

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the _____ day of _____, 2016.

THE CITY OF MIDWEST CITY, OKLAHOMA

JAY DEE COLLINS, Mayor

ATTEST:

RHONDA ATKINS, City Clerk

APPROVED as to form and legality this _____ day of _____, 2016.

KATHERINE BOLLES, City Attorney

Sec. 9-381. - Purpose and objectives.

- (a) The purpose of this article is to provide standards to regulate the erection, construction, placement, replacement, display, location and maintenance of signs and other outdoor advertising media for the purpose of encouraging sound sign practices and lessening the objectionable affects of competitive signage.
- (b) The objectives of this article shall be:
 - (1) To enhance the aesthetic quality of life for the citizens of the city by promoting the reasonable, orderly and effective display of signs.
 - (2) To prohibit signs that create a blight on the community, reducing the value and desirability of surrounding property and inhibiting economic development by creating a negative visual image of the city.
 - (3) To preserve and protect private and public property values and civic beauty by prohibiting signs and other outdoor advertising media that detract from this objective by their excessive size, height, number, or visual impact or undesirable location, maintenance, mobility, spacing or illumination.
 - (4) To establish standards that will provide businesses a reasonable and equitable opportunity to advertise, but which will avoid excessive competition and clutter among sign displays.

- (5) To increase the safety of the citizens in that unregulated advertising signs compete with official traffic signs for drivers' attention and thereby decrease the effectiveness of cautionary directional messages essential for the traveling public.
- (6) To protect the general public from damage and injury that may be caused by the faulty and uncontrolled construction and use of signs within the city.
- (7) To provide for special regulations in areas that, by nature or location, are unique from other areas of the city.
- (8) To promote the general welfare of the city and its citizens by preserving the cultural and business significance and architecture of the civic center area of the city by strengthening the visual identity of such district and to promote economic growth by encouraging a central and unique environment for marketing purposes.
- (9) To provide for an equitable mechanism whereby those signs that do not conform with these regulations can be removed.
- (10) To effectively use the city's police power to ensure that the community is beautiful, healthy, spacious, clean, well balanced and carefully patrolled.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-382. - Definitions.

As used in this Code, the following terms shall have the indicated definitions:

"A" frame sign: A sign, ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily moveable, not permanently attached and usually two (2) sided.

Automatic, changing sign: An electronically or electrically controlled sign that automatically changes the visible message copy on a preprogrammed cycle through the use of illumination.

Awning: Any structure made of a lightweight material attached to a building and projecting over a walkway.

Banner: A sign printed or displayed on cloth, fabric or other flexible material, with or without frames.

Billboard: A sign upon which advertising or other message may be posted, painted, pasted or affixed, and which directs attention to a business, organization, event, person, place, commodity, service or entertainment conducted, sold, located, manufactured, used or offered at a location other than the premises on which the sign is located.

Bulletin board sign: A sign that indicates the name of a governmental, religious, educational or other noncommercial institution on whose premises it is located, and which may contain the names of individuals connected with it and general announcements of events or activities occurring at the institution, or similar messages not advertising a specific product or business service.

Canopy: A fixed shelter of any material and of any length projecting from a building and supported by columns or posts from the ground, or a freestanding shelter supported by columns or posts from the ground.

Changeable copy sign: A permanent ground or pole sign consisting of nonstructural panels or individual message elements such as letters, numbers or symbols that are designed and intended for manual replacement or alteration after the sign is erected.

Civic center: An area described as a part of the west one-half ($W\frac{1}{2}$) of the southwest quarter ($SW\frac{1}{4}$) of Section 35, Township 12 North, Range 2 West of the Indian Meridian, Oklahoma County, Oklahoma, beginning at a point fifty (50) feet north and fifty (50) feet east of the southwest corner of said section, north 758.33 feet, thence east 1,267.98 feet, thence south 758.33 feet, thence west to the point of beginning.

Commercial temporary sign: A temporary sign that is not a noncommercial temporary sign and that identifies, advertises or directs attention to a business or is intended to induce purchase of a good, property or service including, without limitation, any sign naming a brand of good or service.

Construction sign: A sign identifying a construction project erected on the premises where construction is taking place, during the period of such construction, and containing information pertinent to the construction project such as the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, lending institutions and other parties having a role or interest in the structure or project.

Decoration: Illustration, symbol, flag, streamer, bunting, wreath, figure, insignia or other devices employed to express and/or illustrate a message or patriotic holiday or seasonal character.

Deteriorated sign: A permanent sign that is partially dilapidated or in need of repair.

Directional sign: A sign that directs the movement or placement of pedestrian or vehicular traffic on the premises where the sign is located.

Display surface: The surface of a sign upon, against or through which the message is displayed or illustrated.

Display surface area: The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, figures, characters and delineations; provided, however, display surface area shall not include the structural supports for freestanding signs if the structural supports are so arranged so as not to become a part of the attention-attracting aspect of the sign; provided, further, that only one (1) face of a double-faced sign as defined herein shall be considered in determining the display surface area.

Double-faced sign: Any sign that has more than one (1) display surface.

Erect: To build, attach, hang, place, suspend, affix, construct or allow to be constructed, including the painting of wall signs.

Flashing sign: An illuminated sign, other than an automatic, changing sign, on which artificial or reflected light is not maintained stationary and constant in light intensity and color at all times when in use.

Freestanding sign: Any sign that is attached to or a part of a completely self-supporting structure that is not attached to any building or any other structure and is anchored firmly to or below the ground surface (see ground sign and pole sign).

Frontage: The area between the boundary lines of a lot or parcel of land along the street right-of-way.

Ground sign: A freestanding sign that is secured to a fixed base, usually at ground level or a slight elevation above ground, rather than being pole-mounted.

Identification nameplate: A wall sign giving any combination of the name, address, and recognized symbol or logo of a building, business or establishment that is attached to and flat against the wall of a building.

Illegal sign: Any sign that in any manner does not conform to all of the requirements of this Code.

Illuminated sign: Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes whether such sources of illumination are a part of the sign or not.

Illumination: Lighting from a source concealed or contained within a sign which becomes visible through a translucent surface or lighting performed by spotlights or other lighting devices that are not a part of the sign display surface including those lighting devices that are extended from the sign by means of a rod or rods from which the illumination is directed toward the display surface area of the sign.

Marquee: A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Memorial sign: A sign, tablet or plaque commemorating a person, event, structure or site.

Noncombustible: Any material that does not ignite below twelve hundred (1,200) degrees Fahrenheit or disintegrate, melt or give off toxic odor or fumes.

Noncommercial temporary sign: A temporary sign that in no way identifies, advertises or directs attention to a business, good, property or service, or is intended to induce purchase of a good, property or service, or portrays or symbolizes a good, property or service especially but, without limitation, a brand or trade name, an identifiable container shape or a trademark.

Nonconforming sign: A sign that was lawfully erected, altered, moved or maintained under previous ordinances of the city but does not conform to the provisions of this article.

Owner: The fee owner of a sign, the lessee of the sign, the fee holder of the property upon which the sign is located, the leaseholder of such property or the individual, person or business who has purchased the copy on a sign, or the agent of any of the listed entities.

Parcel: A contiguous area of land described in a single description in a deed or as one of a number of lots on a plat; separately owned, either publicly or privately; and capable of being separately conveyed.

Permanent sign: A sign that, by its construction and made of such materials, is intended to remain erected and in use for an extended period of time.

Pole cover: A decorative covering constructed of materials that are attractive, aesthetically pleasing and architecturally consistent with the sign and/or the main building on the premises, built the full length of and entirely surrounding the freestanding poles on which the sign is mounted.

Pole sign: A freestanding sign that is mounted on one (1) or more freestanding poles or other supports.

Political sign: A sign announcing or supporting one (1) or more political candidates or issues in connection with any national, state, county or local election.

Portable sign: A sign, whether mounted on a chassis with tires or wheels for transport from one place to another, designed to be movable from one location to another and not permanently attached to the ground or to any immobile structure, the primary function of which is to provide advertisement of products or services in connection with a business or activity located on the same site as the portable sign or elsewhere.

Projecting sign: A sign, other than a banner, that is attached to, and is wholly or partially dependent upon a building for support and that extends beyond the line of the building or beyond the surface of that portion of the building to which it is attached.

Public use or public service sign: A sign of a governmental or noncommercial nature including public transit and public utility information signs, traffic control signs and any other sign erected by a public officer in the performance of a public duty.

Real estate sign: A temporary sign pertaining to the sale or lease of a parcel or tract of land or to the sale or lease of one (1) or more structures.

Roof sign: A sign that is erected, constructed and maintained wholly upon or over the roof of any building with the principal support of the sign on the roof structure.

Setback: A distance measured horizontally from, and perpendicular to, the right-of-way line of a street or a property line to the nearest edge of the sign.

Sight triangle: As defined by subsections 4.8.3(a) and (b) of appendix A of this Code.

Sign: Any object, announcement, declaration, demonstration, display, illustration, insignia, device, display or structure or part thereof situated outdoors in view of the general public that is used to advertise, identify, promote, display, direct or attract attention to or promote the interest of an object, person, institution, corporation, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images, whether illuminated or not, including, but not limited to, every billboard, wall sign, roof sign, projecting

sign, ground sign, pole sign, window sign, changeable copy sign, temporary sign, portable sign or any other attention-getting device or other display whether affixed to a building or separate from a building.

Sign contractor: Any person, firm, partnership, association or corporation involved in the installation, repair, alteration or service of any electric sign, and all permanent or temporary signs involving structural requirements of the building code and/or electrical requirements of the electric code.

Structure: Anything built or constructed whether or not permanently attached to the ground.

Subdivision construction sign: An on-premises sign with a display surface area of fifty (50) square feet or less containing information about a particular subdivision as a whole, which information may include, but may not be limited to, the location, price range and/or amenities of the subdivision.

Swinging sign: A sign, all or part of which is animated, revolves, swings or is otherwise designed to move by mechanical means or by the force of the wind.

Temporary sign: Any sign, either commercial or noncommercial, that is not a permanent sign which may include, but shall not be limited to, a balloon or other inflatable, banner, thirty (30) feet or shorter section of pennant and/or valance, or any other advertising display.

Temporary sign setback: A twelve-foot distance measured horizontally from, and perpendicular to, the curb or, where there is no curb, other discernible edge of the street or road.

Vacant sign: A sign that pertains to a building or is on a parcel of land that:

- (1) Has been unoccupied for a period of six (6) consecutive months; or
- (2) Refers to a business, product, service, event or purpose that has been inapplicable for three (3) consecutive months or is no longer provided on the premises where the sign is located; or
- (3) Identifies a time, event or purpose that has passed or no longer applies; or
- (4) In the case of a billboard, is vacant of copy or that advertises an establishment, good or service that no longer exists.

Wall sign: Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building; and which displays only one (1) advertising surface including awning and canopy, identification, marquee, module and projecting signs.

Window display: Any sign placed inside a structure on a window.

(Ord. No. 2885A, § 1, 9-9-03; Ord. No. 2955, § 1, 5-24-05; Ord. No. 3073, § 1, 11-25-08; Ord. No. 3135, § 1, 12-14-10)

Sec. 9-383. - Licensing of sign contractors.

- (a) It shall be unlawful for any person to install, repair, alter or service electric signs and all permanent or temporary signs involving structural requirements of the building code or otherwise act as a sign contractor within the city without first having been qualified and licensed as such by the city. The city, upon its approval of a proper application and payment of fees, shall issue a sign contractor license. All licenses shall be for one (1) year and shall expire on the thirtieth day of June after the licenses are issued, unless sooner revoked. Licenses may be secured on or before the first day of July, each year, to be in effect for the following year.
- (b) An application form for a sign contractor license shall be obtained from the city. The building official shall, within thirty (30) days of the date of application, approve or deny the application or refer it back to the applicant in any instance where insufficient or inadequate information has been furnished. Each license issued shall be assigned a number, which must then be recorded on all applications for sign permits submitted by the license holder.

- (c) Employees of licensed sign contractors shall not be required to obtain a license or pay a fee in order to engage in the work of installing, repairing, altering or servicing signs in the regular course of their employment with a licensed sign contractor.
- (d) All vehicles or conveyances used in any manner by any sign contractor or any employee of a sign contractor, which vehicles or conveyances are used in the scope of business or trade, shall be identified by having printed on the sides of such vehicles in a conspicuous place the sign contractor's name and license number preceded by the letters "MWC". All letters and numbers shall be at least two (2) inches in height and shall be displayed on both sides of the vehicles.
- (e) The fee for a sign contractor license shall be one hundred dollars (\$100.00) per year. A license may be applied for and secured at any time during the year, but the fee shall not be prorated or reduced.
- (f) Any person applying for a sign contractor license as provided in this article shall file with the city clerk satisfactory evidence of insurance for public liability and property damage for each person performing work under any one (1) license. Such insurance shall be in an amount of not less than one hundred thousand dollars (\$100,000.00) for personal injury of one (1) person in any one (1) accident; in the amount of not less than three hundred thousand dollars (\$300,000.00) for personal injury or death of more than one (1) person; and in the amount of not less than one hundred thousand dollars (\$100,000.00) for property damage.
- (g) A sign contractor license may be revoked or temporarily suspended by the building official, upon notice in writing to the sign contractor, if it is found that the license was issued on the basis of misleading or incorrect information or if the sign contractor has violated any provision of this article.
- (h) The following entities are not required to obtain a sign contractor license but shall comply with all other provisions of this article:
 - (1) Persons who install, erect, move or maintain a sign not requiring a permit, as exempted in subsection 9-384(h); and
 - (2) Duly licensed electrical contractors where the contractors are only installing wiring to electrical signs in the course of their business as electrical contractors.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-384. - Permits and inspections.

- (a) Except as exempted in subsection 9-384(h), it shall be unlawful to display, erect, rebuild, expand or relocate any sign without first filing with the city an application in writing and obtaining a sign permit in accordance with the provisions of this article. Once the city has issued a sign permit, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of that permit without prior approval of the building official. A written record of the building official's approval shall be entered upon the original permit application and maintained in the files of the city.
- (b) The application for a sign permit must be made only by the owner or by a sign contractor licensed by the city. Such applications shall be made in writing on forms furnished by the city and shall be signed by the applicant. The city shall, within ten (10) working days of the date of application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient or inadequate information has been furnished. The permit application for a permanent sign shall contain or be accompanied by the following:
 - (1) The name, address and telephone number of the owner of the sign.
 - (2) Plans to scale showing the sign elevation indicating height, overall dimensions, colors, materials and illumination and wiring specifications.
 - (3) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this article and all other laws and ordinances of the city, when required by the building official.

- (4) A site plan indicating locations, height and overall dimensions of all existing and proposed signs on the site.
 - (5) A building facade outline or photograph indicating the location of any existing or proposed signs to be attached to the building.
 - (6) The value of the sign.
 - (7) Such other information as the city may require to show full compliance with this article and all other laws and ordinances.
- (c) The fee for a permit for a permanent sign shall be two hundred dollars (\$200.00). The fee for a sign permit for a billboard shall be three hundred dollars (\$300.00). Sign permit fees required under this subsection (c) shall be deposited in the technology fund and be used to administer the city's sign ordinance. No fee shall be charged, nor permit required, for noncommercial temporary signs. The fee for a permit amendment involving changes in location, sign type, electrification or increase in size shall be the same fee as if the amendment were a new permit. Where installation or modification for which a permit is required by this article is begun or completed prior to obtaining a permit, the fees herein specified shall be tripled, but the payment of such triple fees shall not relieve any obligation to fully comply with the requirements of this Code in the execution of the work or from any other penalties prescribed herein.
- (d) No commercial temporary sign may be erected or maintained without a permit except as noted in subsection 9-391(h) of this Code. Each city utility account or separate parcel identified by a legal address in the city is entitled to eight (8) commercial temporary sign permits each year. The fee for each commercial temporary sign permit shall be fifty dollars (\$50.00); however, nonprofit organizations that produce their letter from the Internal Revenue Service proving their nonprofit status shall be exempt from the fee. Permits for commercial temporary signs shall authorize the erection of the signs and their maintenance for a period not exceeding seven (7) consecutive days. Any commercial temporary sign maintained in excess of seven (7) consecutive days shall be deemed an illegal sign and must be removed by the owner. If the owner fails to remove the sign, the city may do so and charge the cost of such removal and any storage of the sign, the minimum of which shall be one hundred dollars (\$100.00) to the owner, which amount shall be assessed to the owner's utility account.
- (e) An inspection of the footing portion of a permanent sign shall be required prior to installation of the structural portion of the sign. The permit holder shall notify the development services department when any sign is complete and ready for final inspection. An inspection of the electrical portion of the sign shall be required separately from the inspection of the structural portion of the sign.
- (f) If construction of a permanent sign is not completed within six (6) calendar months of approval of the permit, the permit shall expire and be null and void. In the case of delays that are not a result of the permit holder's willful acts or neglect, the building official may grant an extension of time for good cause shown, provided all approvals thereof are in writing on the face of the permit. Permit fees shall not be refunded for any expired permit.
- (g) If the building official finds that work under any sign permit is not in accordance with the information supplied in the application or submitted plans, or should there be any misrepresentation in connection with the application for the permit, the permit shall be revoked. If the building official determines that any incorrect information or misrepresentation was unintentional, and can be and is corrected by the applicant and the corrected information conforms to the requirements of this Code, the building official may reinstate the sign permit. No person shall proceed with any work on the sign, or any part thereof, after the permit has been revoked. None of the permit fees shall be refunded for any revoked permit.
- (h) The following signs and activities do not require a sign permit but shall comply with all other provisions of this Code:
- (1) Signs mounted inside buildings not visible to pedestrians or motorists beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way, parking area or outdoor circulation area open to the public.

- (2) Window displays, including neon signs, if such signs are prewired and/or prefabricated.
- (3) Street addresses and/or nameplates not exceeding a total of fifty (50) square feet in display surface area.
- (4) Memorial signs, or names of buildings and dates of erection when cut into the masonry surface or when constructed of bronze or other noncombustible material and when such signs do not exceed six (6) square feet in display surface area.
- (5) Scoreboards not exceeding a total of fifty (50) square feet in athletic facilities.
- (6) Nonilluminated bulletin board signs that are for a public institution or nonprofit organization when located on the premises of the institution or organization and that are not more than twenty (20) square feet in display surface area.
- (7) Directional signs not exceeding four (4) square feet in display surface area, displayed for the convenience of the public, including signs identifying entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances and parking spaces reserved for the handicapped, and other similar directional signs.
- (8) Public use or public service signs including traffic control and street name signs, community service information signs, public transit service signs, public utility information signs, safety signs, danger signs and all other signs erected by a public officer in the performance of a public duty.
- (9) Prohibitory signs or other such signs regulating the use of property (such as "No Trespassing", "No Hunting" and "No Fishing" signs) that are not more than four (4) square feet in display surface area.
- (10) One (1) construction sign per frontage so long as the sign's display surface area is no more than fifty (50) square feet when located in multifamily, mobile home, office, commercial and industrial zoning districts or the sign's display surface area is no more than eight (8) square feet in any other residential zoning district.
- (11) One (1) real estate sign per frontage advertising the sale, lease or rental of the property on which the sign is located so long as the sign's display surface area is no more than eight (8) square feet if the sign is located on a nonarterial street and thirty-two (32) square feet if the sign is located on an arterial street.
- (12) One (1) subdivision construction sign per frontage of the subdivision so long as the sign advertises the entire subdivision and its display surface area is no more than fifty (50) square feet.
- (13) One (1) subdivision identification sign per immediate entrance to the subdivision so long as it contains only the subdivision's name, is indirectly illuminated and is not more than thirty-two (32) square feet in display surface area.
- (14) No more than two (2) on-premises and two (2) off-premises garage or estate sale signs which must be removed within twenty-four (24) hours of the completion of the sale.
- (15) Decorations, clearly customary, incidental and commonly associated with national, local or religious holidays.
- (16) No more than one (1) political sign per street frontage per land parcel for each candidate and issue if it is placed no closer to the curb than twelve (12) feet when located on an arterial street and is removed within three (3) days after the election day, and so long as the display surface area does not exceed eight (8) square feet if the sign is located on a nonarterial street and thirty-two (32) square feet if the sign is located on an arterial street.
- (17) Political signs if they are placed no closer to the curb than twelve (12) feet when on an arterial street and are removed within three (3) days after the election day, and so long as the display surface area does not exceed eight (8) square feet on residentially-zoned parcels and thirty-two (32) square feet on all other parcels.

- (18) Menu signs at drive-through and drive-in restaurants, and signs, whether temporary or permanent, illuminated or nonilluminated, attached to a permanent structure erected on commercial property when:
 - a. Properly maintained;
 - b. Totally encased in a metal frame and/or weatherproof enclosure;
 - c. Limited to no more than two (2) square feet in display surface area; and
 - d. Not designed to be read from the public right-of-way or to attract attention to the site from the public right-of-way.
- (19) The changing of the advertising copy or message on an existing changeable copy sign.
- (20) The painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
- (21) Professional nameplates not exceeding two (2) square feet in display surface area.
- (22) Search lights associated with special events (e.g. grand openings and special promotions of a business) located on the premises of the special event.
- (23) Noncommercial temporary signs.

(Ord. No. 2885A, § 1, 9-9-03; Ord. No. 2899, § 2, 12-9-03; Ord. No. 2960, § 1, 7-12-05; Ord. No. 3073, § 2, 11-25-08; Ord. No. 3135, § 2, 12-14-10)

Sec. 9-385. - Regulations and standards.

- (a) No sign shall be maintained at any location where, by reason of its position, size, shape or color, it may interfere with the view of or be confused with any traffic control signs or signals, or where it may mislead or confuse traffic.
- (b) Signs and their supporting structures shall maintain clearance from, and noninterference with, all above ground and underground facilities and conduits for water, sewer, gas, electricity or communications equipment and lines, and shall not interfere with surface or subsurface drainage.
- (c) No permanent sign shall be installed, erected or maintained that is on or a part of which is on, over or extended across any public right-of-way, alley, utility or drainage easement, or any vehicular driveway, except wall signs on buildings where existing buildings abut public right-of-way, alley, utility or drainage easements at the time of adoption of this article.
- (d) No sign, except public service signs, shall be permitted to be located on publicly-owned property except that signs may be erected and maintained in city athletic complexes provided such signs are in conformance with the policies and procedures established by the city. Signs may be erected, placed and maintained in athletic complexes under public ownership provided such signs are in conformance with the following requirements:
 - (1) All signs permitted by this subsection shall be flat signs of solid-face construction that are a part of, or attached to, a building or fence. Signs on fences shall only face toward the interior of the complex.
 - (2) All signs shall be safely and securely attached to a building or fence and in no case shall they be secured by wire, nails or strips of wood.
 - (3) All signs below eight (8) feet in height shall have only flat, smooth surfaces and no portion of such signs shall be constructed of, or contain any, glass or plastic. No electrical or illuminated sign shall be permitted.
 - (4) No sign shall obstruct any entrance or exit.

- (5) No sign shall exceed ninety-six (96) square feet in display surface area or be located in a manner in which its maximum height is greater than eight (8) feet above ground level (excluding scoreboards and press boxes); nor shall any sign attached to any building (including press boxes and scoreboards) exceed the height of the building.
- (e) Any sign that is deemed by the city to be unsafe, dangerous or defective, or creates an immediate hazard shall be removed by the owner upon receipt of notice by the city or may be removed by the city.
- (f) No sign may be attached to a tree or placed on public property. Only public service signs may be attached to utility poles.
- (g) No sign shall occupy a parking space required under the provisions of appendix A of this Code.
- (h) No sign or other advertising structure as regulated by this Code shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop", "Look", "Drive-in", "Danger" or any other word, phrase, symbol or character tending to interfere with, mislead or confuse traffic.
- (i) No sign shall be erected, constructed or maintained so as to obstruct any fire escape or any window, door or opening used as a means of egress. No sign shall be attached in any form, shape or manner to a standpipe or be placed in such a manner as to interfere with an opening required for required ventilation.
- (j) No sign shall be located within a sight triangle. No portion of any sign, other than the pole or column, shall be permitted between the heights of thirty (30) inches and ten (10) feet, as measured from the ground elevation. No more than one (1) pole or column may be located within the sight triangle. No pole or column located within the sight triangle shall exceed twelve (12) inches in diameter.
- (k) No political sign shall exceed thirty-two (32) square feet in display surface area.
- (l) Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of a sign. All freestanding signs and the premises surrounding them shall be maintained by their owners in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- (m) Any sign that is located on property that is vacant or that pertains to a business, product, service, event or purpose that no longer applies shall be deemed to be a vacant sign.
- (n) All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall not be constructed to receive dead loads as required in this Code.
- (o) All sign foundations shall conform to the requirements of this Code. Where foundation details have been presented to or required by the building official, each excavations shall be completed as shown on the drawing with reinforcing steel in place. The building official shall be notified and no concrete shall be poured until the excavation and reinforcing steel have been inspected by the building official.
- (p) Subdivision construction signs may be erected at any time after the final plat is approved by the city, and must be removed within four (4) years of having been erected or at the time that building permits on seventy-five (75) percent of the parcels in the subdivision have been issued, whichever first occurs.
- (q) The use of used pipe or structural sections as columns shall not be permitted if the structural integrity is insufficient to meet this Code's requirements.
- (r) Plastic materials may not be used unless they meet the following requirements:
- (1) Notwithstanding any other provisions of this Code, plastic materials that burn at a rate no faster than two and one-half (2½) inches per minute when tested in accordance with the "Test for

Flammability of Rigid Plastics Over 0.050 Inches in Thickness, ASTM D-635-63" shall be deemed approved plastics and may be used as the display surface material and for the letters, decorations and facings on signs provided that the structure of the sign in which the plastic is mounted or installed is noncombustible.

- (2) Individual plastic facings of electric signs shall not exceed five hundred (500) square feet in area.
 - (3) Letters and decorations mounted upon an approved plastic facing or display surface may be made of approved plastics.
 - (4) All plastic signs shall meet the wind load standards as set forth in the "Lexan Sheet for Signs, Plexiglass Design and Fabrication Data" and of "Uvex Plastic Sheet" for one hundred (100) mile per hour wind. U.L. approvals shall be accepted as proof of compliance.
- (s) All illuminated signs shall be subject to the provisions of the city's electrical code and shall concentrate the light on the sign, and prevent glare upon the street or that interferes with driving vision or onto adjacent property.
- (t) Gooseneck lights shall be permitted on ground signs, roof signs and wall signs; provided, however, the lights shall be placed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or that interferes with driving vision or onto adjacent property.
- (u) All requirements of this Code shall apply to all signs. However if any requirement of this article is in conflict with the requirements of the building code, the more restrictive requirement shall be controlling.
- (v) The following types of signs are prohibited:
- (1) "A" frame signs.
 - (2) Swinging signs except on residential property.
 - (3) Flashing signs.
 - (4) Portable signs.
- (w) The flag of the United States of America may be placed in street right-of-way on national holidays. Under this subsection, no more than two (2) flags per parcel will be allowed in the street right-of-way abutting a parcel. Flags shall be placed so as not to constitute a traffic hazard or interfere with sight distance. Flag poles, when placed in street right-of-way, shall not exceed twelve (12) feet in height measured from the ground elevation. If a sleeve is used to hold a flag, the top of the sleeve shall not extend above ground level and shall be properly capped when not in use. The city, in allowing the placement of the flag of the United States of America in city right-of-way in observance of national holidays, does not assume any liability for the improper installation or maintenance of the flag, flag pole or sleeve.
- (x) No sign shall be placed or erected in violation of the zoning ordinances of this city. Permanent off-premises advertising signs shall only be allowed in industrial zoning districts. Only signs and sign types permitted by the special sign district for the civic center area shall be allowed in that area.
- (y) No permanent sign, except subdivision identification signs, shall be allowed, installed, erected or maintained on property zoned R-1-D, R-1-A, R-2, R-MH-1 or R-MH-2 unless such property is subject of a special use permit or is owned or operated by a political subdivision of the state.
- (z) It is the intent of this subsection to protect the aesthetic quality and visual access of the civic center area due to the large public investment in the area and the area's intrinsic value to the entire community. These regulations are intended to enhance the general appearance and environment surrounding the civic center area and to prevent unnecessary visual encroachments on this significant landmark by restricting the indiscriminate use of signs.
- (1) The provisions of this subsection shall apply to all signs with the exception of the following:

- a. Real estate signs not exceeding eight (8) square feet in display surface area that advertise the sale, rental or lease of only the parcel upon which the signs are located.
 - b. Identification nameplates not exceeding two (2) square feet in surface display area.
 - c. Bulletin board signs not over eight (8) square feet in display surface area for public, charitable or religious institutions when such signs are located on the premises of such institutions.
 - d. Construction signs not exceeding sixteen (16) square feet in display surface area.
 - e. Occupational signs denoting only the name and profession of an occupant of a commercial building, a public institutional building or dwelling house and not exceeding two (2) square feet in display surface area.
 - f. Memorial signs, names of buildings and dates of erection when they are cut into the masonry surface of the building and made of bronze or other noncombustible materials.
 - g. Traffic or other municipal signs, legal notices, railroad crossing signs and such temporary emergency or nonadvertising signs as may be approved by the city council.
- (2) In addition to the provisions of this section, all signs shall comply with the provisions of the regulations contained in this article.
- (3) The following provisions are herein established to carry out the intent of this subsection:
- a. All signs in the civic center area shall be of materials, colors and architectural design that are similar to and in harmony with the building or buildings that they advertise.
 - b. No sign exceeding forty (40) square feet in display surface area and ten (10) feet in height shall be permitted within two hundred (200) feet of the civic center area.
 - c. Only those signs relating to or advertising the identification of the primary use of a store, business, office, partnership, corporation, professional service or premises shall be permitted within two hundred (200) feet of the civic center area.
 - d. For all signs not located within two hundred (200) feet of the civic center area, the following provisions apply:
 - 1. The maximum height of any sign as measured from the street or ground level to the top of the sign shall be determined by the following formula: One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point along the property line of the civic center area and extending to a distance of four hundred (400) feet measured in a straight line, or up to a maximum height of twenty (20) feet.
 - 2. The maximum size of all signs shall be determined by the following formula: One (1) square foot in area for each four (4) feet in horizontal distance from the nearest point along the property line of the civic center area and extending to a distance of eight hundred (800) feet measured in a straight line or a maximum size of two hundred (200) square feet.

(Ord. No. 2885A, § 1, 9-9-03; Ord. No. 3135, § 3, 12-14-10)

Sec. 9-386. - Freestanding signs.

- (a) All freestanding signs shall have a surface or facing of noncombustible material; provided, however, that combustible structural trim may be used thereon. All letters, figures, characters or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any sign shall be safely and securely built or attached to the sign.
- (b) It is unlawful to erect any freestanding sign whose total height is greater than twenty (20) feet above the level of the street upon which the sign faces or above the adjoining ground level if such ground

level is above the street level except that, upon application to the city council for which there shall be a fee of sixty dollars (\$60.00), the height requirement may be waived under the following conditions:

- (1) For signs to be located within one hundred (100) feet of the Interstate 40 right-of-way, there is no limitation on the height waiver the city council may grant, except that the sign height, as measured from ground level, at the base of or below the sign, to the highest edge of the sign, cannot exceed the airport zoning ordinance height limitations.
 - (2) For all other signs the height requirement may be waived by the city council to allow signs of greater height if the request is based on a national or state-wide sign policy or if the topography is such that the increased height would not be unduly prejudicial to the adjoining establishments. No waiver of this subsection shall be permitted if the height of the sign would exceed the limits contained in this subsection by more than ten (10) percent.
- (c) No freestanding sign shall be nearer than two (2) feet to any building or other structure. Only one (1) freestanding sign shall be allowed per frontage unless the frontage is in excess of six hundred (600) feet, in which case one (1) sign shall be allowed for the first six hundred (600) feet and an additional sign shall be allowed for each additional six hundred (600) feet or less of frontage.
 - (d) No freestanding sign shall be nearer the street than the right-of-way line of the parcel.
 - (e) All freestanding signs shall conform to the provisions of this article.
 - (f) All freestanding signs shall be securely built, constructed and erected upon posts and standards sunk at least three (3) feet below the natural surface of the ground; and, if supported and braced by timbers or metal rods, the timbers or metal rods must extend from the top of the sign to a point in the ground at least a distance equal to one-half the height of the sign, measured along the ground, from the posts or standards upon which the sign is erected.
 - (g) All posts, anchors and bracing made of wood shall be treated to protect them from moisture by creosoting or other approved methods when they rest upon or enter into the ground.
 - (h) Freestanding signs with more than two hundred (200) square feet of display surface area shall be prohibited. Freestanding signs may be double-faced.
 - (i) No off-premises freestanding sign shall be nearer than one hundred (100) feet to a side or rear lot line of the parcel on which the sign is erected. Such signs shall be spaced a minimum of one hundred (100) feet apart. Off-premises freestanding signs shall not be located nearer than two (2) feet to any buildings or structures. These signs may be double-faced.
 - (j) All permanent freestanding signs must have one (1) or more pole covers as appropriate which must be constructed of noncombustible material and must be maintained. Owners of freestanding signs that have not yet been constructed who have applied for a waiver to the height requirements as noted in subsection (b) of this section may also apply for a waiver to the requirement for a pole cover. An owner may file such an application for a waiver to the pole cover requirement for no additional fee and such application may be heard by the council at the same time the requested waiver to the height limitation is heard. If such application is filed after the sign has been erected, the owner must pay a sixty dollar (\$60.00) fee to file an application for a waiver to the requirement for a pole cover.

(Ord. No. 2885A, § 1, 9-9-03; Ord. No. 3128, §§ 1, 2, 10-26-10)

Sec. 9-387. - Compliance with Highway Advertising Control Act.

All advertising signs within the area controlled by the Highway Advertising Control Act of 1972, as amended, shall comply with the Act except that the surface display area of any sign shall not exceed one thousand (1,000) square feet per face of the sign and, except where the provisions of this Code are in conflict the Act, in which event the sections of this Code which are in conflict shall be controlling if more restrictive as to size, type, location, illumination or construction.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-388. - Wall signs.

- (a) All wall signs shall have a surface or facing of noncombustible material; provided, however, that combustible structural trim may be used thereon.
- (b) No wall sign shall cover wholly or partially any wall opening, or project beyond the ends or top of the wall to which it is attached; and no wall sign shall have a display surface area of more than five hundred (500) square feet.
- (c) No wall sign shall extend more than fifteen (15) inches beyond the building line and shall not be attached to a wall at a height of less than seven (7) feet above the sidewalk or ground.
- (d) All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than three-eighths-inch in diameter embedded in the wall at least five (5) inches; provided, however, that such signs may rest in or be bolted to strong, heavy metal brackets or saddles set not over six (6) feet apart, each of which shall be securely affixed to the wall as hereinbefore provided. In no case shall any wall sign be secured with wire, strips of wood or nails.
- (e) All wall signs shall conform to the requirements of this article.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-389. - Roof signs.

- (a) Every roof sign, including the upright supports and braces thereof, shall be constructed entirely of noncombustible materials; provided, however, that combustible structural trim may be used thereon.
- (b) No roof sign shall have a display surface area exceeding the lesser of five hundred (500) square feet or seventy-five (75) percent of any building front, or have its highest point extended more than twenty (20) feet above the roof level or fire wall with a minimum of five-foot openings every twenty-five (25) linear feet.
- (c) No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.
- (d) All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level, and have at least five (5) feet clearance between the vertical supports thereof.
- (e) No roof sign shall be placed on the roof of any building or structure in such a manner as to prevent free passage from one part of the roof to any other part thereof or interfere with openings in the roof. No roof signs shall be attached to a standpipe or fire escape.
- (f) Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings that are not constructed entirely of fireproof material, the bearing plates of the sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.
- (g) All roof signs shall conform to the requirements of this article.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-390. - Projecting signs.

- (a) Every projecting sign, including its frames, braces and supports, shall be designed by a structural engineer or manufacturer, and shall be approved by the building official as compliant with the

building code and the electrical code of the city, and shall be constructed of noncombustible materials.

- (b) The lettering or advertising designs on projecting signs may be composed of glass or other transparent or semi-transparent noncombustible material. Any glass forming a part of any projecting sign shall be safety glass or plate glass at least one-half-inch thick and, in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be wired glass. One (1) section, not exceeding three (3) square feet in area, constructed of wire glass or safety glass shall be permitted on each side of a sign.
- (c) Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
- (d) Projecting signs shall be limited in display surface area as follows:
 - (1) Horizontal projecting signs, fifty (50) square feet each side.
 - (2) Vertical projecting signs, one hundred (100) square feet each side.
- (e) The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.
- (f) Every projecting sign shall be placed at least eight (8) feet above the sidewalk over which it is erected and a distance not greater than two (2) feet from the face of the wall to which it is attached, measured from the point of the sign nearest thereto. No projecting sign or any part thereof shall extend over the setback line.
- (g) Every projecting sign shall be erected in full compliance with this article.
- (h) Projecting signs exceeding ten (10) square feet in area or fifty (50) pounds in weight shall not be attached to or supported by frame buildings or the wooden framework of a building. Such signs shall be attached to masonry walls with galvanized expansion bolts at least three-eighths-inch in diameter, shall be fixed in the wall by means of bolts extending through the wall and shall contain a properly sized metal washer or plate on the inside of the wall.
- (i) No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.
- (j) V-shaped signs consisting of two (2) single-faced signs erected without a roof or ceiling shall not be permitted.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-391. - Temporary signs.

- (a) No commercial temporary sign located on nonresidential property shall exceed sixteen (16) square feet in display surface area and shall not be taller than three (3) feet measured from ground level. The maximum size of the display surface area of the sign shall not exceed two (2) feet in any one (1) of its dimensions. No temporary sign located on residential property shall exceed eight (8) square feet in display surface area.
- (b) Balloons shall not be used as commercial temporary signs.
- (c) Every temporary sign weighing more than fifty (50) pounds must be approved by the city as conforming to the safety requirements of the building code of the city.
- (d) No temporary sign shall extend over or into any street, alley, sidewalk or other public thoroughfare. Temporary signs shall not extend a distance greater than four (4) inches from the wall upon which it is erected, and such signs shall not be placed or projected over any wall opening.
- (e) Every temporary sign shall be in full compliance with this article.

- (f) No temporary sign shall be placed, installed, erected or maintained within the temporary sign setback on arterial streets and on nonresidential property.
- (g) No commercial temporary sign may be erected or maintained without a permit except as noted in subsection 9-391(h) of this Code. Each city utility account or separate parcel identified by a legal address in the city is entitled to eight (8) commercial temporary sign permits each year. The fee for each commercial temporary sign permit shall be fifty dollars (\$50.00); however, nonprofit organizations that produce their letter from the Internal Revenue Service proving their nonprofit status shall be exempt from the fee. Permits for commercial temporary signs shall authorize the erection of the signs and their maintenance for a period not exceeding seven (7) consecutive days. Any commercial temporary sign maintained in excess of seven (7) consecutive days shall be deemed an illegal sign and must be removed by the owner. If the owner fails to remove the sign, the city may do so and charge the cost of such removal and any storage of the sign, the minimum of which shall be one hundred dollars (\$100.00) to the owner, which amount shall be assessed to the owner's utility account.
- (h) One (1) commercial freestanding, temporary sign may be erected or maintained on residential property without a permit only under the following conditions:
 - (1) The display surface area of the sign shall be no more than one (1) square foot in area;
 - (2) The height of the sign shall be no more than three (3) feet above ground level; and
 - (3) The sign must be located within an area not to exceed five (5) feet in distance from the front of the front elevation of the residential structure.

(Ord. No. 2885A, § 1, 9-9-03; Ord. No. 3073, § 3, 11-25-08)

Sec. 9-392. - Marquees, canopies and awnings.

Signs attached to or hung from a marquee, canopy or awning shall be completely within the borderline of the marquee's, canopy's or awning's outer edge, and shall in no instance be lower than eight (8) feet above the sidewalk or private drive. No sign or advertising material on a marquee, canopy or awning shall exceed five (5) feet in height.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-393. - Political signs.

- (a) No more than one (1) political sign per street frontage per land parcel for each candidate and issue shall be allowed.
- (b) Political signs must be removed within three (3) days after the election day.
- (c) Political signs must be erected or placed a distance of no less than twelve (12) feet, measured horizontally from, and perpendicular to, the curb or, where there is no curb, other discernible edge of the street or road, on arterial streets. No setback is required along nonarterial streets; however, no political sign shall be placed or erected in a manner that would create a traffic hazard.
- (d) The maximum display surface area of political signs is limited to thirty-two (32) square feet if the signs are located on arterial streets and eight (8) square feet if the signs are located on nonarterial streets.
- (e) Any political sign erected or placed in violation of this Code shall be immediately removed by the city and held until after the election. A fee of five dollars (\$5.00) per sign shall be assessed to the owner of the property on which the sign was located, plus any administrative fees that may be added by the city clerk.

- (f) The owner of any political signs removed and stored by the city may retrieve them within ten (10) days of the election upon paying a storage fee of one dollar (\$1.00) per sign. Ten (10) days after the date of the election, any political signs remaining in the possession of the city will be deemed trash and disposed of immediately.

(Ord. No. 2899, § 2, 12-9-03)

Sec. 9-394. - Illegal, nonconforming, deteriorated and vacant signs.

In order to achieve the general purpose and objectives of this article, it is necessary to provide for the removal or conformance of signs that are designated as illegal, nonconforming, deteriorated or vacant. The following subsections identify circumstances under which such designations occur and the method of correction and/or disposition required:

- (1) Any permanent sign erected or altered that does not comply with the provisions of this article shall be removed from the premises upon which it is located within thirty (30) days from the notice of violation and shall not be erected anywhere in the city until a sign permit is issued. Any temporary sign erected that does not comply with the provisions of this article is subject to immediate seizure and removal by the city.
- (2) It is the declared intent of the city to have nonconforming signs brought into conformity. The right to operate and maintain nonconforming signs shall terminate in accordance with the following schedule:
 - a. All signs that are nonconforming for the following reasons shall immediately be removed or brought into conformance with the provisions of this section upon notification to the owner by the city:
 1. They constitute a traffic hazard, or block or restrict the visibility of motorists; or
 2. They constitute a possible hazard to the general health, safety and welfare of the public of the city.
 - b. Signs located within the public right-of-way, as set out in subsection 9-385(c) of this Code, are not in compliance with the provisions of this article. Those signs that are not covered by subsection (2)a. of this section shall be removed or brought into conformance on or before the effective date as noted in this section.
 - c. Billboards that are not in compliance with the provisions of this article shall be brought into compliance upon notification to the owner by the city.
 - d. Freestanding signs that are not in compliance with:
 1. The height limitation contained in subsection 9-386(b) of this Code;
 2. The display surface area limitation contained in subsection 9-386(h) of this Code;
 3. The number and/or spacing limitations contained in subsection 9-386(c) of this Code; or
 4. The pole cover requirements contained in subsection 9-386(j) of this Code.
 - e. Freestanding signs shall be brought into compliance with the provisions above, at the time any modifications or repairs are made to the sign:
 1. That would cause an increase or decrease to the height of the sign; and/or
 2. That would cause an increase or decrease in the display surface area of the sign; and/or
 3. That would cause a change to the shape of the sign; and/or

4. That would cause any modifications to, additions to or removal of any structural components of the sign; and/or
 5. That would cause the overall sign area to be increased or decreased due the number of reader boards on the sign or the area of signs.
- f. Routine maintenance and repair will not require a sign to be brought into compliance with the provisions above. Such repairs would include, but are not limited to:
1. The painting of the structural elements of the sign; and/or
 2. Simple refacing of an existing sign where no structural changes are made; and/or
 3. Electrical repairs to an existing sign made while the sign remains in place.
- g. All other nonconforming signs except as outlined by subsections (2)a—d. of this section that are not in compliance with the provisions of this article shall be allowed to remain for such period as subsection (5)b. of this section is complied with.
- (3) Vacant signs may remain until they become deteriorated signs and shall be removed by the owner of the sign and/or by the owner of the property on which the sign is located.
- (4) Deteriorated signs shall be removed by the owner of the sign and/or by the owner of the property on which the sign is located.
- (5) If the building official shall find that any sign is in violation of the provisions of this section, he shall give written notice to the owner.
- a. The notice shall be personally served on or mailed to the owner by certified mail at the address shown on the current years tax rolls in the county treasurer's office. If the owner is unable to be personally served or notified by mail, then notice of the violation shall be posted on the sign.
 - b. Any illegal, nonconforming or deteriorated sign, except for nonconforming signs described in subsection (2)a. of this section, that is not removed from the premises or brought into compliance with this article within thirty (30) days after the service of notice shall be considered in violation of the provisions of this article and shall be subject to the penalties as set forth in this article. Each day that the sign remains in violation of this article after the expiration of the thirty (30) days' time shall constitute a separate offense. Signs described in subsection (2)a. of this section shall be brought into compliance or removed immediately upon notification.
 - c. Signs placed within the public right-of-way or on utility poles are subject to immediate removal by the city.
- (6) Removal by the city.
- a. The city may remove any deteriorated sign that the owner fails to remove after notification. Storage and renewal charges shall be borne by the owner and, if unpaid upon demand, the city clerk shall cause the charges to be placed on the tax rolls for any property owned by the owner of the sign within the city.
 - b. Any sign located within the city that constitutes an immediate danger shall be removed without notice and the costs shall be borne as provided by subsection (6)a. of this section.
 - c. Any sign placed within the public right-of-way or on a utility pole shall be removed immediately by the city and shall be disposed of as provided by ordinance for the disposition of unclaimed property.
 - d. Any nonconforming sign that must be removed or brought into conformance with the requirements of this article shall be removed by the city upon the owner's failure to bring the sign into conformance with this article. Costs shall be borne by the owner as provided in subsection (6)a. of this section.

- e. Any sign that is removed by the city under subsections (6)a., b. or d., of this section shall be stored for a period of two (2) months at which time the sign shall be deemed abandoned and disposed of as provided by ordinance for the disposition of unclaimed property.

(Ord. No. 2885A, § 1, 9-9-03; Ord. No. 3135, §§ 4, 5, 12-14-10)

Sec. 9-395. - Review and appeal.

- (a) The city shall issue sign permits only after the city has completed appropriate reviews and determined compliance with this article.
- (b) Any person aggrieved by an administrative decision pertaining to a sign may appeal to the city council.
 - (1) Notice of such appeal must be given within ten (10) days of the date of the administrative decision. The city shall cause the appeal to be set for hearing before the city council and cause at least five (5) days' written notice to be given to the applicant and abutting property owners of the time and place of the hearing of such appeal. The fee to file the appeal shall be sixty dollars (\$60.00).
 - (2) When an appeal is filed alleging that an error was made in an order, requirement, decision or determination by an administrative official in the enforcement of any provision of this article, the final disposition of the appeal shall be determined by the city council. The decision of the city council shall be deemed as final.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-396. - Obscene matter prohibited.

It is unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

(Ord. No. 2885A, § 1, 9-9-03)

Sec. 9-397. - Penalty.

Any person, corporation, partnership, firm, association or other entity who shall violate any of the provisions of this article shall be guilty of an offense and upon conviction thereof shall be punished by a fine in the amount of at least one hundred dollars (\$100.00), plus costs, but not more than two hundred dollars (\$200.00), plus costs. Each act violating any of the provisions of this article shall be deemed a separate offense. Each day's continued violation of any of the provisions of this article shall constitute a separate offense and may be chargeable as such.

(Ord. No. 2885A, § 1, 9-9-03)

Secs. 9-398—9-555. - Reserved.