

EXHIBIT "A"

STAY BASIC SIGN REGULATIONS

Chapter 16.5 – STAY BASIC SIGN REGULATIONS

Sec. 16.5-1. - Purpose.

This section provides standards for the erection, alteration and maintenance of signs located within the city limits or its extraterritorial jurisdiction (ETJ). All signs not exempt as provided below shall be erected and maintained in accordance with these standards. A permit shall be required for signs greater than thirty-two (32) square feet in total sign area. The general objectives of these standards are to promote health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- (a) *Safety.* To promote the safety of persons and property by providing that signs:
 - (1) Do not create a hazard due to collapse, fire, collision, decay or abandonment.
 - (2) Do not obstruct firefighting, rescue, hazardous material response, or police surveillance.
 - (3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
- (b) *Communications.* To promote the transfer of information by providing that:
 - (1) Businesses and services may identify themselves.
 - (2) Customers and other persons may locate a business or service.
 - (3) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way.
- (c) *Landscape preservation.* To protect the public welfare and to enhance economic value by providing that signs:
 - (1) Do not create a nuisance to persons using the public rights-of-way.
 - (2) Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement.
 - (3) Are not detrimental to land or property values.
- (d) *Maintenance.* All signs whether on or off premises shall be maintained and kept in good repair.
 - (1) All signs having a painted face shall be kept free of fading, cracking, or peeling. If damaged, signs shall be repaired, repainted, or removed.
 - (2) All signs having plastic faces shall be kept free of cracks, gaps and holes. Broken or damaged faces must be repaired or the entire sign removed. Signs that have faces removed due to vacancy of the building the sign is intended for must have blank faces installed.
 - (3) Signs with paper or fabric faces must be maintained free of tears, rips, or voids where part of the text or face is missing. Fabric faces that are held in place with ties shall be kept secured, not allowed loose or missing ties.
 - (4) All poles shall be maintained in a uniform and sound condition. Poles that are dented to a point where they are leaning out of plumb or have bent support or hangers shall be repaired or removed. Poles shall be maintained free of rust and be uniform in color. Poles that are multiple colored by design are allowed.
 - (5) No permit is required for repairs or modifications which do not require structural or electrical alterations.

Sec. 16.5-2. - Administration.

The provisions of this chapter shall be administered by the Building Department and enforced by the Code Enforcement Supervisor and/or his/her authorized representative of the City of Copperas Cove.

- (a) *Compliance required.* It shall be unlawful for any person to alter, erect, construct, enlarge, move or convert any sign within the city limits or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee to the Building Department unless specifically noted otherwise in this article.
 - (1) No sign permit is required for government signs including traffic signs, private traffic-control signs, regulation address numerals, and memorial signs.
 - (2) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not altered.
- (b) No person may install a sign or structurally alter an existing sign except in conformity with this article and other applicable city ordinances.
- (c) The primary beneficiary of any sign installed, moved, structurally altered, maintained, or used in violation of this section shall be deemed responsible for the violation of this section.
- (d) The Director of Code Enforcement or his/her designee shall enforce and implement the terms of this article, including without limitation:
 - (1) Conducting appropriate inspections to ensure compliance with this article;
 - (2) Instituting legal proceedings, including suits for injunctive relief when necessary, to ensure compliance with this article; and
 - (3) Investigating complaints of alleged violations of this article.

Sec. 16.5-3. - Permit procedures and fees.

- (a) *Requirements.* No sign shall be erected, constructed, relocated, altered, or substantially restored except as provided in this chapter until a permit for such has been issued and the fee paid, except as otherwise provided in this chapter. All sign construction shall conform to the adopted codes and ordinances of the City of Copperas Cove.
- (b) *Application for permits.* All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building façade indicating the proposed location of the sign, and sign specifications. Applications shall be made to the Building Department on forms provided by the city. Application review shall be within thirty (30) days of the filing date of a complete application. Filing is deemed approved if not disapproved within 60 days.
- (c) *Fee required.* Fees for a permit to erect or relocate a sign shall be as provided in the City of Copperas Cove Fee Schedule.
- (d) *Alteration permit.* It shall be unlawful for any person to make structural or electrical alterations without a permit.
- (e) *Late fee.* When a sign is erected, placed, altered or substantially restored, or work started thereon before obtaining a sign permit, the permit fee shall be doubled. The late fee does not excuse full compliance with the provisions of this chapter.
- (f) *Electrical permit.* Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the Electrical Code of the city. No sign shall be erected in violation of the Electrical Code.

Sec. 16.5-4. Definitions.

For the purpose of this chapter, the following shall have the meanings respectively ascribed to them by this section:

Appurtenance. A small panel containing single or multiple words, symbols, or devices that serve to add to or become accessory to the main or larger sign. These are typically smaller signs or panels that are mounted adjacent to the main sign on the supporting structure of the main sign.

Attached sign. A sign attached to, applied on, or supported by, any part of a building (such as a wall or roof) which encloses or covers usable space.

Awning sign. A sign made of adhesive vinyl, or other materials, dyed or painted on an awning.

Banner. A sign made of cloth, paper, plastic or other non-rigid material that is painted, printed or affixed. This definition shall not include official flags of a country, state or local government jurisdiction.

Billboard. Any outdoor advertising sign independent of a building which directs attention to a business, commodity, industry or other activity which is sold, offered, or conducted elsewhere than on the premises upon which the sign is located or to which it is affixed or which is sold, offered or conducted on such premises only incidentally, if at all.

Building. Any structure built for the support, shelter, and enclosure or protection of persons, animals, chattels or movable property of any kind.

Building Department. A department responsible to protect public health, safety and general welfare associated with plan review, permitting, construction and occupancy of buildings and structures.

Changeable electronic variable message sign (CEVMS). A sign which permits light to be turned on or off periodically or which is operated in a way whereby light is turned on or off periodically (including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, LED [light emitting diode] sign or digital sign) and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

Chief Building Official. The officer or other designated authority charged with the administration and enforcement of adopted codes and ordinances.

Code Enforcement Supervisor. The officer or other designated authority charged with the administration and enforcement of adopted codes and ordinances.

Detached sign. A sign connected to the ground which is not an attached sign, inclusive of signs on moveable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation. (Also termed "pole sign" or "freestanding sign").

Device sign. A flag, hot air balloon, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are regulated and classified as attached or detached, by the same rules as other signs.

Effective area. The calculated area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the letters, symbols or designs drawn to scale, exclusive of its supports. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular façade.

Façade. Any separate face of a building, including parapet walls and vertical offsets, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within sixty (60) degrees of one another, they are to be considered as a part of a single façade.

Government sign. Signs which are legally required or necessary to the essential functions of government agencies.

Inflatable devices. Devices filled with air or other gasses either sealed or fed with a constant air supply (fan or pressure fed). These include but are not limited to balloons that are lighter-than-air and tethered, balloons that are filled with air and anchored or other inflatable devices that are set in motion by a constant air supply (air-powered devices).

Monument sign. A sign having a low profile.

Nonconforming signs. Any sign which does not conform to the time, place and manner provisions of this chapter.

Off-premises sign. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Political sign. Signs which, by their content, support or oppose any candidate for public office or any proposition to be voted upon at an election.

Portable sign. A sign temporarily fixed to a structure which can be regularly moved from its location at period intervals and is not permanently affixed to the real property.

Premises. A tract of land, the improvements upon it (building, store, shop, apartment, or designated structure) and its appurtenances.

Premises sign. A freestanding sign installed and maintained on the same premises as the business, person, or activity. (Also called "on-premises sign".)

Projected sign. A sign which extends out or beyond the face of the building which is perpendicular to the face of the building.

Protective sign. A sign which is commonly associated with safeguarding the permitted uses of the occupancy.

Sign. Any structure, part thereof or device which is located upon, attached to or painted or represented on any land or on the outside of any building or structure on an awning, canopy, marquee or similar appendage or permanently affixed to the glass on the inside or outside of a window of a building or structure. The term "sign" shall include the sign structure.

Sign support. Any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign.

Streamers. Streamers, pendants, flags, reflective tinsel and other devices strung on ropes or wires designed to be strung between buildings or poles.

Total Sign Area. The area within the perimeter of the sign face.

Traffic control sign. A sign which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

Vehicular or Mobile sign. Sign on vehicles parked temporarily, incidental to its principal use for transportation. This definition shall not include signs that are being transported to a site of permanent display, company name or logo painted or permanently affixed to the vehicle or signs on vehicles transporting goods or providing services.

Wall Sign. See "Attached sign".

Wind Device. See "Device sign".

Zoning district, business or manufacturing. Any business or manufacturing zoning district designated by the Zoning Ordinance of the City of Copperas Cove.

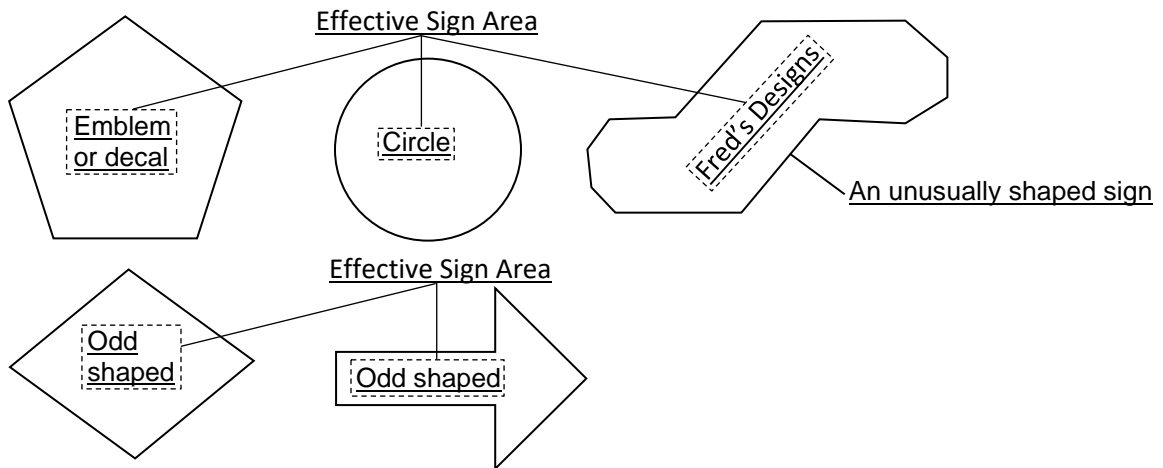
Zoning district, non-business. Any zoning district not designated as a business or manufacturing district in accordance with the above definition.

Sec. 16.5-5. - Provisions for all zoning districts.

Measurement of the effective sign area, sign height and sign setback.

(a) Effective Sign Area

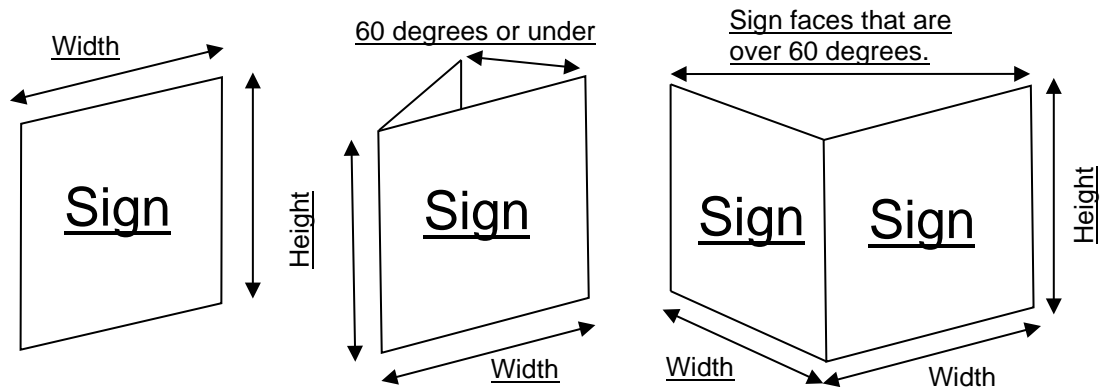
- (1) The effective area of a sign includes the features, designs and symbols, whether open or enclosed, on which they are displayed. The area of uprights, bracings and other structures supporting a sign shall be omitted in measuring the area of the sign.



NOTE: Channel letters, logos, and similar features are measured differently than cabinet signs – the wall space between multiple sign elements does not apply to sign area measurements.

- (2) The area for a sign with more than one face is measured by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 60 degrees or where the sign faces are parallel and not more than 36 inches apart.

NOTE: It is presumed that where sign faces are placed less than 60 degrees apart, both faces are not readable from any one point.



1 - Side Flat Sign

Width x Height = Sign Area

2 - Sided Angled Sign

60 degrees or Under

Width x Height = Sign Area

2 - Sided Angled Sign

Over 60 degrees

Width x Height = Sign Area

Width x Height = Sign Area

(b) Sign Height

The height of a sign is measured as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. Finished grade is the newly established grade after construction, exclusive of any filling, berms, mounding or excavating solely for the purpose of locating the sign.



(c) Sign Setback

The setback of a sign is measured as the shortest distance from each property line to the leading edge of the sign.




NOTE: *The setback should be measured from the property line to the edge of the sign, not to the pole, in the case of a pole sign.*



(d) Sign Type Table




The standards applicable to each permitted sign type are set forth in the table below. Signs listed in the table must be on-premises signs unless off-premises placement is specifically allowed.


Type	Max Area	Permit	Time Limit	Standards	Illustration
Awning		Yes, if greater than 32 SF	None	<p>Not less than 9 feet above the level of the sidewalk.</p> <p>Awnings must be flame resistant in accordance with National Fire Protection Association. (NFPA 701) or have a flame spread index not greater than 25 when tested in accordance with ASTM E 84 – Surface Burning Characteristics of Building Materials.</p>	
Banner	See Section 16.5-5, (f)(1)a.	Yes, if greater than 32 SF	None	<p>Must be affixed flush to a façade, awning or canopy, or attached flush to a fence. No stakes, posts, poles, A-frames or H-frames are permitted to secure a banner to the ground.</p>	

Type	Max Area	Permit	Time Limit	Standards	Illustration
Banner, Pole	12 SF	No	None	<p>One pole per 40 LF of lot frontage. Double banners are allowed per pole. Banners shall be separated a minimum of 5 feet not to exceed 10 poles per property. Height of banner pole must not exceed 35 feet. Must be secured to permanent pole and mounted with brackets manufactured for that purpose.</p>	
Canopy		Yes, if greater than 32 SF	None	<p>Must not be less than 9 feet above the level of the sidewalk.</p>	

Type	Max Area	Permit	Time Limit	Standards	Illustration
Feather Sign	Total Sign Area less than or equal to 32 SF	No	30 days	Only four such signs shall be allowed on the premises. Such signs shall not be placed in the public right-of-way and shall be anchored.	
Handheld Sign	10 SF	No	None		
Inflatable device, Commercial	N/A	Yes, if greater than 32 SF	14 days per permit, except for 30 days after grand opening.	Inflatable devices shall be properly anchored and tethered.	

Type	Max Area	Permit	Time Limit	Standards	Illustration
Projecting Sign		Yes, if greater than 32 SF.	None	<p>Every projecting sign must be placed at least 9 feet above the public sidewalk.</p> <p>See Section 16.5-9 (h).(1).</p>	
Pylon Sign	See Section 16.5-5, (e)(1)d.				

Type	Max Area	Permit	Time Limit	Standards	Illustration
Roof Sign	300 SF	Yes	None	A roof sign may not be placed on the roof of any building or structure in such manner as to prevent free passage along the roof or interfere with openings in the roof. Highest point must not extend 20 feet above the roof level.	
Streamers	N/A	No		Must not be tied to a utility pole or other public structure.	
Wall Sign	See Section 16.5-5, (f).				

Type	Max Area	Permit	Time Limit	Standards	Illustration
Window Sign	75% of the window area.	No	None	Perforated window signs (opaque) are allowed up to 100% of the window area.	

(e) Freestanding (Pole or Ground) Signs

(1) Maximum Height and Area

- a. Freestanding signs must conform to the area-height-setback relationship indicated in the table below.

<u>Maximum Area (sq. ft.)</u>	<u>Maximum Height (ft.)</u>	<u>Minimum Setback (ft.)</u>
<u>0 to 300</u>	<u>25</u>	<u>5</u>
<u>>300</u>	<u>75</u>	<u>25</u>

- b. Freestanding signs must not exceed a height greater than 75 feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
- c. Freestanding signs must not exceed three hundred (300) square feet in area, except as allowed in incentive provisions.
- d. Pylon signs must not exceed twelve hundred (1,200) square feet in area and shall be setback 25 feet, except as allowed in incentive provisions.

(2) Minimum Setback

A freestanding sign shall have a minimum setback of five (5) feet from the property line on which the sign is erected in relation to its area and height shown in the table above.

(3) Minimum Separation

A freestanding sign must not be nearer than ten (10) feet to any other sign, building or structure measured from the building or structure to the leading edge of the sign.

(4) Maximum Number Allowed

One freestanding sign is allowed per lot, tract or separate building. A lot or tract located at a street intersection is allowed one freestanding sign.

(f) Wall Signs

(1) Location and area

- a. A maximum of 75 percent of each occupant's store front, side or rear oriented to each street may be utilized for a wall sign. A single wall sign may not exceed three hundred (300) square feet in area.

- b. In the R-3 District, the maximum aggregate area of wall signs is two hundred (200) square feet.
 - c. A wall sign must not cover wholly or partially any wall opening, nor extend beyond the side edges of the wall.
- (2) Standards
- a. A wall sign must not exceed seventy (75) percent in area of each occupant's store front wall area oriented to the street.
 - b. The maximum height of such sign is eighteen (18) inches above the building if no supports are needed or utilized for the sign.
 - c. One such sign is permitted per business façade. Numbers/letters indicating property address are not to be counted in this calculation.
- (g) Standards for Off-Premises Signs
- (1) Design Standards
- a. Faces
An off-premises sign may be single-faced or double-faced, but may not contain more than one face on each side of the display.
 - b. Roof
An off-premises sign may not be erected or maintained upon the roof of any building structure.
 - c. Impediment
An off-premises sign may not be constructed where it blocks the windows or doorways of adjacent buildings.
 - d. Traffic Hazard
An off-premises sign is not permitted that, because of its size, shape or location, may endanger or obscure or obstruct the view of vehicular or pedestrian traffic. An off-premises sign must not be designed to be confused with any authorized traffic control device.
 - e. Construction
An off-premises sign must have a post and be constructed and erected in conformance with Chapter 4, Buildings, Construction, Related Activities.
 - f. Encroachment
 - i. A part, foundation or support of any off-premises sign may not be placed on, in or over any of the following:
 - a. Public property or street rights-of-way;
 - b. Telephone or utility poles.
 - ii. Encroachment into a public utility or drainage easement may be allowed by the Public Works Director or designee.

Sec. 16.5-6. - Billboards and other off-premises signs.

(a) *Size and height.*

- (1) Maximum sign face for billboards, including CEVMS signs, shall be six hundred seventy-two (672) square feet in area, with maximum dimensions of twenty-five (25) feet in height and sixty (60) feet in length.

- (2) No sign may have more than one (1) side facing a particular direction of travel on the main traveled right-of-way. Signs, which exceed three hundred (300) square feet, may not be stacked or placed side-by-side. If a sign is erected in a back-to-back or "V" type configuration, it cannot be double-faced, but will be limited to only one (1) face for each direction of travel.
- (3) No off-premises billboard sign shall exceed sixty (60) feet in height measured from the top of the sign to the roadway from which it is to be viewed or existing grade, whichever is higher.

(b) *Spacing and location.*

- (1) Off-premises signs are allowed only in the following zoning districts:
 - a. B-4—General Retail District
 - b. B-5—Commercial Services District
 - c. M-1—Manufacturing District
 - d. M-2—Heavy Manufacturing District
- (2) An off-premises billboard sign, including CEVMS signs, must not be erected within one thousand five hundred (1,500) feet of another existing or previously approved off-premises billboard sign on the same side of the roadway and no closer than fifteen (15) feet to the right-of-way.
- (3) Signs located at an intersection are not in violation of subsections (1) and (2), above if they are on perpendicular streets and are not facing traffic on the same street.
- (4) For spacing purposes, all measurements shall be made along the nearest edge of the highway or street right-of-way.
- (5) No off-premises sign may be erected within two hundred (200) feet of any property zoned for any one- or two-family dwelling.
- (6) Signs may not be operated or located in such a manner as to cause a vehicle operator to be distracted or confused or to obscure or interfere with official road signs, or hamper an operator's view of merging or intersecting traffic at road and driveway intersections or a road and railroad intersections.
- (8) Detached off-premises signs shall be located not less than two hundred (200) feet from any intersection involving two (2) or more major thoroughfares.
- (9) For purposes of this subsection, "existing or previously approved" off-premises signs or off-premises billboard signs shall include, but not be limited to:
 - a. All previously erected signs in existence at the time of a sign permit application, regardless of whether the previously erected sign:
 - i. Is a legal nonconforming sign;
 - ii. Is an illegal nonconforming sign; or
 - iii. Has received approval or a permit from the Texas Department of Transportation;
 - b. All off-premises signs or off-premises billboard signs, regardless of whether or not construction has begun, which have received a sign permit from the City of Copperas Cove prior to the permit application of another applicant whose sign location would be in violation of this subsection.

(c) *Other provisions.*

- (1) When a sign, or a substantial part of a sign, is damaged by natural causes, or otherwise destroyed, or taken down, or removed for any purpose other than maintenance operation, or as a result of or under the threat of eminent domain, it may not be re-erected, reconstructed,

or rebuilt except in full compliance and conformance with this chapter. For purposes of this section, "substantial" shall mean if the cost of restoration exceeds sixty (60) percent of the cost of a new sign of the same construction and size.

- (2) Wind loads and structural requirements shall conform to the International Building Code as adopted.
- (3) All off-premises advertising signs shall be permanently identified with the name of the sign owner or agency in control of the sign. Said identification shall be easily read from the roadway on which the sign is intended to be read and contain a phone number that will connect to the sign owner or agency in control of the sign.

Sec. 16.5-7 - General exceptions.

(a) *Monument signs (on-premise).*

- (1) Monument signs must be built on a monument base as opposed to a pole base. Such signs may be single or double-faced. Such signs and base shall not exceed seven (7) feet in overall height above the natural or average grade and the actual sign face shall not exceed a total area of eight four (84) square feet in total sign area. One (1) monument sign per adjoining street will be allowed. A minimum, setback of ten (10) feet from the public right-of-way is required.
- (2) Monument signs are permitted in all zoning districts and shall conform to the requirements in subsection (a)(1) above. No other detached on-premise signs are allowed.

Sec. 16.5-8. - Signs exempt from regulations.

(a) The following signs shall be exempt from regulation under this Code:

- (1) Any public notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (2) Any sign inside a building;
- (3) Decorative landscape lighting only;
- (4) Traffic control signs on private property. Such as "Stop", "Yield", and similar signs. The face of which meet Department of Transportation Standards and which contain no commercial message of any sort;
- (5) Address and postbox numerals conforming to incidental sign regulations;
- (6) Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
- (7) Legal notices;
- (8) Memorial or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries; and
- (9) Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance.

Sec. 16.5-9. – Prohibited Signs

The following signs are prohibited anywhere within the City or ETJ or in the applicable zoning district, or that exceed the height, area, or other dimensional regulations of the Code of Ordinances.

- (a) Abandoned Signs. The property owner of a sign must remove any sign that is abandoned such that it is no longer maintained or used.

- (b) **Animated Signs.** Animated or motioning signs with flashing lights, revolving beacon lights, fluttering, undulating, swinging, or otherwise moving parts.
- (c) **Glaringly Illuminated Signs.** A sign shall not have lights, including searchlights, that glare into or upon the surrounding area or any premises or distract operators of vehicles or pedestrians in the public right-of-way.
- (d) **Obstructing Signs.** A person may not erect, relocate or maintain a sign so as to prevent free ingress to or egress from any door, window or fire escape. A person may not attach a sign to a stand pipe or fire escape.
- (e) **Portable Signs.** Portable signs, except for sandwich boards. In addition, a person may not convert a portable sign into a permanent sign.
- (f) **Sign Creating a Traffic Hazard.** A sign or other advertising structure must not:
 - (1). Obstruct clear vision as to create a safety hazard by hindering the view of pedestrians, bicycles, or vehicular traffic at a street or intersection that results in impaired sight distance of the intersection;
 - (2). Cause a traffic hazard to simulate or imitate (in size, color, lettering, or design) any traffic sign, signal, or device, or in any manner interfere with, mislead, or confuse traffic;
 - (3). Present a traffic hazard by using illumination resembling an emergency signal; or
 - (4). Be installed, used, or maintained on any utility pole, traffic-signal pole, traffic-signal controller box, tree, public bench, streetlight, or any other structure located on or over any public property or public right-of-way.
- (g) **Unsafe Signs.** A sign must not constitute a hazard to safety or health by reason of inadequate design, structural integrity, disrepair or lack of maintenance.
- (h) **Signs on or over Public Right-of-Way.**
 - (1). A sign must not be erected so as to project into the public street right-of-way of any street or alley. Any projecting sign must not extend outward from any building face to the public right-of-way for a distance of more than ten (10) feet or to within one (1) foot of the street curb, whichever is more restrictive.
 - (2). It is unlawful for any person to place a sign, except a governmental sign on the premises of any public property, including but not limited to park land, median strips and public rights-of-way.
 - (3). A person may not attach any sign, paper, material, paint, stencil, or write any name, number (except house or street address numbers) or otherwise mark on or obstruct any sidewalk, curb, gutter or street.
 - (4). A person may not erect a sign over or in the public street right-of-way.

Section 16.5-10 *Enforcement and penalties.*

- (a) **Enforcement.** The provisions of this chapter shall be administered by the Chief Building Official. The Chief Building Official, any Building Inspector or Code Enforcement Officer or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making an inspection of buildings or premises necessary to carry out the enforcement of this chapter.
- (b) **Violation and penalties.** Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense. Each violation of this chapter shall be deemed a separate offense and each day

that a violation exists shall constitute a separate offense. This penalty should not be construed as exclusive, and the city may seek any other remedy available to it, in law or in equity.

- (c) *No culpable mental state required.* Except as otherwise provided in this chapter, proof of a culpable mental state is not required for a conviction of an offense under this chapter.
- (d) *Injunction; civil penalties.* The city shall have and retain the right to seek injunctive relief and/or civil penalties against any person, firm or corporation who is in the process of or about to violate any section, paragraph or part of this chapter. Such right of injunctive relief and/or civil penalties shall exist independent of the other penalty provisions of this chapter and not in lieu thereof.

Sec. 16.5-11. - Variance.

- (a) *Application and fee required.* Any person, business or other organization desiring to continue to construct, reconstruct, place, install, relocate, alter or use any sign which does not conform to the provisions of this chapter may make application to the City Council for a variance to the provisions of this chapter. The application will be reviewed by the City Council whose decision shall be final. The application shall be filed with the city, accompanied by the appropriate fee established by City Council, and conform to all requirements established herein.
- (b) *Requests for variances after permit denial.* Within thirty (30) days after denial of a sign permit by the city Chief Building Official, an applicant may file a written request for a variance with the City Council.
- (c) *Action.* Unless an extension or postponement is sought by the applicant, the City Council shall consider and take action on the written request for a variance within thirty (30) days of receipt of the complete application to the city.
- (d) *Standards for variances.* A variance shall not be granted unless the following findings are made by the City Council:
 - (1) The variance will not authorize a type of sign which is specifically prohibited by this chapter;
 - (2) The variance is not contrary to the purpose outlined by the city;
 - (3) Due to special conditions, applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the ordinance would result in unnecessary hardship. Financial or economic hardship alone will not satisfy this requirement;
 - (4) The spirit and purpose of the chapter will be observed.
- (e) *Conditions of variances.* The City Council may impose conditions or requirements necessary to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. If a variance is granted and the sign so authorized is not under construction within one-hundred and eighty days (180) calendar days of the date of approval of the variance, the variance shall lapse and become of no force or effect.