

**AS RECOMMENDED BY THE
PLANNING COMMISSION
December 21, 2009**

SIGN REGULATIONS

FOR THE

CITY OF TUTTLE

**Adopted January 11, 2010
By the Tuttle City Council
Per Ordinance No. 2010-2**

ARTICLE VIII SIGNS

SECTION 80 PURPOSE AND INTENT.

- (A) These regulations are designed to promote the health, safety, morals and general welfare of the community by establishing standards for the construction, maintenance and usage of signs within the corporate limits of the City of Tuttle.
- (B) The provisions of this Article are specifically designed in order to lessen the distraction hazard signs can create for motorists; reduce potential fire hazards; encourage proper construction of signs; reduce possible injury to person or property; and, preserve property values and aesthetic integrity of property in the City of Tuttle.
- (C) It is not the intent of the City of Tuttle to regulate issues related to free-speech.

SECTION 81 GENERAL REQUIREMENTS.

For the purpose of this Article, the words below shall have the following definitions, whether or not capitalized unless the context clearly requires another meaning, ascribed to them and the requirements and regulations set forth for each shall apply in the City of Tuttle. Additionally, definitions from Article 1, Section 6, Paragraph B will apply to terms used below:

- (A) **AUDIBLE SIGN.** Any sign that emits music, talking, words, or other sound or amplification. Audible signs are prohibited in the City of Tuttle.
- (B) **AWNING SIGN.** A permanent sign that is directly applied, attached or painted onto an awning that covers a pedestrian walkway, intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like. An awning sign is used to advertise the name of the business, hours of operation, business telephone number, business address, and/or website address.
- (1) **Time.** A sign permit is required.
 - (2) **Place.** In no case shall the supporting structure of an awning sign extend into or over the right-of-way. The supporting structure of an awning sign may extend over the right-of-way in the General Commercial District (C-6), but shall not extend closer than four feet (4') from back of curb. No building shall have both a wall sign and an awning sign on the same building face.
 - (3) **Manner.** The maximum height of an awning sign shall not exceed four feet (4'). The width of an awning sign shall not exceed seventy-five percent (75%) in length of any side of an awning. An awning sign shall only be permitted in conjunction with a nonresidential use or in a nonresidential zoning district. An awning sign shall be secure and may not swing, sway, or move in any manner. An awning sign shall not contain any moving devices.
- (C) **AWNING SIGN ATTACHMENTS.** Awning sign attachments that cover a pedestrian walkway are accessory, supplemental extensions that are attached above or below an awning commonly used in conjunction with a wall sign. Awning sign attachments provide the name of the business.
- (1) **Time.** A sign permit is required. Structural drawings, as required by the building official, sealed by a licensed engineer must be submitted with the permit application.
 - (2) **Place.** Awning sign attachments shall only suspend from or extend above the edge of a pedestrian awning. Awning sign attachments installed for pedestrian display located and attached on the underside of a pedestrian awning shall be centered.
 - (3) **Manner.** Awning sign attachments shall have a maximum height of twelve inches (12"). Suspended or extended awning sign attachments shall not alternate up-and-down at a business' storefront. Suspended awning sign attachments suspended over a pedestrian awning shall maintain a nine-foot (9') clearance from pedestrian grade measured from the lowest hanging portion of the attachment. Awning sign attachments shall not swing, sway, or move in any manner. The structural-engineering of awning sign attachment must be approved by the Building

Official before a sign permit can be granted. Awning sign attachments shall not be used in conjunction with an awning sign. Only one type of awning sign attachment shall be used per storefront.

(D) **BILLBOARD.** A sign erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages not pertinent the use of products sold on, or the sale or lease of, the property on which it is displayed. Billboards include any of its support, frame or other appurtenances. New billboards are prohibited in the City of Tuttle. Those billboards in existence on January 1, 2010 shall be allowed to continue as legal nonconforming signs. Those billboards in existence in areas that are annexed into the City after January 1, 2010 shall be considered as legal nonconforming signs upon the date such annexation becomes effective. See SECTION 93 NONCONFORMING SIGNS.

(E) **CANOPY SIGN.** A sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment. A canopy sign may contain only the business' name and/or logo on the canopy band.

(1) **Time.** A sign permit is required. A sign permit shall not be issued to erect, install or place a canopy sign on a property until after the issuance of a building permit for a building on the property.

(2) **Place.** Canopy signs may only be erected on the two (2) sides of the canopy band that face a public street.

(3) **Manner.** Canopy signs may not exceed fifteen (15) square feet in size. Canopy signs must be attached directly to or painted on the exterior face of the canopy band and shall not project more than eighteen inches (18") from the canopy band. Only the canopy band may be illuminated, not the entire canopy. Canopy signs attached or applied to a canopy shall not extend above or below the canopy band.

(F) **DEVELOPMENT IDENTITY SIGN.** A permanent sign mounted to a screening wall or engraved into a masonry block which identifies a residential development or a planned development, whether residential or commercial, and generally refers to the platted name of the subdivision or planned development.

(1) **Time.** A sign permit is required.

(2) **Place.** All development identity signs shall be located within the platted limits of a residential or commercial subdivision to which it pertains.

(3) **Manner.** Development identity signs may be in the form of a sign mounted to a screening wall that does not project from the face of the wall more than one inch. Alternative types of a subdivision identity sign may be approved by the Planning Commission.

(G) **FLAG or FLAGPOLE.** A piece of fabric or other flexible material attached to a ground-supported staff on one end used as a symbol of a nation, state, political subdivision, or organization.

(1) **Time.** No sign permit required.

(2) **Place.** A flag and its ground-supported staff shall be located on private property behind the property line. Flags may be placed at parks during social and athletic events.

(3) **Manner.** The maximum height of a ground-supported flagpole shall be the maximum height allowed for that particular zoning and/or overlay district. A maximum of one flagpole and two flags may be located on a single-family or two-family property.

(H) **HUMAN SIGN.** A sign held by or attached to a human being who stands or walks on the ground, onsite at a business location. A human sign includes a person dressed in costume, both, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

(1) **Time.** No sign permit required. Human signs may be displayed twenty-four (24) hours each and every continuing day.

(2) *Place.* Human signs shall be located on private property where a sale, event, promotion, or the like is taking place. Human signs may not be off-location from where a promotion, sale, event, or the like takes place.

(3) *Manner.* Human signs shall only be persons who stands or walks on the ground on private property. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

(I) *MENU BOARD SIGN.* A sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

(1) *Time.* A sign permit is required for the menu board sign structure only.

(2) *Place.* A menu board sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.

(3) *Manner.*

(a) *Drive-thru menu board sign.* A menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a menu board sign shall match those of the buildings on the same lot. One (1) menu board sign is permitted per drive-thru use on a lot. The maximum area of a menu board sign is sixty (60) square feet. The maximum height of a menu board sign is six feet (6').

(b) *Drive-thru pre-order sign.* A drive-thru pre-order sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a drive-thru pre-order sign shall match those of the buildings on the same lot. The maximum area of a drive-thru pre-order sign is twenty-four (24) square feet in area. The maximum height of a drive-thru pre-order sign is six feet (6').

(c) *Drive-in menu board sign.* A drive-in menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. If the drive-in stalls are covered by a canopy, the drive-in menu board signage may be attached directly to the canopy support columns. The design, materials, and finish of a drive-in menu board sign shall match those of the buildings on the same lot. The maximum area of a drive-in menu board sign is nine (9) square feet in area. The maximum height of a drive-in menu board sign is six feet (6').

(J) *MERCHANDISE SIGNS and/or DISPLAYS.* Any goods, wares, merchandise or other advertising object or structure suspended applied, erected, installed from or on any building, or pole, structure, sidewalk, parkway, driveway, parking area, fuel pump island or its supports, bridge or overpass for the purpose of advertising such items or attracting patrons. Merchandise signs and/or displays are prohibited in the City of Tuttle, except as specifically allowed by any city ordinance, specified below, or required by federal or state law.

(1) *Time.* No sign permit required. Merchandise signs may be displayed 24 hours each and every day on vending machines, newspaper stands, and fuel pumps.

(2) *Place.* Merchandise signs shall not obstruct pedestrian or vehicular traffic.

(3) *Manner.* Merchandise signs shall be directly attached to a vending machine, newspaper stand, or gasoline pump. Merchandise signs shall be flat and shall not project. Unless, otherwise, required by federal, state or local laws, signs that promote products or other items shall not be attached to light poles, canopy supports, rails, trees, parking signs, or other objects.

(K) *MONUMENT SIGN.* A sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to identify tenants or name of a business located within non-residential developments and apartment complexes.

(1) *Time.* A sign permit is required.

(2) *Place.* Monument signs are permitted in nonresidential zoning districts or nonresidential areas and on a lot containing an apartment complex, daycare facility, school, community center, amenity center, marketing center, or worship facility. The minimum front yard setback is five feet (5') from the property line. The minimum side and rear setback from the property line shall be equal to the height of the monument sign.

(3) *Manner.*

(a) The design, materials, and finish of monument sign shall match those of the buildings on the same lot. A monument sign shall contain a minimum one-foot (1') masonry with mortar, or similar material, border around all sides. Back-lit monument signs shall be inset into the pedestal rather than attached or applied to the pedestal.

(b) Internal, or informational monument signs shall be consistent with the building elements and materials.

(c) A lot is allowed a maximum of one (1) monument sign per street frontage.

(d) The maximum area of a monument sign, including the one-foot masonry border, is sixty (60) square feet.

(e) The maximum height of a monument is eight feet (8').

(f) Monument signs are permitted to contain variable message signs. Variable message sign characters shall have a minimum height of ten inches (10") and a maximum height of sixteen inches (16").

(g) The Planning Commission may approve monument signs that exceed the restrictions established in sub-paragraphs (3), (4), and (5) for a unified shopping center.

(L) *MURAL.* Pictures or artwork painted, drawn or applied on the exterior walls that does not depict or contain advertising, logos, or images of a product or service available onsite or off-location. Murals are not used to advertise products or services offered or sold off-location or onsite. A sign permit and Planning Commission approval is required.

(M) *PARAPET WALL SIGN.* A parapet wall sign is a sign that is mounted to or projects from a parapet wall, canopy, or secondary roof over the entry to a building, but does not project above the highest point of the building.

(1) *Time.* A sign permit is required.

(2) *Place.* In lieu of a wall sign, a parapet wall sign may be installed on a parapet wall; provided, the parapet wall extends around the entire perimeter of the building at the same elevation. A parapet wall sign may be erected on a secondary canopy or a secondary roof over an entry to a building.

(3) *Manner.* The structural or mechanical elements of a parapet wall sign shall not be visible from six feet (6') above the grade of adjacent streets.

(N) *POLE SIGN.* A sign erected on a vertical framework consisting of one or more uprights supported by the ground.

(1) *Time.* A sign permit is required.

(2) *Place.* Pole signs are permitted in nonresidential zoning districts. The minimum front yard setback for a pole sign is ten feet (10') from the property line. The minimum side and rear setback from the property line shall be equal to the height of the pole sign.

(3) *Manner.*

(a) A lot is allowed a maximum of one (1) pole sign per street frontage.

(b) The maximum area of a pole sign is sixty (60) square feet.

(c) The maximum height of a pole sign is twelve feet (12').

(d) Pole signs are permitted to contain variable message signs. Variable message sign characters shall have a minimum height of ten inches (10") and a maximum height of sixteen inches (16").

(O) **PROJECTING SIGN.** A sign attached and projecting out from a building face or wall, generally at a right angle to the building. A projecting sign advertises the name, telephone number, street address, and/or website information of a business.

(1) **Time.** A sign permit is required. A sign permit shall not be issued to erect or install a projecting sign at a property until a building permit is issued for the building where projecting sign is to be attached.

(2) **Place.** A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential district. In the General Commercial District (C-6), a projecting sign may project into the right-of-way, but shall be located a minimum of three feet (3') back from a curb of any adjacent street. When a projecting sign is constructed over a pedestrian sidewalk, a minimum of nine-feet (9') clearance shall be provided between the grade of the sidewalk and the lowest portion of a projecting sign. A projecting sign shall not extend above a building wall.

(3) **Manner.** The maximum area of a projecting sign is twelve (12) square feet.

(P) **ROOF SIGN.** A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure shall not be considered to be a roof sign. Roof signs are prohibited in the City of Tuttle.

(Q) **VEHICLE SIGN.** A sign attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; however, any vehicle, whether operable or not, shall not be parked and/or decorated where the intent is to use the vehicle as advertising. Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

(1) **Time.** No sign permit required. Vehicle signs are allowed 24 hours each and every continuing day.

(2) **Place.** Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right-of-way or placed in a manner that the vehicle sign is readily visible from an adjacent right-of-way. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the vehicle sign is readily visible from an adjacent public right-of-way are prohibited, with the exception that one vehicle may contain a "for sale" sign parked or placed at an occupied single-family, two-family, townhome, or multifamily dwelling unit is permitted.

(3) **Manner.** Vehicle signs are permitted provided that:

(a) The primary purpose of the sign is not for display of the sign;

(b) The signs are painted upon or applied directly to an integral part of the vehicle;

(c) The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the business to which such signs relates;

(d) The vehicle is not used as a static display, advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the public; and the vehicle does not meet the definition of a mobile advertisement sign.

(R) **WALL SIGN.** Any sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall. A wall sign is a sign painted on or erected parallel to and extending not more than twelve inches (12") from the facade of any building to which it is attached, supported throughout its entire length by the building face. A wall sign identifies the name of a business and/or logo of a business. A sign permit and Planning Commission approval is required.

(S) **WINDOW SIGN.** Any sign, poster, window slick, or other similar displayed item, excluding banners (see "banners"), located on the internal or external surface of a window for the purpose of

advertising a business' name, telephone number, website information, services, commodities, and/or products offered or sold that are available within the building that is visible from a public street or sidewalk.

- (1) *Time.* No sign permit required, except illuminated window signs. Illuminated window signs requires the issuance of a sign permit and shall not be closer than three feet (3') from a public door. A window sign may be displayed 24 hours each and every continuing day.
- (2) *Place.* Window signs shall only be displayed on the inside or exterior of a window.
- (3) *Manner.* Window signs shall be installed on the inside or outside of a window. Illuminated and nonilluminated window signs or its appendages shall not blink, strobe, fade, flash, scroll, or move in any manner. Illuminated window signs shall remain static and stationary.

SECTION 82 TEMPORARY SIGNS.

Temporary signs are used to display information for a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this Article. Temporary signs include A-frame or sandwich board signs, stake signs, banners, and portable variable message signs. Temporary signs are prohibited in the City of Tuttle, except as specifically allowed by this and other sections of this Article.

(A) Schools, worship facilities, civic, home-owners associations, and other non-profit or charitable organizations, all with a presence inside the City of Tuttle, and government.

- (1) *Time.* No sign permit required. Temporary signs may be erected up to fourteen (14) days prior to the event or activity, and shall be removed within two (2) business days after the event or activity.
- (2) *Place.* Temporary signs shall only be placed on the property of the entity, within a residential subdivision with written permission from the homeowner's association or its representative, and at the event location.
 - (a) Temporary signs may also be placed on the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public. A temporary sign permit will be required.
- (3) *Manner.* No restrictions.

(B) **GARAGE SALE SIGN.** An onsite temporary stake sign used to advertise a garage sale, yard sale, or estate sale at an occupied residential property that has obtained a certificate of acceptance.

- (1) *Time.* The time a garage sale sign shall be allowed will be regulated by the City's Garage Sale Ordinances.
- (2) *Place.* Garage sale signs shall be located only on the private property of the resident having the garage sale. A garage sale sign shall be erected on private property not closer than ten feet (10') from the edge of any street pavement. A garage sale sign may be placed off-location at intersections on city right-of-way leading from the nearest thoroughfare to the actual garage sale site as long as such sign does not create a hazard for the public. Garage sale signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage sale signs shall not be balloons, wind devices or other type of sign, except stake signs, unless meeting the definition and requirements for that type of sign. The City's Garage Sale Ordinances may additionally regulate where garage sale signs may be located.
- (3) *Manner.* The manner a garage sale sign shall be displayed shall be regulated by the City's Garage Sale Ordinances.

(C) **REAL ESTATE SIGNS.** An onsite, temporary sign made of wood, plastic, metal or similar material approved by the building official that pertains to the sale or lease of the property where the sign is located. Real estate signs generally advertise the name of a building or property for sale or lease, property owner name, realtor information, telephone number, zoning information, and other information relating to the sale or lease of property.

- (1) *Time.* A sign permit is not required unless otherwise stated. Real estate signs require removal within ten (10) days after the sale or lease of a property or business.
- (2) *Place.* Real estate signs shall be located on the actual property for sale.
- (3) *Manner.* No restrictions.

- (a) Real estate signs pertaining to property located in the City of Tuttle, not exceeding six square feet in area, and not exceeding a height of three feet may also be placed on the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public.

- (b) The Building Official may approve a larger real estate sign for special real estate events (i.e. Parade of Homes) pertaining to properties located in the City of Tuttle for a period not to exceed 30 days. A temporary sign permit is required. These signs may be placed in the right-of-way of a thoroughfare as long as such sign does not create a hazard for the public.

(D) **REAL ESTATE PROJECT SIGNS.** A temporary sign used to advertise or display contact information of property owners, opening dates, architects, contractors, engineers, landscape architects, and/or financiers, who are engaged with the design, construction, improvement or financing of a residential subdivision with homes under construction within the subdivision to which it pertains or within a commercial project to which it pertains. Real estate project signs are generally constructed of wood, metal or other similar materials approved by the building official. Real estate project signs must pertain to property located in the City of Tuttle, and may include zoning information and advertise residential builders selling homes within a subdivision.

- (1) *Time.* A sign permit is required and requires Planning Commission approval. Real estate project signs must be removed when ninety five percent (95%) of the buildings/homes in the commercial project/subdivision have been issued a certificate of acceptance. The sign permit will expire two years after it is issued. The Planning Commission may approve the renewal of the sign permit in one-year increments

- (2) *Place.*

- (a) Real estate project signs shall be installed no closer than fifteen feet (15) to any property line. The minimum distance between real estate project signs is two hundred feet (200').

- (b) Off-site real estate project signs are allowed on agricultural and undeveloped properties, with the written permission of the property owner, on section-line roads and major thoroughfares at their intersections of other section-line roads and major thoroughfares. No more than two (2) real estate project signs are allowed at an intersection. No more than two (2) off-site are allowed for any particular subdivision.

- (c) *Manner.* The maximum area of a real estate project sign is 96 square feet, and the maximum height is sixteen feet (16').

(E) **TEMPORARY COMMERCIAL SIGNS.** Temporary commercial signs include banners, a-frame signs, variable message signs, stake signs and any other temporary commercial sign that is not intended for permanent use. This does not include window signs.

- (1) *Time.* A temporary sign permit is required for each display period. One temporary sign may be placed on a building or property for three, 14-day periods per calendar year. The periods may be combined. Each suite within a retail development shall be considered a building and, therefore, shall be allowed to erect a temporary sign accordingly.

- (2) **Exemptions:**

- (a) Religious organizations that temporarily operate in a school or other nonreligious facility may erect a banner no earlier than two (2) hours before worship and remove no later than two (2) hours after worship without the issuance of a sign permit.

(b) With permission from the city manager, or their designee, banners may be erected during social or athletic events at a public park or other city-owned property attached to pavilions, fences, vehicles, stakes, rails, or poles.

(3) *Place.* Temporary signs may be placed anywhere on the approved property as long as the sign does not create a hazard for the public. Temporary variable message signs shall conform to the variable message regulations in SECTION 83 VARIABLE MESSAGE SIGNS..

(4) *Manner.* None.

(F) **RESIDENTIAL YARD SIGNS.** An onsite temporary stake sign located in the front or side yard of a residential property.

(1) Typical types of residential yard signs include:

(a) Home improvement signs that advertises the name, phone number, website address, and/or type of construction being performed on the property, such as a roof, fence, pool, paint, landscape, or other home improvement contractor;

(b) Security system and animal signs;

(c) Organization participation/support signs for religious organizations, civic clubs, educational organizations, the military, and athletic teams; and

(d) Publicity signs announcing the arrival of newborn.

(2) *Time.* No sign permit required. Yard signs may be erected 24 hours each and every day.

(3) *Place.* Yard signs shall be located only on lots containing an occupied single-family, two-family, or multifamily dwelling. Yard signs shall be erected no closer than ten feet (10') from the street pavement.

(4) *Manner.* Signs advertising the presence of a home security system shall not exceed one (1) square foot in area. All other yard signs shall not exceed four (4) square feet in area.

(G) **SEASONAL DECORATIONS.** Seasonal decorations, including Christmas lights, are excluded from place and manner requirements as long as they do not create a hazard for the public.

(H) **POLITICAL SIGN.** A sign that relates to the election of a person to a public office, relates to a political party, relates to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

(1) *Time.* No sign permit required. Political signs shall not be erected earlier than thirty (30) days prior to the relevant sanctioned election (as determined by the Grady County Election Board) and must be removed by thirty (30) days following the said election.

(2) *Place.* Political signs shall be located only on private property with the consent of the property owner. A political sign shall not be erected closer than ten feet (10') from the edge of the street pavement, located on any public property, or within a designated easement or right-of-way.

(3) *Manner.* Political signs shall not exceed eight feet (8') in height measured from the ground to the highest point of the sign. Political signs shall not exceed thirty six (36) square feet in area. Political signs shall not be illuminated. Political signs shall not contain any moving elements or parts. Political signs shall not be dilapidated or cause a hazard.

SECTION 83 VARIABLE MESSAGE SIGNS.

A sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged, manually or electronically, without altering the face or the surface of the sign. Variable Message Signs are subject to the following conditions:

(A) Variable message signs shall only be permitted along a non-residential collector or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.

(B) Variable message signs located along sections of any road where the speed limit is greater than 35 miles per hour shall not be animated, flash, travel, blink, fade, or scroll, and shall remain static for not less than 15 seconds.

(C) Variable message signs are permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three seconds.

(D) Only one variable message sign is permitted per lot.

(E) Variable message signs shall be constructed in accordance with the applicable regulations of this Article.

(F) Variable message signs shall be constructed in such a manner as to reasonably prevent unauthorized persons from altering the message. The use of chicken wire and similar materials to enclose a variable message sign shall be prohibited.

(G) Variable message signs that do not conform to these regulations prior to February 1, 2010 shall be considered as a legal nonconforming sign until February 1, 2011. After February 1, 2011, the building official or his designee shall utilize the remedies specified in SECTION 93 NONCONFORMING SIGNS. of this Code for the removal of the nuisances, including the issuance of a citation and other civil remedies.

SECTION 84 GOVERNMENT SIGNS.

(A) *INSTRUCTIONAL/INFORMATIONAL SIGN.* A sign that provides instruction, information, or direction to the general public. The sole purpose of an instructional/informational sign is to provide instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community. An instructional/informational sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product. Such signs shall include, but are not limited to, a sign identifying a property address, street address, restrooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, no soliciting, beware of warning, water resource information, neighborhood watch informational, lock/take and hide informational, construction entrance and/or exit signage. Instructional/informational signs erected by the city, local, federal or state governments for the purpose of public instruction, warnings or other similar hazards, street or highway designation, traffic control and similar purposes incidental to public interests shall be considered an instructional/informational sign. An instructional/informational sign will include a sign of a warning, directive or instruction erected by a public utility company that operates under a franchise agreement with the City of Tuttle and/or signs required by federal, state or other local authorities.

(1) *Time.* A sign permit is not required. No restrictions.

(2) *Place.* No restrictions.

(3) *Manner.* No restrictions.

(B) *TRAFFIC LIGHTS and SIGNAGE.* Any traffic-related sign, light, apparatus, or device installed that provides information to vehicular drivers and/or pedestrian traffic. Traffic-related signs, lights, apparatuses, or devices requires approval from the engineering department, which includes the review and approval of design, size, placement, and any other specifications or requirements prior to installation from the traffic engineer. Exemption: Signs, lighting, apparatuses, and/or devices installed or required by federal or state laws.

SECTION 85 OFF-LOCATION, OFF-PREMISES, AND OFF-SITE SIGNS.

Signs that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at a location other than where the business, person, organization, activity, event, place, service, product, etc. is located are prohibited in the City of Tuttle except as otherwise provided.

SECTION 86 PERMIT REQUIRED TO ERECT OR INSTALL SIGNAGE.

(A) *Sign permit required.* When a sign permit is required, the sign shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the building official. An application for a sign permit may be obtained from the Community Development Department. The building official shall approve or deny an application for a sign permit within thirty (30) days of the Community Development Department's receipt of the application. A sign permit will be issued if a proposed sign conforms to all city ordinances. Upon request by the city, a diagram to scale shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information on an application shall be grounds for denial or revocation of a sign permit and such sign may be removed in accordance with SECTION 90 REMOVAL AND IMPOUNDMENT OF PROHIBITED SIGNS.

(B) *Not to issue for prohibited locations.* No sign permit shall be issued under this section for any sign in a district where signs are prohibited by the city's zoning regulations, as it currently exists or may be amended.

(C) *Fees.* The City Council, by resolution or motion, shall establish fees for the administration of this Article. The sign permit fees for a sign erected without the issuance of a sign permit prior to installation shall be twice the cost of the standard permit fee.

(D) *Interpretation and administration.* The building official shall be responsible for interpreting and administering this Article. The building official may revoke any permit for a sign issued in error. Allegations of errors in orders, decisions, or determinations of the building official in the administration of this Article shall be in accordance with SECTION 94 APPEALS AND VARIANCES of this Article, as it currently exists or may be amended.

SECTION 87 INSPECTION.

The building official is authorized to perform an inspection of all signs. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this Article, other applicable ordinances, and the applicable permits.

SECTION 88 MEASUREMENT OF SIGN AREA AND HEIGHT.

(A) The area of a sign shall be measured as follows:

(1) For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula ([square equals] height multiplied by width, [circle equals] 3.14 multiplied by radius squared, etc.). This method of measurement is most commonly-used for banners, commercial real estate signs, model home signs, monument signs, project development signs, and stake signs.

(2) For sign with a shape that is irregular, the area shall be measured by enclosing the sign elements to the closest geometric shape. This method of measurement is most commonly used for awning signs and wall signs with individual lettering and for irregularly-shaped signs.

(3) The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.

(B) Where a sign has two faces, the area of both faces shall be used to determine the area of the sign; provided, the two faces are within five degrees of parallel. Where a sign has two or more faces and exceed greater than five degrees from parallel, the sign area shall be calculated as the sum of the area of each face.

(C) The supports of a stake sign, A-frame sign, project development sign, or commercial real estate sign shall not be included in calculating the area of a sign, but shall be included in the measurement of the height of a sign.

(D) The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade below the sign and/or support structure, unless otherwise noted in this Article.

If a sign is located on a mount, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

SECTION 89 SIGN SPECIFICATIONS, DESIGN AND OTHER REQUIREMENTS.

(A) *Compliance with Zoning Regulations, International Building Code, National Electrical Code, and other ordinances.* All sign structures shall comply with the city's Zoning Regulations, as it currently exists or may be amended, the International Building Code, the National Electrical Code, and other city ordinances, as they currently exist or may be amended. If the standards as described herein are more restrictive than another ordinance or code, then the provisions of this Article shall apply.

(B) *Visibility.* All signs shall observe all visibility requirements. Signs shall not be placed within visibility or sight triangles. Signs shall not create a hazard.

(C) *Signs posted in specified areas.* Unless otherwise permitted within this Article, no person shall post or cause to be posted, attach or maintain any sign upon:

(1) Any city-owned property or right-of-way without written permission of the city manager or his designated representative;

(2) Any utility easement. Should a property owner be able to demonstrate to the city engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the city engineer and/or franchise utility company and subject to the providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;

(3) Any tree, utility pole or structure, street sign, rail, or any fence;

(4) Any fence, railing or wall, except in accordance with section SECTION 81 GENERAL REQUIREMENTS of this Article (wall sign); or

(5) Any sidewalk within the right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.

(D) *Signs attached to fire escapes.* No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.

(E) *Accumulation of rainwater.* All signs shall be constructed to prevent the accumulation of rainwater in the sign.

(F) *Location near telephone cable, power line, or street light.* No sign shall be erected nearer than two feet (2') from any telephone cable, power line or any street light standard.

(G) *Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic.* No sign shall be erected to block, partially block, or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.

(H) *Glass signs over public property or pedestrian area.* Signs constructed of glass or other materials which may shatter upon impact are prohibited over a public right-of-way or pedestrian area.

(I) *Identification marking required.* All signs that require the issuance of a permit after adoption of this Article shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, in letters not less than one inch in height, the date of erection and the sign permit number on the sign.

(J) *Assumed wind load for design purposes.* For the purposes of design of structural members in signs, an assumed wind load of 20 pounds per square foot shall be used.

(K) *Multiple signs on a property or building.* The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein.

(L) *Exemptions.* Signs located within a building, with the exception of window signs, shall not be regulated by this Article.

SECTION 90 REMOVAL AND IMPOUNDMENT OF PROHIBITED SIGNS.

(A) A prohibited shall be:

- (1) Any sign not referenced in or governed by this Article;
- (2) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this Article (if a permit was required);
- (3) Any sign that emits odor or visible matter;
- (4) Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this Article;
- (5) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws; or
- (6) Any sign not allowed or defined by this Article.

(B) All prohibited signs or noncompliant signs shall be considered a public nuisance. Upon identification of any prohibited sign, the building official or his designee shall utilize the remedies specified in Chapter 12 Nuisances of the Code of Ordinances for the removal of nuisances, including the issuance of a citation and other civil remedies. Signs authorized by a sign permit number with an expiration date shall be removed promptly upon the date of expiration. Signs remaining after the date of expiration shall be deemed prohibited. The sign permit that provides the expiration date shall be considered adequate notice of violation.

(C) It shall be unlawful for any person, firm, entity or corporation receiving such written notification or having an expired sign permit to fail to comply with the direction of the notification. In the event failure to comply with such notice provided, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.

(D) If a sign is placed within a public right-of-way or on a city-owned property in violation of this Article, the sign may be immediately removed and impounded.

SECTION 91 IMPOUNDED SIGNS AND RECOVERY.

(A) A sign that is legally removed by a city-authorized official, inspector, officer, other city employees or city-authorized persons in accordance with the provisions of this Article shall be considered impounded.

(B) Impounded signs may be recovered by the owner not more than 15 days from the date of the written notification of impoundment by paying a fee as established by the City Council by motion or resolution.

(C) Impounded signs not recovered within 15 days of impoundment may be disposed of by the city in any manner it shall elect.

(D) Illegal signs removed from public property, including the City of Tuttle's right-of-way, park property or other city maintained areas may be immediately disposed of by the city in any manner it shall elect. If not already disposed, the impounded signs may be recovered by the owner by paying a fee as established by the City Council by motion or resolution.

SECTION 92 NEGLECTED AND ABANDONED SIGNS.

(A) No sign shall be permitted to remain on any vacant building, except a sign pertaining to the lease or sale of the building to which it pertains. Vacant building signage shall be considered abandoned.

(B) A sign that had a permit, but the permit has been expired for thirty (30) or more consecutive days and/or does not identify or advertise a bona fide business, lessor, service, owner, product, event, or

activity, or pertains to a time, event or purpose which no longer applies shall be considered as abandoned. A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained shall be considered neglected.

(C) Abandoned signs and neglected signs, including those abandoned or neglected prior to the adoption of this ordinance, shall be considered a public nuisance and are prohibited by this Article in the City of Tuttle. Upon identification of any prohibited sign, the building official or his designee shall utilize the remedies specified in Chapter 12 Nuisances of the Code of Ordinances for the removal of nuisances, including the issuance of a citation and other civil remedies.

(1) Abandoned signs and neglected signs identified prior to February 1, 2010 shall be considered as a legal nonconforming sign until February 1, 2011. After February 1, 2011, the building official or his designee shall utilize the remedies specified in Chapter 12 Nuisances of the Code of Ordinances for the removal of the nuisances, including the issuance of a citation and other civil remedies.

(D) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under Chapter 12 Nuisances of the Code of Ordinances, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located.

SECTION 93 NONCONFORMING SIGNS.

(A) A nonconforming sign is a sign and its supporting structure which does not conform to all or part of the provisions of this Article, and:

(1) Was in existence, has a sign permit if one was required prior to the adoption of this Article and lawfully erected prior to the date of this Article;

(2) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or

(3) Was in existence, located, and used on the premises at the time it was annexed into the city and has since been in regular and continuous use.

(B) Any sign that is abandoned or neglected shall not be considered a legal nonconforming sign and shall be removed as provided in SECTION 90 REMOVAL AND IMPOUNDMENT OF PROHIBITED SIGNS. of this Article.

(C) Any nonconforming sign and its supporting structure which is destroyed, damaged, dilapidated or deteriorated shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of 50 percent of the cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated, or deteriorated. Changing the interior panel of a nonconforming sign is permitted in all cases.

(D) No sign or its supporting structure which is lawfully reproduced, repaired or renovated as a nonconforming sign shall be increased in area or height.

(E) Notwithstanding any other provision of this Article, any sign that is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land, if the sign is required to be removed from its present location because the property upon which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain. Such relocated sign shall be placed, insofar as possible, as to comply with all provisions of this article.

SECTION 94 APPEALS AND VARIANCES.

(A) Requests for variances to sign regulations and allegations of errors in orders, decisions, or determinations by an administrative official in administration of the sign regulations shall be made in writing by the applicant and heard by the Board of Adjustment at a public hearing in accordance with the procedures established in the Zoning Code.

(B) A variance may be granted for the following reasons:

(1) The proposed sign is of a unique design or configuration;

(2) The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or

(3) The variance will substantially improve the public convenience and welfare and does not violate the intent of this Article.

(C) In order to approve a request for a variance, the Board of Adjustment shall determine that the request meets the following criteria:

(1) The proposed sign shall not adversely impact the adjacent property (visibility, size and the like); and

(2) The general location of the sign is specifically allowed by this Article.

(D) A variance shall not be approved for a sign that is prohibited by this Article.