

## SIGN CODE

### § 152.255 PURPOSE.

The intent of this code is to promote the public health, welfare, safety and community identity while improving the quality of the visual environment. The provisions of the Sign Code are not intended to and do not restrict, limit or control the content or message of signs. The Sign Code has the following specific purposes:

- A. To encourage the effective use of signs as a means of communication;
- B. To protect, conserve and enhance property values;
- C. To enhance the attractiveness and economic well-being of Ellettsville as a place to live and conduct business;
- D. To encourage creative and well-designed signs that contribute in a positive way to the Town's visual environment, express local character, and help develop a distinctive image in the Town;
- E. To recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances;
- F. To encourage, and to the maximum extent feasible, require that all signs within the Town be brought into compliance with the terms of the Sign Code;
- G. To reduce visual clutter;
- H. To discourage light pollution from improperly illuminated signs:
- I. To reduce traffic and safety hazards as to not distract motorists or create a hazard to vehicular and pedestrian traffic; and
- J. To prevent the proliferation of off-premises commercial signs which obscure the legitimate effort of local businesses to reasonably identify the location and nature of their business.

(Ord. 03-05, § 832-05, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010)

### § 152.256 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADVERTISING.** The use of any structure, placard, wall, banner, balloon, or other device or structure or part thereof, and which forms or on which is located graphics, symbols, lights, words and/or numbers intended to convey information to the public, and which announces, notifies, or promotes a person, organization, company, church, club, lodge, group, establishment, structure, product, goods or services. The expression of an opinion which does not announce, notify, or promote as outlined above, and which otherwise does not break any laws, is not advertising.

**A-FRAME SIGN.** An unlighted freestanding sign in the shape of an inverted-V, having a maximum sign face area of eight (8) square feet.

**AWNING SIGN.** A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

**BANNER.** A temporary advertising sign of lightweight fabric, plastic or similar material, which is not more than 32 feet in sign face area, and which is mounted flush on a building or mounted between two points.

**CHANGEABLE COPY SIGN.** A sign or portion thereof designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.

**FREESTANDING SIGN.** A lighted or unlighted permanent sign that is anchored to or into the ground, and which is not supported by or attached to any structure other than its own support structure. Freestanding signs include both monument and pole signs.

**GOVERNMENT SIGN.** A sign erected and maintained by or on behalf of the federal, state, county, or Town governments for the purpose of regulating traffic or for civic purposes.

**ILLUMINATED SIGN.** A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

**INFLATABLE SIGN.** Any object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic.

**INFORMATION SIGN.** Any on-premise sign which directs or regulates pedestrians or vehicle traffic within private property and includes information of a general directive or informational nature such as no parking, entrance and exit drives, loading area, self-service, and rest rooms; which bears no advertising matter, and does not exceed four (4) square feet of sign area per face.

**LIGHT TRESPASS.** Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

**MONUMENT SIGN.** A freestanding sign where the base of the sign structure is on the ground or a maximum of twelve (12) inches above the adjacent grade.

**MULTI-TENANT SIGN.** A sign that serves as a common or collective identification for two or more uses on the same premises.

**NON-COMMERCIAL OPINION SIGN.** A sign, which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election. A sign which meets the definition of an on-premise sign, an off-premise sign, and/or an advertising sign, shall not be considered a noncommercial opinion sign.

**OFF-PREMISES ADVERTISING SIGN.** A sign which announces, notifies, or advertises goods or services which are not located on the same property on which the sign is located.

**ON-PREMISES ADVERTISING SIGN.** A lighted or unlighted permanent sign located on the property on which an organization, or business is located.

**POLE SIGN.** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is nine (9) feet or more above grade.

**PORTABLE SIGN.** A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure with or without wheels.

**PROJECTING SIGN.** A lighted or unlighted permanent sign which is attached only to a building and projects at least six (6) inches but not more than six (6) feet from the face of the building. The sign shall not be supported by any posts or other support structure other than those devices which connect the sign to the building.

**ROOF.** A horizontal or sloping surface of a building which serves as a cover for the building or its entry, portico or other appurtenances. This definition shall include any part of a building which resembles a roof in form or function.

**ROOF SIGN.** A permanent sign painted on, supported by or attached to the roof or roof structure of a building. This definition shall not include a sign attached flat against the wall of a penthouse, or other integral part of a building, which projects above the main roof.

**SIGN.** Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties.

**SIGN FACE AREA.** The area of the sign used for displaying the symbols, words or numbers used to convey a message. In determining the area of the sign face, the smallest area described by a rectangle that completely encloses the message and symbols shall be used. A two-faced sign where the faces are parallel, or nearly parallel, and where the back of each face is separated from the back of the other by not more than twelve (12) inches shall be treated as one (1) sign face for purposes of calculating sign face area.

**TEMPORARY SIGN.** An unlighted sign intended to display either commercial or noncommercial messages of a transitory or temporary nature.

1. Shall be tightly secured. Torn or damaged banners shall either be replaced or removed entirely.
2. Temporary banner amortization period. Temporary banners, which do not conform to this subchapter, shall, within thirty (30) days after the effective date of this section, be removed or made to conform.

**UTILITY LOCATION MARKERS.** Markers installed by public utility organizations to identify the locations of gas, water, wastewater and electric valves, lines and other components of the system.

**WALL SIGN.**

1. A sign attached parallel to a wall or painted on a wall, with no part of the sign extending more than six (6) inches from the face of the wall, nor extending beyond the side or top of the wall to which the sign is attached.
2. Windows are not calculated into the total area of a wall for purposes of calculating total sign face area.

**WINDOW SIGN.** A sign affixed or painted to the interior or exterior surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. A sign attached to a window, but not projecting from or exceeding the frame limits of the window.

(Ord. 03-05, § 832-10, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010)

## **§ 152.257 GENERAL REGULATIONS.**

The following regulations apply to all signs in any zoning district:

- A. Height, width and ground clearance. Except as otherwise provided in this subchapter, the following are the maximum permitted height, width and ground clearance for all signs:
  1. Height. Except as permitted in this subchapter, no part of a sign shall extend more than twenty-six (26) feet above the highest point on the surface of the street adjacent to the sign, or in the absence of an adjacent street, not more than twenty-six (26) feet above the average elevation of the ground for a radius of fifty (50) feet around the sign.

2. Ground clearance. A portable, projecting or freestanding (pole) sign located within fifteen (15) feet of the edge of a street, alley, curblin or within any sight triangle shall have not less than nine (9) feet of open clearance between the bottom of any part of the sign and the highest point of the surface of the street or alley, and shall be supported by not more than two supporting structures below the sign face, each of which shall be not more than twelve (12) inches in-width or depth, and have not less than thirty-six (36) inches of open space between the supports.
    - a. Monument signs shall not be permitted within any sight triangle.
  3. Separation from streets. No part of any sign or support structure for a sign shall be closer than ten (10) feet to a street, alley or back of a curb, or five (5) feet to a property line, whichever is more.
- B. Lights and lighted signs. Lamp bulbs and reflectors shall not be visible from any location on adjacent property or from a street, and light shall not glare into any thoroughfare or onto a residential property.
  - C. Public property. No sign shall be placed in a public right-of-way or on public property except signs so placed by units of government on rights-of-way or other property under the unit's control without approval from Town Council. Signs shall not be attached to utility poles, traffic control signs or other permitted structures located on public property or in utility easements on private property.
  - D. Public safety/visibility. Any sign whether on public or private property which does not meet the requirements of this chapter for clear vision at intersections or which otherwise creates or causes a public safety concern is prohibited, and shall be removed.
  - E. Maintenance and removal. All signs shall be maintained in a readable state of repair. Signs which do not display any advertising or other message for a period of six (6) months, or which are in a state of dilapidation, shall be removed within thirty (30) days following notification.
  - F. Legal non-conforming signs. A sign which does not conform with the regulations under this subchapter and which existed at the time that a governing regulation made the sign legally non-conforming may remain for a specified time as determined by the Department of Planning until the sign is brought up to code, shall not have its message or ad copy changed, and may undergo normal repair and maintenance, but shall not be expanded in any dimension, shall not if unlighted be changed to a lighted sign, and shall not be relocated to another place.

(Ord. 03-05, § 832-15, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010)

### **§ 152.258 EXEMPT SIGNS.**

The following signs with the indicated conditions are permitted in all zoning districts.

- A. Government signs; any sign except animated signs, balloons or prohibited lights which are installed or permitted to be installed by a unit of government on land which the unit owns or controls;
- B. Legal notices; no trespassing, no hunting, survey markers and monuments, information-and warning signs; provided, they are used only to the degree necessary to adequately convey the intended message to the average person;
- C. Utility location markers, as defined in this subchapter;
- D. Any sign that is located completely within an enclosed building and that is not visible from outside of the building; and

- E. Memorials, tablets, grave markers, headstones, statutory/memorial plaques or such remembrances of persons or events that are non-commercial in nature.

(Ord. 03-05, § 832-20, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010)

### **§ 152.259 PROHIBITED SIGNS.**

The following signs are prohibited:

- A. Any sign not permitted by this subchapter;
- B. Any sign which does not conform with the regulations in this chapter;
- C. Flashing, strobing or blinking lights, and beacons or other lights which are used for a purpose other than solely to illuminate the face of a sign which are not part of the sign;
- D. No device or vehicle which has been, is or could be licensed as a vehicle, a trailer, or a part of a vehicle or trailer shall be used as either a temporary or permanent sign. This does not preclude the painting or placement of signs on vehicles which are licensed for and operated on streets for the purpose of providing mobile advertisement, provided the vehicle so equipped is otherwise in compliance with all local, state and federal laws pertaining to the operation of vehicles on streets;
- E. Changeable copy signs and electronic message signs shall not be permitted in residential districts;
- F. All miscellaneous advertising devices not specifically authorized by this code;
- G. Portable signs, or signs with movable stands, legs or wheels;
- H. Signs attached to fences, trees, street signs or utility poles;
- I. Abandoned signs;
- J. Signs on or within parked motor vehicles, farm equipment, all-terrain vehicles or other similar vehicles, designed to be conspicuously visible for advertising or informational purposes from outside the vehicle, other than trailer signs, lettering on trucks or other commercial vehicles;
- K. Signs that imitate, or can be confused with, traffic control devices;
- L. Off premise advertising; and
- M. Signs on microwave, radio, transmission or receiving towers or on satellite dishes.

(Ord. 03-05, § 832-25, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010)

### **§ 152.260 TEMPORARY SIGNS.**

- A. General temporary sign guidelines.
  - 1. Temporary signs shall be kept in good condition and any sign that is torn, faded or in the process of decline, shall be considered a public nuisance and shall be removed;
  - 2. Temporary signs shall be non-illuminated; and
  - 3. Undeveloped parcels, one (1) acre in size or larger may be permitted one (1) temporary freestanding sign up to thirty-two (32) square feet.
- B. The following guidelines shall apply to all residential districts and for properties used as single family or two-family residential in other zoning districts. These guidelines shall also apply to agricultural districts which are undeveloped.
  - 1. No Permit Required.
    - a. Non-commercial opinion signs, eight (8) square feet and under;

- b. Commercial temporary signs, eight (8) square feet and under, a maximum of one (1) sign per parcel;
  - c. One (1) temporary sign up to thirty-two (32) square feet may be displayed for a period of three (3) days up to four (4) separate occasions per year; and
  - d. All other temporary signs not listed shall not be permitted, except as permitted under 152.258.
- C. The following guidelines shall apply to all agricultural districts specifically used for agricultural purposes.
- 1. No Permit Required.
    - a. Non-commercial opinion signs, eight (8) square feet and under;
    - b. Commercial temporary signs, eight (8) square feet and under;
    - c. One (1) temporary sign up to thirty-two (32) square feet may be displayed for a period of three (3) days up to four (4) separate occasions per year; and
    - d. All other temporary signs not listed shall not be permitted, except as permitted under 152.258.
- D. The following guidelines shall apply to all commercial and industrial districts, excluding properties used primarily for single family or two-family residential. These guidelines shall also apply to agricultural districts used primarily for commercial or industrial purposes.
- 1. Permit Required.
    - a. Banners:
      - (i) Banners will be permitted for a period of thirty (30) days per permit;
      - (ii) A maximum of six (6) permits will be allowed per one (1) calendar year;
      - (iii) There shall be a minimum of ten (10) days between issued permits;
      - (iv) Banners shall be permitted a maximum of thirty-two (32) square feet in area; and
      - (v) A maximum of two (2) permitted banners may be displayed at any one time.
  - 2. No permit required.
    - a. Non-commercial opinion signs, eight (8) square feet and under;
    - b. Commercial temporary signs, eight (8) square feet and under, a maximum of two (2) signs per parcel;
    - c. Inflatable signs are permitted for two (2) separate periods of up to one (1) week each, per calendar year. Must be tethered at an elevation that does not exceed twenty (20) feet in height and not more than twelve (12) inches in diameter;
    - d. A-frame signs eight (8) square feet and under;
      - (i) Shall not obstruct pedestrian traffic or any ADA required path;
      - (ii) Shall be located within fifty (50) feet of an entrance to an approved use
    - e. Window signs that cover not more than twenty-five percent (25%) of all windows visible from public streets; and
    - f. Scrolling interior window display signs, which are located behind a glass window, and do not exceed nine (9) inches by thirty-six (36) inches.

**§ 152.261 PERMANENT SIGNS, Agricultural Districts (AG-1, AG-2).**

- A. General Requirements.

1. The maximum total sign area for all permanent signs on any one lot shall be one hundred (100) square feet;
  2. Electronic changeable copy signs shall not be permitted;
  3. Sign permits are required unless specifically exempted;
  4. Sign types not listed are not permitted;
  5. Properties in which the primary use is single or two-family residential shall follow requirements for signs permitted in residential districts (§ 152.263); and
  6. Sign lighting may be internal or external;
    - a. External lighting shall be shielded in a way to direct light onto the sign only and minimize light trespass onto adjacent properties;
    - b. External lighting shall not be permitted to be directed toward roads in a manner that could interfere with the vision of drivers; and
    - c. External lighting shall be directed downward only.
- B. Freestanding Signs.
1. Maximum of one (1) freestanding on-premises advertising sign; and
  2. Maximum sign area shall be forty (40) square feet per sign.
- C. Wall Signs.
1. There shall be a maximum of three (3) wall signs permitted per commercial or industrial structure; and
  2. Wall signs shall have a maximum sign area of forty (40) square feet.
- D. Other Signs.
1. One (1) manual changeable copy sign attached to the same support structure which holds the freestanding sign or on the side of the building shall be permitted.
    - a. The maximum sign area shall be thirty (30) square feet.
  2. One (1) freestanding sign is permitted at each entrance to a platted subdivision or otherwise recognized neighborhood.
    - a. Not to exceed three freestanding signs per platted subdivision or otherwise recognized neighborhood.
    - b. The maximum sign-area shall be twenty-four (24) square feet.
  3. Roof signs which are flush with and an integral part of the surface of the roof are permitted on commercial or industrial structures.
    - a. Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety.
    - b. Roof signs shall have a maximum sign area of forty (40) square feet.

**§ 152.262 PERMANENT SIGNS, Commercial & Industrial Districts (C-1, C-2, C-3, I-1, I-2).**

The following signs are permitted in the designated zoning districts subject to the conditions in this subchapter.

- A. Commercial and Industrial sign regulations, all districts.
1. Sign types not listed are not permitted.
  2. Sign permits are required unless specifically exempt.

3. Properties in which the primary use is single or two-family residential shall follow requirements for signs permitted in residential districts (§ 152.262).
  4. Sign lighting may be internal or external.
    - a. External lighting shall be shielded in a way to direct light onto the sign only and minimize light trespass onto adjacent properties.
    - b. External lighting shall not be permitted to be directed toward streets in a manner that could interfere with the vision of drivers.
- B. Signs Permitted in C-1 and C-2 zones.
1. The total combined sign face area for all permanent signs on any one lot shall be not more than the lesser of either one and a half (1.5) square feet of sign face area per linear foot of lot line adjacent to the street right-of-way or one hundred twenty (120) square feet total signage.
    - a. The total allowance shall be not less than 50 square feet on any lot.
    - b. Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.
  2. Freestanding Signs.
    - a. Maximum height for freestanding signs shall be fifteen (15) feet.
    - b. Maximum sign area shall be sixty (60) square feet.
    - c. Freestanding signs may be monument type or pole type freestanding signs.
    - d. Maximum of one (1) freestanding sign per lot.
  3. Wall Signs.
    - a. Maximum sign area shall be fifty (50) square feet.
    - b. Maximum of two (2) signs per exterior wall.
  4. Projecting Signs.
    - a. Maximum sign area shall be twenty-four (24) square feet.
    - b. Shall require written approval from Town Council; if projecting over a right-of-way.
    - c. Shall require written approval from INDOT if projecting over a state owned right-of-way.
    - d. Minimum clearance between the bottom of the sign and level ground shall be nine (9) feet.
  5. Roof Signs.
    - a. Maximum sign area shall be fifty (50) square feet.
    - b. Maximum of two (2) signs.
    - c. Signs which are flush with and an integral part of the surface of the roof are permitted.
    - d. Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety.
  6. Awning Signs.
    - a. Maximum sign area shall be twenty-four (24) square feet.
    - b. Only the portion of the awning with signage shall be included in the total sign area calculation.
  7. Changeable Copy Signs.

- a. Electronic changeable copy signs are permitted with Plan Commission approval in C-1 Zones and prohibited in C-2 Zones.
  - b. Manual changeable copy signs shall be permitted in both C-1 and C-2 Zones.
    - (i) Maximum sign area for wall mounted sign shall be thirty-two (32) square feet.
    - (ii) Maximum sign area for freestanding signs shall make up no more than 50% of the total freestanding sign area and must be incorporated into the freestanding sign.
8. Multi-Tenant Signs.
- a. Buildings with multiple non-residential tenants shall be permitted one freestanding, multi-tenant sign per street frontage.
    - (i) Maximum sign area shall be thirty (30) square feet plus twenty-four (24) square feet per tenant space.
  - b. Properties utilizing multi-tenant signs will not be permitted additional freestanding signs for each tenant.
  - c. Multi-tenant signs are not calculated in allowable total square footage.
- C. Signs permitted in C-3, I-1 and I-2 zones.
- 1. The total combined sign face area for all permanent signs on any one lot shall be not more than the lesser of either one and a half (1.5) square feet of sign face area per linear foot of lot line adjacent to the street right-of-way or two hundred (200) square feet total signage.
    - a. The total allowance shall be not less than fifty (50) square feet on any lot.
    - b. Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.
  - 2. Freestanding Signs.
    - a. Maximum height for freestanding signs shall be twenty-six (26) feet.
    - b. Freestanding signs may be monument type or pole type freestanding signs.
    - c. Monument type signs.
      - (i) Maximum sign area shall be one hundred twenty (120) square feet.
    - d. Pole type signs.
      - (i) Maximum sign area shall be eighty (80) square feet.
    - e. One (1) freestanding sign per five hundred (500) linear feet of frontage, maximum of two (2) freestanding signs.
  - 3. Wall Signs.
    - a. Maximum sign area shall be sixty (60) square feet.
  - 4. Projecting Signs.
    - a. Maximum sign area shall be twenty-four (24) square feet.
    - b. Shall require written approval from Town Council; if projecting over a right-of-way.
    - c. Shall require written approval from INDOT if projecting over a state owned right-of-way.
    - d. Minimum clearance between the bottom of the sign and level ground shall be nine (9) feet.
  - 5. Roof Signs.
    - a. Maximum sign area shall be sixty (60) square feet.

- b. Maximum of two (2) signs allowed.
  - c. Signs which are flush with, and an integral part of, the surface of the roof are permitted.
  - d. Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety.
6. Awning Signs.
- a. Maximum sign area shall be twenty-four (24) square feet.
  - b. Only the portion of the awning with signage shall be calculated.
7. Changeable Copy Signs.
- a. Electronic changeable copy signs.
    - (i) Brightness levels to not exceed 0.5 foot candles above ambient light.
    - (ii) A minimum message hold time of five (5) seconds.
    - (iii) Maximum sign area for wall mounted sign shall be thirty-two (32) square feet.
    - (iv) Maximum sign area for freestanding signs shall make up no more than fifty percent (50%) of the total freestanding sign area and must be incorporated into the freestanding sign.
  - b. Manual changeable copy signs.
    - (i) Maximum sign area for wall mounted sign shall be thirty-two (32) square feet.
    - (ii) Maximum sign area for freestanding signs shall make up no more than fifty percent (50%) of the total freestanding sign area and must be incorporated into the freestanding sign.
8. Multi-Tenant Signs.
- a. Buildings with multiple non-residential tenants shall be permitted one freestanding, multi-tenant sign per street frontage.
    - (i) Maximum sign area shall be forty (40) square feet plus thirty-two (32) square feet per tenant space.
  - b. Properties utilizing multi-tenant signs will not be permitted additional freestanding signs for each tenant.
  - c. Multi-tenant signs are not calculated in total square footage allowed.

**§ 152.263 SIGNS PERMITTED IN RESIDENTIAL R1, R2 AND R3 DISTRICTS.**

The following signs are permitted in the designated zoning districts subject to the conditions in this subchapter.

- A. One (1) freestanding sign is permitted at each entrance to a platted subdivision or otherwise recognized neighborhood.
  - 1. Not to exceed three freestanding signs per platted subdivision or otherwise recognized neighborhood.
  - 2. The maximum sign area shall be twenty-four (24) square feet.
  - 3. A sign permit is required for each freestanding sign.
- B. Temporary signs as permitted in § 152.260.
- C. Sign types not listed are not permitted.
- D. Only signs permitted by § 152.263(B) may be lighted.

1. Sign lighting may be external only.
2. External lighting shall be shielded in a way to direct light onto the sign only and minimize light trespass onto adjacent properties.
3. External lighting shall not be permitted to be directed toward roads in a manner that could interfere with the vision of drivers.

(Ord. 03-05, § 832-40, passed 5-27-2003; Am. Ord. 10-07, passed 5-24-2010)

#### **§ 152.264 SIGN PERMIT FEE.**

The Sign Code provides two types of sign permits.

- A. A permanent sign permit application is intended for signs that conform to the terms of the Sign Code as it relates to permanent signs.
  1. There shall be a zoning and compliance review fee and permanent sign permit application on file for each sign. The permanent sign permit fee is \$50 plus \$1.00 per square foot per sign.
- B. A temporary sign permit application is intended for signs that conform to the terms of the Sign Code as it relates to temporary signs.
  1. There shall be a zoning and compliance review fee and temporary sign application on file for each sign. The temporary sign permit fee is \$40 per sign for a thirty (30) day period per sign.
- C. Applying for either type of sign permit does not constitute approval to manufacture, erect or construction a sign. An approved sign permit must be issued prior to a sign being displayed in the Town. All filing fees shall be submitted after the sign permit application has been approved, and prior to issuance of the permit.

(Ord. 06-19, passed 11-13-2006; Am. Ord. 10-07, passed 5-24-2010)

#### **§ 152.265 PERMITS AND APPROVAL PROCESS.**

- A. General requirements.
  - a. The applicant shall present sign design information as required with the sign application. The Director of Planning or designee shall review the application and information. The final administrative interpretation of these design standards and location shall be at the discretion of the Director of Planning or designee and Town of Ellettsville Plan Commission. Regular inspections of outdoor signage will be conducted by the Department of Planning. Failure to comply with sign regulations may result in sign permit revocation or code enforcement by the Planning Department or the Town of Ellettsville.
- B. Approval process.
  1. Sign permit required. No sign or sign structure shall be displayed or altered prior to an approved sign permit.
  2. Inspection or fee not required. Normal maintenance or a change in sign face shall not require a sign permit fee or inspection, provided the sign structure and sign cabinet are not altered.
- C. Form. Applications for sign permits shall be provided by the Department of Planning.

1. Complete application. Within ten (10) business days of the submission of an application for a sign permit, the Director of Planning or designee shall determine whether the application is complete and in compliance with the requirements of the Sign Code. Complete applications shall be processed in accordance with this section of the Sign Code. The Director of Planning or designee will attempt to provide the applicant of an incomplete application with a written description of the application's deficiencies within the ten (10) day review period. Incomplete applications will not be processed.
2. Information required for standard sign permit.
  - a. Permanent sign permit applications shall include the information specified on the application form and the following:
    - (i) Scale drawings showing elevations of the proposed sign, relationship to buildings and other signs, and location of the foundation or post hole location in relation to the property line and public right-of-way.
    - (ii) Graphic representation of proposed sign with dimensions.
    - (iii) Construction specifications.
    - (iv) Electrical components and wiring.
    - (v) Method of attachment and design of structured members to which attachment is to be made.
    - (vi) Name, address, telephone number and signature of property owner granting permission for the construction, operation, maintenance or display of sign structure.
    - (vii) Name, address, telephone number and signature of sign contractor, if applicable.
    - (viii) Street address of premises or property upon which sign is to be located.
    - (ix) Use of property, lot, building or structure for which sign will provide information or advertising.
    - (x) Other information, as may be reasonably required by the Plan Commission or Director of Planning or designee.
  - b. Information required for temporary sign permit applications. A temporary sign permit application shall include the sign size and all reasonable measurements, location, materials and time duration, along with such information as deemed necessary by the Plan Commission or Director of Planning or designee.
3. Review and action. Upon the submission of a complete application, the Director of Planning or designee shall process the application within fifteen (15) working days. The Director of Planning or designee shall either issue the permanent or temporary sign permit or notify the applicant in writing of his denial and reasons thereof, according to the procedures outlined in this subsection.

D. Appeals.

1. Any final determination made by the Director of Planning or designee may be appealed to the Board of Zoning Appeals by filing a written notice of appeal with the Director of Planning or designee within ten (10) days of the determination. All appeals shall be heard in accordance with the rules and procedures of the Board of Zoning Appeals.

E. Inspections and certificates of compliance.

1. Any permitted sign that is not constructed in accordance with the approved application shall be removed by the business or property owner, and may not be reinstalled until such time that the sign has a valid permit. Failure to timely remove or otherwise amend a sign constructed not in accordance with approved plans shall be considered a Class D ordinance violation with the total fine amount not to exceed \$1,000 per violation. Each sign shall constitute a separate violation
  - F. Suspension/revocation. The Director of Planning or designee may, in writing, suspend or revoke a permit issued pursuant to the Sign Code where the permit is issued on the basis of a material omission or misstatement of fact.
  - G. Expiration.
    1. It is unlawful to maintain a sign or sign structure without a validly issued sign permit unless the sign is specifically exempt from a permit requirement pursuant to this Sign Code.
    2. Issued permits shall expire and become void if the work authorized by the permit is not completed within 180 days from the date of permit issuance, or if the work is abandoned (as evidenced by failure to make reasonable progress) for a period of 30 days or more at any time after work has commenced. Before such work can commence or resume thereafter, a new permit shall be obtained and a fee of one-half the amount required for a new permit shall be paid to the Town of Ellettsville, provided no changes have been made in the original plans and specifications and, further provided, that the permit issuance date has not exceeded one year.
  - H. Electrical permit required. All permanent signs that will be lit, either internally or externally, and require an electrical hook-up shall obtain an electrical permit. An approved electrical permit must be submitted before a sign permit can be issued.
  - I. Construction plans review. All permanent freestanding signs shall include construction plans for review. A building permit may be required.
- (Ord. 10-07, passed 5-24-2010)

**§ 152.266 SIGN ENFORCEMENT PROCEDURES AND FINES.**

- A. If a sign is installed without a permit, inspection or is a prohibited sign and Town personnel in the field determines the sign cannot be easily removed, the Planning Department will notify the offender of their sign violation.
- B. Offenders will have a time period to remove the sign. If the sign is not removed within the designated time period they are subject to a violation fine.
- C. The Ellettsville Planning Department shall issue a written order, letter or posted notice of violation to abate, remove, or repair the issue in violation.
- D. If the issue is not addressed within seven (7) days following the notice of violation, the fine shall be daily, per occurrence. Any person(s), company, business or non-profit organization that violates any of the provisions of this chapter commits a Class D ordinance violation and shall be fined for each offense with the fine amount not to exceed \$1,000 per violation.

- E. In addition to any fines, for any temporary sign installed without a permit, the violator shall be required to pay for the cost of a temporary sign permit for the period it is displayed, if the violation is not abated within seven (7) days of the notice.
- F. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues. If a business, not for profit agency or public agency receives two notices of a Sign Code violation within one (1) year, the sign permit may be revoked and the signs removed from the premises by the applicant, business or property owner by order of the Ellettsville Planning Department.
- G. Maintenance, repair and removal. Any sign which becomes unsafe or is not maintained and is in violation of any of the provisions of this subchapter, shall be removed or cause such sign to be removed at the expense of the business, property owner and/or the user of the sign. In the case of immediate danger the Town Council and/or the Planning Department will attempt to contact the owner of the sign or property owner to have the sign removed or secured at the owner's expense. If the sign owner or property owner cannot be contacted, the sign will be removed or secured by the Town of Ellettsville and the owner of the sign or property owner shall be responsible for all expenses incurred in the removal and storage of the signage.

(Ord. 10-07, passed 5-24-2010) Penalty, see § 10.99