

Chapter 58

**FIRST
READING:** _____
PASSED: _____

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE SIGNS IN THE CITY OF REMERTON, GEORGIA; TO PROVIDE FOR THE PERMITS, ENFORCEMENT, PENALTIES FOR VIOLATION, TO REPEAL CONFLICTING ORDINANCES, AND TO PROVIDE AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, it is the intent and purpose of the Mayor and Council of the City of Remerton to make its Ordinance to Regulate Signs conform with the laws of the State of Georgia; and

WHEREAS, it is the intent and purpose of the Mayor and the City Council of the City of Remerton to provide that commercial and non-commercial signs in the City of Remerton be allowed under a permit granted by the City Council upon the terms and conditions provided in this Ordinance; and

WHEREAS, the City Council of the City of Remerton, Georgia is authorized by the Constitution of the State of Georgia to enact ordinances for the health, safety and welfare of the general public, and

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Remerton, and it is hereby resolved and ordained by the authority of the same, that all conflicting ordinances are hereby deleted in their entirety, and following is substituted therefore:

Section 58-1. Short Title

This ordinance shall be known and may be cited as the "Sign Ordinance of the City of Remerton."

Section 58-2 Purpose and Scope

The Mayor and City Council of Remerton, Georgia find that adoption of sign regulations serves the following purposes:

1. The public health, safety and general welfare of the City is enhanced by ensuring the prohibition and removal of dangerous and unsafe signs.

2. Pedestrian and motorist safety is promoted by reducing and limiting the number and area of signs, which can unduly distract motorists and pedestrians, create traffic hazards, confuse motorists when such signs are similar to traffic signs, and reduce the effectiveness of signs needed to direct the public.
3. This ordinance is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its surroundings. The appearance, character and quality of the City are affected by the location, size, construction and graphic design of its signs.
4. The economic well-being of the City of Remerton is enhanced by allowing individual businesses to identify themselves and the goods and services offered in a clear and distinctive manner, by creating a more attractive district to tourists, and by preserving and improving the appearance of the historic downtown and surrounding area, thereby assuring that signs are properly integrated with and harmonious to the buildings and sites in the historic downtown.
5. The purpose of the City's restriction of mobile signs and billboards is to promote the safe movement of vehicular traffic, to reduce vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City.

Section 58-3 Intentions of the City

By enacting this ordinance, the City intends:

1. To balance the rights of individuals, businesses, and government to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
2. To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination;
3. To preserve and promote the public health, safety, and welfare of the citizens of the City of Remerton;
4. To improve traffic and pedestrian safety;
5. To maintain and enhance the visual environment, and preserve the right of citizens and visitors to enjoy the City's scenic beauty;
6. To protect property values of nearby public and private property by minimizing possible adverse effects and visual blight caused by signs;
7. To avoid the harmful aspects of the unrestricted proliferation of signs;
8. To promote economic development;
9. To enable the fair and consistent enforcement of sign regulations and
10. To promote the purposes stated in this Article by regulating signs based on objective standards, including, but not limited to height and size, and without regard to the content of the sign message.

Section 58-4 Statement of Findings

1. The City finds that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. Left unregulated, however, signs can become a threat to the public health and safety as a traffic hazard and a detriment to property values and the overall economic growth of the City of Remerton as an aesthetic nuisance. (See, e.g. &, Scenic America, Billboards & Sign Control available at <http://www.scenic.org>; Jerry Weitz, PhD. AICP, The Public Purpose of Roswell's Sign Ordinance and the Implications of Doing Without It: A Position Paper (December 7, 1999), available at <http://roswellgov.com>; Street Graphics and the Law, 2004 Revised Edition, Daniel Mendelker, Andrew Bertucci, and William Ewald.)

2. Based on the cited materials and the studies referenced therein, the City finds that unregulated signs:

- a. Can be a safety hazard to drivers and pedestrians;
- b. Can create unsafe, cluttered and aesthetically blighted thoroughfares throughout the City;
- c. Can hamper economic growth;
- d. Can lower property values;
- e. Can adversely impact public investments;
- f. Can degrade the utility of public safety signs; and
- g. Can adversely impact the aesthetic quality of the community and surrounding environment.

3. Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. While such signage is referenced based upon the function it serves within the context of this ordinance, the provisions of this ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sign Regulations

Section 58-5. General Provisions and Definitions:

1. No sign shall be placed or maintained within the City except in conformity with this Sign Ordinance.
2. Notwithstanding any other restrictions in this Sign Ordinance, any sign, display or device allowed under this Ordinance may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of

Georgia or the United States.

3. Definitions: As used in this Article, the following words have the following meanings. The general definitions and interpretative rules of the zoning ordinance shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control.

AWNING SIGN: A sign where the sign face is mounted on an awning attached to a wall.

BILLBOARD: A freestanding sign greater than 125 square feet per sign face. Such signs are permitted in certain districts within the City regardless of the content of the sign, subject to regulations contained within this ordinance.

CANOPY SIGN: A sign affixed to, imposed upon or painted on any permanent roof like structure extending over a driveway or vehicle access area. Such signs may be mounted flush or suspended. A flush canopy sign is one that is mounted in such a manner that a continuous face with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.

GROUND SIGN: A sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

SIGN: Any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows and similar devices.

SIGN FACE: The actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures or other communicative elements of the sign, including the background color.

SIGN STRUCTURE: This includes all the elements of the sign, including its supporting structure, sign face, base, lights and every portion of the sign.

WALL SIGN: A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, and includes canopy and awning signs. No wall sign shall project above the vertical wall to which it is attached. With the exception of awning and canopy signs, no wall sign shall project more than 24 inches from the building surface on which it is attached. No wall sign projecting more than 4 inches from the building surface on which it is attached shall be less than 8 feet above the finished elevation of ground or floor directly under the sign.

WINDOW SIGN: A sign mounted inside of a structure, and designed to be seen from outside of the structure through a window.

Section 58-6. Permits, Inspections, Etc.

1. **PERMIT REQUIRED:** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the City or cause the same to be done without first obtaining a sign permit. No permit shall be required for change of copy on any sign, replacement of the sign face, nor for the repainting, cleaning, or other normal maintenance or repair of a sign or sign structure, so long as the sign or sign structure is not modified or enlarged in any way.

2. **APPLICATION:** Sign permits may be applied for by the owner of the property upon which the sign will be located, or by that person or entity's authorized agent. In order to obtain a permit to erect, alter or relocate any sign under the provisions of this ordinance, an applicant therefore shall submit to the Planning Department a sign permit application which shall set forth in writing a complete description of the proposed sign including:

- a. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- b. The name, address and telephone number of the owner or lessee of the lot on which the sign is located if different from those designated above.
- c. The location by street address of the proposed sign structure and a site plan prepared by a registered engineer showing the location of the sign and other structures on the property.
- d. A drawing of the proposed sign showing dimensions and construction specifications, prepared and signed by an architect or engineer licensed by the State of Georgia.
- e. Where the sign construction requires an electrical connection, the electrical contractor shall obtain an electrical permit.
- f. Each applicant shall present to the Planning Department on request a certificate of liability insurance prior to the issuance of a sign permit.
- g. Where the application is for a multiple-message sign using electronic lighting as part of the display on the sign face, a copy of the sign

manufacturer's specifications for luminosity shall be attached to the application.

3. **ISSUANCE OF PERMIT IF APPLICATION IN ORDER:** It shall be the duty of the Planning Administrator upon receipt of a completed application for a sign permit, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this ordinance, to issue within five (5) business days from date of filing to the applicant a written permit evidencing the applicant's compliance therewith. Sign permits shall be issued in the name of the property owner upon which the sign is to be located. Issuance of the permit shall in no way prevent the Planning Administrator from later declaring said sign to be nonconforming if the permit is obtained based on false information submitted by the applicant.

4. **PERMIT DURATION:** A sign permit shall become null and void if the construction of the sign for which the permit was issued has not begun within a period of six (6) months after the date of issuance and completed within twelve (12) months after date of issuance.

5. **WORK ON ILLEGAL SIGNS:** No person shall erect or assist in the erection, construction, maintenance, alteration, relocation, repair or painting of, or do any work upon any sign for which a permit has not been obtained. Any such sign shall be illegal and the Planning Administrator may order the owner to remove the same immediately. If the owner fails to remove the same within thirty (30) days, the Planning Administrator may proceed in accordance with this ordinance.

6. **INSPECTION:** All signs for which a permit is required by this ordinance are subject to inspection by the Building Inspector.

7. **REVOCATION:** The Planning Administrator is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with the provisions of this section within thirty (30) days after notification in writing.

8. **PERMIT FEES:** Before any permit is issued under the provisions of this section, the applicant shall pay as follows:

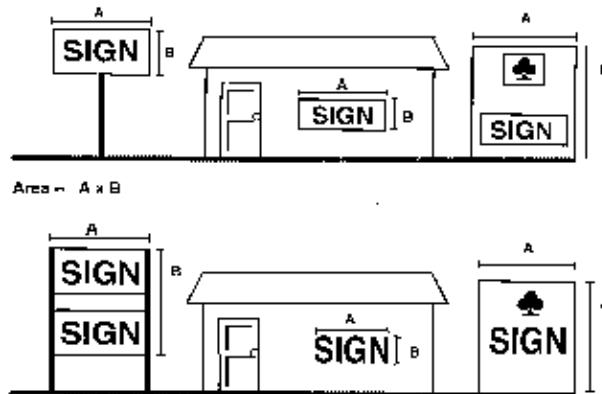
- a. For each permitted sign, \$1.00 per square foot of total sign face area.
- b. Whenever a permit is sought after a sign has been erected, the permit fee shall be doubled.

9. **SIGNS FOR WHICH NO PERMIT IS REQUIRED:** No permit shall be required for signs having no electrical connection and a sign face less than thirty-two (32) square feet in area.

10. APPEALS: Any person substantially aggrieved by a permitting decision of Planning Administrator may appeal to the City Council by a request in writing received by the City Clerk within 20 days of the date of such decision. The City Council shall have the same authority as the Planning Administrator in deciding to approve or deny a sign permit. The appeal shall be heard at a public meeting of the City Council the following month. Any person substantially aggrieved by the City Council's decision may appeal to the Superior Court of Lowndes County, Georgia by filing an appeal with the Clerk of the Superior Court within 30 days of the date of the decision of the City Council. Such appeal shall be a record review.

Section 58-7. Permitted Signs by Zoning District:

1. If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited. These regulations apply to signs located on any lot or development, except that any sign not visible from the public right-of-way is not restricted or regulated by this Article.
 - a. Sign Height: Sign height is measured from grade to the highest portion of the sign structure.
 - b. Sign Face Area: The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples, below. However, this example is not a



Examples of Sign Face Area Measurements

substantive regulation as to permissible types of signs:

2. Signs permitted in RES and M-F Zoning Districts.
 - a. Ground Signs: Two double-faced signs per lot. No single sign face may exceed 16 square feet. Height is limited to 5 feet.

- b. Window Signs: Two per dwelling, total of up to 8 square feet of window signs.
 - c. Wall Signs: Not permitted.
3. Signs permitted in the O-R, C-C, L-I Zoning Districts:
- a. Ground Signs: Two double-faced signs per lot. No sign face may exceed 125 square feet. Maximum height for all ground signs shall be 15 feet. No ground sign shall be installed within 500 feet of a billboard on the same parcel, measured along a straight line between the two signs.
 - b. Window Signs: Total signage not to exceed 25% of the area of windows facing road frontage.
 - c. Wall Signs: Wall signs may be erected provided that the maximum aggregate sign face area per wall shall be 1.5 square feet for each linear foot of the building face or ten percent of the wall area to which the sign is attached, whichever is less, and not to exceed 180 square feet.
4. Billboards:
- a. Billboards shall be permitted in the C-C or L-I Zoning Districts.
 - b. No billboard shall be greater than 35 feet in height. No billboard shall have more than 400 square feet per sign face area per side, except that signs within 500 feet of a Federally-designated interstate highway, the maximum sign face area shall be 750 square feet per side.
 - c. No new billboard shall be erected or permitted within a distance of 1,250 feet from an existing billboard, measured along the same side of the road to which the sign faces, and 1,000 feet apart, measured as a radius from any other billboard, regardless of location within the city limits. These same restrictions will apply in the case of a preexisting billboard located outside the city limits if such preexisting billboard is visible from a vantage point five (5) feet above the ground level of the location of the proposed billboard within the city limits. No new billboard shall be erected or permitted within 500 feet of an existing ground sign on the same parcel, measured by a straight line between the two signs.
 - d. Billboards shall be set back at least 100 feet from all property lines of private residences, churches, schools, parks, cemeteries or buildings having an official government purpose, as measured along any right-of-way.
 - e. Billboards shall be freestanding ground signs; they shall not be attached to or painted on any building or any other natural or manmade structure or

object other than the supporting structure specifically built for such sign.

Section 58-8. Regulations for Signs:

1. Location and Setback:

- a. The property owner must give permission for all sign placement on the owner's property. Private individuals and entities are not permitted to erect signs on the City's rights-of-way.
- b. All signs must comply with all side and rear setbacks of the underlying zoning district.
- c. Signs can be located in front setback areas, but no portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property.
- d. Distances are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way, curb or pavement.

2. Illumination:

- a. Signs cannot be illuminated in the RES and M-F districts.
- b. Flashing, blinking or otherwise varying illumination is not permitted in any zoning district, except as provided below in subsection 3 Multiple-Message Signs. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted in any zoning district.
- c. All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
- d. All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
- e. All illuminated signs over ten (10) feet in height shall be internally illuminated or illuminated by external lighting fixtures located above the sign area, firing downward, and not directed towards passing motorists.

3. Multiple-message signs

- a. Multiple-message signs are those which change the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slates, or by changing electronic display on the sign face.
- b. Multiple-message signs are prohibited in all zoning districts, except that such signs may be permitted on lots adjacent to Baytree Place.
- c. No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every 10 seconds.
- d. When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur within two seconds.
- e. When any multiple-message sign is located within 150-feet of any residential district, the display of multiple-messages shall discontinue between the hours of 11:00 p.m. and 6:00 a.m., and the sign shall be static and not display more than one message during that period.
- f. Multiple-message signs which are illuminated or which use electronic lighting to display message shall be subject to the restrictions and limitation applicable to illumination in this ordinance.
- g. There shall be located no more than one multiple-message sign per lot, and such sign shall be permitted only on a ground sign or freestanding structure which is a permitted sign in the lot's zoning classification, and not on any wall sign or window sign.
- h. No multiple-message sign shall be located within 1250 feet of any pre-existing multiple-message sign located within the city limits as measured along the same side of the road to which the sign faces or within 1000 of any pre-existing multiple-message sign located outside the city limits if such sign is visible from a vantage point five (5) feet above the ground level of such proposed sign within the city limits.
- i. No multiple-message sign permit shall be approved or issued until the applicant shall obtain the approval by an owner(s) and the removal of at least two (2) then existing billboards within the city limits.

Section 58-9. Safety and Construction Standards:

1. Official Confusion: Signs which contain or are in imitation of an official traffic sign or signal, or can be confused with an official traffic sign, are prohibited.
2. Fire Safety: No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
3. Corner Visibility: No sign or sign structure above a height of three (3) feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.
4. Traffic Visibility and Safety: No sign shall obstruct the traffic sight line, or the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road, or vice versa). No sign shall be erected on any traffic island.
5. Good Repair: All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair, and shall be structurally sound.
6. Removal of Signs: The City may remove a sign in violation of this Ordinance, without giving notice to any party if said sign is upon the public right-of-way or upon other public property or said sign poses an immediate safety threat to the life or health of any members of the public.

Section 58-10. Prohibited Signs:

The following types of signs are prohibited in every zoning district:

1. Roof Signs (which means signs mounted above a roof or projecting above the roof-line of a structure).
2. Rotating signs. (which includes any sign designed to revolve, rotate, or otherwise turn, in whole or in part, by means of electrical power.)
3. Portable signs (which means signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported). Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers.
4. Moving signs, or signs with moving parts. This includes, but is not limited to, animated signs involving motion or sound; signs with moving words; signs with waiving elements, whether motorized or wind-powered; or similar moving signs.

Section 58-11. Non-conforming signs.

1. Signs which are legal at the time of adoption of this ordinance or any amendment thereto, but do not conform to the provisions and standards in this ordinance or any amendment thereto on the date of the adoption of this ordinance or amendment shall be permitted to continue in use as a non-conforming sign.
2. If a non-conforming sign structure is damaged from any cause, whether from a natural cause or otherwise, it shall not be repaired or reconstructed and shall be removed from its location if the cost to restore the sign to its pre-damaged condition is greater than fifty (50%) percent of the fair market value of the pre-damaged sign structure, unless the repaired or reconstructed sign is brought into conformity with the provisions of this ordinance.
3. The provisions of this section shall have no application to any sign, which is subject to a valid and current permit issued by the Georgia Department of Transportation under O.C.G.A. § 32-6-70 *et seq.*

Sec. 58-12. Sign and sign structure maintenance.

1. Signs and sign structures shall be maintained in good repair, structurally sound, with proper anchorage capable of supporting the imposed loads, so as not to pose a threat to the public health, safety or welfare. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
2. All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Sign faces shall be maintained in good repair, and shall have neatly painted, posted or otherwise maintained display surfaces, free of defects such as holes, tears, cracks, breaks or missing portions, which are plainly visible from the public right-of-way.
3. When a sign or sign structure is found to be in need of maintenance, the Building Inspector shall issue a notice of violation to the property owner, which shall describe the maintenance issue, and provide a reasonable amount of time to repair the violation.

4. If, after receiving the notice of violation, the property owner fails to remedy the maintenance issue within the time provided, it shall be a violation of this ordinance, subject to citation. The Planning Administrator may also institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of the sign or sign structure. The reasonable cost of any action taken by the City or its agents to remedy the maintenance issue shall be charged against the real estate upon which the structure is located and shall constitute a lien upon such real estate.

Sec. 58-13. Violation and enforcement

1. The provisions of this ordinance shall be enforced by Planning Administrator.

2. A violation of this ordinance shall be prosecuted in the Municipal Court of the City of Remerton in accordance with the procedures of that court. Additionally, any person violating this ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished as provided by the city charter and state law. Each day a violation continues shall be considered a separate violation of this ordinance.

3. Any violation of this ordinance is hereby declared to be a public nuisance.

4. The Planning Administrator may order the removal of any sign in violation of this ordinance by written notice to the permit holder, sign owner and property owner. If a permit has been issued, such notice shall operate to revoke the permit.

a. If the sign is not removed within the time required by the City (or the date any appeal becomes due), the City shall remove or cause to be removed the sign and collect the costs thereof through appropriate legal proceedings.

b. The City shall have removed any sign in violation of this ordinance, without giving notice to any party if: the sign is upon the public right-of-way or upon other public property or if the sign poses an immediate safety threat to the life or health of any member of the public, or injury to property.

c. Signs removed by the City will be destroyed after 14 days if they are not

claimed.

Sec. 58.14. Legal Status Provisions

1. Whenever the provisions of this ordinance impose more restrictive standards than are required in or under any other statute, the provisions of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

2. Should any Article, Section or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declarations shall not affect the validity of this ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

3. All ordinances and resolutions and parts thereof in conflict with this Ordinance are repealed.

4. This ordinance shall take effect and be in force from and after adoption, the public welfare demanding it.