Chapter 113 - SIGNS

FOOTNOTE(S):

--- (1) ---

Editor's note—Ord. No. 09-04, § 1(Exh. A), adopted Jan. 22, 2009, amended ch. 113 in its entirety to read as herein set out. Former ch. 113, §§ 113-1—113-11, 113-41—113-48, 113-70—113-72, 113-103—113-107, 113-128, 113-129, 113-157, 113-158, 113-183, pertained to similar subject matter, and derived from Code 2007, §§ 15.24.010—15.24.110, 15.24.150—15.24.310, 15.24.340—15.24.360; Ord. No. 07-30, §§ 1—3, adopted June 14, 2007; Ord. No. 07-51, § 1, adopted Oct. 23, 2007. It should be noted that § 7 of Ord. No. 09-04 states that the repeal of Ch. 113 does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date of the repeal.

State Law reference— Authority to regulate signs and billboards, A.R.S. § 9-462.01(A)(2).

ARTICLE I. - IN GENERAL

Sec. 113-1. - Purpose.

The purpose of this chapter is to safeguard the public interest by establishing standards for the regulation of signs within the City of Surprise. These standards are designed to:

(1) Allow adequate signage for business identification while meeting public and private objectives;

(2) Promote the free flow of traffic and protecting pedestrians and motorists from injury and property damage that may be caused by cluttered, distracting and illegible signage;

(3) Prevent property damage and personal injury as a result of improperly placed or poorly maintained signs:

(4) Promote the use of signs that are well designed, of appropriate scale, and integrated with surrounding buildings and landscape in order to meet the community's desire for quality development;

(5) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape that affects the image of the city.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "lot" may also be used interchangeably with the words "plot" or "parcel"; the word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied":

Abandoned sign: Any sign located on a property or premises, which is vacant and unoccupied for a period of 30 calendar days, or a sign which is damaged, in disrepair, or vandalized and not repaired within 30 calendar days of the date of the damaging event.

Above-roof sign: A sign displayed above the peak or parapet of a building.

Advertising copy: Words, letters or graphics painted, carved, etched or mounted on the face of any sign used to advertise a business, product, service or place. Advertising copy shall not include the name of the business.

Alteration: Any change in architectural, structural or copy of an existing sign.

Animated sign: A sign which has movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination or flashing or varying of light intensity; or the automatic changing of all or any part of the facing of a sign; or any movement or rotation of a sign or any part of the sign structure; or emits audible sound.

Applicant: Any person who applies for a sign permit in accordance with the provisions of this chapter.

Arterial street: Any principal, major, or minor arterial street as classified and designated in the city general plan and transportation plan.

Awning sign: Any sign with information painted or integrated into a structure covered with fabric, metal or other material and supported by a building at one or more points.

Backlit sign: A light source that is concealed or contained within the graphic and becomes visible in darkness through a translucent surface.

Banner: A sign composed of a logo or design, which may include advertising copy, on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

Bare-bulb illumination: An exposed light source that consists of light bulbs or a string of light bulbs.

Billboard sign: Any sign that advertises a business, commodity, service, entertainment, product or attraction sold, offered or existing elsewhere than on the property where the sign is located.

Breakaway design feature: A structural feature built into the sign, according to the state department of highways that allows the sign to collapse on impact.

Building: Any structure having enclosed space and a roof for the housing and enclosure of persons and animals, or chattels.

Building wall: The individual sides of a building.

Business: An establishment that engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services; or the maintenance or operation of offices or recreational or amusement enterprises.

Business name: The name by which a business is commonly recognized and used by the applicant but does not include slogans or product information.

Canopy: A structure other than an awning made of cloth, metal of other material with frames affixed to a building and carried by a frame that is supported by the ground.

Changeable copy: Text or graphics on signs that are changed at frequent intervals of more than once a day.

Commercial farm or ranch sign: A sign that identifies the name of any farm or ranch.

Construction fence screen sign: A temporary sign that identifies the future development and acts as a security barrier to the construction site.

Development: Any human-made change to improve or alter real estate, including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving or excavation drilling operations.

Development sign: A sign used to identify an approved future development.

Directional sign: An on-premises sign, other than a kiosk sign, that includes only information assisting in the flow of pedestrian or vehicular traffic, such as enter, exit and one-way signs, and which do not display corporate colors, logos or other commercial messages.

Directory sign: Any sign, other than an identification sign, which is centrally located and lists only the names, uses or locations of the various businesses or activities conducted within a building or group of buildings.

Emergency sign: A sign erected by a governmental agency, a public utility company, or a contractor performing work within any right-of-way.

External illumination: Illumination of a sign that is affected by an artificial source of light not contained in the sign itself.

Facade: The side of a building below the eaves.

Facade, blank: The side of a building below the eaves that is blank and does not have windows or architectural detail.

Fascia sign: Any sign that is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

Flashing illumination: Illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a street graphic is illuminated, including illuminated lighting.

For sale, lease and rent signs: Any temporary sign that indicates a single premises, building or vacant lot that is currently for sale, lease or rent.

Freestanding sign: A sign that is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

Freeway sign: A freestanding single user or multi-tenant sign identifying an on-premise use, on property abutting or part of a complex/center abutting any freeway right-of-way, oriented to and intended to be read from the freeway. For the purposes of this section, a center/complex shall further be defined to include those projects under a common zoning case or development without regard to property ownership or individual parcel use.

Front-lit sign: A sign that is illuminated from a source placed in front of the graphic meant to illuminate only the graphic.

Grand opening sign: A temporary banner displayed on a premise on which a grand opening is in progress.

Ground sign: A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

Height: The vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists.

Home occupation sign: A sign used to advertise a home-based business.

Identification sign: A sign that identifies only the business, place, organization, building, street address or person on the property on which it is located.

Illuminated sign: A sign on which the surface is artificially lighted internally or externally.

Illumination or illuminated: A source of any artificial or reflected light, either directly from a source of light incorporated within, or indirectly from an artificial source.

Indirect illumination: A source of external illumination located apart from the sign.

Install: The action of erecting, re-erecting, constructing, placing, and posting.

Internal illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

Kiosk sign: A freestanding and multiple-sided structure, city regulated, and located in public rights-of-way that displays directional information to residential and commercial subdivisions.

Lawn signs: Any signs on private property with commercial messages.

Logo: A graphic symbol representing a business, activity or use.

Maintenance: The replacing or repairing of a part or portion of a sign necessitated by ordinary wear, tear or damage beyond the control of the owner, or the reprinting of existing copy without changing the wording, composition, original color or size of the copy.

Mansard sign: A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.

Menu board sign: A permanently mounted sign displaying the bill of fare for a drive-thru restaurant.

Message board: A portion of a sign displaying an electronic digital message that changes more than once a day.

Modifier: A word or graphic that explains the intended use without using brand names or advertising copy.

Monument: A freestanding sign with a base at least 50 percent of the width of the sign.

Multiple-tenant complex: A nonresidential development where two or more separate businesses exist, in which there are appurtenant shared facilities (such as parking or pedestrian mall), and designed to provide a single area where the public can obtain varied products and services.

Neon tube illumination: A source of light for externally lit street graphics supplied by a neon tube that is bent to form letters, symbols, or other shapes.

Noncommercial speech: Constitutionally protected speech such as political speech or ideological speech that contains neither advertising copy nor obscene material or language. Signs containing only noncommercial speech shall always be considered on-premises.

Nonconforming sign: A sign lawfully erected and maintained prior to the adoption of the ordinance from which this chapter is derived that does not conform with the requirements of this chapter.

Off-premises sign: Any sign that is located on a property other than where a business is located, a product is sold, or a service is offered.

On-premises sign: Any sign that is within the legal boundaries of a parcel of property.

Open house sign: A temporary sign informing the public that prospective buyers may view available property, and the property owner's agent is on the premises during the time of the viewing.

Parapet: That portion of a building exterior wall projecting above the plate line of the building.

Parcel: A legal lot, plot, tract, or area of land having fixed boundaries.

Peak: The highest point on a roof or the highest point on another architectural element.

Permanent sign: Any sign that is constructed as lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.

Planned area development (PAD): A development pursuant to section 125-194 as it exists or as it may be amended.

Pole sign: A freestanding sign that is permanently supported in a fixed location by a structure of poles, uprights, or braces from the ground and not supported by a building or a base structure.

Political sign: A temporary sign used to advertise the candidacy of an individual, ballot proposition, or to encourage a citizen to vote.

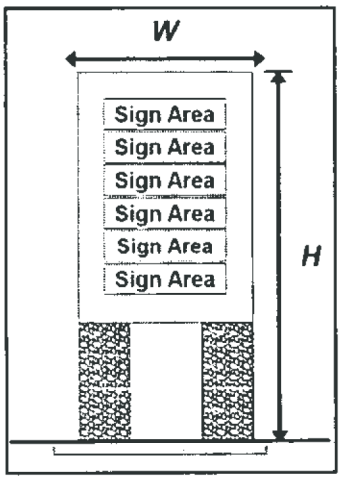
Portable sign: Any sign not affixed to a structure or ground-mounted on a site that does not meet the definition of sandwich sign.

Project: Any parcel of land with designated legal boundaries on which development action has been approved by the city.

Projecting sign: A sign attached to a building or other structure and extending in whole or in part beyond the building.

Public sign: A sign erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

Pylon sign: A freestanding sign, larger than a monument sign, supported by a single pylon or supported by a maximum of two pylons.



Pylon Sign

Raceway cabinet: An aluminum channel box not more than eight inches in depth used to mount signage to a wall or other structure.

Reader panel: That portion of any sign that permits a regular change of copy, including electronic copy, which does not change more than once a day.

Real estate sign: A temporary sign located on premises used to advertise the availability of real property.

Residential entry sign: A sign that is placed at the entrance to a multifamily or duplex development, manufactured home park, or single-family development only in order to identify the name of the development.

Roof sign: Any sign erected on a roof, or a sign that projects above the highest point of the roofline, parapet or fascia of the building.

Roofline: The highest point of the main roof structure or the highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

Sandwich sign or A-frame sign: A double-faced, portable sign, which is not permanently ground-mounted or affixed to any structure on site, and is designed in the shape of an "A".

Shingle sign: any sign suspended from, and located entirely under a covered porch or walkway.

Shopping center or plaza: A commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

Sign: Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication that attracts the attention of the public and is

visible from public or private rights-of-way or other properties; but shall not include any flag, badge or insignia of any governmental unit.

Sign copy: The letters, words or graphics used to convey information on the sign.

Sign structure: The supports and framework of the sign.

Sign walker: An individual carrying a portable sign intended to convey an advertising message to vehicular traffic.

Signable area for projecting signs and awnings: One area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Signable area for roof and wall graphics: One area free of architectural details on the facade of a building or part of a building, which shall include the entire area enclosed by a box or outline or within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Snipe sign: Any sign that is posted on trees, landscaping, utility poles or structures, streetlights, fences, fire hydrants, bridges, curbs, sidewalks, park benches parkways, streets, right-of-ways, or other locations on public property.

Street number sign: Any sign that gives the street address number of the building.

Subdivision: A subdivision pursuant to chapter 121.

Temporary sign: Any sign not permanently affixed and intended for a limited period of display.

Time and temperature sign: A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.

Vehicle sign: Any sign mounted upon, painted, or otherwise erected on trucks, cars, boats, trailers, other motorized vehicles or equipment.

Wall sign: A sign mounted flat against and projecting less than 14 inches from, or painted on, the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall, but not including window signs.

Window sign: Any sign, picture, symbol or combination thereof, that communicates information about an activity, business, commodity, event, sale or service, and is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Signs placed or hung in any manner within three feet of the windowpane shall be considered a window sign.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-3. - Conflict.

If any portion of this chapter is found to be in conflict with any other provisions of any zoning, building, fire, safety or health provisions of this Municipal Code, the provision that establishes the higher standard shall prevail.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-4. - Signs prohibited.

(a) No person shall erect, place, establish, paint, create or maintain a sign in the city except as provided in this chapter. All signs that are contrary to the provisions of this chapter are declared to be in violation, and as such may be abated as provided by law.

(b) The following signs are prohibited. Any:

(1) Abandoned sign;

(2) Animated sign, except as specified in this chapter;

(3) Billboard sign;

(4) Off-premises sign, except as permitted within this chapter;

(5) Portable sign;

(6) Sandwich sign, except as permitted within this chapter;

(7) Snipe sign;

(8) Sign which inhibits free ingress to or egress from any door, window or any exit way required by the International Building Code as adopted and amended by the city, or by fire department regulations;

(9) Sign that may obstruct the line of sight of any authorized traffic sign, signal or other traffic control device; or any sign by reason of shape, color or position that interferes with or may be confused with any authorized traffic signal or device;

(10) Sign placed in a location that will obstruct vision of a vehicle operator while entering, exiting or traveling upon the public right-of-way;

(11) Sign located in a manner that interferes with pedestrian travel or poses a hazard to pedestrians;

(12) Vehicle sign when mounted or placed on any trailer, boat, or motor vehicle that is parked, stored or displayed in a manner to attract the attention of the public for advertising purposes;

(13) Sign with flashing, blinking, rotating lights, exposed neon or similar tube type illumination, bare incandescent, fluorescent, metal halide, or high or low pressure sodium light bulbs or mercury vapor light sources;

(14) Sign placed in rights-of-way, except as specified in this chapter;

(15) Message board;

(16) Roof-mounted sign;

(17) Any other sign that is not expressly permitted by this chapter;

(18) Home occupation sign;

(19) Pole-mounted banners, attention flags, wind-driven spinners, streamers, search lights, strobe lights, holographic projections, laser light displays, inflatable signs, or balloons;

(20) Any flag not associated with a governmental unit.

(21) Political signs displayed more than 60 calendar days prior to an election or seven calendar days after an election.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-5. - Signs in the right-of-way.

(a) It is unlawful for any person to install a sign in any public right-of-way, except for the following:

(1) Public signs;

(2) City-regulated kiosk signs;

(3) Emergency signs.

(b) The city manager or designee is authorized to immediately remove any illegal sign located in any public right-of-way.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-6. - Building identification.

(a) For all uses other than single-family residential:

(1) Numbers shall be provided on the front of the building unless an alternative location is approved by the city fire chief or designee.

(2) The numbers shall be visible and legible from the street fronting the property.

(3) All commercial and industrial uses shall be sized according to the following table:

Building setback from main road	Minimum size address number
0—50'	9"
51—100'	12"
101' and above	15"

(b) For single-family residential, residential dwellings shall have four-inch high address numbers that are contrasting in color to the background color of the house.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-7. - Permits and licenses required.

No person shall erect, place, establish, paint, create or maintain any sign in the city without first obtaining all required permits and licenses as regulated by this chapter or any other laws.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-8. - Signs not requiring a permit.

No person shall be required to have a permit for the following signs; provided, however, that such signs shall be subject to any and all applicable provisions of this chapter or any other law:

(1) Public signs;

(2) Directional signs, when wall-mounted or, if detached, where not exceeding a height of three feet;

(3) Emergency signs;

(4) Portable electronic signs used by the city for special events;

(5) Way finding signs for public buildings and facilities;

(6) Development sign as described under section 113-158(b);

(7) Temporary window graphics, consistent with restrictions herein;

(8) Political signs displayed in conjunction with an election erected no earlier than 60 calendar days prior to the election and removed seven calendar days after the election.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-9. - Maintenance.

Any individual, business or corporation who owns, erects, establishes, paints, creates or maintains any sign, including a nonconforming sign, shall maintain the sign in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks, or loose, dangling or torn materials. All lighting shall also be kept in good order, and burnt out bulbs shall be replaced.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-10. - Sign approval as part of site plan approval.

(a) For all developments requiring site plan approval, information on the proposed design and location of all permanent and temporary signs for the life of the project, subject to the guidelines presented herein, shall be submitted for review and approval by the planning and zoning commission.

(b) A site plan application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings, and shall be submitted in both paper and electronic format. The specific contents of the application shall be described in the application packet.

(c) The site plan application shall not be accepted for processing until all required information as described in the application is provided to the community development department and appropriate fees are paid.

(d) Any amendment or modification to an approved site plan application shall be resubmitted for approval. All amendments shall be shown on a site plan amendment application.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-11. - Kiosk signs.

(a) Purpose. The purpose of a kiosk sign is to provide a uniform, coordinated method of offering developers a means of providing directional signs to their projects that are located within the city or the city's municipal planning area, while minimizing confusion among prospective buyers who wish to inspect development projects, while promoting traffic safety and reducing the visual blight of sign proliferation.

(b) Authority to erect in rights-of-way. The city is permitted to erect kiosk signs in the public right-of-way at sites approved by the city manager or designee.

(c) Permit required. The city shall review and approve all proposed locations prior to installation of kiosk signs.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-12—113-40. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 113-41. - Code administrator.

The city manager or designee shall be the authorized code administrator for the city. The city manager or designee shall implement, administer, and enforce this chapter, and may establish rules, regulations and procedures to implement, administer and enforce this chapter.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-42. - Sign permit applications.

(a) A sign permit application shall be made to the community development department. Such application shall be made on forms, together with documents and drawings. The specific contents of the application shall be described in the permit application packet.

(b) The city manager or designee shall not issue permits for the use, construction, reconstruction or alteration of any sign structure, until adequate information is submitted to determine the proposed action is in conformance with the provisions of these sign regulations.

(c) The city manager or designee may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of this chapter or this Code.

(d) No permit for a sign issued by the city shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.

(e) Whenever any sign for which a permit is required by this chapter has been placed, erected or displayed without first obtaining a permit, a special investigation shall be made before a permit may be issued. If a permit is obtained after a sign has been erected, the sign fee shall be doubled.

(f) Whenever any sign requires an electrical permit, both the sign permit and the electrical permit must be issued and obtained simultaneously or may be included under one sign permit.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-43. - Permit fees and refunds.

(a) Before the city issues any sign permit required by this chapter, the applicant shall pay all fees in accordance with the schedule as set by city council resolution.

(b) For refunds, the applicant must submit a refund request form along with a copy of the sign permit to the city manager or designee. Refunds shall be permitted in accordance with the provisions of the International Building Code as adopted and amended by the city.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-44. - Variances, comprehensive sign programs and administrative appeals.

(a) An application requesting a variance from the provisions of this chapter shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.

(b) An application for a comprehensive sign program required by this chapter shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with the site plan process in section 125-33, as it exists or as it may be amended.

(c) An application for administrative appeal shall be submitted to the city manager or designee and acted upon by the board of adjustment in accordance with chapter 125, as it exists or as it may be amended.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-45. - Violations and revocation of permits.

The city manager or designee may revoke any permit authorizing the erection of any sign that is in violation of the permit or this chapter. The following is the revocation process:

(1) Notice of the city manager or designee's decision to revoke a sign permit shall be served upon the applicant and/or business owner of such permit:

a. By delivering in person a copy of the notice to the applicant of the permit or to one of its officers;

b. By leaving a copy of the notice with any person in charge of the premises;

c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit; or

d. By posting a copy of the notice on the sign in violation and by the certified mailing of another copy of the notice to the last known post office address of the applicant and/or business owner of such permit.

(2) The applicant of the permit may appeal the decision of the city manager or designee to revoke the permit to the board of adjustment, in writing, within 15 calendar days from the date when the notice was served.

(3) If no appeal has been taken at the end of 15 calendar days, the permit is revoked. The city manager or designee shall then initiate the process for the removal of the illegal sign in accordance with section 113-46.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-46. - Removal of signs.

(a) The city manager or designee is authorized to require removal of any illegal sign.

(b) Before bringing an action to require removal of any illegal sign, the city manager or designee shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specify the deficiencies or defects and what repairs, if any, will make the sign conform to the requirements of this chapter, and specify that the sign must be removed or made to conform with the provisions of this chapter with the notice period provided in subsection (c) of this section.

(c) Notice period.

(1) The notice period for permanent signs shall be five calendar days.

(2) The notice period for temporary signs shall be 48 hours.

(3) Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.

(d) Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit or the last known address.

(e) If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the city manager or designee that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, then the city manager or designee shall certify the violations to the city attorney for prosecution.

(f) The city manager or designee may remove any illegal sign which exists or has been re-erected after the expiration date of the notice period, if the owner or lessee of the premises has been issued a compliance notice at least once before for the same violation involving the same or similar sign.

(g) Notwithstanding the above, the city manager or designee may cause the immediate removal or repair (without notice to the owner of the sign, or of the property on which it is located) of any unsafe or defective sign or signs that creates an immediate hazard to persons or property, or of any sign which is placed in any right-of-way in violation of section 113-5.

(h) If the city removes an illegal sign pursuant to this section, the city may petition the court to recover the costs, expenses and attorney fees that the city incurred in removing the illegal sign and in bringing the petition for recovery. If the court finds by a preponderance of the evidence that the city is entitled to recover, the court may order the defendant to pay to the city the amount of the costs, expenses and attorney fees reasonably incurred by the city, and may enter judgment in favor of the city and against the defendant in that amount.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-47. - Penalties for violations.

Any person who violates any provision of this article or any provision of any code adopted by this article shall be guilty of a civil or criminal violation.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09; Ord. No. 09-35, § 1, 9-10-09)

Sec. 113-48. - Liability for damages.

The provisions of this chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person which erects or owns any sign for personal injury or property damage caused by the sign; nor shall the provisions of this chapter be construed to impose upon the city's officers, city manager or the employees any responsibility or liability by reasons of the approval of any sign under the provisions of this chapter.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-49—113-69. - Reserved.

DIVISION 2. - NONCONFORMITIES

Sec. 113-70. - Maintenance.

Any person owning or maintaining a legal nonconforming sign shall maintain such sign in good condition pursuant to section 113-9.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-71. - Alterations.

It is unlawful for any person owning or maintaining a legal nonconforming sign or sign structure to alter, reconstruct, replace or relocate such sign. Reasonable repair and maintenance of said sign is limited to a maximum total of 50 percent of the sign's or structure's reproduction cost as determined from an appraisal by a competent appraiser.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-72. - Removal.

(a) Any person owning or maintaining a legal nonconforming sign shall remove or bring the sign into conformance with this chapter when:

    (1) More than 50 percent of the reproduction cost of the sign or sign structure has been damaged or destroyed or by any means taken down;

    (2) The condition of the sign has deteriorated to such an extent that the cost of repairs exceeds 50 percent of the reproduction cost of the sign or sign structure as determined from an appraisal by a competent appraiser;

    (3) The use of the sign or the property on which it is located has ceased, become vacant or been unoccupied for a period of three months or more.

(b) In the event any of these should occur, the sign shall be presumed to be abandoned and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or structure upon which the sign or sign structure is erected within 30 calendar days after written notification from the community development director.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-73—113-102. - Reserved.

ARTICLE III. - LOCATION, DESIGN AND CONSTRUCTION SPECIFICATIONS

Sec. 113-103. - General regulations.

(a) All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of this Code.

(b) Signs are considered a component of the site's design and building architecture; and they shall be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting so that they are complimentary to the overall design of the building.

(c) The owner of any building shall identify every building or groups of buildings with a street number sign. The street number sign shall not be computed as part of the total of the sign area permitted and shall not require a permit. Refer to the Code section on Building identification for requirements.

(d) New development shall anticipate the need for signs and provide a comprehensive sign program that:

(1) Establishes a theme of conceptual master design for all signs within the comprehensive sign program;

(2) Allows for flexibility for new users as buildings are re-tenanted;

(3) Provides for convenient and attractive placement of signs;

(4) Specifies quality materials that complement the style, color, and materials of the building.

(e) New signs proposed for attachment to existing buildings must provide a compatible appearance with the building sign of other tenants and where multiple signs exist on a single building there shall be unifying elements such as size and/or color to reduce sign clutter and confusion.

(f) The use of metal is an acceptable material for signs; provided that it has been formed, etched, cast, engraved, and/or properly primed, treated, painted, or factory-coated to protect against corrosion.

(g) The use of wood is an acceptable material for signs; provided that it is compatible with architectural character of the development and it is properly scaled, primed, painted, or stained.

(h) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(i) All sign supports shall be an integral part of the sign design. There shall be no visible angle iron supports, guy wires, braces, or other supports.

(j) Cabinet signs shall only be permitted when constructed with aluminum or other solid opaque face containing routed copy or letters mounted to the aluminum cabinet. Lexan, acrylic, or any other type of backlit material is not permitted except when used in individual routed lettering. The use of opaque vinyl on lexan, acrylic, or any similar material shall not be permitted as an acceptable face material except when used as individual lettering.

(k) Signs shall be placed so they are not obscured by landscaping when it has reached full maturity.

(l) Illuminated signs and flagpoles are permitted by this article unless otherwise specified. Illumination may be either by direct, internal or internal direct as allowed herein, and it is unlawful for any person to install illumination that creates any glare or reflection onto any adjacent property, or onto a street or alley, or into the night sky or so as to create a traffic hazard.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-104. - Requirements and standards.

(a) Sign measurement criteria.

(1) Area. Sign area for all sign types is measured as follows:

Sign Area Measurement

a. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area

contained within the sum of the smallest rectangle that will enclose both the sign copy and the background.

b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle that will enclose each word and each graphic in the total sign.

Sign Area includes Logo

c. Sign copy mounted, affixed, or painted on an illuminated surface, or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner board signs, and/or interior lit awnings.

d. Multi-face signs are measured as follows:

1. Two face signs: If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.

2. Three or four face signs: The sign area is 50 percent of the sum of the areas of all sign faces.

e. Spherical, free-form, sculptural, or other nonplanar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.

(b) Sign illumination. All permanent signs may be nonilluminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified.

(1) Internal illumination. Signs with internal illumination shall conform with dark sky principles and not cause glare or reflection onto any adjacent property, street, or alley, or so to create a traffic hazard.

(2) External indirect illumination. Externally lit signs are permitted to be illuminated only with steady, stationary, down-directed and shielded light sources directed solely onto the sign. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

(3) Neon and LED.

a. Exposed neon tube illumination and LED is not permitted.

b. Visually exposed neon is permissible in the nonresidential districts as long as the neon has a clear plastic face to protect it from breakage and weather damage. Visually exposed neon and LED shall not be permitted on freestanding signs.

c. Neon illumination utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or other features, consistent with the definition of "sign" in section 113-2, shall be included in the total square footage of the sign.

d. Neon, LED or other forms of illumination shall not be used as a border or outline for any architectural element of the building.

(c) Structure and installation.

(1) Raceway cabinets. Raceway cabinets, where used as an element of building-mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway provides a contrast background to sign copy, the colored area is counted in the aggregate sign area permitted for the site or occupancy. Raceways shall not be used on roof-mounted signs, freestanding signs, or landscape wall signs.

(2) Support elements. The support elements for all signs shall appear to be free of any angle iron, bracing, guy wires or similar features.

(3) Electrical service. When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building-mounted signs, including conduit, housings, and wire, are to be entirely concealed or, when necessary, painted to match the surface of the structure upon which they are mounted.

(4) Permanent signs. All permanent signs permitted by this chapter shall be constructed of durable material capable of withstanding continuous exposure to the elements and conditions of the urban environment.

(d) Sign maintenance. It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signage thereon, in conformance with this Code. Failure to maintain signs and/or property constitutes a violation of this Code.

(1) General maintenance. Complete maintenance is required for all signs, whether or not in existence prior to the adoption of the ordinance from which this chapter is derived. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation and provisions of this chapter.

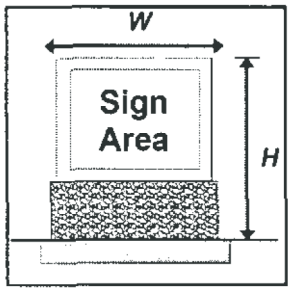
(2) Landscape maintenance. Replacement of plant materials that do not survive after installation in required landscaped areas is required within the next planting season or within six months of the plant's demise. Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance.

(3) Removal of unused sign support structures. Removal is required of any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of old signs, which are not currently in use, or proposed for immediate reuse evidenced by a sign permit application for a permitted sign.

(4) Removal of obsolete signs. Signs which conform to the provisions of this chapter, but which reflect obsolete sign copy, may remain in place; provided that the sign copy is left unlit and/or blank for a time period up to 30 calendar days after the use or activity it identified has ceased and/or the property has become vacant. A one-time extension of 30 calendar days may be granted by the city manager or designee, provided the copy has been left unlit and/or blank, and when such extension is requested by the owner or person in control of the vacant property.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-105. - Sign height.

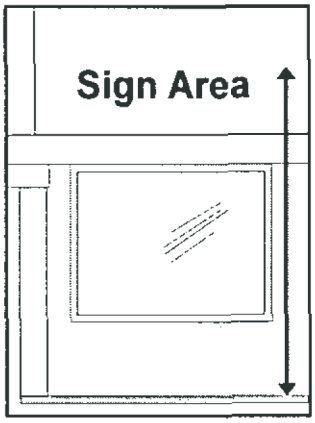


Sign heights shall be measured as follows:

Sign Measurements

(1) Freestanding sign. The height of all signs shall be the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

(2) Wall, fascia, mansard and parapet-mounted signs. Height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.



Wall Sign

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-106. - Inspections.

All signs for which a permit is required shall be subject to the following inspections, unless waived by the city manager or designee:

(1) Footing inspections on all freestanding signs except freestanding signs that are five feet or less in height with a maximum area of 32 feet;

(2) Electrical inspections on all signs prior to placement;

(3) Final inspection that shall cover the sign location, structural members and placement of the inspection marker in accordance with this article.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-107. - Inspection markings.

Any person installing or erecting a permanent sign as regulated by this chapter shall ensure that such signs be marked with the maker's name and the person erecting such sign, the date of installation, and the permit number as approved by the city manager or designee.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-108—113-127. - Reserved.

ARTICLE IV. - ZONING DISTRICT RESTRICTIONS

Sec. 113-128. - Residential zones.

(a) Residential uses in residential zones.

(1) Generally.

a. Applicable zones. This subsection (a) applies to all signs for residential uses, and in all residential areas which are vacant or are in a planned area development (PAD) zone.

b. Permitted signs. Only signs that are specifically permitted by this subsection (a) are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.

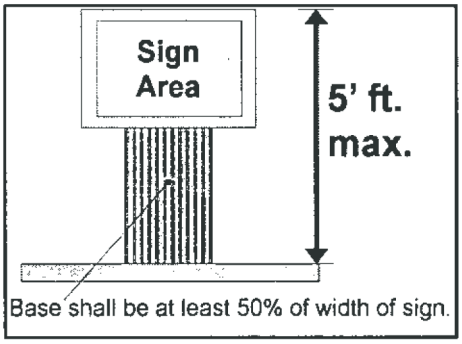
c. Aggregate sign area allowed.

1. Parcels less than or equal to two acres. Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is less than two acres shall not exceed one and one-half square feet.

2. Parcels larger than two acres. Except as otherwise permitted, the aggregate sign area for any parcel located in a residential zone and which is larger than two acres shall not exceed eight square feet.

(2) Wall signs. Wall signs are permitted, but shall not exceed a height of 15 feet.

(3) Freestanding signs.



Freestanding Sign

a. One freestanding sign shall be permitted on each parcel with a maximum height of five feet and a maximum area of one and one-half square feet.

b. A freestanding sign may include only the name of the occupant and the street address. Such sign shall not include any advertising copy.

c. The base shall have an aggregate width of at least 50 percent of the width of the sign.

d. Reader panels are not permitted.

(4) Residential entry sign. A maximum of two residential entry signs, placed at the entrance to a multifamily or duplex development, manufactured home park, or single-family development only in order to identify the name of the development, and with a maximum aggregate area of 48 square feet shall be permitted at each main entrance. The residential entry signs may be freestanding signs. The residential entry signs may include only the name of the development and the street address, and shall not include advertising copy.

(5) Temporary signs. Temporary signs are only permitted in accordance with article V of this chapter.

(b) Nonresidential uses in residential zones.

(1) Generally.

a. Applicable zones. This subsection (b) applies to all signs for nonresidential uses in residential zones which includes, but are not limited to, churches, schools, institutions, commercial farms or ranches, public facilities and similar activities which are located in R1-43, R1-18, R1-12, R1-8, R1-5, R-2 or R-3 zones and for all nonresidential uses in residential areas in a planned area development (PAD) zone.

b. Permitted signs. Only signs that are specifically permitted by this subsection (b) are allowed. Any sign that is not specifically permitted by this subsection (b) is prohibited.

c. Maximum aggregate area. The maximum aggregate area of all signs on a parcel shall not exceed 48 square feet.

(2) Wall signs. Wall signs are permitted.

(3) Freestanding signs.

a. One freestanding sign shall be permitted on each parcel with a maximum height of ten feet and a maximum area of 24 square feet.

b. A freestanding sign may include only the name of the facility, building or organization it is intended to identify. Such sign shall not include any advertising copy. The sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.

c. The base shall have an aggregate width of at least 50 percent of the width of the sign.

(4) Wall, fascia, mansard and parapet signs. Wall, fascia, mansard and parapet signs are permitted, and may identify the facility, building or organization by name or by name and principal activity when the name alone does not identify the general nature of the use, and may include the street address.

(5) Directional signs. Directional signs are permitted when required to assist the flow of traffic. Directional signs shall not exceed six square feet in area or three feet in height. Off-site directional signs are prohibited.

(6) Directory signs. Directory signs are permitted for nonresidential uses in multi-residential developments and other multiple-tenant facilities. Directories shall be provided at all driveway entrances for all multi-residential developments, mobile home parks, or when required by the fire chief or designee.

a. Each directory shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet.

b. The number and location of the signs must be approved by the city manager or designee and the fire chief.

(7) Reader panels.

a. Reader panels shall only be permitted for schools and public facilities located in residential zone districts to identify school and community activities.

b. All electronic message displays shall be turned off between the hours of 10:00 p.m. and 7:00 a.m. each day.

c. Fifty percent of the maximum sign area may be used for changeable copy whether it is LED, plastic zip track, or any method of replaceable lettering.

1. Any sign using plastic zip track or any other method of replaceable lettering shall have a secured, clear, plastic or lexan cover to mitigate the risk of potential vandalism.

2. Any sign using an electronic messaging system shall not be visible to any minor or major arterial street.

(8) Temporary signs. Temporary signs are only permitted in accordance with article V of this chapter.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-129. - Nonresidential zones.

(a) Generally.

(1) Applicable zones. This section applies to all signs in nonresidential zones and in all nonresidential areas in a planned area development (PAD) zone, unless otherwise restricted.

(2) Permitted signs. Only signs that are specifically permitted by this section are allowed. Any sign that is not specifically permitted by this subsection (a) is prohibited.

(3) Aggregate sign area allowed.

a. Unless otherwise modified by this section, the maximum aggregate sign area for any business is one square foot of signage for each linear foot of the business wall elevation along the street frontage on which the sign is displayed. Businesses on a separate parcel or lot, or on a PAD site within a project of three or more businesses, shall be permitted sign area as described in subsection (a)(3)a of this section for any one elevation, with sign area on all other elevations not to exceed one-half square foot for each linear foot of elevation where the sign is displayed.

b. The total aggregate area excluding all freestanding signage shall not exceed 300 square feet and the maximum total sign area of any one elevation shall not exceed 200 square feet. Businesses that share a building structure and do not have a designated leased/owned frontage shall be considered one business for the purpose of determining total aggregate area of street graphics.

(b) Wall, fascia, mansard, and parapet.

(1) Generally.

a. Wall, fascia, mansard and parapet signs are allowed only on the exterior elevation of the space occupied by the business.

b. Wall, fascia, mansard or parapet signs may identify the individual businesses, building complex, or center, by name, and may identify up to three principal services when the name alone does not identify the general nature of the business. Any wall, fascia, mansard or parapet sign may include the street address, but shall not include advertising copy.

c. Units of information. Modifiers may be used on building wall signs only and shall be identical for each elevation in which the sign is displayed. The maximum height of the modifiers shall be subordinate to the vertical letter height of the business name, but shall not be less than 12 inches. Such signs shall be included when computing the sum total sign area allowed for each use.

(2) Wall, fascia, mansard and parapet signs for theaters.

a. One wall, fascia, mansard or parapet sign for a theater may contain the name of the theatre on the elevation where the sign is displayed. Such signs shall be permitted as described in subsection (a)(3)a of this section.

b. The reader panel shall be used exclusively for the purpose of identifying entertainment, motion pictures, or special events that occur on the premises. The sign area shall not exceed 48 square feet.

c. Exterior poster cases shall be limited to six per theatre. The cases will not count toward the aggregate sign area.

(3) Shingle signs.

a. One shingle sign that is designed and oriented primarily for the aid of pedestrians is permitted per business.

b. The minimum clearance between the bottom of the sign and the nearest grade or sidewalk shall be seven feet, six inches. The size shall be approved by the city manager or designee. The shingle sign shall not be calculated within the overall aggregate sign area.

c. A shingle sign must be located immediately adjacent to the business it identifies. The sign must be perpendicular to the store front.

(c) Freestanding signs.

(1) Generally.

a. Freestanding signs are permitted.

b. The base of any freestanding sign shall have an aggregate width at least 50 percent of the width of the sign.

c. Any freestanding sign which identifies a single-tenant building shall only bear the name of the business or building it is intended to identify, and shall not include any advertising copy.

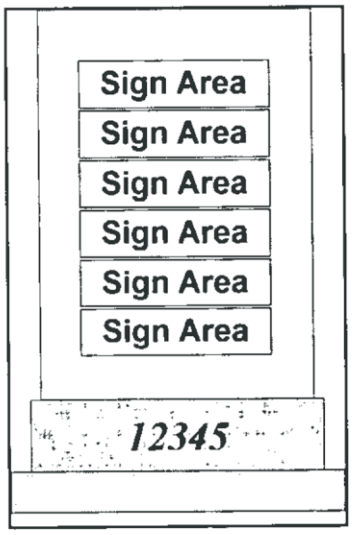
d. Any freestanding sign must include the number of the street address, but the area of these numerals shall not be included in calculating the allowed sign area.

(2) Maximum number and height of signs allowed. One freestanding sign shall be permitted per single-tenant building or multiple-tenant complex, except on parcels with multiple street frontages. On parcels with multiple street frontages, one sign is permitted on each street. The freestanding sign shall not exceed a height of ten feet.

(3) Aggregate sign area allowed.

a. Freestanding signs in industrial zones or for multiple-tenant complexes. The maximum aggregate sign area allowed for all freestanding signs in industrial zones or for multiple-tenant complexes is 48 square feet on parcels up to ten acres, 60 square feet for parcels up to 20 acres, and 80 square feet on parcels over 20 acres.

b. Freestanding signs for single-tenant buildings. The maximum aggregate sign area allowed for all freestanding signs for single-tenant buildings in the C-1 zone is 12 square feet. The maximum aggregate sign area allowed for all freestanding signs in the C-2 and C-3 zones is 36 square feet on parcels up to two acres, and 48 square feet on parcels over two acres.



Multiple Tenant Sign

(4) Identification of tenants in a multiple-tenant complex. Any freestanding sign within the multiple-tenant building or shopping center may identify the name of the building, complex, or center and the names of tenants within the complex. Such signs shall not include any advertising copy. Modifiers are permitted.

a. Panels shall only contain the name of the business or logo. No more than six panels per side are allowed on multiple-tenant freestanding sign. All individual panels will require a permit.

b. Panels shall not display business telephone numbers.

(d) Directional signs. Directional signs when required to assist the flow of traffic are permitted, but shall not exceed six square feet in area or three feet in height. Such sign may include business identification by word or symbol on up to 25 percent of the sign area.

(e) Directory signs. Directory signs when required to identify the location of the various buildings or businesses located within the center or complex are permitted as follows:

(1) Each directory sign shall be illuminated with a maximum area of 18 square feet and a maximum height of six feet. Such directories are required at all driveway entrances and approved by the fire chief or designee.

(2) The number and location of the signs must be approved by the city manager or designee.

(f) Noncommercial signs. In all commercial and industrial zones, noncommercial signs shall have a maximum area of 12 square feet and a maximum height of five feet.

(g) Permanent window signs. Window signs may be internally illuminated only with the use of exposed neon and LED lighting. There shall be a maximum of one sign per business and such sign shall be limited to no more than 15 percent of the area of the window panel. The sign area shall be calculated against the square footage allowed the business/use. Sign copy shall be limited to business identification and a graphic symbol or any combination thereof. In no case shall product signs be allowed.

(h) Reserved.

(i) Gasoline service stations.

(1) One monument sign per right of way frontage up to two total signs shall be permitted with a maximum sign area of 24 square feet each with a maximum height of five feet. Fifty percent of the allowable sign area may be used to identify the current price of gas being sold and may have changeable copy such as LED or zip track. Such signs shall be placed within a landscaped setting containing not less than 240 square feet.

(2) Canopy signs.

a. Such signs shall identify the business only.

b. The maximum number of signs per canopy shall be two.

c. The maximum sign area for any one canopy sign shall not exceed six square feet.

d. Any canopy sign will be calculated against total sign area allowed.

(j) Banks.

(1) Building wall signs.

a. Such sign shall identify the business.

b. The maximum sign area allowed for one linear foot of building wall shall be one square foot. The sign area on all other elevations is one-half square foot for each linear foot of elevation where the sign is displayed.

c. When the wall on which the sign is placed is 200 or more feet from any public right-of-way, the maximum sign area for each one linear foot of building wall shall be one and one-half square feet.

d. No part of a building wall sign shall extend above a roofline.

e. Such sign shall be installed with the exposed face of the sign in a plane parallel to the face of the building wall.

f. No part of a building wall sign shall project from a building wall a distance greater than 12 inches.

(2) Freestanding business identification signs. There shall be a maximum of one freestanding business identification sign per street.

a. Ground signs.

1. Such sign shall identify the business.

2. The maximum number of such signs per street shall be one sign.

3. Such signs shall be placed within a landscaped setting containing not less than 120 square feet.

4. The maximum area for such signs shall not exceed 12 square feet.

5. The maximum height of such signs shall be five feet.

6. Individual letters shall not cover a percentage of wall surface area greater than 50 percent.

b. Monument signs.

1. Such signs shall identify the business.

2. The maximum number of such signs per street front shall be one sign.

3. The maximum area of such signs shall be 24 square feet.

4. The maximum height of such signs shall be five feet.

5. The maximum vertical dimension of the cabinet or panel shall be four feet.

6. The maximum horizontal dimension of the cabinet or panel shall be ten feet.

7. Such signs shall be placed within a landscaped setting of not less than 240 square feet.

(3) ATM (automated teller machine) signs.

a. Such signs shall be located on the face of the machine.

b. Any such signs may identify the individual business name, logo, time, and principal services offered at the ATM.

c. The area of any such signs shall not exceed ten square feet.

d. The total sign area of all such signs at any one site shall not exceed 20 square feet.

e. The bezel and architectural border of an ATM sign shall not be included in the sign area unless they contain sign characters, logos, or other sign graphics.

f. The area of any ATM signage not visible beyond the boundaries of the property shall not be deducted from the sum total sign area permitted for the use.

g. Wording, symbols, and graphics which instruct persons on the use of the ATM shall not be considered part of the sign area unless they are visible beyond the boundaries of the property and attract the attention of the public.

(4) ATM (automated teller machine) directional signs.

a. Such signs shall be located only on a site offering automated teller services.

b. The maximum height of such signs shall be three feet.

c. The maximum area of such signs shall be four square feet.

d. A maximum area for business name or logo shall be one square foot.

e. Time-related information and other information commonly used by a business to reference its particular ATM is allowed.

f. The number and location of such signs shall be determined by the city manager or designee.

(k) Regional commercial subdivisions (20 acres or more).

(1) Entryway signs are allowed for commercial subdivisions.

(2) Such signs shall contain only the name of the subdivision.

(3) The maximum number of such signs for each entrance shall be two signs.

(4) The maximum number of such signs on each side of an entrance shall be one sign.

(5) The total area of such signs allowed at each entrance shall not exceed 24 square feet.

(6) The height of such sign shall not exceed five feet.

(l) Temporary signs. Temporary signs are permitted in accordance with section 113-157.

(m) Menu boards.

(1) Two menu boards are permitted per business. Such signs may be freestanding or wall-mounted.

(2) The maximum aggregate area for a menu board shall not exceed 24 square feet.

(3) The maximum height shall not exceed six feet.

(n) Awning signs.

(1) A maximum of 25 percent of the front face area of an awning may be used for signage.

(2) The sign area shall be measured according to section 113-104 unless a distinctive background is provided.

(3) If letters or graphics are placed on the valence, they shall not be placed elsewhere on the awning.

(4) Awning signs are allowed only on the exterior elevation of the space occupied by the business.

(5) Sign copy shall be limited to business name and/or logo.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-130—113-156. - Reserved.

ARTICLE V. - TEMPORARY SIGNS

Sec. 113-157. - Standards and regulations.

Temporary signs shall be allowed in accordance with the requirements of this chapter and the following provisions:

(1) Duration. Each parcel or business may have displayed upon it a temporary banner sign with the following limitations:

a. A temporary banner sign may not be displayed longer than 30 calendar days at a time.

b. A business is limited to two temporary sign banners per year with the exception of for sale, lease or rent signs, which may be displayed for a period of one year during the time the parcel is being sold, let or rented.

c. A new business may have an additional 30 calendar days beyond the limitations stated above for a grand opening sign.

d. Temporary banner signs must be attached to a building.

(2) Residentially zoned parcels smaller than five acre.

a. Number. Each parcel shall be entitled to one temporary sign for every 50 linear feet of right-of-way frontage (minimum of one sign per parcel).

b. Size and height. The maximum height for all freestanding signs is five feet. For sale, lease or rent signs shall be a maximum of 12 square feet with a maximum height of eight feet.

(3) Nonresidentially zoned parcels and residentially zoned parcels larger than five acres.

a. Number. Each parcel shall be entitled to one temporary sign displaying a commercial message for each side of the parcel that has right-of-way frontage, up to two temporary signs displaying a commercial message per parcel. Additionally, each parcel shall be entitled to one temporary sign displaying a noncommercial message for every 50 linear feet of right-of-way frontage.

b. Size and height. The maximum height for all freestanding signs is eight feet. For sale, lease or rent signs shall be a maximum of 32 square feet with a maximum height of eight feet.

(4) For multiple-tenant commercial or industrial parcels.

a. Each tenant with less than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 12 square feet in size.

b. Each tenant with more than 50 feet of store frontage shall be entitled to temporary banner signs, as stated above, applied to the storefront, not exceeding 32 square feet in size.

(5) Window signs. Such signs shall be affixed only to the interior surface of the glass. No more than 25 percent of the window on the front elevation of any business may be used for window signage. Such signs shall be used for promotional purposes and will not require a permit.

(6) Location. Temporary signs shall not be placed in the following locations:

a. Off-premises.

b. Within five feet of the public right-of-way.

c. Within a site visibility triangle.

d. Within a public utility, water or sewer easement.

e. Within any parcel owned by the city, except for temporary signs placed by the city for city events.

f. Affixed to any light pole, street pole, electrical box, or other similar structure.

(7) Permit. A city-issued permit shall be required before installing any temporary sign displaying a commercial message.

(8) Construction. Temporary signs may be made of paper, plastic, cloth or any other pliable material. Window signs may be painted with water-soluble paint directly on the window.

(9) Non-conforming temporary signs. Temporary signs that become non-conforming after the adoption of the Code shall be removed within ten calendar days.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-158. - Development information temporary sign.

The purpose of the development information sign is to inform the public of the development name and future tenants on developments under construction. The city manager or designee may remove any development sign or construction fence screen sign if said sign violates City Municipal Code, is deemed a public or private nuisance, or is a hazard to public health and safety.

(a) Applicability.

(1) Development signs or a construction fence screen sign shall be erected within 30 calendar days of application for a building permit or grading permit.

(2) The development sign or construction fence screen sign shall be maintained until all principle structures are completed in the designated construction area.

a. In cases where the initial building has been completed and subsequent permits for other principal buildings in the construction area have been applied for, the applicant for the latest building permit will maintain the sign.

b. Sign is to be removed after completion of all building permits posted on sign or as directed by the city manager or designee.

(3) Sign location to be submitted with new principle building permits.

(b) Development information sign.

(1) Duration.

a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.

b. Signs will be allowed for a period of one year.

(2) One sign per street frontage per construction area.

a. Construction area is to be determined by the city manager or designee.

(3) Freestanding sign size shall be 32 square feet.

(4) Maximum sign height shall not exceed eight feet.

(5) Signs must be updated for new projects in the construction area.

(6) Banner signs may be attached to a temporary construction fence.

(7) Sign text and graphics will follow City of Surprise development information sign format, unless modified by the city manager or designee.

(c) Construction fence screen sign.

(1) Duration.

a. Signs must be removed once all projects in the construction area are completed. This does not include tenant improvements.

b. Signs will be allowed for a period of one year.

(2) Maximum sign height shall not exceed eight feet.

(3) Sign must include:

a. Information provided in City of Surprise development information sign format (section 113-158(b)(7)) to exclude the elevation block.

b. Renderings or art relating to the site.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-159—113-182. - Reserved.

ARTICLE VI. - FLAGS AND FLAGPOLES

Sec. 113-183. - Regulations.

To regulate and control the use of permanent flagpoles on which a flag is located. It is unlawful for any person to place or install a flag in any zone except as follows: Any flag of the United States, or any state of the United States, foreign nations having diplomatic relations with the United States, the city, corporate flag, or any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, or any other flag whose display is authorized by the Constitution of the United States or the constitution of the state.

The provisions are subject to the following conditions:

(1) Only one of each flag with a maximum of three flags on any one lot or parcel shall be allowed.

(2) Parcels zoned R1-43, R1-18, R1-12, R1-8, and R1-5 shall not have more than one flagpole per parcel.

(3) No flagpole shall exceed the following heights per specified zone:

a. Parcels zoned R1-43, R1-18, R1-12, R1-8 and R1-5 shall not exceed 30 feet.

b. Parcels zoned R-2 and R-3 shall not exceed 35 feet.

c. Parcels zoned C-1, C-2, and C-3 shall not exceed 35 feet.

d. Parcels zoned industrial and business park shall not exceed 35 feet.

(4) Flagpoles shall not be placed except within a landscaped setting of not less than 200 square feet.

(5) Illumination of any flags or flagpoles shall be in accordance with section 113-103.

(6) Nothing in this section shall apply to any flag or flagpole located on any parcel owned or operated by any federal, state or local government for a governmental purpose.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-184, 113-185. - Reserved.

ARTICLE VII. - FREEWAY MONUMENT SIGNS

Sec. 113-186. - General requirements.

(a) Freeway monument signs shall be allowed only on properties zoned for commercial or industrial uses;

(b) Buildings in excess of three stories shall be identified only by a freeway monument sign or a building-mounted wall sign and shall not be eligible for the construction of or inclusion of both types of signs;

(c) For the purposes of this section, the height of all freeway monument signs shall be measured as the vertical distance from the finished grade of the site to the highest point of the sign structure;

(d) Freeway monument signs shall not be counted as a portion of the total sign area of the user(s);

(e) Freeway monument signs shall be required to provide an architecturally enhanced treatment for the sign base, pole cover and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of 35 percent of the full sign width;

(f) Freeway monument signs shall require a landscaped area equal to four square feet of landscaping for each square foot of sign area and shall be located around the base of the sign;

(g) For the purpose of this section, such signs shall only identify the name of the business, the center/complex, or the place for which the sign is intended. Such signs shall not include any advertising copy;

(h) Freeway monument signs may be illuminated by externally-illuminated indirect or internal lighting;

(i) Freeway monument signs shall not be allowed within a natural or manmade watercourse;

(j) Freeway monument signs shall be subject to all applicable Arizona Department of Transportation sign regulation standards;

(k) All freeway signage requests shall be processed administratively via site plan amendment process to determine conformity with the regulations within section [chapter] 113.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Sec. 113-187. - Location and size.

(a) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 100 feet from any residentially zoned property;

(b) All freeway monument signs shall have a maximum height of 80 feet, and 750 square feet in total sign area, unless as modified below;

(c) All freeway monument signs shall be allowed an extra three feet in height for architectural embellishments where architectural embellishments are defined as elements of a sign incorporating architectural features of the associated building or development; Embellishments shall not include any feature, figure or emblem conveying a commercial message and may not constitute more than 20 percent of sign area;

(d) For every 880 linear feet of freeway frontage, one freeway monument sign shall be allowed per site, development, project, or center. Such signs shall not be located off-premise, except that a multi-tenant complex/center sign may identify users within the complex/center located on separate parcels;

(e) For the purpose of this section, multi-tenant freeway monument signs shall be allowed an extra 20 percent of sign area for identification of the center/complex;

(f) Freeway signs shall maintain a minimum of 880-foot spacing from any other freeway monument sign, or from the intersection of any arterial road with the freeway;

(g) Freeway monument signs shall be located a minimum of 50 feet from any non-freeway lot line and a minimum of 200 feet from any residentially zoned property.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-188—113-194. - Reserved.

ARTICLE VIII. - COMPREHENSIVE SIGN PROGRAM

Sec. 113-195. - Regulations.

The comprehensive sign program is designed to allow signage which is appropriate to the character of the development, provide adequate identification and information, provide a good visual environment, promote traffic safety and regulate to the extent necessary to be consistent with the purpose and intent of the sign requirements.

(1) Criteria. Comprehensive sign programs shall only apply to commercial properties within redevelopment project areas, or to projects within planned area development zoning designations, approved by the planning and zoning commission and city council, and shall be prepared and reviewed concurrently with the planned area development documentation, or as a separate site plan amendment application for existing commercial centers.

    a. Any request for approval of the comprehensive sign program shall be submitted on forms provided by the city. Such application shall be submitted to the city manager or designee and acted upon by the planning and zoning commission in accordance with this section 113-195 of this chapter.

    b. The comprehensive sign program shall not be applied to freeway monument signs.

    c. Compatibility. The comprehensive sign program shall promote compatibility for all signs within a specific development. Architectural theme, materials and color should compliment the overall character.

(2) Size and height. Signs proposed under the comprehensive sign program shall be no larger than the maximum of 50 percent of the standards. The maximum height for freestanding signs is 15 feet with a maximum aggregate area of 160 square feet.

(3) Offsite signs. Projects, which have an approved commercial subdivision or final plat, may have offsite signage. The signs may be placed on parcels where an existing master site plan or residential development has been established.

(4) Placement. Signs proposed under the comprehensive sign program shall be placed appropriately in areas visible and readable. Review of location is considered by traffic movement of surrounding streets, traffic volumes and access points, AASHTO and engineering standards, visibility triangles, sign orientation and topographic features.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)

Secs. 113-196—113-215. - Reserved.

ARTICLE IX. - SIGN WALKER

Sec. 113-216. - Regulations.

Regulations regarding sign walkers, as defined in this chapter, are designed to reduce potential traffic hazards.

(1) Locations. Sign walkers are only permitted in C-3, BP, I-1, I-2 and I-3 zoning districts. The sign walkers must operate only within the public right-of-way, exclusive of any paved street area or any landscaped area.

(2) Hours of operation. Sign walkers are limited to the following hours of operation: 9:00 a.m. to 3:00 p.m., Sunday through Saturday.

(3) Permit required. Sign walkers are required to obtain a permit.

(4) Size of signs. Sign walker signs are limited to four square feet.

(5) Additional restrictions. Sign walkers may not twirl, spin, throw into the air or cause to flash their portable signage.

(Ord. No. 09-04, § 1(Exh. A), 1-22-09)