

ORDINANCE NO. 11-2008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF LAKE PARK, FLORIDA BY AMENDING CHAPTER 70 ENTITLED "SIGNS", ARTICLE 1 ENTITLED "IN GENERAL"; BY REPEALING SECTION 70-2 ENTITLED "RELATIONSHIP TO STATE BUILDING CODE"; AMENDING SECTION 70-4 ENTITLED "MAINTENANCE"; AMENDING SECTION 70-6 ENTITLED "DEFINITIONS"; AMENDING ARTICLE II ENTITLED "LICENSE AND PERMIT REQUIREMENTS BY REPEALING SECTION 70-31 ENTITLED "LICENSE REQUIRED"; AND AMENDING SECTION 70-32 ENTITLED "PERMITS"; AMENDING ARTICLE III ENTITLED "CONSTRUCTION"; BY AMENDING SECTION 70-61 ENTITLED "GENERAL PROVISIONS"; AMENDING SECTION 70-64 ENTITLED "REMOVAL, REPAIR OR ALTERATION"; REPEALING SECTION 70-65 ENTITLED "REINSPECTION"; AMENDING SECTION 70-66 ENTITLED "STOP WORK ORDERS"; AMENDING SECTION 70-67 ENTITLED "VIOLATIONS"; AMENDING ARTICLE IV ENTITLED "SIGN REGULATIONS"; AMENDING SECTION 70-101 ENTITLED "EXEMPT SIGNS"; AMENDING SECTION 70-102 ENTITLED "PROHIBITED SIGNS AND RELATED EQUIPMENT"; AMENDING SECTION 70-103 ENTITLED "PERMITTED SIGNS"; AMENDING SECTION 70-104 ENTITLED "LEGAL NONCOMPLYING SIGNS"; AMENDING SECTION 70-105 ENTITLED "COMPUTATION OF SIGN AREA"; AMENDING SECTION 70-107 ENTITLED "EXTERIOR ARCHITECTURAL LIGHTING"; REPEALING SECTION 70-108 ENTITLED "REINSPECTION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has a comprehensive sign code which has been codified in the Town's Code of Ordinances, Chapter 70, Articles I through IV, and Sections 70-1 through 70-108; and

WHEREAS, Town staff has recommended to the Town Commission that the sign regulations as set forth in Chapter 70 of the Town's Code of Ordinances be substantially

amended, to update the regulations and restrictions pertaining to permitted and prohibited signs within the Town, to provide for sign permitting requirements, additional enforcement procedures for the removal of certain illegal and prohibited signs; and

WHEREAS, Town staff has recommended that the Town Commission amend Town Code, Chapter 70, Article I, Sections 70-2, 70-4, and 70-6, and Article II, Sections 70-31 and 70-32, and Article III, Sections 70-61, 70-64, 70-65, 70-66, and 70-67, and Article IV, Sections 70-101, 70-102, 70-103, 70-104, 70-105, 70-107, and 70-108, as more specifically provided for herein; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend Town Code, Chapter 70, Article I, Sections 70-2, 70-4, and 70-6, and Article II, Sections 70-31 and 70-32, and Article III, Sections 70-61, 70-64, 70-65, 70-66, and 70-67, and Article IV, Sections 70-101, 70-102, 70-103, 70-104, 70-105, 70-107, and 70-108.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct findings of fact of the Town Commission.

Section 2. Chapter 70, Article I, by repealing Section 70-2 entitled “Relationship to state building code”; and amending Sections 70-4, and 70-6, of the Code of Ordinances of the Town of Lake Park, Florida to read as follows:

ARTICLE I. IN GENERAL

~~Sec. 70-2. Relationship to state building code.~~

~~These sign regulations are intended to complement the requirements of the Florida Building Code. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.~~

Sec. 70-2. Reserved.

Sec. 70-4. Maintenance.

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the requirements of the Florida Building Code, the amendments to Chapter One of the Florida Building Code building and electrical codes adopted by the town, and in substantially the same or better condition as when the sign was originally installed or erected in order to present a neat and clean aesthetically pleasing appearance. The required maintenance shall include at a minimum, but not be limited to, routine, ordinary and periodic repairs; painting; the replacement of equipment, parts, sign copy, lettering; the replacement of all or a portion of the sign if necessary; and other actions which are necessary to ensure that the sign is kept in substantially the same or better appearance as at the time of the sign's original installation. The required maintenance shall include all physical aspects of the sign, such as the sign area, face, text and copy; the electrical and mechanical components of the sign; lights and related lighting materials and equipment, the sign base, mounting, and/or the supporting structure of the sign. All The landscaping and vegetation which is required by the terms of the sign permit or development order and/or which is required by the Town Code, and which surrounds the sign on all sides and the area which extends outward from the base of the sign , around, in front of, behind and underneath the base of ground signs for a distance of ten feet, shall be kept neatly trimmed and free of unsightly weeds, waste, and no rubbish, and debris. or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Sec. 70-6. Definitions.

The definitions set forth in this section shall be construed to be the same as if incorporated in the town codes or land development regulations; provided specific definitions spelled out in this chapter, if different, than that found in the town codes or land development regulations, shall prevail.

Abandoned sign means a sign which advertises a business which does not have a current business tax receipt and/or a certificate of occupancy from the town, and/or which is no longer doing business within the town at the sign location. ~~is considered abandoned if a business advertised on that sign is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business on that location.~~

~~*Advertising structure* means any structure installed for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property upon which any poster, bill, printing, painting, device or other advertisement of any kind whatsoever may be placed, posted, painted, tacked, nailed, or otherwise fastened, affixed or displayed; provided, however, that said term shall not include buildings.~~

Animated sign means a sign with action or motion using electrical energy, electronic or manufactured sources of supply, or wind-actuated elements, including rotating, revolving or flashing signs.

Awning means a shelter projecting from the exterior wall of a building, and constructed of nonrigid materials except for the supporting framework.

Background area of sign means the entire background area of a sign upon which copy could be placed. ~~In computing the area of a sign background, only that face or faces which can be seen from any one direction at one time shall be counted.~~

Banner means any sign having the characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind with only such material for foundation. The word "banner" shall also include a pennant or any animated, rotating and/or fluttering device, with or without lettering for design, and manufactured and placed for the purpose of attracting attention.

Billboard ~~or off-premises sign~~ means any sign or framework thereof installed for the purpose of advertising merchandise, services or entertainment, which are sold, produced, manufactured or furnished at a place other than the location of such structure.

Building facade means the entire building wall, including all windows, doors, parapet, fascia, canopy, eaves, and wall areas of a building exterior on any one complete place or elevation.
~~thereof.~~

Building setback line means the lines established by the land development regulations of the town as set forth in this code. ~~set forth in this subpart B.~~

Changeable copy sign means a sign on which a message or copy is changed manually in the field through the utilization of attachable letters, numbers, symbols, changeable pictorial panels, and other similar characters.

Construction sign means a temporary sign which identifies those engaged in construction on any building site, including the builder, contractor, developer, architect, engineer, painter, plumber, or other persons or artisans involved ~~concerned~~ in the such construction.

Copy means the linguistic or graphic content of a sign.

Copy area of a sign means the actual area of the sign copy applied to any background. The copy area is computed by straight lines drawn closest to copy extremities encompassing individual letters or words.

Development sign means a temporary sign advertising the sale or rental of structures under construction upon land which has been legally assembled into one development location.

Directional sign means any sign which has been permanently or temporarily installed on public property for the purpose of ~~designed to guide or direct permanently or temporarily installed on public property to guide~~ guiding or directing pedestrian and/or vehicular traffic.

Director means the director of the community development department of the town or the director's designee, representative, otherwise referred to as community development director.

Directory sign shall mean a sign listing only the names and/or uses, or locations of more than 1 business, activity or professional office conducted within a building, group of buildings or commercial center.

Double-faced sign means a sign with two faces which are parallel to each other and are also back to back.

Eaves means the a portions ~~part~~ of the roof which projects or extends from or over the exterior surface of an exterior wall.

Engineer means a person registered as a professional engineer by the state of Florida.

Entrance sign or subdivision sign means a sign which designates the name of a ~~identification structure located at the main entrance to a town approved subdivision or residential district, or planned unit development, and which is located in close proximity to the main entrance.~~

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Exterior lighting as used in section 70-107, shall mean any variety of lighting forming an integral part of a building. Such lighting shall meet the following requirements and shall be subject to final approval by the town commission.

Fixed projecting sign means any sign projecting at an angle from the outside wall or walls of any building and rigidly affixed thereto.

Flag means a piece of fabric with a color or pattern that represents a country, state, county, city, town, party, organization or business entity.

Flashing sign means any sign, used for identification, direction, advertising, or promotional purposes, that includes approved lighting fixtures which flash, blink, cut on and off intermittently, and which is used as an exterior sign or an interior sign visible from ~~the~~ the public street or right-of-way.

Flat or wall sign means any sign erected parallel to the facade or on the outside wall of any building and supported throughout its length by the wall of the building.

Freestanding sign means a sign which is supported by a sign structure secured in the ground and which is wholly independent of any one or more columns, uprights, or braces in or upon the ground and which is not attached or a part of a building, structure, fence, vehicle, or object other than the sign structure for support.

Frontage street facade means the portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building wall elevation which fronts on a street, unless such parapet wall or eaves shall be over 30 feet high, in which case only the first 30 feet shall be considered the frontage street facade for purposes of this article. Only one street facade shall be designated as frontage street facade.

Height of sign shall mean the vertical distance measured from the adjacent average crown of road to the top of the sign face or sign structure, whichever is greater.

~~Harmful to minors means:-~~

~~(1) With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct or sexual excitement, when it:~~

~~a. Predominately appeals to the prurient, shameful, or morbid interest of minors in sex;~~

~~b. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and~~

~~c. Taken as a whole, lacks serious literary, artistic, political or scientific value.~~

~~(2) The term "harmful to minors" shall also include any nonerotic word or picture when it:~~

~~a. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors; and~~

~~b. Taken as a whole, lacks serious literary, artistic, political, or scientific value.~~

Identification sign means a sign at a business location used to identify the name of the business located on the property thereon and/or its principals and address.

Illuminated sign means a sign for which an artificial source of light is used in order to make the sign's message readable, including internally and externally lighted signs.

Instructional sign means a sign conveying instructions pertaining to with respect to use of the premises on which the sign is maintained, including but not limited to, such as but not limited to "Exit," "Entrance," or "Parking," and "No Parking" signs.

Logo means a trademark, copyright, or company name distinctively styled symbol or representation of a company or business name, and which may also be used to identify identifying the business, company, or service provided, and which may be all or part of the copy of a sign.

Marquee means a permanent ~~projecting~~ roofed structure which is attached to, and is supported by a building wall, and which projects outward from the exterior of the building, including

projection in part, which may project over a portion of a public right-of-way if expressly permitted by the town, and which may or may not contain a sign with copy.

Marquee sign means a permanent roofed structure attached to and supported by the building and projecting over public or private sidewalks or right-of-way.

Monument Sign means a freestanding sign where the base of the sign structure is permanently affixed into on the ground and the sign area is supported by an internal structural framework other than support poles, and has the appearance of a solid base.

Multiple-faced sign means a sign with more than two faces.

Neon sign shall mean any illuminated sign that contain an exposed neon tube or is treated in such a manner as to appear to be a sign containing an exposed neon tube or unshielded light source.

Nonconforming sign means any sign which was lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of the town code, or state or other local law, rule, regulation, or ordinance passed at a later date or a sign which was lawfully erected but which later fails to comply with the town code, state or local law, rule, regulation, or ordinance due to changed conditions, does not comply with the provisions of these regulations, and/or subsequent amendments.

Obsolete sign shall mean any sign which no longer correctly directs or exhorts any person, or which advertises a business, service, product or activity no longer conducted, available or in existence, either on the lot where the sign is located in the case of on-premises signs, or on any lot in the case of off-premises signs.

Occupancy shall mean any 1 business, activity or professional office.

Off-premises sign means a sign identifying, advertising or directing the public to a business, merchandise, service, institution, residential area, entertainment or activity which is located, sold, rented, based, produced, manufactured or taking place at a location other than on the premises on which the sign is located. See "Billboard."

Painted sign means any sign painted on any exterior building surface, including exterior building wall or door surfaces, the roof of any building visible from any public right-of-way, exclusive of window and door glass painted areas.

Parcel of real Property means vacant or developed land, real property, as a unit, which contains premises and occupancies, buildings, fixtures and all other improvements to land held in single ownership which is not public property as defined herein.

Parapet means a vertical false front, wall extension, or portion of the facade which extends above the roofline.

Pole sign. See "Freestanding sign." means a freestanding sign whose message area is supported by one or more poles sunk into the ground.

Political sign means a temporary sign erected by a political candidate, group, or agent thereof, for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town will vote, urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure.

Premises means a distinct unit or parcel of land including the appurtenances thereon all the land areas under ownership or lease arrangement to the sign owner which are contiguous to the business conducted on the land except for instances where such land is a narrow strip contiguous to the advertised activity or is connected by such narrow strip, the only viable use of such land is to erect or maintain an advertising sign. When the sign owner is a municipality or county, the term "premises" shall mean all lands owned or leased by such municipality or county within its jurisdictional boundaries as set forth by law.

Professionally produced sign means a sign that is designed and installed by a company that is engaged in the business of producing, installing and maintaining signs.

Public property means property owned by any governmental entity, including but not limited to public rights-of-way, streets, alleys, sidewalks, easements and parks, and all structures located in and upon same including, but not limited to, street and traffic signs, utility poles, fire hydrants, parking meters, trees, newspaper racks, and telephone booths.

Pylon Sign. A freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.

Real estate sign means any low freestanding or wall-mounted sign installed by the owner or the owner's agent on a temporary basis, advertising the real property upon which the sign is located for rent or for sale but shall not include rooming house signs.

Revolving sign. See "Animated sign."

Remove means to disassemble, transport from the site, and dispose of sign materials by sale or destruction.

Roof sign means any outdoor advertising display sign, installed, constructed or maintained on or above the roof of any building.

Rotating sign. See "Animated sign."

Semi-freestanding sign means any sign which is supported by one or more uprights or braces in or upon the ground and partially attached to any building.

Shopping area means a commercial establishment or a group of commercial establishments related in its location, size and types of shops to the trade area which the unit serves.

Sidewalk or sandwich sign shall mean an A-frame style moveable sign not permanently secured or attached to the ground or to any building or structure.

Sign means any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the town, the county, or the state department of transportation, an object or device which is designed, intended, used or located so as to be visible by the public from outdoors for the purpose of advertising the property, establishment or enterprise, including goods and services; upon which the sign is located. This definition shall include all parts, portions, frame, background, structure, support and anchorage thereof.

Sign, aggregate area of shall mean the total square foot area derived from the sum of all sign areas.

Sign, area shall mean the entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. The copy of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters or devices.

Sign direction means that direction from which the message or informative contents are most visible to oncoming traffic on the main-traveled way.

Sign face means the part of the sign, including trim and background, that is or can be used to communicate a message or informative contents, identify, advertise, or for the visual representation which attracts the attention of the public for any purpose. "Sign face" includes any background material, panel, trim, and color and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface or object upon which or against which it is placed.

Sign structure means all the supporting structure (and all interrelated parts and material, such as beams, poles, and stringers, etc.) erected or intended for the purpose of supporting or displaying a message or informative contents, for identification, with or without a sign thereon, situated upon or attached to the premises, upon which any sign may be fastened, affixed, displayed or applied; however, this definition shall not include a building or perimeter wall.

Snipe sign means any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

Special event sign shall mean a sign erected on the premises of the event which carries a message regarding a special event or function which is of general interest to the community. Special events shall not include for-profit business promotional activities or activities strictly commercial in nature.

String lights mean an array of incandescent light bulbs of low wattage or lighting tubes consisting of a single cord, which are used to outline or call attention to, features on a property such as but not limited to any buildings, roof lines, window dimensions, doors, sculptures, signs, structures, trees and any other feature that might lend itself to the display of such lights.

Temporary sign means a sign which is constructed of cloth, canvas, light, fabric, cardboard, wallboard, wood, plywood, metal or plastic which is intended to be displayed for a limited period.

Time and temperature sign means a display containing illuminated numerals flashing alternately to show the time and/or temperature.

Vehicular sign means a sign affixed to or painted on a transportation vehicle or trailer, for the purpose of business advertising; however, not to include signs affixed to vehicles or trailers for identification purposes as required by town regulations.

Window sign, permanent shall mean any sign which is painted on, applied to, attached to or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.

Window sign, temporary shall mean a window sign of a temporary nature used to direct attention to identifying merchandise or a change in the status of the business, including but not limited to signs for sales, specials, going out of business and grand openings.

~~*Window sign* means any sign installed or maintained in the window of any building, visible from any public right-of-way.~~

Section 3. Chapter 70, Article II, Section 70-31 entitled “License required” is hereby repealed, and Section 70-32 of the Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

ARTICLE II. LICENSE AND SIGN PERMIT REQUIREMENTS.

~~Sec. 70-31. License required.~~

~~No person shall engage in a business of sign or outdoor advertising or in a business of installing or maintaining signs within the town, without having first procured a license for such~~

business in accordance with the requirements of the town's license regulations then in force and effect.

Sec. 70-32. Sign Permits permit required.

(a) Sign permit required Required. Except as otherwise provided for herein, it shall be unlawful for any person to erect, operate, use, post, display, maintain, or cause to be erected, operated used, posted, displayed, maintained, or installed, any sign, or advertising structure, or high voltage tube lighting, in the town without first obtaining a permit for the sign, advertising structure, or high voltage tube lighting, from the town and paying the fee as established by resolution of the town commission, applying to signs as herein defined, except real estate signs, political signs construction signs, and directional signs, in the town without first having obtained a permit or permits as hereinafter required. The following signs and other signs identified as "exempt" pursuant to section 70-101, are hereby declared as exempt from the requirement that a sign permit be obtained under the provisions of this chapter, but all such signs are required to comply with the provisions of Article II:

(1) Signs owned by the town or a county located on the premises of the town or the county which display information regarding government services, activities, events, or entertainment. For purposes of this section, the following types of messages shall not be considered information regarding government services, activities, events, or entertainment:

(a) Messages which specifically reference any commercial enterprise.

(b) Messages which reference a commercial sponsor of any event.

(c) Personal messages.

(d) Political campaign messages.

(2) Temporary residential real estate signs as more specifically provided for in this article and subject to supplemental regulations, which are posted or displayed on real property by the owner or by the authority of the owner, stating that the real property is for sale or rent. If the sign contains any message not pertaining to the sale or rental of that real property, then it is not exempt under this section.

(3) Official notices or advertisements posted or displayed on private property by or under the direction of any public or court officer in the performance of her or his official or directed duties, or by trustees under deeds of trust or deeds of assignment or other similar instruments, and construction and building permit signs..

(4) Danger or precautionary signs relating to the premises on which they are located; forest fire warning signs erected under the authority of the Division of Forestry of the Department of Agriculture and Consumer Services; and signs, notices, or symbols erected by the United States Government under the direction of the United States Forestry Service.

(5) Notices of any railroad, bridge, ferry, or other transportation or transmission company necessary for the direction or safety of the public.

(6) Directional signs, and other official signs and notices.

(7) Signs or notices erected or maintained upon property stating only the name of the owner, lessee, or occupant of the premises and not exceeding 8 square feet in area.

(8) Historical markers erected by duly constituted and authorized public authorities.

(9) Official traffic control signs and markers erected, caused to be erected, or approved by the town or the state department of transportation.

(10) Signs erected upon property warning the public against hunting and fishing or trespassing thereon.

(12) Signs not in excess of 8 square feet that are owned by and relate to the facilities and

activities of churches, civic organizations, fraternal organizations, charitable organizations, or units or agencies of government.

(12) Signs relating exclusively to political campaigns.

(b) Applications. A person or entity may not apply for a permit unless he or she has first obtained the written permission of the owner or other person in lawful possession or control of the site designated as the location of the sign in the application for the permit. An application for a sign permit must be made on a form prescribed by the town, and a separate application must be submitted for each permit requested. A permit is required for each sign facing. As part of the application, the applicant or his or her authorized representative, must certify in a notarized signed statement that all information provided in the application is true and correct and that he or she has obtained the written permission of the owner or other person in lawful possession of the site designated as the location of the sign in the permit application. Every permit application must be accompanied by the appropriate permit fee; a signed statement by the owner or other person in lawful control of the site on which the sign is located or will be erected, authorizing the placement of the sign on that site. Applications for permits required by this article shall be filed by an applicant or the applicant's agent, in the community development department upon forms to be furnished by such department.

(c) Sign plan requirements. Sign permits shall be issued only for signs which conform to requirements of this chapter including, where when applicable, an approved sign plan for the real property lot on which the sign is to be located. unless exempt pursuant to section 70-101. Sign plans shall be approved pursuant to the development review process. Sign plans may be submitted and approved concurrently with an application for a the site development plan or other land development order. for a lot, or they may be submitted and approved as an amendment to the approved development. Sign plans shall be reviewed by the town fro compliance with the provisions of this approved on a finding that all signs will conform to the provisions of this chapter, including but not limited to, and that the coordination of the graphic style, materials, placement and other characteristics of all signs on the parcel, and the proximity of other signs in the immediate area. will be coordinated.

(d) Issuance. Provided the terms and provisions of this chapter regulation and/or any other applicable laws or ordinances have been complied with, the community development director shall issue a permit for each sign and/or advertising structure. Permits shall be numbered in the order of their issuance and shall disclose:

- (1) Kind and size in square feet, and the height and width of the sign, advertising structure or high voltage tube lighting authorized by the permit;
- (2) The street address of the property on which the sign, advertising structure or high voltage tube lighting are permitted to be located and name of the owner or lessee of such property;
- (3) The location upon the property where the sign, advertising structure or high voltage tube lighting is permitted;
- (4) The name of the person, firm, corporation or association installing structure;
- (5) The estimated value of the sign;
- (6) The amount of the fee paid for such permit; and
- (7) The date of issuance.

(e) Inspections. The contractor or owner securing the permit for any sign shall call the community development department to request an inspection whenever any sign is being installed and before any concrete is poured, and a final inspection, which shall be required upon completion.

(f) Revocations. The community development director may deny or revoke a permit or approval requested or granted issued under the provisions of this chapter these regulations in any case where it is determined that if it is found that there has been any false statement, concealment or misrepresentation as to any material fact in the application or plans on which the permit or approval was based the application for the permit contains false or misleading information or that the permittee has violated any of the provisions of this chapter, unless the permittee, within 30 days after the receipt of notice by the community development department, corrects the false or misleading information or complies with the provisions of this chapter. Any person aggrieved by any action of the department in denying or revoking a license under this chapter may, within 30 days from the receipt of the notice, appeal the decision of the director to the circuit court in accordance with the rules of appellate procedure. A sign shall be removed by the permittee within 30 days after the date of revocation of the permit for the sign. If the permittee fails to remove the sign within the 30-day period, the town may remove the sign without further notice and without incurring any liability as a result of such removal.

(g) Permit tag. Labels. If a permit tag program is initiated by the community development department then for each permit issued, the town shall provide the applicant with a serially numbered permanent metal permit tag. The permittee is responsible for maintaining a valid permit tag on each permitted sign facing at all times. The tag shall be securely attached to the sign facing or, if there is no facing, on the pole nearest the highway; and it shall be attached in such a manner as to be plainly visible from the main-traveled way. The permit will become void unless the permit tag is properly and permanently displayed at the permitted site within 30 days after the date of permit issuance. If the permittee fails to erect a completed sign on the permitted site within 270 days after the date on which the permit was issued, the permit will be void, and the town may not issue a new permit to that permittee for the same location for 270 days after the date on which the permit became void. □ If a permit tag is lost, stolen, or destroyed, the permittee to whom the tag was issued must apply to the town's community development department for a replacement tag. Upon receipt of the application accompanied by a service fee established by resolution of the town commission, the community development department shall issue a replacement permit tag. A permit is valid only for the location specified in the permit. Valid permits may be transferred from one sign owner to another upon written acknowledgment from the current permittee and submittal of a transfer fee established by resolution of the town commission for each permit to be transferred. A permittee shall at all times maintain the permission of the owner or other person in lawful control of the sign site to have and maintain a sign at such site. Every outdoor advertising structure or sign hereafter installed, constructed or maintained, for which a permit is required, shall be plainly marked with the name of the person, firm or corporation installing and maintaining such sign and shall have affixed thereon the number of the permit issued for said sign by the permit official. All permit tags must Such label shall be visible from ground level.

Section 4. Chapter 70, Article III, Sections 70-61, 70-64, 70-66, and 7-67 of the Code of Ordinances of the Town of Lake Park, Florida are hereby amended to read as follows:

ARTICLE III. CONSTRUCTION AND ERECTION OF SIGNS.

Sec. 70-61. General provisions.

(a) All signs shall be constructed and erected in accordance with the standards and requirements of this article.

(b) Every sign shall be designed and constructed to withstand a wind pressure of not less than 50 pounds per square foot. The increase in stresses for short term loading shall not be applied to cantilevered projections, or where vibration or fluttering action can be anticipated.

(c) Letters, decorations and facings of signs shall be constructed of durable noncombustible materials as approved by the authority having jurisdiction.

(d) At any road intersections, visibility shall not be obscured by the construction, placement or maintenance of a structure wall, sign, fence, bench, berm, plant material, shrubs or any similar item. In order to provide a clear view of intersecting streets to the motorist, there shall be an area of clear visibility on the triangular portion of private property closest to two intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

(1) Nothing shall be erected, placed, parked, planted or allowed to grow within this "clear visibility triangle" in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection.

(2) The clear visibility triangle shall have two sides of not less than 25 feet in length with each side adjacent to the public right-of-way line. The third side shall consist of a line connecting the foregoing two sides.

(e) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the agent, owner, tenant or person having the beneficial use of the building or land upon which the sign may be found, such removal to take place within a period of 30 days following cessation of the effective use of the sign or closing of business. Failure to remove such a sign shall subject the sign to removal and disposition pursuant to the provisions of this chapter.

~~unless extended by the town commission.~~

(1) The owner of the sign or a designated agent may request an extension of time from the community development director for removal of the sign if the structure is valued at more than \$500 and there is a reasonable expectation that a new property owner or lessee will make use of the existing structure. Any such structure/sign must comply with all regulations of the Town Code, any applicable development order approval, and must be properly maintained in accordance with the requirements of Section 70-4.

~~(f) No more than 25 percent of the total window area of each individual commercial business may be covered with signage or other opaque material such as display racks, merchandise or other items. Window signs shall be permanent, identifying or informative in nature and such signage shall be included when calculating the allowable square footage for the business.~~

(f) All freestanding, or wall-mounted signs over ten feet in height shall be internally (if lighting is utilized) lit, and signage less than ~~15~~ 10 feet in height shall provide lighting that in no manner blinds or shines on adjacent vehicular or pedestrian circulation. Appropriate light shields shall be utilized to ensure protection.

(g) All commercial buildings shall have, visible from the roadway, the address of such building, buildings or development which shall be a minimum height of six inches in lettering. Addresses on residential buildings shall be a minimum height of four inches.

(h) All changeable copy signage shall not exceed a maximum of 50 percent of the sign area, except that movie theaters shall be permitted 100 square feet.

~~(j) The number of signs shall be the number of noncontiguous sign faces. Multiple noncontiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. Where two sign faces are placed back to~~

back and are at no point more than three feet apart, it shall be counted as one sign. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.

(i) The height of a sign shall be measured as a vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

(j) No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit or standpipe.

Sec. 70-64. Removal, repair or alteration.

(a) Any sign which was erected, operated, or maintained without the permit required by this chapter having been issued by the town, or is abandoned, insecure, in danger of falling, or otherwise unsafe in the opinion of the director, is hereby declared to be a public nuisance and a private nuisance, and shall be removed as provided in this section. Should any sign become abandoned, insecure, or in danger of falling, or otherwise unsafe in the opinion of the director, the owner thereof, or the person or firm maintaining the same, or the owner of the property upon which such sign exists, shall, upon written notice from the director, immediately in the case of immediate danger, and in any other case within ten days, secure the same in a manner to be approved by the director in conformity with the provisions of this chapter or remove such sign. If such order is not complied with, the director shall order the removal of such sign at the owner's expense. The town commission finds that, in view of the inexpensive nature of certain prohibited signs (snipe signs, banners, project signs, real estate signs, sidewalk or sandwich signs, and special event signs located in the public rights-of-way or on town property), and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, the summary removal of such signs is warranted in order to further the town's objectives in regulating such prohibited signs. Therefore, the town's community development director is hereby expressly authorized to summarily cause the removal of any of the following prohibited signs: snipe signs, banners, project signs, real estate signs, sidewalk or sandwich signs, and special event signs located in the public rights-of-way or on city property when unlawfully erected and maintained and to immediately dispose of same. All other prohibited signs which have been unlawfully erected and maintained may be summarily removed in accordance with the summary procedure set forth in subsection (b) below. Signs and other structures that are not subject to the summary removal procedures as set forth herein or in subsection (b) below, may in the discretion of the community development director be removed in accordance with the procedures set forth in subsection (c) below, or the violations may be referred to the town's code compliance division for standard code enforcement action before the special magistrate.

(b) *Summary procedure.* If the community development director determines that snipe signs, banners, project signs, real estate signs, sidewalk or sandwich signs, and special event signs located in the public rights-of-way or on town property where unlawfully erected and maintained in violation of the provisions of this chapter, the director may have the sign summarily removed from the property by the town without any advance notice. After the summary removal of a sign pursuant to this section, the community development director shall attempt to notify either the occupant or owner of the property from where the sign was removed or if the sign identifies a person other than the property owner or occupant, said person shall be notified if possible, by either regular U.S. mail, in person and/or hand delivery, or by posting a notice on the property. The notice shall advise that the sign has been removed by the town, and that the sign may be retrieved from the town within 10 days of the date of the notice, and shall state the name and

contact information for retrieval of the sign from the town. The notice shall further provide that, if the sign is not retrieved from the town within 10 days, it will be disposed of by the town. The town shall dispose of all unclaimed signs after the expiration of the 10-day period. Persons retrieving signs from the town pursuant to this section, shall be required to reimburse the town for all costs incurred in connection with the removal and storage of the sign.

(b). *Alternative procedure.* If the community development director determines that a sign has been erected in violation of the provisions of this chapter, the director may as an alternative to the summary procedure set forth herein, utilize the following alternative enforcement procedures. The community director or his/her designee shall post on the sign face, a notice stating that the sign is illegal and must be removed within 10 days after the date on which the notice was posted. If the sign bears the name of the licensee or the name and address of the nonlicensed sign owner, the department shall, concurrently with and in addition to, posting the notice on the sign, provide a written regular U.S. mail notice to the owner, stating that the sign is illegal and must be permanently removed within the 10-day period specified on the posted notice. The written notice shall further state that the sign owner has a right to request a hearing, which request must be filed with the community development department within 15 days after the date of the written notice. However, the filing of a request for a hearing will not stay the removal of the sign. If, pursuant to the notice provided, the sign is not removed by the sign owner within the prescribed period, the town may immediately remove the sign without further notice; and the town's employees, agents, or independent contractors may enter upon the private property for the purpose of removing the sign. (d) Any entrance upon private property shall not constitute or be deemed a trespass or an act of conversion, and the neither the individuals authorized by the town to conduct the sign removal nor the town, shall incur any liability to the property owner, lessees and tenants, sign owner, or other person or entity as a result of the entrance onto the property. For purposes of this subsection, regular U. S. mail notice, hand delivery, or posting of the notice on the property from which the sign was removed, directed to the sign owner, constitutes sufficient notice. Notice is not required to be provided to the lessee, tenant, advertiser, the owner of the real property on which the sign is located, or any mortgagees. If, after a hearing before a special magistrate of the town appointed to conduct such hearings, it is determined that the sign was been wrongfully or erroneously removed pursuant to this subsection, the town, at the sign owner's discretion, shall either pay just compensation to the owner of the sign or re-erect the sign in kind at the expense of the town.

~~(b) The notice shall be in accordance with established procedure for legal notice to the owner, agent or person in control of such sign.~~

~~(c) The owner, agent or person in control shall have the right, except in cases of emergency, to appeal from the decision of the director as provided hereinafter, and to appear before the code compliance board at a specified time and place to show cause why such person should not comply with such notice.~~

~~(d) In case the owner, agent or person in control of such sign cannot be found or if such owner, agent or person shall fail, neglect or refuse to comply with notice to repair, rehabilitate or remove the sign, the director, after ascertaining the cost of removal by competitive bidding procedures, shall cause such sign to be removed by the bidder of the lowest responsive bid. In the event of an emergency, the director may waive the competitive bidding procedures.~~

~~(e) The decision of the director shall be final in cases of emergency which, in the director's opinion, involve imminent danger to human life or health. The purpose, the director may at once enter such land on which it stands, or abutting land or structures, with such assistance and at such cost as the director may deem necessary.~~

~~(f) (e) The expenses of sign removal and storage shall constitute a lien of the town against the real property on which the sign was erected which lien shall be recorded filed by the town clerk in the public records of Palm Beach County and shall accrue interest at the statutory rate for court judgments until paid in full. The town clerk shall file such lien in the county official record book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address, which lien shall date from the date of filing and recite the names of all persons notified and interested persons. Such municipal lien shall bear interest from such date at the rate of ten percent per annum for individuals and 15 percent for corporate owners and shall be enforceable as permitted by law.~~

Sec. 70-65. Reinspection.

~~(a) The director shall establish a schedule to inspect at such times as necessary, each sign or advertising structure regulated by this article for the purpose of ascertaining if it is insecure or in need of repair or removal.~~

~~(b) All signs or advertising structures as regulated by these provisions together with all their supports, braces, guys and anchors shall be kept in repair. The director may order the removal of any sign that is not maintained as set forth in the provisions of this section at the expense of the owner or lessee.~~

Sec. 70-65. Reserved.

Sec. 70-66. Stop work orders.

~~If the community development director determines that a sign is under construction or work is being performed on any sign for which a sign permit has not been issued as required under the provisions of this chapter, the director is authorized to require that all work on the sign cease until the sign owner shows that the sign does not violate the provisions of this chapter. The order to cease work shall be prominently posted on the sign structure, and no further notice is required to be given. The failure of a sign owner or the owner's agents to immediately comply with the order shall subject the sign to prompt removal by the town. Upon notice from the director that work is being performed on any sign or advertising structure contrary to the provisions of this chapter or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the condition under which work may be resumed. Where an emergency exists, no written notice shall be required.~~

Sec. 70-67. Violations.

~~Except as provided for in section 70-64, violations of this chapter shall be prosecuted by the town in code enforcement proceedings before the special magistrate for the town, through legal action in a court of competent jurisdiction hereby the town may seek all available and appropriate legal and equitable relief from the violator, enforced by the code compliance board or as provided in section 9-71(e), with all available remedies to the town to be non-exclusive. The code compliance board special magistrate may order the removal of a sign at the sign owner's or property owner's expense, if the sign is found in violation of these regulations, and/or the storage of the sign or the disposal of the sign by the town, with the violator to pay all associated administrative costs incurred by the town.~~

Section 4. Chapter 70, Article IV, Sections 70-101, 70-102, 70-103, 70-104, 70-105, 70-107, and 70-108, of the Code of Ordinances of the Town of Lake Park, Florida are hereby amended to read as follows:

Sec. 70-101. Exempt signs.

The sign permit requirements of provisions of this chapter shall not apply to the following signs:

- (1) Any sign which is located completely within an enclosed building and which is not visible from outside the building, and any sign which is so located that it is not visible beyond the boundaries of the lot or parcel on which it is located or from any public thoroughfare, except, however, that signs within a shopping center shall be subject to review and approval pursuant to site plan review;
- (2) Traffic signs of any public or governmental agency;
- (3) Any identification of any official public office, notices thereof, or any flag, emblem or insignia of the nation, a unit of government or public school;
- (4) Any grave marker, headstone, memorial statue or other similar remembrances that are noncommercial in nature;
- (5) Works of art, ornamental figurines and the like, both two-dimensional and three-dimensional, used for decorative purposes and not related to the operation of a commercial enterprise with a commercial enterprise;
- (6) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays and limited to 90 days, refer to section 70-107(f);
- (7) Signs on a truck, bus, trailer or other vehicle which is maintained and operated for normal business purposes other than the display of such a sign on a lot;
- (8) Names and addresses on postal boxes;
- (9) Residential address numbers;
- (10) Names of newspapers and similar publications on their respective delivery boxes;
- (11) The posting of privately owned land and/or buildings or structures against trespass, hunting, fishing, swimming or any other activity, and/or the warning of any person against any danger, hazard or condition pertaining to such land and/or buildings and structures;
- (12) The flying of individual national, state or town flags attached to permitted freestanding poles mounted on the ground, limited to one flag of each type and a total of three, provided that such flags shall not be used for commercial promotion;
- (13) Cornerstones, memorial tablets and similar markers made of masonry, bronze and other noncombustible and durable material and used to indicate, without advertising matter, information relating to the development of the facility on which they are located such as those involved in planning, financing and construction of buildings;
- (14) Historical signs and markers designating places of historical significance;
- (15) Directional markings, entrance and exit locators, traffic warnings, lane and stall markings, parking and loading area reservations and restrictions, and similar information when painted on or otherwise affixed to pavement, curbs or wheelstops;
- (16) Any informational sign, not exceeding six square feet, identifying an institutional use. Such sign may be located in public right-of-way subject to engineering approval;
- (17) Legal notices and official instruments;

- (18) Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights;
- (19) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps;
- (20) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or other vehicles;
- (21) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards;
- (22) Signs with a noncommercial message carried by a person;
- (23) Religious displays as permitted by law;
- (24) Land-based nautical flags, shapes or pennants used in conjunction with water dependent uses;
- (25) "For Sale" signs on personal vehicles provided such signs are not larger than four square feet in size and limited to one such sign and one vehicle per lot.
- (26) Off-premises signs on town property subject to prior written approval by the town manager or the town manager's designee and subject to any rules adopted by resolution of the town commission which rules may address such matters as time, place, size, fees, maintenance and, to the extent permitted by law, the content and message and other matters appropriate to the location and purposes of the sign.
- (27) ~~Event B~~ banners on town property and banners on private property; provided banners on private property must be in conjunction with town-sponsored events; provided further that all banners are subject to prior written approval by the ~~town manager or the town manager's designee~~ community development director and subject to any rules adopted by resolution of the town commission which rules may address such matters as time, place, size, fees, maintenance and to the extent permitted by law, the content and message and other matters appropriate to the location and purposes of the banner.
- (28) Any sign listed in section 70-32(a) which is not included in this section.

Sec. 70-102. Prohibited signs and related equipment.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign not expressly authorized by, or exempted from this section, ~~regulation~~. The following signs, sign structure, and related equipment shall not be permitted, erected or maintained in the town:

- (1) Signs which incorporate any flashing, intermittent illumination; rotating, revolving, oscillating or moving signs; except that this section shall not be deemed to prohibit signs which state time and/or temperature information and which incorporate moving or exposed incandescent lightbulbs with a time and/or temperature sequence span of four to eight seconds in commercial and industrial zoning districts;
- (2) Banners, pennants, spinners, balloons and streamers, except as permitted by any of the provisions contained herein. For the purposes of this section, banners, pennants, streamers, spinners and balloons shall be any such objects with or without lettering or other specific identification or advertising information or graphics;
- (3) String lights used on commercial premises except as permitted by these regulations in 70-107. ~~the town commission for temporary purposes such as holidays~~;
- (4) Any sign which has any visible moving parts, visible revolving or rotating parts, or visible mechanical movement of any description or other apparent visible movement

achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or action of normal wind current;

(5) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or which is not kept in good repair, or is capable of causing electrical shocks to persons or other living beings that are likely to come into contact with it;

(6) Any sign, which obstruct free ingress to or egress from a required door, window, fire escape or other required exit way or otherwise presents a life-safety hazard;

(7) Any sign which ~~uses the makes use of~~ words such as "Stop," "Look," "Danger" or any other words, phrases, symbols or characters in such a manner which presents or implies the need or requirement of stopping or the existence of danger, or which is a copy or imitation of official signs, or otherwise may have the effect of as-to interfere interfering with, misleading or confusing confuse vehicular and/or pedestrian-traffic;

(8) Any sign, which was or is unlawfully installed, erected or maintained in violation of the requirements under the terms of this article these regulations;

(9) Any portable sign not permanently affixed to the ground, or to a building, or to another structure which is also permanently affixed to the ground so as to withstand the wind load and other requirements of the Florida Building Code, the town code, and any other applicable rules and regulations of any state, local, or federal government or agency, in accordance with the requirements of this chapter. A sign which is affixed to a truck, bus, trailer or other vehicle which has as a primary purpose the display of such a sign on a lot shall be considered to be a portable sign and shall be prohibited. However, a sign which is affixed to a truck, bus, trailer or other vehicle which such vehicle is maintained and operated primarily for business purposes other than the display of such a sign on a lot, shall not be considered to be a portable sign, but shall be considered to be an exempt sign; ~~pursuant to section 70-101(20);~~

(10) Any sign attached to or painted on a standpipe, gutter drain, fire escape, television antenna, satellite dish or any similar accessory structure;

~~(11) Any sign within 50 feet of any residential district boundary line unless such design is completely screened from the residential district by a building.~~

(11) Any sign which is supported by visible angular bracing members, guy wires or cables, or any sign that is served by visible electrical conduit;

(12) Any sign which would project into any public right-of-way, or other accessway, or a the visibility triangle, or is placed in any curve or in any manner that may prevent persons using the streets, roads, highway and other public rights-of-way, from obtaining an unobstructed view of approaching vehicles, as set forth in section 70-61(d);

(13) Any wall-mounted sign located on the exterior of a building which would project more than 18 inches therefrom, except as provided for in section 70-103;

(14) Any sign located so as to impair access to a roof;

(15) Any sign, which would projects above the height, ~~as, defined by this chapter,~~ of the building roofline, except that a sign may be mounted on a parapet wall provided that the sign does not extend above the parapet wall;

(16) Any sign mounted on the roof of a building behind the front facade;

(17) Any sign, which emits a sound, odor or disturbing effects which creates a nuisance; visible matter;

(18) Any sign erected in or on the waters of Lake Worth or South Lake;

- (19) Any signs made of any material (including paper, cardboard, wood and metal) when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to, affixed, fastened, or painted on trees, utility poles, fences or other similar objects;
- (20) Unauthorized signs on property owned by or under the control of the town;
- (21) Any addition and/or enlargement or other alteration of an existing sign unless such addition and/or enlargement or other alteration has been approved by issuance of a new sign permit by the town; in conformance with this regulation;
- (22) Any billboard or off-premises sign;
- ~~(24) Any sign which contains or consists of a three dimensional sculptural figure which is an emblem of the business to which it is accessory or which represents products manufactured or sold by such business;~~
- (23) Signs that are in violation of Chapter 479, Fla. Stat., as amended from time to time, the Florida Building Code, or the electrical code, and any other technical codes adopted by the town;
- (24) Any sign, ~~which the that, in the opinion of the director,~~ has reasonably determined does or may will constitute a safety hazard, or which is insecurely erected or fastened, or which is in an unsightly condition;
- (25) Blank temporary signs; ~~and~~
- (26) Pole signs;
- (27) Any other sign not specifically authorized by this chapter.

Sec. 70-103. Permitted signs.

All permanent signs shall be part of the architectural concept and character of the site. Lighting, materials, size, color, lettering, location and arrangement shall be harmonious with the building design.

1. Residential signage

(a) ~~Residential-unit nameplate signs.~~ Signs with one or two faces and wall-mounted signs with one face that identify a house, apartment, or individual buildings in a multi-family complex shall be permitted subject to the following restrictions controls:

- (1) Permitted content: The name of the occupant or the building name, and the address of the residential unit to which the sign is accessory. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
- (2) Maximum area: One square foot per face.
- (3) Maximum number: One per individual dwelling unit. Building units may have up to four such signs if needed to be identified from separate entrances or parking lots for the buildings as determined by the community development director
- (4) Location: On the same lot as the residential unit or building which the sign identifies.
- (5) Maximum height:
 - a. Freestanding, four feet;
 - b. If wall-mounted, no higher than the wall on which it is mounted.

(b) *Residential development permanent identification signs.* Signs with one or two faces that identify the development or complex shall be permitted subject to the following restrictions ~~controls~~:

- (1) Permitted content: The name, logo, and address (if applicable) of the residential development may be identified. Types of residential developments, which may be so identified, include subdivisions, condominiums, cooperatives, planned unit developments, and apartments. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
- (2) Maximum area: Sixteen square feet per face or 32 square feet if only one sign face per entrance is displayed.
- (3) Maximum number: ~~Two~~ One double faced sign per entrance to the development or two single faced signs if the sign faces are detached and are positioned on each side of the entrance as determined necessary by the community development director.
- (4) Location: Within 100 feet of the entrance of the development which it identifies.
- (5) Minimum setbacks:
 - a. Twenty feet from the lot line of any property located outside the development;
 - b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet if one or more sign faces not placed parallel to street;
 - c. In an intersection of a street with other streets and with access drive, as required by section 70-61(d).
- (6) Maximum height:
 - a. If freestanding, four feet;
 - b. If wall-mounted, no higher than the wall on which it is mounted.
- (7) The town's code compliance division shall regularly inspect signage on residential development for compliance with the requirements of this section, and may take appropriate enforcement action to obtain compliance. It shall be the responsibility of the director ~~shall ensure that such signs shall be maintained perpetually by the developer, property owner, the owner of the sign, the community association a pertinent owners' association, or any some other person or entity responsible for the maintenance of the particular residential property on which the signage is located such as a property maintenance company to ensure compliance with the requirements of this section. If the signage is in violation of this section and is not corrected upon notification by the town, the town may remove and dispose of the illegal signage in accordance with the provisions of section 70-64, who is legally accountable under a maintenance arrangement approved by the review authority. If no accountable person accepts legal responsibility to maintain the signs and no other provision has been made for maintenance, the signs shall be removed by the developer or owner.~~

(j) (c) *Temporary g Garage sale and yard sale signs.* Signs with one or two faces, and wall-mounted signs with one face shall be permitted subject to the following restrictions ~~controls~~:

- (1) Permitted content: Type of sale, the address, dates and hours of the sale, directional information and other related information.
- (2) Maximum area: Four square feet per face.
- (3) Maximum number: Not more than one per lot, per street side, nor ~~three~~ four per sale.
- (4) ~~Location: Only on lots where the property owner has given permission.~~
- (5) ~~Minimum setbacks:~~
 - a. ~~Twenty feet from the lot line of another lot;~~

- ~~b. In an intersection of a street with other streets and with access drives, as required by section 70-61(d).~~
- (6) Maximum height:
- a. If freestanding, four feet;
 - b. If wall-mounted, no higher than the wall on which it is mounted;
- (7) Illegally placed ~~temporary~~ signs shall be removed by the town, ~~or~~ at the expense of the property owner and/or the sign owner and/or the individual responsible for the illegal placement.
- (8) A ~~temporary~~ garage sale or yard sale sign ~~shall not be placed within a public right-of-way. may be placed in the swale on the day of the sale only.~~
- (9) All such signs shall be removed within 24 12 hours of the sale. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together with an assessment of the town's administrative costs. a \$25 fine, per sign.
- (10) The town may remove signs not in compliance with this section in accordance with the provisions of section 70-64.

2. Parking and Directional Signage.

(e) (a) *Parking area identification signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions controls:

- (1) Permitted content: Designation of entrance and exit points, including directional arrows.
- (2) Maximum area: Four square feet per sign face.
- (3) Maximum number: ~~One per entrance and exit~~ As determined to be reasonably necessary by the community development director.
- (4) Location: On the same lot as the parking area to which it is accessory.
- (5) Minimum setbacks:
 - a. Two feet from lot line of another lot;
 - b. Five feet from a public right-of-way;
 - c. Placement within the clear visibility triangle is strictly prohibited.
- (6) Maximum height:
 - a. Low freestanding, four feet;
 - b. Twelve feet if wall-mounted.

(f) (b) *Parking area instructional and related signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions controls:

- (1) Permitted content: The direction of traffic flow within a parking or loading area, areas where no parking is permitted, identification of parking spaces reserved for other specific groups or for individuals, and other similar information.
- (2) Maximum area: Not larger than is necessary to be visible to motorists on the site where they are located and subject to site plan approval.
- (3) Maximum number: As determined to be reasonably necessary by the community development director in order to regulate traffic flow, parking, loading, handicapped and reserved parking, and subject to site plan approval.

- (4) Location: On the same lot as the parking and other vehicular circulation areas to which the sign is accessory.
- (5) Minimum setbacks:
 - a. From the lot line of another lot subject to development approval;
 - b. From the public right-of-way is subject to development approval;
- (6) Maximum height:
 - a. If wall-mounted, no higher than the wall on which is mounted;
 - b. If freestanding, six feet.

(c) *Directional signs.* Directional signs are limited to four feet in height and ~~limited to~~ four square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.

3. Temporary Signage

(a) *Temporary signs erected during the ~~accessory to~~ development stage of residential and nonresidential uses.* Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions controls:

- (1) Permitted content: Identification of homes or home sites, condominiums, apartments, for sale, rent, or lease in a residential development under construction, and/or identification of nonresidential development under construction. Signs may include identification of developers, contractors, architects, engineers, real estate agents and other related information.
- (2) Maximum area: Two hundred square feet per face.
- (3) Maximum number: One per 500 feet or fraction thereof of each street frontage.
- (4) Location: Within 100 feet of the entrance to the development, which it identifies, or in another suitable location as determined by the community development director.
- (5) Minimum setbacks: Twenty feet from lot line of any property located outside the development.
- (6) Maximum height: Twelve feet.
- (7) Prior to the ~~Upon final~~ issuance of a certificate of occupancy of a completed residential or nonresidential structure, all such signs shall be removed.
- (8) Illegally placed temporary signs shall be removed by the town at the sole expense of the property owner, and/or sign owner, and/or the individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.
- (9) Maximum height of 12 feet and minimum of 20 feet from the public right-of-way. Such distance and height may be altered if unique physical conditions exist as determined by the community development director.

(b) *Temporary real estate signs.* Signs with one or two faces and wall-mounted signs with one face shall be permitted only for the purpose of advertising the land or building for sale, rent or lease, and shall relate only to the premises upon which the sign is located. No sign permit shall be required for such temporary residential real estate signs that do not exceed six square feet. However, such signs shall be subject to the following restrictions controls:

- (1) Permitted content: The name, logo, address and telephone number of the real estate agent or owner, offering the property on which it is located for sale, lease, or rent and other related information.
- (2) Maximum area:
 - a. For residential uses, six square feet per sign;
 - b. For nonresidential uses, ~~32~~ 16 square feet per sign face.
- (3) Maximum number:
 - a. One residential sign per lot. In addition, during an open house one additional open house sign may be displayed during the hours of the open house only. In no case may an open house sign be displayed for more than two days in any given week.
 - b. One non-residential real estate sign per 500 feet or fraction thereof of each street frontage.
- (4) Location: On the lot advertised for sale.
- (5) Minimum setbacks:
 - a. Twenty feet from the lot line of another lot and five feet from a public right-of-way;
 - b. In an intersection of a street with other streets and with access drives, as required by section 70-61(d).
- (6) Maximum height: Six feet.
- (7) Time limit: Signs advertising the sale, lease or rental of vacant land shall be removed immediately upon the sale, lease or rental of the property, or such land. ~~Other s Signs permitted pursuant to this section shall be removed~~ within six months from the issuance of a temporary sign permit unless such sign permit is properly renewed. ~~certificates of occupancy to 90 percent of the residential units and/or 90 percent of the leasable or saleable floor area of the development to which they are appurtenant is sold, rented or leased to any purchaser or lessee other than the original developer.~~
- (8) Real estate signs shall not be placed within public right-of-way.
- (9) Illegally placed temporary signs shall be removed by the town or at the sole expense of the property owner, sign owner, and/or the individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.
- (10) Temporary real estate signs are not permitted for businesses engaged in the rental or lease of facilities on an ongoing basis.

(c) *Temporary political signs pertaining to specific elections.*

- (1) Permitted content: Any message urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, advertising a candidate, or stating a position regarding an issue upon which the voters of the town will vote.
- (2) Maximum area: The maximum area for a temporary political sign shall be four square feet.
- (3) Maximum number: One sign on each street side of any residential or commercial property for each candidate or ballot item; for a total of no more than four such signs per property.

- (4) Location: Only on lots where the property owner has given permission. The placing of temporary political signs anywhere on public property is prohibited. Temporary political signs located on public property shall be deemed to be public property and shall be summarily removed by the town.
- (5) Maximum height:
 - a. If freestanding, three feet;
 - b. If wall-mounted, no higher than the building wall on which it is mounted.
- (6) Time limit: Signs permitted pursuant to this section shall be installed no sooner than 30 days prior to an election and shall be removed within 48 hours after the day of the election to which the sign may apply.
- (7) Permit requirements: No permit required.
- (8) A temporary political sign shall not be placed within a public right-of-way.
- (9) Candidates shall be held responsible for the size and placement of political signs. An illegally sized or placed temporary political sign may be removed by or at the expense of the political candidate responsible for the illegal placement. An attempt to notify such candidate by phone to remove the sign may be made. A notice shall be posted on or near the noncomplying sign which advises as to the manner of noncompliance and shall allow one day to comply. If said sign is not removed within that time, the town may utilize the provisions of section 9-71, alternative code enforcement procedures and standards, and issue a citation if the sign is not removed within the 24 hours. For purposes of this section, the citation shall be issued to the candidate whose sign is deemed illegally sized or placed. Further, for purposes of the notice requirements of section 9-71, 24 hours notice as provided above shall be considered reasonable.

(d) *Temporary signs for special noncommercial events of public interest.* All types of signs announcing and promoting special noncommercial events of public interest may be established pursuant to a special event sign plan submitted by the sponsor of the event and provided that no such signs shall be placed more than 15 days prior to the beginning of the event and provided further that all such signs shall be removed within 48 hours after the event. Special event sign plans shall be approved by the director prior to the issuance of a permit under the provisions of this section.

(e) Temporary signs for commercial special events. Temporary signs and displays announcing and promoting a special business event such as a sale, introduction of a new product, store liquidation, etc. shall be permitted in addition to other signs which may be permitted on the lot where located. Such signs shall not remain in place for more than 7 consecutive days. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in section 70-102(9). Application for temporary event signage must be accompanied by a special event application.

- (1) Permitted content: any message identifying the event including the type of sale, the address, dates and hours of the sale, directional information and other related information.
- (2) Maximum number: One per 500 feet or fraction thereof of each street frontage.
- (3) Location: only within the boundaries of the event site.
- (4) Minimum setbacks: five feet from any property line.
- (5) Maximum height: Twelve feet or 5 feet below the highest point on the building façade which ever is higher.

(6) Upon completion of the event, such sign shall be removed. In no case shall a temporary event sign stay in place longer than 7 consecutive days with the exception of grand opening or business change signage as provided for in Section 70-103 3. (r).

(7) Illegally placed temporary signs shall be removed by the candidate or by the town failing the timely removal of the sign as required herein or at the sole expense of the property owner, sign owner, and/or individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.

(8) Large displays such as inflatable balloons announcing a grand opening or anniversary event may be permitted through the special event application process with the approval of the community development director or designee.

(9) All temporary signage must be professionally produced.

(r) Temporary signs and displays announcing the opening of a new business or the change in ownership of an established business. Temporary signs and displays announcing the opening of a new business or the change of ownership of an established business shall be permitted in addition to other signs which may be permitted on the lot where located. Such signs shall not remain in place for more than 60 days commencing immediately upon the opening of a new business or the change of ownership of an established business. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in section 70-102(9). Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.

(f) Temporary Construction signs. A construction sign shall be permitted only while construction is actually in progress and shall be removed within 30 days following completion or abandonment of work. Such signs shall not exceed 32 square feet per sign face in area with an aggregate area of 64 square feet. One sign per company is permitted per construction site. ~~No permit shall be required for such temporary construction signs.~~ Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.

(g) Temporary signs preceding the installation of permanent signage. In the event that an existing sign needs replacement or repair ~~changing~~ and a replacement sign or the required repairs are ~~new sign~~ is not available at the time the old sign is taken down a temporary sign may be used in place of the old sign for a period not to exceed 45 consecutive days. Any such sign must be approved and permitted by the community development department prior to being erected and must be located in the same area as the sign that was removed. placed.

4. Miscellaneous Signage

(a) *Bulletin board for houses of worship.* In addition to signs permitted pursuant to this section, freestanding bulletin boards with one or two faces and wall-mounted bulletin boards with one face shall be permitted for houses of worship subject to the following restrictions ~~controls~~:

- (1) Permitted content: Any information related directly or indirectly to the activities of the house of worship. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
- (2) Maximum area: Twenty square feet per face.
- (3) Maximum number: One per lot.
- (4) Location: On the same lot as the use to which it is accessory.
- (5) Minimum setbacks:
 - a. Twenty feet from the lot line of another lot;
 - b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet if one or more sign faces not placed parallel to street;
 - c. In an intersection of a street with other streets and with access drives, as required by section 70-61(d).
- (6) Maximum height: Six feet.

(b) *Signs on a marquee.* Notwithstanding the limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on marquees subject to the following restrictions ~~limitations~~:

- (1) The sign shall be affixed flat to the face of the marquee, projecting not more than three inches there from;
- (2) The sign shall not extend above or below the structure of the marquee;
- (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the marquee projects; and
- (4) All signs on a marquee for a building which contains more than one occupant shall be the same size and shape.

(c) *Signs on a canopy or awning.* Notwithstanding limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on canopies and awnings subject to the following restrictions ~~limitations~~:

- (1) ~~The sign shall indicate only~~ Permitted content shall include the name or logo of the building, or the name or logo of the principal occupant of the building, the address and telephone number; words describing the nature of the business provided that the letters are 50% or less of the height of the letters depicting the name.
- (2) The sign shall be professionally painted or printed directly on the canopy or awning;
- (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the canopy or awning projects.

(d) *Time and temperature signs.* Signs giving time and temperature information shall be permitted when attached to or made part of an otherwise permitted sign and shall be limited to the display of time and temperature in commercial and industrial zoning districts only. Such signs shall not be larger than 25 percent of the permitted area of the sign to which they are attached. Such signs shall be counted as part of the permitted area of the sign to which they are attached.

(e) Menu Board Signs. Signs in a menu type format for the display of the type and price of food and beverage sold at a restaurant. Sign shall be mounted no higher than six feet from the ground on a wall, in a window, or on a pole and be a maximum of four square feet in size. A-Frame style signs are prohibited.

5. Commercial/Non-residential Signage

~~(e) Identification signs for nonresidential uses.~~ Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following controls:

~~(1) Permitted content:~~ The name, logo and address of the building to which the sign is accessory; the name, logo, address of occupants of the building and other related information. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

~~(2) Maximum area:~~ Two square feet for a one-face sign or two square feet for each face of a two-face sign.

~~(3) Maximum number:~~ One per lot.

~~(4) Location:~~ On the principal structure of the use to which it is an accessory unless the said structure is more than two feet from the nearest right of way, then on the same lot as the use which the sign identifies.

~~(5) Minimum setbacks:~~

~~a. Twenty feet from the lot line of another lot;~~

~~b. Fifteen feet from a public right of way, if all sign faces placed parallel to street, and 20 feet if one or more sign faces not placed parallel to street;~~

~~c. In an intersection of a street with other streets and with access drives, as required by section 70-61(d).~~

~~(6) Maximum height:~~

~~a. Low freestanding, four feet;~~

~~b. If wall-mounted, no higher than the wall on which it is mounted.~~

(a) *Wall-mounted signs in commercial and mixed commercial and light industrial districts.*

(1) Content: The name, logo and address of the business to which the sign is accessory and other business related information. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

(2) No sign shall be mounted at a distance measured perpendicular to the surface of a building greater than 18 inches from the surface of the building to the face of the sign. The total square footage of all wall signs on any front wall shall not exceed in surface area or sign area 1 1/2 times the length of the exterior wall of the individual business establishment to which it is attached.

(3) For side and rear wall signage:

a. Side wall or rear wall signage shall not exceed 50 percent of the maximum square footage of allowable sign as calculated pursuant to subsection (2) of this section.

b. Side wall or rear wall signage adjacent to residential parcels shall not exceed 25 percent of the maximum square footage as calculated pursuant to subsection (2) of this section.

(4) There shall be a minimum separation of three feet between wall signs. No wall sign shall cover wholly or partially any required wall opening.

(5) No projecting sign may be erected on a wall containing a wall sign.

(6) Signs located on the building shall be considered wall signs. The maximum height of a wall sign shall be six inches below the roof at the location of the sign.

(7) ~~No w-~~Wall signs shall may be painted directly onto the building provided it meets the following standards:

a. The sign shall be painted by a professional sign painter.

b. A full color rendition of the painted sign must be approved by the community development director prior to issuance of the permit.

c. The sign must contain a logo or other graphic elements in addition to the name and address and shall be in proportion to the existing/available sign space and harmonious in design.

(8) Auto repair and similar facilities may have one wall sign up to 6 square feet per garage door bay identifying the function of the bay (e.g. brakes, batteries, air conditioning, etc.). Banners are prohibited.

(b) *Freestanding sign in commercial and mixed commercial/light industrial districts.*

(1) Permitted content: The name, logo and address of ~~each~~ the building occupant. Only one such freestanding sign shall be permitted per building. In addition, signs permitted pursuant to this section may contain any business related noncommercial message which has not been declared by a court of a competent jurisdiction to be obscene, defamatory or otherwise contrary to law.

(2) Maximum sum total area of freestanding signs along front street: One square foot for every 1 1/2 feet of front street frontage of the lots on which located.

(3) Minimum setbacks:

a. Five feet from any public right-of-way line;

b. Eight feet from utility electrical transmission lines;

c. In an intersection of a street with other streets and with access drives, as required by section 70-61(d);

d. There shall be a minimum of a 48-foot separation between signs, including between signs on adjacent parcels, except that all parcels shall be entitled to at least one freestanding sign, unless prohibited by other sections of this code.

(4) Multiple signs: More than one freestanding sign shall be permitted per street frontage if all above provisions are met.

(5) Maximum height: ~~Thirty~~ Ten feet above ground where located except as noted below.

(6) Multi-store/unit complexes where two or more businesses are located in a single building or within attached buildings or within a cluster of buildings sharing a common vehicular entrance and exit shall be allowed a site identification sign with a maximum height of 14 feet. The sign may display the name of the complex. Individual businesses within the site or complex may be identified by a sign appendage not to exceed 12 square feet. Variations in size and design may be approved by the community development director only when a sign plan is submitted for all business units in the complex. Signs in the complex must be harmonious throughout the entire complex in some manner such as but not limited to, background board, trim, mounting brackets, color, architectural design, etc.

(7) Monument signs shall have a solid base with such base having a minimum width of 6 feet. The monument sign bases shall be constructed of materials that are different from the sign face. Such bases shall have texture and relief.

7. Pole and pylon signs are prohibited.

(c) *Automobile and boat signage at a dealership.* Signs placed on stationary automobiles or boats on the grounds of a dealership for the purpose of advertising them for sale or lease.

(1) Permitted content: any information related directly to the sale of the vehicle; the signage may include information about price, year of manufacture, special sale, etc.

(2) Placement Area: signage may ONLY be placed on the front, side or rear window of a vehicle or a boat. Open hood/door/trunk/signage is prohibited.

(2) Maximum area of sign: the size of the sign shall be limited to 50% of the window area to which it is attached

(3) Maximum number of signs per vehicle or boat: one sign (vehicle prep sheets are exempt).

(4) Signs or other attachments designed to draw attention to the vehicle or boat may not extend or protrude beyond the plane of the window. (American Flags are excluded from this requirement).

(5) Pennants, balloons and other such items intended to attract attention to the merchandise is prohibited.

(d) *Gasoline price and essential directional signs for service stations in addition to identifying signage.*

(1) Gasoline price signs: One streetside gasoline price sign shall be permitted per gasoline station to provide the price of gasoline only and shall be attached to permanent structures. The sign shall not exceed 16 square feet in area per side. The sign shall be affixed to a permanent sign structure or to a building and shall not be located closer than 20 feet to any side property line. The price sign shall not be included in the total area of signage otherwise permitted.

(2) Essential directional signs: Signs providing information needed for motorists to locate the proper service station pump site shall be permitted. Such signs shall include those identifying the type and price of fuel sold at individual service station-pumps, the location of full service and self-service pump islands and other similar information. Such signs shall be of a size which can be seen by motorists once on the site but shall not be sized to attract attention of motorists on public rights-of-way.

(e) *Window Signs.* Signs placed in or on a window, and which include plastic signs, signs made of vinyl letters, painted or neon signs, signs that are painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.

(1) Permitted content: Business name, logo, address, telephone number, signs denoting hours, open or closed, credit cards or a similar message that provides a customer with information about the store's operation and messages regarding goods and services for sale.

(2) Maximum area of sign: the size of the sign(s) shall be limited to 25% of any single window panel or pane to which it is attached and shall be included with all other business signs when calculating the allowable square footage for the business.

(3) Stand alone lettering shall be discouraged. Lettering that incorporates graphic elements, borders, backgrounds shall be encouraged. Placement and design must be consistent, harmonious, and unified throughout all windows.

(4) Paper, cardboard and hand-written signs are prohibited.

(5) One generic massed produced neon sign such as neon "OPEN" sign and one other neon merchandise sign limited to six (6) square feet is allowed per business. All such neon signs shall be included with all other business signs when calculating the allowable square footage for the business.

(6) "OPEN" flags are prohibited unless approved as a temporary sign associated with the opening of a new or remodeled business.

(7) Any plastic lettering applied directly to a window is considered a sign and must obtain a permit and be approved by the community development department prior to placement in the window.

~~(u) *Utility signs.* Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three feet in height, and so long as the sign face does not exceed one half square foot.~~

Sec. 70-104. Legal nonconforming ~~noncomplying~~ signs.

~~(a) *Noncomplying signs defined.* A noncomplying sign is any sign which was established pursuant to the issuance of a sign permit on or before the effective date of these regulations, and which is rendered noncomplying by the provisions of this chapter or a subsequent amendment thereto.~~

~~(a) *Regulations applicable to nonconforming ~~noncomplying~~ signs.* Nonconforming ~~Noncomplying~~ signs shall be subject to the building and structural nonconformity provisions of the land development regulations and the provisions of this code, ~~chapter~~.~~

~~(b) *Replacement of nonconforming ~~noncomplying~~ sign with another nonconforming ~~noncomplying~~ sign prohibited.* No nonconforming ~~noncomplying~~ sign shall be changed to another nonconforming ~~noncomplying~~ sign, nor shall any nonconforming ~~noncomplying~~ sign be replaced by another nonconforming ~~noncomplying~~ sign.~~

~~(c) *Alteration of nonconforming ~~noncomplying~~ message prohibited.* No sign with a nonconforming ~~noncomplying~~ commercial message may be altered in any way ~~shall have any changes made in the words or symbols~~ which would result in a different nonconforming ~~noncomplying~~ commercial message unless the sign is a bulletin board, or substantially similar type of sign, specifically designed for periodic change of message.~~

~~(d) *Removal of obsolete nonconforming ~~noncomplying~~ signs.* Obsolete signs which are nonconforming ~~noncomplying~~ in their number, size or placement shall be removed not less than 30 days after becoming obsolete. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.~~

~~An obsolete sign is defined as any sign which no longer correctly directs or exhorts any person, or which advertises a business, service, product or activity no longer conducted, available or in existence, either on the lot where the sign is located in the case of on-premises signs, or on any lot in the case of off-premises signs.~~

(e) *Removal of legal ~~nonconforming~~ ~~noncomplying~~ signs.* Any sign which may become nonconforming as a result of these regulations or any amendment to these regulations may be continued in operation and maintained indefinitely until July 1, 2013 as a legal nonconforming sign, provided however that this amortization period shall not apply to real estate signs, and provided that:

(1) No structural alteration, enlargement or extension shall be made to a legal nonconforming ~~noncomplying~~ sign unless the structural alteration, enlargement or extension will result in the elimination of the nonconforming ~~noncomplying~~ features of the sign.

(2) No sign shall be moved in whole or in part to any other location where it would remain nonconforming ~~noncomplying~~.

(3) If a legal nonconforming ~~noncomplying~~ sign is damaged or destroyed by any means except for intentional damage by the sign owner, to the extent that of 50 percent or more of its replacement value the repair value exceeds \$500.00 at the time of the damage, the sign may not be rebuilt or used thereafter unless it complies with ~~conforms to~~ all of the provisions of this section. Damaged nonconforming ~~noncomplying~~ signs which may not be reconstructed or repaired under the terms of this section shall be removed within 20 days after the damage or destruction occurs. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs. In the event the damage or destruction is less than 50 percent of its replacement value at the time, the sign may be rebuilt to its original condition and may continue to be displayed, provided however that all nonconforming signs must be replaced with a conforming sign on or before July 1, 2013.

(4) Normal maintenance of legal nonconforming ~~noncomplying~~ signs, including necessary nonstructural repairs and incidental work, which does not extend or intensify the nonconforming ~~noncomplying~~ features of the sign, shall be permitted.

Sec. 70-105. Computation of sign area.

(a) *Computation of sign area and number.*

(1) The area of sign permissible for each classification of sign as herein set forth shall include all areas of the sign containing informational and/or directional wording or symbols, and shall include the background area of the wording or symbols. ~~as measured by inscribing a continuous line around all the letters or symbols contained thereon.~~

(2) Computation of sign area for signs not covered by section 70-103 and this section and except as provided in subsections (b) and (c) of this section shall be the area of each face of a sign including the area of the smallest circle, triangle or parallelogram which contains all content, background and structural elements of the sign.

(3) In computing the area of a sign background, only that face or faces which can be seen from any one direction at one time shall be counted.

(4) The number of signs shall be the number of noncontiguous sign faces. Multiple noncontiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. Where two sign faces are placed back to back and are at no point more than three feet apart, it shall be counted as

one sign. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs.

(b) *Certain support structures exempted from computation of area of freestanding signs.* The area of each face of a freestanding sign shall be computed as described herein except that individual support structures shall not be considered to be part of the sign if they:

- (1) Support structures which are part of a decorative landscape wall or screen wall shall not be considered to be part of the sign; and
- (2) Do not contain letters, symbols or other sign content.

(c) *Determination of the number of signs.* Any collection of sign content, background and structure may be considered to be one sign face if the area of said sign face is measured as only one circle or only one triangle or only one parallelogram, provided that the area measured conforms to the maximum sign area requirements of these regulations.

Sec. 70-106. Illumination of signs.

(a) Except as otherwise provided herein, signs shall be illuminated only as follows:

- (1) By lights placed inside a cabinet sign with an opaque background and translucent copy;
- (2) By lights placed inside individual pan-channel letters with a translucent face;
- (3) By "halo" lights placed behind individual reverse pan-channel letters;
- (4) By lights which are directed to shine directly on the sign, however, such lights shall be directed and/or shielded so as not to shine directly onto neighboring property or the eyes of passing motorists;
- (5) By exposed incandescent bulbs for signs which give time or information.

(b) In all cases, sign lighting may not be designed or located to cause confusion with traffic lights and illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.

Sec. 70-107. Exterior architectural lighting.

~~(a) *Definition.* The term "exterior lighting," as used in this section, shall mean any variety of lighting forming an integral part of a building. Such lighting shall meet the following requirements and shall be subject to final approval by the town commission.~~

~~(a) (b) *Restricted to* Permitted in commercial and industrial zoned districts only. Exterior lighting employing strip neon lighting outlining or illuminating a building or portion thereof shall be permitted only in commercial and commercial/light industrial zoned districts.~~

~~(b) (e) *Height from ground.* All bare tubing for exterior lighting employing strip neon shall be mounted no less than eight feet in height from the ground or surface adjacent to the wall or surface for which it is mounted to prevent access to the exposed lighting fixture.~~

~~(c) (d) *Prohibitions.* Exterior lighting shall not:~~

- (1) Flash, revolve, flutter or be animated;
- (2) Project into or over any public street right-of-way including the sidewalk;
- (3) Obstruct or interfere with any door, fire exit, stairway, ladder or opening intended to provide light, air, ingress or egress;
- (4) Violate the purpose, intent and objectives of this chapter ~~or of the sign code~~ through improper maintenance, abandonment, neglect or being in a dilapidated or hazardous

condition, as determined by reference to the Florida Building Code and the National Electrical Code as adopted by the town code;

(5) Constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, glare or method of illumination, or by obstructing or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections of access facilities; or

(6) Obstruct the vision of pedestrians.

(e) Sign Permit requirement. It shall be unlawful to erect, construct, install or structurally alter exterior lighting without first obtaining a sign permit as required by this chapter. ~~pursuant to this section.~~ Illuminated lighting, including strip neon lighting identifying a business, establishment or activity by name, symbol, figure or lettering, shall be considered a sign, and the property owner ~~person responsible~~ shall be responsible for compliance ~~comply~~ with all sign permit requirements and regulations. ~~and obtain a sign permit.~~

(f) Seasonal lighting. Traditionally accepted seasonal or patriotic exterior lighting displays shall not be illuminated in excess of a total of 90 consecutive days during a calendar year.

Sec. 70-108. Reinspection.

~~The community development director shall cause to be inspected, at such times as the director deems necessary, each sign or advertising structure regulated by this chapter for the purpose of ascertaining if the sign is secure or in need of repair or removal. A reinspection fee of \$35.00 as set by the Town Commission will be paid by its owner or lessee.~~

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repeal of Laws in Conflict. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 8. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 16 day of July, 2008, the foregoing Ordinance, was offered by Vice-Mayor Daly who moved its approval. The motion was seconded by Commissioner Balius, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>X</u>	_____
VICE MAYOR ED DALY	<u>X</u>	_____
COMMISSIONER CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 20 DAY OF July, 2008

Upon Second Reading this 6 day of August, 2008, the foregoing Ordinance, was offered by Vice-Mayor Daly who moved its adoption. The motion was seconded by Commissioner Balius and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>Absent</u>	_____

The Mayor thereupon declared **Ordinance No. 11-2008** duly passed and adopted this 6 day of August, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

Vivian Mendez Lemley
Town Clerk, Vivian Mendez Lemley
(Town Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA