

Holland Zoning Ordinance 12*17*01 ord 1

(iv) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation. Shrubs may be used in combination with landscape trees to fulfill the requirements of this Section.

(v) Landscape Berms. Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this Section if the berm is at least three (3) feet in height and has a maximum side slope of four (4) feet of horizontal run for every one (1) foot in vertical rise.

(vi) Native Vegetation. Existing vegetation, demonstrating significant visual screening capabilities and as approved by the Commission may fulfill the requirements of this Section.

Section 62. Sign Requirements. All signs shall be designed, placed, located, erected, constructed and maintained in accordance with the this Section and all applicable City ordinances.

(a) Purpose. The objectives of this section are to promote the health, safety, welfare, convenience, communication and the landscape quality of the public. The sections, provisions and regulations set forth in this ordinance shall apply to the control, use, installation, regulation, licensing and permitting of signs within the City and its Extraterritorial Jurisdiction (ETJ). It is the intent of this ordinance to provide comprehensive regulations applicable to signs placed, installed or maintained within the City and it's ETJ; provided that this ordinance shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person, and the Building Official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this ordinance with respect to any non-commercial sign or speech by any person. This section shall further be interpreted and applied to accomplish the following purposes:

(i) Safety. A purpose of this section is to provide for the public safety by requiring that:

(A) No hazard is created due to collapse, wind, fire, collision, decay or abandonment;

(B) No obstruction is created to fire fighting and police surveillance; and,

(C) No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read the traffic signs.

(ii) Communications. A purpose of this section is to promote the efficient transfer of information in sign message by providing that:

(A) Businesses and services may identify themselves;

(B) Customers and other persons may locate a business or service; and;

(C) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

(iii) Landscape Quality and Preservation. A purpose of this ordinance is to enhance the appearance and economic value of the landscape, by providing signs that:

(A) Do not interfere with scenic views;

(B) Do not create a nuisance to persons using the public right-of-ways;

(C) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;

(D) Are not detrimental to land or property value; and,

(E) Contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient oneself within it.

(b) General Provisions. All signs erected or maintained pursuant to the provisions of this ordinance shall be erected and maintained in compliance with all applicable federal, state, and local laws and regulations, the building code, electrical code and other applicable ordinances of the City. In the event of conflict between this ordinance and other laws, the most restrictive standard applies.

(c) Definitions. As used in this section, the following terms shall have the meaning indicated below unless the context clearly indicates otherwise:

Erect: To build, construct, attach, hang, place, suspend, or affix.

Face Or Surface: The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Gross Surface Area Of The Sign: The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two (2) surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two (2) or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.

Height: The distance from common ground level to the highest point.

Illuminated Sign: Any sign illuminated by electric lights.

Incombustible Material: Any material which will not ignite at 1200 degrees F. or below, nor shall it continue to burn or glow at that temperature.

License: An official document issued by the City that gives permission to operate a sign installation business.

Logo: Design or insignia commonly used to identify a company or product.

Off Site: The sign refers to goods, products or services provided at a location other than that which the sign occupies.

On Site: The sign refers to goods, products, or services provided at a location which the sign occupies.

Permanent: Any sign intended to be used for six (6) months or longer.

Permit: An official document issued by the City that allows for sign installation.

Person: An individual, partnership, firm, company, association or corporation of any kind.

Portable Sign: A sign easily moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes.

Setback: The minimum distance from the property line to the nearest part of a building. No sign requiring a permit may encroach, project, or be constructed on or past this line.

Sign, Abandoned: Any sign without a valid current permit, or one which is deserted, surrendered or forsaken, unused, given up or relinquished with intention of never resuming a right of interest therein.

Sign, Advertising: Any sign which promotes or advertises commodities or services not offered on the premises where such signs are located.

Signs, Agricultural: Any sign identifying the farm or ranch on which it is placed and advertises the produce, crops, animals, or poultry raised or quartered thereon.

Signs, Apartment: Any sign identifying an apartment building or complex of apartments.

Signs, Construction: Any temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, or finances engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, Developmental: Any temporary sign pertaining to the development of land.

Sign, Directional: Any temporary sign which exclusively communicates the location or route to a premise or occupancy.

Sign, Identification: Any sign used to identify shopping centers, industrial and commercial parks, and retail districts. These signs are not intended to identify individual businesses or activities within the center or district.

Sign, Institution: Any sign used to identify a school, church, hospital or similar public or quasi-public institution.

Sign, Marquee: Any sign erected on a marquee or fixed awning.

Sign, Model Home: Any temporary sign used to advertise a particular structure represented by a model or show home.

Sign, Monument: Any permanent low profile sign on a monument base.

Sign Political: A sign advertising a political candidate or party for elective office.

Sign, Projection: Any sign which projects, either horizontally or vertically, from a building and which has one end attached to that building or other permanent structure.

Sign, Real Estate: A sign used to advertise the sale, or lease of a piece of real property.

Sign, Residential Subdivision: A sign used to identify a specific residential subdivision.

Sign, Traffic: A sign used for traffic control purposes.

Sign, Wall: Any sign attached to the face of a building or incorporated thereon, including windows and doors, to advertise businesses in that building.

Sign: A structure, display, light device, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended or used to advertise, inform, or attract the attention of persons not on that premise, excluding those lights and landscape features which display words or symbols as temporary holiday decorations.

(d) On-Site Signs Permitted. A free-standing or attached sign may be erected and maintained upon any commercial or industrial zoned property, unless otherwise prohibited or restricted herein; provided that not more than one (1) free-standing sign shall be erected or maintained upon any premise. Additionally, not more than two (2) attached signs may be attached to or suspended from any building facade, canopy or awning. Such signs shall pertain only to the identification of a building, business, product(s), or service(s) manufactured, sold or offered on the premises where the signs are located.

(i) Free-Standing Signs. The maximum size of any free-standing sign shall not exceed 6' x 10' nor have a luminance greater than 200 foot lamberts. A minimum set back of a least five (5) feet from any building line is required. No free-standing sign shall exceed thirty (30) feet in height. Any free-standing sign located in such a manner as to allow the passage of vehicular traffic beneath it shall have a minimum clearance of fourteen (14) feet. Any sign located in such a manner to allow the passage of pedestrian traffic beneath it shall have a minimum clearance of eight (8) feet. Any free-standing sign that does not meet the size, height and setback restrictions will require a variance from the City Council.

(ii) Portable Sign. Any portable sign lawfully in existence upon the effective date of this section shall be considered a non-conforming sign and will be allowed to continue for thirty (30) days, at the expiration of which time it must be removed. Any unauthorized portable sign in existence prior to the effective date of this section shall be removed immediately. Where existing portable signs are electric signs, no electric extension cords shall be run across any sidewalk, street, or public right-of-way. No portable sign shall be placed or maintained on any sidewalk, street, or other public right-of-way. No portable sign shall have a luminance greater than 200 foot lamberts. All lawfully existing portable signs shall be anchored to withstand a minimum of thirty (30) mph winds.

(iii) Attached Signs. The maximum size of any attached sign shall be forty (40) square feet. The height of any attached sign shall not exceed the height of the roofline of the structure to which the sign is attached. Architectural elements to which signage may be attached shall be limited to the building wall surfaces, canopy, fascia, or sign bands. No attached sign shall project over eighteen (18) inches from the face of any building to which affixed nor shall any sign have a luminance greater than 200 foot lamberts. Where an attached sign is placed in such a manner as to project a distance greater than two (2) inches into a private driveway or other private area likely to be used by vehicular traffic or where such sign is placed in such a manner as to allow the passage of vehicular traffic beneath it, the sign shall have a minimum clearance of fourteen (14) feet. Where an attached sign is placed in such a manner as to allow the passage of pedestrian traffic beneath it, the sign shall have a minimum clearance of eight (8) feet.

(iv) Construction Standards. All on-site signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive deadloads as required in the building code of the City.

(v) Marquee Signs. Such sign faces shall not exceed seventy-five (75) percent of the width of such building or store frontage.

(vi) Balloons, Floating Devices, Streamers or Search Lights. All balloons, floating devices, streamers or search lights shall be sufficiently anchored and shall meet all applicable regulations. The time limits applicable to any such devices shall be as outlined for Temporary Special Events signs.

(c) Sign License Fee. No person, firm or corporation shall install or maintain any sign, or contract to provide such service, until such person, firm or corporation has applied for a license to install, erect, and maintain signs, and until such license has been approved and issued. Such license fee shall be one hundred dollars (\$100.00) per year, payable on the first of January of each year. Excluded from these licensing requirements is a person, firm or corporation who installs or maintains or contracts to have any other person install or maintain, any sign on premises owned by that person, firm or corporation.

(f) Permit Fees. The fee for permits shall be based on the square footage of said sign in the following manner:

<u>Square Feet</u>	<u>Fee</u>
Up to 40 Square Feet	25.00
41 Sq. Ft. to 60 Sq.Ft.	50.00
61 Sq. Ft. and larger	\$1.00/Sq. Ft.

If any work is started or proceeded without a permit first being obtained, the above specified permit fee shall be doubled and paid for the required permit.

(g) Sign Erection Bonding. No license for the installation, erection and maintenance of signs shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the Building Official a surety bond in the sum of five thousand dollars (\$5,000.00). Such bond shall be for the installation and erection of signs, shall be payable to the City and shall provide for the indemnification of the City for any and all damages or liability which may accrue against it for a period of one (1) year after installation, erection, demolition, repair, removal or defects in or collapse of any sign.

(h) Engineer Certification. All applications for a sign permit shall require scale drawings showing a site plan location and design of the sign. Projection, wall and temporary signs not over six (6) square feet in area, constructed of metal or other noncombustible material, attached securely to a building or structure and not projecting more than eighteen (18) inches beyond the building wall, structure, building line or property line, shall not require civil engineer certification as to its soundness. For all other signs, a design and street location plan, containing the necessary information, shall be submitted to the Building Official to determine that such sign complies with all the applicable codes and regulations. Wind pressure and Dead Loads shall be shown where deemed appropriate, and the Building Official may require structural drawings designed and sealed by a civil engineer registered by the State of Texas when it cannot otherwise be determined that the sign will be structurally sound.

(i) Signs Exempt From Permitting Procedures. Permits and required setbacks shall not be required for the following signs, provided, however, that such signs shall otherwise comply with all other applicable sections of this ordinance.

(i) Temporary Political Signs.

(ii) Temporary Special Event Signs not exceeding sixteen (16) square feet in area and limited to a maximum time period of no more than fourteen (14) consecutive days, with a limit of three (3) events each calendar year, or a maximum time period of no more than forty-five (45) consecutive days with a limit of one (1) event each calendar year. For thirty (30) days following an event, no new temporary special event sign shall be allowed. The location of temporary special event signs must be approved by the Building Official for safety and setback purposes and, if the adjacent property owners make objections to the sign, the adjacent property owners may appeal any such application to the City Council. All such signs must be removed within ten (10) days after the maximum time period allowed.

(iii) Occupational Signs not exceeding two (2) square feet in area and denoting only the name and profession, or occupation, in a commercial or public institutional building.

(iv) On-Site Traffic Control Signs not exceeding eight (8) square feet and used primarily to denote entrances and exits, shall not contain advertising or be used for such purpose, and shall not exceed three (3) feet in height.

(v) Residential Real Estate Signs advertising the sale or lease of an individual residential structure and not exceeding eight (8) square feet.

(vi) Business/Industry Real Estate Signs advertising the sale or lease of business/industrial property and not exceeding sixteen (16) square feet.

(vii) Temporary Window Signs and Banners not exceeding the surface area of the window within which it is placed.

(j) Signs Not Regulated. The following types of signs shall be exempt from the permitting provisions of this ordinance. However, regulations regarding sign location in a public right-of-way or public access easement shall apply. It is further specifically provided that the Building Official may, based upon the size, materials used in construction and other relevant factors, require the owner of any sign to show evidence of structural soundness and compliance with the safety requirements of this ordinance.

(i) Governmental Signs. Signs erected or maintained pursuant to the discharge of any governmental function; required by law, ordinance, or governmental regulation; or located on property owned, leased or under control of the federal or state government.

(ii) Railway Signs. Signs within or on railway property and placed or maintained in reference to the operation of such railway.

(iii) Utility Signs. Signs marking utility or underground communication or transmission lines.

(iv) Vehicle Signs. Signs displayed or used upon vehicles, trailers or aircraft, unless such vehicle, trailer, or aircraft on which such sign is displayed is permanently stationed for a period of seventy-two (72) continuous hours or more, or regularly used at a fixed location to serve the same or similar purpose of a permanent or portable sign not affixed to a vehicle, trailer or aircraft.

(v) Signs Not Visible From Street. Signs where no part of such sign is visible from any public street.

(vi) Holiday Signs. Temporary signs containing only holiday messages and no commercial advertising.

- (vii) Signs on Persons. Hand held signs or signs, symbols or displays on persons or animals.
- (viii) Unused Signs. Signs being manufactured or transported, and/or properly and safely stored, and not being used, in any manner or form, for purposes of advertising.
- (ix) Plaques. Commemorative plaques of recognized historical societies and organizations.
- (x) Private Traffic Control. On-site signs which direct the movement of traffic on private property or warn of obstacles, overhead clearances or control parking. The sign must be less than ten (10) feet in width, less than six (6) feet in height, and be placed where it will not interfere with the safe movement of vehicles or pedestrians.
- (xi) Mail Boxes and Newspaper Racks. Signs located on mail boxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to; provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.
- (xii) Signs on Outdoor Machines, Devices and Equipment. Signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost of operating or service instructions or similar information, but do not advertise the business where located. This exemption includes, but is not limited to signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.
- (xiii) Athletic Fields. Signs located on the field side of scoreboards and fences of athletic fields.
- (k) Permit Required - Application and Issuance.
- (i) Permit Required. It shall be unlawful for any person to erect, maintain, or relocate any sign within the City without first obtaining a sign permit from the Building Official unless such sign is exempted by this ordinance.
- (ii) Existing Signs. The Owner of a non-exempt sign that exists upon the effective date of this section and for which sign a current permit does not exist, shall make application for a sign permit within thirty (30) days of the effective date of this section. It shall be unlawful for the Owner of any such sign to fail to apply for a permit within the thirty (30) days and such failure shall further make such sign an illegal sign.
- (iii) Permit Application. Application for permits shall contain or have attached thereto the following information:
- (A) Name, address, and telephone number of the applicant.
- (B) Location of the building, structure, or lot on which the sign is to be attached or erected.
- (C) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.
- (D) Two (2) blueprints or ink drawings of the plans and specifications showing method of construction, attachment to the building or ground, size, type, height, construction materials, and such other materials, and such other information as the Building Official may require. The Building Official

may require plans to be prepared by a registered professional engineer who is registered by the State of Texas or an architect licensed by the State of Texas.

(E) Copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in any direction in the amount required by this ordinance, and all other laws and codes of the City.

(F) Name of person, firm, corporation, or association erecting structure.

(G) Any electrical permit required and issued for said sign.

(H) Zoning classification carried by the property.

(I) Estimated value of the sign.

(J) Such other information as the Building Official shall require to show full compliance with this ordinance and all other laws and codes of the City.

(iv) Permit Issuance. It shall be the duty of the Building Official, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect a sign. If it appears that the proposed structure is in compliance with all the requirements of this section, the building code, and all other laws and ordinances of the City, the Building Official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within sixty (60) days after issuance, the said permit shall become null and void.

(l) Illuminated Signs. The Electrical Inspector may only approve an application for an Illuminated Sign if the sign is to be installed on property zoned commercial or higher. The application for a permit for erection of a sign in which electrical wiring and connections are to be used shall be submitted to the Electrical Inspector. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the City. In addition, all illuminated signs shall bear the Underwriters' Laboratory label or be built to comply with the Underwriters' requirements. The Electrical Inspector shall approve said permit if the plans and specifications therefore comply with the requirements of this ordinance, and shall disapprove the application if noncompliance is found. Approval by the Electrical Inspector must be obtained prior to the approval and issuance of any sign permit by the Building Official.

(m) Maintenance and Removal.

(i) Maintenance Required. All signs shall be maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistant material, and shall be maintained in good condition and appearance. Any owner failing to maintain, repair, or remove any such sign after due notice has been given shall upon conviction be guilty of a misdemeanor.

(ii) Inspection of Signs. The Building Official shall be notified by permittee when erection of the sign is complete, and the Official shall make an inspection to determine if the sign conforms to the permit. The Building Official shall inspect annually, or at such other times as he deems necessary, each sign regulated by this section for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose and whether it is in need of removal or repair.

(iii) **Removal of Unsafe and Unlawful Signs.** If the Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or is abandoned or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of this section, or is not permitted as required herein, he shall take action as follows:

(A) Except as provided in the following paragraphs (B) and (C), the Building Official shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten (10) days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the Building Official shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within thirty (30) days of such billing, then such expenses shall constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the City Council to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with the City Secretary within ten (10) days of the notice. After consideration of all facts, the City Council shall rule upon the appeal.

(B) The Building Official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(C) Any sign located in public right-of-way may be immediately removed by the Building Official without notice to the owner.

(n) **Sign Standards. Signs to Comply With Applicable Law.** All signs erected or maintained within the City shall be erected and maintained in compliance with all applicable state laws and with this section and Ordinance, the city's building code and the electrical code. In the event of conflict between this section and other laws, codes or ordinances, the most restrictive standard shall apply.

(o) **Signs Allowed Without Permit.**

(i) **Sale or Lease Signs.** Any realtor or property owner may erect a sign for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions:

(A) Signs advertising the sale or lease of nonbusiness property shall not exceed eight (8) square feet in area nor five (5) feet in height from ground level.

(B) Signs advertising the sale or lease of a business property shall not exceed sixteen (16) square feet in area nor eight (8) feet from ground level.

(ii) **Garage or Yard Sale Signs.** Any person may erect a sign on his own property, or property of another with the owner's permission, for the purpose of advertising a garage or yard sale. Name, date and address must be shown on the sign, however such signs shall be removed within twenty-four (24) hours of the sale.

(iii) **Hand-Bills and Circulars.** Hand-bills and circulars are prohibited except that hand-delivered to individual persons is allowed.

(iv) **Political Signs.** Political signs may be erected on any private property; provided, that such signs comply with other applicable requirements of this section, and provided further, that the owner or occupant of the

property on which such sign is displayed:

(A) shall not erect or cause to be erected special purpose political signs until forty-five (45) days prior to any primary or general election; and

(B) shall remove the signs within ten (10) days after the general or runoff elections to which a sign pertains or after the termination of a candidacy, whichever occurs first.

(v) Temporary Construction Signs Allowed. Temporary construction signs denoting the architect, engineer, contractor, subcontractor or financier and temporary signs denoting the future location of a particular business, retail center or institution may be erected on such site of the proposed business. However, only one (1) construction sign and one (1) future location sign will be permitted on such location. No such sign shall exceed thirty-two (32) square feet in area nor extend higher than fifteen (15) feet; provided, that such signs must be located on the premises where construction, or business location being advertised, is or will be occurring. Said signs shall be removed upon issuance of an occupancy permit.

(vi) Homebuilders and Subdivision Sign Allowed. Except as and to the extent provided and limited in another ordinance of the City applicable to homebuilder and subdivision signs, free-standing signs for the purpose of identifying the location of or direction to subdivisions or major Homebuilders sites are allowed. Such signs shall be on-site and shall not exceed sixty (60) square feet in area nor extend higher than fifteen (15) feet in height. A Homebuilder with ten (10) lots or more qualified as a major Homebuilder. The signs permitted for each subdivision or major Homebuilder site shall be removed upon completion of the project. No such sign shall be located closer than one hundred (100) feet to a residential dwelling not within the subdivision.

(p) Off-Site Signs. Only free-standing signs may be allowed as an off-site sign. Such off-site signs shall be erected and maintained only upon commercial or industrial zoned properties, unless otherwise prohibited or restricted. Before a permit shall be issued, the City must have a written statement in hand from the owner of the property where such free-standing sign is to be located giving permission for the erection and maintenance of a sign and holding the City harmless from any damages which might be caused by the sign. Free-standing signs shall be subject to the following regulations:

(i) No free-standing sign is permitted in any public right-of-way.

(ii) The maximum size of any free-standing sign shall not exceed 6' x 10' nor have a luminance greater than 200 foot lamberts. No free-standing sign shall exceed thirty (30) feet in height. Any free-standing sign located in such a manner to, or that is likely to, allow the passage of vehicular traffic beneath shall have a minimum distance of fourteen (14) feet. Any sign located in a manner to allow the passage of pedestrian traffic beneath it shall have a minimum clearance of eight feet (8').

(iii) The minimum distance between off-site signs shall be two hundred fifty feet (250').

(iv) No free-standing, off-site sign shall be located within six hundred (600) feet of the right of way of Highway 95, except as specifically provided otherwise by state law.

(v) The minimum distance between off-site signs located on the same side street shall be three hundred feet (300').

(vi) Billboards may be located within six hundred feet of the right of way of Highway 95 upon full compliance with this ordinance; provided that no billboard may be constructed, erected, installed, or located within 3,000

feet of any other billboard. Billboards are prohibited in all other areas.

(q) Non-Conforming Signs Prohibited. Non-conforming signs erected or installed after the date of this Ordinance are prohibited and shall be removed. Signs substantially similar to, or imitating, Traffic or Emergency Signs are prohibited at any location at which they may be seen from the travel lanes of any public roadway.

(r) Signs In Right-Of-Way Prohibited. No sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way. This section shall not be construed so as to prohibit vehicular signs as long as such comply with other provisions of this section; nor to prohibit the carrying or display of signs by a person or persons as long as such sign is not connected or affixed to the real property comprising the public right-of-way, its fixtures and appurtenances.

(s) Certain Signs Prohibited on Public Property. No person shall attach any sign, paper, or other material or paint, stencil, or write any name, number or otherwise mark on any sidewalk, curb, gutter, street, tree, or utility pole located on public property or within the public right-of-way, public building, public fence or public structure. This section shall not prohibit the posting of governmental signs or the painting or attachment of street address numbers to curbs.

(t) Non-Conforming Signs. It is the declared purpose of this section that, in time, all privately owned signs shall either conform to the provisions of this section or be removed. By the passage of this ordinance and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other ordinances of the City.

(i) Any sign which does not conform to all provisions of this ordinance but which existed on the effective date of this section and was lawfully constructed or installed shall be considered as a non-conforming sign. All non-conforming signs shall be permitted in the same manner as any other legally existing sign or proposed sign; provided that no sign that was constructed or installed in violation of any state or local law, or that was originally constructed or installed without a permit that was then required at such time, shall be or qualify as a non-conforming sign.

(ii) Whenever any non-conforming sign no longer advertises a bona fide business or a business which has moved away or closed, a product sold, or service rendered, such sign shall be removed within sixty (60) days. If the non-conforming sign is a wall sign, the wall sign shall be removed or painted over with a color that resembles or matches the rest of the wall of the building. If the owner of, or person responsible for the sign, or if the tenant closing a business, fails to remove the abandoned sign or paint over the wall sign, the owner of the premises shall be held responsible and the work shall be done within thirty (30) days following written notice to do so by the Building Official.

(iii) No non-conforming sign may be enlarged or altered in a way which would increase its non-conformity.

(iv) Should any non-conforming sign be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(u) Variances. The City Council shall be empowered to vary the provisions of this section if it appears that the provisions would work in manifest injustice, considering such factors as the sign location and other pertinent factors. Such decision of the Council should not however conflict with the spirit of this ordinance, which is one of safety, provision of adequate light, open space and air, conservation of land and building values and to encourage the most appropriate use of land. All variances to these sign regulations will require a conditional use permit and a two thirds