

DRAFT – NOT YET APPROVED

TOWN OF GAY

TITLE 12 -SIGNS

This article shall hereafter be known and cited as the "Town of Gay Sign Ordinance."

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CHAPTER 1 - GENERAL

Sec. 12-1-1. Purpose and findings.

- A. Purpose. This article was enacted with the following purposes:
1. To protect the rights of individuals and businesses to convey their messages through signs;
 2. To encourage the effective use of signs as a means of communication;
 3. To promote economic development;
 4. To improve traffic and pedestrian safety as it may be affected by distracting signs;
 5. To prevent the destruction of the natural beauty and environment of the city;
 6. To protect the public health, safety, and general welfare;
 7. To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;
 8. To ensure the fair and consistent enforcement of sign standards; and
 9. To make it easier, quicker, and more economically efficient to apply for a sign permit.
- B. Findings.
1. The town finds that signs are a proper use of private property, are a means of personal free expression, and are a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message.
 2. The town further finds that the regulation of the size, height, number, and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the town, to protect public investment in thoroughfares, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing community compatible with its rural setting, to protect the natural environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the town's citizens.
 3. The town further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such signage as thoroughfare signs which enable the traveling public to know where they are located and to find where they are going. As such, the town's wayfinding program is a tool developed and maintained to control the visual appearance of public signage in order to safely communicate services and locations available to the traveling public. With the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their

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visibility to the motoring public. The city council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from thoroughfare excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

4. The town further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this article, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sec. 12-1-2. Definitions.

The following words, terms, and phrases, when used in this article, shall have the following meanings, except where the context clearly indicates a different meaning. Words and phrases not defined in this section but defined in the **Planning and Development Code ()** shall be given the meanings set forth in those sections.

- 1) *Abandoned sign* means any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters, or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.
- 2) *Animated sign* means any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.
- 3) *Applicable wall area* means the wall on which a wall sign is attached including all walls and windows that have the same thoroughfare or pedestrian orientation. All open-air spaces shall be excluded from the applicable wall area.
- 4) *Audible sign* means any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.
- 5) *Awning/canopy sign* means any sign that is a part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- 6) *Banner* means a sign other than a flag with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.
- 7) *Beacon* means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
- 8) *Billboard* means a freestanding sign with an area of more than 72 square feet.

- 9) *Blade sign* means a sign attached to a wall on one side and projecting out from the wall, with sign faces perpendicular to the wall.
- 10) *Changeable copy sign* means any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.
- 11) *Commercial*. For the purpose of this article, commercial uses do not include home-based businesses or short-term rentals.
- 12) *Directory sign* means a single sign for multiple businesses, offices, professionals, industries, or other entities located within a planned center.
- 13) *Fall zone* means an area equal to 133 percent of the height of the structure in every direction.
- 14) *Flag* means any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization or used to communicate information of any kind to the public.
- 15) *Flashing sign* means a sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.
- 16) *Freestanding sign* means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support with a base of a width not less than the width of the sign face. The sign may only be illuminated externally.
- 17) *Illuminance* means the quantity of light arriving at a surface divided by the area of the illuminated surface, measured in footcandles.
- 18) *Illuminance, average* means the level of illuminance over an entire illuminated target area.
- 19) *Horizontal illuminance* applies to a horizontal surface.
- 20) *Maximum illuminance* means the highest level of illuminance on any point within the entire area.
- 21) *Minimum illuminance* means the lowest level of illuminance on any point within the entire area.
- 22) *Vertical illuminance* applies to a vertical surface.
- 23) *Illuminance levels and footcandles* mean the maintained illuminance levels, the illuminance levels occurring just prior to lamp replacement and luminaire cleaning. The average illuminance level applies to an entire illuminated target area. Minimum and maximum illuminance levels apply to small areas within the entire illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal illuminance levels.
- 24) *Illuminated sign, external*, means a sign illuminated by an external light source.
- 25) *Illuminated sign, internal*, means a sign illuminated by an internal light source.
- 26) *Direct illumination* means illumination that is projected from within a sign, building, or similar structure.
- 27) *Indirect illumination* means illumination that is projected onto a sign, building, or similar structure.
- 28) *Lamp* means the component of an outdoor luminaire that produces light.

- 29) *Maintenance* means the upkeep of a sign for the purpose of maintaining safety and appearance which may include painting, bulb replacement, panel replacement, letter replacement, repair of electrical components, and structural reinforcements to its original condition.
- 30) *Marquee sign* means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- 31) *Moving sign* means a sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.
- 32) *Multi-tenant* means one or more buildings, located on a single lot, containing two or more separate and distinct individual establishments, which occupy separate portions of the building and which are physically separated from each other by walls.
- 33) *Obscene*. Material shall be considered obscene if it meets the criteria provided in O.C.G.A. 16-12-80, as amended.
- 34) *Pennant, streamer*, means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
- 35) *Permanent sign* means any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.
- 36) *Permit* means a sign permit reviewed, approved, and issued by the city.
- 37) *Permittee* means the person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.
- 38) *Person* means a natural or legal person, including a firm, organization, partnership, trust, or corporation.
- 39) *Portable sign* means a sign, other than a sandwich board sign, which is not permanently affixed to the ground or to a structure, including, but not limited to, hand-held signs, signs on trailers, or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.
- 40) *Projected art display* means any projection of artwork on the exterior of a building strictly for art display purposes for a specific time period.
- 41) *Projecting sign* means any sign which is suspended or projected from the wall, eave, or soffit of the building.
- 42) *Public sign* means any sign erected by a governmental entity.
- 43) *Roadside memorial* means a memorial erected by loved ones of a person deceased in a vehicular accident.
- 44) *Roof sign* means any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.
- 45) *Sandwich board sign* means a portable sign not secured or attached to the ground or surface upon which it is located having two panels hinged at the top and capable of standing on its own frame without external support or attachment. A sandwich sign is also known as an "A" frame sign.

- 46) *Sign* means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to announce, direct attention to, identify, advertise, or otherwise communicate information of any kind to the public.
- 47) *Sign face* means that part of a sign that is or can be used for conveying the sign's message.
- 48) *Spill light* means the light that illuminates surfaces beyond the intended area of illumination caused by the uncontrolled direct light component from the luminaires.
- 49) *Standard informational sign* means a sign with an area of not greater than three square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three feet and is mounted on a stake or metal frame with a thickness or diameter not greater than one-half inches.
- 50) *Suspended sign* means any sign which is suspended from the eave or soffit of the building.
- 51) *Temporary sign* means any sign that is not permanently mounted.
- 52) *Wall sign* means any sign attached parallel to a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign face. No wall sign shall extend more than 12 inches from any wall, building, or structure.
- 53) *Window sign* means any sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

Sec. 12-1-3. *Applicability.*

The standards of this article shall apply to all signs erected within the city limits.

CHAPTER 2 - VIOLATIONS

Sec. 12-2-1. *Violations, penalties.*

- A. **Noncompliance.** No person shall erect or cause to be erected any sign which does not comply with the standards of this article.
- B. **Dangerous or defective.** No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.
- C. **Separate violation.** Each sign installed, created, erected, or maintained in violation of this article shall be considered a separate violation when applying the penalty portions herein.
- D. **Public nuisance.** Any violation of this article is hereby declared to be a public nuisance.
- E. **Notice.** Town shall give the permittee ten to 30 days' written notice, based on the practical considerations of completing measures to comport with the standards of this article, to correct the deficiencies or to remove the sign which is in violation of this article. If the permittee refuses to correct the deficiencies or remove the sign, the town will have the sign removed at the expense of the permittee.

- F. Citations. If any sign or other device covered by this article is, or is proposed to be, erected, constructed, altered, converted, or used in violation of any provision of this article, the zoning administrator shall issue a citation. Additionally, the town may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation. Any violation of this article shall be an offense, and the violator shall be subject to a fine of up to \$1,000.00, imprisonment for up to 60 days, or both such fine and imprisonment.

CHAPTER 3 – PERMITS

Sec. 12-3-1. Permit required.

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

- A. Signs that meet the basic standards as prescribed in this article may be approved by the town clerk, any variations need to be presented to the city council for approval.
- B. Developments submitting a comprehensive sign plan for special consideration will submit this plan to the city council for approval. Once the comprehensive sign plan is approved by the city council, the town clerk may issue the required sign permits.

Sec. 12-3-2. Fees required.

No permit shall be issued until the appropriate application has been filed with the town clerk and fees have been paid per the Consolidated Fee Schedule.

Sec. 12-3-3. Application content.

Applications for sign permits required by this article shall be filed by the person owning the subject lot or by the owner's agent with express permission of the owner. The application shall describe and set forth the following:

- A. The type and purpose of the sign as defined in this article.
- B. The value of the sign.
- C. A drawing to scale showing the address of the property upon which the subject sign is to be located, the proposed location of the sign on the property, the distance of the proposed sign from the property's boundaries, and all existing structures or buildings on the property.
- D. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
- E. The names and addresses of the owners of the property upon which the subject sign is to be located.
- F. Written consent of the owner of the property, or their agent, granting permission for the placement, maintenance, size, and height of the sign to be placed on the property.
- G. For wall signs, building elevations.

- H. The name, address, telephone number of the installer. All applicants for signs which incorporate electricity must obtain an electrical permit.
- I. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent thoroughfare level.
- J. The zoning district in which the subject property is located, and a statement of compliance with all requirements of the zoning district.

Sec. 12-3-4. Comprehensive sign plan for a development.

- A. A development may submit a comprehensive sign plan to request special consideration of signs that are specifically integrated into the overall design of that development but which do not otherwise meet the requirements of this section. Because signage serves an important role in the overall site design and aesthetic, a comprehensive sign plan can create an effect both desired and unique that will enhance the overall environment of the development.
- B. It is not the intent of this section to be used to circumvent any purpose of this article. Prohibited types of signs may not be approved in a comprehensive sign plan, but alternate designs and sign areas may be approved where they are not visible from any pre-existing public thoroughfare or outside any area covered by a comprehensive sign plan.
- C. Comprehensive sign plans may be required by the city council as part of any project approval.
- D. Application information. Any comprehensive sign plan application shall be submitted to the town and shall include all the information required above in [Sec. 12-3-3](#).
- E. Authority and review. The city council shall have the authority under the conditions provided in this article to permit the utilization of comprehensive sign plans and may approve sign standards that are more or less restrictive than the regulations set forth in this article.
 - 1. Comprehensive sign plan requests shall be heard by the city council at a public hearing. The applicant, their authorized agent, property owners and operators of the businesses affected shall be notified by mail of the time and place of the hearing.
 - 2. Exceptions to the sign regulations in this article may be permitted, provided the city council finds that the comprehensive sign plan as a whole is in conformity with the purpose of this article and such exceptions are for the general welfare resulting in an improved relationship among the various signs, building facades, or overall project covered by the plan.
 - 3. The city council may require special conditions on approved plans such as, but not limited to, bonds or other type of security to ensure the removal or abatement of signs that are abandoned or are in violation of any condition of an approved plan, or a time schedule for any sign program where signage is not considered permanent.
 - 4. An approved comprehensive sign plan may be changed or modified subject to the same process as a new application.
 - 5. The city council may grant minor changes to an approved comprehensive sign plan provided any such change does not alter the overall architectural design or style of signs approved by such plan, and there is no increase in the total area of signs.

- F. Future signs. A comprehensive sign plan may be approved where signs for outparcels or other such detached future buildings have not been identified and considered under such approved plan. In these instances, unless otherwise conditioned, such future signs shall be subject to the requirements of this article.
- G. Existing signs as part of a comprehensive sign plan. If any new or amended comprehensive sign plan is filed for property on which existing signs are located, those signs shall be integrated into the plan and shall be in compliance with that plan prior to issuance of a permit for any new sign permitted under said plan.
- H. Permits prohibited until decision rendered. No permit shall be issued for any sign on property where a comprehensive sign plan has been applied for and is pending a decision from the city council.
- I. Withdrawal of plan.
 - 1. An approved comprehensive sign plan may be withdrawn by the applicant, provided:
 - a. It is not required as a condition of project approval;
 - b. No signs have been installed pursuant to such plan;
 - c. All signs installed since approval of said plan comply with the requirements of this article; or
 - d. All signs in the center or project comply with the provisions of this article.
 - 2. The withdrawal shall be submitted in writing to the zoning administrator.
- J. Binding effect. After approval of a comprehensive sign plan, no signs shall be erected, placed, painted, installed, or otherwise permitted, except in conformance with said plan. The plan shall be enforced in the same manner as any other provision in this article. The comprehensive sign plan shall be attached to the lease agreements or sale of space within the project and becomes binding for the entire site for both existing and future owners/tenants. In case of any conflict between the provisions of the plan and this article, the approved plan shall control.

Sec. 12-3-5. Application rejection.

- A. Incomplete; false. The town shall reject any application that is incomplete or inaccurate, that contains false material statements or omissions, or that is for a sign which would violate any standard within this article within 30 days of receipt of said application. The town may reject an application at any time prior to the expiration of the 30-day period, if the application is incomplete, inaccurate, or contains false material statements or omissions, by returning the application to the applicant.
- B. Processing time; denial. The town shall process all complete and accurate sign permit applications within 30 business days of actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The town shall give notice to the applicant of their decision on or before the 30th day. If the decision of the town is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the city to act within the 30-day period shall be deemed a denial of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this article will be granted. Any application not meeting the standards of this article will be denied.

- C. Appealable. A rejection pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in the **Zoning Appeals Code ()**. However, notwithstanding the foregoing, a final decision will be rendered within 60 days from date an appeal is filed. If a final decision is not rendered within the 60-day period, the decision sought to be appealed shall be affirmed.
- D. Resubmission. A rejected application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

Sec. 12-3-6. Permit revocation.

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

Sec. 12-3-7. Variance.

- A. Timing. The city council shall hear and decide upon a variance within 60 days of the submission of a complete and accurate application.
- B. Procedure. Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be as set forth in the **Variance Code (TBD)**.
- C. Limitations. No variance shall be granted to increase the number or area of signs permitted on a lot or to allow a prohibited sign without city council approval.
- D. Standards. The standards which shall be considered for granting a variance from the standards of this article shall be only the following:
 1. The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this article; and
 2. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.

Sec. 12-3-8. Suspension, revocation.

- A. Violation. Violation of any provision of this article shall be grounds for terminating the permit granted by the city to the permittee or the person or entity erecting the sign. No permit shall be suspended, revoked, or canceled except for due cause, as hereinafter defined, and until after the permittee is granted a public hearing before the city council.
- B. Hearing. The permittee shall be given ten business days' written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation, or canceling of such permit and/or license. The term "due cause" means the violation of the standards of this article. The termination of the permit does not in any way preclude

the person alleged to have violated the standards of this article from being tried or preclude the city from taking any other action authorized by this UDC and/or any action authorized by law.

Sec. 12-3-9. Expiration date.

A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90-day extension may be granted by the city hall clerk. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Sec. 12-3-10. Signs which require no permit.

No permit is required for the following so long as all the standards in this article and in section 12-24 are met, including those set forth below:

- A. Address number, not to exceed eight inches in height;
- B. Flags;
- C. Window signs which meet the standards listed below;
- D. Door signs not to exceed one square foot in size and not more than one sign per door;
- E. Standard informational signs;
- F. Projected art display with a specific display period;
- F. Temporary holiday decorations used to celebrate a single holiday or season.
- G. Any facility or equipment which is located outside of a primary building on a lot zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples include fuel pumps, automatic teller machines (ATMs), and vending machines.

CHAPTER 4 – SIGN SPECIFICATIONS AND REGULATIONS

Sec. 12-4-1. Prohibited signs and devices.

The following types of signs are prohibited in the town:

1. Any sign not specifically identified in this article as a permitted sign.
2. Balloons, streamers or air or gas filled figures. Any holiday decorations as defined in section 8-16F above are exempt from this prohibition.
3. String lights or rope lights on the exterior of a building on the main thoroughfare. Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables

or other physical means, or outlining a window. Any holiday decorations as defined in [Sec. 12-3-10\(F\)](#) above are exempt from this prohibition. String or rope lights may be utilized inside a venue for area lighting purposes,

4. Promotional beacons, search lights or laser lights.
5. Audible signs.
6. Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
7. Signs mounted or located on a tree, utility pole, or other similar structure.
8. Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.
9. Portable signs, including signs attached to any parked vehicle or trailer so as to be visible from a public right-of way. This does not include promotional or identifying information painted on vehicles that are registered, operable, and regularly driven in the normal conduct of business. This does also not include sandwich signs.
10. Signs which depict obscene material.
11. Signs which advertise an activity which is illegal under federal, state or local laws.
12. Signs not maintained. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
13. Abandoned signs.
14. Animated signs, flashing signs, and changeable copy signs which change more than once per 24 hours and which are located within 150 feet of a public right-of-way.
15. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
16. Billboards.
17. Signs that restores the historic value to a building may be exempt from this section with city council approval.

[Sec. 12-4-2.](#) Nonconforming signs.

- A. Maintained. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismantable material on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in good repair.
- B. Repairs; material change. Minor repairs and maintenance of nonconforming signs shall be permitted; provided, however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign, then such sign may be repaired without regard to the restrictions of this subsection.

- C. Grandfathering. Nonconforming signs may stay in place until one of the following conditions occurs:
1. The sign is not used or leased for a continuous period of three months and/or the property is vacant for three months;
 2. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or
 3. The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this subsection.

Sec. 12-4-3. Removal of unlawful or dangerous signs.

- A. Removal order. The town may order the removal of any sign in violation of this article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.
- B. Procedure following removal order. If the sign is not removed within the time allowable pursuant to this article, the town shall remove or cause to be removed the sign and collect the costs thereof as provided below.
- C. Removal without notice. The town shall have removed any sign in violation of this article, without giving notice to any party, if:
1. Said sign is upon the public right-of-way or upon other public property; or
 2. Said sign poses an immediate safety threat to the life or health of any members of the public.
- D. Removal after court determination. Other than signs located in a public right-of-way, a sign shall be removed by the town after a final determination by a court that the sign is unlawful and should be removed. If the permittee or owner fails to remove the sign the sign may be immediately removed and disposed of by the town.

Sec. 12-4-4. Sign location.

- A. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- B. No sign or any part thereof, except authorized traffic signs, shall be located in any public right-of-way. No sign may be located in any sight visibility triangle of a thoroughfare.
- C. No sign shall project over a public thoroughfare.

Sec. 12-4-5. Measurement of sign area.

- A. Size generally. The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight straight lines enclosing the limits of

a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same thoroughfare-oriented wall are within 24 inches or less of one another, then the area of the sign shall be measured within one continuous polygon.

- B. Structure. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the polygon that delimits the sign face.
- C. For changeable copy signs, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Such changeable copy signs cannot flash, and if located within 150 feet of a thoroughfare right-of-way, may not change more than once per 24 hours.
- D. Multi-faced signs. For multi-faced signs, when the sign face surfaces are parallel and are back-to-back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

Sec. 12-4-6. Measurement of sign height.

- A. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - 1. Existing grade prior to construction; or
 - 2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- B. Where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public thoroughfare or the grade of the land at the principal entrance to the principal structure on the lot, whichever is greater. Where the normal grade is below the normal grade of a public thoroughfare, the sign base can be raised to the elevation of the normal grade of the thoroughfare before the height limitations are applied.

Sec. 12-4-7. Construction standards.

- A. Building and safety codes. All signs permitted under this article shall be constructed and maintained in accordance with the applicable building and safety codes. The town may remove after due notice any sign which shows neglect or becomes dilapidated.
- B. Faces. The face of a sign shall be flat, with protrusions of no more than two inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or

other design elements. No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding therefrom.

- C. Illumination. Signs, when illumination is permitted and except as otherwise restricted in this article, may only be illuminated externally. Freestanding signs with external illumination shall have light directed downward. Externally illuminated signs shall not exceed 55 footcandles. All sign lighting shall comply with the **night sky** requirements of **Outdoor Lighting Code (TBD)**.
- D. Landscaping, weeds, and grass shall be kept cut in front of, behind, underneath, and around the base of freestanding signs.
- E. Construction. Freestanding sign structure/base materials shall match the principal structures material. Any architectural color standards of the district shall apply only to the sign structure not to the sign face.

Sec. 12-4-8. Location and size standards.

If not otherwise stated, any sign not specifically allowed for a particular use by this section shall be prohibited, except as otherwise provided for under this article. The following standards shall govern the sign quantity, size, and other standards based on the sign's location.

	Land Use Area			
	Agricultural/ Commercial/ Institutional Use in Rural (RL) Districts and Required Open Spaces	Residential Use in Any District or Area	Commercial Use in Developable Areas	Industrial, Communication, Wholesale, Transportation and Warehouse Use in Developable Areas
Freestanding Signs				
Quantity (max.):	1 along each abutting thoroughfare per lot	1 or 2 at each subdivision entrance (see area below)	1 or 2 along each abutting thoroughfare per lot (see area below)	1 or 2 along each abutting thoroughfare per lot (see area below)
Area:	32 sq. ft. max.	Either one 32 ft. max per entrance or two 16 ft. max. per entrance	One 32 sq. ft. max. along each abutting thoroughfare with up to 500 ft. frontage	One 32 sq. ft. max. along each abutting thoroughfare with up to 500 ft. frontage
			Either one 64 sq. ft. max. or two 32 sf max. along each	Either one 64 sq. ft. max. or two 32 sf max. along each

			abutting thoroughfare with > 500 ft. frontage	abutting thoroughfare with > 500 ft. frontage
Height:	6 ft. max.	6 ft. max.	6 ft. max.	
Other:	No changeable copy allowed	No changeable copy allowed	No changeable copy allowed	No changeable copy allowed
All Other Sign Types				
Window sign	Not more than three per lot/unit and not larger than four square feet or cover more than 25 percent of the area of each window, whichever is less.		Shall not occupy in the aggregate more than 25 percent of the window area.	
Construction	One additional sign shall be allowed during construction. The sign shall not exceed 12 square feet in area and five feet in height. Sign must be removed with the issuance of a certificate of occupancy or installation of a permanent sign, whichever occurs first.			
Flag	Each flagpole shall not exceed 35 feet in height. Flag shall not be more than 36 square feet.		Each lot may display no more than three flags and/or flagpoles, which are not to exceed 35 feet in height each. Flags shall not be more than 36 square feet each.	
Banner	Allowed for a period not exceeding 14 days per lot. Banners shall not be more than 18 square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and the roof meet or shall not extend more than five feet above grade when on the ground.		Allowed for a period not exceeding 14 days per lot. Banners shall not be more than 32 square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and the roof meet or shall not extend more than five feet above grade when on the ground.	
Awning/canopy signs	Not permitted	Not permitted	Signs shall be deducted from allocated wall sign area. The area shall not exceed ten percent of the area of the awning or canopy.	
Standard informational signs	Each lot may display two without a permit.		Each lot may display two without a permit, except that lots with more than one business may display four.	
Wall sign	One maximum 32 square foot sign or two maximum 16 square foot single-faced signs	Only permitted on accessory buildings	Shall not exceed the smaller of five percent of applicable wall area or 100 square feet, confined to the upper 30 feet of the facade. Each place of business is allowed a maximum of two	

	when there is no residential use in the structure		wall signs, one sign per wall. Tenants over 50,000 square feet floor space shall not exceed the smaller of five percent of applicable wall area or 300 square feet.
Internal sign			Permitted adjacent to internal entrance drives serving the development. Shall not exceed 20 square feet in area and six feet in height.
Drive-through or drive-in sign	Not permitted	Not permitted	One per drive-in or drive-through facility, not legible by the traveling public, and shall not exceed six feet in height.
Out of store marketing device	Not permitted	Not permitted	Shall not exceed eight feet in height and not internally illuminated.
Entrance/ projecting/ blade signs	Not permitted	Not permitted	One blade sign per entrance. Signs shall not exceed six square feet; must be uniform in size, material, color, shape, and placement; and maintains a minimum seven feet of clearance between the bottom of the sign and the walkway below.
Directory/on-site wayfinding	Not permitted	Not permitted	Sign face shall be oriented to the sidewalk/pedestrian uses and shall not exceed 12 square feet in area. Sign shall not exceed seven feet in height, excluding structural or decorative elements. Name plates shall not exceed one-sixth of the sign face.
Sandwich sign	Not permitted	Not permitted	One per establishment. Sign shall not be located in a public right-of-way. Sign shall not exceed three and one-half feet in height and seven square feet in area (per side). Sign shall be removed and placed indoors at the end of each business day. Sign shall not obstruct vehicular, bicycle, or pedestrian traffic and must comply with ADA clearance and accessibility. Sign faces shall be constructed of materials that present a finished appearance. Rough-cut plywood and plastic are not allowed. Sign frames

			shall be wood, anodized aluminum, or metal. Plastic frames are not allowed. Sign shall not be illuminated.
Changeable Copy sign	Not permitted	Not permitted	No changeable copy unless approved as a marquee sign. Signs shall not cover architectural features or details, and shall not extend beyond the roof line or outer edges of the building. Electrical raceways/conduit shall be painted to match the exterior walls to which they are attached.

Note: Highlighted text to be filled in upon completion of referenced codes.

Sec. 12-4-9 Roadside memorial.

Loss of life from a traffic crash has a devastating impact on families and friends of the victim. The Town of Gay understands the distressing shock of such a loss of life and that some people grieve by placing a memorial near the crash site. While the Town of Gay acknowledges the need some people feel to express themselves in this way, the placement of memorials within a highway or local right-of-way can be a safety hazard. This policy provides consistent requirements for the size and materials and placement of memorials.

A. DEFINITIONS

- a. *Encroachment* Any use of, intrusion upon, or construction of improvements within a state highway right- of-way, by any person or entity other than GDOT, for any purpose, temporary or permanent, other than public travel authorized by statute.
- b. *Right-of-Way* The real property or interest in real property on which state transportation facilities and accesses to the facilities are constructed or maintained.
- c. *Roadside Memorial* A tribute to commemorate a person or persons who died, most often at that particular location. For the purpose of this policy, roadside memorials refer to those in the Town of Gay right-of-way.

B. PROCEDURES

- a. Markers are limited to traffic-related fatalities occurring on the state highway system.
- b. A request to place a marker must be submitted to the Town of Gay City Hall and should be submitted by the victim's family.
- c. The request is to be in the form of a written application, form may be downloaded from www.gayga.gov/downloads.
- d. The request may be submitted by someone other than a family member as long as the request includes written permission from the family.
- e. The request shall include intended design and location of the proposed marker.
- f. Written permission from the owner if the requested location is on private property.

- g. No more than one marker will be allowed per victim.
 - h. Each memorial will be identified by owner and location.
- C. Permits
- a. A Permit will be issued by the clerk at city hall.
 - b. Permit will be for a time period of twelve (12) months.
 - c. The permit will be issued without a fee or charge.
 - d. An extension of an additional twelve (12) may be granted, provided the roadside memorial is properly maintained and it is requested in writing.
- D. Placement
- a. The memorial should be located in such a way that it does not distract motorists.
 - b. The marker should be located as near the right of way line as possible, preferably near a utility pole or at the edge of a non-mow area.
 - c. The marker should not be located in front of developed property unless the adjacent property owner has given written permission to the requestor.
 - d. Markers should not be affixed to traffic control devices, permanent features or their supports which may include signs, signals, light poles, trees, walls, fence, etc.
- E. Fabrication and Materials
- a. The markers may incorporate various types of symbols.
 - b. The marker shall be no more than 30 inches high and no wider than 18 inches. The embedment/foundation shall be no more than 12 inches deep and concrete or metal footings shall not be allowed.
 - c. The marker's components shall be fabricated from wood or plastic/composite material and components shall be no larger than 2" thick x 4" wide.
 - d. Small plaques are allowed and shall be no larger than 8 inch wide by 8 inches tall and 1/2 inch thick and shall be firmly affixed to the memorial. The plaque may contain the victim's name, date of birth, and date of death.
 - e. Photographs are not allowed. The memorials are not intended for visitation. Vehicles inappropriately parking on the roadside may create a safety hazard. The marker is primarily intended to remind passing motorists of the dangers of unsafe driving.
 - f. Flowers, stuffed animals and mementos are allowed to be included in the memorial.
 - g. Balloons or anything that extends above the memorial are prohibited.
- F. Hazardous or Non-Conforming Memorials
- a. If a roadside memorial poses an immediate safety hazard, the Town of Gay will document the location, photograph the memorial, remove it immediately and leave behind a notice posted to a stake that it has been removed and provide contact information for pick-up of the memorial. If the memorial owner contact information is on file, that owner will be notified.
 - b. If a roadside memorial in the state highway right-of-way has not been requested and approved by the Town of Gay, it shall be conspicuously marked with a 60-day notice to remove the memorial. If the memorial is not removed after 60 days, the Town of Gay will document the location, photograph then remove the memorial and leave behind a notice posted to a stake that the roadside memorial has been removed and provide contact information for pick-up of their memorial.

- c. Removed memorials will be stored for a period of at least 60-days at the Town of Gay city hall.
 - d. If the owner is unknown and/or the memorial is not claimed by the owner, the memorial will be discarded after 60-days of storage.
- G. Existing Memorials
- a. In cases where memorials were established prior to the effective date of the policy, the Town of Gay may allow certain memorials to remain in place that do not present a hazard to the motoring public.