

CHAPTER 21

SIGNS

Sec. 21.101. SHORT TITLE; SCOPE; PURPOSE.

This chapter may hereafter be known and cited as the "sign regulations." The provisions of this chapter shall govern the construction, repair, erection, alteration, location, and maintenance of privately owned outdoor signs and outdoor advertising and identification devices of every kind, together with their appurtenant and auxiliary devices. The sign regulations are found and declared to be necessary and proper to the following purposes:

- (1) Protecting property values within the City of Ames.
- (2) To prevent the occurrence of urban blight and slum conditions.
- (3) To protect the general public from damage and injury which may be caused by the faulty and unregulated use of signs.
- (4) To prevent any unreasonable appropriation of the public domain, its open spaces, streets, and ways to private use.
- (5) To restore, preserve, and promote aesthetic character in the City of Ames.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.102. DEFINITIONS.

- (1) Awning sign: Any sign affixed directly on or attached to an awning.
- (2) Canopy sign: Any sign mounted on or supported by a canopy.
- (3) Ground signs: Any sign supported by one or more uprights or braces placed upon or set into the ground.
- (4) Illuminated sign: Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- (5) Marquee signs: Any sign mounted on or supported by a marquee.
- (6) Off premises: Signs not located at the site of that which is advertised or identified.
- (7) On premises: Signs located at the site of that which is advertised or identified.
- (8) Projecting sign: Any sign other than a wall sign which is attached to a building and extends beyond the line of said building.
- (9) Roof sign: Any sign erected, constructed and maintained wholly upon or over the roof of any building.
- (10) Sign: Any advertising device or surface out-of-doors, on or off premises, which conveys information or identification.
- (11) Sign structure: An element or assemblage of elements which supports or is capable of supporting a sign. A sign structure may be free-standing, attached to a building, an integral part of the building, or combination thereof.
- (12) Structural member: A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight, and functioning as an in-fill or nonstructural enclosure.
- (13) Temporary and/or portable signs: Any sign, banner, pennant, valance, to be displayed for a limited time only, or any sign set upon the ground unsecured. A portable sign shall be defined as any sign set upon or affixed to any device or ground with wheels or skids or framing so as to afford portability by persons or auxiliary devices.
- (14) Wall sign: A sign, impressed or painted on, or attached to a wall with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

(Ord. No. 2578, Sec. 2, 12-21-76)

- (15) Subdivision Development Sign: A temporary sign identifying a new or developing residential housing subdivision by name.

- (16) Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

(Ord. No. 3053, Sec. 1, 6-27-89)

(17) Residential Subdivision Entrance Sign: A freestanding, on premise, permanent, ground sign designating the name of a residential subdivision.

(Ord. No. 3255, Sec. 1, 1-11-94)

(18) Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

(Ord. No. 3255, Sec. 1, 1-11-94)

(19) Sign Height: The vertical distance between finished grade of the ground nearest the sign structure and the uppermost point of the sign structure for residential subdivision entrance signs.

(Ord. No. 3194, 9-24-92; Ord. No. 3255, Sec. 1, 1-11-94)

Sec. 21.103. MEASUREMENT STANDARDS.

If a sign has two (2) or more faces, the area of all faces shall be included in determining the total area of the sign: Except that if two sign faces are placed back to back, and are at no point more than thirty (30) inches from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.104. PERMITS, FEE REQUIRED.

(1) It shall be unlawful for any person to erect, alter structurally or relocate within the City of Ames any sign as herein defined without first obtaining a permit from the building official. The City Manager shall establish and charge reasonable fees to cover costs related to issuance of permits. All electrically illuminated signs shall be subject to the provisions of all electrical codes adopted by the City of Ames.

(2) The City Council shall, from time to time, set a reasonable fee for sign permits.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.105. SIGN ERECTORS, REGISTRATION REQUIRED.

Persons erecting or installing signs for which permits are required shall be registered in accordance with Section 5.103, except business owners may receive permits for signs placed on property that they own or lease.

(Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.106. APPLICATIONS FOR PERMITS.

Applications for permits shall be made upon blanks provided by the building official and shall contain or have attached thereto the following information:

(1) The name, address and telephone number of the applicant.

(2) The location of building, structure, or lot where the sign is to be located.

(3) Position of signs in relation to nearby buildings or structures.

(4) Two (2) blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or on the ground.

(5) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected. The lease between landlord and tenant will constitute written consent.

(6) The name of the person, firm, corporation, or association which is registered with the City of Ames to do the work of installing or erecting the sign.

(7) Such other information as the building official shall require to show full compliance with this and all other laws and ordinances of the City of Ames which may be applicable, including the intended duration of temporary signs.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.107. ILLUMINATED SIGNS; APPROVED BY ELECTRICAL INSPECTOR, BUILDING OFFICIAL.

The application for a permit for erection of a sign in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications with respect to all wiring and connections to determine if the same specifications comply with applicable electrical codes prior to submission of the application to the building official for final approval or disapproval.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.108. PERMIT ISSUED IF APPLICATION IN ORDER.

It shall be the duty of the building official upon the filing of an application for a permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the provisions of the sign regulations and all other laws and ordinances of the City of Ames are complied with, he shall then issue the permit. If the work authorized by such permit is not completed in six (6) months from the date of its issuance, such permit shall become null and void.

In addition, where the permit is for a subdivision development sign, the sign permit shall be renewed annually until such time as the sign must be removed. Removal is subject to approval by the City Building Official.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3053, Sec. 1, 6-27-89; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.109. INSPECTION.

The building official or designees may inspect signs subject to the provisions of the sign regulations for the purpose of determining whether the same is in compliance with the sign regulations.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.110. PERMIT REVOCATION.

If the building official shall find that any sign subject to the sign regulations is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of the sign regulations, the building official shall give written notice thereof to the person in possession and control of the premises on which the sign is located. If such person fails to remove or alter the sign so as to comply with the provisions of the sign regulations within thirty (30) days of such notice, such person commits a municipal infraction. If a sign is an immediate hazard, the building official may cause it to be removed immediately. A permit for a sign is a license revocable at any time by the city council for the City of Ames subsequent to notice to the permittee and an opportunity for the permittee to be heard by said city council.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3003, Sec. 7, 2-23-88; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.111. CONSTRUCTION.

All signs shall be constructed in such a manner and installed with such materials so as to be considered safe and substantial by the building official. The division of permits and inspections may require a copy of stress sheets and calculations showing the structures as designed for dead load and wind velocity in the amount required by the building code adopted by the City of Ames.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.112. MAINTENANCE PROVISIONS.

Signs shall be maintained so as to be structurally sound and in a safe condition, and shall be kept in a state of undeteriorated appearance by means of painting, sealing or coating and repair or replacement of damaged parts, panels or lights.

Sec. 21.113. REMOVAL OF CERTAIN SIGNS AND SIGN STRUCTURES.

The following shall be removed within thirty (30) days of written notice from the Building Official:

- (1) A sign which for a period of six (6) months no longer advertises a bona fide business conducted, or a product sold, or a service offered.
- (2) An on premises sign and/or sign structure located on a site where the principal structure housing that which is advertised has been demolished.
- (3) A sign structure which has had its sign removed so as to expose the frame and/or electrical elements of the sign structure. An exception exists where the removed sign has been replaced with a lawfully permitted sign or a blank panel composed of a solid color that fits flush with the frame and covers all electrical elements.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 4142, 3-26-13)

Sec. 21.114. PROHIBITIONS.

No person shall have or permit on any premises:

- (1) Any permanent sign which consists of or incorporates pennants, twirler lights, pinwheels, whirligigs or other displays or devices which are designed to be activated by atmospheric conditions so as to attract or distract the attention of the public by virtue of their movements.

- (2) A ground sign which extends to any degree over public property.
- (3) Any signs which employ flashing, blinking or rotating lights, except electronic message signs that conform to Section 21.131 and are located in a commercial or industrial zoning district.
(Ord. No. 3468, Sec. 1, 10-28-97; Ord. 4185, 6-10-14)
- (4) Any off premises sign nearer than three hundred (300) feet radius to any other off premises sign.
(Ord. No. 3463, Sec. 1, 10-14-97)
- (5) Any off premises sign shall not exceed three hundred (300) square feet or contain more than two (2) surfaces back to back. (6) Any off premises sign in the following zoning districts in the City of Ames: RL, RM, RH, RLP, FS-RL, FS-RM, F-VR, and S-HM.
(Ord. No. 3753, 1-13-04; Ord. No. 4142, 3-26-13)
- (7) Signs attached to or placed upon rocks, fences, trees or utility poles.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.115. EXEMPTIONS FROM PERMITS.

The following signs shall not require a permit; however, such signs shall be subject to the sign regulations:

- (1) Nonelectrical real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (2) Nonelectrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two (2) square feet in area.
- (3) A nonelectrical single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.
- (4) Nonelectrical memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (5) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and, emblems, names, logo, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.
- (6) Nonelectrical public service signs which give only directions “in and out” or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.
- (7) A nonelectrical temporary or portable sign.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 4142, 3-26-13)

Sec. 21.116. OBSTRUCTION--DOORS, WINDOWS, OR FIRE ESCAPES.

No person shall erect, locate or maintain any sign so as to prevent free ingress to or egress from any door, window, or fire escape. No person shall attach any sign of any kind to a stand pipe or fire escape.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.117. SIGNS NOT TO CONSTITUTE TRAFFIC HAZARDS.

No person shall erect any sign at the intersection of any street in such a manner as to obstruct free and clear vision of such intersection, or at any location where by reason of the position, shape or color it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.118. REFLECTOR LIGHTS.

Lighting shall be permitted on signs provided, however, the reflectors shall be provided with proper lenses, concentrating the illumination on the area of the sign so as to prevent glare upon the street or adjacent property.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.119. SPOTLIGHTS AND FLOODLIGHTS.

It shall be unlawful for any person to have any sign which is wholly or partially illuminated by floodlights or spotlights that interferes with the vision of pedestrian or vehicular traffic.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.120. BEACON-TYPE LIGHTS PROHIBITED.

It shall be unlawful for a person to operate any device, or to permit a site under their use and control to be the location of any device that is being operated, to produce a beacon-type beam of electric light, whether portable or fixed, (except common battery powered hand held lights), the primary purpose of which is to cast a concentrated beam of light generally skyward during any time between sunset and sunrise as a means of attracting attention to a location rather than to illuminate any place, person or thing; except this section shall not apply to lights used in connection with the operation of the Ames Municipal Airport.

(Ord. No. 3424, Sec. 1, 3-25-97)

Sec. 21.121. ON PREMISES SIGNAGE.

For all signs subject to the sign regulations, in agricultural, commercial and industrial zoning districts in the City of Ames except in the S-HM District, there may be three (3) square feet of signage for each foot of street frontage. Signs in the Planned Zoning districts are as permitted on the approved site plan. Where any side of a building abuts on an alley, only painted on wall signs shall be permitted on the side abutting the alley. Such sign shall be calculated as part of total permissible signage. For all signs subject to the sign regulations in residential zoning districts in the City of Ames, only the following signs are permitted:

(1) Real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.

(2) Signs, including bulletin boards, which are not over sixteen (16) square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

(3) Signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two (2) square feet in area.

(4) Single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.

(5) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

(6) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

(7) Public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(8) Temporary or portable sign.

(9) Subdivision Development Signs. One subdivision development sign may be permitted per preliminary plat or Conceptual Development Plan for subdivisions of 2 acres or more in area. This sign shall not exceed 96 sq. ft. in area and 12 ft. in height. It shall be located in the subdivision it identifies and no closer than 25 ft. from any property line, no closer than 100' from any pre-existing residence and only on lots abutting collector or arterial streets. The sign shall be the sole use of the property on which it is located. The sign shall identify the name of the subdivision exactly as it is set out on the preliminary plat or conceptual development plan approved by the City and may include the names of the subdivision developers, a map of the area covered by the subdivision and a description of amenities in it. The sign shall not be installed until utility construction has begun in the subdivision and the sign shall be removed once building permits have been issued for 50% of the lots in the subdivision.

(10) Residential Subdivision Entrance Signs. The regulations described in this section apply to subdivision entrance signs in residential subdivisions. The location, number, size, height, materials, maintenance, and message regulations for subdivision identification signs are as follows:

(a) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line. Signs shall not be allowed in the street visibility triangle, as such is described by Section 29.408(5).

(b) It shall be unlawful to erect a subdivision entrance sign on public property, and the Council shall grant no encroachment permits for such signs.

(c) Subdivision entrance signs shall not be permitted off-premise.

(d) Two signs shall be permitted at each subdivision entrance. Double-faced signs shall be counted as two signs.

(e) The size of the message area (subdivision name and address) of the sign shall not exceed 20 square feet. The size of the sign structure in comparison to the size of the message area shall not exceed a ratio of 7 to 1, unless

approved as part of a Planned Unit Development.

(f) Signs shall not exceed six (6) feet in height.

(g) Materials used in the construction of subdivision entrance signs shall be low maintenance materials and may include: metal, wood, brick, stone, and concrete.

(h) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs which, by reason of deterioration, may become unsafe or unsightly shall be repaired or removed by the property owner upon written notice of the City. Signs which by reason of deterioration become unsafe or unsightly may be removed by the City upon written notice of the City.

(Ord. No. 3299, Sec. 1, 9-27-94)

(i) The message on a subdivision entrance sign shall include only the name and address of the subdivision.

(j) Signs may be illuminated internally or by reflected light subject to the following:

(i) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;

(ii) The light source shall not be placed so to cause confusion or hazard to traffic, or to conflict with traffic control signs of lights;

(iii) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing rotating, and message changing; and

(iv) The Property Owner's Association shall be responsible for the costs associated with providing electricity to the light source.

(k) Landscaping shall be incorporated at the base of each subdivision entrance sign which enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Planning and Housing is required.

(Ord. No. 3255, Sec. 2, 1-11-94, Ord. No. 3753, 1-13-04)(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 2594, Sec. 1, 4-19-77; Ord. No. 3053, Sec. 3, 6-27-89; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 4142, 3-26-13)

(11) Multiple-Family Development Entrance Signs. The regulations described in this section apply to entrance signs in multiple-family residential developments. Multiple-family developments include apartments with 13 or more dwelling units and group living facilities with 13 or more sleeping rooms. The location, number, size, height, materials, maintenance, and message regulations for multiple-family development entrance signs are as follows:

(a) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line. Signs shall not be allowed in the street visibility triangle, as such is described by Section 29.408(5).

(b) It shall be unlawful to erect a multiple-family residential entrance sign on public property, and the Council shall grant no encroachment permits for such signs.

(c) Multiple-family development entrance signs shall not be permitted off-premise.

(d) One sign shall be permitted per driveway entrance from a public street.

(e) The size of the message area (development name and address) of the sign shall not exceed 20 square feet.

(f) Signs shall not exceed six (6) feet in height.

(g) Materials used in the construction of multiple-family development entrance signs shall be low maintenance materials and may include: metal, wood, brick, stone, and concrete.

(h) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs which, by reason of deterioration, may become unsafe or unsightly shall be repaired or removed by the property owner upon written notice of the City. Signs which by reason of deterioration become unsafe or unsightly may be removed by the City upon written notice of the City.

(i) The message on a multiple-family development entrance sign shall include only the name and address of the development.

(j) Signs may be illuminated internally or by reflected light subject to the following:

(i) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;

(ii) The light source shall not be placed so as to cause confusion or hazard to traffic, or to

conflict with traffic control signs of lights;

(iii) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing rotating, and message changing; and

(iv) The Property Owner(s) shall be responsible for the costs associated with providing electricity to the light source.

(k) Landscaping shall be incorporated at the base of each subdivision entrance sign which enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Planning and Housing is required.

(Ord. No. 4189, 7-22-14)

Sec. 21.122. GROUND SIGNS.

All ground signs subject to sign regulations shall meet the following requirements:

(1) All letters, figures, characters or representations in cut out or irregular form maintained in conjunction with or attached to or superimposed upon any ground sign shall be safely and securely built or attached to the sign's structure.

(2) Signs and location:

(a) It shall be unlawful to erect or permit any ground sign of a height greater than fifty (50) feet; except, at points within 1,500 feet of the edge of any part of the right-of-way for Interstate Highway 35 a ground sign may have a height not to exceed 100 feet measured from the base of the sign support to the top of the sign.

(Ord. No. 3448, 7-22-97)

(b) Off premises ground signs will be permitted to have a maximum of three hundred (300) square feet of sign surface on a side.

(c) No ground sign shall be erected or permitted nearer the street than the property line; provided, however, such placement is not in conflict with special building line setbacks as established from time to time by city council. No part of said sign shall be permitted to overhang the public domain except **with approval of the City Council.**

(Ord. No. 4300, 4-25-17)

(d) The minimum distance between on premises ground signs on any one business location shall be fifty (50) feet.

(3) The premises surrounding all ground signs shall be maintained by the owner thereof in a sanitary and uncluttered condition, free and clear of all obnoxious substances, rubbish, litter, and weeds.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)

Sec. 21.123. WALL SIGNS.

Wall signs subject to the sign regulations shall meet the following location requirements:

(1) Limitation on placement. No wall sign shall cover wholly or partially any wall opening or project beyond the ends or tops of the wall to which it is attached.

(2) Projection over public property. No wall sign shall be erected on public right of way without approval of the City Council.

(3) Size Regulations. The size regulations of Section 21.121 notwithstanding, there shall be allowed, with respect to each building, subject to applicable zoning regulations, one permanent wall sign that is not larger than sixty-four (64) square feet, or which does not occupy more than ten percent (10%) of the area of the wall to which it is affixed, whichever is smaller, for each of the building's sides that parallel a public street, if the wall sign is not internally lighted.

(Ord. No. 4142, 3-26-13)

Sec. 21.124. ROOF SIGN.

(1) Materials. The uprights, supports, and braces thereof shall be constructed of materials as set forth in the uniform building code adopted by the City of Ames.

(2) Location.

(a) Height limitations. No roof sign shall have its highest point extend more than twenty (20) feet above the roof level.

(b) Setback from roof edge. No roof sign shall be erected or maintained with a face thereof nearer than five (5) feet to the outside wall toward the sign faces.

(c) Prohibited obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to another part thereof, or interfere with openings on said roof.

(3) Bracing, anchorage and supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods, or braces. The sign supports shall be anchored into the basic building structure, roof joists, or roof girders. The bearing points of such sign may bear on masonry walls or intermediate steel columns in the building or shall be supported or anchored to the structural members of the building.

(4) Off premises. Off premises roof signs shall not be permitted.
(*Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92*)

Sec. 21.125. PROJECTING SIGNS.

All projecting signs subject to the sign regulations shall meet the following requirements:

(1) Support. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural members of the building to the ground in such manner as not to overstress any of the elements thereof.

(2) Limitations on glass. The lettering or advertising design to be illuminated on projecting signs may be composed of glass or other transparent or semitransparent material. Any glass forming a part of any sign shall be safety glass or wire glass.

(3) Movable parts to be secured. Any movable parts of a projecting sign such as a cover of a service opening shall be securely fastened by safety chains or hinges.

(4) Height limitations. The top line of the projecting sign shall not be higher than the roof or parapet line of the building to which attached, except that when the roof line is less than fifteen (15) feet in height, the sign may extend three (3) feet above; but under no circumstances shall the top line of a projecting sign be permitted at a height of more than fifty (50) feet above ground level.

(5) Thickness limitations. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.

(6) Location. The bottom line of every projecting sign shall be placed at least ten (10) feet above any sidewalk over which it is erected. No projecting signs shall be erected in an alleyway. No projecting signs shall project across or over any portion of public right of way **except with approval of the City Council.**
(*Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. 4300, 4-24-17*).

Sec. 21.126. TEMPORARY AND/OR PORTABLE SIGNS.

Temporary and/or portable signs subject to the sign regulations shall meet the following requirements:

(1) A banner shall not exceed one hundred (100) square feet in area. All other temporary and/or portable signs shall not exceed thirty-two (32) square feet in area.

(2) Except for those temporary signs and banners affixed to city light and utility poles with the permission of the city, no temporary or portable sign shall be displayed longer than ninety (90) consecutive days without removal or replacement.

(*Ord. No. 3430, Sec.2, 5-13-97*) (*Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 2785, Sec. 2, 9-21-81; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 3291, Sec. 1, 8-23-94*)

Sec. 21.127. MARQUEE SIGNS.

Marquee signs subject to the sign regulations shall meet the following provisions:

(1) Signs attached to or placed upon the roof of a marquee shall be completely within the border line of the marquee's outer edge.

(2) Signs hung from a marquee shall be completely within the border line of the marquee's outer edge and in no instance shall the bottom of said sign be lower than seven and one-half (7½) feet above the sidewalk. No hanging or suspended sign shall exceed eighteen (18) inches in height overall. They may overhang the public right of way only by permission of the City Council.

(*Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92*)

Sec. 21.128. AWNING AND CANOPY SIGNS.

No portion of an awning or canopy may be lower than seven and one-half (7½) feet above a sidewalk. They may

overhang public right of way only by permission of the City Council.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 3773, 6-22-04; Ord. No. 4142,3-26-13)

Sec. 21.129. NONCONFORMING SIGNS.

Sign in existence on December 21, 1976, when these sign regulations became effective, may continue in existence subject to Sections 21.109, 21.110, 21.112, and 21.113 and also subject to the following:

(1) A sign shall not be altered structurally or moved unless it be made to comply with the provisions of this chapter, except that the changing of the movable parts of an existing sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed a structural alteration.

(2) The lawful use of a sign existing on the effective date of these regulations, although such sign does not conform to the provisions hereof, may continue; but if such nonconforming use is discontinued for a period of six (6) months, any future use of such sign shall be in conformity with the provisions of this chapter.

(3) No sign which has been damaged by fire, wind, explosion, or other act of God to the extent that fifty (50) per cent or more of the sign is destroyed, shall be restored except in conformity with the regulations of this chapter. Any sign which has been damaged to an extent less than fifty (50) per cent, may be restored to its condition which existed as a nonconforming use prior to its damage.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 4142, 3-26-13)

Sec. 21.130. SIGN APPEALS.

(1) The Building Board of Appeals shall have jurisdiction, and its appeal procedures shall apply when it is claimed that the regulations of this chapter pertaining to signs have been incorrectly interpreted, or an equally good or better form of construction, method of installation or type of material can be used.

(Ord. 4142, 3-26-13)

(2) A sign is also subject to the zoning regulations. Appeals and applications for variances and exception to zoning regulations applicable to a sign or signs shall be the exclusive jurisdiction of the Zoning Board of Adjustment.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 3477, Sec. 1, 3-12-98)

Sec. 21.131. ELECTRONIC MESSAGE SIGNS.

Signs which display a message by means of electronically induced changes in points of illumination, herein called electronic message signs, shall conform to the following:

(1) Not more than one electronic message sign shall be installed on or in relation to the same building.

(2) An electronic message sign shall not have more than two sides on which messages can be displayed by electronic means.

(3) No electronic message sign shall have a continuously running message or messages. That is, each display of a message shall have a clearly discernable beginning and ending indicated by a blank or dark time on the message display device or screen, which blank or dark time shall be not less than three tenths (0.3) of a second in duration.

(4) The minimum time for display of a message shall be four (4) seconds, except for time and temperature displays.

(5) A message that requires sequential changes in the image displayed on the message display device shall be displayed in its entirety in not more than eight seconds.

(Ord. No. 3468, Sec. 2, 10-28-97)

Sec. 21.132. CERTAIN MOVABLE MARQUEE SIGNS PROHIBITED.

The use of a certain device, as hereinafter described, for the outdoor display of messages at locations such that the device is visible to motorists traveling on the city streets, is prohibited. The prohibited device is described as:

(1) not constructed or installed as a permanent structure but merely set upon the ground,

(2) consisting of a framework surrounding a vertical surface that is intended for the display of messages by such means that the message displayed can be changed by adding, removing or rearranging items that can be affixed to the framed vertical surface of the device again and again.

(Ord. No. 3506, Sec. 1, 11-24-98)

Sec. 21.133. SIGNS POSTED ON FENCES AT BASEBALL AND SOFTBALL DIAMONDS.

Notwithstanding any other provisions of this Division, non-electrical temporary signs, including off-premises signs, are permitted on fences surrounding baseball and softball diamonds in a Government/Airport (S-GA) District, but only during the season during which scheduled games are played on those premises.
(Ord. No. 3973, 11-06-08)

Sec. 21.134. TEMPORARY PORTABLE SIGNS ON PUBLIC SIDEWALKS IN DSC PERMITTED.

Notwithstanding any other provisions of this chapter, certain temporary portable signs shall be allowed on public sidewalks within the Downtown Service Center (DSC) Zoning District, subject to the conditions and requirements hereinafter provided. Any proprietor of a business establishment may use a portion of the public sidewalk or parking strip, for the purpose of displaying one temporary portable sign for such establishment. For purposes of this section "proprietor" shall mean the owner or manager of a business establishment located in the DSC. The displaying of a temporary portable sign as permitted by this section is subject to the following restrictions:

(1) The portion of the public sidewalk that may be used by the proprietor of such business establishment for the display of such signs is the area of the public sidewalk that extends from the storefront of the establishment to the adjacent street curb and between the side property lines of the building in which the establishment is located, as such side property lines are extended to the adjacent street curb.

(2) There must nevertheless be a minimum of four feet of unobstructed public sidewalk between such storefront and the edge of the sign closest to the storefront, or between the edge of the sign closest to the street and the inside edge of the street curb, in order to allow for the free passage of pedestrian traffic on the public sidewalk, provided, however, that the city may, in granting a permit under this subsection, require more than four feet of unobstructed public sidewalk clearance if, in the reasonable determination of the city, such additional clearance is necessary in the interest of public safety, health, or welfare, in light of the peculiar circumstances involved with the physical characteristics of the public sidewalk area in question; and provided, further, that all such temporary portable signs must in all events maintain at least a two-foot setback from the outside edge of said sign to the inside edge of the street curb.

(3) No such temporary movable sign shall be attached in any manner to the public sidewalk, or to any public fixtures located on the public sidewalk, such as tables, chairs, or other fixtures, or on top of any temporary elevations such as fill material or snowbanks.

(4) No such temporary sign shall exceed two and one half (2.5) feet in width and four (4) feet in height in outer frame measurements, with such height measured from the natural grade of the sidewalk surface adjacent to such establishment. No more than one such sign may be placed in front of any single store-front at any one time, except that for store-fronts of buildings in which more than one business establishment is located one sign per business establishment may be permitted. All such signs must be well-maintained and kept in good repair.

(5) No such temporary movable sign shall be illuminated internally or externally.

(6) By the closing time of such establishment each day or 10:00 o'clock P.M., whichever time is earlier, each such sign shall be moved inside the building adjacent to which the sign is displayed, restoring the public sidewalk to its normal condition as a pedestrian walkway.

(7) Before the proprietor of any such an establishment may lawfully place any such temporary sign on the public sidewalk in front of such establishment, the proprietor shall file an application for a permit with the city clerk of the city, on a form furnished by the city clerk, and shall pay a non-refundable annual permit fee therefor, in such amount as shall be determined from time to time by resolution of the city council and listed in Appendix D. The application and an accompanying diagram or site plan shall show:

(i) the dimensions, including the length and width, of the public sidewalk and parking strip that is adjacent to said establishment, as described in this subsection;

(ii) the four-foot area of unobstructed public sidewalk which is to be reserved for pedestrian use, and the two-foot setback from the outside edge of said sign to the inside edge of the street curb;

(iii) the approximate location where the sign shall be positioned, and the size of said sign, including its outer dimensions;

(iv) proof that the applicant holds a valid license or permit to operate the business establishment;

(v) the written consent to the filing of said application from the owner of the building in which such establishment is located, if the applicant is not the owner of the building;

(vi) proof of insurance and compliance with the indemnification requirements set forth in subparagraph 15 of this subsection; and

(vii) such other information and documentation as the city may require in order to demonstrate that the proprietor complies with the requirements of this subsection.

(8) The city clerk shall forward a copy of the proprietor's application, together with all other information and documentation required in connection with said application, to the building official for review as to compliance with the requirements of this subsection, and compliance with the interest of public safety, health, or welfare. If the application is approved by the building official as being in compliance with the requirements of this subsection, the city clerk shall issue a permit therefor to the applicant. If the application is not approved by the building official, the city clerk shall notify the applicant of the reason or reasons the application was not approved. The applicant shall be afforded a period of 30 days from the date of the city clerk's notice, within which to revise the application in an effort to comply with the requirements of this subsection and to correct the reasons for denial thereof. If the revised application is approved by the building official, the city clerk shall issue a permit. If the revised application is not approved by the building official, the city clerk shall not issue a permit. In that event, the applicant shall have a period of 20 days from the date of notice of denial to appeal the denial to the Building Board of Appeals as provided in Municipal Code chapter 5, Division VI. The Building Board of Appeals shall conduct a hearing on the appeal of the denial of the application within 30 days, and shall afford the applicant an opportunity to present information in support of the application, and shall issue a decision to either approve the application, which may be conditioned on one or more requirements, or to deny the application. The decision of the Building Board of Appeals shall be final, and the building official shall take prompt action in accordance with the decision of the Board.

(9) Any permit issued under this subsection shall be issued for a period of one-year, and may be renewed upon the filing of an application by the proprietor for renewal of the permit before its expiration, and by payment of the required annual fee. The application for renewal shall state whether or not any of the contents of the original application are being revised, failing which the contents of the application for renewal shall be deemed to be the same as contained in the original application.

(10) In the event that ownership of the business establishment holding the permit is sold, conveyed or transferred to another person or entity, the permit shall not thereby be transferred, and the new owner shall be required to file a new and separate application for such a permit, as provided in this subsection.

(11) The city reserves the right to limit the number of permits issued under this subsection if necessary to maintain adequate pedestrian flow, to permit adequate access to building entrances, to safeguard pedestrian and traffic safety, to preserve the aesthetic quality of the surrounding area, or for any other valid public purpose. The city reserves the right to either deny an application which otherwise meets the requirements of this subsection, or to require the proprietor to meet additional terms and conditions for issuance of a permit beyond the requirements set forth in this subsection if, in the reasonable determination of the city, either granting the permit, or granting it without such additional terms and conditions, would not adequately protect and preserve the rights, privileges, and property of the city or its residents, or would not adequately protect or preserve the peace, safety, health, welfare, comfort or convenience of the city's residents.

(12) The City Manager may order the immediate removal of any such temporary sign in the event such sign is causing a hazard to public safety, health or welfare, is interfering with the unobstructed passage of pedestrians, is unsightly in appearance, is interfering with the removal of ice and snow from the public sidewalks, or for any other reason affecting public safety, health or welfare.

(13) A permit issued under this subsection shall be revoked by the city if the proprietor holding the permit does any of the following:

(a) Fails to maintain a valid license or permit covering the establishment adjacent to which the sign is located;

(b) Fails to remove the sign from the public right of way by the time required in this subsection;

(c) Fails to pay the fee for issuance or renewal of the permit;

(d) Fails to operate in strict compliance with all of the provisions of this subsection, of all other city ordinances, and of state law; or

(e) Creates or allows the existence of a safety hazard in connection with the placement of the sign.

Upon occurrence of any of the events described in this subparagraph, the city clerk shall give the proprietor of such establishment seven days' written notice of revocation of the permit, and the permit holder shall thereupon immediately cease to place any such sign on the public sidewalk or parking strip adjacent to the proprietor's establishment.

(14) The permit holder may appeal the revocation of the permit by written notice of appeal mailed or delivered to the city clerk within ten days of the date of notice of revocation. The Building Board of Appeals shall conduct a hearing within 30 days of the date of the notice of appeal. The permit holder shall be notified in writing of the time and place of hearing thereon, and shall be afforded an opportunity to present information to the Board, following which the Board shall issue a written decision within thirty days of the date of the hearing, either affirming or reversing the revocation of the permit. The decision of the Building Board of Appeals is final. During the pendency of the appeal, the permit holder shall not be allowed to place the sign on the public sidewalk.

(15) The city shall retain the right to terminate any permit granted under this subsection upon seven (7) days' written notice, and may require the removal of the sign from the public sidewalk adjacent to an establishment, if the city council, after due consideration, determines that there is a reasonable and substantial need for the use of the public right-of-way being occupied by such sign, for a valid public purpose. The determination of the city council shall be final, and there shall be no right of appeal from such decision.

(16) A permit for a temporary movable sign shall not be issued under this subsection unless the applicant, at the time of filing an application for issuance or renewal of a permit, furnishes proof of insurance and indemnification of the city that meets the following requirements:

(a) Comprehensive insurance coverage in the amount of \$500,000.00 combined single limit, with coverage at least as broad as the ISO Form Number CG0001, covering commercial general liability written on an occurrence basis only, with the city to be named as an additional insured on the policy, with an endorsement to be issued as part of the insurance policy evidencing compliance with this requirement, and with a copy of the current insurance certificate maintained on file with the City Clerk; and

(b) An indemnification agreement on a form furnished by the City Clerk, under which the proprietor agrees to indemnify and hold the city harmless from any liability for damages arising out of the placement of the temporary movable sign in the public right-of-way.

(Ord No. 4064, 05-10-11)