



TOWN OF NEDERLAND SIGN PERMIT INFORMATION SHEET

The Town of Nederland's Municipal Code requires all signs posted within Town limits to be approved and permitted, with a few exceptions.

For full information regarding signs in the Town of Nederland, including size restrictions, types of signs allowed, zoning parameters, exemptions and variance requirements, see *Nederland Municipal Code Chapter 18, Article V*, which can be found on the Town's website: www.nederlandco.org/government/municipal-code

Please keep in mind the following dynamics related to Sign Permits:

GENERAL:

An approved sign permit must be obtained before sign may be erected, modified or relocated.

ADDITIONAL PERMITS:

In addition to the sign permit:

- A building (structural) permit will be required for:
 - Newly constructed signs
 - Replacement signs where the foundation, support or attachment structure has changed
- An electrical permit will be required for:
 - Newly constructed illuminated signs
 - Replacement signs where an illuminated component has been added or changed
- Permits for signs that require both a building and electrical component will be combined into one additional permit

The Building Permit Application Form (to be used for the above additional permits) can be obtained at Town Hall or found on the Town's website: www.nederlandco.org/building

INSPECTIONS:

After the sign is installed:

- **All signs will require a zoning inspection** for compliance with the information given in the permit application

- Please contact Cynthia Bakke in the Town Zoning Department to schedule your post-installation zoning inspection – 303.258.3266 x22 or cynthiab@nederlandco.org
- All signs requiring a building and/or electrical permit will require the relevant inspection
 - Please contact Safebuilt to schedule your post-installation building or electrical inspection – 720.641.1956

VARIANCES:

If the proposed or desired sign does not comply with the parameters detailed in the Nederland Municipal Code, the applicant may apply to the Board of Zoning Adjustment for a sign code variance. For more information, see N.M.C. Sec. 18-86 & 18-87.

FOR MORE INFORMATION:

For questions about the sign permit application or process, please contact Cynthia Bakke in the Town Zoning Department:

cynthiab@nederlandco.org
303.258.3266 x22

Nederland Town Hall
45 West First St
Nederland, CO 80466



TOWN OF NEDERLAND SIGN PERMIT APPLICATION

Date: _____

Applicant Name:

Name of Business:

Mailing Address: _____

Phone: _____

Physical Address where sign will be:

Zoning District: _____

Property Owner:

Property Owner's Address:

Property Owner's Phone(s):

Sign Contractor or Erector:

Contractor's Address: _____

Contractor's Phone: _____

REQUIRED SIGN SPECIFICATIONS:

Style: Freestanding Wall (flush to wall) Awning (attached to awning)
 Projecting (attached to wall but projecting and double-faced)

Type of sign: New Replacement Sign face replacement only

Sign Height: _____ Sign Width: _____

Total Square Feet: _____

Sign Depth _____

Sign clearance above sidewalks: _____

Distance of projection from the building (if Projecting or Awning):

Type of sign: Residential: _____ Commercial: _____

Sign Material(s) (wood/metal/etc.)

Number of already existing signs: _____

Total signs proposed: _____

Illumination: Indirect: _____ Internal: _____

Total wattage: (Maximum allowed - 10w per square foot) _____

Method of Support or Attachment:

Distance to the property line: _____

COMPLETE IF SIGN IS *FREE-STANDING*:

Is sign located on a State Highway? YES NO

If yes, does the sign have an electronic message board component? YES NO
(State Highway Department authorization may be required)

REQUIRED ATTACHMENTS:

1. A site plan, drawn to scale, showing the location of existing or proposed buildings or other structures on the lot, the location of existing signs and proposed sign(s) on the premises, and the location of public right-of-way on or adjacent to the property.
2. Elevation drawings of the proposed sign(s), drawn to scale, showing dimensions of the proposed sign, including height, clearance above sidewalks and distance of projection from the building.

3. Proposed sign text.
4. Nature, layout, and dimension of lettering.
5. Type and location of proposed illumination.
6. Any additional information that the applicant feels may support the request.
7. A **permit fee of \$100.00**, payable by cash or check made payable to "Town of Nederland" to cover processing and inspection costs.

Applicant Signature

Date

Please submit this application to the Nederland Town Hall, P.O. Box 396, 45 W. First St., Nederland, CO 80466. Tel) 303.258.3266 Fax) 303.258.1240

FOR OFFICE USE ONLY	Sign Permit # _____
<input type="checkbox"/> Paid Amount: _____ Received By: _____	
Application <input type="checkbox"/> Approved or <input type="checkbox"/> Denied (If denied, attach written explanation)	
Clerk/Administrator Signature _____ Date _____	
Inspections) Zoning:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied By: _____ Date: _____
Building:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A By: _____ Date: _____
Electrical:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A By: _____ Date: _____
Building permit # (if applicable): _____	
When marked as approved with official signature, a copy of this application shall serve as the permit	

CHAPTER 18 Building Regulations

ARTICLE V Signs

Sec. 18-81. Purpose.

The intent of this Article shall be to define the types of signs which will be permitted in the various zoning districts and those which will be prohibited, the manner in which sign areas and dimensions will be measured, and exempting certain types of signs from this Article. It is further the intent of this Article to encourage the erection of signs which are attractive and compatible with the adjacent property, which will preserve and enhance property values within the community, which will provide for the public convenience, health and welfare and which will protect the public safety. (Ord. 348 §102, 1992)

Sec. 18-82. Enforcement.

The Zoning Administrator is hereby authorized and directed to enforce all provisions of this Article. He or she shall appear for and on behalf of the Town in all matters regarding the interpretation and application of this Article, and shall resist and oppose any deviations from the provisions of this Article and in accordance with other provisions of the law. Upon presentation of proper credentials, the Zoning Administrator may enter at reasonable times any building, structure or premises in the Town to perform any duty imposed by this Article. (Ord. 348 §103, 1992)

Sec. 18-83. Definitions.

The words and terms used, defined, interpreted or further described in this Article shall be construed as follows:

Accessory means subordinate or incidental to, and on the same lot or on a contiguous lot in the same ownership and zone as the building or use being identified or advertised.

Architectural projection means any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building, including arcades, roof overhangs, mansards, unenclosed exterior balconies, marquees, canopies, pilasters, fascias and the like, but not including signs.

Attention-getting device means any sign, banner, pennant, valance, awning, canopy or advertising display, including those constructed of cloth, canvas, fabric or other light material, with or without frames, which may or may not be permanently fixed to a supporting structure.

Awning means a movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.
Supp. 4

Canopy means a permanently roofed shelter covering a sidewalk, driveway or other similar area, which may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground.

Development complex sign means a freestanding sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, or the individual business in the complex, which is controlled by a single owner or landlord.

Electric signs means any sign containing electrical wiring, but not including signs illuminated by exterior light sources.

Externally illuminated sign means lighting by means of a light source which is directed at the reflective surface of a sign, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed.

Flashing or moving sign means a sign which flashes, rotates, moves or animates with moving lights or signs which create the illusion or movement.

Freestanding sign means a sign which is supported by one (1) or more columns, uprights, braces or movable bases, upon the ground and also includes a monument sign and pole sign, but does not include a sign attached to a structure.

Frontage, building means the horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall or other circulation area open to the general public, and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts, a building side with an entrance open to Industrial employees shall also qualify as a building frontage.) Where more than one (1) use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

Frontage, street means the linear frontage of a lot or parcel abutting on a private or public street which provides principal access to, or visibility of, the premises.

Height of sign means the vertical distance from average ground level at the base of or below the sign to the highest element of the sign to the uppermost point on the sign or sign structure.

Illumination, direct means light by means of a light source which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

Illumination, indirect means lighting by means of a light source which is directed at a reflecting surface in such a way as to illuminate the sign from the front, or a light source which is primarily designed to illuminate the entire building facade upon which a sign is displayed.

Illumination, internal means lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs which are themselves made of a translucent material.

Interim sign means a sign designed to be utilized only while awaiting installation or reconstruction of a permanent sign.

Light source includes florescent or similar tube lighting, the incandescent bulb (including the light-producing elements therein) and any reflecting surface which, by reason of its construction and/or placement, becomes in effect the light source.

Lot means a portion or parcel of land, whether part of a platted subdivision or otherwise, occupied or intended to be occupied by a building or use of its accessories, together with such yards as are required under the provisions of Chapter 16 of this Code. A lot must be an integral unit of land held under unified ownership in fee or in co-tenancy, or under legal contract.

Maintenance means the replacing, repairing or repainting of a sign or a portion of the sign structure; periodic changing of bulletin board panels; or renewing of copy which has been made unusable by ordinary wear and tear, weather or accident.

Marquee means a permanently roofed structure attached to and supported by a building and projecting from the building.

Multi-tenant building means any building which has separate units for the purposes of separating multiple uses of businesses.

Multi-tenant nonresidential building means a building under the same ownership which contains or has the potential to contain more than one (1) business and/or enterprise and which does not primarily serve as a residence.

Owner means a person recorded as such on the records of the County Clerk and Recorder, including a duly authorized agent or attorney, a purchaser, devisee, fiduciary or person having a vested or contingent interest in the property in question.

Permanent sign means, except where otherwise noted within this Article, all signs attached in any manner on the exterior of or adjacent to any building, lot or property.

Political sign means a noncommercial, temporary sign which has the approval of the owner or occupant of the appurtenant property regarding political topics of public interest.

Projecting sign means a double-faced sign which projects more than twelve (12) inches over private property, and which uses a building wall as its main source of support.

Roof means the cover of any building, including the eaves and similar projections.

Roof line means the highest point on any building where an exterior wall encloses usable floor space, including floor area for housing mechanical equipment. The term *roof line* shall also

include the highest point on any parapet wall, provided that said parapet wall extends around the entire perimeter of the building.

Roof sign means a sign erected upon or above a roof of a building and which is wholly or partially supported by said building.

Supp. 4

Sign means any writing, pictorial representation, decoration (including any material used to differentiate sign copy from its background), form, emblem, trademark, flag, banner or any other figure of similar character which:

- a. Is a structure or any part thereof (including the roof or wall of a building); or
- b. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning, vehicle or upon any material object or device whatsoever; and
- c. Which by reason of its form, color, wording, symbol, design, illumination, motion or otherwise, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

Sign Administrator means the officer or person charged by the Zoning Administrator with the administration and enforcement of this Article.

Sign face means the surface of a sign upon, against or through which the message is displayed or illustrated.

Sign, illegal nonconforming means a sign which was in violation of any of the laws of the Town, governing the erection or construction of such sign at the time of its erection, and which sign has never been erected or displayed in conformance with all such laws, including this Article, and which shall include signs which are pasted, nailed, painted on or otherwise unlawfully displayed upon structures, utility poles, trees, fences and other signs.

Sign, legal nonconforming means any sign which was lawfully erected and maintained prior to the enactment of this Article and any amendments thereto, and which does not conform to all the applicable regulations and restrictions of this Article, this shall include those signs granted a legal variance to this Article.

Sign site plan means a drawing required from a sign applicant prior to issuance of a sign permit, which contains location and dimensions of existing and proposed signs, as well as elevation, lettering and illumination of proposed signs.

Structure means anything constructed or erected with a fixed location on the ground above grade, but not including poles, lines, cables or other transmission or distribution facilities of public utilities.

Subdivision, for the purposes of this Article, shall include a subdivision as defined in Chapter 17 of this Code.

Suspended sign means a sign suspended from the ceiling of an arcade, marquee or canopy.

Temporary sign means a sign, banner or similar device or display which is intended for a temporary period of time. For the purposes of this Article, any political signs, internal window signs, construction signs, project signs, signs, banners or decorations associated with a special event, real estate or rental signs, cooperative commercial signs or business announcement signs shall be the only temporary signs recognized. Any other sign placed on the exterior of a building shall be deemed a permanent sign.

Total surface area includes all finished sign faces and that portion of a sign structure that is an integral part of the sign or background of the sign except as otherwise noted. For the purposes of this Article, if both faces of a sign are finished, only one (1) face will be used to determine total square footage.

Variance means a legal modification of applicable sign code regulations granted due to the peculiar conditions existing within a single circumstance.

Variance criteria means conditions which the Board of Zoning Adjustment must address in order to grant a variance to the sign code to an applicant who was denied a sign permit due to the

requirements or restrictions of this Article.

Vehicular sign means a sign painted or mounted on a vehicle which is not being operated in the normal course of business for the transport of persons, goods or services; or a sign painted on a vehicle indicating the name of the owner, business and location which is the primary purpose of the vehicle.

Vision clearance area means a triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Wall sign means a sign which is in any manner affixed to any exterior wall, building or structure.

Zoning Administrator means the duly authorized deputy of the sign code with the authority to delegate said authority to a Sign Administrator. (Ord. 348 Art. IV, 1992; Ord. 435 §1, 1996; Ord. 639 §1, 2007)

Sec. 18-84. Permits.

It is unlawful to display, erect, modify, change, alter or relocate a sign without first filing with the Zoning Administrator an application in writing and obtaining a sign permit. When a sign permit has been issued, it shall be unlawful to modify, change, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Zoning Administrator. A written record of such approval will be entered upon the original application form and maintained in the files of the Zoning Administrator. The Zoning Administrator may submit the permit application for an advisory opinion of any disputed or ambiguous term of this Article. This submission shall not alter the finality of the decision of the Zoning Administrator, Building Inspector or the process of appeal stated herein. (Ord. 348 §201, 1992; Ord. 639 §2, 2007)

Supp. 4

Sec. 18-85. Application requirements.

An application for a sign permit shall be submitted to the Zoning Administrator and shall be accompanied by the following plans and specifications:

- (1) The name, address and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector.
- (2) The location by street address of the proposed sign structure.
- (3) A site plan, drawn to scale, showing the location of existing or proposed buildings or other structures on the lot, the location of existing signs and proposed signs on the premises, the location of public right-of-ways on or adjacent to the property, and the location of vehicular entrances and exits on the property, unless otherwise approved by the Zoning Administrator.
- (4) Elevation drawings of the proposed sign, drawn to scale, showing major dimensions of the proposed sign, including height, clearance above sidewalks and distance of projection from the building and proposed sign copy.
- (5) Nature, layout and dimension of lettering.
- (6) Type and location of proposed illumination.
- (7) Any additional information which the applicant feels may support the request.
- (8) A permit fee as set forth in Section 4-151 to cover processing and inspection costs. (Ord. 348 §202, 1992; Ord. 435 §1, 1996)

Sec. 18-86. Processing the application.

The applicant shall submit the complete application to the Zoning Administrator.

- (1) Upon finding the application complete and in compliance with this Article, the Zoning Administrator shall issue a sign permit.
- (2) In the event the application is found not to be in compliance with this Article, the Zoning Administrator shall so inform the applicant. The applicant shall either revise the application so

that it meets the requirements of this Article or request a variance.

(3) Should the applicant request a variance, the variance application shall include the following:

- a. The complete application;
- b. A hardship statement explaining the reasons for the variance request; and
- c. A variance application fee as set forth in Section 4-151 to cover processing and publication costs.

(4) After receiving the application, the Board of Zoning Adjustment shall set a reasonable hearing date, and a public notice of the variance request shall be published in a newspaper of general circulation within the Town at least fifteen (15) days prior to such hearing.

(5) Within a reasonable time from the hearing, the Board of Zoning Adjustment shall render its written decision.

(6) An approved variance shall not be conducted until the Zoning Administrator has issued a variance certificate. (Ord. 348 §203, 1992; Ord. 435 §1, 1996)

Sec. 18-87. Variance criteria and conditions.

In every case in which a request for a variance from the requirements of the sign code has been filed, the Board of Zoning Adjustment shall not grant a variance unless it specifically finds that each of the following conditions exist:

(1) There are special circumstances or conditions such as the existence of buildings, topography, sign structures or other matters on adjacent lots or within the adjacent public right-of-way which would substantially restrict the effectiveness of the sign in question. Such special circumstance or conditions, however, must be peculiar to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises.

(2) The variance would be in general harmony with the purposes of this Article and would not be injurious to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located.

(3) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his or her business or enterprise. (Ord. 348 §204, 1992)

Sec. 18-88. Inspections required.

All signs shall be subject to inspections by the Zoning Administrator, and in some cases the Building Inspector, to determine compliance with all aspects of this Article. The owner or authorized agent shall inform the Zoning Administrator when the sign is complete and ready for final inspection. All freestanding signs are further required to have footing inspections. Electrical inspections are required on all illuminated signs. (Ord. 348 §205, 1992)

Sec. 18-89. Interim signs.

Following the issuance of a sign permit, the applicant may request approval of an interim sign by the Zoning Administrator. Upon finding the requested interim sign in compliance with this Article, the Zoning Administrator shall authorize installation or reconstruction of the interim sign for a period of thirty (30) days, or until the permanent sign is installed, whichever occurs first. A thirty-day extension may be requested in writing and approved by the Zoning Administrator. (Ord. 348 §206, 1992)

Supp. 4

Sec. 18-90. Revocation of permits for nonuse and abandonment.

(a) If actual work, either on or off the site, is not commenced under any permit issued within sixty (60) days of issuance of such permit, the permit shall automatically become null and void.

(b) Delays which are not the result of a willful act or neglect of the contractor, owner or person obtaining the permit shall be excluded from the terms of Subsection (a) above, and the Zoning Administrator may grant an extension of time in which to start or resume operations. All requests for extensions shall be in writing.

(c) A sign shall be deemed to be abandoned and shall be removed within thirty (30) days after

the activity, product, business, service or other use which is being advertised has ceased or vacated the premises. A sign shall also be deemed to be abandoned and shall be removed if it has ceased to be used for display of sign copy. The provisions of this Subsection shall not apply to signs officially designated as landmarks or to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is a clear intent to continue operation of the business. After thirty (30) days and notice to the permit holder, a sign may be removed by the Zoning Administrator, and the costs of such action may be collected from the permittee. Upon the expiration of such thirty-day period, the sign permit shall be deemed revoked and of no further force or effect. (Ord. 348 §207, 1992; Ord. 624 §1, 2006)

Sec. 18-91. General measurement requirements.

(a) Measurement of the total surface area per wall sign or other attention-getting device shall include:

(1) All finished sign faces and that portion of a sign structure that is an integral part of the sign or background of the sign.

(2) For computing the area of any wall sign which consists of letters mounted or painted on a wall, that area deemed to be the smallest rectangular figure which can encompass all of the letters shall be included.

(b) The total surface area of a freestanding, projecting or suspended sign shall include:

(1) Only one (1) finished sign face shall be measured against the total allowed surface area, provided that both sign faces are finished.

(2) All other applicable sign faces and that portion of a sign structure that is an integral part of the sign or background of the sign. (Ord. 348 §301, 1992)

Sec. 18-92. Total sign surface area.

(a) The total surface area of all signs accessory to a commercial building shall not exceed one (1) square foot per lineal foot of building frontage of the principal access.

(b) The total surface of a sign accessory to a residential building shall not exceed eight (8) square feet except that a residential subdivision, project, complex or other such overall area shall be permitted two (2) entrance signs which shall not exceed thirty-two (32) square feet. (Ord. 348 §302, 1992; Ord. 639 §3, 2007)

Sec. 18-93. Sign size.

No single sign shall exceed the following maximum size restrictions per zoning district:

(1) F, NC: twenty-four (24) square feet.

(2) MR, LDR, MDR and HDR:

a. Individual unit: eight (8) square feet.

b. Entrance sign: thirty-two (32) square feet.

(3) CBD, GC and I: thirty-two (32) square feet.

a. Wall signs. The maximum allowed size of a wall sign shall be determined by measuring the linear feet of the applicant's building frontage. No wall sign shall project more than twelve (12) inches from the building and shall not project above the eaves or building facade.

b. Projecting, freestanding or suspended signs. If both sides of a projecting or suspended sign are visible, all sign faces must be finished.

1. Only one (1) face of a sign shall be measured and counted against the applicant's sign number, size or surface area.

2. No projecting or suspended sign shall be larger than twenty-four (24) square feet.

3. Not more than one (1) such sign shall be permitted per single tenant building face adjacent to a street.

4. If the end panel of such a sign is more than one (1) foot in width, it shall be included in the measurable area of said sign.

5. Projecting or suspended signs shall have a minimum clearance of eight (8) feet above ground.

6. Freestanding signs shall be allowed a height of no greater than fifteen (15) feet and

no greater than thirty-two (32) feet.

c. Window signs. All signs on the interior of a window, whether temporary or permanent in nature, shall be exempt from the requirements of this Article, provided that not more than twenty-five percent (25%) of the display window is covered by signs. (Ord. 348 §303, 1992; Ord. 639 §4, 2007)

Supp. 4

Sec. 18-94. Number of signs.

The following number of signs shall be permitted in every zoning district: one (1) identification sign per street frontage. (Ord. 348 §304, 1992)

Sec. 18-95. General requirements.

(a) All signs must conform to the regulations and design standards of the Building Code of the Town and all other applicable codes. Wiring of all electrical signs must conform to the State Electrical Code.

(b) All signs, both currently existing and those constructed in the future, and all parts thereof, shall be maintained in a safe condition and the owner or lessee of any sign shall take all reasonable actions so that any sign will be maintained in like-new condition.

(c) The supporting members of a sign shall appear to be free of any extra bracing angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building and/or sign. Supporting columns of record, square or shaped steel members may be erected if required bracing, visible to the public, is minimized or covered.

(d) No sign shall be attached to a tree or utility pole, whether on public or private property.

(e) No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, nor may it interfere with, mislead or confuse traffic.

(f) No portion of any sign located in a vision clearance area shall be lower than ten (10) feet from the average ground level, and supporting members of such signs shall not obscure views of pedestrians or vehicles.

(g) Signs shall be permitted only on the same lot or lots of the permitted advertised use, and only where clearly incidental, customary or commonly associated with the operation of the permitted use.

(h) Development complex signs. Every multiple-occupancy development complex shall be entitled to one (1) freestanding sign to identify the businesses in the complex, whose individual signs shall be no greater than fifteen (15) inches by seventy (70) inches. The anchor business shall be entitled to a sign that is thirty (30) inches by seventy (70) inches. (Ord. 348 §305, 1992; Ord. 639 §5, 2007)

Sec. 18-96. Requirements for specific types of signs.

(a) Externally lighted signs shall be lit with downcast lighting to avoid casting bright light upon property located in any residential district or area or upon any public street, park, public facility or hospital facility.

(b) Internally illuminated signs must avoid concentration of illumination. The maximum wattage for sign illumination shall be 10w per square foot of sign area distributed evenly over the surface of the sign or a maximum of 240w. Illumination of signs shall be arranged in such a manner as to be reflected away from residential properties and motorists' vision. Internally illuminated signs shall be restricted to the Neighborhood-Commercial, General Commercial and Central-Business Districts.

(c) Neon signs shall be allowed only inside buildings in the NC, GC or CBD districts.

Businesses shall be allowed more than one (1) neon sign as long as the total square footage of all signs does not exceed six (6) square feet.

(d) Flashing or moving signs. No flashing, rotating, moving or animated signs, signs with moving lights or signs which create the illusion of movement shall be permitted. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign.

(e) Freestanding signs. No portion of any freestanding sign shall be located closer than ten (10)

feet to any property line, and shall be designed and constructed to withstand wind pressures and receive dead loads as required.

(f) Roof signs shall not be allowed in any district.

(g) Decorative murals. Decorative murals shall not be considered a sign and shall be subject to approval by the Town Administrator to the extent they contain commercial content.

(h) Electronic signs that display time and/or temperature shall function properly and not be in disrepair for more than thirty (30) days. (Ord. 348 §306, 1992; Ord. 639 §6, 2007)

Sec. 18-97. Temporary signs.

The following temporary signs are permitted in all zoning districts without a sign permit, subject to the following specific requirements:

(1) Construction site identification signs. Signs advertising construction or other improvements on a property. Said signs shall be removed prior to issuance of a Certificate of Occupancy.

(2) Project signs. Signs announcing the sale of lots and/or houses in a subdivision. Said signs shall be removed when eighty percent (80%) of the lots and/or houses in the subdivision have been sold.

(3) Political signs. Political signs shall be permitted in every zoning district, subject to the restrictions set forth in this Article. The person or organization responsible for the distribution of any political signs, or the owner of the property upon which such signs are located, shall remove such signs within forty-five (45) days of installation.

(4) Real estate signs. Signs containing the message that the real estate on which the sign is located (including building) is for sale, lease or rent, together with information identifying the owner or agent. Such signs may not exceed six (6) square feet in area and shall be removed within thirty (30) days after sale, lease or rental. For lots of less than five (5) acres, a single sign on each street frontage may be erected. For lots of five (5) acres or more in area and having a street

Supp. 4
frontage in excess of four hundred (400) feet, a second sign not exceeding six (6) square feet in area may be erected.

(5) Off-premises signs advertising an open house shall be allowed beginning twenty-four (24) hours before the open house and shall be removed immediately following the open house. (Ord. 348 §307, 1992; Ord. 505 §1, 1999)

Sec. 18-98. Exemptions.

(a) The following signs shall be exempt from the requirements of this Article, except for requirements relative to public safety:

(1) Flags or emblems of government, political, civic, philanthropic, educational or religious organizations, displayed on private property, as long as such flag or emblem does not exceed sixty (60) square feet.

(2) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazard, parking, swimming, dumping, etc.

(3) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign does not exceed the requirements of such law, order, rule or regulation.

(4) Small signs, not exceeding six (6) square feet in area, displayed on private property for the convenience of the public, including signs identifying in-home occupations, signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances and the like.

(5) Scoreboard in athletic stadiums.

(6) Special event signs, banners and decorations may be permitted for holidays, grand openings or similar occasions and shall be allowed to be displayed thirty (30) days from the date installed and taken down within one (1) week after the event.

(7) Real estate signs not exceeding six (6) square feet.

(b) The following signs are exempt from the requirement of obtaining a permit, but shall comply with all other regulations imposed by this Article:

- (1) Memorial signs and tablets displayed on private property.
- (2) Nameplate signs not exceeding two (2) square feet in gross surface area accessory to a single-family or two-family dwelling.
- (3) Identification signs not exceeding ten (10) square feet in gross surface area accessory to a church, school, public or nonprofit institution.
- (4) Open and closed signs, not to exceed two (2) square feet in gross surface area accessory to a business or nonprofit organization displayed in a window or on a door only. (Ord. 348 §308, 1992)

Sec. 18-99. Nonconforming signs.

(a) Whenever one (1) or more of the following conditions occur, all signs which are nonconforming to the regulations of this Article shall be brought into conformance or shall terminate:

- (1) Whenever there is a change in ownership of the property on which the nonconforming sign is located.
- (2) Whenever there is a change in business or use to which the sign pertains.
- (3) Whenever there is a change in the copy on a sign, other than on reader panels.
- (4) Whenever a request is made for a permit to change the sign.
- (5) If any such sign or nonconforming portion thereof is destroyed by any means to an extent of more than fifty percent (50%) of its appraised value for tax purposes at the time of said destruction, it shall be reconstructed only in conformity with this Article.
- (6) Whenever the location of the sign is moved or altered.

(b) All signs, except those that have been granted a variance by the Board of Zoning Adjustment must conform to the regulations of this Article five (5) years from the adoption date of the ordinance codified herein.

(c) Any business or establishment which has existed in the Town longer than ten (10) years and believes that its sign is of historical or landmark significance may request the Board of Zoning Adjustment to grant a "grandfather variance." Such proof of significance shall reside with the business or establishment. A grandfather variance shall not supersede any other requirement of this Article except the compliance deadline. (Ord. 348 §309, 1992)

Sec. 18-100. Violation.

It shall be a violation of this Article for any person to perform or order the performance of any act which is contrary to the provisions of this Article or fail to perform an act which is required by the provisions of this Article. In the case of a continuing violation, each twenty-four-hour period in which the violation exists shall constitute a separate violation. (Ord. 348 §104, 1992)

Sec. 18-101. Penalties.

The following penalties, set forth in full herein, shall apply to this Article:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this Article.

Supp. 4

(2) Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine as set forth in Section 1-72 of this Code. (Ord. 348 §§105, II, 1992; Ord. 435 §1, 1996)

Sec. 18-102. Liability for damage.

This Article shall not be construed to hold the Town responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or by reason of issuing a sign permit as herein provided. (Ord. 348 §106, 1992)

Sec. 18-103. Application.

This Article shall apply to all property within the corporate limits of the Town, the use of which the Town has jurisdiction and authority to regulate. (Ord. 348 §III, 1992)