

DIVISION 2. - SIGNS

Sec. 2-100. - Definitions.

Sec. 2-110. - Purpose and intent.

Sec. 2-120. - General regulations; permit required.

Sec. 2-130. - Exemptions from permit requirement.

Sec. 2-140. - Application for permit; permit fee; expiration of permit; special exceptions.

Sec. 2-150. - Prohibited signs.

Sec. 2-160. - Sign regulations by zoning districts.

Sec. 2-170. - Measurements.

Sec. 2-180. - Nonconforming signs.

Sec. 2-190. - Repair and removal of signs

Sec. 2-200.- Traffic hazards

Sec. 2-220.- Approval internal illumination

Sec. 2-230.-Permit to erect

Sec. 2-100. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Sign means any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner, or pennant or any other device, figure or character which is:

- (1) Employed to announce, direct attention to, identify or make known; and
- (2) Visible from the public right-of-way or adjoining property.

Off-premises sign means any billboard or other sign on which is portrayed information that directs attention to a business, commodity, service or entertainment not lawfully existing or permitted on the site upon which the sign is located.

Sign, announcement, means a sign of temporary character indicating the names of persons associated with or events conducted upon the premises on which the sign is located.

Sign, business, means any sign, except an advertising sign, that directs attention to a business, commodity, service or entertainment, conducted, sold or offered on the same premises upon which the sign is maintained.

Sign, freestanding, means a sign supported by upright structural members, braces, or ground anchorage and not attached to a building.

Sign, identification, means a sign that gives the name and address of a building, business, development, or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol or trademark uniquely attributable to the property's ownership or management.

Sign, informational, means a sign conveying instructions with respect to the premises on which it is located, which gives directions or provides information to the public by official notices, place names and tourist information.

Sign, portable, means a sign not permanently attached to the ground or a building, including any sign attached to a vehicle for advertising purposes when the vehicle is so parked as to attract the attention of the public.

Sign, wall, means a sign attached to or deriving its major support from a wall, including the following: arcade sign, awning sign, canopy sign, marquee sign, projecting sign, roof sign, wall surface sign, and window sign.

Sign, projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Sign, wall surface. Any sign erected or painted on a building, visible from the exterior, no part of which is more than six (6) inches from the surface of the building on which it is erected and which is confined within the limits of an outside wall. Such sign may be illuminated.

Sign, window. A sign used to advertise the sale of goods and merchandise, services or a business located on premises. Window signs shall be affixed to the interior side of a window.

Sign face. The area of a single side of a sign, excluding supports for such sign so long as said supports are not used for placement of any sign copy.

Sign, general advertising. A sign that identifies or communicates an image and/or message for any activity, product, service, or commodity not available for sale or lease on the premises at which the sign is located.

Sign, ground-mounted. See "freestanding sign."

Sign, historic site entrance. Any freestanding, non-illuminated sign located at the entrance of a historic site that contains the site name and does not exceed four feet in height, of no more than ten (10) square feet of total surface area visible to the public.

Sign, historic marker. A sign or tangible means of communication to the public, which exceeds ten square feet in total surface area of ten square feet visible to the public; the Town Council must formally designate and/or an owner can petition the Town Council of Port Royal to designate a premises as historic and eligible to erect a "Sign, historic marker". The Town Council shall provide notice to the general public and hold a public hearing per the terms and conditions of Section 15.2-2204, *Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments* of the Code of Virginia, 1950, as amended. The Town Council shall give consideration to the material used, the size, location, context, time period the sign would be allowed, and impacts to neighboring properties.

Sign, home occupation. An unlighted, wall-mounted sign not exceeding four (4) square feet in area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

Sign, illuminated. A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

Sign, monument. A freestanding on-premise sign designed with a solid base and with a sign face attached such that there are no gaps for air or light between the sign face and the base.

Sign, political. A temporary sign announcing or supporting political candidates or issues.

Sign, public. A sign owned by and erected at the instance of a federal, state, or local government agency.

Sign, temporary event. A sign describing a seasonal, brief or particular event or activity to be or being conducted upon the lot or premises upon which it is located. Such sign may be erected not

more than one month before the event or activity described, shall be removed within one week of its conclusion, and in no event shall such sign be displayed for a period longer than three (3) months in any one calendar year. Signs advertising construction activity may remain in place until such construction is completed, but require a special use permit for a period greater than six (6) months. The maximum height of such sign shall be ten (10) feet. Balloons used as such signs shall be exempt from the maximum height requirement.

Sign, real estate. An on-premise sign used to announce the availability of a property for sale or lease.

Sign, temporary sale. An on-premise sign used to advertise merchandise or the sale of goods or merchandise, on a temporary basis not to exceed a period of seven (7) continuous days. No free-standing temporary sale sign shall exceed four (4) square feet in sign area. No wall mounted temporary sale sign shall exceed twenty (20) square feet in sign area.

Sign, tenant. A wall sign to identify more than one tenant or business located within a building in which the tenant or business does not have a direct/independent entrance to a street and its primary entrance is through the principal entrance to the building. The sign shall be located near the principal entrance to the building. This term shall not include a business sign.

Sec. 2-110. - Purpose and intent.

(a) The purpose of this ordinance is to further the public health, safety, and welfare of the citizens of the Town of Port Royal, Commonwealth of Virginia, and this Nation. U.S. Route 301 runs through the Town, tourists visit the historic sites in the Town, and the citizens of the Town require a safe, attractive, and economically strong town. This ordinance is to regulate all signs placed for exterior observance in order to foster the Town of Port Royal's policies for the protection of property values, the protection of the character of the various communities in the town, the encouragement of the sound development of land throughout the town for its most appropriate use, and the protection of the public welfare in general. Further, the purpose and intent of this division is to promote the public health, safety, convenience, and general welfare through the establishment of standards for the secondary effects that accompany the unregulated display of signs; preserve the character of residential neighborhoods; avoid the appearance of clutter; protect property values; reduce traffic hazards caused by visual distractions to motorists

and/or the impairment of motorists sight lines; enhance the appearance and aesthetic environment of the Town of Port Royal, preserve historic resources and the context of those historic resources and ensure that the Town of Port Royal remains an attractive place to live and work.

(b) A sign placed on land or on a building for the purpose of identification, protection or advertising a use conducted therein shall be deemed to be an integral part of the land or building. Therefore, the purpose of this division is to establish limitations on signs in order to ensure that they are appropriate to the land, building or use to which they are appurtenant and are adequate but not excessive for their intended purpose. Business sign restrictions have been devised after considering, among other matters, shopping habits, extent of trade area, means of access, the avoidance of excessive competition among sign displays in their demand for public attention and the protection of commercial speech under the first amendment to the United States Constitution.

(c) Off Premises signs are considered inappropriate to the character and sound development of the town of Port Royal and it is intended by this division that the streets and highways in the town shall not be made available for such display; except that Off Premises signs may be located in certain commercial districts, specifically identified and delineated by Town Council, if it so chooses, in which Off Premises signs are deemed not to be incongruous with other uses permitted therein, the character of the Town of Port Royal, neighboring properties, and/or the unimpeded flow of traffic in a safe manner.

(d) It is further intended that, in proposed commercial areas, all signs within one complex be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.

Sec. 2-120. - General regulations; permit required.

(a) All signs shall be regulated in accordance with the provisions of this division and the zoning district in which a sign is to be located; where there might be a conflict, requirements and standards of this district shall prevail.

(b) No sign, except those qualifying for permit exemption, shall be painted, constructed, erected, remodeled, relocated or expanded until a sign permit for such sign has been obtained in accordance with the provisions of this division and until such complies with the regulations in this division.

Sec. 2-130. - Exemptions from permit requirement.

The following signs or signing operations shall not require a sign permit:

- (1) Signs of a constituted governmental body.
- (2) Memorial tablets; not exceeding ten (10) square feet.
- (3) Historic markers; not exceeding fifty (50) square feet for display in public or institutional uses such as places of worship.
- (4) Historic dioramas or educational signs not exceeding thirty (30) square feet.
- (5) Flags of the United States or the Commonwealth of Virginia, Caroline County, or the Town of Port Royal.
- (6) Small signs which display or post address numbers.
- (7) Seasonal displays and decorations which do not advertise a product or service.
- (8) Temporary signs for official notices.
- (9) Wall or ground signs not exceeding four square feet, warning the public against hunting, fishing or trespassing on the property, but only where such warning is justifiable.
- (10) Normal maintenance and repair of a conforming sign.
- (11) Real estate signs for a period not to exceed four months, which may be renewed as further described in Sec. 2-160.

Sec. 2-140. - Application for permit; permit fee; expiration of permit; special exceptions.

- (a) Sign permits shall be obtained from the zoning administrator. A permit application shall be filed on forms provided by the zoning administrator.
- (b) A sign permit fee shall be paid upon submission of an application. Such fee shall be established by the Port Royal Town Council.
- (c) A sign permit shall become null and void if the work for which the permit was issued has not begun within six months. Subsequent six-month extensions may be granted by the zoning administrator, upon the showing of just cause for an extension.

Sec. 2-150. - Prohibited signs.

The following signs shall be prohibited in the Town of Port Royal:

- (1) Any sign which violates any provision of law or code of the commonwealth or of the United States.
- (2) Any sign which obstructs a door, fire escape or building opening intended for light, air or access to a building.

- (3) Any sign, except temporary signs, of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere.
- (4) Any sign displaying flashing or intermittent lights or lights changing degrees of intensity, except a sign indicating time or temperature, with changes alternating on not more than five-second cycles when such time or temperature sign does not constitute a public safety or traffic hazard in the judgment of the zoning administrator; provided, however, that no such sign shall be permitted in any historic district.
- (5) Any permanent lighting either by exposed tubing or strings of lights, either outlining any part of a building or affixed to any ornamental feature thereof.
- (6) Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.
- (7) Any sign that uses the word "stop," "danger," "slow," "caution," "yield," or "go," or otherwise presents or implies the need or requirement of stopping or caution or the existence of danger, or which is likely to be confused with any sign displayed by public authority.
- (8) Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related.
- (9) Portable signs, except where authorized by a special use permit.
- (10) Any sign, except official notices, which is nailed, tacked, posted or in any other manner attached to any pipe or utility pole, whether on public or private property of any description. The property owner may post a sign permitted under the terms and conditions of this division to a tree, provided the square footage of the surface area does not exceed two (2) square feet.
- (11) Any sign attached to a chimney, tower, tank or structure of like kind which extends above the zoning district height limits.
- (12) Any sign identifying a business at the premises where such business has been discontinued unless all lettered or pictorial matter relating to the discontinued business is removed or obliterated within 90 days.
- (13) Any advertising sign except as specifically provided by this division.
- (14) Any sign representing or depicting specified sexual activities of specified anatomical areas or sexually oriented goods. Any sign containing obscene text or pictures as defined by the Virginia Code.

(15) An Electronic Message Center (“EMC”), as having any image(s) and/or message(s) which continually, intermittently or regularly change, flash, blink, flicker, flutter or rotate (clockwise and/or counter-clockwise) on any cycle lasting fewer than five (5) seconds. An EMC is defined as: A sign that displays images, scrolling images or moving images, including video, through the use of a series of grid lights, such as: cathode ray; light emitting diode display; plasma screen; liquid crystal display; fiber optics; or other similar electronic technology. This definition includes each of the following:

- (1) Signs which present images and/or messages that are similar to those which are ordinarily displayed on color television screens or computer monitors, where the image and/or message is in motion or appears as if it is motion;
- (2) Signs for which the images and/or messages are capable of being changed through any remote means; and
- (3) Signs presenting two (2) or more separate displays of images and/or messages by means of any scrolling cylinder or other scrolling device.

(16) An EMC, as defined, (15), above, which is located within five hundred (500) feet of any property having a historic designation.

(17) An EMC, as defined, (15), above, having any image(s) and/or message(s) which contain(s) four (4) or more visible colors, including the background, within each image and/or message displayed, i.e. within each of the changeable copies, except when such sign's image and/or message is less than six (6) square feet in area, and there shall be no more than one such unit per premises.

(18) High pressure sodium vapor (yellow-orange) lighting is prohibited.

Sec. 2-160. - Sign regulations by zoning districts.

The following regulations shall apply to all signs for which a permit is required by the provisions of this division:

- (1) All districts. The following regulations apply to signs permitted in all districts:
 - a. Political campaign signs not exceeding 50 percent of the aggregate (aggregate being the total surface area visible to the general public) area of sign display allowed on any privately owned lot in that district shall be permitted. No such sign shall be erected more

than 90 days prior to the nomination, election or referendum subject of such sign and such signs shall be removed not later than five days after such nomination, election or referendum. Each premise is allowed up to a maximum of 250 square feet of surface area, per the terms and conditions as found in this paragraph.

b. Temporary signs not exceeding 50 percent of the aggregate area of sign display allowed on any privately owned site in that district shall be permitted for the purpose of announcing a campaign, drive or event of a civic, philanthropic, fraternal, religious, or educational organization. No such sign shall be displayed in any R district except on the immediate site of the event to which it pertains. Such sign may be maintained for a period not to exceed one month and shall be removed within five days after the event to which it pertains.

c. One real estate sign advertising the sale, rental, lease or trade of the premises or part of the premises on which the sign is displayed shall be permitted as follows:

1. Such sign shall not exceed ten square feet in Residential and Mobile Home districts;
2. Such sign shall not exceed 40 square feet in any commercial district;
3. Such sign shall be permitted for a period not to exceed four months and shall be removed within three days of the sale, rental, lease, or trade of the premises;
4. If disposition of real estate has not occurred within a four-month period, a sign permit shall be obtained for each additional period, not to exceed four months.
5. A sign stating that the property is under contract or has been sold may be erected and permitted for a period not to exceed one month.

d. Wall or ground signs not exceeding one per street and 1 1/2 square feet in area may be displayed for the sole purpose of giving directions to specified places of worship, community buildings, tourist houses and real estate for sale, rent, lease, or trade, provided that such real estate sign giving direction to real estate shall not be illuminated and other directional signs shall not be illuminated except by indirect lighting.

e. Wall or ground signs shall be permitted in a private parking lot to identify entrances, exits and divisions of the lot into sections and to control vehicular and pedestrian traffic in the lot, provided each sign does not exceed four square feet in area.

f. Informational signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies shall be permitted, provided such signs or bulletin boards do not exceed 15 square feet on each face, do not have an aggregate area in excess of 30 square feet, do not exceed eight feet in height, and do not extend within ten feet of any property line.

g. Temporary signs not exceeding 20 square feet that announce such events as "grand opening," "under new management," or "going out of business" shall be permitted, subject to the following conditions:

1. A permit shall be granted for a period not to exceed 20 days;
2. The location for such sign must be approved by the zoning administrator;
3. A portable sign may be used, provided that such sign meets all other district regulations, except that no portable sign shall be permitted in the historic district; and
4. If the sign is not removed by the owner of the premises within five days' notification, the zoning administrator may remove such sign at the owner's expense.

(2) Residential and Mobile Home districts. In addition to other applicable regulations presented in this section, the following regulations shall apply to all signs in Residential and Mobile Home districts:

- a. One sign not exceeding two square feet for each dwelling unit shall be permitted. Such sign shall indicate only the name and address of the occupant. Home occupations in these districts shall be permitted additional signage of up to three (3) square feet of surface area.
- b. Nonresidential uses permitted in the district shall be permitted one identification sign, provided such sign does not exceed 8 square feet in area, does not exceed eight feet in height, as measured from the top of the sign to the ground, and does not extend within 15 feet of any site line; provided a special use permit has been granted by Town Council, after a recommendation by the Planning Commission and appropriate public hearings.
- c. No sign shall project beyond the property line.
- d. All building-mounted signs shall be flush against the building and shall not project above the roofline.

- e. No freestanding sign, including supports, shall extend more than five feet above the ground or be located closer than five feet to any property line.
- f. Sign illumination shall be only by direct white lighting that illuminates only the face of the sign.

(3) Commercial districts. In addition to other applicable regulations, the following regulations shall apply to all signs in Commercial districts:

- a. Building-mounted business signs on buildings housing only one tenant shall not exceed 1 1/2 square feet of area per linear foot of building frontage. No sign, however, shall exceed 200 square feet in area.
- b. Building-mounted business signs on buildings housing more than one tenant shall not exceed 1 1/2 square feet of area for each linear foot of building frontage occupied by the tenant. No such tenant sign, however, shall exceed 200 square feet in area.
- c. Building-mounted business signs shall not project more than 15 inches from the wall. Other wall signs shall not project into minimum yard areas or beyond the property line.
- d. Advertising signs are permitted only as a window display and shall not be included in aggregate sign area computation.
- e. Awning signs are permitted provided that the letters are limited to the drop leaf and do not exceed eight inches in height.
- f. No freestanding sign shall be permitted in any district except by special use permit. All such signs shall:
 - 1. Be low-profile, monument-type signs whose design, material, colors and lettering are compatible and harmonize with the main building on the site;
 - 2. Be set back at least ten feet from all property lines and located in a manner that shall not cause a pedestrian or vehicular traffic hazard;
 - 3. Not exceed 30 square feet of signage area if identifying one or two businesses on the site, or 40 square feet if identifying more than two businesses on the site;
 - 4. Not exceed five feet in height above ground level;
 - 5. Only be illuminated by ground lights, directed solely at the sign in a manner that does not illuminate surrounding areas, or by low-wattage internal lighting; and
 - 6. Be landscaped with shrubs and/or plants.

- i. All signs above walkways shall have a minimum clearance of eight feet, except those that are a part of awnings lawfully allowed and installed. All signs above driveways and alleys shall have a minimum clearance of 15 feet.
- j. Service station freestanding signs shall have a maximum area of 15 square feet allocated to identify the price of gasoline dispensed.
- k. Off Premises signs shall require a special permit in Commercial districts. No such sign shall be located within 200 feet of any Residential district, and such signs shall be subject to minimum lot and yard requirements for that district. Advertising signs may be located so as to be primarily visible from the arterial highways, but shall not be primarily visible from any other street. Such signs may be two-faced but shall not exceed 200 square feet per face.
- l. Signs within commercial district shall be placed or located in a manner so as to be directed or facing away from any adjacent residential or manufactured housing (mobile home) areas or districts. In addition, the illumination for any such sign shall not be directed toward any residential or mobile home district.
- m. All freestanding signs shall be set back at least five feet from all lot lines.
- o. Except as otherwise specifically provided in this chapter, no business sign shall be allowed except upon that portion of a building or site that is owned or leased and actually occupied by the business identified by such sign.

Sec. 2-170. - Measurements.

(a) The area of a sign shall be that area bounded within the continuous perimeter of a display surface enclosing the extreme limits of writing, figure, graphics, or other representations of such sign. The area shall be computed as including the maximum number of faces viewable from any single ground position as follows:

- (1) Double-face sign, two faces counted.
- (2) V sign with 45 degrees or greater angle, two faces counted.
- (3) Triangular sign, two faces counted.
- (4) Cube sign, two faces counted.
- (5) Cylindrical sign, one-half of surface area counted.

(b) The supports, uprights or structures on which any sign is supported shall not be included in determining sign area unless such supports, uprights or structures are designed to form an integral background of the sign, as determined by the zoning administrator.

Sec. 2-180. - Nonconforming signs.

Signs lawfully existing as of (date of adoption of this ordinance) 2011, which do not conform to the provisions of this article, and signs which are accessory to a nonconforming use, shall be deemed to be nonconforming signs. Such signs shall not be enlarged, extended or structurally altered, reconstructed or changed in any manner. No such sign shall be worded so as to advertise or identify any business other than that in effect at the time it became a nonconforming sign. No nonconforming sign shall be moved on the same site.

Sec. 2-190. - Repair and removal of signs.

Whenever the zoning administrator or his designee determines that a sign is structurally unsafe or endangers the safety of a structure, premises, or the public, or is erected or maintained in violation of the provisions of this division, the zoning administrator or his designee shall order the sign to be made safe or in compliance with this division, as the case may be, or to be removed. Such order shall be sent by registered mail, return receipt requested, and shall be complied with.

Sec. 2-200. - Traffic hazard.

No sign shall be located or illuminated in such a manner as, in the opinion of the zoning administrator or his designee, to cause a traffic hazard. No sign shall be so located as to interfere with vehicular clear sight triangle distance at intersections or to create a safety hazard.

Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the zoning administrator or his designee, who may consult with the Resident Engineer of the Virginia Department of Transportation to assist in determining whether the sign would constitute a traffic hazard.

Sec. 2-220. - Approval of internal illumination.

Any internally illuminated sign must have a U.L. label or meet the minimum standards of the Uniform Statewide Building Code.

Sec. 2-230. - Permit to erect.

No permanent or temporary event sign shall be erected without first obtaining a sign permit. Every application for a sign permit shall be accompanied by a set of plans showing the area of

the sign, the size, the structure, character and design proposed, the method of illumination if any, the exact location of the sign, building frontage, road frontage and clear sight triangles. A fee as determined by the Town Council of Port Royal shall be paid for each sign permit based upon the complexity of the application in terms of size, composition, lighting, and other factors. The largest face of a multiple face sign shall be computed to determine the square footage.

Sec. 2-140. - Penalties; failure to correct violation.

(a) Any violation of this chapter shall be a misdemeanor punishable by a fine of not less than \$10.00 and not more than \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter, within a time period established by the court, but not to exceed 30 days. Failure to remove or abate a violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 and not more than \$1,000.00, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$100.00 and not more than \$1,500.00.

(b) However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000.00. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000.00, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of up to \$7,500.00. No such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

State law reference— Violations of zoning ordinance, Code of Virginia, § 15.2-2286(A)(5).

Sec. 2-141. - Civil penalties.

(a) In case of the violation of any provisions of the zoning ordinance listed in this article, the owner, lessee, tenant or agent shall be subject to a civil penalty of \$200.00 for the first violation. This penalty shall be imposed after a warning has been issued that gives the owner, lessee, tenant or agent a specified time within which to comply with the ordinance. Any person who continues to violate such provision of this ordinance shall be subject to a civil penalty of \$300.00 for each subsequent violation. No person shall be cited for a violation more than once in any ten-day period, and no person shall be fined more than a total of \$5,000.00 for all violations arising out of the same set of facts.

(b) The zoning administrator or his designee may issue a civil summons as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the city treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged after first agreeing in writing to abate or remedy the violation within a specified timeframe. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

(c) The following violations will be treated as a civil penalty:

- (1) Painting, constructing, erecting, remodeling, relocating or expanding a sign without a permit in violation of section 78-77
- (2) Erecting any prohibited sign on private property in violation of section 78-80
- (3) Failure to obtain zoning approval in violation of section 78-964
- (4) Failure to obtain zoning approval and/or a business license for a home occupation in violation of the ordinances of the Town of Port Royal.
- (5) Any minimum yard violation as prescribed in the district standards for each zoning district.
- (6) Any zoning violation resulting in injury to any person(s) shall not be treated as a civil penalty.
- (7) Any zoning violation which continues after civil penalties exceeding \$5,000.00 have arisen from the same set of operative facts shall be treated as a criminal violation.

Sec. 2-142. - Notice of violation; authority of director of building development services; additional remedies.

(a) Upon his becoming aware of any violation of any of the provisions of this article, the zoning administrator or his designee shall serve notice of such violation on the person committing or permitting the violation, and if such violation has not ceased within such reasonable time as the zoning administrator or his designee may proceed to remedy the violation as provided in this article.

- (b) The zoning administrator shall have all necessary power on behalf of the city council to administer and enforce this article, including the bringing of legal action to ensure compliance therewith, including injunction, abatement, or other appropriate action or proceeding. Such action may also be instituted by any person aggrieved by a violation of this subpart.
- (c) Every written notice of a zoning violation or written order of the zoning administrator or his designee shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with the Code of Virginia § 15.2-2311, and that the decision shall be final and unappealable if not appealed within 30 days. However, the appeal period for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, or maximum occupancy limitations of a residential dwelling unit shall be ten days and the notice shall so state. The appeal period shall not commence until the statement is given.
- (d) A written notice of a zoning violation or a written order of the zoning administrator or his designee that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements under general law.

State law reference— Powers of zoning administration, Code of Virginia, § 15.2-2286(a)(4).

Sec. 2-143. - Inspection warrants.

A magistrate, judge of the general district court or circuit court judge, may issue an inspection warrant for suspected zoning ordinance violations. The zoning administrator or his designee may present sworn testimony to a magistrate or judge and if such sworn testimony establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or judge grant the zoning administrator or his designee an inspection warrant to enable him/her to enter the subject dwelling for the purposes of determining whether violations of the zoning ordinance exist. The zoning administrator or his designee shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant.

Sec. 2-150 - Remedies cumulative.

The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

Sec. 2-160. - Procedure for appeals; effect of appeal.

- (a) An appeal to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Port Royal affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any

other administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq., or this chapter.

(b) Such appeal shall be taken within the specified time frame set forth in the notice or written order by filing with the zoning administrator or his designee, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator or his designee shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

(d) In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by the zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the Town attorney, modification is required to correct clerical or other nondiscretionary errors.

(e) The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make a decision within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant or to grant a variance. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. No action of the board shall be valid unless authorized by a majority vote of those present and voting on any matter upon which it is required to pass under this chapter or to effect any variance from this division. The chair of the board, or, in the absence of the chair, the acting chair, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records.

Sec. 2-170. Special Exceptions

The Port Royal Town Council, in accordance with the processes as found in Section 15.2-2204, *Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments* of the Code of Virginia, 1950, as amended, shall have the authority and ability to grant special exception permits for the terms, conditions, specifications, and other considerations as found in this ordinance. Such Special Exceptions can be conditional and granted for only specified periods of time. The Town Council shall give consideration to the time period requested for the sign, size of the sign, materials used, context of the sign, impacts to neighboring properties and/or to the general public and/or vehicular or other traffic, and electronic elements, if any. Applications shall be in writing and accompanied by the fee designated by Town Council. The Town Council shall vote upon the issue no later than ninety days from receipt of a request.

Sec. 2-180. Fees

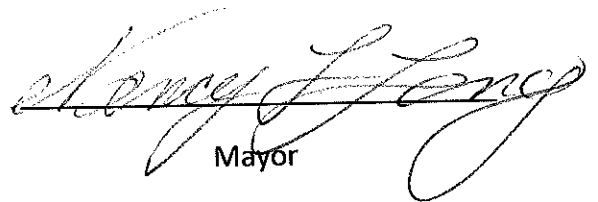
Fees paid to the Town of Port Royal shall be as follows and/or amended or changed by majority vote of the Town Council of Port Royal.

- a. Residential signs a fee of twenty dollars for sign requiring a permit.
 - b. Commercial signs a fee of twenty dollars for each sign and one dollar for each square foot of surface area for non-illuminated signs; signs using internal illumination and/or digital signs require an additional fee of two dollars for each square foot of surface area.
 - c. Requests for special exceptions and/or designations shall be a fee of one hundred dollars to help defray the costs of advertising for public hearing.
-

An Ordinance Establishing Policies and Procedures for

BE IT ORDAINED, BY THE Town Council of the Town of Port Royal, Virginia, that the attached ordinance entitled, "Town of Port Royal Sign Ordinance" is hereby adopted in full. Said ordinance shall be effective immediately upon its adoption. Should any article, section, subsection, paragraph, or other portion of said ordinance be held invalid by a court of competent jurisdiction, it shall not affect the validity of the remainder of the ordinance, which shall continue in full force and effect.

Adopted this 18th day of October 2011, by the Town Council of the Town of Port Royal, Virginia .


Mayor



Secretary

Approved this 13th day of November, 2011