance with the fee schedule established by the City Council for such hearings. (Ord. 27, Series of 1975)~~

#### **4-3-4-6: JUDICIAL REVIEW OF DECISIONS OF BOARD OF ADJUSTMENT:**

(Rep. by Ord. 43, Series of 1985)

#### **4-3-4-710-17-7-12: EFFECT OF FAILURE TO APPEAL**

The order of the ~~building official~~ COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE shall become a final order of the board of adjustment upon the occurrence of any of the following events:

- (A) The failure of the applicant to appeal the order of the ~~building official~~ COMMUNITY DEVELOPMENT DIRECTOR to the board of adjustment within the prescribed period of time for bringing such appeal.
- (B) The failure of the applicant to appeal the order of the board of adjustment to a court of competent jurisdiction within the prescribed period of time for bringing such appeal.
- (C) When the judgment of a court of competent jurisdiction becomes final, as determined by the rules of such court. (Ord. 27, Series of 1975)

#### **4-3-510-17-8: PRIVATE PARTY SIGNS ON CITY PROPERTY AND IN PUBLIC RIGHTS OF WAY:**

#### **4-3-5-110-17-8-1: PURPOSE AND INTENT:**

- (A) Purpose: The purpose of this section is to identify what types of private party signs are allowed to be displayed on city property and in the public right of way, and the specific standards under which they may be displayed.
- (B) Intent: The city declares its intent that all city property shall not function as a designated public forum, unless some specific portion of city property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any. (Ord. 7, Series of 2016)



#### **~~4-3-5-2~~10-17-8-2: PRIVATE PARTY SIGNS:**

(A) Private parties may not display or post signs on city property or in public easements or rights of way, except as specifically allowed in this chapter. (Ord. 7, Series of 2016)

(B) PRIVATE PARTY POSTED SIGNS ON TRAFFIC CONTROL DEVICES, INCLUDING SIGNALS, CAUTION SIGNS, CITY, COUNTY AND STATE HIGHWAY DIRECTIONAL, REASSURANCE AND INFORMATIONAL SIGNS, STREETLIGHTS AND POWER POLES ARE DEEMED A PUBLIC NUISANCE AND MAY BE IMMEDIATELY REMOVED AND CONFISCATED, NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER. NOTICE MAY BE GIVEN TO THE OWNER IF SUCH INFORMATION IS AVAILABLE. FAILURE TO PICK UP THE SIGNS WITHIN THREE (3) BUSINESS DAYS SHALL RESULT IN THE CITY DISCARDING SUCH SIGNS

#### **~~4-3-5-3~~10-17-8-3: PERSONALLY HELD SIGNS IN TRADITIONAL PUBLIC FORUM AREAS:**

In areas qualifying as traditional public forums, such as the surfaces of city streets, parks and sidewalks, as well as the surface of exterior areas immediately around Littleton Center (and not including interior areas of the Littleton Center), persons may display signs, subject to all of the following:

- (A) Each sign must be personally held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within three feet (3') of the sign at all times.
- (B) The signs may be displayed only during the time period of sunrise to sunset, except on evenings when a public meeting is being held at Littleton Center and on days when the polls are open; on such occasions, the display may continue until one hour after the close of the public meeting or one hour after the close of the polls.
- (C) The maximum aggregate size of all signs held by a single person is ten (10) square feet.
- (D) The maximum size of any one sign, which is personally attended by two (2) or more persons, is fifty (50) square feet.
- (E) In order to serve the city's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane or parking space or in a way that interferes with vehicle sight distance at intersections or crosswalks, and persons displaying signs on public sidewalks must give at least five feet (5') width clearance for pedestrians to pass by.



(F) This section does not override the municipal election code or uniform election code, which prohibits sign display and electioneering near polling places on election day. (Ord. 7, Series of 2016)

#### **~~4-3-5-4~~10-17-8-4: CITY PLACED SIGNS:**

(A) The following signs may be placed by the city or other governmental unit on city property or in the public right of way:

1. Traffic control, traffic directional, warning or street identification signs erected by the city, another governmental unit or public utility;
2. Official notices required by law;
3. Signs or notices placed by the city or other governmental unit in furtherance of its governmental functions or proprietary capacity;
4. Signs expressing the city's own message to the public.

(B) Banners may be placed by the city on city property or in the public right of way for any message, event or program.

(C) Wayfinding directional signs may be placed by the city on city property or in the public right of way, based upon selection, location, and design criteria established by the city manager, or designee. Such wayfinding directional signage shall be permitted for the following:

1. Public and quasi-public buildings and facilities, such as city, county, state and federal buildings and light rail facilities;
2. City and south suburban parks and recreation facilities, such as parking lots, recreation centers, parks and trails;
3. Cultural/historical/tourist destinations, such as museums, libraries, and courthouses;
4. Points of public interest, such as Hudson Gardens;
5. City entries and neighborhood entries;
6. Locations or destinations where wayfinding signage would be of public benefit; and
7. Local establishments.

(D) All city placed signs shall be installed by the city. (Ord. 7, Series of 2016)

#### **~~4-3-5-5~~10-17-8-5: REMEDIES AND PENALTIES:**

Any sign posted on city property, contrary to the provisions of this chapter, which poses an immediate threat to public safety may be summarily removed as a trespass and a nuisance by the city. Upon removal or with respect to signs that do not pose an immediate threat to public safety, the city shall make reasonable efforts to contact the sign owner and inform the owner of the reason for the removal or nonconformance. Any sign that has been properly removed under this chapter shall be returned to the owner upon request; provided, however, that if no request is made for the return of the sign, the community development director, or designee, is authorized to destroy or dispose of the removed sign not earlier than ~~thirty (30)~~ TWENTY ONE CONSECUTIVE days after the removal of such sign. (Ord. 7, Series of 2016)