

## **CHAPTER 17.104 SIGN REGULATIONS**

### **17.104.010 Purpose.**

These sign regulations are established to safeguard the health, safety, convenience, order and welfare of all residents of the City of Hamilton, Montana. It is the intent of these regulations to provide for the proper control of signs within the City of Hamilton. It is recognized that signs are a necessary means of visual communication for the convenience of the public and also for the benefit of businesses. These regulations are intended to provide a reasonable balance between the right of the individual to identify his business, the right of the individual to utilize signs for other legitimate purposes, and the right of the public to be protected against visual discord, distraction and clutter resulting from the unrestricted proliferation of signs. These regulations are intended to aid in protecting the natural aesthetic character and scenic beauty of the area. It is further intended that the public be protected from signs that are structurally unsafe or obscure the vision of motorists or conflict with necessary traffic signs. Further, these regulations are intended to prevent unnecessary or excessive competition between signs in the City of Hamilton. No sign shall be permitted as a principal or accessory use under the zoning regulations of the City except in accordance with the provision of this Chapter 17.104 of the Hamilton Municipal Code.

### **17.104.020 Scope.**

The provisions of these regulations shall apply to the display, construction, installation, alteration, use, maintenance, and location of all signs within the City of Hamilton. All signs displayed, constructed, installed or altered after the date of the adoption of these regulations shall be in conformance with the provisions of these regulations. All signs that are existing at the time of the adoption of these regulations shall not be altered nor enlarged without being brought into conformance with these regulations. The Administrator of these regulations, as provided in 17.104.210 is hereby authorized and directed to enforce the provisions of these regulations. These regulations shall not regulate official traffic or government signs, the copy and message of signs, signs not intended to be viewed from a public right-of-way, window displays, product dispensers and point of purchase displays, scoreboards on athletic fields, flags of any nation, government, or noncommercial organization, gravestones, barber poles, religious symbols, commemorative plaques, the display of street numbers, temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations, or any display or construction not defined herein as a sign.

### **17.104.030 Definitions.**

Certain terms are defined for the purposes of these regulations as follows:

- (a) **Abandoned Sign:** A sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product or activity, and/or for which no legal owner can be found.

- (b) **Administrator:** The Zoning Administrator pursuant to 17.08.060. See also 17.104.210.
- (c) **Animated Sign:** Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.
- (d) **Awning:** A shelter projecting from and supported by an exterior wall of a building constructed of non-rigid materials on a supporting framework.
- (e) **Awning Sign:** A sign painted on, printed on, or attached flat against the surface of an awning.
- (f) **Balloon:** Any tethered inflatable object.
- (g) **Banner Sign:** A sign made of fabric or any non-rigid material with no enclosing framework. Also, a flag or pennant.
- (h) **Billboard:** A sign larger than two hundred fifty (250) square feet in area which is designed to advertise products, services or businesses not necessarily located on the premises on which the sign is located. A sign shall not be considered a billboard unless the sign is designed with a surface on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual advertising message.
- (i) **Canopy Sign:** A sign which is mounted on a roofed shelter covering a sidewalk, driveway or other similar area which shelter may be wholly supported by a building or may be wholly or partially supported by columns, poles or braces extended from the ground. See also, definition (bh), Under-Canopy Sign.
- (j) **Changeable Copy Sign (Automatic):** A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.
- (k) **Changeable Copy Sign (Manual):** A sign on which copy is changed manually in the readerboards with changeable letters.
- (l) **Clearance (of a Sign):** The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- (m) **Construction Sign:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- (n) **Copy:** The wording on a sign of either permanent or removable letter form.

- (o) **Directional/Information Sign:** An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.
- (p) **Double-Faced Sign:** A sign with two faces.
- (q) **Electrical Sign:** A sign or sign structure in which electrical wiring, connections, or fixtures are used.
- (r) **Facade or Fascia:** The flat horizontal surface immediately below the surface of a roof.
- (s) **Face of Sign:** The area of a sign on which the copy is placed.
- (t) **Festoons:** A string of ribbons, tinsel, small flags, or pinwheels.
- (u) **Flashing Sign:** A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Flashing is less than a two (2) second hold time and a one (1) second transition time.
- (v) **Freestanding Sign:** A sign supported upon the ground by poles, braces or a framework and not attached to any building. The supporting structure of a freestanding sign shall be installed on or permanently attached to a concrete foundation.
- (w) **Frontage:** The linear feet of fascia parallel, or nearly parallel to any public parking or public entrances of any given building.
- (x) **Government Sign:** Any temporary or permanent sign installed and maintained by the city, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.
- (y) **Ground Sign:** A type of freestanding sign which is installed on the ground and which contains no free air space between the ground and the top of the sign; sometimes referred to as a monument sign or sandwich board.
- (z) **Height (of a Sign):** The vertical distance measured from the highest point of the sign, excluding decorative embellishment, to the grade of the adjacent street (at the flow line of the gutter or edge of the nearest travel lane if no gutter exists) or the surface grade beneath the sign, whichever is less.
- (aa) **Identification Sign:** A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.
- (ab) **Illegal Sign:** A sign which does not meet the requirements of these regulations and which has not received legal nonconforming status. (See 17.104.200 and definition (ak)).

- (ac) **Illuminated Sign:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (ad) **Incidental Sign:** A small sign, emblem or decal of no more than three (3) square feet informing the public of goods, facilities or services available on the premises, (e.g., a credit card sign, a sign indicating hours of business, directional signage or traffic flow).
- (ae) **Lot:** A parcel of land legally defined on a subdivision map recorded with the Clerk and Recorder or a parcel of land defined by a legal record or survey map.
- (af) **Lot Frontage:** Linear feet of lot measured at the addressable public right of way.
- (ag) **Maintenance:** For the purposes of these regulations, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
- (ah) **Multi-faced Sign:** A sign with more than one face which faces are not part of the same geometric plane.
- (ai) **Mechanically Driven Fan Signs or Advertisements:** A sign or advertising tool that requires the use of a mechanical fan to function.
- (aj) **Nameplate:** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (ak) **Nonconforming Sign:** (see also 17.104.200)
  - (1) An existing sign which was installed legally but which does not comply with subsequently enacted sign restrictions and regulations.
  - (2) A sign which does not conform to the sign regulation requirements but for which a special permit has been issued.
- (al) **Occupancy:** The portions of a building or premises owned, leased, rented or otherwise occupied for a given use.
- (am) **Off-Premise Sign:** A sign advertising an establishment, merchandise, service, entertainment or property which is not sold, produced, manufactured or furnished at the property on which said sign is located.
- (an) **On-Premise Sign:** A sign which relates to the use of the premises upon which it is located.
- (ao) **Owner:** A person recorded as such on official records. For the purposes of these regulations, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e. g., a sign leased from a sign company.

- (ap) **Parapet:** The extension of a false front or wall above a roofline.
- (aq) **Pennant:** A sign made of lightweight pliable material designed to move in the wind and suspended from a wire, string or rope; may or may not carry a commercial message.
- (ar) **Person:** For the purpose of these regulations any individual, corporation, association, firm, partnership, limited liability company or similarly defined interest.
- (as) **Pole Cover:** Covers enclosing or decorating poles or other structural supports of a sign.
- (at) **Political Sign:** For the purposes of these regulations, a temporary sign used in connection with a local, state or national election or referendum.
- (au) **Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. Portable signs must be adequately braced or secured to prevent motion.
- (av) **Premises:** A parcel of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit of real estate.
- (aw) **Projecting Sign:** A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
- (ax) **Public Right-of-Way:** The entire width between the dedicated boundaries of all public streets, roads, boulevards and alleys including sidewalks and public parking strips located within any such boundaries. The City of Hamilton or the State of Montana own and control all of the property within all public rights-of-way in Hamilton.
- (ay) **Real Estate Sign:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
- (az) **Roof Sign:** Any sign installed over or on the roof of a building.
- (ba) **Rotating Sign:** A sign in which the sign itself, or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
- (bb) **Sandwich Board Sign:** A portable sign consisting of two sign faces which connect at the top and extend outward at the bottom of the sign either placed on the ground as a ground sign.
- (bc) **Sign:** Any identification, description, illustration or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays

and national flags. Signs shall also include all sign structures.

- (bd) **Sign Structure:** any structure which supports, has supported or is capable of supporting a sign, including a decorative cover.
- (be) **Snipe Sign:** A temporary sign affixed to a tree, fence, telephone pole, etc. on public property or in any public right-of-way.
- (bf) **Subdivision Identification Sign:** A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.
- (bg) **Temporary Sign:** A sign not constructed or intended for long-term use.
- (bh) **Under-Canopy Sign:** A sign suspended beneath a canopy, ceiling, roof or marquee.
- (bi) **Use:** The purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.
- (bj) **Wall Sign:** A single-sided sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter and cabinet signs and signs on a mansard. It also includes signs painted on the face of a wall and signs placed permanently in windows.
- (bk) **Window Sign:** A sign installed inside a window and intended to be viewed from the outside. Such signs shall occupy no more than 30% of a windows area. This term does not include merchandise located in a window.
- (bl) **Works of Art:** Sculptures, paintings, graphics or other types of art which do not identify a product or business and which are not displayed in conjunction with a commercial enterprise.

#### **17.104.040 General Sign Regulations.**

The following general regulations shall apply to all signs in all zone districts:

- (a) No sign shall be suspended by flexible attachments that will allow the sign to swing in a wind.
- (b) All signs shall be designed and installed so as to withstand a wind of eighty (80) miles per hour.
- (c) Area determination for projecting, freestanding, ground and wall signs:
  - (1) **Projecting and Freestanding:** The area of a freestanding sign, ground sign, or projection sign shall have only one face of any double-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is

composed of one or two individual cabinets:

- (a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
  - (b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
- (2) Wall Signs: The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.
- (d) All exterior signs shall be permanent in nature, except for "for sale" or "for rent" signs and political signs which shall not exceed six (6) square feet and eight (8) square feet, respectively, in a residential zone district and which shall not exceed sixteen (16) square feet in all other zone districts; provided that no political sign shall be allowed on a lot in any zone district for longer than ninety (90) days in any twelve (12) month period; and, provided further that any person desiring a political sign to remain on a lot in any zone district longer than ninety (90) days may apply to the Zoning Board of Adjustment for a variance to extend the ninety (90) day time period. The Board of Adjustment shall determine, based upon factors other than agreement or disagreement with the contents of the particular political sign, whether there is sufficient reason for an extension of time and the exact amount of time to be extended, taking into consideration the purpose for which the sign was installed, whether or not that purpose would still be served by allowing the sign to remain on the lot for an additional period of time, and the appropriate amount of time necessary to effectuate that purpose.
  - (e) Every electric sign shall comply with the International Building Code and the National Electrical Code as adopted by the State of Montana.
  - (f) Signs which identify a business which no longer exists on the premises shall be removed within thirty (30) days after such business ceases.
  - (g) Special Use Banners, pennants and searchlights shall not be used in any zone district, provided that any person who desires to make use of special use banners, pennants and searchlights in connection with a special event may apply to the Administrator for a specific permit to allow the use of such signs for a limited period of time not to exceed thirty (30) days. The Administrator shall grant such permit for the use of special use banners, pennants

and searchlights in locations in which the Administrator determines will not cause unreasonable annoyance or inconvenience to adjoining property owners or other persons in the area, and upon such conditions as the Administrator determines necessary to protect adjoining premises and the public. In the event any such permit is granted, the person applying for the permit shall remove the banners and pennants installed pursuant thereto on or before the time the permit expires.

- (h) No signs shall be installed, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- (i) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be installed in front of and may cover transom windows when not in violation of the provisions of the building code adopted by the City of Hamilton.
- (j) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors. In no case shall a sign be installed closer than 48" inches horizontally or vertically from any conductor or public utility guy wire, or as recommended by the local public utility company.

**17.104.050 Signs Permitted.**

Signs shall be permitted in the various zone districts as accessory uses in accordance with these regulations. It shall hereafter be unlawful for any person to install, place or maintain a sign in the City of Hamilton except in accordance with the provisions of these regulations.

Off-Premise signs shall be allowed in any zone district provided the off-premise sign conforms to the provisions of these regulations for the zone district in which it is located, and further provided that the off-premise sign together with any other permitted signs do not exceed any maximum allowable sign sizes or other bulk and height restrictions.

Off-Premise signs shall not be permitted in public road or street rights-of-way nor in any location where the establishment of an off-premise sign shall result in a proliferation of signs.

**17.104.060 Permits Required.**

Unless otherwise provided by these regulations all signs shall require sign permits and payment of fees as described in these regulations (sections 17.104.220 and 17.104.230). No sign permit is required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs. In addition to the required sign permit, a building permit may be required by the Administrator for signs incorporating structural elements or attached to buildings.

**17.104.070 Signs Not Requiring Permits.**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of these regulations:

- (a) Construction signs of twenty-five (25) square feet or less.
- (b) On-site traffic, directional/information signs of four (4) square feet or less and less than ten (10) feet in height and shall comply with section 17.104.140 (a).
- (c) Holiday or special events decorations.
- (d) Nameplates of two (2) square feet or less per public entrance per business.
- (e) Political signs.
- (f) Public signs or notices or any sign relating to an emergency.
- (g) Real estate signs under four (4) square feet in residential districts and under twelve (12) square feet in all other zone districts.
- (h) Gas Pump signs, provided that such signs shall be limited to two (2) per pump island and shall be no larger than four (4) square feet per face.
- (i) Incidental signs.
- (j) Banner signs advertising goods or services for hunters during a designated big game hunting season. Such signs shall be allowed only on the premises of the business establishment being advertised.

**17.104.080 Signs Prohibited.**

The following types of signs are prohibited in all zone districts:

- (a) Abandoned signs.
- (b) Rotating, animated or flashing signs.
- (c) Special Use Banners, pennants, festoons and searchlights except as authorized in 17.104.040(g).
- (d) Roof signs that extend upward beyond the highest point of the roof section upon which the sign is placed.
- (e) Signs imitating or resembling traffic or government signs or signals.
- (f) Snipe signs on any public property or public right-of-way with exception to Title 5 Chapter 5.12.

- (g) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. (This does not apply to signs or lettering on buses, taxis or vehicles operating during the normal course of business).
- (h) Any sign in the boulevard or public right-of-way without an encroachment permit.
- (i) Signs which contain statements, words or pictures of an obscene, indecent or immoral character.
- (j) Incidental signs larger than two (2) square feet.
- (k) Mechanically Driven Fan Signs or Advertising.

**17.104.090 Maintenance.**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right under Section 17.104.290 to order the repair or removal of any sign which is defective, damaged or substantially deteriorated.

**17.104.100 Lighting.**

Unless otherwise specified by these regulations, all signs in the non-residential zone districts may be illuminated. No illuminated signs are allowed in the residential zone districts. However, no sign regulated by these regulations may utilize:

- (a) An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- (b) Any revolving beacon light.
- (c) Any light source which produces flashing, intermittent, rotating or moving lights. An illuminated sign or lighting device may not be placed or directed so that the illumination there from causes glare, the affect of which constitutes a traffic hazard or a nuisance or is otherwise detrimental to the public health, safety or welfare.

All lit automatic changeable copy signs may not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours or more than 500 nits during nighttime hours (between dusk and dawn), as measured from the sign's face at maximum brightness. All lit automatic changeable copy signs must be equipped with automatic dimming technology that automatically adjusts the display's brightness based on ambient light conditions.

**17.104.110 Changeable Copy.**

Unless otherwise specified by these regulations, any sign herein allowed may use manual changeable copy or automatic changeable copy.

**17.104.120 Signs Permitted in Single-Family Residential (RS), Multiple Family Residential (RM), High Density Residential (RH) and Mobile Home Park Residential (MHP) Zone Districts.**

Signs are allowed as follows in the Single-Family Residential (RS), Multiple Family Residential (RM), High Density Residential (RH) and Mobile Home Park Residential (MHP) Zone Districts:

- (a) One (1) identification sign per one-family or two-family dwelling, provided such sign does not exceed two (2) square feet in area per face.
- (b) One (1) identification sign per multiple-family dwelling, provided such sign does not exceed thirty-two (32) square feet in area per face.
- (c) One (1) "for sale" or "for rent" sign per lot, provided such sign does not exceed four (4) square feet in area per face.
- (d) Identification signs during the construction of a development, providing that the placement and use of all such signs shall be governed by and shall be within the following limitations:
  - (1) The maximum size for identification signs shall be thirty-two (32) square feet in area per face.
  - (2) All such signs shall be located within the development and must be located along arterial roads adjacent to the development, provided that no more than one (1) such sign shall be permitted on any single adjacent arterial roadway.
  - (3) When a development has no frontage on an arterial road, identification signs may be located along collector streets adjacent to the development, except that no more than one (1) such sign shall be permitted on any single collector boundary of the development.
- (e) One (1) identification sign per public or semipublic use, provided such sign does not exceed thirty-two (32) feet in area per face.
- (f) One (1) identification sign per entrance to the property identifying a subdivision or housing project, provided such sign does not exceed thirty-two (32) square feet in area per face.
- (g) One (1) identification sign per child care center, provided such sign does not exceed ten (10) square feet in area per face.

- (h) One (1) identification sign per subdivision sales office, provided such sign does not exceed ten (10) square feet in area per face.
- (i) All signs not requiring a permit as provided in Section 17.104.070.

**17.104.130 Signs Permitted in Business (PS, B, B-1, B-2, CBD), Commercial/Manufacturing (CM) and Manufacturing/Industrial (MI) Zone Districts.**

Signs are allowed as follows in all non-residential zone districts identified above:

- (a) Such signs as are permitted in the residential zone districts.
- (b) Freestanding and Ground Signs total allowable square footage shall be determined by Section 17.104.140
- (c) Wall signs and projecting wall signs square footage shall be determined by the following provided that the placement and use of all such signs shall be governed by and shall be within the following limitations:
  - (1) The maximum sign area permitted shall be equal to one (1) square foot of sign area for each lineal foot of building fascia on all frontage sides.
  - (2) Banner signs are allowed at 25% of the total building signage and are not counted as building signage. Banner signs may not be placed on freestanding signs.
  - (3) CBD zone building signs may have one per floor of any given two story building.

**17.104.140 Freestanding and Ground Sign Requirements.**

In zone districts where freestanding signs are permitted, the following rules shall apply to such signs:

- (a) Signs within fifteen (15) feet (measured along the street right-of-way) of the intersection of any given street with another street or a driveway, which exceed thirty-six (36) inches in height, shall be set back at least fifteen (15) feet from the street right-of-way line or shall maintain free air space between a height of thirty-six (36) inches above the adjacent street elevation and

a height of ninety-six (96) inches above the adjacent street elevation.

- (b) When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be inspected and be located underground.
- (c) Size, height and location of freestanding and ground signs:

- (1) The following requirements with respect to size, height and location apply to FREESTANDING SIGNS ONLY:

Distance from Street Right-of-Way Line (feet)	Maximum Height Above Grade (feet)	Maximum Size Allowed per Side (square feet)
5	16	50
10	16	50
15	16	70
20	18	90
25	20	100
30	22	120
Distance from Street Right-of-Way Line (feet)	Maximum Height Above Grade (feet)	Maximum Size Allowed per Side (square feet)
35 and greater	30	120

- (2) The maximum size for ground and freestanding signs shall be one hundred and twenty (120) square feet per side.
- (3) The maximum height for ground and freestanding signs shall be thirty (30) feet above grade.
- (4) No freestanding or ground sign shall be built within ten (10) feet of any interior side lot line.
- (5) Single-faced freestanding and ground signs shall be set back from the street right-of-way line according to the provisions of this Section. Any such setback shall be measured from the street right-of-way line at the street to which the sign face is most nearly parallel.

- (6) Double-faced freestanding and ground signs shall be set back from the street right-of-way line according to the provisions of this Section. Any such setback shall be measured from the street right-of-way line at the street to which the support structure is most nearly perpendicular.
  - (7) When any freestanding or ground sign is placed at a forty-five degree (45°) angle on property located at the intersection of two (2) dedicated public streets, the required setback may be measured from either of the street right-of-way lines involved.
- (d) No more than one (1) freestanding or ground sign per street frontage shall be permitted for every one hundred and fifty (150) linear feet of lot frontage.

**17.104.150 Projecting Signs CBD Zone.**

- (a) Signs projecting over private property shall not project more than six (6) feet from the face of the building nor beyond the minimum required building setback for the zone district in which the property is located. Such signs shall not exceed sixteen (16) square feet per face.
- (b) No sign may project over a public right-of-way in any zone district, except that signs seven and a half (7.5) feet or more above grade may project up to four (4) feet from the face of the building if the total area for such sign is the lesser of one (1) square foot of sign for each lineal foot of building frontage upon which such signs is displayed, or sixteen (16) square feet per face.
- (c) The allowance of projecting signs is one per floor per 50 linear feet of lot frontage.

**17.104.160 Canopy Signs.**

- (a) No canopy sign shall project from the face of a canopy.
- (b) Under-canopy signs which are perpendicular to the face of the building shall be deemed to be projecting signs, and shall be subject to section 17.104.150.
- (c) Under-canopy signs which are parallel or perpendicular to the face of the building shall be a minimum of seven and a half (7.5) feet above grade.
- (d) Under-canopy signs shall be a maximum square footage of four (4) square feet for every fifty (50) linear feet of building frontage.

**17.104.170 Awning Signs.**

- (a) No awning sign shall project above the top of the awning upon which it is mounted.
- (b) No awning sign shall project from the face of an awning.

- (c) Awnings on which awning signs are mounted may extend over a public right-of-way no more than seven and one half (7.5) feet from the face of a supporting building.
- (d) Awnings on which awning signs are mounted shall be at least eight (8) feet above any public right-of-way, except that any valance attached to an awning may be only seven and a half (7.5) feet in height above a public right-of-way.

**17.104.180 Off-Premise Signs In Any Zone District.**

Off-premise signs shall be allowed in any zone district provided that an off-premise sign conforms in every way with the provisions for signs in the respective zone districts as specified in Sections 17.104.120, 17.104.130 and 17.104.140 and as further provided in Section 17.104.050.

**17.104.200 Nonconforming Signs.**

All non-conforming signs shall be removed or brought into conformance with these regulations at the earliest to occur of the following events:

- (a) The sign is relocated or replaced.
- (b) The structure or size of the sign is altered in any way except towards compliance with these regulations. This does not refer to changing copy on a changeable copy sign or to normal maintenance.
- (c) The sign suffers structural damage or deterioration as to create a life, health, or safety issue as determined by the Administrator.
- (d) That all existing animated signs not in conformance with the provisions of these regulations shall be adjusted such that such animation effects shall cease within four (4) years of the effective date of the ordinance adopting these regulations.
- (e) All portable ground signs and sandwich boards shall come into compliance with these regulations upon adoption of this chapter.

**17.104.210 Administrator.**

The Administrator of the City of Hamilton's sign regulations shall be the Zoning Administrator, and he/she is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of these regulations, both in letter and in spirit. The Administrator is authorized to promulgate regulations and procedures consistent with this function. The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable regulations. Such

inspections shall be carried out during business hours unless an emergency exists. Where possible and feasible, reasonable notice, minimum 24 hours, shall be provided to the owner or manager of the premises requiring inspection.

#### **17.104.220 Application for Sign Permit.**

An application for a permit for the installation, alteration, or relocation of a sign shall be made to the Administrator upon a form provided by the Administrator, and the application shall require the following information:

- (a) Name and address of the owner of the sign.
- (b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (c) The type of sign or sign structure as defined in these regulations.
- (d) A site plan showing the proposed location of the sign, the locations and square footage areas of all existing signs on the same premises and all of the measurements required by these sign regulations including setbacks.
- (e) Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.
- (f) If the application is for an off-premise sign, include a map showing the location of the proposed sign in relation to the property, establishment, place of service, etc., which the proposed sign advertises and will also include legal permission from the owner of the property.

#### **17.104.230 Permit Fees.**

All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign according to the following schedule:

- (a) All signs: \$30.00 base fee, plus \$0.50 for each square foot of sign area.
- (b) Sandwich Boards and temporary ground signs are exempt.

#### **17.104 240 Issuance and Denial of Permits.**

The Administrator shall issue a permit and permit sticker for the installation, alteration, or relocation of a sign within fourteen (14) days of receipt of a valid application, provided that the proposed sign complies with all applicable laws and regulations of the City. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied by the Administrator, he shall give a written notice to the applicant along with a brief statement of the reasons for denial. The Administrator may suspend or revoke an issued

permit for any false statement or misrepresentation of fact in the application.

All permits are provisional permits until sign installation is completed and the Administrator has inspected and approved the sign as installed. A permit becomes permanent following such approval.

A permit issued by the Administrator becomes null and void if work is not commenced within 180 days of issuance. If work authorized by the permit is suspended or abandoned for 60 days, the permit must be renewed with an additional payment of one-half of the original fee.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in these regulations.

**17.104.250 Issuance and Denial of Off-Premise Sign Permits.**

In addition to the provisions of 17.104.230, the Administrator may issue a provisional approval for off-premise signs. The conditions of approval will include any requirement to assure compatibility with the neighborhood where the off-premise sign is to be located. The establishment of the off-premise sign may also be limited to a specific period of time as a condition of approval.

Provisional approval of an off-premise sign will last for 120 days from the date of issuance and it will become permanent only upon issuance of a regular sign permit issued by the Administrator. The permanent off-premise sign permit will be issued provided no complaints regarding the off-premise sign have been submitted in writing to the City.

If a written complaint is received by the City within 120 days of the establishment of a provisional off-premise sign, the City Administrator shall schedule a public hearing before the Zoning Board of Adjustment to consider the complaint. The public hearing shall be held at the next regularly scheduled meeting of the Board of Adjustment at least fourteen (14) days after receipt of the complaint. Public notice of the hearing shall be provided, and all property owners within 300 feet of the property where the provisional off-premise sign is located, as well as the complainant shall be notified of the public hearing by mail. At the hearing, the burden shall be upon those who object to the sign to convince the Board of Adjustment that the off-premise sign does not meet the criteria for the placement of signs as set forth in these regulations. Upon conclusion of the public hearing, the Board shall approve, approve with conditions or deny the issuance of a permanent off-premise sign permit. In the case of conditional approval, the sign owner shall have fourteen (14) days to comply with the conditions of approval or, in the case of denial, remove the provisional off-premise sign.

**17.104.260 Inspection Upon Completion.**

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator shall require a final inspection, including inspection of footings on freestanding signs.

The Administrator may require in writing upon issuance of a permit that he be notified for inspection prior to the installation of certain signs.

**17.104.270 Variances.**

In obtaining a permit, the applicant may apply to the Administrator for a variance from certain requirements of these regulations. A variance may be granted by the Zoning Board of Adjustment where the literal application of these regulations would create a particular hardship for the sign user and where all of the following criteria are met:

- (a) The granting of the required variance would not be materially detrimental to the property owners in the vicinity or to the general public.
- (b) A hardship caused the sign owner by these regulations is due to conditions unique to that property and do not apply generally to the City.
- (c) The granting of the variance would not be contrary to the general objectives of these regulations. In granting a variance, the Board of Adjustment may attach additional requirements necessary to carry out the spirit and purpose of these regulations in the public interest.

#### **17.104.280 Violations.**

When in the opinion of the Administrator a violation of these regulations exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of these regulations of which the individual may be in violation and shall state that the individual has thirty (30) days from the date of the order in which to correct the alleged violation or to appeal to the Board of Adjustment.

If, upon inspection, the Administrator finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring him/her to repair or remove the sign within 15 days of the date of the order. In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the building code or other regulations or standards adopted by the City of Hamilton.

#### **17.104.290 Removal of Signs by the Administrator.**

The Administrator may cause the removal of an illegal sign in cases of emergency or for failure to comply with the written orders of removal or repair. After removal or demolition of a sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed. The notice shall demand payment of the costs as certified by the Administrator together with an additional ten (10%) percent for inspection and incidental costs.

If the amount specified in the notice is not paid within thirty (30) days of the notice, it may become an assessment and a lien against the property of the property owner, and it may be certified as an assessment against the property for collection in the same manner as real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator as in the

case of a leased sign.

For purposes of removal, the sign shall include all sign embellishments and structures designed specifically to support the sign.

**17.104.300 Penalties.**

Any person who violates any provision of these regulations shall be subject to a fine of \$300.00 for each week or portion thereof that the violation continues, and/or a jail sentence not to exceed ninety (90) days. Each seven-day period or portion thereof that a violation exists shall be deemed to be a separate offense.

**17.104.310 Appeals.**

Any failure to respond to an application within fourteen (14) business days of receipt or any decision rendered by the Administrator in denying a permit or variance or in alleging a violation of these regulations may be appealed to the Zoning Board of Adjustment within ten (10) business days of the date of such adverse action by the Administrator. Such notice of appeal shall be in writing, and it shall state specifically the action appealed from and the grounds for such appeal.

The action being appealed shall be held in abeyance pending the decision of the Board of Adjustment. The appeal shall be heard by the Board of Adjustment at its next regularly scheduled Board meeting.