

Chapter 11

Signs

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CHAPTER 11

Signs

Article I. SIGNS

Sec. 11-1 Definitions.

(A) The definitions set out in other sections of this code are adopted herein by reference for the purposes of this chapter.

(B) In addition to the definitions adopted by reference in Article (a) above, the following definitions shall be applicable to this chapter:

"**ADVERTISING BENCH.**" A device providing pedestrian seating, either affixed or not affixed to the ground, and providing upon its surfaces, or attached thereto, space which is utilized for commercial or public service advertising purposes.

"**BUILDING SURFACE.**" The total surface of a building face to which a sign is attached.

"**CONSTRUCTION SIGN.**" Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of building project or announcing the character of the building enterprise or the purpose for which the project is intended.

"**DIRECTIONAL OR WARNING SIGN.**" An on-premise sign in front of a building containing information relative to expediting pedestrian or vehicular traffic flow and parking.

"**EMBELLISHMENT.**" Letters, figures, characters or representatives in irregular form which are to be used as a supplement to the primary sign structure.

"**ENTRANCE SIGN.**" A sign used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project and not a single entity or unit.

"**FASCIA SIGN.**" A sign attached to or erected against a wall of a building.

"**FREE-STANDING BUILDING.**" An independent building which is physically separated from other structures on the same parcel of real estate and is further identified by its own parking lot and landscaping layout, circulation flow and other features which qualify a building as a complete independent unit.

"**FREE-STANDING SIGN.**" Any sign permitted under this chapter, other than a mobile sign, which is a self-supporting structure physically separated and independent from other structures, including buildings, situated on the same premise.

"**GROUND SIGN.**" A low-profile, on-premise sign completely or principally self-supported by posts or other sign apparatus independent of any building or other structure.

"**HEIGHT OF SIGN.**" The vertical distance measured from the base grade level to the highest point of said sign.

"**HOME OCCUPATION SIGN.**" A sign stating solely the name of the person and the name of the permitted occupation or by variance approved by the Board of Zoning Appeals.

"**IDENTIFICATION SIGN.**" Allowable in an R-1, R-2, C-1, I-1, MH District. Any on-premise wall, roof, projecting, or free-standing sign identifying or advertising a business, product, service, use, activity, or any combination thereof, conducted upon the premise where the sign is located. This definition does not include signs identifying residences, schools, churches, community buildings, other

public or semi-public institutional buildings, residential subdivisions, apartments or townhouse developments, or mobile home parks.

"INSTITUTION SIGN." An on-premise sign identifying a society, corporation, or group facility of a public character.

"MARQUEE OR CANOPY SIGN." A sign displayed, erected, or supported upon an overhanging marquee, canopy, awning, or other similar cover or shelter.

"MOBILE SIGN." A sign which is designed to be moved from one location to another by any means, and is not designed to remain as a permanent sign at any given location.

"MODIFIED MOBILE SIGN." A sign originally designed and manufactured for use as a mobile sign, as defined in this section, but which has been physically and permanently modified for a use other than the mobile sign use for which the sign was originally designed and manufactured, and which adaptation is to use as signage permitted under this chapter, for example, use as part of a pole sign, projecting sign, ground sign, shopping center sign, fascia sign, and the like.

"MULTI-FACED SIGN." Any sign in a three-dimensional configuration including, but not limited to, cubes, spheres and cylinders.

"OFF-PREMISE SIGN." Any sign identifying or advertising a business, product, service, or activity not conducted, sold, or offered upon the premises where the sign is located.

"ON-PREMISE SIGN." Any sign identifying or advertising a business, person, activity, good, product, or service located on the premises where the sign is installed.

"PAINTED GRAPHICS." Any advertisement painted directly onto the wall of a building.

"POLE OR FREE-STANDING SIGN." A sign which is supported by one or more uprights or braces in the ground with all of the sign surface attached to or supported by any such upright or brace and with the entire apparatus independent of any building or other structure.

"POLITICAL SIGN." Any temporary sign pertaining to an election or a referendum or carrying the picture or name of a person seeking election or appointment to a public office.

"PREMISE." That area upon which the business or profession is actually located, or where the commodity or service is actually offered for sale or sold, but does not include an easement or land leased for the purpose of sign placement.

"PROJECTING SIGN." An on-premise sign attached to a building or structure and extending wholly or partly beyond the surface of the portion of the building or structure to which it is attached; or extending beyond the building line; or over public property.

"PUBLIC SERVICE SIGN." Signs of a public, non-commercial nature including safety signs, trespassing signs, traffic signs, church directional signs, signs indicating scenic or historical points of interest, memorial plaques and similar signs, and all signs erected by or on order of a public officer in the performance of a public duty.

"ROOF SIGN." A sign erected upon or above a roof or parapet of a building.

"SHOPPING CENTER SIGN." An on-premise sign identifying a shopping center.

"SIGN." Shall mean and include any outdoor announcement, declaration, device, demonstration, or insignia used for direction, information, identification, or to advertise or promote any business, product, activity, services, or any interests, but shall not include any traffic control, informational or directional sign placed within the right-of-way of any highway or public road by a governmental agency or unit having authority to do so under any law.

"SUBSTANTIAL RECONSTRUCTION." Substantial reconstruction of a sign shall occur when the cost of repairs necessary to return a sign to its intended use exceeds 150% of the appraised fair market value of the sign.

"TEMPORARY SIGN." A sign which is not permanently installed, not including mobile signs, such

as an advertising display constructed of cloth, canvas, light fabric, cardboard, or other light material. Signs announcing such events as "Grand Opening", "Under New Management", or "Going Out of Business", whether such signs are free-standing or are attached to a building, shall be considered "Temporary Signs". Streamers, pennants, banners, mobile signs, and the like, when used in conjunction with such special events, shall also be considered "Temporary Signs".

Sec. 11-2 Legal Nonconforming Signs.

(A) All permanently attached or affixed signs legally existing prior to the enactment of this chapter shall be regarded as lawful nonconforming signs and may be continued, subject to being properly repaired and maintained, so long as the existing sign is not expanded in size or relocated, unless such expansion or relocation brings the sign into conformity with this chapter, and so long as no additional signs are placed on the same sign apparatus upon which the existing sign is located.

(B) Whenever an existing lawful nonconforming sign shall be destroyed by more than 50% of its replacement value, by explosion, fire, windstorm, flood, earthquake, act of God, riot, or act of public enemy, the sign and apparatus may be reinstated only in compliance with the provisions of this chapter.

(C) Whenever an existing lawful nonconforming sign becomes no longer functional or is abandoned, the sign and apparatus may be reinstated only in compliance with the provisions of this chapter. A sign is considered nonfunctional or abandoned when such sign is materially obstructed from view; when its essential elements are no longer readable; when it has been left by a business or other use that has ceased to operate when a condition of deterioration or dilapidation of the sign face or structure is such that the sign can be returned to the use for which it was intended only after substantial reconstruction; or when an existing lawful nonconforming sign is not used for the purpose for which it was intended for a continuous period of six months.

(D) Nothing in the foregoing shall prevent: ordinary sign maintenance poster panel replacement; copy changes or lettering; repair or the reconstruction and upgrading of such nonconforming signs, provided that there shall be no enlargement of size, or change of location of such signs, unless the entire nonconforming sign and structure are brought within the provisions of this chapter. (Penalty, see Article XXII. Penalty)

Sec. 11-3 Signs to Comply with Chapter.

Signs may be erected and maintained as long as the requirements of this chapter and all other applicable sections of this code, or state and federal regulations are met. (Penalty, see Article XXII. Penalty)

Sec. 11-4 Permit Requirements.

Improvement location permits, as provided for in Chapter 10, Zoning, shall be obtained prior to placement of any new sign, in any zoning district, as provided for in Chapter 10, Zoning, of this code, including mobile signs and advertising benches, excepting those signs which are otherwise exempted by this chapter. (Penalty, see Article XXII. Penalty)

Sec. 11-5 Application Requirements.

The application for an improvement location permit shall require a site plan and shall set forth the name, address, and telephone number of the individual, corporation, or business responsible for repair and maintenance of the sign. In addition, the applicant will submit the written consent of the owner of the building, structure, or land, to which, or on which, the sign is to be erected, in the event that the applicant is not the owner thereof. (Penalty, see Article XXII. Penalty)

Sec. 11-6 Area Requirements.

(A) Single-faced signs. The area shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign exclusive of supporting members that bear no message.

(B) Double-faced signs. The area of such signs shall be determined in the same manner as single-faced signs and shall be allowed on each side, provided that the facings are back-to-back. A V-type sign may be permitted, if the greatest point of separation between sign faces does not exceed 15 feet.

(C) Multi-faced signs. The area shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the largest single surface or largest cross-section of the sign, exclusive of supporting members that bear no message. (Penalty, see Article XXII. Penalty)

Sec. 11-7 Lighting Requirements.

Lights used to illuminate signs shall be installed so as to concentrate the illumination on the sign in such a manner as to reflect away from the public street or adjacent properties. No sign may be illuminated after 11:00 p.m. if it is located within 75 feet of a residential zone or residential use boundary line, as provided in Chapter 10, Zoning, of this code, except for those businesses remaining open beyond that time, in which case the illumination shall cease upon closing. (Penalty, see Article XXII. Penalty)

Sec. 11-8 Certain Lighting Prohibited .

No sign which has a rotating beam, beacon, or strobe effect shall be permitted for advertising or identification purposes where any hazard or need for caution exists. This prohibition shall not be construed as prohibiting:

(A) Time or temperature devices customarily identified with, but not limited to, banks or lending institutions.

(B) Barber poles, provided such devices meet all other applicable provisions of this chapter.

(C) Searchlights placed temporarily on the ground for grand openings and similar events with a vehicle-mounted beam and where it does not create an air traffic hazard. (Penalty, see Article XXII. Penalty)

Sec. 11-9 Marquee And Canopy Signs.

Where otherwise permitted marquees and canopies shall be permitted only after it is determined by the Building Inspector that the marquee or canopy is structurally safe and will not impair or endanger public safety. (Penalty, see Article XXII. Penalty)

Sec. 11-10 Obsolete Signs.

(A) Signs, other than temporary, which advertise a product or service no longer available on the premises of a business, or which advertise a business which has closed permanently, or which has moved from the business location on which the sign is located, are, for the purposes of this chapter, considered to be obsolete signs.

(B) Obsolete signs shall be removed within three months from the happening of the event which renders the sign obsolete. (Penalty, see Article XXII. Penalty)

Sec. 11-11 Obstructing Signs.

Signs placed, and of such nature and size, so as to obstruct the use of any window, door, fire escape, stairway, ladder, opening, or access as a means of emergency ingress or egress, or signs of a nature or size so as to inhibit ingress and egress or the free passage of light and air to and from surrounding buildings are prohibited. (Penalty, see Article XXII. Penalty)

Sec. 11-12 Prohibited Sign Locations.

(A) Except with the permission of the legal owner thereof, no signs are to be attached to trees or other living vegetation, utility poles, rocks, lampposts, or hydrants, except as may be permitted elsewhere in this code or by state or federal regulation.

(B) Under no circumstances are signs, other than temporary, to be attached to publicly owned property of any type, including but not limited to, in addition to the types of property described above, bridges, highway markers, or other signs, without the express consent of the Town Board, as recorded in official minutes, in the case of municipally owned property, or in the case of state or federally owned property, then written consent of the state or federal agency having jurisdiction over such property.

(C) This section shall not apply to the temporary hanging of banners between trees for a special event provided that, should such trees be located in a publicly owned park, the permission of the Town Manager shall also be required.

(D) Where the permission of public authorities or agencies is required under this section, nothing in this section shall be construed as requiring the granting of such permission, any such approval being within the sound discretion of the affected public authority or agency. (Penalty, see Article XXII. Penalty)

Sec. 11-13 Removal Of Signs.

(A) Whenever a sign within the town, by reason of its dilapidated, decayed, or rotten condition, shall become dangerous to public or private safety or property, or has been rendered obsolete as defined by Article X, Obsolete Signs, the Town Marshal shall notify the sign owner to have the sign removed within ten days after the owner's receipt of the notice to remove the sign.

(B) The Town Marshal is hereby authorized to treat the sign as a public nuisance and initiate action to abate the public nuisance using the same procedures, and in the same manner, as such nuisances are abated under the state statutes concerning enforcement of building standards, as previously adopted by the town for the purpose of enforcing building standards.

(C) The order of the Marshal to remove a sign cannot be appealed to the Board of Zoning Appeals, but shall be subject to review by the Town Board in the same manner as any matter brought before the Town Board under the town ordinance concerning enforcement of building standards. The Town Board may confirm, modify, or rescind the order of the Marshal as to the sign made subject to the Marshal's order. (Penalty, see Article XXII. Penalty)

Sec. 11-14 Signs Posing A Traffic Hazard Prohibited.

Any sign that is deemed a traffic hazard because it infringes on the critical visibility zone, or obstructs the view of any approaching road or intersection, railroad, school playground, park, or pedestrian crosswalk, shall be prohibited. (Penalty, see Article XXII. Penalty)

Sec. 11-15 Vehicle- Or Trailer-Mounted Signs Prohibited.

Signs displayed on a stationary vehicle or trailer, when that vehicle or trailer is used primarily for the purpose of, and serving the function of, an on-premises or off-premises sign, are prohibited. (Penalty, see Article XXII. Penalty)

Sec. 11-16 through Sec. 11-19 Reserved for Future Use.

ARTICLE 2. ADMINISTRATION AND ENFORCEMENT.

Sec. 11-20 Permitted Signs not Requiring an Improvement Location Permit.

Except as may be otherwise specifically provided in this chapter, the following signs are allowable in all zoning districts, and shall not require an improvement location permit.

(A) **Residential identification sign** may be affixed to a mailbox, fence, or structure or be free-standing. In addition, house numbers not to exceed two square feet depicting the address of the property are permitted. Home occupation signs are not included within the provisions of this Article.

(B) **Building directories.** An exterior building directory on a multiple tenancy structure shall not exceed six square feet in area.

(C) **Bulletin boards.**

(1) One bulletin board is permitted with any church, school, or other similar public or semi-public structure.

(2) Additional signs, if the building fronts on more than one street, require a location permit.

(D) **Dedication signs.** Names of buildings, dates of construction, commemorative tablets, and the like, when carved into stone, concrete, or similar material, or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure, are permitted.

(E) **Home occupation signs.** Home occupation signs are permitted, but shall be unlighted not exceeding four square feet in area, unless a variance is granted by the Board of Zoning Appeals.

(F) **Temporary or Off-premises directional signs.** Free-standing, off-site directional signs or temporary signs providing information as to the location of grand openings, private garage or yard sales, auctions, and other temporary uses, or of real estate that is for sale or for rent, are permitted. Such signs shall be subject to the following conditions:

(1) No such sign shall exceed 4 square feet in area, or eight feet in height.

(2) Every such sign shall have name, address, and phone number of the responsible person on back.

(3) Such signs shall not be located in the public right-of-ways, and if placed on private property, it shall be with the permission of the property owner and for a period not to exceed ten days.

(4) Such signs shall not be situated to cause an obstruction or distraction to passing motorists nor a blockage to critical visibility.

(5) Such signs shall be removed within 48 hrs after the sale or temporary activity is over.

(6) Inflatable balloons may be used as a temporary sign in conjunction with a special event as in this chapter described, provided that they are not allowed to create an unsafe condition by reason of their use.

(G) **On-premises directional signs.** On-premises directional signs shall be allowed for the purpose of directing traffic on the same premise as the sign or signs. Such signs shall not exceed 4 square feet and shall not be located in any public right-of-way and any such sign, including a structure to which it is attached, shall not exceed eight feet in height.

(H) **On-premise warning signs.** Signs located on-premise warning the public against hunting, fishing, dumping, trespassing, dangerous animals, swimming or the like shall be permitted. Such signs may be free-standing or attached to a fence or structure. Such signs shall be no more than four square feet in area.

(I) **Other identifying signs.** Signs for the purpose of identifying the name of schools, churches, community buildings, or other public or semi-public institutional buildings, residential subdivisions,

apartments, or townhouse developments, or mobile home parks, shall be permitted provided the following conditions are met:

(1) The sign shall not exceed 32 square feet.

(2) If free-standing, the sign shall be located not less than 15 feet from any street or highway right-of-way. Free-standing signs may be double-faced, and such sign, including any structure to which it is attached, shall not exceed five feet in height.

(3) No sign mounted on a building shall project above the ridge line of a sloping roof, nor above the eave line of a flat roof.

(4) Additional signs, if the building fronts on more than one street, shall require a location permit.

(J) **Political signs.** Political signs are permitted, but a political sign shall be removed within ten days following a primary election, a general election, or a special election. The person responsible for the removal of a political sign shall be the property owner and the candidate. If such signs are not removed within the specified time period, the Executive Secretary of the Town Plan Commission may initiate action for removal of the sign.

(K) **Public service sign.** A public service sign can be any specially licensed sign, permitted by a legislative body, by franchise, or by special permit of the Town Plan Commission. A public service sign may be a sign established by a public service agency as an aid to safety or service. A public service sign may also be a governmental or traffic sign.

(L) **Real estate signs.** Real estate signs are permitted on any property being sold, leased, or developed if they are not illuminated, not located in the existing right of way, and are no larger than nine (9) square feet in any residential district, nor 32 square feet in any commercial or industrial district. Such signs shall be removed no later than 30 days after the sale, lease, or development of the property has been completed.

(M) **Seasonal displays and decorations.** Seasonal displays and decorations for events such as religious or civic holidays are permitted unless they advertise a product, service, or entertainment.

(N) **Show windows.** Show window displays, including displays of merchandise, photographs, drawings, prices, promotional statements, and the like, designed and intended to be viewed by pedestrians or vehicular passengers passing in front of the store window are permitted.

Sec. 11-21 Signs Requiring Improvement Location Permits.

The following provisions shall apply to signs for which improvement location permits are required, and shall designate maximum sign areas, zoning districts in which signs are permitted, sign locations, and separation distances required, where appropriate.

(A) Improvement location permits, as required in this section, shall be obtained prior to sign placement from the Town Manager/Clerk Treasurer

(B) Signs regulated by this section shall include the following:

(1) **Fascia signs.** Fascia signs shall meet the same criteria as described herein for on-premise identification signs.

(2) **Off-premise signs.** Off-premise signs shall be permitted in zoning districts C1 and I1 and shall not exceed 32 square feet in area.

(a) A minimum separation between off-premise signs on the same side of the street or highway shall be 500 feet.

(b) Signs shall not be located closer than 15 feet to any existing or proposed right-of-way of any street or highway.

(c) There shall be a minimum distance of not less than 75 feet from an off-premise sign to any residential zone and 150 feet from the nearest property line of any school, church, or institution for human care.

(d) Signs shall have a maximum height of 8 feet from grade to the top edge of sign. "GRADE" shall be defined as the level of the street or highway from which the sign is intended to be viewed.

(e) Back-to-back signs may be separated in the shape of the letter "V" if the greatest point of separation between the sign does not exceed 15 feet.

(f) Existing signs erected before enactment of this chapter shall be exempt from the requirement.

(3) **On-premise construction signs.** Construction signs having a maximum sign surface area of 100 square feet shall be permitted in all zoning districts and shall be limited to one sign per entrance for each parcel of land, provided that an Improvement Location Permit shall be required prior to placement to be removed within 30 days after completion or occupancy of the project.

(4) **On-premise entrance signs.** Entrance signs which identify a planned district or plat, including office parks, industrial parks, or subdivisions, shall be permitted in all zoning districts and shall be permitted to be placed on each side of the ingress point, provided that the combined sign surface area of the two such signs does not exceed 64 square feet. One entrance sign to shopping centers shall be permitted to be placed at each ingress point from a thoroughfare into the shopping center premise, provided an Improvement Location Permit shall be required prior to placement.

(5) **On-premise ground signs.**

(a) A ground sign shall not be at any point over three feet in height above grade level when such sign is located within fifteen feet of the right-of-way line. When located five or more feet from the right-of-way line, no ground sign shall be at any point over ten feet in height above ground level, or within ten feet to any other sign.

(b) Lighting reflectors shall not be more than six feet away from the ground sign which they are designed to illuminate. Ground signs are permitted in C1 and I1 zoning districts. An improvement location permit shall be obtained prior to the placement of a ground sign.

(6) **On-premise identification signs.** Identification signs shall be permitted in C1 and I1 zoning districts, or where a use is allowed as a nonconforming use, or is permitted by reason of a variance

granted by the Board of Zoning Appeals, provided that the placement of such signs shall be subject to the obtaining of an improvement location permit. The maximum allowable sign surface area for such signs shall be two square feet per lineal foot of building facade fronting upon a street or public right-of-way. Should a building front on more than one street or public right-of-way, identification signs are allowable on each frontage, with the maximum sign surface area per frontage being two square feet per lineal foot for the facade fronting upon the street or public right-of-way where the sign is located. Other provisions of this Article notwithstanding, no identification sign may exceed 240 square feet.

(7) **On-premise institutional signs.** One sign shall be permitted per frontage in all zoning districts. An improvement location permit shall be required prior to placement of such signs. Maximum sign surface area shall not exceed one-half square foot per lineal foot of building facade on frontage where sign is located.

(8) **On-premise mobile signs.** One sign is permitted per premise. A maximum of 64 square feet per sign is allowed. Mobile signs are permitted in C1 and I1 districts only for a period of six months in any 12-month period.

- (a) Off-premise mobile signs are not permitted in any zoning district. An improvement location permit shall be required prior to placement of any such signs under this Article.
- (b) On-premise permanent signs. One permanent message sign shall be allowed which may not exceed 64 square feet per sign face. Such signs are to be installed as stationary and fixed structures.

(9) **On-premise projecting signs.**

(a) Allowable in C1, R1, R2 and MH districts, a projecting sign shall be placed at a distance not greater than two feet from the face of the wall to which it is attached, measured from the part of the sign nearest thereto. No projecting sign or part thereof shall extend nearer to the curb line than five feet, nor be placed lower than ten feet above grade or sidewalk level. No projecting sign shall be erected to a height greater than 60 feet above grade or higher than the cornice of any building which is three stories or more in height, unless the same is made entirely of steel skeleton construction and shall present only 40% of the solid surface area to be affected by wind pressure. No projecting sign shall be erected when the area of one face of the sign exceeds 240 square feet in area.

(b) Any movable part of the projecting sign shall have an area not to exceed 100 square feet to a vertical sign, or 50 square feet for a horizontal sign. No projecting sign shall be secured with wood, nails, or wire, unless with seven strand guy wire; nor shall any projecting sign be hung or secured to any other sign. Turnbuckles shall place in all chains and guy wires supporting weighing 200 pounds or more. A projecting sign exceeding ten square feet in area, or 50 pounds in weight shall not be attached to or supported by frame buildings, or the wooden framework of a building. Other projecting signs shall be attached to masonry or like walls, with galvanized expansion bolts of at least 3/8-inch in diameter, or shall be fixed in the wall by means of bolts extending through the wall. Projecting signs shall have no reflectors of the goose-neck type. No glass faces can be used in projecting signs, and any other glass used shall be safety or plate glass at least 1/4-inch in thickness. An improvement location permit shall be obtained prior to the placement of a projecting sign.

(10) **On-premise shopping center signs.** Shopping center signs shall be permitted in C1 and I1 Zoning Districts. Roof signs shall not be permitted. One projecting sign not to exceed eight square feet in area shall be permitted per business on site. An identification sign is allowable for each business on site, subject to the provisions of this chapter pertaining to on-site identification signs. In addition to any other signs allowed in this Article, or on-premise entrance signs as provided for in Article (B)(2) above, or signs allowed elsewhere in this chapter, a shopping center development is allowed one pole sign per 500 lineal feet of shopping center frontage on a primary arterial or primary feeder street or highway. Except by variance granted by the Board of Zoning Appeals, no such sign shall exceed 80 feet in height from grade to the top edge of the sign. "GRADE" is defined as the level of the primary arterial or primary feeder from which the sign is intended to be viewed. Such signs shall meet all requirements applicable to pole signs generally under this chapter. No single sign surface area shall exceed 300 square feet unless a variance is granted by the Board of Zoning Appeals. Unless a variance is granted by the Board of Zoning Appeals, the total sign surface area of all sign faces on said pole sign shall not exceed 600 square feet per side, with a minimum of 12 inches separation between sign faces. No such pole sign shall be located closer than 15 feet to any existing street or highway right-of-way, or closer than 75 feet from any residential zone boundary. Nothing in this Article shall be construed as prohibiting shopping center owners from imposing signage regulations more restrictive than those contained in this chapter for application in their shopping center development, nor shall anything in this Article be construed as being applicable to shopping center signage not visible from a public street, highway, or right-of-way.

(11) **On-premise or off-premise roof sign.** No roof sign shall project beyond the outer edge of the walls of the building in any direction. No roof sign having a tight, closed, or solid surface shall at any point be over 25 feet above the roof level. All signs which are erected on roofs shall be thoroughly secured to the building upon which they are installed, erected, or constructed, by iron or metal anchors, bolts, supports, seven-strand guy cable, steel rods, braces, or combinations thereof. All roof signs shall be so erected that the live-and-dead-load stresses shall not in any manner adversely affect the structural integrity of the building. Signs must be designed to successfully withstand wind pressure of not less than 30 pounds to the square foot of the area of the sign. Roof signs are permitted in C1 and I1 zoning districts. An improvement location permit is required.

(12) **Pole sign.** A pole sign, either on or off premises, shall have a minimum of ten feet between the bottom of the face of the sign and ground level. If the pole sign is supported by more than one pole, the space between the poles shall not be enclosed in a manner that infringes upon the minimum clear zone of ten vertical feet as herein established. An improvement location permit shall be obtained prior to the placement of a pole sign. (Penalty, see Article XXII. Penalty)

Sec. 11-22 Prohibited Signs.

The following signs shall not be permitted under any circumstance:

(A) Signs bearing statements, words, or pictures which relate to sexual matters of an obscene and indecent character, such as would be patently offensive by contemporary community standards;

(B) Signs which, because of size, location, coloring, content, or illumination, bear a close resemblance to, or may appear to be an imitation of, highway traffic signs or signals: or signs which incorporate, in any manner, a flashing or moving apparatus that may create a traffic hazard;

(C) Signs which interfere with the view of any signal, traffic sign, or street sign;

(D) Deteriorated, leaning, derelict, or structurally unsafe signs which constitute hazards by reason of inadequate maintenance, age, or abandonment, as defined in this chapter;

(E) Signs which are obstructing signs as described in Article XI. Obstructing Signs, of this chapter; and

(F) Signs which are unlawfully erected or maintained. (Penalty, see Article XXII. Penalty)

Sec. 11-23 Enforcement.

The Marshal shall have the authority to enforce all the provisions of this chapter. Action on the violation of any provision of this chapter shall be subject to the authority granted to municipalities by the provisions of IC Title 36, and all acts amendatory thereto; provided further that the Town Manager, at the direction of the Town Council, may institute a suit for injunction in a court of competent jurisdiction to restrain any person, persons, firm, or corporation from violating the provisions of this chapter, and may also institute a suit for a mandatory injunction directing removal of any sign erected or maintained in violation of the terms of this chapter. (Penalty, see Article XXII. Penalty)

Sec. 11-24 Supremacy Clause.

It is the intent of this chapter to provide for the comprehensive regulation of signage within the town. Should any other provision of this code be applicable to signage, and should such regulation be reconcilable with the terms and provisions of this chapter, such other provision shall continue to have full force and effect. Should any such other provision conflict with the terms and conditions of this chapter in the matter of sign control, the terms and conditions of this chapter shall control. Should conflicts be found to exist between separate provisions of this chapter, the more restrictive provision shall apply.

Sec. 11-25 Appeals.

This chapter shall be deemed an amendment to the zoning code and the development plan for the town and is enacted to assist in the accomplishment of the purposes of the advisory planning law. An appeal from any person, persons, firm, or corporation claiming to be adversely affected by any decision of the Town Manager or Clerk-Treasurer concerning a requirement of this chapter shall be taken to the Town Board of Zoning Appeals in the same manner, and subject to the same procedural requirements as other appeals are taken under the zoning code. In considering the appeal, the Board of Zoning Appeals shall have the power to reverse, modify, or approve the decision of the Town Manager or Clerk-Treasurer, or may grant a variance from the requirements of this chapter as equity may require. Any final decision made by the Board of Zoning Appeals may be appealed to a court of

competent jurisdiction as provided by law.

Sec. 11-26 Penalty.

Whoever is found in violation of any provision of this chapter for which no other penalty is otherwise provided shall be subject to a fine of not more than \$1,000. A separate offense shall be deemed committed on each day that a violation occurs or continues.

Sec. 11-27 through Sec. 11-30 Reserved for Future Use.