

Chapter 72 SIGNS*

*Editor's note: Ord. No. 899, adopted Oct. 6, 2003, set out provisions intended for use as Ch. 72. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as Ch. 72.

Cross references: Buildings and building regulations, ch. 22; businesses, ch. 26; streets sidewalks and other public places; ch. 78; traffic and vehicles, ch. 86; subdivisions, App. B.

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Sec. 72-1. Purpose.

The purpose of this section is to preserve, maintain, and encourage a positive city image of beauty, harmony, and safety thereby protecting the economic stability of Minden business, cultural and residential areas by establishing requirements for all signs. In order that the above stated purpose can be achieved, the following objectives are to be applied for this section and for any future additions, deletions, and amendments:

- (1) Identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent business.
- (2) Assure that off-premise advertising is compatible with adjacent land uses and does not obscure views of adjacent on-premise signs or development.
- (3) Signs may not be placed that will in any way obstruct the view at an intersection, driveway, parking lot or street.

(Ord. No. 899, § 23-1, 10-6-03)

Sec. 72-2. Definitions.

For the purposes of this section certain words and terms are hereby defined as follows:

Sign. Any words, numbers, figures, presentations, designs, trade-parks, pennants, emblems, banners, pictures, or other symbols which attract attention to or make known such things as an individual, firm, profession, business, commodity, or service and which are visible from any public street and/or right-of-way. This definition of "sign" shall include any structure designed to be used for said display. For the purpose of removal, "sign" shall also include sign supports.

Sign, abandoned. Any sign, including off-premise signs, which no longer correctly directs or exhorts any person or advertises a bona-fide business lessor, owner, product, service or activity. With the exception of a billboard in good condition which is for lease and has not been leased or is temporarily absent of a display.

Sign, advertising vehicle or trailer. Any vehicle or trailer which has as its basic purpose the advertisement of products or direction of people to a business or activity whether located on- or off-premise.

Sign, auxiliary. Any sign indicating general information such as pricing, trade stamps, credit cards, official notices, or services required by law, trade associations, and signs giving directions to offices, rest rooms, exits, and like facilities.

Sign, banner. A sign intended to be hung either with or without a frame for commercial purposes.

Sign, billboard. Any structure or portion thereof upon which are outdoor advertising signs which advertise, promote or otherwise disseminate information pertaining to goods, products, or services, including charitable appeals, or services, and political appeals or services and which are not related to goods, products, or services comprising the primary use of or on the premises on which the sign is located, being either:

- (1) Poster panels or bulletin normally mounted on a building wall or freestanding structure with advertising copy in the form of posted paper;
- (2) Multi-prism signs, same as above and alternating advertising messages on the display area; or
- (3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or free standing display area.

Sign, canopy. Any sign affixed to a structure made of cloth, metal, or other material with frames attached to a building and/or carried by a frame which is supported by the ground.

Sign, community service. Any sign which solicits support for or advertises a nonprofit community use, public use, or social institution. Such signs may include, but not be limited to seasonal holidays, school activities, charitable programs or religious activities.

Sign, damaged. Any sign which has become deteriorated or dilapidated as to require more than minimal reconditioning to restore it to an average normal safe state of repair.

Sign, free-standing. Any sign permanently affixed to the ground and which is not affixed to a building and which is not used for off-premises advertising.

Sign, governmental. Any sign indicating public works projects, public services, or other programs or activities conducted or required by any governmental subdivisions.

Sign height. Sign height shall be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

Sign, pendant. Any cloth, plastic, metal, or similar material suspended from one end to hang down with a written message or advertisement and any similar materials cut into strips and attached by strings, wire, or ropes and suspended in such a manner as to attract attention by waving and/or fluttering from natural wind currents.

Sign, off-premise. Any sign which directs attention to a business, profession, activity, commodity, service, or entertainment, other than one conducted, sold or offered upon the premises where such sign is located or within the building to which the sign is affixed.

Sign, on-premise. A sign limited to advertising the name and goods or services rendered on the premises where the sign is located or affixed.

Sign, political. A temporary sign identifying a political candidate, issue, or party.

Sign, portable. Any sign not permanently affixed to the ground or to a building and which is designed to permit removal and reuse or relocation without any disassembly.

Sign, realty. Any sign used to advertise a real estate development site or to advertise that real estate is for sale, rent, or lease and is located upon the premises so advertised.

Sign, roof. Any sign which is affixed to building roofs.

Sign, setback. Sign setback shall be the horizontal distance between a sign and the property lot line as measured from that part of the sign, including its extremities and supports nearest to any point on an imaginary vertical plane projecting from the property lot line.

Sign, temporary. A non-permanent sign erected, affixed or maintained on a premises for a short, fixed period of time designed to produce revenue by advertising services, sales, or other temporary promotional programs.

Sign, wall. Any sign affixed flat against and parallel to a building wall and shall include window areas.

(Ord. No. 899, § 23-2, 10-6-03)

Cross references: Definitions generally, § 1-2.

Sec. 72-3. General provisions.

- (a) Signs shall pertain to the identification of the primary uses and/or primary services provided or products sold on the premise, except billboards, auxiliary, governmental or community service signs, and are otherwise provided herein.
- (b) All signs shall meet the requirements of the Minden Building Code.
- (c) No person or business firm, acting either as principal or agent, shall erect or install any sign or sign structure until a sign permit for such work has been issued by the building code official to a contractor, owner or occupant of the premises where the work is to be done. The sign permit fee shall be \$25.00 plus \$3.50 for each \$1,000.00 value of the sign or fraction thereof. Sign permits may be included in building permits for new construction or renovations.
- (d) Written permission from the property owner is required for the permitting of any off-premise sign.
- (e) The locations on the property of all permitted signs shall be established when the permit is obtained. Signs erected or found moved from the specific location without permission from enforcing authority will void the permit and the sign shall be classified as nonconforming and ordered removed.
- (f) Signs with moving messages, time and temperature and temporary messages made from interchangeable characters attached to tracks or grooves on the sign board may be changed by the owner, occupant or their employees provided the sign has been approved, and constructed according to this section and the building code.
- (g) No sign, sign structure, or sign support shall project over any side or rear property line.
- (h) All businesses and residences shall be identified by a street address sign or numbers clearly visible from the street.
- (i) Signs with flashing, blinking, or traveling lights shall have light bulbs which do not exceed 40 watts each. No white, clear, or red bulbs may be used except on moving message signs. Yellow "bug light" bulbs, not exceeding 60 watts will be allowed. No flashing, moving, or blinking lights will be allowed on any sign within five feet of the public street right-a-way and below nine feet height.
- (j) Signs placed at or within five feet of the street right-of-way shall be so constructed and/or installed that an area three feet from the ground level to nine feet from the ground level shall be clear of all signage or supports which can obstruct a motorist's view when entering onto a street or at an intersection.
- (k) Where the right-of-way extends to such a depth that a sign placed at the right-of-way would not obstruct the view, the authority charged with enforcement of this section may allow the sign to be placed at the right-of-way and be exempt from the above mentioned three feet to nine feet requirement.
- (l) Where the topography of the sign location is such that the three feet height would obstruct the view or higher than three feet would not obstruct the view, adjustment may be allowed or required by the enforcing authority.
- (m) Signs within the aforementioned five-foot area off the right-of-way shall be attached to the ground, concrete, or asphalt so as to be as permanent as possible. A portable type sign, if so attached, would be permitted as a permanent free-standing sign provided it can meet the height and light requirements of this area.

- (n) Political signs shall be a maximum of 32 square feet (four feet by eight feet) with signage permitted on both sides. Political signs may not be placed on public property or in public right-of-ways. All political signs shall be removed within 30 days following the intended election. Upon failure to remove after one written warning of penalties for violation, the candidate in question, upon conviction under section 72-8, shall pay an additional fine of \$50.00 for each violation per location.
 - (o) It shall be unlawful for any person to paste, post, nail or attach in any manner any handbill, dodger, sign, card, placard or advertisement of any kind, business or political, to any pole, post or object on any public street, alley, sidewalks or other public ways.
- (Ord. No. 899, § 23-3, 10-6-03)

Sec. 72-4. Prohibited signs.

- (a) Any sign or its supports located on the public right-of-way, including public streets, alleys, and parkways. Street signs and other required governmental signs and markers are excepted.
- (b) Signs with flashing, blinking, or traveling lights except as may be permitted by this section. Any sign which does not comply with section 72-3 shall be prohibited.
- (c) Signs which resemble any official traffic sign or bear the words, stop, go, slow, caution, danger, warning or similar words.
- (d) Signs which by reason of size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or the light of an emergency or road equipment vehicle.
- (e) Signs which hide from view any traffic or street sign or signal or similar device.
- (f) Signs which emit sound, odor, or visible matter which serves as a distraction to person within the public right-of-way.
- (g) Off-premise advertising or billboard signs. Exception: Signs designed to give directions to businesses located off of main thoroughfares.

(Ord. No. 899, § 23-4, 10-6-03)

Sec. 72-5. Damaged or abandoned signs.

- (a) Signs which are broken, torn, bent or whose supports are broken, bent or damaged and those that are not reasonably level and plumb shall be repaired and so installed in a manner prescribed by the building official. However, in no case are repair requirements to exceed building code requirements and original condition of the sign and/or its supports.
- (b) Abandoned signs shall be removed or put into service. Removal shall include removal of poles and/or supports.

(Ord. No. 899, § 23-5, 10-6-03)

Sec. 72-6. Parking of advertising vehicles.

No advertising vehicle or trailer shall be parked on a public right-of-way, on public property as to be visible from a public right-of-way except signs normally found on commercial vehicles and trucks.

(Ord. No. 899, § 23-6, 10-6-03)

Sec. 72-7. Non-conforming sign abatement.

- (a) Any signs and their supports listed as prohibited signs or signs which do not meet the requirements of this chapter shall be immediately ordered to be removed by the building official. Notification shall be in such a manner that will best achieve due notice under the circumstances, including certified mail, hand delivery or publication.
 - (1) Within 30 days after notification or publication date, the signs and their supports that have been ordered to be removed shall be removed. If after 30 days, the signs have not been removed, the building official shall proceed to remove the non-conforming signs and dispose of them or in the case of large sign, proceed through court action to have them removed. All costs associated with the removal of a non-conforming sign will be billed to the owner of the property from which the sign is removed.
 - (2) When, in the opinion of the building official, a portable skid mount, or similar temporary sign is found to present an immediate threat to the safety of the general public it may be removed immediately with oral notice to the owner or lessor of the exact danger. In addition to the removal, the owner or lessor may, upon conviction under section 72-8 shall be fined \$50.00 for each such violation.
 - (b) All signs legally in existence on the effective date of this chapter but not meeting the provisions of this chapter shall be classified "non-conforming" and permitted to remain with reasonable repair and maintenance. Any non-conforming sign damaged beyond 60 percent of replacement cost of the structure shall be removed.
 - (c) All building permits previously issued for signs not yet erected will be valid for six months from the date of issuance. No renewals for locations which would be in violation of this chapter.
- (Ord. No. 899, § 23-7, 10-6-03)

Sec. 72-8. Violation and penalties.

Any person who violates the provisions of this chapter or fails to comply therewith shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$500.00 or imprisonment for not more than six months, or both.

(Ord. No. 899, § 23-8, 10-6-03)