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CHAPTER XVII, ARTICLE 7

**SIGN REGULATIONS OF SPRING HILL, KANSAS
2009 SECOND EDITION**

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SECTION 17.710

PURPOSE

- A. Purpose.** These Regulations, entitled the Spring Hill Sign Regulations, prescribe minimum standards to safeguard life, health, property, property values and public welfare by regulating and controlling the quality of materials, construction, installation and maintenance of signs, in addition to the number, size sign type, and type of illumination of all signs and sign structures for the land within the City of Spring Hill and the growth area included in the Interlocal Agreement with the Miami County Commission.

In addition, the Community Development Recommendations on signage of the Spring Hill Comprehensive Plan will supplement these Regulations. The purpose of the Comprehensive Plan Recommendations is to provide quality and design criteria relating to all development within the City.

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SECTION 17.720

DEFINITIONS

- A. **Definitions.** For the purpose of these Regulations, certain terms, words, and phrases are hereby defined and shall have the meaning assigned to them in this Section when used or referred to throughout these Regulations.
1. **Approved Combustible Material** means wood, or materials no more combustible than wood, and approved combustible plastics.
 2. **Approved Combustible Plastics** means those plastics which, when tested in accordance with the American Society for Testing Materials standard methods for test for flammability of plastics over 0.050 inch in thickness (D635-44), burn no faster than 2.5 inches per minute in sheets 0.060 inch thickness.
 3. **Attention Attracting Device** means any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.
 4. **Detached Sign** means any sign not attached to a building.
 5. **Growth Area** means the area around the City of Spring Hill that is identified as Exhibit A of the Interlocal Agreement between Miami County, Kansas and the City of Spring Hill, Kansas providing for the joint regulation of the use of land lying within territory designated as the growth area of the City Spring Hill as approved and adopted by Ordinance No. 97-02.
 6. **Illuminated Signs** means:
 - a. Semi-Illuminated Sign. Any sign, which is uniformly illuminated internally over its entire area, including the area of the sign, by use of electricity or other artificial light.
 - b. Indirectly Illuminated Sign. Any sign, which is partially or completely illuminated at any time by an external light source, which is so shielded, as to not be visible at, eye level.
 - c. Fully Illuminated Sign. Any sign, which is illuminated by an external or internal light, source which is visible.

7. **Incidental Sign** means a sign, which guides or directs pedestrian or vehicular traffic, or a sign in conjunction with a drive-thru window, which may be mounted on the ground, on a building or in connection with a detached sign.
8. **Institutional Use** means an organization that is either a public organization, charitable organization, religious organization, fraternal organization, or civic organization qualifying as a 501(c)(3) tax exempt organization under the Internal Revenue Code. (Ord. 2004-42)
9. **Marquee Sign** means any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the roofline.
10. **Monument Sign** means an identification sign, which rises from the ground, and generally has no clearance under it.
11. **Off-Premise Billboard Sign** means a billboard sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered off the premises where such sign is located.
12. **On-Premise Sign** means a freestanding sign, which directs attention to a business, commodity, service, activity or product, sold, conducted or offered on the premises, and within a shopping center or complex where such sign is located. (Ord. 2002-32)
13. **Portable Sign** means a sign that is not permanently affixed to one location, which may be mounted on wheels, and has the capability of being moved from one site to the next.
14. **Projecting Sign** means any sign that is extending more than one foot from the face of the building to which is attached, or which extends more than one foot above the roofline.
15. **Real Estate Sign** means an on-site or off-site sign which advertises the sale, rental or lease of property, or special program signs, such as, open house, energy conservation, warranty, builder, etc.
16. **Roof Sign** means a sign which extends above a roof or parapet wall of a building and which is wholly or partially supported by said roof.
17. **Shopping Center** means a group of commercial establishments planned, developed, owned or managed as a unit, related in type of shops to the trade area that the unit serves and with common parking facilities, in such a way as to give a unified character. (Ord. 2002-32)

18. **Shopping Complex** means a group of freestanding buildings, or buildings constructed in such a ways as to give an appearance of being interrelated because of architectural similarity and/or access to a street using interconnected drives and parking areas; or a building divided into three or more separate offices or businesses. A complex shall be limited to office or business complexes and shopping complexes. (Ord. 2002-32)
19. **Sign** means any words, letters, numerals, figures, devices, design, or trademarks by which information is made known to the public.
20. **Sign Area** means the area of a sign set out in these Regulations shall mean the area encompassed by the perimeter of the sign.

The area of the sign shall be computed from the area enclosed by the perimeter upon which the letters, logo, etc. are placed except that when individual letters, logo, etc. are mounted individually and directly upon a building surface without change in the color or appearance of the surface background, the area of the sign shall be deemed to be the rectangle or other geometric form that encompasses the letters, logo, etc.

21. **Snipe Sign** means any sign of a material such as cardboard, paper, pressed wood, plastic or metal.
22. **Subdivision Amenity Sign** means a sign directing traffic to amenities such as clubhouse or swimming pool within the subdivision.
23. **Subdivision Entrance Marker** means a detached sign identifying the Subdivision, located at one or more of the subdivision entrances.
24. **Temporary Sign** means a sign of cloth or other combustible material, with or without a frame, which is usually attached to the outside of a building on a wall or store front, for a limited period of time; or a sign which is not permanently attached to the ground, building or other load bearing structure.
25. **Under Canopy Sign** means a display attached to the underside of a marquee or canopy and protruding over public or private sidewalks or right-of-way.
26. **Wall Sign** means a sign attached to or erected against an exterior wall of a building or structure, which projects not more than 12 inches from a wall and presents only one face with advertising copy to the public and does not extend above the roof line.
27. **Zoning Administrator** means the Planning and Development Coordinator of the City of Spring Hill.

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SECTION 17.730

SIGN TYPE PERMITTED: ZONE RESTRICTIONS

A. Permitted Sign. The following described signs, are permitted in each of the following zoning districts.

1. District AG Agricultural

- a. One unilluminated sign not larger than 32 square feet in area and not to exceed 20 feet in height, pertaining to the sale, lease or identification of the premises upon which it is located, or to the sale of products raised thereon. (Ord. 2004-29)
- b. One unilluminated sign not to exceed one square foot in area located at the entrance to the occupation, which advertises a customary home occupation. (Ord. 2007-02)
- c. Not more than two on-premise unilluminated or indirectly illuminated subdivision entrance markers per street. Subdivision entrance markers shall be identified and detailed on the preliminary plat, as per Section 17.372.C.3.c.ix, and are subject to approval of the Planning Commission with respect to location, size, appearance and design. (Ord. 2009-22)
- d. Unilluminated subdivision amenity signs shall be allowed within the subdivision; they shall not exceed six square feet in area, and shall not exceed eight feet in height. (Ord. 2004-29)
- e. Churches, public and other institutional uses may display one unilluminated, semi-illuminated or indirectly illuminated, detached sign showing names, activities and services therein. The free standing sign shall not exceed 40 square feet in area, and shall not exceed six feet in height. (Ord. 2004-29)
- f. When a church, public or other institutional uses abuts U.S. 169 Highway, a detached un-illuminated or indirectly illuminated sign facing the highway with a maximum sign area of 72 square feet and a maximum height of 12 feet shall be allowed. These signs shall be separated by at least 500 linear feet. The sign shall be required to have landscaping and shall be visually appealing¹. The sign must abut the highway where there is no separation between the property and the highway by a road right-of-way. (Ord. 2004-29)

¹ Nothing herein within this provision regarding landscaping and aesthetics shall be construed to be applicable to those cases within the scope of the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”).

- g. All detached/freestanding signs shall be set back from any property line a distance as follows: one foot setback for each foot of sign height. (Ord. 2004-29)

2. District R-R Rural Residential
District R-1 Single-Family Residential
District R-2 Two-Family Residential

- a. Signs as permitted in 17.730.A.1.b through 17.730.A.1.f. (Ord. 2007-02)

3. District R-3 Multifamily
District R-4 Multifamily
District MH Manufactured Housing

- a. Signs as permitted in 17.730.A.1.c through 17.730.A.1.f.
- b. A multifamily development shall be permitted not more than one unilluminated wall sign per building, with a maximum sign area of 12 square feet. In addition, a multifamily development shall be permitted one unilluminated or indirectly illuminated detached sign for each entrance of the development. Such sign shall not exceed eight feet in height and 32 square feet in area.

4. District C-O Office Building

- a. Each office building shall be permitted not more than two unilluminated or semi-illuminated wall signs, provided such signs shall indicate only the name of the building or establishments housed therein. No such sign shall have an overall area exceeding five percent of the area of the wall upon which it is mounted.
- b. In lieu of one of the above wall signs, an office park consisting of one or several buildings, either attached or freestanding, shall be permitted one detached sign, provided such sign shall indicate only the name of the building or establishments housed therein. Such sign shall not exceed eight feet in height and 10 square feet in area. When a monument sign is used, total area and height of the structure shall not exceed 65 square feet and eight feet respectively.
- c. Each establishment or firm housed within an office building is allowed one unilluminated, semi-illuminated or indirectly illuminated projecting, marquee or under canopy sign, not exceeding three feet square in area.
- d. In lieu of 17.730.A.4.b, not more than two on-premise unilluminated or indirectly illuminated subdivision entrance markers per street, with a maximum sign area of 32 square feet and a maximum sign height of four feet shall be permitted.

- e. A detached sign shall be set back from any property line a distance as follows: one foot setback for each foot of sign height for a pole sign and one-half foot setback for each foot of sign height for a monument sign.

5. District C-1 Restricted Business

District C-2 General Business

District MP Industrial Park

District M-1 General Industrial

Unless otherwise provided, signs in these districts may be unilluminated, semi-illuminated or indirectly illuminated.

- a. Each business or commercial establishment shall be permitted not more than three wall or marquee signs provided the total area of signs on a facade shall not exceed ten percent of the total area of that facade.
- b. In lieu of one of the above wall or marquee signs, one projecting sign or under canopy sign shall be permitted.
- c. In lieu of one of the above-attached signs, one detached sign shall be permitted for each freestanding commercial building. The maximum sign area shall be 15 square feet and the maximum sign height shall be 12 1/2 feet. When a monument sign is used, total area and height of the structure shall not exceed 72 square feet and nine feet, respectively.
- d. A shopping center designed as one unified entity and consisting of one or several buildings, either attached or freestanding, shall be permitted one detached sign identifying the entire center by name. All other signs in the center shall consist of wall, projecting, under canopy or marquee signs. The maximum square footage of the shopping center detached sign shall be 100 square feet.
- e. Incidental signs are subject to the approval of the Zoning Administrator and shall not exceed nine square feet in area.
- f. In lieu of 17.730.A.4.c, not more than two on-premise unilluminated or indirectly illuminated subdivision entrance markers per street, with a maximum sign area of 48 square feet and a maximum sign height of six feet shall be allowed.
- g. A shopping center or complex with 200 linear feet or more of frontage along the right-of-way of U.S. 169, shall be permitted one freeway frontage pole or monument sign with a maximum height of 25 feet above the center line height of the nearest through traffic lane. The maximum height of the sign may be increased to a maximum height of 50 feet due to topography or visibility if a licensed sign

contractor submits a letter indicating that additional height will be required. The maximum sign area shall be 100 square feet for signs that are 35 feet in height or less and 150 square feet for signs between 36 feet and 50 feet in height. Shopping complex signs shall be separated by at least 1,000 linear feet, shall require an approved conditional use permit, and shall be visually appealing. (Ord. 2002-32)

- h. When a single business or commercial establishment abuts U.S. 169, a detached unilluminated or indirectly illuminated sign facing the highway with a maximum sign area of 96 square feet and a maximum height of 21 feet shall be allowed. Signs facing U.S. 169 shall be separated by at least 500 linear feet, shall require an approved site plan, and shall be visually appealing. (Ord. 2002-32)
 - i. All detached/freestanding signs shall be set back from any property line a distance as follows: one foot setback for each foot of sign height for a pole sign and one-half foot setback for each foot of sign height for a monument sign.
- 6. Off-Premise Billboard Signs.** Any sign that is located off-premise will be considered an off-premise billboard sign. Off-premise billboard signs shall be permitted only as follows:
- a. Off-premise billboard signs shall be allowed only in zones MP and M-1 abutting U.S. 169, and shall be allowed only on private property.
 - b. Off-premise billboard signs shall be separated by at least 1,000 linear feet. In addition, a billboard shall be separated by at least 2,000 linear feet when it is located across U.S. 169 from another billboard sign.
 - c. All off-premise billboard signs shall comply with the size requirements as specified by the Kansas Department of Transportation.
 - d. The maximum height of off-premise billboard signs shall be 30 feet with a maximum sign area of 300 square feet. In addition, billboards will only be allowed: to have two faces; to be a “V” shaped sign separated by no more than 20 feet; and must be supported by a monopole. (Ord. 2000-28)
 - e. All regulations of K.S.A. 68-2234 inclusive and 21-3739, as may be amended, excepting K.S.A. 68-2234(c)(3) and (4) shall be followed.
 - f. Off-premise billboard signs shall be set back from any property line a distance as follows: one foot setback for each foot of sign height. In addition, no billboard shall be allowed within 800 feet of the property line of a residence, park, school, church, or hospital. (Ord. 2007-02)

- g. All off-premise billboard signs may be unilluminated or indirectly illuminated with the lighting shielded from view. In addition, flashing or intermittent lighting attracting device shall not be allowed.
- i. All off-premise billboard signs must be kept in good repair and must display the property owner's name.
- j. All off-premise billboard signs shall require an approved site plan and conditional use permit. The Zoning Administrator shall perform an annual inspection of each billboard sign to determine if it is in conformance with the site plan and the conditional use permit.

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SECTION 17.740

PERMITS

- A. Permits Required.** Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the City of Spring Hill or the Spring Hill Growth Area, or cause the same to be done, without first obtaining a sign permit from the City of Spring Hill.

Permits shall not be required under the following conditions:

1. Replacing or altering changeable copy on theater marquees, billboards, gasoline stations, and similar signs.
 2. Painting, repairing, cleaning or maintaining of a sign shall not be considered an erection or alteration, which requires a permit unless a structural change is made.
- B. Exemptions.** A permit will not be required for the following listed signs. These exemptions, however, shall apply only to the requirement of the permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance and appearance.
1. One project, or "for sale" or "for rent", sign is permitted per street frontage; it must be located on the premises; and it must be removed upon completion of the project or within ten days after sale or letting of the property. In addition, one "open house" sign per street frontage, located on the premises, is allowed four (4) days prior to the event. (Ord. 2009-20)
 2. "Construction project" signs, with a maximum sign area of 32 square feet with a maximum height of nine feet.
 3. "Coming soon" signs for businesses with a 32 square feet with a maximum height of nine feet. These types of signs shall be allowed in conjunction with any existing signs on the property six months prior to a building permit being issued.
 4. Subdivision, commercial and industrial acreage or structure "for sale" or "for rent" signs. Maximum height shall be nine feet. Maximum sign area shall be 32 square feet.
 5. Residential structure "for sale" or "for rent" signs, with a maximum size of six square feet.

6. Public street name signs, traffic control signs, rezoning signs, informational signs, legal notices, railroad crossing signs, danger, warning and such temporary, emergency or non-advertising signs necessary for traffic control or as may be approved by the City Council.
7. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other metal.
8. Signs inside buildings, inside windows, or painted on windows or on glass portions of doors of buildings.
9. Temporary signs for special events for public, charitable, religious or fraternal organizations, subject to the following limitations:
 - a. May be located on premises or off premises, subject to approval of the Zoning Administrator.
 - b. These signs are prohibited on public property and public right-of-way.
 - c. May be placed prior to the event, and shall be removed within 48 hours after the event's completion. (Ord 2009-20)
10. Snipe Signs and residential/directional real estate signs.
 - a. These signs shall not exceed six square feet in area.
 - b. These signs are prohibited on public property and public right-of-way and if any such sign is on public property or the public right-of-way the City may remove the sign.
11. Directional Signs for religious and public organization.
 - a. These signs shall be based upon color, size, and type of material approved by the City Council.
 - b. These signs may be placed only in the public right-of-way along Webster Street.
 - c. The Zoning Administrator must approve all signs.
(Ord. 2002-08)

- C. Application for Permit.** Application for a permit shall be made to the Zoning Administrator upon a form provided and shall be accompanied by written approval of the property owner, site plans and specifications as may be required.
- D. Permit Fees.** Every applicant, before being granted a permit hereunder, shall pay a fee to the City of Spring Hill that has been established by resolution to defray the cost of processing the application.
- E. Inspection.** As soon as a sign has been erected, the permittee shall notify the Building Inspector, who shall inspect such sign and approve the same if it is in compliance with the provisions of this Regulation. The Building Inspector may, from time to time as he deems, inspect all signs or other structures regulated by this Regulation for the purpose of ascertaining whether they are secure or whether they are in need of removal or repair. If the sign does not comply with the provisions of this Regulation the Zoning Administrator shall notify the applicant in writing of such non-compliance and give the applicant ten days to bring the sign into compliance. If the Building Inspector determines a hazardous situation exists, compliance shall be ordered to occur as soon as possible.
- F. Permit Revocable At Any Time.** All rights and privileges acquired under the provisions of this Regulation, or any amendments thereto, are mere licenses revocable at any time by the Zoning Administrator. Installation shall be completed within six months after date of issuance of the sign permit.

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SECTION 17.750

ADDITIONAL REGULATIONS

- A. Maintenance.** All signs, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of the City Code.
- B. Prohibited Signs.**
1. It shall be unlawful for any person to display any real estate advertisements or signs which recite that real property is to be used for purposes or will be zoned for land uses in the future, when in fact such real estate is not presently zoned for such purposes.
 2. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.
 3. Attention attracting devices, electrical signs and illuminated signs which are an annoyance to residential neighborhoods, or may impair night vision, or are a hazard to traffic, or interfere with or conflict with traffic signals, whether inside or outside the building, are prohibited.
 4. Portable signs.
 5. It shall be unlawful for any person to display any sign on public property or in the public right-of-way. In addition, no sign shall be attached to a fence, tree, temporary structure, or insecurely fastened to a building or the ground.
 6. Inflatable signs.
- C. Engineering Design and Materials.**
1. Wind Pressure Resistance. All signs shall be designed and constructed to withstand wind pressure of not less than 25 pounds per square foot.
 2. Except as specifically provided elsewhere, all permanent signs, sign structures, and non-structural trim shall be constructed of approved combustible or non-combustible materials.

3. Signs along all streets and boundaries shall not interfere with line of sight within 20 feet of the point of intersection of pavement of:
 - a. A vehicular access way or driveway and a street (Figure 1).
 - b. A vehicular access way or driveway and a sidewalk (Figure 2).
 - c. Two or more vehicular access ways or driveways (Figure 3).

No sign which obstructs sight lines at elevations between two feet and eight feet above roadways shall be located at any corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points 25 feet from their point of intersection or at equivalent points on private streets (Figure 4).

Figure 1

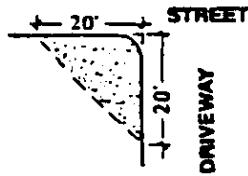


Figure 2

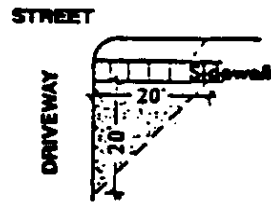


Figure 3

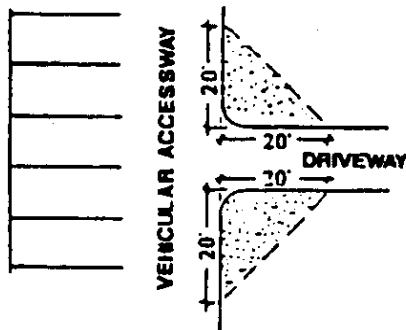
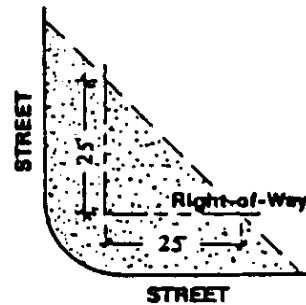


Figure 4



4. Obstruction of egress, openings, ventilation. A sign shall not be erected, constructed or maintained so as to obstruct any fire escape, window, door or other opening; or so as to prevent free passage from one part of the roof to any other part thereof.

A sign shall not be attached in any form, shape or manner to a fire escape or shall not be so placed as to interfere with an opening, which is required for legal ventilation.

5. Letters, figures, characters or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
6. Illuminated signs produced in quantity (other than signs custom-built for specific locations) shall be constructed in accordance with the "Standards for Electric Signs (U.L. 48) of the Underwriters' Laboratories, Inc.
7. All electrical signs, either temporary or permanent, shall be connected to permanent electrical service installed according to the requirements of the National Electrical Code for the City of Spring Hill, Kansas. All wiring for newly constructed detached signs shall be underground.
8. The following type signs shall have a seal of a registered engineer or registered architect affixed to the plans: attention attracting devices, detached signs, electrical, illuminated, marquee, billboards, poster panel, projecting and roof. The City Building Inspector may require signed and sealed drawings/plans of the sign for review by the City Engineer.

In addition, the following standards will apply:

- a. Projecting signs shall not project more than five feet, six inches beyond the face of the building. Projecting signs shall be a minimum of 10 feet above the level of any sidewalk from the bottom of the sign. Any projecting sign within 25 feet of a street or alley intersection shall be a minimum of 14 feet above the sidewalk from the bottom of the sign.

All projecting signs shall be rigid mounted, shall be supported by strong steel brackets attached to walls of buildings with through bolts, expansion bolts or other equally secure methods, and shall be braced and held firmly in place with soft iron or steel cables or chains of adequate strength. All such supports shall be attached to walls of building with expansion bolts or equivalent method. Projecting signs, which are permitted to extend above parapet walls, may be attached through bolts, but shall not be attached to any part of the wall above a point of bearing of the roof joists or rafters.

- b. Wall signs shall be securely fastened to a masonry wall by means of anchors bolts, expansion screws or similar connectors. A wall sign, which is attached to a wall of wood, may be anchored with wood blocks used in connection with screws and nails.
- c. Under-canopy signs of greater than four square feet shall be rigidly mounted, and there shall be eight feet, six inches clearance between the base of any rigidly mounted under-canopy sign and the sidewalk. There shall be a minimum clearance

of seven feet, six inches between the base of any non-rigidly mounted under-canopy sign and the sidewalk.

- d. Detached signs shall be supported with a maximum of two poles, uprights, or supports.

D. Removal of Obsolete Signs.

1. If a building, structure or premise is vacated for a three-month period of time, the owner of said property shall be responsible for removing any commercial sign or signs, along with the structure supporting the sign(s), located thereon with the exception of advertisements dealing with the sale or leasing of the facility. In addition, the owner shall be responsible for restoring the facade of the building, structure or premise to its normal appearance.
2. If the time period set forth in 17.750.D.1 has elapsed and the sign or signs have not been removed, the Zoning Administrator shall send written notification by certified mail, return receipt requested, to the property owner of record indicating that the sign shall be removed. If the sign has not been removed within 30 days after the receipt of the notice, the City may have the sign removed and the cost, including reasonable administrative fees, assessed to the property owner.
3. Where a sign has been removed by the City pursuant to 17.750.D.2, the City Clerk shall mail a statement of the cost of removal of said sign or signs to the last known address of the owner of record or person in charge of such property. If such costs are not paid within 10 days from the mailing of such notice, the Governing Body shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land and the City Clerk shall certify such assessment to the County Clerk for collection and payment the same as other assessment and taxes are collected and paid to the City (K.S.A. 12-1617e).

SECTION 17.760

TEMPORARY SIGNS

- A. Required Permits.** Except as specifically otherwise provided elsewhere in this section, the Zoning Administrator shall approve all permits for temporary signs. (Ord. 2007-02)
- B. Duration and Number of Permits.** Except as specifically otherwise provided elsewhere in this section, only one temporary sign permit may be issued at any one time for any business, industry or shopping center. The total number of days, which a temporary sign may be displayed, shall be 10 different times for a period of two weeks each or for a longer period than two weeks, up to 140 days, if approved by the Zoning Administrator in one calendar year (January 1 to December 31). (Ord. 2007-02)
- C. Construction.** Construction of temporary signs shall meet the same engineering design and materials standards as for permanent signs. The signs shall be made of cloth or other combustible material, with or without a frame. They can be attached to the outside of a building on a wall or store front or a sign which is not permanently attached to the ground, building or other load bearing structure. (Ord. 2002-08)
- D. Removal.** These signs shall not be displayed for duration longer than the permit allows, or the City may remove the sign. (Ord. 2002-08)
- E. Size.** Except as specifically otherwise provided elsewhere in this section, size of temporary sign shall not exceed the size of signs permitted for permanent signs of similar permitted construction and location within the same zoning district.
- F. Location.** Temporary signs shall be erected entirely on private property and shall not be erected in locations which would conflict with Sections 17.750.C.4 and 17.750.C.5.

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SECTION 17.770

NONCONFORMING SIGNS

- A. Nonconforming signs are declared by these Regulations to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. It is the intent of this section to allow those nonconforming signs to continue until they are removed under the terms of these Regulations, but not to encourage their survival.
1. **Alterations of Nonconforming Signs.** No nonconforming sign or advertising structure shall be expanded, relocated or restored unless said sign or advertising structure is brought into conformance with the provisions of this section or any other applicable city code requirement.
 2. **Replacement, Restoration or Reconstruction.** In the event that any existing nonconforming sign, as provided for in this section, is damaged by any means, including, but not limited to, fire, flood, wind, explosion, act of God or act of a public enemy, to an extent of 50 percent or more of the replacement, restoration or reconstruction value of the sign, or 50 percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of these Regulations. Any nonconforming sign which remains damaged or in disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three months following the date of damage without the issuance of a valid sign permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.
 3. **Repairs and Maintenance.** Routine repairs and maintenance of nonconforming signs necessary to maintain health and safety may be permitted. Said repairs and maintenance shall include such activities as painting and the replacement of a damaged or deteriorated sign face. The cost of said repairs and maintenance shall not exceed 50 percent of the replacement cost of the sign, which is to be repaired or maintained. Said value shall be that which is current at the time of the repair or maintenance. The replacement cost will be determined by the Zoning Administrator through bids from an independent sign company. Prior to said repair and maintenance taking place, the Building Inspector shall be consulted to determine if a sign permit is necessary. If such determination is made, then all applicable work performed shall be accomplished through the issuance of a valid sign permit as required by these Regulations.
 4. **Termination of Nonconforming Signs.** Upon the discontinuance of a use to which any nonconforming sign or advertising structure is accessory to, the tenant or property owner

shall remove all nonconforming signs, supports and structures upon the building or property upon which said use was located.

SECTION 17.780

APPEALS

Appeals to sections of this Regulation for interpretation or variance to the sections of this Regulation shall be to the Board of Zoning Appeals.

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SECTION 17.790

PENALTY FOR VIOLATIONS

It shall be unlawful for any person, firm, corporation, partnership or association to violate any of the provisions of this Regulation; and, upon conviction for said violations, said person, firm, corporation, partnership or association shall be punished in accordance with Section 17-303A. Each day the violation continues to exist shall be construed as a new violation and subject to conviction and punishment therefore.

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