

DIVISION 13. SIGNS.**Section 14-89. "Signs" defined.**

The term "*Signs*" shall include any writing (including letter, word or numeral), pictorial representation (including illustration or declaration), form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction), or any other figure of a similar character which is a structure or any part thereof or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on a building, board, plate or upon any material, object or device whatsoever, which by reason of its form, color, working, stereotyped design or otherwise, attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement, or announcement.

Section 14-90. Exclusions from definition.

The term "*signs*" shall not include the following:

- (1) Numbers used to identify street address.
- (2) Flags, pennants, or insignia of nations or an organization of nations, states or cities, or fraternal, religious and civic organizations, or any educational institutions, except when such flags are used in connection with a commercial promotion or as an advertising device.
- (3) Window displays incorporating placards, pennants, merchandise, pictures or models or products or service.
- (4) Works of art which do not identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize a direct commercial gain from such display.
- (5) One (1) flush wall nameplate per public entrance per business of no more than two (2) square feet per face.
- (6) Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations.
- (7) Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.
- (8) Traffic or other official signs of any public or governmental agency.
- (9) On-site traffic directional signs which do not exceed four (4) square feet per face or ten feet (10') in height and which do not carry any commercial message other than identification.
- (10) Temporary interior paper window signs.

(11) Signs over gas pumps which indicate gas prices, provided that such signs shall be limited to one (1) per pump island and shall be no larger than four (4) square feet per face.

(12) One (1) flush wall nameplate per business, not to exceed two (2) square feet in area, to be located at or near the rear entrance of such business.

Section 14-91. Sign definitions.

(1) **Animated sign** shall mean any sign or part of a sign which changes physical position by any movement, rotation or change of lighting.

(2) **Building fascia** shall mean that frontage of a building which faces and is parallel to a public or private street.

(3) **Canopy sign** shall mean a sign which is mounted on or beneath a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be partially supported by approved columns, poles or braces extended from the ground.

(4) **Commercial use** shall mean use of land upon which a structure may be located in a commercial zone district where such commercial use is permitted.

(5) **Display surface or face** shall mean the area of a sign structure for the purpose of displaying a message or advertising a product or service.

(6) **Flashing sign** shall mean any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effect by any means whatsoever.

(7) **Flush wall sign** shall mean any sign attached to or erected against the wall or parapet wall of a building or structure which extends no more than twelve inches (12") from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached.

(8) **"For Sale" or "For Rent" sign** shall mean a sign indicating the availability for sale, rent or lease of a specific lot, building or portion of a building upon which the sign is erected or displayed.

(9) **Freestanding sign** shall mean a detached sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a detached sign which is erected on the ground, provided that no part of the sign is attached to any part of the building, structure or other sign.

(10) **Ground sign** shall mean a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.

(11) **Illuminated sign** shall mean a sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

- (12) **Industrial use** shall mean use of land upon which a structure may be located in an Industrial Zone District or PUD Zone District where industrial use is permitted.
- (13) **Marquee sign** shall mean a sign identifying a specific motion picture or event which is subject to frequent change.
- (14) **Permanent sign** shall mean a sign which is permanently affixed or attached to the ground or to any structure.
- (15) **Projecting wall sign** shall mean any sign other than a flush wall sign which projects from and is supported by a wall or a building.
- (16) **Residential zone district** shall mean any zone district where residential use is permitted.
- (17) **Rooftop sign** shall mean a sign erected upon or above a roof or above a parapet wall of a building.
- (18) **Sign face** shall mean the display of the sign upon, against or through which the message is displayed or illustrated.
- (19) **Sign with backing** shall mean any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.
- (20) **Sign without backing** shall mean any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display area.
- (21) **Wind driven sign** shall mean any sign consisting of two (2) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move, upon being subjected to pressure by wind or breeze.
- (22) **Window sign** shall mean a sign which is applied or attached to, or located within three feet (3') of the interior of a window, which sign can be seen through the window from the exterior of the structure.

Section 14-92. General regulations.

The following rules shall apply to signs in all zone districts:

- (1) The erection, remodeling or removal of any permanent sign, except that which appears in the window or on the door of a business establishment, stating the name only of said business establishment, shall require a permit from the Building Inspector.
- (2) All sign permit applications shall be accompanied by detailed drawings indicating the dimensions, location and engineering of the particular sign and plot plan when applicable. Signs

may be erected after compliance with the following:

- (a) Proper submission of application on form obtained from Building Inspector.
 - (b) Issuance of permit by Building Inspector.
- (3) All exterior signs shall be permanent in nature, except "for sale" and "for rent" signs which shall not exceed six (6) square feet per face, shall be limited to one (1) sign per lot, and political signs.
 - (4) Political signs shall be of a temporary nature, shall not exceed thirty-two (32) square feet per face, shall not be allowed in any zone more than ninety (90) days prior to and fifteen (15) days following the election to which it relates, and shall not be illuminated.
 - (5) No sign shall be placed on government-owned property without permission of the appropriate governmental entity or on private property without permission of the owner thereof. Such signs shall be subject to immediate removal and confiscation by the appropriate governmental entity or private property owner.
 - (6) Any sign attached to a tree, utility pole or to the face of another sign is prohibited.
 - (7) Rooftop signs and all other signs which project above the fascia wall, revolving and rotating signs, strings of light bulbs not permanently mounted on a rigid background used in connection with commercial premises for commercial purposes (other than traditional holiday decorations), posters and wind driven signs (except banners and pennants) are prohibited.
 - (8) Flashing, moving, blinking, chasing or other animated effects are prohibited on all signs, except time and temperature signs.
 - (9) Freestanding signs shall be engineered to withstand a wind load of thirty (30) pounds per square foot.
 - (10) All signs shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant metals.
 - (11) The Building Inspector shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance or disrepair.

Section 14-93. Measurement of signs.

The following rules shall apply to the measurement of signs in all districts:

- (1) The total surface area of all sign faces of freestanding signs, ground signs and projecting wall signs shall be counted and considered a part of the maximum total surface area allowance.

(2) The area of all signs with backing or a background that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign, including all frames and backing.

(3) The area of all signs without backing or background that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure of similar character.

Section 14-94. Limitations based on zone district.

Signs shall be permitted in the different zone districts as accessory uses in accordance with the regulations contained in this Section.

(1) Limitations in all zone districts:

(a) One (1) identification sign per one-family or two-family dwelling, provided such sign does not exceed two (2) square feet in area per face.

(b) One (1) identification sign per multiple-family dwelling, provided such sign does not exceed twenty (20) square feet in area per face and has only indirect illumination.

(c) One (1) identification sign during the first two (2) years of construction of a new subdivision, provided such sign does not exceed one hundred (100) square feet in area per face, and is unlighted and is located within that subdivision.

(d) One (1) sign per entrance to the property identifying a subdivision or housing project, provided such sign does not exceed thirty-five (35) square feet in area per face and has only indirect illumination.

(e) One (1) identification sign per child care center, provided such sign does not exceed ten (10) square feet in area per face and is unlighted.

(f) One (1) identification sign per home occupation use. Such sign shall not exceed six (6) square feet in area per face and shall be unlighted.

(2) Limitations in any commercial or industrial zone district: ¹

Flush wall signs, projecting wall signs, window signs, canopy signs, freestanding signs and ground signs are permitted in any zone districts where commercial or industrial uses are allowed, subject to the following limitations and restrictions: (Ord. 1645, eff., 10-13-00)

(a) Maximum area permitted shall be equal to two (2) square feet of sign area for every lineal foot of building fascia length. (Ord. 1645, eff., 10-13-00)

¹ Chapter 14, Section 14-94(2) is repealed and reenacted. (Ord.1645, eff., 10-13-00)

(b) For hotels and motels, total sign area shall not exceed one hundred fifty (150) square feet. (Ord. 1645, eff., 10-13-00)

(c) For the purpose of this subsection , the sign allowance shall be calculated on the basis of the length of the one building fascia, which is most nearly parallel to the street it faces. (Ord. 1645, eff., 10-13-00)

(I) In the event the building occupies a corner lot and has frontage on two (2) public streets, the total allowance of both frontage shall be calculated to determine permitted sign area. (Ord. 1645, eff., 10-13-00)

(II) In the event the building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building fascia which shall be used for the purpose of calculating the sign allowance. (Ord. 1645, eff., 10-13-00)

(III) In all other cases, the sign allowance for a building may be distributed in any manner among its fascia except that no one fascia may contain more sign area than that provided in this Section. (Ord. 1645, eff., 10-13-00)

Section 14-95. Limitations based on type of sign.²

(1) Freestanding and ground signs: (Ord. 1681, eff., 2-15-02)

In addition to the limitations and regulations contained in Section 14-92, and to the extent they are applicable, the limitations and regulations contained in Section 14-94, the following limitations shall apply to all freestanding and ground signs: (Ord 1681, eff., 2-15-02)

(a) Size, height and location: (Ord 1681, eff., 2-15-02)

(I) Freestanding signs shall comply with the following requirements with respect to size, height and location: (Ord. 1681, eff., 2-15-02)

REQUIREMENTS FOR FREESTANDING SIGNS

<u>Maximum Height Above Grade</u>	<u>Minimum Setback From Street Right-of-way Line</u>
(feet)	(feet)
less than 30	0
30 - 42	5
42 - 55	10

The maximum height permitted for any freestanding sign is fifty-five feet (55'). Any freestanding sign lawfully erected prior to the effective date of this ordinance with a height of greater than fifty-

² Chapter 14, Section 95(1)(a)(I) is repealed and reenacted. (Ord. 1681, eff., 2-15-02)

five feet (55') may be maintained and operated after the effective date of this ordinance until such time that the business or commercial enterprise it identifies or advertises no longer exists at its current location. (Ord. 1681, eff., 2-15-02)

(II) Signs erected within fifty feet (50') (measured along the street right-of-way) of the intersection of a street with another street or a driveway, which exceed forty-two inches (42") in height, shall be set back at least fifteen feet (15') from the street right-of-way or shall maintain free air space between a height of forty-two inches (42") above the adjacent street elevation and a height of seventy-two inches (72") above said elevation.

(III) No freestanding or ground sign shall be erected within five feet (5') of any interior side lot line.

(IV) Single-faced freestanding and ground signs shall be set back from the street right-of-way line according to the provisions of this Section. Any such setback shall be measured from the street right-of-way line at the street to which the sign face is most nearly parallel.

(V) When any freestanding or ground sign is placed at a forty-five degree (45E) angle on property located at the intersection of two (2) dedicated streets, the required setback may be measured from either of the street right-of-way lines.

(b) All electrical service provided to freestanding signs or ground signs shall be underground.

(2) Projecting wall signs:

In addition to the limitations and regulations contained in Section 14-92, and to the extent they are applicable, the limitations and regulations contained in Section 14-94, the following limitations and regulations shall apply to all projecting wall signs:

(a) Projecting wall signs shall not project over any public property, including public rights-of-way, more than three feet (3').

(b) In addition, no projecting wall sign shall extend more than six feet (6') from the face of the building from which it is supported.

(c) Only materials as permitted by the Uniform Building Code (U.B.C.) Vol. V - Signs, governing structural requirements, shall be used in the manufacture and erection of projecting wall signs. The design and construction of electrical signs shall be in accordance with the requirements set forth by the U.B.C., Vol. V - Signs, Chapter 4, and shall be approved by the Building Inspector.

(d) Illumination of a projecting wall sign may be both indirect and direct. However, illumination shall not exceed twenty-five (25) watts per bulb.

(3) Window signs:

In addition to the limitations and regulations contained in Section 14-92, and to the extent they are applicable, the limitations and regulations contained in Section 14-94, the following limitations and regulations shall apply to all window signs:

(a) The area of a window sign shall be the area of a rectangle, square, triangle, portion of a circle, or any combination thereof, which completely encloses the sign or letters which are painted, attached or placed within three feet (3') of the interior of a window.

(b) Maximum sign area permitted for window signs shall be as follows:

(I) Residential home occupation use, six (6) square feet.

(II) Commercial and neighborhood services, forty percent (40%) of window area.

(III) Industrial use, forty percent (40%) of window area.

(c) In all cases, the sign allowance for any window area may be distributed in any manner among its windows except that the total window area for all signs may not contain more sign area than that provided by (b) above.

(4) Flush wall signs:

In addition to the limitations contained in Section 14-92, and to the extent they are applicable, the limitations and regulations contained in Section 14-94, the following limitations and regulations shall apply to all flush wall signs:

(a) Only one (1) flush wall sign is permitted per business, but may be constructed in one (1) or more parts, provided that it conveys one (1) unified message. Where an establishment has additional exterior walls which are immediately adjacent to a street or thoroughfare (corner building), each such wall may have one (1) flush wall sign.

(b) The area of a flush wall sign shall be all that area within its borders which completely encloses the sign or letters which are attached to the face of the building. The background area of a sign shall not be included in sign area when such background is an integral part of the design of the building. The area of a primary flush wall sign may not exceed the maximum area set forth in this Section. The area of a secondary sign may not exceed fifty percent (50%) of the allowable sign area for the primary sign, except that the area of each secondary sign may be increased in the amount that the area of the primary sign is decreased.

(c) A flush wall sign in a commercial zone district may not project more than twelve inches

(12") from the wall to which it is attached (except marquees). Where one establishment shares a common wall with another, a flush wall sign may not be placed closer than one foot (1') to the adjoining establishment.

(d) Illumination of flush wall signs may be from a concealed source only, which does not flash, blink or fluctuate, and may not be animated.

(5) Canopy signs:

In addition to the limitations and regulations contained in Section 14-92, and to the extent they are applicable, Section 14-94, the following limitations and regulations shall apply to all canopy signs:

(a) A canopy sign may have only one (1) row of letters no more than twelve inches (12") in height.

(b) A canopy sign must be placed so as to allow a minimum of seven feet (7') of head clearance.

(6) Off-premise signs:³

Signs may not be located on premises to which they do not relate unless a variance has been obtained for such purpose. (Ord. 1645, eff., 10-13-00)

Section 14-96. Non-conforming signs.

(1) Definition of *non-conforming sign*: A non-conforming sign is any sign which either:

(a) On the effective date of Ordinance Number 1256, was lawfully erected in accordance with the provisions of any prior zoning regulations or sign code, but which sign does not conform to the limitations and regulations established by that ordinance thereto; or

(b) On or after the effective date of Ordinance Number 1256, was lawfully erected and maintained in accordance with the provisions of that Ordinance, but which sign, by reason of an amendment to said Ordinance after the effective date thereof, does not conform to the limitations established by the amendment to said Ordinance in the district in which the sign is located.

(2) Continuation of non-conforming signs:

Any non-conforming sign may be continued in operation and maintained after the effective date of Ordinance Number 1256, provided, however, that no such sign shall be changed in any manner that increases the non-compliance of such sign with the provisions of said Ordinance established for signs in the district in which the sign is located.

³ Chapter 14, Section 14-95(6) is repealed and reenacted. (Ord. 1645, eff., 10-13-00)

(3) Discontinuation of non-conforming signs:

Termination of non-conforming signs shall be required in the event of the occurrence of any of the following:

- (a) By abandonment - Abandonment of a non-conforming sign shall terminate immediately the right to maintain such sign.
- (b) By violation of the Ordinance - Any violation of Ordinance Number 1256 subsequent to the effective date of said Ordinance or any amendment thereto, shall terminate immediately the right to maintain a non-conforming sign.
- (c) By destruction, damage or obsolescence - The right to maintain any non-conforming sign shall terminate and cease to exist whenever the sign is damaged or destroyed by any cause whatsoever, or becomes obsolete or sub-standard under any applicable ordinance of the City of Trinidad to the extent that the sign becomes a hazard or danger.
- (d) By amortization - The right to maintain a non-conforming sign in use at the time of the effective date of Ordinance Number 1256 or any amendments thereto, shall cease at the expiration of two (2) years from such effective date.

(4) Penalty for non-compliance:

Failure to modify any non-conforming sign so as to conform to Ordinance Number 1256 or any amendments thereto, or to remove such sign within the above stated period of time shall be construed to be a violation of the provisions of this Division and shall subject any person in violation to the penalties set forth in Section 14-98.

(5) Annexation and non-conforming signs:

All existing signs with flashing, moving, blinking, chasing, or other animated effects not in conformance with the provisions of this Division and located on property annexed to the City after the effective date of Ordinance Number 1256, shall be modified so that such flashing, moving, blinking, chasing or other animated effects shall cease within sixty (60) days after such annexation.

Section 14-97. Abandoned, damages, destroyed or hazardous signs.

(1) Abandoned sign - Definition:

An *abandoned sign* is any sign identifying or advertising a business or commercial enterprise which either no longer exists or has moved from the place where the sign is located.

(2) Abandoned signs:

- (a) The owner of any property upon which an abandoned sign is located, shall be required to

remove such sign within ninety (90) days of the abandonment or within ninety (90) days of the effective date of Ordinance Number 1376, whichever is later.

(b) Notwithstanding Paragraph (a) of this Subsection, any person owning real property upon which an abandoned sign is located, who has received a notice directing removal of said sign by the Building Inspector pursuant to Section 14-98, shall be afforded an opportunity to petition the City Council to waive the provisions of Paragraph (a) on the basis of historical significance. Such petition must be filed with the City Clerk no later than thirty (30) days following the issuance of the Notice by the Building Inspector. The City Council may in its discretion waive the requirements of Paragraph (a) upon a finding that said sign has historical significance and ought to be preserved.

(3) Damaged, destroyed or hazardous signs.

Any sign which is damaged, destroyed or otherwise becomes hazardous or dangerous, constitutes a public nuisance. The owner of the property upon which such sign is located shall therefore be subject to the abatement procedures set forth in Sections 16-64, 16-65 and 16-67 of the Code of Ordinances.

Section 14-98. Enforcement.

(1) Should any person, firm or corporation actually begin the erection, construction or painting of a sign for which a permit is required by this Division without taking out a permit therefor, he/she shall be required to pay any fees for this purpose imposed by the City Council by ordinance.

(2) Penalty.

(a) Whenever the Building Inspector shall find a violation of any of the provisions of this Division, he/she shall notify the person responsible for the violation in writing and shall order the necessary corrections within a period of thirty (30) days.

(b) Failure to comply with any of the provisions of this Division shall constitute a misdemeanor, and upon conviction, is punishable by a fine of not more than Three Hundred Dollars (\$300.00) or imprisonment for a period of not more than ninety (90) days or both. Each day that such a violation continues to exist shall be considered a separate offense.

(3) No permit shall be required for repairs that do not in any way alter the exterior appearance of a sign, or for repainting it the same color so as to keep such sign in good repair.

(4) The Building Inspector shall have the authority to allow repair, maintenance, printing and minor changes. The Building Inspector will make determination as to what areas of repair, maintenance, printing or minor changes require a permit.

Section 14-99. Exception or variance to sign regulations.

Consideration for the granting of an exception or variance from the provisions of this Division shall be in accordance with Section 14-117.