

## Chapter 3

### ADVERTISING\*

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\***Charter reference(s)**--Regulation of billboards, signs and advertising, § 6.04.

**Cross reference(s)**--Alcoholic beverages, Ch. 4; barbershops and cosmetology salons, Ch. 8; buildings, Ch. 9; finance and taxation, Ch. 11; licenses generally, Ch. 15; precious metals dealers, Ch. 19; procurement, Ch. 20; subdivisions, Ch. 26; zoning, Ch. 30.

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## ARTICLE I. IN GENERAL

### Sec. 3-1. Policy; definitions.

(a) In order to promote the safety, convenience and enjoyment of travel on and protection of the public investment in streets within the Town, to attract tourists and promote the prosperity, economic well-being and general welfare of the Town and to preserve and enhance the natural scenic beauty or aesthetic features of the streets and adjacent areas, the Town Council declares it to be the policy of this Town that the erection and maintenance of outdoor advertising in areas adjacent to the rights-of-way of the streets and otherwise visible within this Town shall be regulated in accordance with the terms of this chapter.

(b) The following terms, wherever used or referred to in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

*Advertisement* means any writing, printing, picture, painting, display, emblem, flag, pennant, drawing, sign or similar device which is posted or displayed outdoors on real property and is intended to invite or to draw the attention or to solicit the patronage or support of the public to any goods, merchandise, property, real or personal, business, services, entertainment or amusement manufactured, produced, bought, sold, conducted, furnished or dealt in by any person or for any political party or for the candidacy of any individual for any nomination or office. The term shall also include any part of an advertisement recognizable as such.

*Advertising structure* means any rigid or semirigid material, with or without any advertisement displayed thereon, situated upon or attached to real property outdoors, primarily or principally for the purpose of furnishing a background or base or support upon which an advertisement may be posted or displayed.

*Business of outdoor advertising* means the erection, use or maintenance of advertising structures or the posting or display of outdoor advertisements by any person who receives profit gained from rentals or any other compensation from any other person for the use or maintenance of such advertising structures or the posting or display of such advertisements, except reasonable compensation for materials and labor used or furnished in the actual erection of advertising structures or the actual posting of advertisements.

*Centerline of the street* means a line equidistant from the edges of the median separating the main-traveled ways of a divided street, or the centerline of the main-traveled way of a nondivided street.

*Distance from edge of a right-of-way* means the horizontal distance measured along a line normal or perpendicular to the right-of-way line.

*Handbill* means any leaflet, flier, handout, or other such advertisement or informational sheet posted or otherwise intended for distribution to the general public.

*Legible* means capable of being read without visual aid by a person of normal visual acuity.

*Maintain* means to allow to exist.

*Main-traveled way* means the traveled way of a street on which through traffic is carried. In the case of a divided street, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

*Post* means to post, display, print, paint, burn, nail, paste or otherwise attach.

*Real property* means any property physically attached or annexed to real property in any manner whatsoever.

*Road frontage* means the width of a lot or parcel of land along the street upon which it abuts.

*Sign* means any outdoor sign, display, device, figure, flag, pennant, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any street or from any nearby or adjacent property.

*Sign, accessory*, means a sign relating only to uses of the premises on which the sign is located, or products sold on the premises on which the sign is located, or indicating the name or address of a building or the occupants or management of a building on the premises where the sign is located; a business sign.

*Sign, business*, means a sign which directs attention to a product, commodity or service which is available on the premises upon which the sign is erected; an accessory sign.

*Sign, changeable copy*, means a sign, exclusive of flags, designed so that characters or letters can be changed or rearranged without altering the face or size of the sign as with "reader or menu boards."

*Sign, combined area*, means a sign advertising the products, commodities, or services of three or more businesses located on the same premises on which the sign is erected.

*Sign, construction*, means a sign intended to be maintained for a short duration located on a construction site and which sign is intended to explain the nature of the construction project.

*Sign, development*, means a sign located within a subdivision or housing development, farm or estate which displays the name of the development, farm or estate.

*Sign, directional*, means a traffic directional sign, including regulatory, warning and street name signs.

*Sign, double-faced*, means a sign with two parallel, or nearly parallel, faces, back to back, and located not more than 24 inches from each other.

*Sign, freestanding*, means a sign supported by uprights or braces in or upon the ground surface and the term shall include and have the same meaning as a "ground sign"; a portable sign on its own support or a sign attached to a flat surface such as a fence or wall which fence or wall is not a part of a building shall be considered as a freestanding sign.

*Sign, general advertising*, means a sign which is not an accessory sign or which directs attention to a product, commodity or service not necessarily available on the premises upon which the sign is erected; a billboard not related to a use conducted on the premises is a general advertising sign.

*Sign, ground*, means a sign supported by uprights or braces in or upon the ground surface and the term shall include and have the same meaning as a "freestanding sign"; a portable sign on its own support or a sign attached to a flat surface such as a fence or wall which fence or wall is not a part of a building shall be considered as a ground sign.

*Sign height* means the vertical distance from the street grade or the average lot grade at the front setback line, whichever produces the greater vertical distance, to the highest point of the sign.

*Sign, home occupation*, means a sign either single-faced or double-faced directing attention to products, commodities or services available on the premises upon which the sign is located but the provision or sale of such products, commodities or services is a secondary use of the premises upon which the sign is erected.

*Sign, location*, means an off-premises sign which directs attention to the approximate location of an establishment on other premises from which an advertised product or products may be obtained.

*Sign, marquee*, means a sign attached to, hung from or part of a marquee, awning, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street line.

*Sign, multiple*, means a ground/freestanding sign structure on which more than one single-faced or more than one double-faced sign may be mounted within an overall frame.

*Sign, nonconforming, nonconforming advertisement or nonconforming advertising structure* means one which was lawfully erected but which does not comply with the provisions of this chapter or which later fails to comply with an ordinance or ordinances adopted by the Council.

*Sign, off-premises*, means a sign which is not an accessory sign or which directs attention to a product, commodity or service not available on the premises upon which the sign is erected; any sign not related to a use conducted on the premises is an off-premises sign.

*Sign, on-premises*, means a sign which is an accessory sign or which directs attention to a product, commodity or service available on the premises upon which the sign is erected.

*Sign, portable,* means a sign not permanently anchored to the ground or to a building or structure and which is constructed in such a manner as to permit its easy removal as for example a sign mounted upon a carriage or fixed supports or on an axle and wheels.

*Sign, projecting,* means a sign which is attached directly to a building wall and extends more than 18 inches outward from such wall.

*Sign, roof,* means a sign which is erected or constructed and maintained from the roof of a building.

*Sign, single-faced,* means a sign on which a message is displayed on one side thereof only.

*Sign, temporary,* means a sign constructed of light material with or without a frame, the use of which sign is intended for a limited period of display and the term shall apply to a sign advertising a seasonal or activity such as holiday displays, special sales events, and auction sales.

*Sign, wall,* means a sign which is painted on or attached directly to an outside building wall, the face of which is parallel to and extends not more than 18 inches from the wall.

*Street* means every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this Town.

*Tourist attraction* means a business or activity destination with specific cultural, recreational, or other potential draw due to unique appeal for travelers from other localities such as museums, art galleries, antique malls, and wineries. Such destinations shall have a substantial portion of its products or services being of substantial interest to tourists and derive its major portion of income or visitors during the normal business season from road users not residing in the area of the facility defined as within fifteen miles.

*Traveled way* means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

*Turning roadway* means a connecting roadway for traffic turning between two intersection legs of an interchange.

*Visible* means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(Ord. of 11-20-87, Art. I, § 1; Ord. of 5-2-89; Ord. of 4-3-90; Ord. of 1-19-99; Ord. 2006-4 of 11-7-06)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

## **ARTICLE II. HANDBILLS AND BANNERS**

### **Sec. 3-2. Posting advertisements, etc.**

It shall be unlawful for any person to post, stick or fasten any card, poster or

advertisement upon any building, premises, wall, fence, post or pole without having first secured the permission of the owner of such building, premises, wall, fence, post or pole.  
(Code 1972, § 3-1; Ord. of 1-19-99)

**Sec. 3-3. Tearing down authorized advertisements or posters.**

It shall be unlawful for any person to tear down any advertisement or poster put up with the consent of the owner of the property whereupon the same is posted or to alter or mutilate the same.  
(Code 1972, § 3-2; Ord. of 1-19-99)

**Sec. 3-4. Painting signs on sidewalks.**

It shall be unlawful for any person to paint signs on sidewalks.  
(Code 1972, § 3-3; Ord. of 1-19-99)  
**Cross reference(s)**--Streets and sidewalks, Ch. 25.

**Sec. 3-5. Placing advertising sign or banner across street or alley.**

It shall be unlawful for any person to place any advertising sign or banner across any street or alley of the Town; provided, however, that the Town Manager may grant temporary permission to so place any such banner advertising an event for charitable purposes or County or Town affairs or occurrences of a similar nature. Any advertising sign or banner (whether or not it is to be placed across streets or alleys of the Town) requires sign permits.  
(Code 1972, § 3-4; Ord. of 1-19-99)  
**Cross reference(s)**--Streets and sidewalks, Ch. 25.  
**State law reference(s)**--Signs over streets, etc., Code of Virginia, § 15.2-2010 et seq.

**Sec. 3-6. Handbills--Permit prerequisite to distribution.**

It shall be unlawful for any person to distribute or hand out any handbills, circulars or other advertising matter in the Town without first having secured a permit therefor from the Town Manager. This section shall not be construed to apply to handbills, circulars or other advertising matter relative to judicial sales.  
(Code 1972, § 3-6; Ord. of 1-19-99)

**Sec. 3-7. Same--Deposit on private residences.**

It shall be unlawful for any person to distribute or cause to be distributed handbills, dodgers, circulars, cards or other advertising matter by depositing or casting the same on the porches, in the vestibules, or in the yards of private residences in the Town.  
(Code 1972, § 3-7; Ord. of 1-19-99)

**Sec. 3-8. Same--Deposit in or upon motor vehicles.**

It shall be unlawful for any person to place any handbill, dodger, circular, card or other advertising material in or upon any automobile or other motor vehicle.  
(Code 1972, § 3-8; Ord. of 1-19-99)

**Cross reference(s)**--Traffic and motor vehicles, Ch. 28.

**Secs. 3-9--3-36. Reserved.**

**ARTICLE III. OUTDOOR ADVERTISING IN SIGHT OF PUBLIC STREETS\***

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\***Cross reference(s)**--Streets and sidewalks, Ch. 25; signs at street intersections, § 25-18; projections over public property, § 25-106 et seq.

**State law reference(s)**--Outdoor advertising in sight of public highways, Code of Virginia, § 33.1-351 et seq.  
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**DIVISION 1. GENERALLY**

**Sec. 3-37. Enforcement of provisions by Town Manager.**

The Town Manager shall administer and enforce the provisions of this article. He may in the performance of his duties hereunder assign to other Town employees such duties other than discretionary powers as he may think appropriate.

(Ord. of 11-20-87, Art. I, § 2)

**Cross reference(s)**--Administration, Ch. 2.

**Sec. 3-38. Territory to which article applies.**

(a) The territory under the jurisdiction of the Town Manager for the purposes of this article shall include all areas within the corporate limits of the Town.

(b) The Town Manager and all employees under his direction may enter upon such lands as may be necessary in the performance of their functions and duties as prescribed by this article.

Any person who shall hinder or obstruct the Town Manager or any assistant or agent of the Town Manager in carrying out such functions and duties shall be guilty of a class 4 misdemeanor.

(Ord. of 11-20-87, Art. I, § 3)

**Sec. 3-39. Construction of article.**

This article shall be liberally construed with a view to the effective accomplishment of its purposes.

(Ord. of 11-20-87, Art. I, § 23)

**Sec. 3-40. Excepted signs, advertisements and advertising structures.**

The following signs and advertisements, if securely attached to real property or advertising structures, and the advertising structures, or parts thereof, upon which they are posted or displayed, are excepted from all the provisions of this article except those enumerated in Sections 3-44 and 3-50:

- (1) Signs limited in area to 32 square feet erected or maintained or caused to be erected or maintained on any farm by the owner or lessee of such farm and relating solely to farm products, merchandise, services or entertainment sold, produced, manufactured or furnished on such farm.

- (2) Signs of 25 square feet or less upon real property posted or displayed by the owner or by the authority of the owner stating that the property upon which the sign is located or a part of such property is for sale or rent or stating any data pertaining to such property and its appurtenances, and the name and address of the owner and the agent of such owner. This provision shall not be applicable to real property upon which is situated guest homes, hotels and motels for the purpose of advertising the accommodations of such in an ordinary course of business.
- (3) Official notices or advertisements posted or displayed by or under the direction of any public or court official in the performance of his official or directed duties or by trustees under deeds of trust, deeds of assignment or other similar instruments.
- (4) Danger or precautionary signs relating to the premises or signs warning of the condition of or dangers of travel on a street, erected or authorized by the Town Manager; or forest fire warning signs erected under authority of the United States Forestry Service.
- (5) Notices of any telephone company, electric power company, telegraph company, gas company, railroad, or other transportation company necessary in the discretion of the Town Manager for the safety of the public or for the direction of the public to such utility or to any place to be reached by it.
- (6) Historical markers erected by duly constituted and authorized public authorities.
- (7) Highway markers and signs erected or caused to be erected by the State Department of Transportation or other authorities in accordance with law.
- (8) Signs erected upon property warning the public against hunting, fishing or trespassing thereon.
- (9) Signs erected by Red Cross authorities relating to Red Cross emergency stations. Authority is hereby expressly given for the erection and maintenance of such signs upon the right-of-way of all streets in this Town at such locations as may be approved by the Town Manager.
- (10) A sign of six square feet or less or one sign structure containing more than one sign with aggregate area of six square feet or less which denotes only the name of the civic services club or church, location and directions for reaching same and time of meeting of such organization.
- (11) A sign for identification purposes giving the name of the owner or occupant and/or the address of the property on which it is placed and not exceeding two square feet in area.
- (12) Changing of the copy on a bulletin board, poster board, display encasement, or marquee.

- (13) Temporary nonilluminated paper signs in show windows in a business district.
- (14) Temporary nonilluminated election campaign signs not exceeding six square feet in area, provided such signs are removed within seven days after the election.
- (15) All portable signs existing on May 15, 1989 shall be included in the measurement of permitted sign area.
- (16) Sign on a truck, bus, or other vehicle, while in use in the normal course of business. This paragraph should not be interpreted to permit parking for display purposes of a vehicle to which signs are attached in a district where such signs are not permitted.
- (17) Church bulletin boards, located on church property, not exceeding 32 square feet and located 10 feet from street right-of-way.
- (18) Governmental flags.
- (19) Garage and/or yard sale signs in accordance with Chapter 13 "Flea Markets and Garage and/or Yard Sales" provided that such signage is limited to a maximum of six (6) square feet in area and one sign per parcel.
- (20) Tourist attraction signs in accordance with the Virginia Logos participation criteria. When doubt arises as to whether a business or activity destination meets the definition of tourist attraction, the Town Manager may refer the decision to Town Council.

(Ord. of 11-20-87, Art. I, § 5; Ord. of 5-2-89; Ord. of 4-3-90; Ord. 2004-4 of 9-7-04; Ord. 2006-4 of 11-7-06)

### **Sec. 3-41. Removal of construction signs.**

Construction signs shall be removed within 30 days after construction of the project advertised thereby has been completed.

(Ord. of 11-20-87, Art. I, § 4)

**Cross reference--**Buildings, Ch. 9.

### **Sec. 3-42. Area of advertising structure or sign.**

(a) The area of an advertising structure or sign shall include that area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area. Only one side of a double-faced sign shall be included in a computation of sign area; for other signs with more than one face, each side shall be included in a computation of sign area. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign. For an awning sign only the area of the message shall be used in sign area computation.

(b) Signs shall conform to the size, number, height and location as provided for in division 4.

(Ord. of 11-20-87, Art. I, § 10)

**Sec. 3-43. Identification of advertising structure or advertisement.**

The Town Manager may require that each advertising structure and each advertisement not posted or displayed on an advertising structure shall bear an identification number, furnished by the Town Manager, and if erected, maintained or displayed by a licensed outdoor advertiser shall also bear his name. The Town Manager may make suitable provisions for the details thereof.

(Ord. of 11-20-87, Art. I, § 14)

**Sec. 3-44. Certain advertisements or structures prohibited.**

No advertisement or advertising structure shall be erected, maintained or operated:

- (1) Which involves motion or rotation of any part of the structure or displays an intermittent light or lights; provided, however, that the prohibition of this paragraph shall not apply to moving or rotating parts of structures, or to the displays of intermittent lights, when such structures or displays are located along streets in this Town when the moving or rotating parts of such structures or such displays convey solely public information. Public information shall include all or any of the following information: date, time, temperature, weather, community events and other similar information.
- (2) Which uses the word "stop" or "danger" prominently displayed or presents or implies the need or requirement of stopping or the existence of danger on any highway, or which is a copy or imitation of official highway signs.
- (3) Which, within visible distance of any street, advertises any county, city, town, village, historical place or shrine without the consent, in writing, of such county, city, town or village or of the owner of such historical place or shrine.
- (4) Which is mobile and is designed to and effectively does distract the attention of passing motorists on any street by flashing lights, loud and blatant noises or movable objects.
- (5) Which involves red, green or amber lights or reflective material and which resembles traffic signal lights or traffic control signs and is within the visible distance of any street.
- (6) At any public street intersection in such manner as would obstruct the clear vision in either direction between a point on the centerline of the side street 20 feet from the nearest edge of the pavement of the main street and points on the main street 400 feet distant, measured along the nearest edge of the pavement of the main street.

- (7) At any grade intersection of a public street and a railroad in such manner as would obstruct the clear vision in either direction within triangular areas formed by:
    - a. A point at the center of the railroad-public street intersections;
    - b. A point on the public street 200 feet from the center of the railroad-public street intersection as measured along the center of the public street; and
    - c. A point on the railroad 200 feet from the center of the railroad-public street intersection as measured along the center of the railroad.
  - (8) At or near any curve in a street in such a manner as to obstruct the clear vision of traffic from any one point on such curve to any other point on such curve or to any other point not more than 400 feet apart, as measured between each point from the nearest edge of the pavement.
  - (9) Which advertises activities which are illegal under state or federal laws or regulations in effect at the location of such sign or advertisement or at the location of such activities.
  - (10) Which is obsolete or inconsistent with this article or regulations adopted by the Virginia Department of Transportation.
  - (11) Which is designed to be mobile or portable in nature except permitted temporary portable signs 32 square feet or less owned or leased by civic, governmental or public organizations and located within a Business or Industrial district.
  - (12) Illuminated signs positioned and unshielded so as to impair the vision of any motor vehicle operator.
  - (13) Alley signs projecting beyond the alley lot line.
  - (14) Signs in violation of the Town Fire Ordinance or State Building Codes.
  - (15) Any sign greater than 200 square feet in total area.
  - (15) Off-premises signs greater than 50 square feet in total area.
  - (16) On-premises ground/freestanding signs, other than combined area signs, greater than 50 square feet excluding changeable copy area. See Sec. 3-96 for combined area sign provisions.
- (Ord. of 11-20-87, Art. I, § 15; Ord. of 5-2-89; Ord. of 4-17-90; Ord. of 1-19-99)  
**Cross reference(s)**--Buildings, Ch. 9; fire protection, Ch. 12.

**Sec. 3-45. Pasting advertisements prohibited in certain instances.**

No advertisement shall be pasted or glued on any building, fence, wall, tree, rock or other similar structure or object, unless the same is an advertising structure for which a permit has been issued and is in effect.  
(Ord. of 11-20-87, Art. I, § 16)

**Sec. 3-46. Advertising on rocks, poles, etc., within limits of street.**

Any person who in any manner paints, prints, places, puts or affixes any advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker, building or other object lawfully within the limits of any street shall be guilty of a misdemeanor and shall be punished accordingly.  
(Ord. of 11-20-87, Art. I, § 17)

**Sec. 3-47. Harmony of regulations.**

No zoning board or commission or any other public officer or agency shall permit any sign, advertisement or advertising structure which is prohibited under the provisions of this article, nor shall the Town Manager permit any sign, advertisement or advertising structure which is prohibited by any other public board, officer or agency in the lawful exercise of its or his powers.  
(Ord. of 11-20-87, Art. I, § 18)

**Cross reference(s)--**Zoning, Ch. 30.

**Sec. 3-48. Nonconforming signs.**

A nonconforming sign, advertisement or advertising structure as defined in this article and any supporting structures may be maintained in their then structural condition but shall not be replaced, reconstructed, moved, structurally altered, lighted or relighted except in compliance with the provisions of this article and may continue in use unless subject to removal under other provisions of this article. Removal, replacement, reconstruction, moving or structural alteration for any cause whatsoever shall be considered as loss of nonconforming status. Change of message or change of ownership shall not affect nonconforming status. Supporting structures for nonconforming signs may continue in use for a conforming sign if the supporting structures comply in all respects to the applicable requirements of these regulations and other codes and ordinances. No permits for additional signs shall be issued for any premises on which there are any nonconforming signs.  
(Ord. of 11-20-87, Art. I, § 19; Ord. of 5-2-89)

**Sec. 3-49. Disposition of fees.**

All moneys received by the Town Manager under the provisions of this article shall be paid by him into the Town Treasury.  
(Ord. of 11-20-87, Art. I, § 21)

**Sec. 3-50. Violation a nuisance; abatement.**

Any sign, advertisement or advertising structure which is erected, used, maintained,

operated, posted or displayed in violation of this article or for which no permit has been obtained where such is required, or after revocation or more than 30 days after expiration of a permit, or which, whether or not excepted under the provisions of this article, is not kept in a good general condition and in a reasonably good state of repair and is not, after 30 days' written notice to the person erecting, using, maintaining, posting or displaying the same, put into good general condition and in a reasonably good state of repair, is hereby declared to be a public and private nuisance and may be forthwith removed, obliterated or abated by the Town Manager or his representatives. The Town Manager may collect the cost of such removal, obliteration or abatement from the person erecting, using, maintaining, operating, posting or displaying such sign, advertisement or advertising structure.

(Ord. of 11-20-87, Art. I, § 20)

**Cross reference(s)--**Nuisances, Ch. 16.

**Sec. 3-51. Penalty for violation.**

Any person violating any provision of this article for which violation no other penalty is prescribed by this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$10.00 nor more than \$50.00. Each day during which such violation is continued after conviction may be treated for all purposes as a separate offense.

(Ord. of 11-20-87, Art. I, § 22)

**Secs. 3-52--3-60. Reserved.**

DIVISION 2. PERMITS\*

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\***Cross reference(s)--**Licenses, Ch. 15.

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**Sec. 3-61. Required.**

(a) Except as in this article otherwise provided, no person, whether engaged in the business of outdoor advertising or not, shall erect, use, maintain, post or display any advertisement or advertising structure in this Town without first obtaining a permit therefor from the Town Manager and paying the fee therefor as herein provided.

(b) No permit shall be required for the posting or display of any advertisement posted or displayed on any advertising structure or space for which a permit has been issued unless such permit has been revoked.

(Ord. of 11-20-87, Art. I, § 6)

**Sec. 3-62. Applications; fees.**

(a) A separate application for a permit shall be made for each separate advertisement or advertising structure on a form furnished by the Town Manager, which application shall be filed by the applicant or his representative duly authorized in writing to act for him and shall describe and set forth the size, shape and the nature of the advertisement or advertising structure it is proposed to post, display, erect or maintain and its actual or proposed location with sufficient

accuracy to enable the Town Manager to identify such advertisement or advertising structure and to find its actual or proposed location.

(b) Each application shall be accompanied by an application and inspection fee in the amount as required by the Town for building permits. Churches shall be exempt from inspection fees.

(c) Each application shall be accompanied by the written consent, or in lieu thereof a copy certified by an official authorized to take acknowledgments to deeds in this State, of the owner of the real property upon which such advertisement or advertising structure is to be erected, used, maintained, posted or displayed, or of such other persons having the legal right to grant such consent, or of the duly authorized agent of such owner, or other person.  
(Ord. of 11-20-87, Art. I, § 7; Ord. 2004-4 of 9-7-04)

### **Sec. 3-63. Temporary permits.**

The Town Manager, upon application as required in Section 3-62, may issue temporary permits for signs and displays when, in his opinion, the use of such signs and displays would be in the public interest and would not result in damage to private property. Temporary sign permits are valid for a period of 30 calendar days unless otherwise specified by the Town Manager and include the following:

- (1) Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting, sponsored by a governmental, civic or charitable organization.
  - (2) Special decorative displays used for holidays, public demonstrations, or promotion for nonpartisan civic purposes.
  - (3) Special sales promotion displays in a district where such sales are permitted, including displays incidental to the opening of a new business.
- (Ord. of 11-20-87, Art. I, § 8; Ord. of 5-2-89; Ord. of 1-19-99)

### **Sec. 3-64. Unusual displays.**

Applications for unusual signs or displays which give rise to questions of interpretation of this article may be referred by the Town Manager to the Town Council for the purpose of interpretation by the Council and recommendation for action on the application by the Town Manager. If, in the opinion of the Council, the application is not adequately covered by this article, the Council may make recommendations for amendment of this article.  
(Ord. of 11-20-87, Art. I, § 9)

### **Sec. 3-65. Revocation.**

The Town Manager may, after 30 days' notice in writing to the permittee, revoke any permit under this article in any case in which it shall appear to the Town Manager that the application for the permit contains knowingly false or misleading information, that the permittee has failed to keep in a good general condition and in a reasonable state of repair the advertisement

or advertising structure for which such permit was issued or that the permittee has violated any of the provisions of this article unless such permittee shall before the expiration of such 30 days correct all false or misleading information, or make the necessary repairs or improvements in the general condition of such advertisement or advertising structure or comply with the provisions of this article, as the case may be. If the erection, maintenance and display of any advertisement or advertising structure for which a permit is issued by the Town Manager and the permit fee has been paid as above provided shall be prevented by any zoning board, commission or other public agency which also has jurisdiction over the proposed advertisement or advertising structure or its site, the application fee for such advertisement or advertising structure shall be returned by the Town Manager and the permit revoked. But one-half of the application fee shall be deemed to have accrued upon the erection of an advertising structure or the display of an advertisement followed by an inspection by the Town Manager or his representative.  
(Ord. of 11-20-87, Art. I, § 11)

**Sec. 3-66. Appeal from refusal or revocation of permit.**

Any person aggrieved by any action by the Town Manager in refusing to grant or revoking a sign permit may, within 30 days from the date of such refusal or revocation appeal from the decision of the Town Manager to the Circuit Court of the County by presenting to the Court or the Judge thereof in vacation, after five days' notice in writing to the Town Manager, an affidavit made by such person or his duly authorized agent or attorney, setting forth the fact of such refusal or revocation as the case may be and that the action of the Town Manager was without just or lawful cause.  
(Ord. of 11-20-87, Art. I, § 12)

**Sec. 3-67. Transfer of licensee and permits to successor concerns.**

Any license or permit issued pursuant to this article may be transferred to any person who acquires as a successor the business of the person for whom such license or permit was issued.  
(Ord. of 11-20-87, Art. I, § 13)

**Secs. 3-68--3-80. Reserved.**

DIVISION 3. FALSE AND MISLEADING SIGNS\*

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\*Cross reference(s)--Offenses--Miscellaneous, Ch. 17.  
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**Sec. 3-81. Prohibited.**

It shall be unlawful for any person to erect or maintain alongside, or in plain view of, any public street any false or misleading sign of any kind or character purporting to furnish travel information relating to place or direction.  
(Ord. of 11-20-87, Art. II, § 1)

**Sec. 3-82. Penalty; existing signs.**

Any person who shall violate any of the provisions of Section 3-81 shall, upon conviction thereof, be guilty of a class 4 misdemeanor, and it shall be deemed a separate offense for the same person to erect, or permit to be erected, a similar sign at each of two or more places.  
(Ord. of 11-20-87, Art. II, § 2)

**Sec. 3-83. Removal by Town Manager.**

The Town Manager, whenever he shall ascertain that any sign gives incorrect information in violation of this division, shall notify the person who erected the same, and the person on whose property it is located, in writing, to remove it forthwith, and if it is not removed within ten days after receipt of such notice, the Town Manager shall remove and destroy the same, or cause it to be removed and destroyed, without liability for damages therefor, and, if any person convicted of erecting or maintaining any such sign, or of permitting the same to be erected or maintained, as hereinabove provided, shall fail or refuse to remove the same within ten days after such judgment of conviction, the Town Manager shall remove and destroy such sign, or cause the same to be removed and destroyed, without liability for damages therefor.  
(Ord. of 11-20-87, Art. II, § 3)

**Secs. 3-84--3-95. Reserved.**

DIVISION 4. PERMITTED SIZE, NUMBER, HEIGHT, AND LOCATION OF SIGNS\*

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\*Cross reference(s)--Buildings, Ch. 9; subdivisions, Ch. 26; zoning, Ch. 30.

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**Sec. 3-96. Generally.**

Section 3-97 contains regulations for the size, number, height and location of permitted signs. In addition the following regulations shall apply:

- (1) Reference in the table to zoning districts means zoning districts as established in Chapter 30 "Zoning".
- (2) Structural and safety features and electrical systems shall be in accordance with the requirements of the applicable codes and ordinances. No sign shall be approved for use unless it has been inspected by the Building Inspections Department and is found to be in compliance with all the requirements of this article and applicable technical codes.
- (3) A group of three or more contiguous businesses or uses may combine permitted ground/freestanding sign area to provide a single ground/freestanding sign advertising the group if there are no other ground/freestanding signs and if total ground/freestanding sign area does not exceed 150 square feet. In Mixed Use Districts combined area signs shall not exceed 100 square feet. It shall be the responsibility of the property owner to allocate sign areas to the businesses. Should any sign created under this provision cease to advertise three or more contiguous businesses for a period of 90 days then such sign shall be made to

conform to the provisions of this article or be removed.

- (4) A shopping center or cluster of businesses on one tract of land as identified on a current subdivision plat of record having enough street frontage to allow more than one ground/freestanding sign may combine ground/freestanding sign areas and number of faces to create one permanent multi-faced freestanding business sign having no more than four faces, joined at the corners at 90 degree or less angles, with no face exceeding the area normally allocated a single ground/freestanding sign face provided as follows:
  - a. There shall be no ground/freestanding signs upon the premises other than the one multi-faced ground/freestanding sign.
  - b. The multi-faced ground/freestanding sign shall not advertise any off-premises activity or use.
  - c. Should future subdivision(s) reduce the amount of frontage required for the multi-faced ground/freestanding sign then the sign shall be removed at the owner's expense.

(Ord. of 11-20-87, Art. III, § 1; Ord. of 5-2-89; Ord. of 4-27-90; Ord. of 1-19-99; Ord. 2004-4 of 9-7-04)

### **Sec. 3-97. Permitted size, number, height and location of signs.**

The setbacks for advertisements shall be as follows:

Advertisements in all zoning districts other than B-2 shall be subject to the following provisions:

- (a) The first ground/freestanding, location, and/or general advertising sign on any premises must remain a minimum of 10 feet from any street right-of-way.
- (b) The second and all additional ground/freestanding, location, and/or general advertising signs on any premises must meet the front yard setback requirements of the zoning district in which they are located. See Chapter 30 "Zoning" for front yard setback requirements.
- (c) Advertisement must remain a minimum of 3 feet from all other property lines.
- (d) On all corner lots a sight triangle formed by a 20-foot measurement down both rights-of-way shall be maintained.
- (e) Side and rear wall signs facing and within 100 feet of a Residential district are prohibited.
- (f) Marquee signs for buildings with zero front yard setbacks and fronting on a public sidewalk shall meet the setback requirements of the B-2 Central Business district.

In the B-2 Central Business district advertisements have no setbacks other than following provisions:

- (a) Sign may project a maximum of 42 inches over public property.
- (b) Sign must remain a minimum of 2 feet from the back of the street curb.

- (c) On all corner lots a sight triangle formed by a 20-foot measurement down both rights-of-way shall be maintained.
- (d) Side and rear wall signs facing and within 100 feet of a Residential district are prohibited.

The type, number, size, and height of signs allowed in each zoning district shall be as follows:

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum Area of Signs	Max./Min. Height
All districts	Construction (off-premises)	1 for each principal participant.	32 sq. ft. per face.	10 ft. maximum.
All districts	Development (on-premises)	1 per entrance.	32 sq. ft. per face.	10 ft. maximum.
All districts	Directional (on-premises)	2 per entrance or exit.	6 sq. ft. per face.	7 ft. maximum.
A Agricultural	Home occupation (on-premises)	1 wall-mounted in close proximity to the front door.	2 sq. ft. per face.	5 ft. maximum.
R-1A Rural Residential	None other than those allowed in all districts (Construction, Development, or Directional). See beginning of table.			
R-1 Single-Family Residential	None other than those allowed in all districts (Construction, Development, or Directional). See beginning of table.			
R-2 Two-Family Residential	Home occupation (on-premises)	1 wall-mounted in close proximity to the front door.	2 sq. ft. per face.	5 ft. maximum.
R-3 Multiple-Family Residential	Home occupation (on-premises)	1 wall-mounted in close proximity to the front door.	2 sq. ft. per face.	5 ft. maximum.
R-MS Residential Manufactured Home Subdivision	Home occupation (on-premises)	1 wall-mounted in close proximity to the front door.	2 sq. ft. per face.	5 ft. maximum.
MU-1 Mixed Use:	Ground/ Freestanding	1 single-faced or 1 double-faced per lot with less than 200' frontage. Lots having	50 sq. ft. per face.	20 ft. maximum.

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum of Signs	Area	Max./Min. Height
Residential/ Limited Business	(on-premises)	in excess of 200' frontage shall be permitted 1 such sign on each 200' of frontage, but no fractional distance shall increase the number of signs permitted. Not allowed if a location sign exists.			
MU-1 Mixed Use: Residential/ Limited Business	Changeable copy (on-premises)	1, as part of a permitted ground/freestanding sign or as a substitute for 1 permitted ground/freestanding sign.	18 sq. ft. per face.		20 ft. maximum.
MU-1 Mixed Use: Residential/ Limited Business	Marquee (on-premises)	1, if there are no roof or projecting signs	Length of marquee one foot.	of times	May not project above marquee or below 8 ft.
MU-1 Mixed Use: Residential/ Limited Business	Wall (on-premises or off-premises)	Not limited other than side and rear wall signs facing and within 100 feet of a Residential district are prohibited.	Total signage area may not exceed 10% of wall area on which placed up to a maximum of 200 sq. ft.		May not project above roof line, parapet wall, or top of other supporting structure.
MU-1 Mixed Use: Residential/ Limited Business	Temporary (on-premises or off-premises)	Same as for permanent signs depending on type and subject to approval by Town Manager for structure and placement.			
MU-2 Mixed Use: Residential/ Limited Business/ Limited Industrial	Ground/ Freestanding (on-premises)	1 single-faced or 1 double-faced per lot with less than 200' frontage. Lots having in excess of 200' frontage shall be permitted 1 such sign on each 200' of frontage, but no fractional distance shall increase the number of signs permitted. Not allowed if a location sign exists.	50 sq. ft. per face.		20 ft. maximum.
MU-2 Mixed Use:	Changeable copy (on-premises)	1, as part of a permitted ground/freestanding sign or as a substitute for 1	18 sq. ft. per face.		20 ft. maximum.

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum of Signs	Area	Max./Min. Height
Residential/ Limited Business/ Limited Industrial		permitted ground/ freestanding sign.			
MU-2 Mixed Use: Residential/ Limited Business/ Limited Industrial	Marquee (on-premises)	1, if there are no roof or projecting signs	Length of marquee one foot.	times	May not project above marquee or below 8 ft.
MU-2 Mixed Use: Residential/ Limited Business/ Limited Industrial	Wall (on-premises or off-premises)	Not limited other than side and rear wall signs facing and within 100 feet of a Residential district are prohibited.	Total signage area may not exceed 10% of wall area on which placed up to a maximum of 200 sq. ft.		May not project above roof line, parapet wall, or top of other supporting structure.
MU-2 Mixed Use: Residential/ Limited Business/ Limited Industrial	Temporary (on-premises or off-premises)	Same as for permanent signs depending on type and subject to approval by Town Manager for structure and placement.			
B-1 Limited Business	Ground/ Freestanding (on-premises)	1 single-faced or 1 double- faced per lot with less than 200' frontage. Lots having in excess of 200' frontage shall be permitted 1 such sign on each 200' of frontage, but no fractional distance shall increase the number of signs permitted. Not allowed if a location sign exists.	50 sq. ft. per face.		35 ft. maximum.
B-1 Limited Business	Changeable copy (on-premises)	1, as part of a permitted ground/freestanding sign or as a substitute for 1 permitted ground/ freestanding sign.	18 sq. ft. per face.		35 ft. maximum.
B-1	Location	1 single-faced or 1 double-	50 sq. ft. per face.		35 ft. maximum.

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum of Signs	Area	Max./Min. Height
Limited Business	(off-premises)	faced per lot with not less than 200' of public street frontage provided there is no ground/freestanding sign.			
B-1 Limited Business	Marquee (on-premises)	1, if there are no roof or projecting signs	Length of marquee one foot up to a maximum of 200 sq. ft.		May not project above marquee or below 8 ft.
B-1 Limited Business	Roof (on-premises)	1, if there are no marquee, projecting, or wall signs.	50 sq. ft. per face if erected within 75' from street right-of-way. 75 sq. ft. per face if erected in excess of 75' from street right-of-way. 100 sq. ft. if erected in excess of 150' from street right-of-way. 200 sq. ft. per face if erected in excess of 300' from street right-of-way.		May not project above peak of a sloping roof or parapet wall of a flat roof.
B-1 Limited Business	Wall (on-premises or off-premises)	Not limited other than side and rear wall signs facing and within 100 feet of a Residential district are prohibited.	Total signage area may not exceed 10% of wall area on which placed up to a maximum of 200 sq. ft.		May not project above roof line, parapet wall, or top of other supporting structure.
B-1 Limited Business	Temporary (on-premises or off-premises)	Same as for permanent signs depending on type and subject to approval by Town Manager for structure and placement.			
B-2 Central Business	Ground/Freestanding (on-premises)	1 single-faced or 1 double-faced per lot with less than 200' frontage. Lots having in excess of 200' frontage shall be permitted 1 such sign on each 200' of frontage, but no fractional distance shall increase the number of signs permitted. Not allowed if a location	50 sq. ft. per face.		35 ft. maximum.

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum Area of Signs	Max./Min. Height
B-2 Central Business	Changeable copy (on-premises)	1, as part of a permitted ground/freestanding sign or as a substitute for a permitted ground/freestanding sign.	18 sq. ft. per face.	35 ft. maximum.
B-2 Central Business	Location (off-premises)	1 single-faced or 1 double-faced per lot with not less than 200' of public street frontage provided there is no ground/freestanding sign.	50 sq. ft. per face.	35 ft. maximum.
B-2 Central Business	Marquee (on-premises)	1, if there are no roof or projecting signs.	Length of marquee times one foot up to a maximum of 200 sq. ft.	May not project above marquee or below 8 ft.
B-2 Central Business	Roof (on-premises)	1, if there are no marquee, projecting, or wall signs.	50 sq. ft. per face if erected within 75' from street right-of-way. 75 sq. ft. per face if erected in excess of 75' from street right-of-way. 100 sq. ft. if erected in excess of 150' from street right-of-way. 200 sq. ft. per face if erected in excess of 300' from street right-of-way.	May not project above peak of a sloping roof or parapet wall of a flat roof.
B-2 Central Business	Projecting (on-premises)	1, if there are no marquee or roof signs.	50 square feet per face.	Minimum height to bottom of sign shall be 9 feet.
B-2 Central Business	Wall (on-premises or off-premises)	Not limited other than not permitted if there is a roof sign and that side and rear wall signs facing and within 100 feet of a Residential district are prohibited.	Total signage area may not exceed 10% of wall area on which placed up to a maximum of 200 sq. ft.	May not project above roof line, parapet wall, or top of other supporting structure.

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum of Signs	Area	Max./Min. Height
B-2 Central Business	Temporary (on-premises or off-premises)	Same as for permanent signs depending on type and subject to approval by Town Manager for structure and placement.			
B-3 General Business	Ground/Freestanding (on-premises)*	1 single-faced or 1 double-faced per lot with less than 200' of public street frontage. Lots having in excess of 200' of public street frontage shall be permitted 1 such sign on each 200' of frontage, but no fractional distance shall increase the number of signs permitted. Not allowed if a general advertising sign exists.	50 sq. ft. per face.	35 ft. maximum.	
B-3 General Business	Changeable copy (on-premises)*	1, as part of a permitted ground/freestanding sign or as a substitute for 1 permitted ground/freestanding sign.	32 sq. ft. per face.	35 ft. maximum.	
B-3 General Business	General Advertising (on-premises or off-premises)*	1 single-faced or 1 double-faced per lot with not less than 200' of public street frontage provided there is no ground/freestanding sign.	50 sq. ft. per face.	35 ft. maximum.	
B-3 General Business	Marquee (on-premises)	1, if there are no roof or projecting signs	Length of marquee times 1 foot up to a maximum of 200 sq. ft.	May not project above marquee or below 8 ft.	
B-3 General Business	Roof (on-premises)	1, if there are no marquee, projecting, or wall signs.	90 sq. ft. per face if erected within 75' from street right-of-way. 140 sq. ft. per face if erected in excess of 75' from street right-of-way. 170 sq. ft. if erected in excess of 150' from street right-of-way. 200 sq. ft.	May not project more than 4 ft. above peak of a sloping roof or parapet wall of a flat roof.	

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum Area of Signs	Max./Min. Height
B-3 General Business	Wall (on-premises or off-premises)	Not limited other than not permitted if there is a roof sign and that side and rear wall signs facing and within 100 feet of a Residential district are prohibited.	if erected in excess of 300' from street right-of-way. Total signage area may not exceed 10% of wall area on which placed up to a maximum of 200 sq. ft.	May not project above roof line, parapet wall, or top of other supporting structure.
B-3 General Business	Temporary (on-premises or off-premises)	Same as for permanent signs	depending on type and subject to approval by Town Manager for structure and placement.	
I-1 Limited Industrial	Ground/ Freestanding (on-premises)	1, provided there is no location sign.	50 sq. ft. per face.	15 ft. maximum.
I-1 Limited Industrial	Location (off-premises)	1 single-faced or 1 double-faced per lot with not less than 200' of public street frontage provided there is no ground/freestanding sign.	50 sq. ft. per face.	15 ft. maximum.
I-1 Limited Industrial	Wall (on-premises or off-premises)	1, provided there is no roof sign. Side and rear wall signs facing and within 100 feet of a Residential district are prohibited.	Total signage area may not exceed 10% of wall area on which placed up to a maximum of 200 sq. ft.	May not project above roof line, parapet wall, or top of other supporting structure.
I-1 Limited Industrial	Temporary (on-premises or off-premises)	Same as for permanent signs	depending on type and subject to approval by Town Manager for structure and placement.	
I-2 General Industrial	Ground/ Freestanding (on-premises)*	1 single-faced or 1 double-faced per lot with less than 200' of public street frontage. Lots having in excess of 200' of public street frontage shall be permitted 1 such sign on each 200' of frontage, but no fractional distance shall increase the number of signs permitted. Not allowed if a general advertising sign	50 sq. ft. per face.	35 ft. maximum.

Zoning District	Sign Type	Maximum Number of Signs Permitted	Maximum Area of Signs	Max./Min. Height
I-2 General Industrial	Changeable copy (on-premises)*	exists. 1, as part of a permitted ground/freestanding sign or as a substitute for 1 permitted ground/freestanding sign.	32 sq. ft. per face.	35 ft. maximum.
I-2 General Industrial	General Advertising (on-premises or off-premises)*	1 single-faced or 1 double-faced per lot with not less than 200' of public street frontage provided there is no ground/freestanding sign.	50 sq. ft. per face.	35 ft. maximum.
I-2 General Industrial	Marquee (on-premises)	1, if there are no roof or projecting signs	Length of marquee times 1 foot up to a maximum of 200 sq. ft.	May not project above marquee or below 8 ft.
I-2 General Industrial	Roof (on-premises)	1, if there are no marquee, projecting, or wall signs.	90 sq. ft. per face if erected within 75' from street right-of-way. 140 sq. ft. per face if erected in excess of 75' from street right-of-way. 170 sq. ft. if erected in excess of 150' from street right-of-way. 200 sq. ft. if erected in excess of 300' from street right-of-way.	May not project more than 4 ft. above peak of a sloping roof or parapet wall of a flat roof.
I-2 General Industrial	Wall (on-premises or off-premises)	Not limited other than not permitted if there is a roof sign and that side and rear wall signs facing and within 100 feet of a Residential district are prohibited.	Total signage area may not exceed 10% of wall area on which placed up to a maximum of 200 sq. ft.	May not project above roof line, parapet wall, or top of other supporting structure.
I-2 General Industrial	Temporary (on-premises or off-premises)	Same as for permanent signs depending on type and subject to approval by Town Manager for structure and placement.		

Common private access subdivisions in B-3 General Business and I-2 General Industrial shall be limited to one combined area sign (up to 150 square feet total subject to the provisions of Section 3-96) or one general advertising sign (subject to the property having at least 200 feet of street frontage) for the entirety of the subdivision. This provision shall not restrict marquee, roof, wall, and temporary signs.

Common private access subdivisions in MU-1 Mixed Use: Residential – Limited Business and MU-2 Mixed Use: Residential – Limited Business – Limited Industrial shall be limited to one combined area sign (up to 100 square feet total subject to the provisions of Section 3-96) for the entirety of the subdivision. This provision shall not restrict marquee, wall, and temporary signs.

(Ord. of 11-20-87, Art. III, § 1; Ord. of 5-2-89; Ord. of 2-18-92; Ord. of 8-5-97; Ord. of 1-19-99; Ord. 2002-3 of 4-2-02; Ord. 2004-4 of 9-7-04)