

PART THIRTEEN — PROJECT AND ZONING CODE

ARTICLE 1316 Signs

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CROSS REFERENCES

Power to regulate—see WV Code 8-12-5(31)
Unauthorized signs—see Ord. Art. 313.06

1316.01 Purpose and objectives.

The purpose of this Article is to protect the public health, safety, convenience, comfort, and general welfare within the Town. This Article regulates the time, place, design, and manner in which signs are displayed to achieve the following objectives:

- (a) Permit non-commercial signs on any private property within the Town, subject to the provisions of this Zoning Ordinance;
- (b) Permit signs without unconstitutionally regulating the information displayed by each sign;
- (c) Permit signs where language and symbols do not violate constitutionally guaranteed freedom of speech;
- (d) Permit signs that do not constitute a hazard to the public safety;
- (e) Permit commercial signs appropriate to the historic character, the use and zoning classification of each property within the Town;
- (f) Create a more aesthetically pleasing Town environment; and
- (g) Eliminate visual clutter within the Town.

1316.02 Exempt Signs.

The following signs shall be exempt on the basis that they implement a compelling government interest in protecting the health and safety of persons and property in the Town, and shall not require Sign Permits:

- (a) Temporary or permanent signs erected and maintained by the Town, County, State or Federal Government for traffic direction, official meetings or for direction to or identification of a Government Facility or event.
- (b) Directional Ground Signs not to exceed two signs per Driveway indicating vehicular

HISTORY:

Ord. 2015-07 (passed 07-13-2015) amended the text of the previous Article 1717 and moved it to Article 1316. Ord. 2015-07 was further refined by Ord. Ord. 2017-01 (passed 02-25-2017).

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entrance and exit locations with size not to exceed three square feet per Sign face and four feet in height.

- (c) Flag, emblems and insignias of national, state or local political subdivisions.
- (d) Name and / or address descriptions mounted to the front wall of a building, fence, porch, lamppost, or similar post in the front yard not to exceed two square feet in sign area.
- (e) Any window Sign located inside or behind a window shall not be subject to the provisions of this Article provided that the window Sign is located in a Structure where a commercial or industrial Use is permitted as a Principal Use, and provided that it is not more than 25% of any window area in a single window unit.
- (f) Flags which are considered to be home flags that are placed to show spirit, pride, seasonal theme or activity.
- (g) Real estate signs.
- (h) Religious Bulletin Boards.
- (i) Temporary political campaign signs less than four square feet and placed on private property provided they are not posted more than 60 days before the political event and are removed within 14 days following the event.
- (j) Building Construction Signs in accordance with 1316.11 of this Article.

1316.03 Prohibited Permanent and Temporary Signs.

All signs not expressly permitted or exempt under this Article are prohibited in the Town. Such prohibited signs include but are not limited to:

- (a) Abandoned Signs.
- (b) Beacons and searchlights, except for emergency health or safety purposes.
- (c) Billboards and other Off-Premise Signs, except as may be permitted by Section 1316.04(a)(9) of this Article.
- (d) Flashing Signs or intermittent lighting of signs, including time and temperature and message center signs.
- (e) Animated Signs.
- (f) Pennants, streamers and similar devices.
- (g) All helium, gas and air balloons or air dancers for promotional purposes.
- (h) Roof Signs.
- (i) Signs attached to any tree or utility pole and signs painted directly on rocks, trees and other natural features.
- (j) Any private signs, announcements, opinions, and notices placed on public property.
- (k) Any Sign, which constitutes a traffic hazard or a detriment to public safety or may be confused with traffic control signal or device or the light of an emergency or road equipment vehicle.
- (l) Signs, which make use of words, symbols, phrases or characters in such a manner as to interfere with, mislead or confuse traffic.
- (m) Signs or parts thereof which are erected within or above a Public Street or Right-of-Way.
- (n) Spinning devices or strings of spinning devices.
- (o) Electronic Message Board Signs.
- (p) Window Signs, including approved Temporary Business Signs in any district, which cover more than twenty-five percent (25%) of the total window area on a single window unit.
- (q) Signs with bright reflective paint, neon lights, photoluminescence, black lights, color shifting lights, and any back lit or internally lit signs.

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- (r) Vinyl banners except as Special Purpose Signs (see Section 1316.08 of this Article).

1316.04 General provisions.

All signs shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this Article unless specifically modified by another provision of this Article. A Sign Permit shall be required for the construction, erection, relocation or alteration of any Sign, unless specifically exempted by this Article.

- (a) No Sign shall be moved, replaced or altered except that the text of an approved Business or Organizational Merchandise Sign may be changed at the discretion of the owner to reflect the day's changes of menu, changes in approved business information, or items on sale that day.
- (b) Maintenance. Every sign, whether requiring a Sign Permit or not, shall be maintained in safe, presentable and good structural condition at all times, including replacement of defective parts and painting and cleaning of said sign.
- (c) Removal of Dangerous or Defective Signs. The Ordinance Compliance Officer may immediately remove or cause to be removed any sign deemed to be a danger, defective or hazardous to persons or property.
- (d) Removal of Unlawful Signs in the Public Right of Way. The Proper Authority may remove, or cause to be removed any unlawful sign in a public right-of-way.
- (e) Sign Location with Respect to Frontages. Sign area permitted by virtue of premises having Lot Frontage or Structure Frontage shall be located only along that Frontage which generates the permitted Sign area.
- (f) Commercial Messages. All commercial information conveyed by any Sign permitted under this Article must pertain to the premises on which the Sign is located, except as specifically approved under Section 1316.04(a)(9) of this Article.
- (g) Sign Spacing Requirements. No projecting, ground, pole or Freestanding Sign shall be located within twenty-five (25) feet of another projecting, ground, pole or Freestanding Sign.
- (h) Duration of Temporary Signs. Temporary signs as permitted by this Article may be erected for a period not to exceed sixty (60) days, except as otherwise dictated in this Article. Extensions to the sixty-day limitation may be permitted by the Proper Authority upon application and demonstration of reasonable justification by the agent or owner of the temporary sign.
- (i) Exception to Off-Premises Sign Prohibitions. Upon application and approval of a Conditional Use Permit by the Board of Zoning Appeals in accordance with Article 1324 of this Zoning Ordinance, an Off-Premise Sign(s) may be permitted for a specified period of limited duration and subject to renewal or removal at the discretion of the Board of Zoning Appeals.
- (j) Signs illuminated with one small spotlight per side, shining upon the sides of the Sign which have lettering, are permitted, except such illumination shall not exceed 820 lumens per lighted side of the Sign. The spot lights shall be positioned close enough to the Sign to focus the light on the center of the Sign. The light shall be focused such that negligible light bypasses the Sign and any escaping light is not obtrusive, or beamed so that the direct light source impinges upon the eyes of pedestrians, drivers in vehicles on the Street, or adjacent properties.
- (k) Multiple Business Occupancy. In a Structure or grouping of Structures or premises with multiple Business occupants, signage should be apportioned on the basis of square footage of Structure space occupied or other suitable methods of apportionment.

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1316.05 Regulations of signs.

- (a) All Business and organizational Identification, Information and Merchandise signs are to consist of flat panels, made of natural materials (such as wood, metal, or stone). Medium Density Fiberboard (MDF), Medium Density Overlay (MDO), High Density Overlay (HD) and High Density Urethane are acceptable alternative materials.
- (b) All Business and organizational Identification signs shall not exceed six square feet in size. Their frame or support can be of wood or metal brackets or chains. They may be lettered or decorated on one or both sides. Identification signs shall be located within and upon the premises to which they pertain. One Identification Sign is permitted for each Frontage containing a public entrance.
- (c) All Business and organizational Information Signs shall not exceed three square feet. No more than two Information Signs are permitted per Establishment.
- (d) All Business and organizational Merchandise Signs shall not exceed six square feet. No more than two Merchandise signs are permitted per Establishment.
- (e) During only the hours the Business or organization is open, not more than two banners or flags may be displayed upon the premises except that State flags may be flown at any hours as allowed by state laws, and the national Flag may be flown in accordance with 4 USC, Chapter 1, sections 1 and 2, and Executive Order 10834 issued pursuant thereto. Flags and Banner Signs may not exceed six square feet total for all displayed.
- (f) No Sign shall be hung so that its bottom edge is less than seven feet above a pedestrian thoroughway.
- (g) The owner of any Business that is no longer operating as evidenced by the fact that it no longer has a valid business license shall have not more than 30 days to remove all signs.

1316.06 Permit procedures for Temporary Business Signs.

- (a) A new or short term business or organization may apply for a Sign Permit for more than one temporary sign on one Project Permit application if all information required by this Zoning Ordinance is included for each Sign requested so long as the Ordinance Compliance Officer is deemed the Proper Authority under Section 1303.03 of this Zoning Ordinance for purposes of issuing any such requested Sign Permits and reviewing the application therefor.
- (b) The Proper Authority is granted authority to issue Sign Permits for temporary signs.

1316.07 Permit procedures for permanent signs.

- (a) In addition to any other requirements set forth in this Zoning Ordinance, an application for a Sign Permit must be accompanied by plans showing all dimensions, the shape, material, character, lettering style, colors, design, full text, and exact location proposed. If the Sign is not to be located flat against an exterior Structure wall, the application must include an Elevation drawing and the details as to material, shape and location of the standard, pole or bracket or other support to which the Sign will be attached. The size and location of all existing signs must be provided.
- (b) Any Person may apply for more than one Sign Permit on one Project Permit application if:
 - (1) All information required by this Zoning Ordinance is included for each Sign Permit requested; and
 - (2) The requested Sign Permits pertain to the same Project.
- (c) The Ordinance Compliance Officer is deemed the Proper Authority under Section 1303.03 of this Zoning Ordinance for purposes of issuing such requested Sign Permits

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and reviewing the application therefor.

1316.08 Special Purpose Signs.

- (a) Special Purpose Signs do not require a Sign Permit.
- (b) All Special Purpose Signs shall be removed by midnight of the day following the event for which the signs are displayed. If such signs are not removed within that time period the police are authorized to remove and confiscate the signs.
- (c) The Ordinance Compliance Officer may review the appropriateness of any Special Purpose Sign displayed and remove Special Purpose Signs that are inconsistent with the standards of this Zoning Ordinance.

1316.09 Religious Organization Bulletin Boards.

- (a) Permanently erected Religious Organization Bulletin Boards do not require a Sign Permit; however, any organization proposing to erect such a bulletin board should submit a simple plan or drawing of the proposed sign, with all proposed lettering, to the Ordinance Compliance Officer for approval prior to installation.
- (b) There shall be no more than one bulletin board, not to exceed 16 square feet in size, for each organization. The bulletin boards shall be of traditional design and constructed of natural materials such as wood insofar as possible. Artificial material such as plastic or plexiglass may be used in window-type cabinet structures, but glass is preferred.

1316.10 Real Estate Signs.

- (a) A real estate agency or property owner may display one “for sale” or one “for rent” Real Estate Sign of customary design not to exceed four square feet in size on the property offered for sale or rent. All information on Real Estate signs shall be closely related to the sale of the property upon which the Sign is posted. No general information concerning a Real Estate firm, except for address, telephone number and website, and no information advertising the sale of other, unrelated, property is permitted.
- (b) No Sign Permit is required for a Real Estate Sign.
- (c) In the case of an “Open House”, one Directional Sign may be displayed during daylight hours of the open house. The Directional Sign may not be placed on a public Right-of-Way without written permission of the Ordinance Compliance Officer.
- (d) The Ordinance Compliance Officer may, with the assistance of the Police as required, exercise the authority to remove any Real Estate Signs which are in violation of the provisions of this Article. The confiscated Sign may be retrieved from the Town within thirty days upon payment of \$50.00. Confiscated signs not retrieved within 30 days shall be disposed of by the Town.

1316.11 Building Construction Signs.

- (a) Construction Signs do not require a Sign Permit.
- (b) Construction Signs may list company, corporation, individual name or names, communications information such as phone numbers and email addresses, and types of work or expertise offered by the company or individual and may be placed only on private property with permission of the property owner where and when work is taking place. Construction Signs may not exceed four square feet in size, and are limited to one such sign at each Site. Signs must be removed when work is completed.
- (c) The Ordinance Compliance Officer may, with the assistance of the Police as required, remove any Construction Signs which are in violation of the provisions of this Article. The confiscated Sign may be retrieved from the Town within thirty days upon payment of \$50.00. Confiscated signs not retrieved within 30 days shall be disposed of by the Town.

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1316.12 Maintenance.

It shall be the responsibility of the owner or agent of all Signs displayed under the provisions of this Article to properly maintain them. They shall be cleaned and repainted at necessary intervals so that they remain legible and neat. The Ordinance Compliance Officer may order maintenance as deemed appropriate. If an order to conduct maintenance is not followed within thirty days of such an order coming into force it shall be considered a violation of this Zoning Ordinance.