

Village of Lithopolis Consolidated Sign Ordinance

PURPOSE

To regulate the type and placement of signs within the village limits.

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SECTION I Permit Required

Except as provided in Sections II and VII(b), no display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained within the limits of Lithopolis by any person, firm or corporation until a permit for the same has been issued by the Zoning Inspector.

SECTION II Signs allowed without a permit

A permit shall not be required for the following signs:

- (a) The flag, pennants or insignia of any nation, state, municipality, or other political unit or jurisdiction.
- (b) Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.
- (c) Signs bearing only residential property address or names of occupants of residential premises, not to exceed one (1) square foot in area. Signs bearing only non-residential street number, not to exceed one (1) square foot in area.
- (d) One wall sign on or over a show window or door of a store or business establishment, announcing only the name of proprietor and the nature of the business, not to exceed three (3) square feet in area.
- (e) Real estate for sale, sold, rental or lease signs limited to no more than eight (8) square feet in area, no more than six (6) feet in height, and with one (1) sign per lot. Sold signs may be posted for a period not to exceed ten (10) days. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property. For property with a lot size exceeding twenty (20) acres, real estate for sale, sold, rental or lease signs are permitted to be a maximum of thirty-two (32) square feet in area for any one display area with a total display area not to exceed sixty-four (64) square feet and no more than eight (8) feet in height.

- (f) Flags, signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.
- (g) Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than four (4) square feet in area. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.
- (h) Window signs not larger than seventy-five (75) percent of the aggregate window area. For uses that are located in the second or higher floors of a building, window signs shall meet the requirements of this section.
- (i) One (1) sandwich board shall be permitted for each business location not to exceed four (4) feet in height as measured from the sidewalk and shall not exceed three (3) feet in width per side. Such signs shall be limited to three (3) colors, shall be displayed only during daylight hours and shall not be located on a sidewalk less than six (6) feet in width. Damage to sandwich signs and any liability shall be the responsibility of the owner. Sandwich boards shall be placed in such a way as to leave at least four (4) feet to allow for passage.
- (j) Personal property "For Sale" signs limited to one (1) per residential dwelling, not to exceed four (4) square feet in area and four (4) feet in height, and posted not more than three (3) consecutive days. These are defined as signs announcing garage sales, yard sales or other items owned by a private person for sale by them.
- (k) Home occupation uses may provide one (1) on-premises wall sign not to exceed one (1) square foot in area and not to exceed six (6) feet in height. As a part of a conditional use application, signage shall be considered by the Board of Zoning Appeals as a part of the approval process.
- (l) A sign(s) located inside a building, whether or not the same are visible from the exterior.
- (m) Signs of a duly constituted government body.
- (n) Banners, ribbons, pennants and streamers may be installed as part of window signs provided such elements are displayed for a period of not longer than thirty (30) days.
- (o) Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.
- (p) Flags, pennants, or insignia of any educational institution.
- (q) Church and institutional signs designated in Section VII(b).

SECTION III Alterations

No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter. The repainting of signs shall not be deemed to be an alteration within the meaning of this ordinance

SECTION IV Existing signs; continuance

Nothing in this chapter shall require the removal or discontinuance of an existing on-premises sign.

SECTION V General Requirements

- (a) Outdoor advertising signs shall be limited to signs pertaining to advertising exclusively for the use established or goods sold or services rendered on the premises.
- (b) Permitted signs shall meet the following requirements:

(1) Colors. Not more than three (3) colors may be used on the sign or signs for any one building. For the purpose of this section, black and white shall be considered colors.

(2) Sign area. The aggregate sign area or display surface of all exterior signs of every nature shall not exceed two (2) square feet for each lineal foot of the street frontage of such building, if a one (1) story building, or three (3) square feet per foot, if more than one (1) story in height. Street frontage is defined as the total width of that side of the building which faces the street, excluding any extension of a building wall beyond the building itself.

A. In the case of a corner lot or other situation where the building site abuts more than one public street (not including alleys), the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one-half ($\frac{1}{2}$) thereof for each lineal foot of other street frontage.

B. The total sign area on any one (1) side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules.

C. In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this chapter, provided that where any such drive or parking area abuts a residential district, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said residential district is less than one hundred fifty (150) feet.

(3) Illumination of signs. All signs and advertising structures may be illuminated internally or by reflected light provided the source of light angles toward the ground, is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs. Bottom mounted outdoor sign lighting shall not be used. Illuminated signs within a residential district shall have the light pattern confined to the premises. No lighting shall be permitted after ten o'clock (10:00) p.m. Display signs illuminated by electricity or equipped in anyway with electric devices or appliances shall conform with respect to wiring and appliances to the provisions of the ordinances relating to electric installations. Any external electric supply lines shall be brought to the sign by underground supply.

(4) Wall signs. All such signs shall be mounted on the building which houses the business establishment advertised by said signs, shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. The sign surface of a sign placed flat against the building shall not exceed forty (40) percent of the side of the building to which it is attached nor shall the display, drawing or message be more than eighty (80) percent of the length of the side of the building to which the sign is attached. Such sign shall not project above the wall to which it is attached.

A. All such signs in shopping centers shall be parallel to the wall on which they are installed, and shall be as nearly flush with such wall as is practical, it being hereby intended to limit signs projecting outward from the wall. Signs to be erected, other than in shopping centers, projecting outward from the wall at right angles or otherwise over public streets or sidewalks shall not exceed eight (8)

square feet and shall require a sign permit as well as a regular building permit. Each sign permit issued for the erection or maintenance of a new or existing sign over a public street or sidewalk shall contain a condition that the permit holder furnish a bond set by Council to hold the Municipality harmless from any liability for injury to third persons.

B. No part of any sign shall be less than eight (8) feet above the sidewalk or ground level, if such sign projects forward off the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face (including any wall extension) on which it is erected than eighteen (18) inches. Where more than one (1) sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs.

(5) Free standing signs. The Zoning Inspector may grant a permit for the erection or maintenance of a free standing sign which meets the requirements of this section, upon written application, accompanied by a scale drawing of the proposed sign showing its design, color and materials, and a site drawing showing its proposed location, upon a determination by the Zoning Inspector that such sign would be in harmony with the building on the site if placed on such site, and such sign meets the following requirements:

A. The maximum height thereof does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet setback from the street right-of-way line, an additional one (1) foot in height will be permitted up to a maximum of twenty (20) feet high.

B. The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of sixty-four (64) square feet.

C. The display area of any one surface does not exceed thirty-two (32) square feet.

D. No part of such sign may be located closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building setback line, if the adjoining property is in a residential district.

E. Such sign will be in harmony with the building on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.

F. Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists. In making a determination, the Zoning Inspector shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to, its size, shape, color, brightness, design and its general appearance. Not more than one (1) free standing sign may be authorized for any one (1) business establishment. Where more than one (1) business establishment is located on a

single tract of land, having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center area or similar joint operation to one (1) free standing sign, except in the case of a shopping center which is contiguous to two (2) streets which do not intersect each other at a point adjacent to such shopping center, in which case, one (1) free standing sign, fronting on each street, may be authorized.

(6) Directional signs. Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than five (5) square feet in area per display surface. Such signs may not have more than two (2) display surfaces. Such signs may not be greater than three and one-half (3½) feet in height. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.

(7) All garage sale signs and temporary signs of every nature and kind, whether advertising or posting of notice for private sales, shall not be posted more than 7 days prior to the noted date and time of sale or occurrence and shall be removed within 48 hours after the noted date and time of sale or occurrence.

(8) All signs of any temporary nature, as set forth herein, shall be identified with the name and address of the advertiser or person posting the sign and it shall be prima-facie evidence that the person so posting the sign shall be responsible for removal of such sign as set forth herein.

SECTION VI Prohibited Signs

The following signs and types of signs shall be prohibited in Lithopolis:

- (a) No display signs except church signs, comprehensive subdivision type signage, and temporary signs shall be permitted in any residential district, excluding parcels occupied by businesses operating within the scope of the Village Zoning Code and with all necessary licenses and permits.
- (b) Signs shall not be placed within any public right-of-way.
- (c) Flashing, moving, rotating, intermittently lighted signs or other mechanical devices.
- (d) Roof signs.
- (e) Electronic variable message signs and portions of signs, and reader boards (not including "time and temperature" signs).
- (f) Billboards and all off-premises signs except for church and institutional directional signs, personal property "For Sale" signs, and special event signs provided for in this ordinance.
- (g) Air Actuated Attraction Devices. Devices used to attract the attention of the public which are either air filled or air floating shall be banned within the village limits.
- (h) Any sign not included under the types of signs permitted.
- (i) Any other sign, device or object that is an attempt to circumvent, subvert or undermine this ordinance.

SECTION VII Church and institutional; directional signs

Any bona fide church, religious sect or congregation, public schools, libraries or medical facility and which are located in Lithopolis may erect signage subject to the following requirements:

(a) Directional Signs. Not more than three (3) directional signs may be erected in Lithopolis provided the following requirements are met:

(1) Signs are not located within the public right-of-way.

(2) All church signs shall be of uniform design, size and construction as specified by the Zoning Inspector.

(3) The church or institution shall secure in writing permission from the owner of the property on which such signs shall be located. Such permission shall be filed with the Zoning Inspector who will issue the required sign permit.

(4) No sign shall exceed four (4) square feet in area nor shall it exceed six (6) feet in height.

(b) Signs announcing seasonal performances or activities. Such signs shall conform with temporary signs, may be placed without fee and shall be removed within twenty-four (24) hours of the final performance or activity.

(c) Church and Institutional Bulletin Board. Any bona fide church, religious sect or congregation, community center or public or semi-public similar institutional use may erect and maintain for their own use a bulletin board or announcement sign not over twelve (12) square feet in area located on the same premises upon which such use is located. If not attached flat against a building, such sign shall be at least twelve (12) feet from any vehicular right-of-way.

SECTION VIII Temporary Signs

A sign permit shall be issued by the Zoning Inspector prior to the erection or construction of any temporary sign. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

(a) Banner Signs. Banner signs may be installed subject to the following requirements:

(1) That the size of the banner sign shall not exceed that allowed for a permanent wall sign.

(2) That a banner sign may only be displayed for a period not to exceed seven (7) days, and no more than four (4) times per calendar year.

(3) That a banner sign shall not be displayed above the roof line of any structure.

(4) That a banner sign shall not have more than three (3) colors. For the purpose of this section, black and white shall be considered colors.

(5) For the purpose of this section, representations of any flag or national, state or local emblem shall be considered as part of the banner sign and not exempt as permitted under Section II.

(b) Special Event Signs. Special event signs shall be defined as signs which are used to present knowledge regarding some special event of community importance such as a community festival. Such signs shall be considered as temporary signs, must be authorized by the Zoning Inspector before erection and are subject to the following requirements:

(1) Not more than two (2) such signs regarding the same topic shall be erected at any given time and located no closer than one thousand (1,000) feet from each other.

(2) Not more than four (4) special event signs shall be permitted at any given time regardless of topic.

(3) Where such signs are proposed to be located in or above a public right-of-way, no solid portion of the sign shall be located within fifteen (15) feet horizontally of any vehicular pavement not less than eighteen (18) feet above such pavement, or not within ten (10) feet horizontally of any sidewalk nor less than twelve (12) feet above such

sidewalk. No fastening or tying device shall be located within ten (10) feet horizontally of any vehicular pavement nor less than fifteen (15) feet above such pavement, or not within five (5) feet horizontally of any sidewalk nor less than ten (10) feet above such sidewalk.

(4) Such signs shall not be illuminated.

(5) Such signs shall not be displayed for a period more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event if located in any public right-of-way or within eight (8) days if located elsewhere.

(6) Flexible type signs such as banners shall be provided with internal air vents to adequately relieve wind pressure. Each temporary sign permit issued for the erection or maintenance of any sign located over a public street or sidewalk shall contain a condition that the permit holder furnishes a bond set by Council to hold the Municipality harmless from liability for injury to third persons.

(c) Portable Signs. Portable signs shall be permitted for not more than two (2) weeks per year for each business. Such signs shall be not more than four (4) feet high and not more than eight (8) feet wide and mounted such that the overall height is not greater than seven (7) feet above the ground. Portable signs shall not be located in any right-of-way and shall be located such that they do not obstruct the view of motorists for the purposes of ingress and egress.

SECTION IX Sign Maintenance

(a) Duty to Keep in Good Repair. The owner of a sign and the owner of the realty upon which the sign is located shall each have the duty to keep such a sign in a state of good repair and to see that the sign is not permitted to deteriorate or fall into disrepair to such an extent that it becomes dangerous or unsightly. Visible rot or rust, falling parts, or broken parts shall be prima facia evidence that a sign is not in a state of good repair.

(b) Notice to Repair. When the Zoning Inspector determines that such a sign exists in a state of disrepair, he shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action.

(c) If the owner takes no action within thirty (30) days the sign shall be considered abandoned.

SECTION X Abandoned Signs

(a) Abandonment Defined. If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:

(1) Any sign associated with the abandoned nonconforming use.

(2) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least one hundred eighty (180) consecutive days. Seasonal businesses are exempted from this determination.

(3) Any sign meeting the conditions of Section IX, when the owner fails to make required repairs.

(b) Determination of Abandonment.

(1) When the Zoning Inspector finds, upon investigation, that a sign has been abandoned, he shall notify the owner of said sign and the owner of the property upon

which such sign is located, of any findings. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within fifteen (15) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision to the Board of Zoning Appeals. The Zoning Inspector shall maintain a photograph of said sign along with a written report of any finding in a permanent file.

(c) Right to Remove. If the sign is not removed as ordered, the same may be removed by the Village at the expense of the lessee or owner. If the Village is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property upon which such sign is located.

SECTION XI Subdivision Signs

The developer of each subdivision, other than a minor subdivision, may erect on the site of said subdivision, informational signs meeting the following criteria:

(a) Permanent. Major permanent entrance features indicating the project entrance(s) to a single-family subdivision may be authorized by the Board of Zoning Appeals. Only one (1) entrance feature is permitted at each subdivision entrance. Such feature should include a freestanding sign mounted on a constructed base and supported from substantial construction. Signs shall not exceed forty (40) square feet, be a maximum six (6) feet in height, and shall not be located closer than fifteen (15) feet from the closest right-of-way and no closer to any property line than the applicable building setback requirement if the adjoining property is in a residential zoning district. It is preferred that permanent monuments be addressed in the Developer's Agreement between the Village and the developer of the subdivision.

(b) Temporary. A temporary sign permit shall be issued by the Zoning Inspector prior to the erection or construction of any temporary sign. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

(1) Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed twenty (20) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within fifteen (15) days after the Certificate of Occupancy is issued.

(c) Maintenance. Maintenance of all signs shall be the responsibility of the developer. Failure to maintain such signs shall be a violation of this ordinance.

SECTION XII Fees

All signs, excepted as noted in other sections of this ordinance shall require a fee and permit. The fees shall be based on total area of the sign as follows;

Less than six (6) square feet	\$20.00
Six (6) square feet to less than thirty three (33) square feet	\$40.00
Thirty three (33) square feet to less than one hundred (100) square feet	\$50.00
One hundred (100) square feet and greater	\$100.00

SECTION XIII Violations, Enforcement and Penalties

- (a) The Zoning Inspector shall enforce all violations of this ordinance.
- (b) The Zoning Inspector shall issue a violation notice to any party
- (c) In the event that a violation has not been corrected within two (2) business days the Zoning Inspector shall,
 - 1. Have such sign removed if it is within a public right-of-way or it presents a public safety concern.
 - 2. Serve notice of violations on persons or organization responsible for the sign and/or the property where the sign is located.
- (d) The amount of the fine shall be no less than ten dollars (\$10) and no more than one hundred dollars (\$100) per offense.
- (e) Each day any such violation continues after receipt of a violation notice shall constitute a separate offense.
- (f) Any person or organization which violates any section of this ordinance more than once during a one (1) year period the maximum fine shall be assessed for each subsequent violation.
- (g) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains, such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Municipality from taking such other lawful action as is necessary to prevent or remedy any violations.
- (h) All fines may be appealed to the Board of Zoning Appeals within thirty (30) days from the date the violation notice was issued.