

CITY OF HEATH

ORDINANCE NO. 060518D

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, ARTICLE 10-1 SIGN CODE, BY REPEALING SECTIONS 10-1-1 THROUGH 10-1-11 AND IN LIEU THEREOF, PROVIDING FOR SECTIONS 10-1-0 THROUGH 10-1-22, AS HEREINAFTER SET OUT; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$ 2,000; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS:

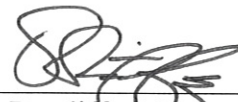
SECTION 1. That Chapter 10 of the Code of Ordinances, Article 10-1 Sign Code, is hereby amended and changed by repealing sections 10-1-1 through 10-1-11 by providing for a new Sign Code, same being sections 10-1-0 through 10-1-22, as hereinafter set out by the hereto attached Exhibit "A," which is incorporated herein for all purposes.

SECTION 2. Any person, firm, or corporation who violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine in accordance with the general provisions of the Code of Ordinances.

SECTION 3. That it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.


SECTION 4. That this Ordinance shall become effective immediately upon its adoption and it is so ORDAINED.

PASSED and APPROVED this 18th day of May 2006.



John Ratcliffe, Mayor

ATTEST:



Stephanie Galanides, City Secretary



EXHIBIT “A”

ARTICLE 10-1 SIGN CODE

TABLE OF CONTENTS

ARTICLE I – DEFINITIONS

10-1-0 General

ARTICLE II – ADMINISTRATION

10-1-1 Responsibility for Enforcement
10-1-2 Sign Permit Required
10-1-3 Applicability to Extraterritorial Jurisdiction
10-1-4 Fees
10-1-5 Registration Required
10-1-6 Sign Contractor Bond Required
10-1-7 Revocation of Permits
10-1-8 Inspection
10-1-9 Permit Valid for 180 Days

ARTICLE III – APPEALS AND VARIANCES

10-1-10 Appeals
10-1-11 Variances

ARTICLE IV – GENERAL SIGN PROVISIONS

10-1-12 Wind Pressure and Dead Load Requirements
10-1-13 Permitted Sign Structure and General Regulations
10-1-14 Prohibited Signs
10-1-15 Removal/Impoundment of Prohibited Signs
10-1-16 Recovery of Impounded Signs

ARTICLE V – SPECIFIC SIGN REGULATIONS

10-1-17 Permanent Signs Requiring Permit
10-1-18 Temporary Signs Requiring Permit
10-1-19 Temporary Signs Exempt From Permit
10-1-20 Exempt Signs
10-1-21 Non-Conforming Existing Signs
10-1-22 Sign Copy

ARTICLE I – DEFINITIONS

10-1-0 GENERAL

ADMINISTRATIVE OFFICIAL: The City Manager or his or her designated representative(s).

ALTER: To change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

ATTACH: To stick, tack, nail or otherwise affix a sign to any object; to paint, stencil, write, or otherwise mark on an object.

BUILDING: A structure which has a roof supported by walls for the shelter, support, or enclosure of persons, animals, or chattel.

CIVIC ORGANIZATION: An organization which offers community programs to citizen, city or civil

affairs groups.

COMMENCEMENT OF WORK: For construction of a sign shall be the point in time when the sign has been delivered to the site and attachment to a building has begun or holes are excavated for ground installation.

DILAPIDATED OR DETERIORATED CONDITION: Any sign which in the opinion of the Administrative Official has any of the following characteristics:

- (a) Where elements of the surface or background can be seen, as viewed from the normal viewing distance, to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or
- (b) Where the structural support or frame members are visibly bent, broken, dented, or torn; or
- (c) Where the panel is visibly cracked, or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
- (d) Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or
- (e) Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing condition

DISTANCE: Distance of signs from R.O.W. shall mean the shortest horizontal distance from the nearest R.O.W. to a vertical line to the ground from the nearest element of the sign or the shortest horizontal distance in a straight line between the nearest elements of signs.

DONATION BIN - A bin or similar structure used for the collection of clothes or non-perishable food items.

ERECT: To build, construct, attach, hang, place, suspend or affix. This shall also include the painting of signs on the exterior surface of a building or structure.

FACADE: Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are to be considered as part of a single facade.

FUNDRAISER: An activity that takes place for the sole purpose of raising funds to support community service organizations, public charities, or non-profit organizations.

GROSS SURFACE AREA OR AREA OF A SIGN: Methods of area measurement shall be in accordance with Appendix 'A'.

HEIGHT: As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and natural grade at the center of the base of the sign (see Appendix 'A' for clarification).

ILLUMINATION: The enhancement of a sign utilizing electric lights, luminous tubes or other similar means.

LEASE SPACE: An area of a building separated internally and intended for use by an individual tenant.

LOGO: Any registered trademark of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

OBSOLETE: Any sign

- (1) which for at least 180 continuous days does not identify or advertise a bona fide business, lessor, service, owner, product or activity on the premises on which the sign is located;
- (2) which, if the premises is leased, relates to a tenant and at least one year has elapsed since the date the most recent tenant ceased to operate on the premises; or
- (3) for which no legal owner can be found and relates to a use or purpose that is no longer in existence.

OUTDOOR SALES OR SERVICES - The offer or display for sale of any goods, wares, merchandise or services on private property separate and apart from the main building or at a location where there is no preexisting principal use. The goods, wares, merchandise or services offered for sale as outdoor sales or services are normally not offered for sale in the main building on the lot or in association with the principal use.

PAD SITE: A tract, lot, or land lease intended for the single use of a freestanding building typically adjacent to street R.O.W. and may also be a portion of a tract or lot.

PUBLIC PROPERTY: Any property which is owned by a governmental entity. It shall also include property for which the primary use is for the operations of a governmental entity.

SCULPTED ALUMINUM PANEL: An aluminum sign panel with text or graphic depictions cut out from the panel, typically with a translucent material covering the cut-out from the inner side of the panel.

SETBACK: The distance from the closest portion, whether the support or edge of the sign, to the right-of-way.

SIGHT TRIANGLE: There shall be two different sight triangles as depicted in the Subdivision Ordinance. One shall be for public and/or private street intersections and the other for the intersection of private non-single family driveways with public or private streets.

SIGN: Every name, number, identification, description, and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business.

SIGN, ATTACHED: Any sign attached to, applied on, or supported by any part of a building (including canopy fascia, walls and awnings) which encloses or covers usable space.

SIGN, BANNER: A temporary sign made of cloth, flexible plastic or canvas material.

SIGN, BUILDER: A temporary on-site sign identifying the builder or general contractor of a residential construction site.

SIGN, BULLETIN BOARD: A permanent on-site sign providing public information to the residential subdivision within which it is located.

SIGN, BUSINESS: A permanent on-site sign that is used to identify a business, profession, organization, institution, service, activity or other nonresidential use conducted, sold or offered on the site where such sign is located. This sign may also identify the name of the site or development or may identify the occupants within the site or development.

SIGN, DEVELOPMENT: A temporary on-site sign providing identification or information pertaining to a residential or commercial development to include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee, within that development, but shall

not include a subdivision marketing sign.

SIGN. DIRECTIONAL: A permanent on-site sign intended to aid in vehicular movement on the site.

SIGN. DIRECTORY: A permanent on-site sign providing direction to or identifying the buildings in the development.

SIGN FACE: The surface of one side of a sign. For a monument sign, the sign face shall include the sign structure (excluding base).

SIGN. GARAGE/YARD SALE: A temporary sign intended to advertise garage sales or yard sales.

SIGN. GASOLINE PRICING: A permanent on-site sign which displays the price per gallon of fuel sold by that business, and which may be periodically changed to reflect changes in fuel prices.

SIGN. GOVERNMENT: A sign erected by or on behalf of a federal, state or local government or an agency thereof.

SIGN. GROUND: Any sign connected to the ground by legs, poles, or other supports and which is not an attached, portable, monument, or vehicular sign.

SIGN. INSTITUTIONAL: A permanent on-site sign used to identify governmental and municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.

SIGN. MENUBOARD: A permanent on-site sign which displays a menu and pricing for food services and may include an audible speaker and microphone integral to the sign.

SIGN. MODEL HOME: A temporary real estate sign identifying a homebuilder's model home open for inspection.

SIGN. MONUMENT: Any sign which is connected to the ground and which has no clear space between the bottom of the sign and the surface of the ground.

SIGN. OFF-SITE: A sign which directs attention to a business, commodity, service, good, product, or entertainment not related to the site upon which such sign is located or to which it is affixed.

SIGN. ON-SITE: Any sign, the content of which relates to the site on which it is located, referring exclusively to businesses, commodities, services, products, goods, or entertainment on the site, or the sale, lease, or construction of those sites.

SIGN. POLITICAL: A type of off-site sign which refers only to the candidates or issues involved in a political election.

SIGN. PORTABLE: Any sign which is not attached or affixed to the ground, a building, vehicle, or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures.

SIGN. READERBOARD (electronic): A sign that utilizes alternating electronic data control components.

SIGN. READERBOARD (manual): A sign comprised of non-permanent letters, numerals or symbols, which allows a change of sign copy by adding, removing or rearranging said letters, symbols or numerals.

SIGN. REAL ESTATE: A temporary sign intended to advertise real estate for sale or lease.

SIGN. SPECIAL PURPOSE: A temporary sign that is either on-site or off-site that provides identification or information pertaining to a special event or occurrence sponsored by a non-profit or civic organization.

SIGN. SUBDIVISION ENTRY: Any permanent on-site sign identifying a residential subdivision.

SIGN. SUBDIVISION MARKETING: A temporary sign used to market or advertise residential subdivisions within the City and to direct interested persons to the subdivision location.

SIGN. TEMPORARY: Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall, or building, intended to be displayed for a short period of time only.

SIGN. VEHICULAR: Any sign which is affixed to a vehicle.

SIGN. WINDOW: Any sign located on the internal and/or external surface of the window, or is located within two feet (2') of the window, of any establishment.

SITE: A lot, tract or pad site.

TEMPORARY STRUCTURE: A structure without any foundation or footings.

ARTICLE II – ADMINISTRATION

10-1-1 RESPONSIBILITY FOR ENFORCEMENT

It is the responsibility of the City Manager or his designee Administrative Official to interpret and administer the requirements of this ordinance.

10-1-2 SIGN PERMIT REQUIRED

No person shall erect, alter or display any sign nor shall any person allow the erection, alteration or display of any sign upon any property within the City owned or controlled by him without first obtaining a permit to do so from the City of Heath, except as hereinafter provided. No sign permit shall be released until after the building permit for the principal building on the site has been issued, except as hereinafter provided.

10-1-3 APPLICABILITY TO EXTRATERRITORIAL JURISDICTION

The terms and conditions of this Ordinance shall apply to signs located within the City of Heath and its extraterritorial jurisdiction.

10-1-4 FEES

The fee for sign permits shall be as contained in the City's Fee Schedule.

10-1-5 REGISTRATION REQUIRED

- A. No person shall install, erect or maintain any sign, or contract for such service, until such person has applied to the Administrative Official for a license to install, erect and/or maintain signs, and until such license has been approved and issued.
- B. The license of any sign contractor may be canceled by the Administrative Official, when such contractor repeatedly violates the requirements of this Ordinance. Conviction in court, whether appealed or not, on two (2) violations over a period of twelve (12) months, shall constitute evidence of repeated violation. Any license thus canceled shall not be renewed for such contractor or anyone operating in concert with such contractor until all such violations have been corrected. Upon correction of violations, the contractor's license may be renewed upon furnishing the bond required in Section 10-1-6..

10-1-6 SIGN CONTRACTOR BOND REQUIRED

- A. No license for the installation, erection and/or maintenance of signs shall be issued to any person nor shall any person install, erect or maintain any sign or medium of display or advertising, electric or otherwise, until such person has provided proof of general liability insurance in the amount of one hundred thousand dollars (\$100,000) to the Administrative Official or filed with the City of Heath's Secretary a surety bond in the sum of five thousand dollars (\$5,000.00). Such bond shall be approved by the City of Heath's Director of Finance and shall be conditioned for the installation and erection of signs in accordance with the ordinances of the City and the laws of the state, and shall provide for the indemnification of the City for any and all damages or liability which may accrue against it by reason of faulty installation, erection, demolition, repair, removal or defects in, or collapse of, any sign for a period of one (1) year after erection and for such period of time that such sign is maintained or serviced by or under the direction of the maker of such bond. Such bond shall further provide for the indemnification of any person who shall, while upon public property or in any public place, incur damage for which the principle name in the bond is legally liable.
- B. When any sign contractor's license has been canceled as provided in Section 10-1-4 (B), such license shall not be renewed until the contractor furnishes an additional bond in the amount of five thousand dollars (\$5,000.00) guaranteeing compliance with the provisions of this Ordinance, which bond shall be for a period of two (2) years following renewal of the license.

10-1-7 REVOCATION OF PERMITS

The Administrative Official may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this ordinance or any other ordinance of this City or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the site upon which the sign is located. Upon such revocation, all construction related to the revoked permit shall cease.

A person may appeal the revocation of the sign permit to the City Council by filing an appeal in accordance with this ordinance. The City Council shall affirm, reverse, or modify the suspension or revocation and such decision shall be final.

Upon final determination that the permit is properly revoked, any portion of the sign in place as a result of the permit shall be removed within 10 days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this ordinance.

10-1-8 INSPECTION

The Administrative Official shall periodically inspect each sign regulated by this ordinance for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.

10-1-9 PERMIT VALID FOR ONE HUNDRED EIGHTY (180) DAYS

If the work authorized by a permit issued under this ordinance has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.

ARTICLE III – APPEALS AND VARIANCES

10-1-10 APPEALS

Any decision rendered by the Administrative Official under this ordinance may be appealed to the City Council by any person, agent, or representative affected by such decision. Such appeal must be received within ten (10) days after the placement of a letter in the U.S. mail addressed to the address on the permit or the address of the current owner of record in the County tax records which states the written decision which has been rendered by the Administrative Official. Such appeal shall be filed in writing with the Administrative Official specifying the grounds on which the appeal is

based. The Administrative Official shall forthwith transmit to the City Council all documents pertaining to the appealed action. The City Council shall hear the appeal at a City Council meeting as soon as practicable thereafter to determine whether the decision of the Administrative Official was in accordance with all ordinances and regulations. The decision of the City Council shall be final.

10-1-11 VARIANCES

The City Council may authorize variances to any restriction set forth in this ordinance, including but not limited to the number, type, area, height, or setback of signs, or any other aspect involved in the sign permitting process. In granting any variance, the City Council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this sign ordinance. A person may request a variance from the Sign Ordinance by filing the request with the Administrative Official. Any request for variance shall be accompanied by a completed application and a non-refundable filing fee in the amount specified in the current fee schedule adopted by the City Council.

ARTICLE IV – GENERAL SIGN PROVISIONS

10-1-12 WIND PRESSURE AND DEAD LOAD REQUIREMENTS

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 be constructed to receive dead loads as required by the applicable City codes. The sign permit application must include a statement signed by the applicant which states compliance with this requirement

10-1-13 PERMITTED SIGN STRUCTURES AND GENERAL REGULATIONS

A. ATTACHED SIGN

1. GENERAL: Unless otherwise specifically provided, the regulations set forth in this subsection shall be applicable to all attached signs which are allowed under this ordinance. Signs may not be attached to light fixtures, poles, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees. The direct painting of signs on buildings shall be prohibited except for signs less than a three (3) square foot area used for building identification.
2. MINIMUM/MAXIMUM LETTER/LOGO HEIGHT: The minimum height allowed for letters or logos shall be six (6) inches. The maximum height allowed for letters or logos shall be based on the following criteria:

<u>Distance From R.O.W.*</u>	<u>Maximum Letter/Logo Height</u>
Less than 100 ft.	12 inches
101-150 ft.	18 inches
151-200 ft.	24 inches
201-250 ft.	30 inches
251-300 ft.	36 inches
301 and greater	42 inches

* - For any space which does not front on a street, the maximum letter/logo height shall be based on the distance from the vehicular driveway access (see Appendix 'B' for further

clarification).

3. MAXIMUM AREA: 0.75 square feet for every one foot of width of building or lease space not to exceed 400 square feet (see Appendix 'A' for further clarification).
4. NUMBER OF SIGNS: Only one attached sign per lease space shall be allowed along each street frontage on any site, unless otherwise specifically provided in this ordinance. A secondary sign may be permitted at a public entrance, provided the entrance is on another side of the building, but shall be limited to twenty-five percent (25%) of the primary or permitted sign size, whichever is more restrictive. The six (6) inch minimum letter/logo height will not apply to these secondary signs. No more than two (2) attached signs shall be allowed per lease space. Attached signs shall be located within the first story of the main exterior entrance for a building or lease space (see Appendix 'B' for further clarification).
5. SIGN WIDTH: Attached signs shall be limited in width to the middle seventy-five percent (75%) of the width of any building or lease space. In the event the lease space facade is horizontally articulated, the 75% rule shall apply to the allowed sign to be located on any single plane facade (see Appendix 'B' for further clarification).
6. ROOF LINE LIMITATIONS: In no case shall an attached sign project above the roof line of any building, except those attached to parapet walls and the sign may not extend above the parapet wall. Signs shall be no closer than vertically to the eave of the roof line or overhang than the predominant letter height (see Appendix 'B' for further clarification). Signs may be attached to a continuous plane fascia, if the sign does not extend above or below the projection of the fascia. Signs attached to fascia are only allowed when attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure (see Appendix 'B' for further clarification).
7. ILLUMINATION: Attached signs may only be illuminated utilizing internal lighting. Exterior letters with exposed neon lighting are not allowed.
8. PROTRUSIONS: Attached signs may not protrude farther than eighteen inches (18") from the building, excluding signs attached to canopies.
9. RESIDENTIAL ADJACENCY: Attached signs shall not be allowed on any facade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within one hundred fifty feet (150') of the property line of said residential property.

B. MONUMENT SIGN

1. GENERAL: Unless otherwise specifically provided, the regulations set forth in this subsection shall be applicable to all monument signs which are allowed under this ordinance.
2. MINIMUM LETTER/LOGO HEIGHT: The minimum height allowed for letters or logos shall be six (6) inches.
3. MAXIMUM HEIGHT: Five (5) feet, excluding monument base. The monument base may be an additional eighteen (18) inches in height measured from ground level at the center of the base to the top of the base. The overall height of the sign including the base shall not exceed six (6) feet.
4. MAXIMUM AREA: One hundred (100) square feet per sign with a maximum area per sign face of fifty (50) square feet. The maximum area for the sign structure shall not exceed seventy (70) square feet per side (see Appendix 'A' for measurement criteria).
5. NUMBER OF SIGNS: Only one monument sign, excluding menu board signs, shall be allowed along each street frontage on any site, unless otherwise specifically provided in this ordinance. Monument signs may be no closer than five hundred (500) feet on any one site.

6. MINIMUM SETBACK: Fifteen (15) feet from any property line.
7. MATERIAL REQUIREMENTS: All monument sign bases shall be constructed of the same masonry material as the front building facade on the same site or shall be stone or brick. The sign structure must be constructed or covered with the same masonry material as the principal building, or stone, or brick. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure.
8. ILLUMINATION: Monument signs may only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting structure are not visible from public R.O.W.

C. GROUND SIGN

1. subsection GENERAL: Unless otherwise specifically provided, the regulations set forth in this shall be applicable to all ground signs.
2. MINIMUM SETBACK: Fifteen (15) feet from any property line.
3. MAXIMUM HEIGHT: Three feet (3')
4. MAXIMUM AREA: eight (8) square feet with a maximum of four (4) square feet per sign face.
5. NUMBER OF SIGNS: One (1) sign per site.

10-1-14 PROHIBITED SIGNS

A. GENERAL

Any sign which is not specifically permitted in Articles V and VI of this ordinance shall be prohibited. Billboards shall not be allowed.

B. OBSTRUCTING DOORS, WINDOWS, OR FIRE ESCAPES

No person shall erect or display on any site any sign which prevents free ingress to or egress from any door, window, or fire escape.

C. OBSTRUCTING VISION/SIGHT TRIANGLE

No person shall erect or display on any site any sign in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway.

D. INTERFERENCE WITH TRAFFIC

No person shall erect or display on any site any sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination or any other characteristics causing such interference. Nor shall any person erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character, or employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

E. PORTABLE SIGNS

No person shall erect or display on any site any portable sign.

F. CERTAIN ILLUMINATED SIGNS

1. No sign shall be illuminated to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittent lighted, changing color, revolving, or similarly constructed signs shall not be allowed.
2. No lighted sign shall be erected or displayed within one-hundred fifty (150) feet of residentially zoned property unless the lighting is shielded from view of the residential zoned property and indirect light does not exceed 1/2 lumen measured from any property line of the residentially zoned property.

G. SIGNS PROJECTING ON/OVER PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY

It shall be prohibited to erect or display any type of sign on or over public right-of-way (R.O.W.) or other public property, unless the same be erected by the City, County, State or other authorized governmental agency, or with the permission of the City, for public purposes.

H. ROOF SIGNS

Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited. Any sign attached to a fascia extending above the projection of the fascia shall be prohibited. The painting or otherwise affixing of signs on a roof is prohibited.

I. SIGNS ON UTILITY POLES

No person shall erect or display any sign on any utility pole located upon any public right-of-way or utility easement.

J. POLITICAL SIGNS ON PRIVATE PROPERTY

A person commits an offense if the person displays a political sign on private property unless the person has the permission of the property owner and the sign:

1. is not more than eight (8) feet high;
2. has an effective area less than thirty-six (36) feet;
3. is not illuminated;
4. does not have any moving elements; and
5. is not generally available for rent or purchase and/or designed to carry commercial advertising or other messages that are not primarily political.

K. OBSOLETE SIGNS

L. SIGNS IN DILAPIDATED OR DETERIORATED CONDITION

10-1-15 REMOVAL/IMPOUNDMENT OF PROHIBITED SIGNS

- A. All signs listed in Section 10-1-14 shall be considered a public nuisance and are prohibited by this Ordinance. Upon identification of any sign listed in Section 10-1-14, the Administrative Official shall notify the owner of the property on which the sign is located of the violation. The notification shall state that the offending sign shall be removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within the time period prescribed after written notification to do so by the Administrative Official. The notification shall further state that if the sign is not removed within a specific

time frame (not to exceed ten (10) days) a citation may be issued and the City of Heath may resort to any civil remedy available up to and including impoundment.

- B. It shall be unlawful for any person, firm or corporation receiving such written notice to fail to comply with the direction of the notice. In the event of failure to comply with such notice, the Administrative 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.
- C. If a sign is placed within the public right-of-way in violation of this Ordinance, the sign may be immediately removed and impounded.
- D. The City is hereby authorized to file a lien against any property, which is not otherwise exempt, to recover expenses incurred by the City for the removal of a sign pursuant to this section 10-1-15.

10-1-16 RECOVERY OF IMPOUNDED SIGNS

- A. Impounded signs may be recovered by the owner within fifteen (15) days after written notification of impoundment by paying a fee as follows:
 - 1. A fee of two hundred dollars (\$200) for signs, which are under six (6) square feet in area.
 - 2. A fee of four hundred dollars (\$400) for signs which are larger than (6) square feet in area.
- B. Signs not recovered within fifteen (15) days of impoundment may be disposed of by the City.

ARTICLE V – SPECIFIC SIGN REGULATIONS

This article regulates the type of sign structure allowed for each type of sign permitted by this ordinance. Each of the signs identified in this article is subject to the general sign provisions set forth in Article IV except where modifications to the general regulations are noted.

10-1-17 PERMANENT SIGNS REQUIRING PERMIT

Unless otherwise specifically provided, the regulations set forth in this article shall be applicable to all of the following signs.

- A. BUSINESS SIGN
 - 1. PERMITTED SIGN STRUCTURE: Attached and/or monument
 - 2. MODIFICATIONS TO GENERAL REGULATIONS: None
- B. MENU SIGN
 - 1. PERMITTED SIGN STRUCTURE: Attached and/or monument
 - 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM LETTER/LOGO HEIGHT: Not applicable
 - b. MAXIMUM HEIGHT: Six feet (6').
 - c. MAXIMUM AREA: Twenty-four (24) square feet. Only one face will be allowed per sign.
 - d. MAXIMUM NUMBER OF SIGNS: No more than two (2) signs per site.
 - e. LOCATION LIMITATIONS: All menu signs must be located at the side or rear of the principal building. If two (2) signs are erected, signs must be at least eighteen (18) feet apart.

- f. ILLUMINATION: Internal lighting may be utilized for sign panel.

C. BULLETIN BOARD

1. PERMITTED SIGN STRUCTURE: Attached, monument and/or ground
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM LETTER/LOGO HEIGHT: Not applicable
 - b. MAXIMUM AREA: Six (6) square feet.
 - c. MAXIMUM NUMBER OF SIGNS: One (1) per subdivision entrance, not to exceed two (2) per subdivision
 - d. MINIMUM SETBACK: Not applicable
 - e. MATERIAL REQUIREMENTS: Bulletin board must have a lockable covering. Masonry requirement shall not apply.

D. SUBDIVISION ENTRY SIGN

See Subdivision Regulations.

E. DIRECTORY SIGN

1. PERMITTED SIGN STRUCTURE: Attached and/or monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM SETBACK: Seventy-five (75) feet from drive entrance at right-of-way.
 - b. MAXIMUM NUMBER OF SIGNS: One (1) sign per street entrance.
 - c. RESIDENTIAL ADJACENCY: Not applicable
 - d. LOCATIONS WHERE ALLOWED: Only distance measurements shall apply.

F. INSTITUTIONAL SIGN

1. PERMITTED SIGN STRUCTURE: Attached and/or monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. GENERAL:
 - i. Sign must be integral to the permitted sign for the site.
 - ii. Manual readerboard signs using alphabetical lettering must have a lockable covering.
 - b. MAXIMUM AREA: Readerboard display cannot exceed two-thirds (2/3) of the permitted gross surface area per face of the sign, excluding monument sign border.
 - c. ILLUMINATION: Internal illumination may be utilized for sign panel.

G. GASOLINE PRICING SIGN

1. PERMITTED SIGN STRUCTURE: Monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. GENERAL:
 - i. Sign must be integral to the permitted sign for the site.
 - ii. Price-per-gallon display, whether electronic or manual, may not scroll or flash.
 - b. MINIMUM LETTER HEIGHT: Not applicable for the fuel classification (i.e. "Unleaded", "Diesel", etc.) and the price-per-gallon display.
 - c. MAXIMUM AREA: Price-per-gallon display cannot exceed two-thirds (2/3) of the permitted gross surface area per face of the sign, excluding monument sign border.
 - d. NUMBER OF SIGNS: One (1) per site.
 - e. ILLUMINATION: Internal illumination may be utilized for fuel classification and price-per-gallon panels only.

- H. DIRECTIONAL SIGN
1. PERMITTED SIGN STRUCTURE: Monument
 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Three (3) feet
 - b. MAXIMUM AREA: Eight (8) square feet with a maximum of four (4) square feet per sign face.
 - c. NUMBER OF SIGNS: Maximum of two (2) signs per site.

10-1-18 TEMPORARY SIGNS REQUIRING PERMIT

A permit shall be required for the following signs:

- A. BANNER
1. PERMITTED SIGN STRUCTURE: Attached
 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM AREA: 0.5 square feet for every one foot of width of building or lease space not to exceed fifty (50) square feet.
 - b. MAXIMUM NUMBER OF SIGNS: One (1) per site
 - c. DURATION: Maximum fifteen (15) days, twice per calendar year with a sixty (60) day separation between permits.
- B. MODEL HOME SIGN
1. PERMITTED SIGN STRUCTURE: Monument and/or ground
 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Five (5) feet for ground signs
 - b. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face
 - c. MAXIMUM NUMBER OF SIGNS: One (1) sign per builder per subdivision
 - d. MATERIAL REQUIREMENTS: Not applicable
- C. SPECIAL PURPOSE SIGN
1. PERMITTED SIGN STRUCTURE: Attached and/or ground
 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Nine (9) feet for ground signs
 - b. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face
 - c. MAXIMUM NUMBER OF SIGNS: Six (6) total per event or occasion, not to exceed five (5) off-site signs and one (1) on-site sign
 - d. PLACEMENT TIME: Twenty-one (21) days, must be removed within three (3) days after termination of the event. No more than twice a year.
 - e. MATERIAL REQUIREMENTS: Not applicable
 - f. RESIDENTIAL ADJACENCY: Not applicable
- D. DEVELOPMENT SIGN
1. PERMITTED SIGN STRUCTURE: Monument and/or ground
 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Five (5) feet
 - b. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face
 - c. MAXIMUM NUMBER OF SIGNS: One (1) per site
 - d. DURATION: Sign may be installed at any time after the issuance of the building permit for a commercial development or approval of the developer's agreement for a residential subdivision. The sign must be removed within one (1) year or upon the issuance of a certificate of occupancy for a commercial development and upon the issuance of a certificate of occupancy on seventy-five percent (75%) of the lots within the subdivision for a residential subdivision.

- e. MATERIAL REQUIREMENTS: Not applicable

10-1-19 TEMPORARY SIGNS EXEMPT FROM PERMIT

A permit shall not be required for the following signs:

A. SUBDIVISION MARKETING SIGN

1. PERMITTED SIGN STRUCTURE: Ground
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM NUMBER OF SIGNS: One (1) sign for every twenty (20) platted and unoccupied lots, not to exceed a total of four (4) signs
 - b. LOCATION OF SIGNS: No sign may be placed closer than fifty feet (50') from an intersecting R.O.W.
 - c. MINIMUM SETBACK: Not applicable
 - d. PLACEMENT TIME: 12:00 noon Friday to 5:00 a.m. Monday, prohibiting placement between 4:00 p.m. and 8:00 p.m. Friday and prohibiting pickup prior to 7:00 p.m. Sunday.
 - e. DURATION: Signs may be placed upon subdivision approval. The signs shall be valid for one (1) year from subdivision approval or upon issuance of a certificate of occupancy on seventy-five percent (75%) of the lots.

B. BUILDER SIGN

1. PERMITTED SIGN STRUCTURE: Ground
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. DURATION: Signs may only be placed after issuance of a building permit and must be removed upon the issuance of a certificate of occupancy.
 - b. MINIMUM SETBACK: Not applicable

C. REAL ESTATE SIGN

1. PERMITTED SIGN STRUCTURE: Attached, monument, and/or ground
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM LETTER / LOGO HEIGHT: Not applicable
 - b. MAXIMUM HEIGHT: Five (5) feet above grade for ground signs; below roof line for attached
 - c. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face
 - d. MAXIMUM NUMBER OF SIGNS: One (1) per site
 - e. MINIMUM SETBACK: Not applicable for ground signs four (4) square feet or less per face in area

D. GARAGE/YARD SALE SIGN

Garage or Yard sale signs erected on private property with the permission of the property owner provided the surface area of the sign does not exceed six (6) square feet and erected for no longer than seventy-two (72) hours. Date sign is placed must be on sign. No permit is required.

E. WINDOW SIGN

Window signs may not obscure more than fifteen percent (15%) of the window area per facade measured and located within ten (10) vertical feet from the at-grade exterior entrance to the unit. The area of the sign shall be measured by the smallest box that could be drawn around the continuity of the sign (see appendix "B"). No illuminated window signs shall be allowed within two (2) feet of the window glazing except for open/closed signs.

ARTICLE VI – EXEMPTIONS AND SPECIAL CONDITIONS

10-1-20 EXEMPT SIGNS

The following signs are exempted from the requirements of this ordinance:

- A. Vehicular signs, unless the sign is used or intended to be used as an on-site or off-site sign. It shall be prima facie evidence that a sign is used as an on-site or off-site sign if a vehicle is parked at the same location for a continuous period exceeding seventy-two (72) hours. No person shall attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes, nor shall it be interpreted to prohibit bumper stickers.
- B. Warning and security signs.
- C. Government signs and signs for non-profit organizations sponsored by government including flags, insignia, legal notices, informational, directional, and traffic signs which are legally required or necessary to the essential functions of government agencies.
- D. "No Dumping" and "No Trespassing" signs.
- E. Signs in public parks placed inside ballfield fencing by the City, which are intended for advertising to raise funds for recreation programs which have copy on only one face with the copy facing toward the interior of the field.
- F. Signs attached to a temporary structure utilized specifically for outdoor sales or services or any other signs which are approved in a specific use permit authorizing the outdoor sales or services.
- G. Signs attached to a donation or collection bin.

10-1-21 NONCONFORMING EXISTING SIGNS

All signs that are lawfully in existence on the date of adoption of this ordinance may exist in their present form, but no such signs shall be altered or moved unless a permit is issued pursuant to the provisions of this ordinance. Permits granted prior to the passage of this ordinance shall be renewed only if the applicant complies with all provisions of this Ordinance. Any legal, non-conforming sign which has been substantially destroyed or dismantled for any purpose other than maintenance shall be deemed as completely destroyed if the cost of repairing the sign is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location. Under this provision, the sign shall be removed and a permit shall be required to erect a new sign.

10-1-22 SIGN COPY

Notwithstanding anything contained herein to the contrary, any sign authorized in this ordinance is allowed to contain non-commercial (ideological) copy in lieu of any other copy.

APPENDIX 'A'

METHODS OF AREA MEASUREMENT

ATTACHED SIGNS AND GROUND SIGNS

EXHIBIT A-1 Attached sign

HEIGHT: 3'

LETTER HEIGHT: 12"

MAXIMUM ALLOWED AREA: 22.5 s.f. (0.75 x 30)

MEASURED AREA SHOWN: 18 s.f. (3' x 6')

NOTES: Area limited to 0.75 square feet for every one foot of width of building or lease space not to exceed 400 square feet; signs shall be limited in width to the middle seventy five percent (75%) of the width of any single plane facade for any building or lease space.

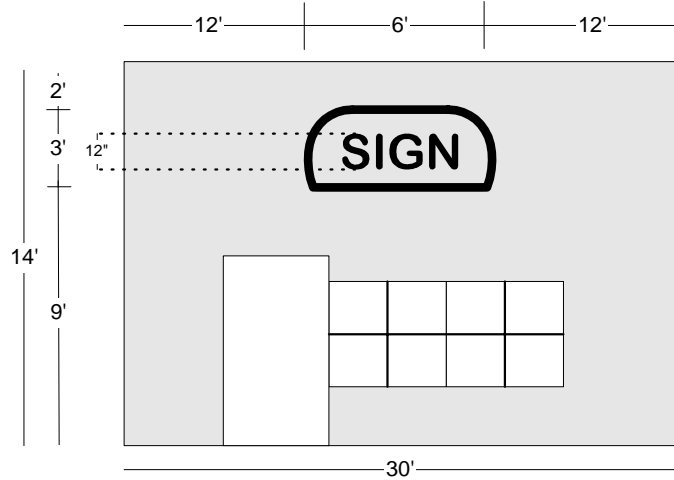


EXHIBIT A-2 Attached signs

HEIGHT: 2' & 1'

LETTER HEIGHT: 10" & 12"

MAXIMUM ALLOWED AREAS: 15 s.f. (0.75 x 20) & 15 s.f. (0.75 x 20)

MEASURED AREAS SHOWN: 15 s.f. (2' x 7.5') & 15 s.f. (1' x 15')

NOTES: Area limited to 0.75 square feet for every one foot of width of building or lease space not to exceed 400 square feet; signs shall be limited in width to the middle seventy five percent (75%) of the width of any single plane facade for any building or lease space.

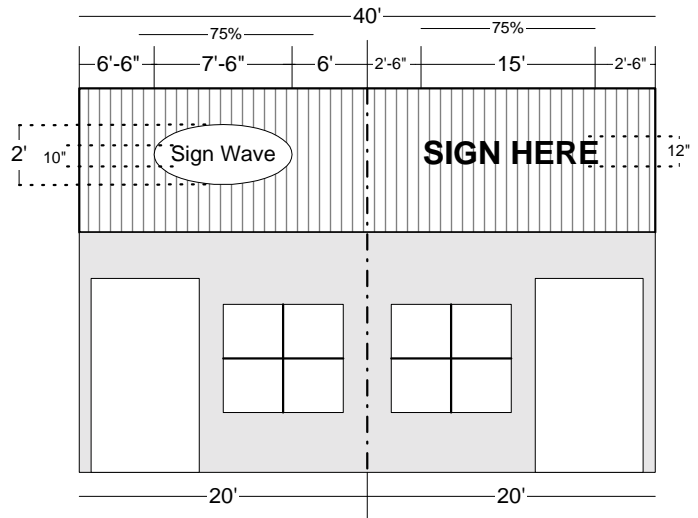
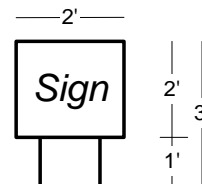


EXHIBIT A-3 Ground sign

HEIGHT: 3'

MAXIMUM AREA ALLOWED: 4 s.f. per sign face

MEASURED AREA SHOWN: 4 s.f. (2' x 2')



APPENDIX 'A'

METHODS OF AREA MEASUREMENT MONUMENT SIGNS

EXHIBIT A-4 Monument sign - attached lettering

HEIGHT: 3'

MAXIMUM ALLOWED SIGN AREA: 50 s.f. per face

MEASURED SIGN AREA SHOWN: 27 s.f. (3' x 9')

MAXIMUM ALLOWED STRUCTURE AREA: 70 s.f. per face

MEASURED STRUCTURE AREA SHOWN: 48 s.f. (4' x 12')

NOTES: The sign structure must be constructed or covered with the same masonry material as the principal building, or stone, or brick. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure. Sign may be illuminated utilizing a ground lighting source, where the light itself and supporting structure may not be visible from public R.O.W.

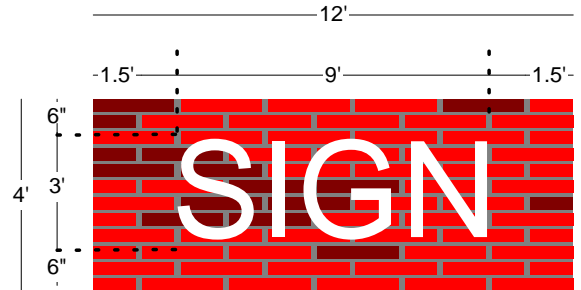


EXHIBIT A-5 Monument sign - sculpted aluminum panel

HEIGHT: 4'

MAXIMUM ALLOWED SIGN AREA: 50 s.f. per face

MEASURED SIGN AREA SHOWN: 50 s.f. (4' x 12.5')

MAXIMUM ALLOWED STRUCTURE AREA: 70 s.f. per face

MEASURED STRUCTURE AREA SHOWN: 70 s.f. (5' x 14')

NOTES: The sign base and/or structure must be constructed or covered with the same masonry material as the principal building, or stone, or brick. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure. Sculpted aluminum sign panels may be illuminated utilizing internal lighting.

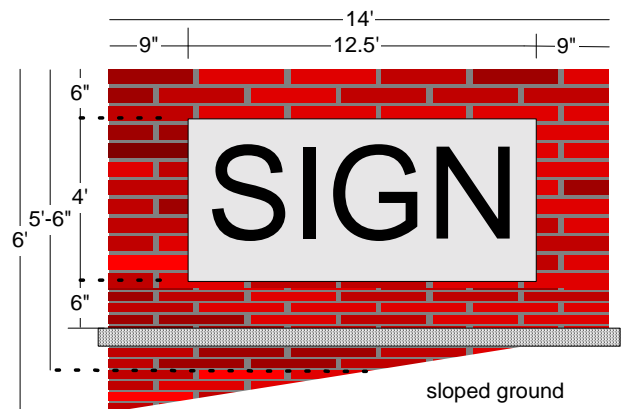


EXHIBIT A-6 Monument sign - masonry panel

HEIGHT: 3'

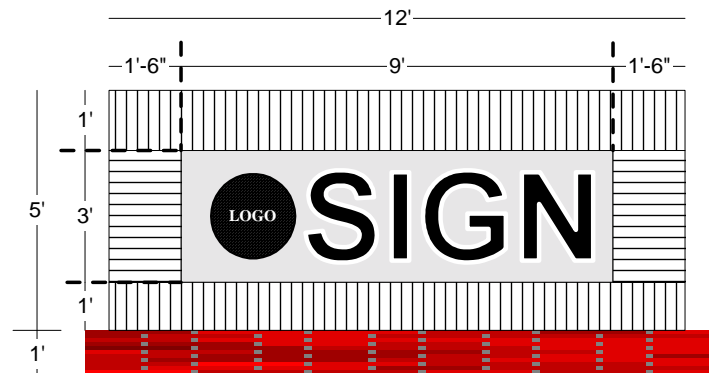
MAXIMUM ALLOWED SIGN AREA: 50 s.f. per face

MEASURED SIGN AREA SHOWN: 27 s.f. (3' x 9')

MAXIMUM ALLOWED STRUCTURE AREA: 70 s.f. per face

MEASURED STRUCTURE AREA SHOWN: 60 s.f. (5' x 12')

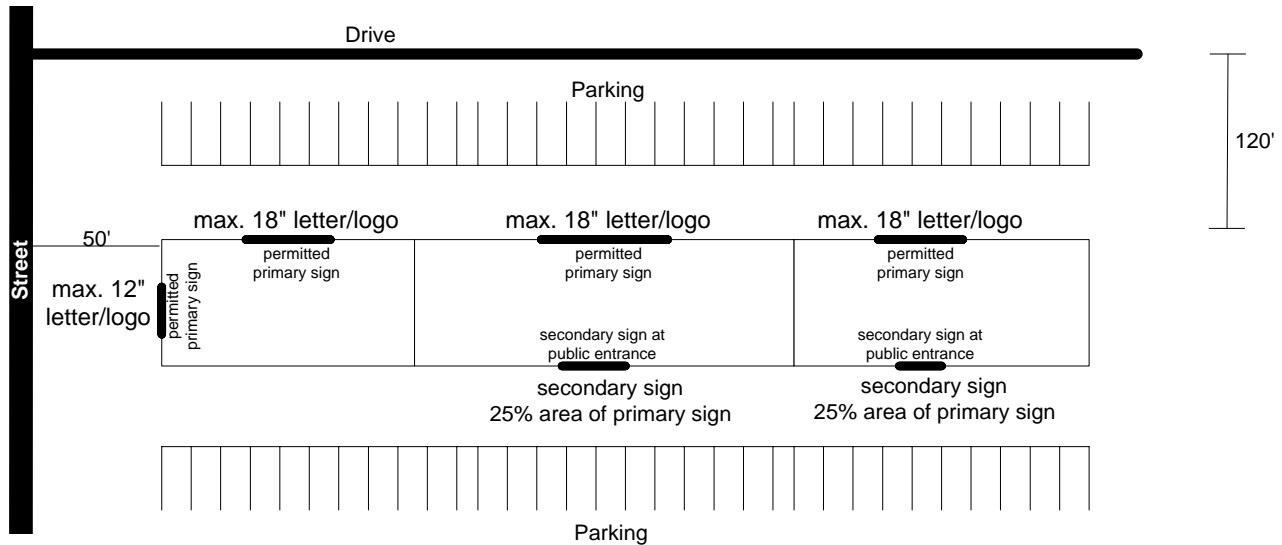
NOTES: The sign base and/or structure must be constructed or covered with the same masonry material as the principal building, or stone, or brick. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure. Sign may be illuminated utilizing a ground lighting source, where the light itself and supporting structure may not be visible from public R.O.W.



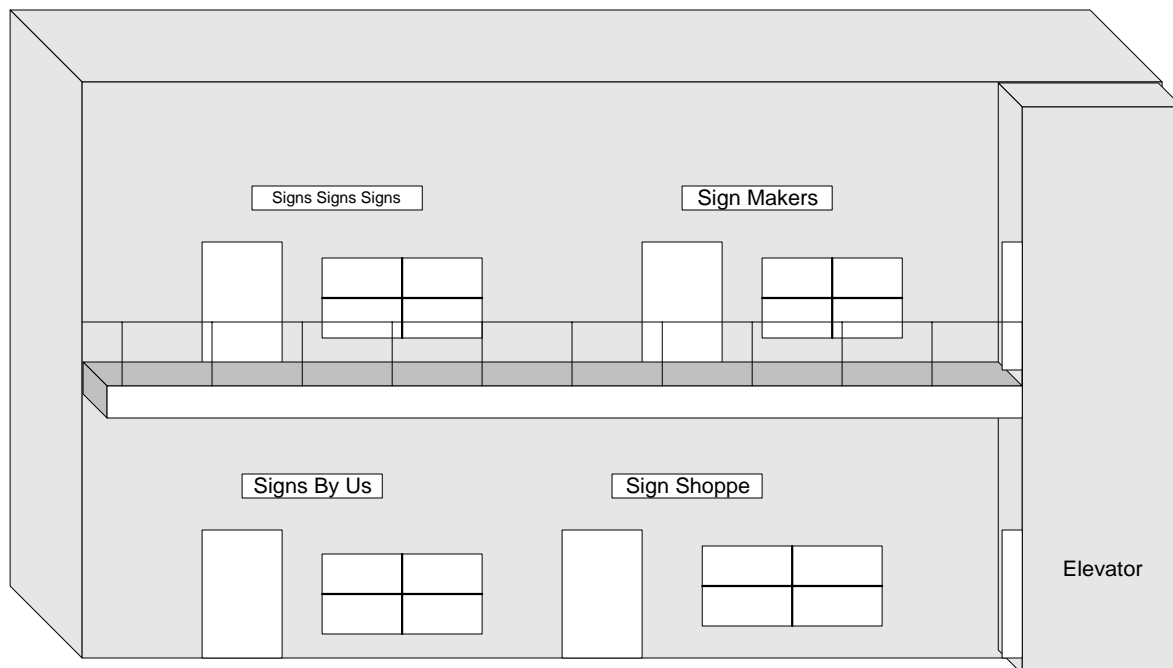
APPENDIX 'B'

SELECTED GRAPHIC CLARIFICATIONS

Sections 16.A.2 and 16.A.4 - For any lease space which does not front on a street, the maximum letter / logo height shall be based on the distance from the vehicular driveway access. Only one attached sign per street frontage shall be allowed on any site along said street frontage, unless otherwise specifically provided. A secondary sign may be permitted at a public entrance, provided the entrance is on another side of the building, but shall be limited to twenty-five percent (25%) of the primary or permitted sign size, whichever is more restrictive. The six (6) inch minimum letter/logo height will not apply to these secondary signs. No more than two (2) attached signs shall be allowed per lease space.



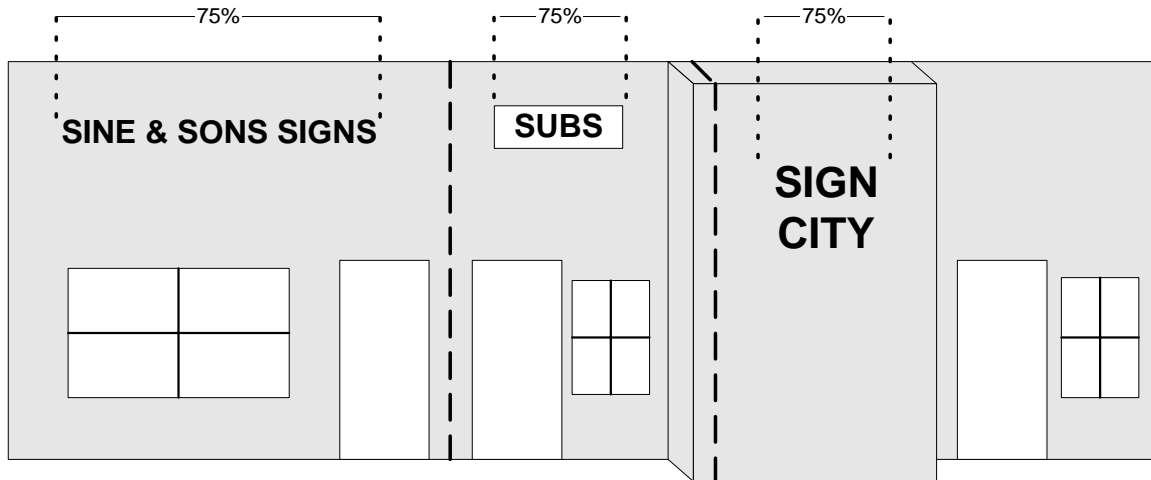
Section 16.A.4 - Attached signs shall be limited to within the first story of the main exterior entrance for a building or lease space.



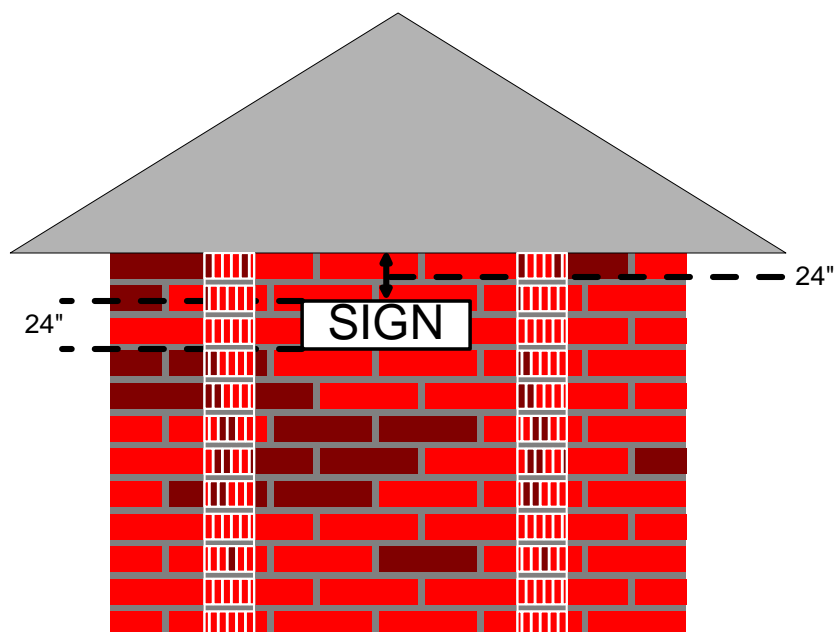
APPENDIX 'B'

SELECTED GRAPHIC CLARIFICATIONS

Section 16.A.5 - Attached signs shall be limited in width to the middle seventy five percent (75%) of the width of any building or lease space or single plane facade.



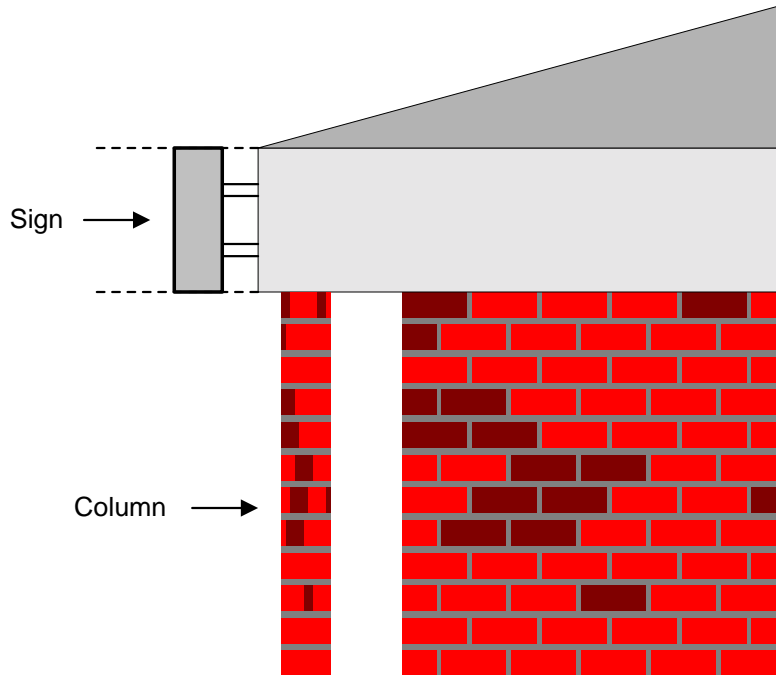
Section 16.A.6 - Signs shall be no closer vertically to the eave of the roofline or overhang than the permitted letter height.



APPENDIX 'B'

SELECTED GRAPHIC CLARIFICATIONS

Section 16.A.6 - Signs may be attached to a continuous plane fascia provided the sign does not extend above or below the projection of the fascia. Such signs are only allowed when attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure.



Section 22.D - Window signs may not obscure more than fifteen percent (15%) of the window area per facade, measured and located within ten (10) vertical feet from the at-grade exterior entrance to the lease space. The area of the sign shall be measured by the smallest box that could be drawn around the continuity of the sign. No illuminated window signs shall be allowed within two feet of the window glazing except for open/closed signs.

