

CITY OF CARTERSVILLE

SIGN ORDINANCE

ADOPTED MAY 3, 2012

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CITY OF CARTERSVILLE
PLANNING & DEVELOPMENT DEPARTMENT

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Chapter 20 - SIGNS AND OUTDOOR ADVERTISING⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 26-12, adopted May 3, 2012, amended ch. 20 in its entirety to read as herein set out. Former ch. 20, §§ 20-1—20-35, pertained to similar subject matter and derived from: Code of 1976, §§ 6-5018, 8-6021—8-6029, 8-6031—8-6034; Ord. No. 25-86, adopted Aug. 14, 1986; Ord. No. 4-90, adopted Feb. 8, 1990; Ord. No. 21-95, adopted Jun. 29, 1995; Ord. No. 43-95, §§ 1—20, adopted Oct. 12, 1995; ; Ord. No. 53-96, §§ 1—17, adopted Jan. 2, 1997; Ord. No. 28-98, adopted Aug. 13, 1998; Ord. No. 18-99, §§ 1—9, adopted Feb. 18, 1999; Ord. No. 44-05, § 5, adopted July 7, 2005; Ord. No. 45-05, § 6, adopted July 7, 2005; Ord. No. 65-06, §§ 1, 2, adopted Sept. 21, 2006; Ord. No. 66-06, § 1, adopted Sept. 21, 2006; Ord. No. 51-08, § 1, adopted Dec. 4, 2008; and Ord. No. 20-09, § 1, adopted Mar. 5, 2009.

Cross reference— Buildings and building regulations, ch. 6; planning and development, ch. 17.

State Law reference— Municipal home rule, Ga. Const. art. IX, § II, O.C.G.A. § 36-35-3.

ARTICLE I. - IN GENERAL

Secs. 20-1—20-16. - Reserved.

ARTICLE II. - SIGN ORDINANCE

Sec. 20-17. - Findings and purposes.

(a) *Purposes.* This article was enacted with the following purposes:

- (1) To protect the rights of individuals and businesses to convey their messages through signs;
- (2) To encourage the effective use of signs as a means of communication;
- (3) To promote economic development;
- (4) To improve traffic and pedestrian safety as it may be affected by distracting signs;
- (5) To prevent the destruction of the natural beauty and environment of the city and to ensure the harmony and compatibility of the character of the area including its physical appearance, natural setting, informal landscaping, and preserve the historic character of the city;
- (6) To encourage and ensure that development that is context-sensitive in design and materials compliments and is compatible and sensitive with the existing character of the area through its proportion, scale, design, style, placement, position, and architectural qualities that further the distinct values of the city;
- (7) To protect the public health, safety and general welfare;
- (8) To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;
- (9) To ensure the fair and consistent enforcement of sign standards; and
- (10) To make it easier, quicker, and more economically efficient to apply for a sign permit.

(b) *Findings.* This article was enacted with the following findings in mind:

- (1) The city finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of

signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

- (2) The city further finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to ensure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.
- (3) The city further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The city council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.
- (4) The city further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this article, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

(Ord. No. 26-12, 5-3-12)

Sec. 20-18. - Definitions.

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the city zoning ordinance, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

Abandoned sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated illumination or effects. Illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind-actuated devices. This definition includes light emitting diode (LED) and/or electronic variable message center (EVMC) signs. Specifically included is any motion picture or video mechanism used in conjunction with any sign structure in such a manner as to permit or allow the images to be visible from any public right-of-way.

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Awning/canopy. A permanently installed cloth or canvas covering which hangs from a building facade or projects over the public walkway for beautification or shelter. Heretofore referred to as a canopy.

Awning sign. A sign, symbol, trademark or other message written on an awning attached to a wall. Awning signs are included in the definition of wall signs.

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame. Neither flags, nor canopy signs are considered banners.

Billboard. A freestanding sign with an area of more than two hundred fifty (250) square feet and a height not to exceed thirty (30) feet, except as stated herein. Such signs shall have no more than (2) two faces.

Block out zone. An area that is measured from the intersecting points of a public right-of-way, street, road, highway, railroad, at any entrance onto or exit from any public road or other location and extending twenty (20) feet along the right-of-way in each direction and closed so as to form a triangle in the corner created by the intersection.

Buildable area of lot. That area of a lot within the building setback lines as set by the city zoning ordinance within which a principal building or structure may be erected.

Building facade area. The height of the facade multiplied by the width of the facade equals the facade area.

Building setback line. The minimum yard requirement adjacent to any public street or property line set by the city zoning ordinance beyond which no part of a principal building or structure may be erected.

Bunting. A long colored strip of cloth or other pliable material used for festive decorations and containing no message, logo, or emblem and attached to a permanent structure.

Business park overlay district. Designated area of the City of Cartersville as adopted by the mayor and council and shown on the Official Zoning Map of the City of Cartersville. The boundaries of this overlay district include the areas outlined on exhibit "B", attached to the ordinance from which this chapter derives, and is included herein by reference.

Canopy sign. A sign affixed to, imposed upon or painted on any permanent roof-like structure extending over a driveway or vehicle access area. Such signs may be mounted flush or suspended. A flush canopy sign is one that is mounted in such a manner that a continuous face with the canopy is formed. A hanging canopy sign is one suspended from or beneath the canopy.

Changeable copy sign. Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

City. The City of Cartersville, Georgia.

Commemorative. A sign which identifies a site of memorable public interest.

Directional. Providing instructions for travel to or indicating the location of a place or event, whether by words, arrows or other symbols.

Director. The director of the city planning and development department or his designee.

Directory signs. A freestanding sign containing a directory for multiple commercial businesses.

Electronic sign. A sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

Electronic sign, stationary. A sign, kept constant in intensity when in use, which does not exhibit sudden or marked changes in lighting effects, and which does not exhibit any other changes of any nature within a continuous one-minute time interval.

Facade. The exterior surface or face of a building. The front facade is the building wall which contains the primary entry of the building. The side facade means the exterior walls other than the main or front view.

Flashing. Includes illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects.

Footcandle. A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support.

Graffiti. The defacing, damaging or destroying by spraying of paint, or marking of ink, chalk, dye or other similar substances on public and/or private buildings, structures and places.

Height. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road.

Home occupation. An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a bed and breakfast inn.

Illuminated sign, external. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, internal. A sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes or alternates.

Illustration. A design or drawing that visually explains, conveys, or decorates a text or message.

Includes. Denotes a partial definition.

Inflatable advertising devices. Includes air- or gas-filled signs, figures or balloons used for advertising purposes.

Instructional sign. A sign conveying instructions to the public, such as "entrance," "exit," "open," "closed," "no trespassing," etc.

Interior sign. Signs intended to be viewed from the interior of a building.

Interstate highway. I-75 and any road of the state highway system which is a portion of the National System of Interstate and Defense Highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 U.S.C. Section 103, or any limited access highway as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to the provisions of 23 U.S.C. Section 103.

Legal lot of record. A lot which meets the legal requirements set forth for the applicable zoning district.

Lot. Contiguous parcel(s) of land, legally platted and recorded as a legal lot of record, in single or common ownership, and not divided by a public street.

Lumen. A quantitative unit measuring the amount of light emitted by a light source.

Main Street overlay district. Designated area of the City of Cartersville as adopted by the mayor and council and shown on the Official Zoning Map of the City of Cartersville. The boundaries of this overlay district include the areas outlined on exhibit "A", attached to the ordinance from which this chapter derives, and is included herein by reference.

Major thoroughfare. A street or highway classified as an arterial or major collector as referenced in the City of Cartersville Street Classification Map.

Median. Area between two (2) roadways of a divided street or highway measured from edge of traveled way to edge of traveled way.

Monument sign. A sign supported by an internal structural framework on a base or foundation, or a sign enclosed by other solid structure features other than support pole(s) or post(s). No open spaces which allow a direct line of sight from one (1) side of the sign to the other are permissible in the area located beneath the widest part of the sign face where the message is located in a direct vertical plane to the ground. By way of example and without limitation the sign can not be attached to, resting upon, or supported by any pillars, columns, pylons which allow for open spaces or direct line of sight from one (1) side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground.

Nonconforming sign. Any lawfully erected sign which, as of the date of adoption of the ordinance from which this chapter derives, fails to comply with the requirements of this article.

Normal maintenance and repair. Normal maintenance and repair includes painting and cleaning. However, normal maintenance or repair conclusively does not include any structural alteration, any modification that requires a building permit or any alteration that costs in excess of fifty (50) percent of the value of the sign prior to such maintenance and repair. For purposes of this definition, the value of the sign shall be the replacement cost of the sign structure. The valuation of the sign as shown on the records of the tax assessor shall be presumed to be the replacement cost. If no amount appears in the records of the tax assessor for the individual sign, then the amount stated as the value of the sign on the original sign permit application shall be presumed to be the replacement cost. These presumptions of replacement costs may be rebutted by a city-approved appraisal.

Obscene. Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as:

- (1) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
- (2) Acts of masturbation;
- (3) Acts involving excretory functions or lewd exhibition of the genitals;
- (4) Acts of bestiality or the fondling of sex organs of animals; or
- (5) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Outparcel. A portion of a larger parcel of land generally designed as a site for a separate structure and business from the larger tract. An outparcel may or may not be a subdivision of a larger parcel. To be recognized as an outparcel, the portion must be identified on a site plan approved for the larger parcel.

Owner. Includes any person having possession of or control of a sign or owner of record of real property.

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permanent window sign. A sign with letters, words, or symbols which are displayed on and permanently attached to the window glass or framework.

Pole sign. A sign that is mounted on a freestanding pole or poles, columns, or similar support such that the bottom of the sign structure is not in contact with the ground as is typically found with monument ground signs. Also referred to as a pylon sign.

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Portable sign. A sign which is not permanently affixed to the ground or to a structure including, but not limited to, signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Primary highway. Any road of the state highway system which is a portion of connected main highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 U.S.C. Section 103.

Prohibited sign. Any sign, other than a legal nonconforming sign, not conforming to this article.

Projecting sign. Any sign which is suspended or projected from the wall, eave, or soffit of the building.

Proportion. Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

Roof sign. A sign that is mounted on the roof of a building (excludes flags).

Sandwich board or sidewalk sign. An outdoor double-sided portable sign, generally in the shape of an isosceles triangle, with the angle at apex being less than sixty (60) degrees. Such signs do not require a permit.

Scale. Proportional relationships of the size of parts to one another and to humans.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign. Any device, fixture, placard or structure affixed to, supported by, or suspended by a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. All signs shall have no more than two (2) faces.

Sign area. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

Soffit sign. A sign which hangs or is suspended beneath the cover of a walkway or beneath a support extending from a building.

Streamers or pennants. Any lightweight plastic, fabric, or similar material generally triangular or rectangular in shape; suspended from a rope, wire, or string, often in series, designed to move in the wind.

Temporary sign. Any sign of nonpermanent nature. All such signs shall be removed within three (3) calendar days after the purpose of which the sign is intended to advertise has been accomplished.

Twirler and/or curb-cut signs. A sign of nonpermanent nature which may be pivoted, revolved, rolled, rotated, spun, swirled, swiveled, turned, twisted, and/or whirled, whether by self-made force, human force, wind-activated, or any other means.

Wall sign. Any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface. Wall signs shall be flush with the wall, building, or structure to which it is mounted or affixed, except as otherwise set forth herein.

Window sign. Any sign that is affixed to the exterior of the window or window panes or within five (5) feet of the interior of the window or window panes and is visible from the exterior of the structure.

Yard sign. Small sign constructed from cardboard, coated paperboard, or corrugated plastic attached to a wooden post or set with a metal frame made of wire, set back a minimum of five (5) feet from the edge of pavement.

Zoning district. The zoning designation of parcels of land under the city zoning ordinance.

Zoning district DBD. Designated area of the City of Cartersville as indicated on the Official Zoning Map of the City of Cartersville.

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(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, §§ 1—3, 3-5-15)

Sec. 20-19. - Director's duty to administer and enforce.

The director of the planning and development department is hereby authorized and directed to administer and enforce this article, unless otherwise specifically provided by an ordinance of the city council.

(Ord. No. 26-12, 5-3-12)

Sec. 20-20. - Applicability.

The standards of this article shall apply to all signs erected within the city's corporate limits. This includes those areas that have been or will be annexed into the city corporate limits.

(Ord. No. 26-12, 5-3-12)

Sec. 20-21. - Severability.

Should any article, section, clause, or provision of this article be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the city council that each article, section, clause, and provision hereof be severable.

(Ord. No. 26-12, 5-3-12)

Sec. 20-22. - Prohibited signs.

The following types of signs are prohibited in the city:

- (1) Abandoned signs.
- (2) Audible signs.
- (3) Balloons and streamers. Fringe, twirling, curb-type signs, portable display signs, balloons, streamers or air- or gas-filled figures and other similar temporary signs except as stated herein.
- (4) Beacons; search lights; lasers. Promotional beacons, search lights or laser lights or images.
- (5) Graffiti, as defined herein.
- (6) Illegal activity signs. Signs which advertise an activity which is illegal under federal, state or local laws.
- (7) Imitation traffic signs. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
- (8) Inflatable devices except as specifically allowed under this article. Includes fan-activated devices.
- (9) Obscene signs. Signs which depict obscene material.
- (10) Portable signs. Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of-way, except that signs posted in the window of a vehicle, totaling one (1) square foot shall be permitted but not when parked within a nonresidential use property with the intent to sell said vehicle.

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- (11) Roof signs. Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.
- (12) Rotating signs (excludes barber pole signs).
- (13) Signs attached/painted to natural objects. Signs attached to trees; signs painted on or otherwise attached to rocks or any natural objects.
- (14) Signs in right-of-way. Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
- (15) Signs not maintained. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures or missing letters.
- (16) Signs on tree, utility pole or water tower. Signs mounted on a utility pole, water tower or other similar structure, traffic signal or traffic control box and cell towers.
- (17) Trailer signs. Changeable copy signs designed to be transported periodically from place to place or designed to be supported on wheels, whether or not such wheels have been removed, are prohibited.
- (18) Twirling and/or curb-type signs except as otherwise allowed herein.
- (19) Unidentified signs. Any sign not specifically identified in this article as a permitted sign.
- (20) Vehicle signs or advertising devices attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the sign makes reference and said vehicle shall be parked a minimum of twenty-five (25) feet from a street right-of-way during nonbusiness hours. No signs on trailers or other nonmotorized vehicles will be allowed under this provision.

(Ord. No. 26-12, 5-3-12)

Sec. 20-23. - General regulations.

(a) *Animated illumination or effects, electronic, and/or flashing signs.*

- (1) Animated illumination or effects, electronic, and/or flashing signs are prohibited in the downtown business district (DBD) and on residential use properties. Such signs are allowed on a limited basis as further stated herein. Freestanding electronic signs are allowed on the list of roads identified in section 20-25, and require a permit.
- (2) Any permit for such signs shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
- (3) Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
- (4) All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
- (5) The planning and development department shall be provided with an on-call contact person and phone number for each permitted animated illumination or effects, electronic and/or flashing sign. The contact person must have the ability and authority to make immediate modifications to

the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.

- (6) Stationary electronic window signs, which are kept constant in intensity when in use, and do not exhibit sudden or marked changes in lighting effects, may be allowed up to a maximum of four (4) square feet in area in nonresidential zoning districts and do not require a permit.
 - (7) Animated illumination or effects, electronic, and/or flashing wall signs shall not be allowed.
 - (8) Animated illumination or effects, electronic, and/or flashing freestanding signs, including those which are stationary, shall in no case exceed fifty (50) percent of total sign face.
- (b) *Changeable copy signs.* Such signs shall be allowed only as an addition to, or in conjunction with, a permitted freestanding sign and must be permanently affixed to said sign. Changeable copy signs shall not be allowed to stand alone. Such signs shall be deducted from allocated freestanding sign area.
- (c) *Clearance from high voltage power lines.* Signs shall be located not less than fifteen (15) feet horizontally, vertically, or diagonally from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. Signs located in the vicinity of electrical conductors energized with less than seven hundred fifty (750) volts shall maintain clearances in accordance with the National Electric Safety Code. Copies of said code are on file with the building official. In no case shall a sign be installed closer than five (5) feet from any electrical conductor or public utility guy wire.
- (d) *Construction standards.*
- (1) *Building codes.* All permanent signs permitted under this article shall be constructed and maintained in accordance with the applicable city building codes. For any sign that is greater than eight (8) feet in height (as measured from grade) and greater than thirty-two (32) square feet in area, the permittee may be required to submit, with the sign application, detailed structural design drawings of the sign and its foundations. Such drawings must include the foundation, supporting structure and sign face and must be certified by a licensed professional structural engineer. The certifying engineer must also be able to provide an insurance certificate indicating it carries a minimum of one million dollars (\$1,000,000.00) of professional liability insurance. The city may remove, after reasonable notice, any sign which shows structural faults, neglect or becomes dilapidated.
 - (2) *Illumination.* Signs may be externally illuminated where permitted pursuant to this article. Colored lighting is prohibited.
- (e) *Content of sign.* This article shall not regulate the specific content of signs. Any sign, display or device allowed under this article may contain commercial or noncommercial copy unless otherwise specified herein, except that such copy shall not contain nudity, sexual conduct, obscene or pornographic material or advertise an illegal activity as defined in the United States and/or Georgia Codes. This article will in no way infringe upon any person's constitutional rights.
- (f) *Definitions and specific provisions.* The names of sign types and other words have special meanings in this article. Consult section 20-18 of this article and the other specific provisions to determine the meaning of words and the regulations that apply to each type of sign.
- (g) *Directory signs.* Directory signs located within a multi-tenant development shall be allowed with a permit. Such signs shall be internal to the development, shall have a maximum of two (2) sides, and shall be limited to a maximum of two (2) signs per development. Directory signs shall have a maximum height of eight (8) feet and maximum area of thirty-two (32) square feet. The copy on a directory sign may be changeable. Such signs shall not be allowed on any public right-of-way.
- (h) *Electrical and structural safety.* All electronic signs and all electrical devices that illuminate signs or otherwise operate signs are subject to approval of the city building inspections division or its successor. All such signs and electrical devices shall only be allowed if listed by an approved testing

laboratory or agency and installed in conformance with that listing. All signs shall be built in compliance with all applicable building and electrical codes.

- (i) *Lights.* Series, lines or rows of lights supported by cables or other physical means typically associated with auto sales lots shall be a minimum of twenty-five (25) feet from the edge of the street or out of the right-of-way, whichever is farthest from the street.
- (j) *Measurement.*
 - (1) *Measurement of sign area.*
 - a. *Size generally.* The area of a sign shall be computed as the area within the smallest shaped panel, whether rectangular, oval, or otherwise, surrounding the sign text copy and graphic design. The following shall not be calculated when computing sign area: Embellishment, support cladding, monument background and decorative colors.
 - b. *Structure.* The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature.
 - c. *Multifaced signs.* For multifaced signs, when the sign face surfaces are back-to-back, or where the interior angle formed by the faces is forty-five (45) degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multifaced signs, the area of the sign shall be the total area on all sides that can be viewed at one (1) time from any angle.
 - (2) *Measurement of sign height.* The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road.
- (k) *Other laws still apply.* All signs shall comply with all federal, state, and city laws, ordinances, codes and rules. Compliance with the terms of this article shall not operate to relieve any individual, corporation or other entity of any other duty imposed by law.
- (l) *Property rights of others must be respected.* Issuance of a permit hereunder shall not serve to waive any applicable protective covenants or private rights of property ownership.
- (m) *Safety.* No sign or other obstruction of vision, including but not limited to, poles or other support structures, with a height greater than three (3) feet, shall be permitted within an area beginning at the intersection of any right-of-way lines of any streets, roads, highways, driveways, curb cuts or railroads, and extending twenty (20) feet along each such right-of-way, and closed by a straight line connecting the end points of the said twenty-foot sections of the right-of-way lines (block out zone).
- (n) *Setback.* Signs shall be set back a minimum of five (5) feet from all property lines (excludes freestanding signs in the DBD zoning district).
- (o) *Sign location.*
 - (1) *Obstructions to doors, windows or fire escapes.* No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window or fire escape.
 - (2) *Signs not to constitute traffic hazard.* No sign or any part thereof, except authorized traffic signs, shall be located in any public right-of-way. No sign may be located any closer than twenty (20) feet to an intersection as measured from the intersection of the two (2) rights-of-way.
 - (3) *Setback.* Unless a more restrictive setback is specified herein, all signs shall set back the greater of five (5) feet from the right-of-way or fifteen (15) feet from the edge of pavement if a private street.

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- (p) *Signs attached to a building.* Permanent signs attached to a building shall be considered a wall sign and shall comply with the regulations pertaining to wall signs allowed under this chapter (excludes flags).
- (q) *Signs shall not be similar to traffic control devices.* No sign or illumination shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device. Nor shall any sign be used, constructed, maintained, or located where it, by reason of its position, shape, wording or color, may be confused with an authorized traffic control device or emergency vehicle device or markings, including strobe lights.
- (r) *Signs generally.* Notwithstanding any other restrictions in this sign ordinance, any sign, display or device allowed under this article may contain any commercial or noncommercial message, or any political or nonpolitical message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of Georgia or the United States.
- (s) *Structural safety.* Any sign within this article attached to a building must meet the city building codes if applicable.
- (t) *Twirler and/or curb-cut signs held or worn.* Signs held or worn (including costumes) by a person for the purpose of advertising, providing information about, or promoting a business or other activity are permitted with the following limitations:
 - (1) Such signs shall be allowed in nonresidential zoning districts only.
 - (2) Such signs cannot exceed a maximum sign area of ten (10) square feet.
 - (3) Only one (1) such sign may be used for each parcel of land and/or tenant per multi-tenant center and may not be combined with any other temporary signage.
 - (4) Signs shall not be held, displayed, or otherwise located on a public street or right-of-way except as otherwise permitted. Signs shall not obstruct pedestrian or vehicular visibility.
 - (5) Signs shall not be located within twenty-five (25) feet of another such sign.
 - (6) Sign bearers shall not use bull horns, amplified music, whistles, or other devices that could disrupt traffic or endanger pedestrian or traffic safety.
 - (7) Sign bearers shall not stand on any object, including but not limited to, boxes, ladders, stilts and roller skates.
 - (8) Such signs may not utilize any form of illumination, including flashing, blinking or rotating lights.
 - (9) Such signs shall not utilize any attachments, including, but not limited to, balloons, ribbons, speakers or flags.
 - (10) Such signs shall be held, worn, or balanced at all times and shall not twirl or rotate unless located on private property.
- (u) *What signs are covered.* Unless specifically excluded herein, this article shall govern any sign erected, maintained or located in the city. Signs wholly located within a structure or building and which are intended to be viewed from the interior of the building are not regulated by this article.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 4, 3-5-15)

Sec. 20-24. - Signs which do not require a permit.

- (a) The following operations shall not be considered as creating a new sign and therefore shall not require a sign permit:
 - (1) The changing of the advertising copy or message on an approved painted or printed sign, billboard, theater marquee or similar approved sign which is specifically designed for the use of replaceable copy.

- (2) The changing of the tenant panels on a freestanding multi-use tenant board.
 - (3) Normal maintenance or repair of an approved sign or sign structure.
- (b) No sign permit shall be required for any of the following signs to be displayed; provided, however, that all other applicable regulations shall apply to such signs and that no such sign in a residential zoning district shall be illuminated:
- (1) *Athletic field signage.* Scoreboards on athletic fields, including advertising on school athletic fields, fences or walls.
 - (2) *Banners.* No more than one (1) banner, not to exceed thirty-two (32) square feet in area, may be displayed for each nonresidential use and shall be securely attached to the facade of a building, with the exception of banners in the DBD zoning district. For banners in the DBD zoning district, a registration permit is required, at no cost, and such banners shall be displayed for a period not to exceed thirty (30) days.
 - (3) *Construction-related signs.* Signs placed upon a site under construction or alteration. Such signs shall not exceed six (6) square feet in sign area for residential use properties or thirty-two (32) square feet in sign area for nonresidential use properties and shall not exceed ten (10) feet in height. All signs shall be removed from the site within fourteen (14) days after final completion or abandonment of the property.
 - (4) *Flags or insignias, ground-based or roof-mounted.* Flags or insignias of a temporary nature shall have a maximum area of thirty (30) square feet. For each business on a lot, one (1) ground-based or one (1) roof-mounted flag or insignia shall be allowed. Ground-based flags (including, but not limited to pennant and feather flags) shall be located within twenty-five (25) feet of the main business entrance and shall be a minimum of five (5) feet back of property line. The height of a ground-based flag shall not exceed fifteen (15) feet, and the height of a roof-mounted flag shall not exceed four (4) feet above the roof line of the building. Such flags or insignias shall be flown in compliance with the standards applicable under state and/or federal law.
 - (5) *Flags or insignias, pole-mounted.* Flags or insignias mounted on a pole shall be flown in compliance with the standards applicable under state and/or federal law and shall be subject to the following limitations:
 - a. Poles shall be purpose-built, professionally fabricated flagpoles, which may be vertical or mast-arm flagpoles.
 - b. Poles shall not exceed the maximum allowable height of the district.
 - c. Poles shall be out of the public right-of-way and shall meet the setback requirements of the district.
 - d. Each lot shall be allowed a maximum of three (3) flagpoles.
 - e. A maximum of three (3) flags shall be allowed per lot.
 - f. Flags and flagpoles shall be maintained in good repair, and to the extent applicable shall be in compliance with the building code.
 - g. Size limitations are the following:

Pole Height	Maximum Flag Size (Total Sq. Ft.)
Up to 20 ft.	15 sq. ft.

21 to 30 ft.	40 sq. ft.
31 to 40 ft.	60 sq. ft.
41 to 50 ft.	96 sq. ft.
51 ft. and greater	150 sq. ft.

- (6) *Gas pumps/vending machines.* Signs forming an integral part of a gasoline pump, service appliance, or vending machine.
- (7) *Interior signs.* Signs intended to be viewed from the interior of the building.
- (8) *Memorials.* Memorial signs or tablets, including but not limited to, building cornerstones and other similar signs which indicate the names of buildings, dates of erection, or other historical data.
- (9) *Official governmental signs.* Signs of a governmental body, governmental agency or public authority, including but not limited to, traffic signs, signals or similar regulatory devices or warnings, official flags, emblems, official public notices, official instruments, signs of historical interest or other similar signs or devices.
- (10) *Pole banners.* No more than two (2) vertical pole banners shall be allowed to be attached per existing light pole or utility pole. Such banners shall not exceed twenty (20) square feet in area; shall have a maximum width of two and one-half (2-1/2) feet and a maximum height of eight (8) feet; and shall have a maximum display height of twenty-five (25) feet measuring from the top edge of the banner to the ground. Such banners shall be set back a minimum of ten (10) feet from public right-of-way.
- (11) *Political signs.* Signs whereby the public is to be informed regarding a specific political event or candidate(s) or issue(s).
 - a. Political signs shall be located a minimum of one (1) foot from any publicly maintained right-of-way or easement, shall not be located in any medians, and must have proper authorization of the property owner(s).
 - b. Political signs shall be limited to a copy area not to exceed thirty-two (32) square feet; and a height of ten (10) feet; however, this shall not be deemed to disallow the use of billboard signs.
 - c. Political signs shall be allowed in all zoning districts.
 - d. Prior to removal of signs in violation, except for signs on the right-of-way or those signs creating a traffic or safety hazard, violators (whether erector or user) shall be given at least forty-eight (48) hours notice to remedy their violation.
 - e. Any political sign shall be removed within ten (10) days after the final election, runoff, or other event that it is advertising for.
 - f. Political signs left up after the removal period, as defined above, constitute a public nuisance and may be removed by the city and disposed of without notice.
- (12) *Sandwich board or sidewalk signs.* One (1) such sign shall be allowed at the main entrance to the business. Such signs shall be within five (5) feet of said entrance, shall not exceed six (6) square feet in sign area, and shall not interfere with pedestrian or vehicular circulation.

- (13) *Streamers*. Streamers or pennants shall be set back at least twenty-five (25) feet from the edge of the street or out of the public right-of-way, whichever is farthest from the street, and shall not exceed twenty-five (25) feet in height as measured from existing grade.
- (14) *Traffic flow signs*. Signs erected for the purpose of giving directions or instructions into and from the property; however, no such sign shall exceed three (3) feet in height above the pavement and shall not exceed two (2) square feet in sign area. No such sign shall be located closer than one (1) foot from the public right-of-way and shall not obstruct sight distance from driveways.
- (15) *Weekend directional signs (WEDS) findings and purposes*. Many people travel to, from and through the city on a daily basis. During weekday "rush hours" when the majority of people on the roads are commuting to or from work, roads are often nearly beyond their capacity. Traffic hazards and distractions must be minimized. However, people at times need the benefit of directional signs to help them find their destinations. Properly regulated, such directional signs may actually aid the flow of traffic. The following regulations recognize the difference in weekday and weekend traffic and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the city:
 - a. *Construction*. WEDS shall not exceed four (4) square feet of sign area and three (3) feet in height and may be double-faced. WEDS shall be mounted on an independent single or double pole device. WEDS shall not be affixed in any manner to trees, natural objects, street light poles, utility poles, other signs or other sign structures. WEDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper.
 - b. *Definition*. WEDS shall convey directions to a specific place or event.
 - c. *Identification*. The pole device shall bear the name and phone number of the party responsible for said device.
 - d. *Location*. There shall be only one (1) WEDS for any given place, activity, or event per five hundred (500) feet of road frontage. No WEDS shall be located closer than one (1) foot from the right-of-way. All WEDS must be placed on private property with the property owner's permission.
 - e. *No permit required*. WEDS do not require a permit or a permit fee.
 - f. *Time allowed*. WEDS shall be allowed from 3:00 p.m. on Friday to 11:59 p.m. on Sunday. It shall be the responsibility of the sign owner to remove all WEDS prior to 11:59 p.m. on Sunday. For any signs not removed prior to 11:59 p.m. on Sunday, the director or his/her designee shall be authorized to immediately remove such signs.
 - g. *Zoning districts*. WEDS shall be allowed in all zoning districts.
 - h. *Nuisance*. WEDS left up after the removal period as defined above, constitute a public nuisance and may be removed by the city and disposed of without notice.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 5, 3-5-15)

Sec. 20-25. - Freestanding signs.

All signs under this section require a permit.

- (1) *Location*. If a lot has more than one (1) street frontage and a freestanding sign is proposed on each street, then the freestanding sign allowed on each frontage can be no closer to the intersection of said streets than half the distance of the frontage on each street.
- (2) *Electronic freestanding signs*.

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- a. Electronic freestanding signs which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain light emitting diode (LED); and/or contain liquid crystal display (LCD) shall be prohibited for residential use properties and the downtown business district (DBD).
- b. Electronic freestanding signs on nonresidential use properties shall be prohibited except when located adjacent to one (1) of the following roads:
 1. Burnt Hickory Rd. (beginning at, and including, the intersection with West Ave. and running north).
 2. Cassville Rd. (beginning at, and including, the intersection with North Erwin St. and running northwest).
 3. Church St. (beginning at, and including the intersection with North Tennessee St. and running east).
 4. Collins Dr.
 5. Douthit Ferry Rd. (beginning at, and including, the intersection with West Ave. and running south until, and including, intersection with Indian Mounds Rd.).
 6. E. Main Street, stationary electronic sign only (beginning at US 41 and running east to the east side of the I-75 interchange).
 7. Felton Rd. (beginning at, and including, the intersection with Tennessee St. and running east until, and including, the intersection with US 41).
 8. Gentilly Blvd.
 9. Grassdale Rd. (beginning at, and including, the intersection with US 41 and running north).
 10. Henderson Dr.
 11. Martin Luther King Jr, Drive (Between Roosevelt St. and Felton St.).
 12. Old Mill Rd. (beginning at, and including, the intersection with Henderson Dr. and running west).
 13. State Route 20.
 14. Tennessee St.
 15. US 41 and corresponding frontage roads.
 16. US 411 and corresponding frontage roads.
 17. West Ave. (beginning five hundred (500) feet northeast of the intersection with Henderson Dr. as measured from the centerline of Henderson Dr. at West Ave., and running southwest).
- c. Electronic freestanding signs, including animated illumination or effects; electronic sign; electronic sign, stationary; and/or flashing as defined herein, shall in no case exceed fifty (50) percent of total sign face.
- d. No more than one (1) electronic freestanding sign may exist on a single lot.
- e. No electronic freestanding sign may be located within one hundred (100) feet of a single-family residential dwelling.
- f. Any permit for an electronic freestanding sign shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
- g. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of

moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.

- h. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - i. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic freestanding sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.
 - j. All new electronic freestanding sign installations are required to submit to the city a report certifying that the daytime and nighttime light levels are compliant with the brightness level requirements stated in item (k) below.
 - k. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change to ensure the brightness is decreased in low light situations. Brightness levels may not exceed more than two-tenths (0.20) foot candles above ambient light levels (at measurement conditions) as measured at a distance of one hundred twenty-five (125) feet.
 - l. If the sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.
 - m. In the course of investigating a brightness complaint, the planning and development department may request a certification of the brightness (under measurement conditions) by an independent contractor, if the sign has not been certified within the preceding twelve (12) months. If the investigation and certification indicate that the sign exceeds the brightness levels specified in this chapter, the owner of the sign shall turn off the sign until the brightness of the sign is brought into compliance with this chapter within twenty-four (24) hours of a request. Compliance with these requirements will be at the owner's expense.
- (3) *Nonresidential use properties.* Freestanding signs in all nonresidential use properties except DBD shall comply with the following table of regulations:

FREESTANDING SIGN REGULATIONS FOR NONRESIDENTIAL USE PROPERTIES

Location of Property Frontage	Maximum Number and Size of Sign	Maximum Height of Sign
<ul style="list-style-type: none"> - East Main St./State Route 113 (beginning at, and including, U.S. 41 and running east) <ul style="list-style-type: none"> - State Route 20 - U.S. 41 and corresponding frontage roads - U.S. 411 and corresponding frontage roads 	<p>One (1) sign on each property frontage with maximum 120 square feet sign area.</p> <p>Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square</p>	<p>20 feet</p>

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<ul style="list-style-type: none"> - West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest) 	<p>feet in area and a maximum fifteen (15) feet in height.</p>	
<ul style="list-style-type: none"> - Burnt Hickory Rd. (beginning at, and including, the intersection with West Ave. and running north) - Cassville Rd. (beginning at, and including, the intersection with North Erwin St. and running northwest) - Church St. (beginning at, and including the intersection with North Tennessee St. and running east) <ul style="list-style-type: none"> - Collins Dr. - Douthit Ferry Rd. (beginning at, and including, the intersection with West Ave. and running south until, and including, the intersection with Pine Grove Rd.) - East Main St. (beginning at, and including, the intersection with Tennessee St. and running east to the intersection with U.S. 41) - Felton Rd. (beginning at, and including, the intersection with Tennessee St. and running east until, and including, the intersection with Roving Rd.) <ul style="list-style-type: none"> - Gentilly Blvd. - Grassdale Rd. (beginning at, and including, the intersection with U.S. 41 and running north) <ul style="list-style-type: none"> - Henderson Dr. - Old Mill Rd. (beginning at, and including, the intersection with Henderson Dr. and running west) <ul style="list-style-type: none"> - Tennessee St. 	<p>One (1) sign on each property frontage with maximum fifty (50) square feet sign area.</p> <p>Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square feet in area and a maximum ten (10) feet in height.</p>	<p>15 feet</p>
<p>All other streets not listed above</p>	<p>One (1) freestanding sign shall be allowed on each property frontage and shall have a maximum sign area of thirty-two (32) square feet.</p>	<p>10 feet</p>

- (4) *Residential use properties.* Freestanding signs for all residential use properties shall not be directly illuminated, and shall comply with the following tables of regulations:

FREESTANDING SIGN REGULATIONS FOR RESIDENTIAL USE PROPERTIES

Property Frontage Location and Development Type	Maximum Number and Size of Sign	Maximum Height of Sign
Individual lots on all streets	One (1) freestanding sign shall be allowed on each property frontage and shall have a maximum sign area of six (6) square feet	4 feet
Residential subdivisions and/or developments on all streets	Two (2) subdivision or entrance signs per entrance shall be allowed into any subdivision or development and shall have a maximum sign area of thirty-two (32) square feet	6 feet

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 6, 3-5-15; Ord. No. 10-18, §§ 1, 2, 4-19-18; Ord. No. 12-18, § 1, 6-7-18; Ord. No. 34-19, § 1, 9-5-19)

Sec. 20-26. - Wall signs; canopy signs; awning signs; projecting signs; and window signs.

All signs under this section require a permit. Wall signs, canopy signs and awning signs for all nonresidential use properties except the DBD district shall comply with the following:

- (1) *Area.* Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
- (2) *Changeable copy.* Wall, canopy or awning signs shall not have changeable copy unless approved as a marquee sign. Marquee wall signs may be substituted for wall signs for uses as approved such as theaters and hotels where their use is customary. Such signs shall not extend above the roofline of the building, nor extend more than two (2) feet from the face of the building upon which secured. Allowable sign dimensions shall be the same as for wall signs.
- (3) *Height.* No wall sign that projects more than four (4) inches from the building surface on which it is attached shall be less than eight (8) feet above the finished elevation at its lowest extremity. A wall sign shall not project above the vertical wall to which it is attached.
- (4) *Prohibited.* Animated illumination or effects, electronic, and/or flashing wall signs are prohibited.
- (5) *Projection.* No wall sign shall project more than twenty-four (24) inches from the building surface on which it is attached.
- (6) *Projecting signs.* A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:

- a. The sign shall not exceed an area of six (6) square feet.
 - b. The horizontal dimension of the sign shall not exceed three (3) feet.
 - c. The sign shall be attached perpendicular to the building wall.
 - d. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) over a street or driveway.
 - e. The distance from the building wall to the sign shall not exceed six (6) inches.
 - f. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
 - g. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
- (7) *Window signs.* Each business having windows shall not cover more than fifty (50) percent of the glass area of each window with signage. Animated illumination or effects, electronic, blinking, flashing, and/or scrolling window signs shall be prohibited unless stationary as defined herein and no greater than four (4) square feet in sign area. Stationary electronic window signs do not require a permit.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 7, 3-5-15)

Sec. 20-27. - DBD sign regulations.

All signs under this section require a permit. The standards and requirements of this section shall be in addition to city-wide standards and requirements. In the event of conflicting regulations, the standards and requirements of this section shall take precedence.

(1) *General regulations.*

- a. *Banners.* No more than one (1) banner, not to exceed thirty-two (32) square feet in area, may be displayed at each place of business and shall be securely attached to the facade of a building. A registration permit is required, at no cost, and such banners shall be displayed for a period not to exceed thirty (30) days.
- b. *Color.* For all signs in the DBD district, fluorescent colors shall not be used. Such signs shall not contain more than five (5) colors, except in instance of an illustration.
- c. *Freestanding signs.* One (1) freestanding sign shall be allowed on each property frontage, not to exceed six (6) feet in height, and shall not exceed twenty-four (24) square feet in area. Electronic freestanding signs which exhibit animation, blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited.
- d. *Pole banners.* Such banners shall not exceed twelve and one-half (12-1/2) square feet in area; shall have a maximum width of two and one-half (2-1/2) feet and a maximum height of five (5) feet; shall have a minimum display height from the bottom edge of the banner to the ground of eight (8) feet; and shall have a maximum display height of twenty-five (25) feet measuring from the top edge of the banner to the ground. Such banners attached to public utility poles or light poles shall be approved by the appropriate city department prior to attachment.
- e. *Projecting signs.* A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:
 1. The sign shall not exceed an area of six (6) square feet.

2. The horizontal dimension of the sign shall not exceed three (3) feet.
 3. The sign shall be attached perpendicular to the building wall.
 4. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) feet over a street or driveway.
 5. The distance from the building wall to the sign shall not exceed six (6) inches.
 6. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
 7. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
- f. *Wall signs.*
1. Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
 2. No wall sign shall be closer than eighteen (18) inches to an adjacent property line and shall not be installed or extend over a party wall.
 3. Wall signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.
 4. Wall signs shall be no greater than twenty-four (24) inches in height (excludes permanent window signage).
 5. Animated illumination or effects, electronic, blinking, flashing, rotating, and/or scrolling wall signs shall be prohibited.
- g. *Window signs.* Each ground level business having windows directly oriented to a street may use all of that glass area as one (1) allowable sign, but no single window shall be covered more than thirty (30) percent. Electronic window signs in the downtown business district (DBD) shall be no greater than four (4) square feet in area and shall only be stationary.
- (2) *Maintenance and appearance of signs.*
- a. All signs in the DBD zoning district shall be maintained in good condition, so as to present a quality and orderly appearance. The city finds that neglected or dilapidated signs in the DBD zoning district may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.
 - b. Signs shall be considered neglected or dilapidated signs if any of the following conditions are present: Rust or holes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; nonoperative or partially nonoperative illuminating or mechanical devices; or missing letters in sign copy.
 - c. The planning and development department, after due notice, may have any sign removed which shows gross neglect or becomes dilapidated. Said notice shall be given to the property owner and current tenant by first class mail, with proof of mailing obtained from the post office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only an owner reflected on the records of the tax assessors as of January 1st of the applicable year shall be entitled to notice. The zoning administrator or designee shall give the owner thirty (30) days' written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to

correct the deficiencies or remove the sign, the zoning administrator or designee may have the sign removed at the expense of the owner.

- (3) *Prohibited signs in the DBD district in addition to section 20-22.*
 - a. Animated illumination or effects, electronic, and/or flashing signs, unless noted above.
 - b. Billboards.
 - c. Signs painted directly onto roofs, retaining walls, fences or building facades or walls. Commemorative wall signs of historical significance are exempt from this provision.
 - d. Streamers.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 8, 3-5-15)

Sec. 20-28. - Temporary event signs.

Businesses and institutions may exhibit balloons, banners, flags or streamers related to an activity or event having a specific duration, or the end of which is related to a specific action, usually lasting only a few days at a time. Examples include grand opening events, seasonal sales events, and close-out sales. Such signs must comply with the following provisions:

- (1) *Duration.* Such signs may be exhibited for no more than fourteen (14) days at a time, with a thirty-day separation period between events, and no more than one (1) time each calendar year on the same property. A new business owner who obtains a new business license (occupational tax certificate) may be eligible to hold a temporary event, even if a former business has held an event earlier on the same property in the same calendar year.
- (2) *Maintenance.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any temporary event sign which is in a dangerous and defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.
- (3) *Permit.* A temporary event permit is required along with a fee per fee ordinance.
- (4) *Setback.* All such signs and devices shall be set back a minimum of five (5) feet from public road right-of-way.
- (5) *Size.* Banners and portable signs shall be a maximum of thirty-two (32) square feet in area.

(Ord. No. 26-12, 5-3-12)

Sec. 20-29. - Billboards.

- (a) Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to only the following roads:
 - (1) State Route 20.
 - (2) U.S. 41 and corresponding frontage roads.
 - (3) U.S. 411 and corresponding frontage roads.
 - (4) West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
 - (5) State Route 113 (beginning at the centerline of the I-75 Right-of-Way intersection with the GA Hwy 113 centerline and continuing west a distance of 2,700 feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
- (b) Billboards require a permit to be erected, and shall comply with the following regulations:

(1) *General standards.*

- a. Shall be allowed a maximum sign area of three hundred (300) square feet.
- b. Shall not exceed a height of thirty (30) feet. Height shall be measured from the nearest road grade elevation.
- c. Shall be set back at least fifty (50) feet from the right-of-way of a public street or highway and twenty-five (25) feet from all property lines and buildings on the site.
- d. Shall be a minimum of five hundred (500) feet from a residential zoning district.
- e. Shall be a minimum of one thousand five hundred (1,500) feet from all other billboards. Distance shall be measured from one (1) billboard to another on the same road.
- f. Shall not be visible from or located along Interstate Highway 75.
- g. Shall not be attached to or painted directly on any building or any other natural or manmade structure or object other than the supporting structure specifically built for said sign.

(2) *Electronic billboards.*

- a. Billboard which are directly illuminated, exhibit animation; blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited except when located adjacent to one of the following roads:
 1. State Route 20.
 2. U.S. 41 and corresponding frontage roads.
 3. U.S. 411 and corresponding frontage roads.
 4. West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
 5. State Route 113 (beginning at the centerline of the I-75 Right-of-Way intersection with the GA Hwy 113 centerline and continuing west a distance of 2,700 feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
- b. Shall be a minimum of five thousand (5,000) feet from all other electronic billboards and a minimum of one thousand five hundred (1,500) feet from nonelectronic billboards.
- c. Any permit for an electronic billboard shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
- d. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such billboards may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
- e. All such billboards shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
- f. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic billboard. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access

and disable the sign in cases of emergency or when the sign poses a threat to public safety.

- (3) *Nonconforming billboards.* Billboard signs legally existing on the date of adoption of this article may be continued even though such signs do not conform to this provision. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed. No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six (6) months.

(Ord. No. 26-12, 5-3-12; Ord. No. 29-18, § 1, 11-1-18)

Sec. 20-30. - Business park overlay district sign regulations.

- (a) *Purpose.* The purpose of the business park overlay district is to provide uniform regulations for a joint City of Cartersville-Bartow County industrial/business park, a portion of which is located in each jurisdiction. To provide consistency for property owners and future uses, and to benefit the public health, safety and welfare, the city and county have adopted identical regulations as follows. The business park overlay district, where applied via amendment to the official zoning maps of the participating government, shall control over inconsistent regulations contained in other ordinances and the Code of Ordinances of each jurisdiction, whether or not the provisions herein are stronger or weaker restrictions. Additionally, the standards and requirements of this section shall take precedence over city-wide standards and requirements within the boundaries of said overlay district.
- (b) *Sign regulations.* The following signs are permitted:
 - (1) *Entrance signs.* Two (2) monument-style brick or masonry entrance sign at each entrance to the business park. Maximum area of each sign one hundred (100) square feet. Entrance signs may only be single-sided, unless only one (1) is erected at an entrance, in which case it can be double-sided. Entrance signs only permitted at the entrance to the planned center. Entrance signs must be setback from the right-of-way a distance equal to their height plus one (1) foot for safety reasons, and cannot block traffic sight lines. Maximum height is ten (10) feet.
 - (2) *Ground signs.* One (1) monument-style brick or masonry sign for each individual building in the park. Maximum area of each sign sixty (60) square feet. Maximum height six (6) feet. The sign may be double-sided. One (1) additional monument-style brick or masonry sign of no more than sixty (60) square feet and six (6) feet in height shall be permitted if the building has more than one (1) access point.
 - (3) *Wall signs.* Total area of all signs is not to exceed ten (10) percent of the gross floor area of the building. No more than four (4) wall signs per business are permitted and no single wall sign shall exceed two hundred fifty (250) square feet.
 - (4) *Window signs.* Total signage per business not to exceed twenty-five (25) percent of the area of windows facing road frontage.

(Ord. No. 26-12, 5-3-12)

Sec. 20-31. - Main Street overlay district sign regulations.

- (a) *Declaration of purpose, scope and intent.* The Cartersville City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City of Cartersville are worthy of enhancement, preservation and protection and are essential to the promotion of the health, prosperity, safety and general welfare of the existing and future residents of the City of Cartersville. Included within the scope are the site, buildings and other structures, parking, landscape and screening, signs, utilities and lighting. The following standards shall control commercial signs in conjunction with other ordinances of the City of Cartersville. These standards shall apply to all

construction within the Main Street overlay district in the City of Cartersville and only to property within the city limits of the City of Cartersville. The purpose and intent of the Main Street overlay architectural design standards shall be:

- (1) To foster civic pride; to raise the level of community understanding and expectation for quality in the built environment; and, to promote attention to accepted design principles in areas of new development and redevelopment;
- (2) To implement the comprehensive plan;
- (3) To guide certain aspects of development such as the appearance of buildings and open spaces as they contribute to the attractiveness, function, economy and character of an area;
- (4) To protect and enhance the visual qualities and character of an area;
- (5) To provide guidance to design professionals, property and business owners undertaking construction in the district;
- (6) To prevent functional and visual disunity in an area;
- (7) To protect property against blight and depreciation;
- (8) To encourage the most appropriate development of land; and
- (9) To provide an attractive gateway to the community.

Additionally, the standards and requirements of this section shall take precedence over city-wide standards and requirements within the boundaries of said overlay district.

(b) *Sign regulations.*

- (1) Individual buildings or business storefront signs (wall signs) shall be limited to one (1) sign per street frontage.
- (2) Maximum allowed sign area of all freestanding signs shall be fifty (50) square feet, with the exception that directory signs shall be allowed to be one hundred twenty (120) square feet.
- (3) Any corner lot adjacent to Main Street shall be allowed one (1) additional freestanding sign to be for the purpose of a directory sign.
- (4) All freestanding signs shall be monument signs, shall not exceed fifteen (15) feet in height. No pylon signs will be allowed.

(Ord. No. 26-12, 5-3-12)

Sec. 20-32. - Nonconforming signs.

- (a) Signs lawfully existing on the date of adoption of the ordinance from which this article derives, which do not conform to the provisions of this article shall be deemed to be legal nonconforming "grandfathered" signs and may remain, except as otherwise specifically qualified in this article. Such signs shall not be enlarged, extended, structurally reconstructed, replaced or altered in any manner; except a sign face may be changed so long as the new sign face does not increase either height or sign area. This provision shall not have the effect of excusing any violation of any other ordinance, nor shall this provision have the effect of permitting the continued existence of any unsafe sign or any sign that is not in good state of repair.
- (b) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. No repairs other than minor maintenance and upkeep of nonconforming signs shall be permitted except to make the sign comply with the requirements of this article. A nonconforming sign which has been declared by the city to be unsafe because of its physical condition shall not be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable provisions of this article.

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- (c) A nonconforming sign shall not be moved for any distance on the same lot or to another lot unless such change in location will make the sign conform to the provisions of this article, and meet permit requirements of this article.
- (d) If a nonconforming sign is removed or discontinued for any period of time, except for normal maintenance and repair, as defined in this article, or for maintenance of a building if such sign is attached to a building, the subsequent erection of a sign shall be in accordance with the provisions of this article.
- (e) A nonconforming sign which is changed to or replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (f) Policy statement. As a consequence, when a nonconforming sign is destroyed or toppled by an act of God, weather, or whatever other means, this shall not constitute a sufficient reason for grant of a variance to re-erect the nonconforming sign.

(Ord. No. 26-12, 5-3-12)

Sec. 20-33. - Interpretation, construction and severability.

- (a) *Construction.* The provisions of all other applicable city, state and federal laws shall apply. This article shall not be construed to create a right to maintain a sign in violation of any other law, in violation of any protective covenant or in violation of the property rights or other rights of any person or entity. In the event that any provision of this article regulates the same activity, conduct or any aspect of signage that is also regulated by city, state or federal law, then the provision most restrictive of signage shall govern. In the event that any provision of this article is in genuine conflict with any state or federal law or requirement, the conflict shall be resolved in accordance with law.
- (b) *Interpretation.* The words used in this article in the present tense shall include the future. Singular words include the plural, and plural words include the singular. For the sake of brevity, masculine and feminine pronouns shall be mutually inclusive and shall also include the neuter (i.e., corporations). Subheadings and/or examples are inserted for the convenience of the reader and shall not operate to limit the effect of any provision.
- (c) *Severability.* The provisions, sections, paragraphs, sentences, clauses, phrases and terms of this article are severable. In the event that any portion or any specific application of this article is held to be unconstitutional or otherwise invalid, such invalidity shall not affect the other portions or other applications of this article.

(Ord. No. 26-12, 5-3-12)

Sec. 20-34. - Required.

Except where specifically not required by the standards of this article, it shall be unlawful for any person to post, display, materially change, or erect a sign in the city without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this article.

(Ord. No. 26-12, 5-3-12)

Sec. 20-35. - Permit fee structure.

The permit fees are as referenced in City of Cartersville Code section 17-90, except as otherwise indicated herein.

(Ord. No. 26-12, 5-3-12)

Sec. 20-36 - Application.

(a) *Who may apply.* Permits shall be issued only to:

- (1) The owner of the real property where the sign is to be located;
- (2) A lessee who is the owner of the sign structure or proposed sign structure and whom has the right to install or maintain a sign on the real property where the sign is to be located; or
- (3) The erector of the sign.

An applicant who is a lessee shall produce a copy of the lease or a written statement from the owner of the real property that the applicant has the right to maintain a sign on the property. A sign erector shall produce a copy of a current occupational tax certificate and proof of insurance or bond as required by the public liability insurance section of this article, plus a written statement of authority from the owner and/or lessee. Application may be made by the owner, lessee or agent of the owner or lessee.

The city may require that the application be accompanied by two (2) copies of the following: Site plans showing location of structures upon the property on which the sign is to be located and the location of the sign in relation to the structures, property lines, public rights-of-way, and other signs; plans, specifications and structural details showing the type and manner of construction, attachment to buildings or in-ground erection; and a visual representation of the completed sign. The city may require said plans to bear the signature and seal of a registered land surveyor, professional engineer, architect or land planner. Each application shall include a signed statement from the landowner or possessor of the property giving consent to entry into the property for the purpose of inspection and enforcement of this article. If classification of the road on which the property fronts is of importance to the permit process, the city may require the applicant to submit certified documents from the state department of transportation or the United States Department of Transportation or their successors regarding the classification of the road.

(b) *Contents.* Applications for sign permits required by this article shall be filed in duplicate by the person owning the subject property, or the owner's agent, in the office of the director of planning and development upon forms furnished by that office. The application shall describe and set forth the following:

- (1) The type of the sign as defined in this article;
- (2) The value of the sign;
- (3) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face;
- (4) The name and address of the owner of the real property upon which the subject sign is to be located;
- (5) The property owner's written consent, or his or her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property;
- (6) For wall signs, two (2) sets of building elevations;
- (7) The name, address, telephone number and business license number of the sign contractor. All applicants for signs which incorporate new electrical service must obtain an electrical permit;
- (8) Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.

(Ord. No. 26-12, 5-3-12)

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Sec. 20-37. - Denial.

- (a) *Incomplete, false statements.* The director shall deny any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this article within thirty (30) business days of receipt of said application. The director may deny at any time prior to the expiration of the thirty-day period, if the application is incomplete or contains false material statements or omissions, by notification.
- (b) *Processing time; notice; denial.* The city shall process all complete and accurate sign permit applications within fifteen (15) business days of the city's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. If a sign meets all the standards as required by the City of Cartersville Code of Ordinances, the director shall issue a permit. The director shall give notice to the applicant of his or her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the 15th business day. If the decision of the director is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the city to act within the fifteen-day period shall be deemed a denial of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this article will be granted. Any application not meeting the standards of this article will be denied.
- (c) *Appealable.* A denial pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in the City of Cartersville Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within ninety (90) days from date an appeal is filed.
- (d) *Resubmission.* A denied application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

(Ord. No. 26-12, 5-3-12)

Sec. 20-38. - Revocation.

- (a) Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the director shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in the City of Cartersville Zoning Ordinance.
- (b) However, notwithstanding subsection (a) of this section, a final decision will be rendered within sixty (60) days from the date an appeal is filed. If a final decision is not rendered within the sixty-day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this article will be revoked.

(Ord. No. 26-12, 5-3-12)

Sec. 20-39. - Variance.

- (a) *Limitations.* The board of zoning appeals shall be allowed to grant variances to this article.
- (b) *Procedure.* Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be the same procedures as that for seeking a variance from the city's ordinances regulating zoning.
- (c) *Standards.* The standards which shall be considered for granting a variance from the standards of this article shall be only the following:

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- (1) Relief to this article may only be granted where existing foliage or structures bring about a hardship whereby a sign meeting the maximum letter size, square footage and height requirements cannot be read from an adjoining road;
 - (2) The application of the particular provision of this sign ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or
 - (3) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from adjoining public road.
- (d) *Timing.* The board of zoning appeals shall hear and decide upon a variance within eighty (80) days of the submission of a complete and accurate application.
- (e) The fee assessed pursuant to this section is as referenced on the fee schedule in the City of Cartersville Code subsection 17-90(c).

(Ord. No. 26-12, 5-3-12)

Sec. 20-40. - Suspension; termination.

- (a) *Violation.* A violation of any provision of this article shall be grounds for terminating the permit granted by the city to the permittee or the person or entity erecting the sign. No permit shall be suspended, revoked or canceled except for due cause, as hereinafter defined, and until after the permittee is granted a public hearing before the city council.
- (b) *Hearing.* The permittee shall be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the suspension, revocation or canceling of such permit and license. The term "due cause" means the violation of the standards of this article. The termination of the permit does not in any way preclude the city from taking any other action authorized by this Code or any action authorized by law, against the person alleged to have violated the standards of this chapter.

(Ord. No. 26-12, 5-3-12)

Sec. 20-41. - Expiration date.

- (a) A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety-day extension may be granted by the director.
- (b) No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

(Ord. No. 26-12, 5-3-12)

Sec. 20-42. - Violations; penalties.

- (a) *Citations.* If any sign or other device covered by this article is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this article, the director shall issue a citation. Additionally, the city may seek an injunction for a continuing violation or take other

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appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation. Any violation of this article shall be an offense, and the violator shall be subject to a fine of up to one thousand dollars (\$1,000.00) per day.

- (b) *Dangerous and defective condition.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous and defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.
- (c) *Noncompliance.* No person shall erect on any premises owned or controlled by that person any sign which does not comply with the standards of this article.
- (d) *Notice.* The director shall give the permittee from one (1) to fourteen (14) calendar days written notice, based on the urgency of the particular situation and the practical considerations of completing measures to comport with the standards of this article, to correct the deficiencies or to remove the sign which is in violation of this article. If the permittee refuses to correct the deficiencies or remove the sign, the director will have the sign removed at the expense of the permittee.
- (e) *Public nuisance.* Any violation of this article is hereby declared to be a public nuisance.
- (f) *Separate violation.* Each sign installed, created, erected or maintained in violation of this article shall be considered a separate violation when applying the penalty portions herein.

(Ord. No. 26-12, 5-3-12)

Sec. 20-43. - Removal of unlawful or dangerous signs.

- (a) *Removal.* The city may order the removal of any sign in violation of this article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.
- (b) *Procedure following removal order.* If the sign is not removed within the time allowable pursuant to a removal order, the city may remove or cause to be removed the sign and collect the costs therefore.

(Ord. No. 26-12, 5-3-12)

Sec. 20-44. - Occupational tax certificate, public liability insurance required.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city, unless and until such entity shall have obtained an occupational tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of twenty-five thousand dollars (\$25,000.00) for property damage for any one (1) claim, and public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier shall notify the city thirty (30) days in advance of any termination or restriction of the coverage, including nonrenewal, cancellation and nonpayment of any premium.

(Ord. No. 26-12, 5-3-12)

Sec. 20-45. - Indemnity.

By accepting any permit or other permission to erect and maintain a sign or by acting in the erection or maintenance of a sign pursuant to such permit or other permission pursuant to this article, the permit holder, property owner, lessee (if any), sign erector, their agents, servants, employees and assigns agree

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to hold harmless and indemnify the city, its officers, agents, servants, and employees from any and all claims for damages, including death; including but not limited to those resulting from the erection, alteration, relocation, construction or maintenance of a sign permitted or authorized under this article.

(Ord. No. 26-12, 5-3-12)

Sec. 20-46. - Inspection.

- (a) The enforcement personnel are hereby empowered to enter into or inspect any building, structure or premises upon which a sign subject to this article is located for the purpose of inspecting the sign, its structural and electrical connections and to ensure compliance with the provisions of this article and other applicable ordinances. Inspections shall be carried out during reasonable business hours, unless an emergency exists.
- (b) This provision is in addition to and without prejudice to the rights of other inspectors and regulators to enter into and inspect premises.

(Ord. No. 26-12, 5-3-12)

Sec. 20-47. - Cases, sources and studies considered.

In adopting these sign regulations, the mayor and city council recognize the vast number of court decisions, coming from Georgia courts, the federal courts, and courts throughout the United States, which recognize that the regulation of the size, location and quantity of sign structures is a valid and lawful means of achieving the above-stated intents and purposes, and that such intents and purposes are valid and lawful governmental interests, which include the following:

- *City of Doraville v. Turner Communications, Corp.*, 236 Ga. 385 (1976) (finding that under its police power authority, a municipality can regulate the location and maintenance of outdoor advertising signs within their territorial jurisdiction);
- *Granite State Outdoor Advertising, Inc. v. Cobb County, Ga.*, 193 Fed.Appx. 900 (C.A.11th 2006) (finding that the stated goals within a sign ordinance of protecting against traffic hazards and the adverse impact on the county's aesthetic qualities are substantial government interests);
- *Gregory v. Clive*, 2007 WL 2914515 (Ga. S.Ct. 2007) (recognizing as within a local government's police power to enact legislation governing billboards and signs, as such legislation clearly addresses the public health, safety, or general welfare of the community);
- *H & H Operations, Inc. v. City of Peachtree City, Ga.*, 248 Ga. 500 (1981) (holding that, under its police power, a municipality can enact and enforce reasonable regulations governing the erection and maintenance of signs within its jurisdiction);
- *Harnish v. Manatee County, Florida*, 783 F.2d 1535 (C.A. 11th 1986) (finding that aesthetics is a substantial governmental goal which is entitled to and should be accorded weighty respect, and that the governmental entity charged with the responsibility of protecting the environment must be given discretion in determining how much protection is necessary and the best method of achieving that protection);

- *Lamar Advertising Company v. City of Douglasville, Ga.*, 254 F.Supp.2d 1321 (N.D.Ga. 2003) (finding that where a sign ordinance asserts the goals of public safety, traffic safety, health, welfare and aesthetics, a municipality has shown an important or substantial governmental interest unrelated to the suppression of free speech);
- *Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789 (1984) (finding that a government entity can regulate signs and billboards when necessary to advance a significant and legitimate state interest, such as the protection of the aesthetics and quality of life within its jurisdiction);
- *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490 (1981) (holding that the goals of traffic safety and aesthetics advanced by a municipality as justification for regulating signs is a substantial governmental interest);
- *St. Louis Poster Advertising Co. v. City of St. Louis*, 249 U.S. 269 (1919) (finding that billboards may be prohibited in the residential districts of a city in the interest of the safety, morality, health and decency of the community);
- *Spratlin Outdoor Media, Inc. v. City of Douglasville*, 2006 WL 826077 (N.D.Ga. 2006) (upholding sign ordinance where the ordinance's height and setback restrictions were rationally related to its stated goals of promoting the health, safety, morality and general welfare of the community, promoting the orderly and beneficial development of the city, promoting adequate access to natural light and air, improving the aesthetic appearance of the city, and encouraging the most appropriate use of land and buildings in accordance with the city's comprehensive plan).

Such cases, which were considered by the mayor and city council prior to adoption of this provision, are part of the official record of the adoption of the ordinance from which this chapter derives.

- (b) *Studies and sources considered.* Having considered the following studies, which the mayor and city council find to be relevant, useful and applicable to the City of Cartersville, the city finds that the size, location and quantity of sign structures within the city must be regulated in order to achieve the above-stated intents and purposes:
- (1) *Billboards in the Digital Age: Unsafe (and Unsightly) at Any Speed.* Scenic America Issue Alert, Scenic America (2007).
 - (2) *Billboard Regulation in Portland.* City Club of Portland Bulletin, 78 (13), 1-40. City Club of Portland (September 6, 1996).
 - (3) *Cartersville Sign Ordinance Stakeholders Committee* input from five (5) meetings, 2010-2011.
 - (4) *Georgia Department of Community Affairs (DCA) 2007 Model Code.*
 - (5) *Georgia Department of Transportation (GDOT) Outdoor Advertising regulations.*
 - (6) *Guidepost to Municipal Sign Regulation*, 2009, Georgia Municipal Association (GMA).
 - (7) *Model Sign Code*, 2011, United States Sign Council.
 - (8) *Municipal Control of Signs Guidebook*, 2006, New York State Division of Local Government Services.
 - (9) *Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction*, 2001, Federal Highway Administration (FHA).

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- (10) *Sign Control on Rural Corridors: Model Provisions and Guidance*, University of Georgia Land Use Clinic (June 26, 2003).
- (11) *Study of Local Regulation of Outdoor Advertising in 268 U.S. Jurisdictions*, 2001, Professor Alan Weinstein, Cleveland State University.
- (12) *Traffic Safety Evaluations of Video Advertising Signs*. Transportation Research Record: Journal of the Transportation Research Board, No. 1937, 105-112. Smiley, Alison and Persaud, Bhagwant et al (2005).
- (13) *Visual Preferences in Urban Signscapes Study*, 1999, Dr. Jack Nasar and Xiadong Hong.
- (14) *Variable Message Sign Study*, 1994, Wisconsin Department of Transportation (WISDOT).

Such studies and sources, which were considered by the mayor and city council prior to adoption of this provision, are part of the official record of the adoption of the ordinance from which this chapter derives.

(Ord. No. 26-12, 5-3-12)

Sec. 20-48. - Supplements.

Design examples for illustration only.



PYLON



POLE WITH CLADDING



MULTI PANEL PYLON



POLE



MONUMENT

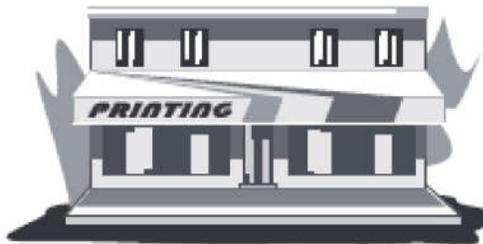


CANOPY



MONOLITH

BUILDING SIGNS



AWNING



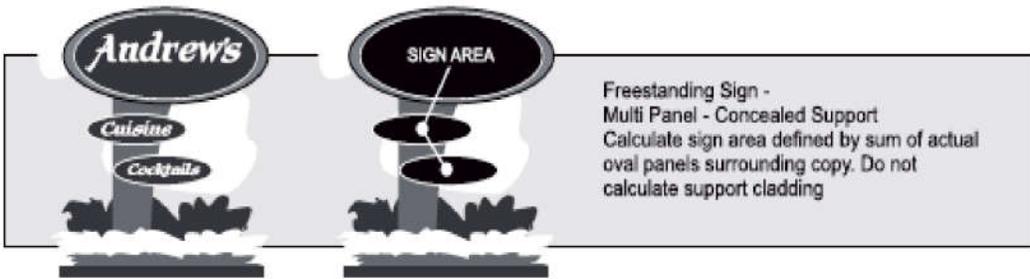
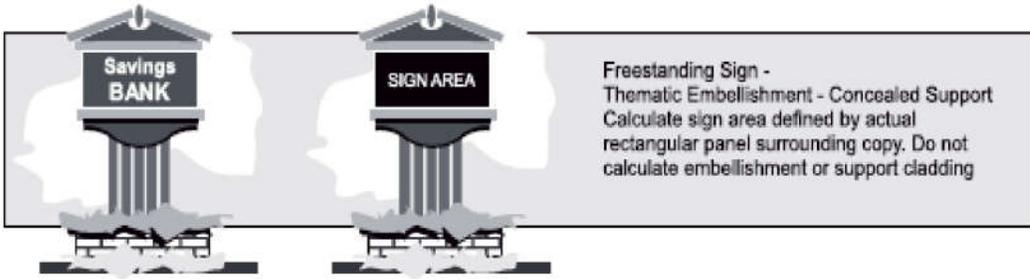
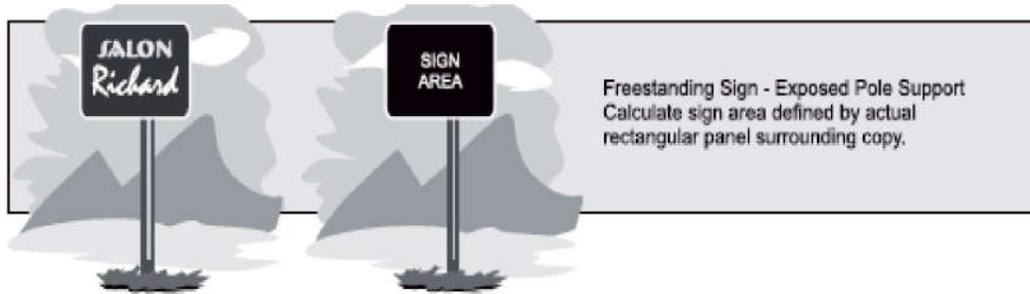
ROOF



PROJECTING

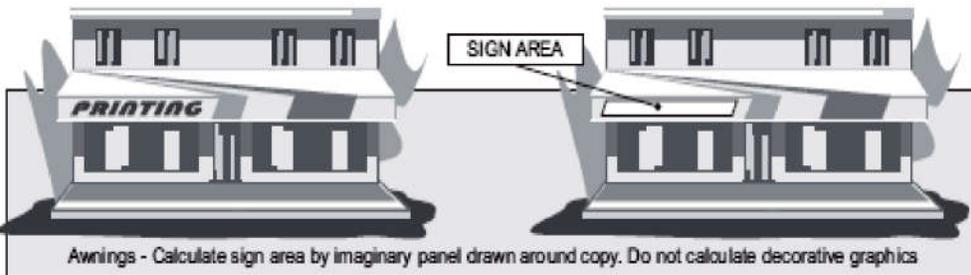
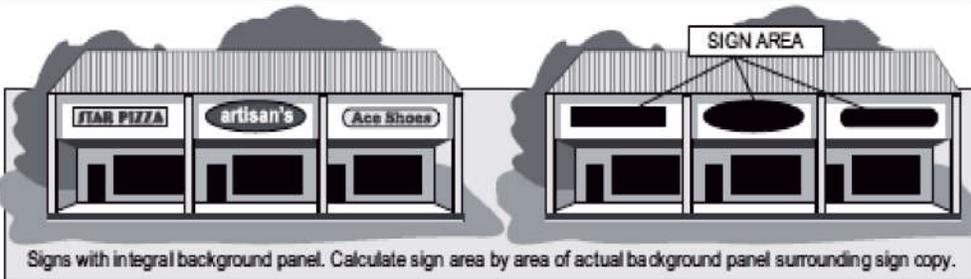
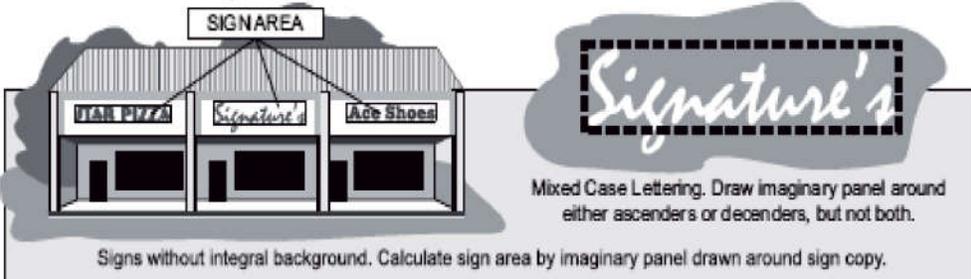
WALL / FASCIA







Wall / Fascia Signs





Wall-mounted flag



Pole-mounted flag



Pole banners

