

Ordinance #2005-1451

An ordinance amending the Zoning Ordinance for the City of Dewey by creating Section 9.50 establishing regulations for the construction, erection, maintenance and removal of signs; providing for materials, sizes, number, height, lighting and location; specifying license fees, permits and inspections; providing for enforcement and penalties for violations; and declaring an emergency. This ordinance shall be known as the “Sign Ordinance.”

Section 1. The Zoning Regulations for the City of Dewey are hereby amended by creating Section 9.50, to read as follows:

9.50 SIGNS: SCOPE OF CHAPTER:

General Intent – The sign regulations, controls and provisions set forth in this ordinance are made in accordance with an overall plan and program for the public safety, area development, preservation of property values and general welfare of the Municipality and are intended to: aid in traffic control and traffic safety; preserve and protect property values; lessen congestion of land and air space; provide against undue concentrations of signs with distract and endanger traffic safety and traffic flow; establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development; avoid uncontrolled proliferation of signs; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome and attractive character of the Municipality; and to recognize that the general welfare includes a community plan that shall be beautiful as well as healthy, spacious, as well as clean and well-balanced in its growth and development.

9.50.1 DEFINITIONS:

As used in this chapter, the following terms shall have the meanings given in this section:

COMMERCIAL SIGN: Any sign which communicates information or directs attention to a profession or business conducted, or to a commodity, service, or activity sold or offered the purpose of which is to secure income, earnings, compensation, or profit.

CONSTRUCTION SIGN: Any temporary signs identifying individuals or companies involved in design, construction, wrecking, financing or development when placed upon the premises where work is under construction, but a multifaced sign shall be included in the computation of display surface area.

DISPLAY SURFACE AREA: The net geometrical area enclosed by the display surface of the sign, including the outer extremities of all letters, figures, delineations and characters; provided however, display surface area shall not include the structural

supports for freestanding signs if said structural supports are not arranged to become a part of the attention attracting aspects of the sign; provided further, that all sides of a multifaced sign shall be included in the computation of display surface area.

GROUND SIGN: A sign supported by one or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or sign which is erected on the ground, and not attached to any buildings.

HEIGHT: The vertical distance measured from the mean curb level of the lot upon which the sign is located to the uppermost point on the sign or sign structure.

HIGHWAY COMMERCIAL CORRIDOR: This corridor shall include land and lots abutting the U.S. Highway 75.

IDENTIFICATION SIGN: Any sign containing only the name and/or address of the dwelling/building occupant or of the dwelling/building, or of the dwelling/building owner or manager.

ILLEGAL SIGN: Any sign erected in violation of the terms of an applicable ordinance.

INFORMATIONAL SIGNS: Signs containing directions or information about public places owned or operated by federal, state or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, educational and religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

INSTRUCTIONAL SIGNS: Instructional signs which notify or instruct the public as to limitations or regulations relating to designated uses of certain parcels of property or private streets or rights of way, including warning signs, exit signs, traffic signs and directional signs for parking or parking restrictions.

MAIN STREET COMMERCIAL CORRIDOR: This corridor shall include land and lots abutting Don Tyler Avenue for that portion extending from its intersection with MK&T Railroad on the east end to SK&O Railroad on the west end.

NONCOMMERCIAL SIGN: Any sign which communicates information or ideas and is not typically a commercial sign.

OFF PREMISES SIGN: Any sign which does not direct attention to a profession or business conducted, or to a commodity, service, activity or entertainment sold or offered upon the premises where such sign is located.

ON PREMISES SIGN: Any sign which directs attention to a profession or business conducted, or to a commodity, service, activity or entertainment sold or offered upon the premises where such sign is located.

PORTABLE SIGN: Any sign which is not permanently attached to the ground, a structure, or any other sign, and which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include, but not be limited to: mobile advertising signs attached to a truck, chassis, detachable vehicle trailer, or other such mobile signs, but shall not include: signs painted or otherwise inscribed on a self-propelled vehicle or towed vehicle which identifies the product, service, or activity for which the vehicle is used.

PROJECTING SIGN: Any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than twelve inches (12").

REAL ESTATE SIGN: A sign pertaining to the lease, rental or sale of the premises upon which located.

RIGHT OF WAY: Any land, property, or interest therein acquired for development of infrastructure which includes, but is not limited to, sidewalks, pathways, streets, highways, rail beds, pipelines, electric power lines and telephone lines.

ROOF SIGN: Any sign on the roof of a building, supported by poles, uprights or braces extending from the roof of a building.

SIGHT TRIANGLE: The area within a triangle formed by measuring a distance of twenty-five feet (25') along the front and side lot lines of a corner lot formed by two (2) intersecting streets, from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

SIGN: Any writing, picture, drawing, decoration, emblem, trademark, flag, banner, statue, or any other object of similar character which is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement.

TEMPORARY SIGN: Any sign, banner, pennant, balloon or similar device or display which is intended for a temporary period of display constructed of cloth, canvas, light, fabric, cardboard, wood or other light materials, with or without frames.

WALL SIGN: A sign attached to and supported by the exterior surface of the wall of a building or structure in a plane substantially parallel to that of the supporting wall including a sign painted directly on the surface of the building.

WINDOW SIGN: Any sign which is painted on, applied or attached to or located within three feet (3') of the interior of a window.

9.50.2 GENERAL PROVISIONS:

The following regulations shall apply to all signs in the City of Dewey unless otherwise exempted:

- A. A sign permit shall be required for the erection, alteration or reconstruction of any sign except as exempt by this chapter and provided that no permit shall be required for any change of copy nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure, so long as said sign or sign structure is not modified in shape, size, or dimension in any way.
- B. No sign shall be constructed, erected or maintained unless it is in compliance with the regulations of this chapter.
- C. Signs must be constructed of durable materials, be maintained in good condition, and not be permitted to become dilapidated.
- D. Signs shall be illuminated only by stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises, unless otherwise allowed in accordance with the provisions of this chapter. They shall not produce more than one foot-candle of illumination four feet (4') from the sign.
- E. Any off premises sign which advertises an activity, business, product, or service which has ceased operation, existence or production, or which no longer carries a message, for a period of one hundred eighty (180) days shall be removed at the end of said period provided, however, that no such removal shall be required for any such sign maintained in good condition and whose display face is covered uniformly with an opaque, white colored material consisting of plastic, paint, or other durable material. The same period for any portable sign shall be limited to thirty (30) days.
- F. Any on premises sign which advertises an activity, business, product, or service which has ceased operation, existence or production, or which no longer carries a message for a period of one hundred eighty (180) days shall be removed at the end of said period provided, however, that no such removal shall be required for any such sign maintained in good condition and whose display face is covered uniformly with an opaque, white colored material consisting of plastic, paint, or other durable material.
- G. All signs erected or maintained pursuant to the provisions of this chapter shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code and other applicable city codes. In the event of a conflict, the more restrictive provision shall prevail.
- H. Signs which display either constantly or in sequence, by electronically or electrically controlled changes in the same lamp bank, shall be permitted.
- I. No sign shall occupy a parking space required under the minimum standards of the zoning code.

9.50.3 PROHIBITED SIGNS:

- A. Signs with visible moving, revolving, flashing, or blinking components or visible mechanical movement, except for electronic or mechanical message board signs said signs that do not constitute a hazard to the safety of motorists as determined by the Chief of Police.
- B. Signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or in police, fire,

ambulance, or rescue vehicles; nor shall any signs use the words, slogans, dimensional shape and size, or colors of governmental traffic signs.

- C. No signs, except traffic signs and signals, informational signs, erected by a public agency, and decorations displayed in connection with civic, patriotic or religious holidays are permitted within any street or public right of way.
- D. Signs painted or attached to natural features (such as trees or rocks), utility poles, or fences are prohibited.
- E. Fluttering ribbons and banners are prohibited in the right of way.
- F. Signs which obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare, are prohibited.
- G. Portable and temporary signs shall be prohibited unless otherwise provided.

9.50.4 EXEMPT SIGNS:

The following types of signs are exempt from the provisions of this chapter:

- A. Plaques or tablets, denoting names of buildings and date of erection or names of buildings or dates set out into any masonry surface.
- B. Traffic and other signs erected and maintained by the city or other governmental agency, legal notices and all other similar signs required by law to be posted.
- C. Decorations displayed in connection with civic, patriotic or religious holidays, and flags, emblems and insignia of political, civic, philanthropic, religious or educational organizations displayed for noncommercial purposes, provided the same are not located so as to obstruct the view of motorists.
- D. One nonilluminated "for sale", "for rent", or "for lease" sign not exceeding six (6) square feet in area in residential districts and fifteen (15) square feet in other than residential districts and located not less than two feet (2') back from the street right of way, unless attached to the front wall of a building.
- E. Bulletin boards for public, charitable or religious institutions when the same are located on the premises of said institutions and less than eighteen (18) square feet in area, or unless a portable sign less than thirty two (32) square feet in area, and which shall not be located within a public right of way or otherwise obstruct the view of motorists.
- F. Home occupation signs not exceeding four (4) square feet and attached flat to the wall of the building.
- G. Temporary signs advertising political candidates or parties involved in public elections, provided that such signs may not be erected before the applicable filing period and shall be removed within ten (10) days following such election; or signs advertising support or opposition to any other public election issue, provided that such signs shall not be erected more than thirty (30) days prior to an election on the issue and shall be removed within ten (10) days following such election. Such signs shall not be placed in public rights of way.
- H. Temporary signs advertising events or activities of civic, philanthropic, religious, or educational organizations provided that such signs shall not be erected more than thirty (30) days prior to such event or activity and shall be removed within ten (10)

days following such event or activity. Such signs shall not be placed in public rights of way.

- I. Window signs and temporary signs shall be exempt from only the permit and licensing requirements specified hereunder and shall not be included in any consideration of sign area.
- J. Any sign existing upon adoption of this chapter within the Central Commercial zoning district that is attached safely and securely to the front of the building shall be exempt from the provisions of this chapter until such time that said sign is structurally altered or replaced, disfigured or dilapidated whereupon said sign shall come into full compliance with all provisions of this chapter.
- K. Any off premises sign within a residential district shall be exempt from the provisions of this chapter until such time that said sign is altered or replaced, disfigured or dilapidated whereupon said sign shall come into full compliance with all provisions herein.

9.50.5 SIGN PERMIT FEES:

- A. Fees:
 - 1. Plan review fee shall be ten dollars (\$10.00).
 - 2. Permit fee shall be fifteen dollars (\$15.00).
 - a. For any sign designed, constructed and used on roofs, an additional fee of ten dollars (\$10.00) shall be assessed.
 - b. For signs with electrical components, an additional twenty dollars (\$20.00) shall be assessed.
 - 3. There will be an inspection fee of twenty dollars (\$20.00) for the removal of an electrical sign.
- B. Refunds: In the event work does not commence for which a permit has been issued, permit and plan review fees are nonrefundable.
- C. Expiration: Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced.
- D. Placement of Permit: The sign permit or copy shall be kept on the site of the work until the completion of the project.

9.50.6 SIGNS ALLOWED IN RESIDENTIAL DISTRICTS:

The following signs shall be allowed in residential districts:

- A. Allowed Signs:
 - 1. Real estate signs, construction signs, identification signs and instructional signs which comply with the number, height, area, manner and location provisions of

- the districts, provided that real estate signs be removed within five (5) days after the close of sale.
2. Subdivision ground sign, as approved in the final plat. One sign not over one hundred fifty (150) square feet in area.
- B. Number, Height, Area, and Location:
- C. Allowed Number: Only one identification sign shall be allowed for each zoned lot except that one additional identification sign shall be permitted where the lot has more than one access to a public way, and except that the number of instructional signs shall be limited to the number reasonably necessary to instruct and inform the public and where a hazard to traffic is not created as determined by the Chief of Police.
- D. Maximum Height Above Nearest Street Grade:
1. Wall signs: Twenty feet (20').
 2. Ground signs: Fifteen feet (15').
- E. Maximum Area:
1. Real estate signs: Twelve (12) square feet.
 2. Construction signs: Sixteen (16) square feet.
 3. Instructional signs: Six (6) square feet.
 4. Identification signs: Four (4) square feet.
 5. Political signs: Sixteen (16) square feet.
- F. Location: Signs shall be located on the same zoning lot as the main building to which they are accessory but may not be located:
1. Nearer than fifteen feet (15') to the front lot line.
 2. Nearer than fifteen feet (15') to a corner side lot line.
 3. Nearer than ten feet (10') to the interior side lot line.
 4. Nearer than ten feet (10') to the rear lot line of any zoning lot except that instructional signs may be at such locations that are approved.

9.50.7 SIGNS ALLOWED IN COMMERCIAL DISTRICTS:

The following signs shall be allowed in these commercial districts unless otherwise restricted in this chapter:

- A. Any sign allowed in a residential district and subject to the same regulations as to number, height, location, manner and area unless otherwise specified.
- B. Commercial signs, temporary signs, portable signs, or any other sign meeting the number, height, area, manner, and location provisions of these districts.
 1. Allowed Number:
 - a. There shall be no limit on the number of nonprojecting wall signs.
 - b. There shall be a limit of two (2) temporary signs for each zoned lot.
 2. Height and Location:
 - a. A ground sign shall not exceed thirty feet (30') in height.
 - b. A ground sign must be set back a minimum of ten feet (10') from the edge of the street or curb and in no case within the public right of way.
 3. Area: An aggregate display surface area of roof, projecting wall, nonprojecting wall or ground signs shall be computed as follows:

- a. If not more than two (2) signs are erected, two and one-half (2.5) square feet of display surface area per each lineal foot of street frontage shall be the maximum area allowed.
 - b. If more than two (2) signs are erected, one and one-half (1.5) square feet of display surface area per each lineal foot of street frontage shall be the maximum area allowed.
4. Manner:
- a. Wall signs, ground signs and roof signs shall be allowed.
 - b. Portable signs less than thirty two (32) square feet in area and which shall not be located within a public right of way or otherwise obstruct the view of motorists shall be allowed in the commercial and industrial districts in a manner and time frame to be determined by City Manager upon review of sign permit application.

9.50.8 SIGNS PERMITTED IN THE CENTRAL COMMERCIAL DISTRICT:

The following signs shall be allowed in the Central Commercial zoning district:

- A. Any sign allowed in a commercial district and subject to the same regulations as to number, height, location, manner and area unless otherwise specified provided, however, that no off premises signs or portable signs shall be allowed.
- B. Projecting wall signs, which meet the following requirements, shall be allowed to encroach upon the public right of way provided the following conditions are met:
 - 1. The sign shall be attached to the face of the building.
 - 2. The sign shall extend beyond the face of the building a distance equal to not more than two-thirds (2/3) the width of the adjoining sidewalk and in no case shall it protrude within two feet (2') of the curb line.
 - 3. The lowest point of the sign shall be located at a minimum height of ten feet (10') above grade.
 - 4. The highest point of the sign shall not exceed twenty five feet (25') in height.
 - 5. The sign shall have a maximum display area of sixty (60) square feet if one sided or a maximum display area of one hundred twenty (120) square feet if two (2) sided.

9.50.9 SIGNS PERMITTED IN THE HIGHWAY COMMERCIAL CORRIDOR AND IN INDUSTRIAL DISTRICTS:

The following signs shall be allowed in these districts:

- A. Any sign allowed in a residential district or commercial district and subject to the same regulations as to number, height, location, manner and area unless otherwise specified in this section.
- B. On premises signs which do not exceed or violate the following display surface area, height and location provisions:
 - 1. Area: An aggregate display surface area of roof, projecting wall, nonprojecting or ground signs shall be computed as follows:

- a. If not more than two (2) signs (whether a roof, projecting wall or ground sign) are erected, three (3) square feet of display surface area per lineal foot of street frontage shall be the maximum area allowed.
 - b. If more than two (2) signs are erected, two (2) square feet of display surface area per each lineal foot of street frontage shall be the maximum area allowed.
 - 2. Height And Location: A ground sign shall not exceed thirty feet (30') in height unless the sign is set back one foot (1') from the front property line for each foot of height exceeding thirty feet (30') provided the sign shall not exceed fifty feet (50'), except a sign can be a maximum of sixty feet (60') in height when it abuts a highway which is elevated ten feet (10') or more above grade of the sign base.
- C. Off premises signs shall be allowed in the highway commercial corridor if they meet the following requirements on area, height, manner and location:
 - 1. Location:
 - a. Said sign will be allowed in highway commercial corridor.
 - b. Said signs shall be oriented to be primarily visible from those streets designated in the highway commercial corridor.
 - c. Said signs shall be located no closer than six hundred feet (600') to any other sign off premise sign on the same side of the road and shall be permitted only on lots having a street frontage of one hundred feet (100') or more.
 - d. Said signs shall not be located within one hundred fifty feet (150') of a public park.
 - e. Said signs shall not be located within one hundred fifty feet (150') of a residential district unless, at the time of adoption of this chapter, such signs exist and otherwise are in conformance with all other provisions of this section.
 - f. Said sign cannot be located within two hundred fifty feet (250') of a line drawn perpendicular to the right of way from another such sign on the opposite side of the roadway.
 - g. Said sign shall not be located, constructed, or extended into any public right of way.
 - 2. Height:
 - a. No sign shall exceed fifty feet (50') in height except a sign can be a maximum of sixty feet (60') in height when it abuts a freeway which is elevated ten feet (10') or more above grade.
 - b. Height measurements shall be made from the grade level at the base of the sign structure support nearest the street, straight upward to the highest point of the sign facing, excluding embellishments and extensions.
 - 3. Area: No sign shall contain more than two (2) sides, nor shall the total display surface area for each side exceed four hundred (400) square feet. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when not more than fifteen feet (15') separates the open side of the display surface.
 - 4. Manner:
 - a. No such sign shall contain flashing, blinking or traveling lights, bare bulb illumination or reflective glitter.

- b. No such sign shall contain visible moving parts on the cutout or extension portion of the sign.
- c. Cutouts or extensions shall be permitted in addition to the display surface area permitted herein, so long as the cutouts or extensions do not exceed fifteen percent (15%) of the display surface area.
- d. No sign permit shall be issued until a copy of the required state permit has been provided.

9.50.10 ENFORCEMENT AND ADMINISTRATION:

- A. The building inspector, compliance officer or other designee shall enforce this chapter and shall have the authority to issue citations to any person, firm or corporation which violates this chapter in any matter.
- B. The duties and powers of the building inspector and/or the compliance officer shall be:
 - 1. The building inspector or compliance officer shall receive all applications for building permits for the erection of signs.
 - 2. Inspections shall be made as required by the building inspector or compliance officer.
 - 3. To require any information necessary to determine the conformity of the application with the regulations of this chapter and building codes. This information may include:
 - a. Area of the sign;
 - b. Size, character, general layout and design specifications for proposed signs which may include drawings provided by a licensed design professional for any sign which exceeds sixty four (64) square feet in area or fifteen feet (15') in height;
 - c. The method and type of illumination, if any;
 - d. The location proposed for such signs in relation to property lines, zoning district boundaries, right of way lines, and existing signs;
 - e. Location of other signs within six hundred feet (600') of the same side of the roadway or opposite side of the roadway, if necessary;
 - f. Payment of fee to obtain building permit; and
 - g. Approval of landowner.
 - 4. A final inspection shall be made by the building inspector or compliance officer to ensure that the erection and completion of the proposed sign and structure conforms in all respects to the provisions of this zoning code and other applicable regulations.

9.50.11 NONCONFORMING SIGNS:

A nonconforming sign lawfully existing at the time of the passage of this chapter may be continued and maintained by reasonable repairs unless:

- 1. The sign is deemed unsafe;
- 2. The sign is located in the sight triangle and obstructs the view of motorists;

3. The sign is in fifty percent (50%) disrepair;
4. The sign cannot be maintained in conformance with the building, electrical and fire codes;
5. The sign is in a required parking space or is located within ten feet (10') of the edge of the street or in the public right of way or in the case of portable signs, is located within twenty feet (20') of the edge of a street or in the public right of way;
6. The sign is deemed abandoned;
7. The sign is a portable or temporary sign;
8. The sign is an off premises or noncommercial sign outside the highway commercial corridor unless otherwise provided.

9.50.12 SIGN REMOVAL:

The building inspector or compliance officer shall order the removal of an illegal sign or signs otherwise required to be removed after notice herein provided or as provided in the applicable building, electrical or fire codes. Such notice shall be to the owner by registered mail or written notice served personally. If such sign is not removed within thirty (30) days or the time provided in the building codes, the inspecting officer may remove or cause to be removed such sign at the expense of the owner thereof. Signs placed in the rights of way may be removed immediately by the city with the cost of removal to be borne by the owner of the sign.

9.50.13 PENALTY:

Any person, firm, corporation, or association of persons who violates any provision of this chapter or fails to comply with any requirements hereof and upon conviction shall be punished by a fine of not more than two hundred dollars (\$200.00). Each day that such violation exists shall constitute a separate offense.

Section 2. Severability

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 3. Repeal

Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

Section 5. Effective Date

An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.