

## ARTICLE VI. SIGNS

### DIVISION 1. GENERALLY

#### Sec. 134-311. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animated illumination or effects means illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind actuated devices. Specifically included is any motion picture or video mechanism used in conjunction with any outdoor advertising structure in such a manner as to permit or allow the images to be visible from any public right-of-way. This definition does not include signs which indicate only time and/or temperature, provided that such time and/or temperature signs do not change or alternate messages more than 12 times a minute or electronic message signs as permitted within.

Awning sign means a sign, symbol, trademark or other message written on an awning attached to a wall. Awning signs are included in the definition of wall signs.

Banner means a display made of a pliable material displaying a commercial or noncommercial message.

Block out zone means an area that is measured from the intersecting points of a public right-of-way, street, road, highway, railroad, at any entrance onto or exit from any public road or other location and extending 20 feet along the right-of-way in each direction and closed so as to form a triangle in the corner created by the intersection.

Buildable area of lot means that area of a lot within the building setback lines as set by this chapter within which a principal building or structure may be erected.

Building setback line means the minimum yard requirement adjacent to any public street or property line set by this chapter beyond which no part of a principal building or structure may be erected.

Bunting means a long colored strip of cloth or other pliable material used for festive decorations and containing no commercial or noncommercial message, logo or emblem, and must be attached to the structure.

Canopy sign means a sign affixed to, imposed upon or painted on any permanent rooflike structure extending over a driveway or vehicle access area. Such signs may be mounted flush or suspended. A flush canopy sign is one that is mounted in such a manner that a continuous face with the canopy is formed.

A hanging canopy sign is one suspended from or beneath the canopy.

Commercial message means any message that identifies, advertises, directs attention to or promotes a business; or any message that attempts to generate good will for a business; or any message that advertises a good, product, property or service or otherwise proposing a commercial transaction.

Copy means the wording, designs and other advertising display on the surface of a sign.

Directional means providing instructions for travel to or indicating the location of a place or event, whether by words, arrows or other symbols.

Distance means the measurement in lineal feet from the closest point of the sign to the nearest property line or to the closest point of another sign, as the case may be.

Electronic sign means a sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

Flag means a piece of fabric or other flexible material solely containing distinctive colors, patterns, standards, words or emblems used as the symbol of an organization or entity.

Flashing includes illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects. The term "flashing" excludes illuminated signs which indicate only time and/or temperature, provided that such time/temperature signs do not change or alternate messages more than 12 times a minute.

Freestanding sign means a self-contained sign which is wholly independent of any building or other structure, including a portable display sign; but not including any off-premises outdoor advertising sign, any canopy sign, any residential subdivision/development sign, any sign for a nonresidential use in a residential zone, any sign designated under section 134-372 or temporary signs. Ground based monument sign means a self-contained sign permanently attached to the ground which is wholly independent of any building or other structure. The sign must be a solid structure. No open spaces which allow a direct line of sight from one side of the sign to the other are permissible in the area located beneath the widest part of the sign face where the message is located in a direct vertical plane to the ground. By way of example and without limitation the sign can not be attached to, resting upon, or supported by any pillars, columns, pylons which allow for open spaces or direct line of sight from one side of the sign to the other beneath the widest area of the sign face in a direct vertical plane to the ground. Ground based monument signs do not include any off-premises outdoor advertising sign, any canopy sign, any wall sign, any sign designated under section 134-372 or temporary signs.

Height means the measure in linear feet from the highest point on the sign to the unaltered elevation of the ground at the base of the sign or directly beneath the sign. At the election of the permit holder, the height of a sign may be measured from the highest point on the sign to the level of the nearest road from which the sign is intended to be viewed.

Includes denotes a partial definition.

Inflatable advertising devices includes air- or gas-filled signs and figures used for advertising purposes. The term "inflatable advertising devices" excludes latex and similar balloons of less than two feet in diameter.

Interior sign means signs intended to be viewed from the interior of a building.

Interstate highway includes I-20, I-75, I-285 and I-575, and any road of the state highway system which is a portion of the national system of interstate and defense highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 USC 103, or any limited access highway as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to the provisions of 23 USC 103.

Legal lot of record means a lot which meets the legal requirements set forth for the applicable zoning district.

Lot means contiguous parcels of land, legally platted as one lot, and recorded as a legal lot of record in single or common ownership, and not divided by a public street. Lot also shall mean property listed and permitted as one overall development at the time of zoning or issuance of land disturbance permit.

Noncommercial message means copy that does not contain a commercial message; and specifically included in the definition of noncommercial message is copy whereby the public is to be informed regarding a political event or candidate or issue.

Nonconforming sign means any lawfully erected sign which, on the effective date of the ordinance from which this article is derived, fails to comply with the requirements of this article.

Normal maintenance and repair. Normal maintenance and repair includes painting and cleaning. However, normal maintenance or repair conclusively does not include any structural alteration, any modification that requires a building permit or any alteration that costs in excess of 50 percent of the value of the sign prior to such maintenance and repair. For purposes of this definition, the value of the sign shall be the replacement cost of the sign structure. The valuation of the sign as shown on the records of the county tax assessor shall be presumed to be the replacement cost. If no amount appears in the records of the county tax assessor for the individual sign, then the amount stated as the value of the sign on the original sign permit application shall be presumed to be the replacement cost. These presumptions of replacement costs may be rebutted by an appraisal.

Off-premises outdoor advertising sign means a sign containing with a commercial message for a business which identifies, advertises or promotes a product, service, person, place, activity, event, idea or any other thing not sold, offered or conducted is located on a the lot that does not contain or otherwise conduct the business for which is advertised where the sign is located or which may be sold, offered or conducted only incidentally, if at all, on the premises where this sign is located. This shall include, but not be limited to, those signs commonly referred to as billboards. For purposes of this article, "off-premises outdoor advertising sign" shall not include any sign that is allowed under this article and not requiring a permit or any sign requiring a temporary permit under this article.

Changing the sign face on an off-premises outdoor advertising sign from a commercial message to a noncommercial message will not change the grandfathered or nonconforming status of the sign under this article.

On-premises sign means a sign containing a commercial message for a business which is located on a lot that does contain or otherwise conduct the business for which is advertised. ~~which identifies, advertises or promotes a product, service, person, place, activity, event, idea or any other thing which is the principal product, service, person, place, activity, event, idea or any other thing sold, offered or conducted on the premises where the sign is located.~~ "On-premises sign" shall be classified for the purposes of this article as canopy, freestanding, wall, residential subdivision/development signs and signs for nonresidential uses in residential zones. For purposes of this article, "on-premises sign" shall not include any sign not requiring a permit or any sign requiring a temporary permit under this article.

Owner includes any person having possession of or control of a sign or owner of record of real property.

Portable display sign means any sign not permanently affixed to the ground, including signs mounted or designed to be mounted on a trailer-type frame or portable wood or metal frame. Portable display signs are included in the definition of freestanding signs.

Primary highway means any road of the state highway system which is a portion of connected main highways, as officially designated or as may hereafter be so designated by the state department of transportation and approved by the United States Secretary of Transportation pursuant to 23 USC 103.

Prohibited sign means any sign, other than a nonconforming sign, not conforming to this article.

Public service information means time, temperature, notice of public meetings, special events, road/traffic directional signs, etc.

Real estate marketing sign means a temporary real estate sign located at the entrance to a subdivision/real estate development that shows the name of the project or development, name and phone number of real estate agent or agency that is handling the listing or sales, price range and hours of sales, and not to exceed 16 square feet in area.

Right-of-way means the real property owned and controlled by a governmental agency for maintaining public infrastructure, including streets, sidewalks, pathways, mass transit rail lines, drainage ditches and structures, shoulders, traffic control devices, and vegetative buffers. The width of the right-of-way outside the pavement of any given street or road can be determined by the county department of transportation.

Roof sign means a sign erected, constructed or maintained above the roof of any building. The sign or copy area shall not extend beyond the pitch boundaries or extremities of the roof line. The sign shall be mounted flush as depicted in the

illustrations below. Square footage is to be calculated the same as wall signage. Permit applications shall be accompanied by a site plan which shall be stamped by a registered engineer or architect as to dimensions, above requirements and structural integrity.

GRAPHIC LINK: Allowed and Not Allowed

Sign means any name, identification, description, display, illustration, banner, string of lights or device which is affixed to or represented directly or indirectly upon a building, structure, vehicle or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Soffit sign means a sign which hangs or is suspended beneath the cover of a walkway or beneath a support extending from a building.

Streamer means strips of fabric or other flexible material combined together and used as a wind activated device.

Temporary-local directional signs (T-LDS) mean a temporary sign that directs attention to or convey directions through the use of words, symbols, arrows or otherwise to a specific place, wherein the sign provides direction or attention to a temporary or non-permanent event or happening, such as a church or community gathering, yard sale, moving sale, estate sale or the sale of an individual house. T-LDS shall not include those signs defined under Weekend subdivision directional signs (WSDS) and also shall not include off-premise outdoor advertising signs.

Weekend subdivision directional sign (WSDS) means a temporary sign that provides directions to a residential subdivision that is offering new houses for sale. "New" for purposes of this definition shall mean houses that are located in a subdivision that has filed its final subdivision plat within two years of obtaining the permit for such temporary sign.

Window sign means a sign painted upon or affixed so as to be visible through a window.

Zoning district means the zoning designation of parcels of land under this chapter.

(Ord. of 1-9-90, § 21; Ord. of 2-25-92, § 21(C), (F), (P), (Q); Ord. of 2-14-95, § 19; Ord. of 1-26-99; Ord. of 9-10-02)

Sec. 134-316. Temporary signs.

(a) Temporary on-premises signs and advertising devices. Temporary on-premises signs located within areas zoned NRC, CRC, RRC, NS, GC, LI, HI, O&I, PVC, UVC, TS, OS, LRO, LRC or other commercial or industrial zoning districts, (inflatables permitted on no less than four (4) lane roadways and only on properties recommended for community activity center or regional activity center

on the county future land use map, as may be amended from time to time) shall be governed by the regulations within this section and any other applicable regulations in this chapter.

(1) The following types of signs or advertising devices may be displayed on-premises upon the issuance of a temporary permit:

- a. Searchlights.
- b. Banners.
- c. Inflatables.

(2) Only one temporary on-premises sign or advertising device may be displayed on a lot at a time. Each occupant or tenant of a multi-occupant building or multi-tenant lot may display one banner flush with a wall during the permit period without regard to the usage of other occupants or tenants and without regard to the prior usage of temporary on-premises signs by others on the lot.

(3) A temporary on-premises sign or advertising device (searchlight or banner) shall require a permit on a semiannual basis which allows two 60-day periods to utilize a temporary on-premises sign or advertising device, i.e., one 60-day period from January 1 through June 30, then a second 60-day period from July 1 through December 31. There must be at least a 30-day break between any two 60-day permitted periods. Temporary advertising devices (inflatables) shall require a permit on a semiannual basis which allows two (2) weekends per month, to utilize the inflatable, i.e., one permit from January 1 through June 30, and a second permit, July 1 through December 31.

(4) It shall be unlawful to display any temporary sign or advertising device without a permit or outside of the term of a permit or otherwise in violation of this section or article.

(5) The temporary permit shall be acquired prior to the display of any temporary sign or advertising device.

(6) The permit shall specify the first and last day of the period in which display of the temporary sign or advertising device is permitted. Display of the temporary sign or advertising device (searchlight or banner) shall be allowed beginning at 12:01 a.m. on the first day specified on the permit. The permit shall expire at 11:59 p.m. on the last day specified on the permit. Display of the temporary advertising device (inflatable) shall be allowed from 3:00 p.m. on Friday to 8:00 a.m. on Monday. Violations of Section 316(a) would authorize staff to terminate the permit.

(7) Top of inflatable devices cannot be any higher than twenty (20) feet from the roofline and thirty-five (35) feet from ground level.

(8) Signs placed pursuant to temporary permits shall be removed on or before the last day or time limit of the permit.

~~(b) Weekend directional signs (WEDS).~~

~~(1) Findings and purposes. Many people travel to, from and through the county on a daily basis. During weekday rush hours when the majority of people on the roads are commuting to or from work, roads are often nearly beyond their~~

capacity. Traffic hazards and distractions must be minimized. The clutter created by an excess in number, size and height of signs negatively impacts the general appearances of an area, lessens the aesthetic qualities of an area and intrudes upon the residential character of an area. However, people at times need the benefit of directional signs to help them find their destinations. Properly regulated, such directional signs may actually aid the flow of traffic while limiting the negative impact of such signs on the aesthetic qualities of an area. The following regulations recognize the difference in weekday and weekend traffic and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the county, including the aesthetics of the community. Improperly located WEDS, or prohibited WEDS advertising businesses, services or products, etc., located on private property, are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on county roadways.

(2) — Definition. WEDS shall convey directions through the use of words, symbols, arrows or otherwise to a specific place, wherein the sign provides direction and attention to a temporary or non-permanent event or happening, such as the sale or lease of real property, to a church or community gathering, yard sales, moving sales or estate sales.

(3) — Zoning districts. WEDS shall be allowed in all zoning districts.

(4) — Time allowed. WEDS shall be allowed from 3:00 p.m. on Friday to 11:59 p.m. on Sunday. It shall be the responsibility of the sign owner to remove all WEDS, including all stakes, anchoring or pole devices, etc., prior to 11:59 p.m. on Sunday.

(5) — No permit required. WEDS do not require a permit or a permit fee. Any person or entity which installs WEDS must have a county business license and must acknowledge (via form provided by code enforcement division) that WEDS will be installed per the terms of this code section. This requirement shall not apply to any person or entity which installs an exempted sign as specified in section 134-372. After acknowledgement, any person or entity which installs WEDS will be given an identification number by the code enforcement division.

(6) — Identification on sign. Each WEDS shall be legibly marked with the name and identification number provided by code enforcement of the installer. This information must be written in weatherproof ink or paint upon at least one face of the WEDS and in letters of at least one-half inch in height.

(7) — Construction. WEDS shall not exceed four square feet of sign area and three feet in height and may be double-faced. WEDS shall be mounted on an independent single or double pole device. WEDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, other signs or other sign structures. WEDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper.

(8) — Location. There shall be only one WEDS for any given place, activity or event per 300 feet of road frontage, and within a five-mile radius of the ultimate location to which it provides direction. No WEDS shall be located closer than 14-

~~feet from the back of curb or edge of pavement, or one foot behind the right-of-way, whichever ensures that the WEDS is not within the right of way. WEDS may be located along any frontage except local roads within platted subdivisions. All WEDS must be placed on private property with the property owner's permission.~~

~~(9) WEDS advertising businesses, services or products, etc. are prohibited.~~

~~(c)(b)~~ Semi-permanent directional signs (SPDS).

(1) Definition. SPDS are signs which convey directions to a specific place under construction or to specific real estate for sale or to a noncommercial event, and are not intended to be permanent but rather are intended to provide direction to a place or event for a limited period of time.

(2) Zoning districts. SPDS shall be allowed in all zoning districts. However, SPDS in residential zones shall only provide direction to residential real estate for sale or to a noncommercial place or event.

(3) Permit required. SPDS require a permit on an annual basis.

(4) Sign area. SPDS may have one face on each side of the sign. Each face may be up to 16 square feet.

(5) Height. SPDS shall not exceed ten feet in height above the elevation of the nearest right of way(s). In the event of multiple road frontages, the highest elevation shall be used for measuring height.

(6) Construction. SPDS shall be mounted on single or double poles of sufficient strength to safely support the sign. SPDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, federal, state or county signs or poles or other permanent sign structures. SPDS shall be made of a durable and waterproof material.

(7) Location. No SPDS shall be located closer than 26 feet from the back of curb or edge of pavement, or twelve feet behind the right-of-way, whichever ensures that the WEDS is not within the right of way. All SPDS must be placed on private property with the property owner's written permission. SPDS shall be located at intersections and at other places along roads to provide directional information. No SPDS shall obstruct or interfere with the sight visibility requirements or violate any safety provisions of this article.

(8) Number. A maximum of five SPDS are allowed in an intersection area, and each SPDS must be at least 150 feet from any other SPDS. An intersection area includes the areas on all corners of an intersection bounded by the right-of-way lines and within 200 feet of the intersection of right-of-way lines at the intersection, but no closer than 20 feet from such intersection of right-of-way lines. Only one SPDS advertising for any given place, activity or event shall be allowed within any intersection area. Outside of an intersection area, one SPDS is allowed per lot.

(9) Removal. SPDS used to convey directions to a noncommercial event or a specific place under construction shall be removed within ten days after the event is over or the project is completed. SPDS providing direction to a subdivision or other real estate for sale shall be removed within ten days after the closing of the sale of that property or the closing of the last lot of the

subdivision. SPDS providing direction to multifamily rental property shall be removed within one year of the issuance of a permit under this article, or renewed with approval by the board of zoning appeals.

(c) ~~Weekend subdivision directional signs (WSDS). Weekend directional signs (WEDS).~~

(1) Findings and purposes. Many people travel to, from and through the county on a daily basis. During weekday rush hours when the majority of people on the roads are commuting to or from work, roads are often nearly beyond their capacity. Traffic hazards and distractions must be minimized. The clutter created by an excess in number, size and height of signs negatively impacts the general appearances of an area, lessens the aesthetic qualities of an area and intrudes upon the residential character of an area. However, people at times need the benefit of directional signs to help them find their destinations. Properly regulated, such directional signs may actually aid the flow of traffic while limiting the negative impact of such signs on the aesthetic qualities of an area. The following regulations recognize the difference in weekday and weekend traffic and are intended to promote and protect the health, safety and welfare of the residents, visitors and businesses of the county, including the aesthetics of the community. Improperly located WSDSWEDS, or prohibited WSDSWEDS- advertising businesses, services or products, etc., located on private property, are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on county roadways.

(2) All WSDS shall be required to obtain a permit per location. The permit shall be available thru the county's code enforcement division and shall require at a minimum:

(i) Property owner's permission to install the WSDS.

(ii) Permit identification on sign. Each permit for a WSDS shall include a 24 hour contact number. Each WSDS must affix a permit sticker provided by the code enforcement division.

(iii) Construction. WSDS shall not exceed four square feet of sign area and three feet in height and may be double-faced. WSDS shall be mounted on an independent single or double pole device. WSDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, other signs or other sign structures. WSDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper.

(iv.) Location. There shall be only one WSDS for any given place, activity or event per 300 feet of road frontage, and within a three mile radius of the ultimate location to which it provides direction. No WSDS shall be located closer than 14 feet from the back of curb or edge of pavement, or one foot behind the right-of-way, whichever ensures that the WSDS is not within the right of way.

(v) Time allowed. WSDS shall be allowed from 3:00 p.m. on Friday to 11:59 p.m. on Sunday. It shall be the responsibility of the sign owner to remove all

WSDS, including all stakes, anchoring or pole devices, etc., prior to 11:59 p.m. on Sunday.

(vi.) Expiration. Permits issued for WSDS shall expire 6 months from the date of issuance.

(d) Temporary-local directional signs (T-LDS).

~~(1) Definition. T-LDS are short-term signs which convey directions to a specific place or event.~~

~~(2)(1) Zoning districts. T-LDS shall be allowed in all zoning districts. However, T-LDS in residential zones shall only provide direction to residential real estate for sale or to a noncommercial place or event.~~

~~(3)(2) No permit required. T-LDS do not require a permit or a permit fee.~~

~~(4)(3) Sign area. T-LDS may be single or double faced. Each face may be up to four square feet.~~

~~(5)(4) Height. T-LDS shall not exceed three feet in height.~~

~~(6)(5) Construction. T-LDS shall be mounted on an independent single or double pole device. T-LDS shall not be affixed in any manner to trees, natural objects, streetlight poles, utility poles, federal, state or county signs or poles, or other permanent signs or sign structures. T-LDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No such sign shall be made of paper.~~

~~(7)(6) Location. No T-LDS shall be located closer than one foot from the right-of-way. T-LDS must be on private property with permission of the owner. No T-LDS shall be located beyond a one-mile three mile radius of the ultimate location to which it provides direction. There shall be only one T-LDS for any given place, activity or event per 300 feet of road frontage.~~

~~(8)(7) Number. A maximum of four T-LDS are allowed for any location to which the T-LDS provide direction. A maximum of one T-LDS per event or property for sale may be located upon any one lot.~~

~~(9)(8) Identification on sign. Each T-LDS shall be legibly marked with the name and telephone number of the sign owner. This information must be written in weatherproof ink or paint upon at least one face of the T-LDS and in letters of at least one-half inch in height. All T-LDS shall display legibly the date and address of the activity and/or event. Any T-LDS which does not contain the above information shall be subject to immediate removal by code enforcement personnel and/or other such remedies provided by this article.~~

~~(10)(9) Removal. A T-LDS shall be removed within ten days after the event to which it provided direction is over. It shall be the sign owner's responsibility to remove the sign. This provision shall require the removal of any T-LDS providing direction to an individual real estate lot for sale within 10 days of the closing of the sale of that lot. ~~This provision shall require removal of any real estate T-LDS providing direction to a subdivision or other real estate for sale within ten days of the closing of the sale of that property, or the last lot of the subdivision.~~~~

(e) Temporary commercial produce and agricultural product stands signs.

(1) Zoning districts. Temporary commercial produce and agricultural product stand signs shall be allowed in LRC, NRC, UVC, PVC, CRC, NS, GC, TS, PSC, RRC, LI and HI or any other district where such stands or businesses are allowed as specifically permitted in this chapter.

(2) Number. One permitted sign shall be allowed per temporary vendor.

(3) Sign area. Signs shall be no greater than 32 square feet.

(4) Construction. No manufactured portable signs shall be allowed.

(5) Permit required. All signage requires a sign permit. Cost of the permit is governed under section 134-375.

(f) Temporary residential agricultural, farm and wood products and livestock and poultry sales signs.

(1) Zoning districts. Signs shall be allowed in single-family residential districts.

(2) Number. Only one permitted sign is allowed per property.

(3) Sign area. Signs shall be no greater than 32 square feet.

(4) Construction. No manufactured portable signs shall be allowed.

(5) Height. The height of signs shall not exceed six feet.

(6) Permit required. All signage requires a sign permit. Cost of the permit is governed under section 134-375.

(g) Olympic signs. Signs for Olympic or like events are permitted within a two-year period prior to and running through the conclusion of the event.

(h) Temporary signs not located within areas zoned NRC, CRC, RRC, NS, GC, LI, HI, O&I, PVC, UVC, TS, OS, LRO, LRC or all other commercial or industrial zoning districts, shall be governed by the regulations of signs under section 134-315 except that no permit shall be required.

(i) Temporary on-premises signs not located within areas zoned NRC, CRC, RRC, NS, GC, LI, HI, O&I, PVC, UVC, TS, OS, LRO, LRC or other commercial or industrial zoning districts, shall be governed by the regulations under section 134-314(f).

(Ord. of 1-9-90, § 6; Ord. of 2-25-92, § 6(A), (1)(a), (2), (4), (5), (9), (C)(8), (D)(7); Ord. of 10-27-92, § 6(E)(1)--(4), (F)(1)--(5); Ord. of 2-14-95, § 7; Ord. of 1-26-99; Ord. of 9-12-00 (eff. 1-1-01); Ord. of 7-10-01; Ord. of 1-22-02; Ord. of 9-10-02)

## DIVISION 2. ADMINISTRATION AND ENFORCEMENT

### Subdivision 1. In General

Sec. 134-341. Compliance with other laws; conflicting provisions.

The provisions of all other applicable county, state and federal laws shall apply. This article shall not be construed to create a right to maintain a sign in violation of any other law, in violation of any protective covenant or in violation of the property rights or other rights of any person or entity. If any provision of this article regulates the same activity, conduct or any aspect of signage that is also regulated by county, state or federal law, then the provision most restrictive of signage shall govern. If any provision of this article is in genuine conflict with any

state or federal law or requirement, the conflict shall be resolved in accordance with law.

(Ord. of 1-9-90, § 19; Ord. of 2-14-95, § 4)

Sec. 134-342. Enforcement and penalties.

(a) Enforcement personnel. Unless otherwise specifically provided by resolution of the county board of commissioners, the enforcement of this article shall be within the jurisdiction of the county's code enforcement personnel, including the zoning division manager, the zoning division manager's designees and all law and code enforcement personnel of the county. The enforcement personnel shall have such powers as are to enforce and give effect to this article. With regard to any provision of this article relating to traffic safety or public rights-of-way, the county department of transportation shall also be deemed to be enforcement personnel.

~~(b) Violation deemed public nuisance. Any violation of this article is hereby declared to be a public nuisance.~~

~~(c) Removal of signs in violation.~~

~~(1) The enforcement personnel may order the removal of any sign in violation of this article by written notice, registered mail return receipt requested, to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign-erector and property owner and/or any other party that procured the erection of the sign. The removal order shall be issued only after the appropriate party fails to comply with the terms of this article within five days after the receipt of written notice of noncompliance by the county or within ten days from the mailing of such notice if no receipt indicating acceptance is returned.~~

~~(2) An aggrieved party may appeal the removal order within ten days from the date that the notice was received. Such appeal shall be as provided in section 134-95 or any successor provisions. If the sign is not removed within 30 days after the order of removal or 30 days after the date any appeal becomes final, the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided in this section.~~

~~(d) Removal without notice. The enforcement personnel or any other agent of the county having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article, without giving notice to any party, if such sign:~~

~~(1) Is upon the public right-of-way or upon other public property; or~~

~~(2) Poses an immediate safety threat to the life or health of any members of the public. Improperly located WEDS, or prohibited WEDS advertising businesses, services or products, etc., located on private property, are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on county roadways.~~

~~Following such removal or repair, the county may collect the costs as provided in subsection (e) of this section.~~

(e) — ~~Costs of removal. Removal of any sign as provided for in this section shall be without liability to the county, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured the erection of the sign. If payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the code enforcement personnel shall certify the amount thereof for collection to the county attorney.~~

(f)

(b) Violation deemed public nuisance. Any violation of this article is hereby declared to be a public nuisance. Improperly located signs or prohibited signs are hereby determined to pose an immediate safety threat and traffic hazard to members of the public traveling on county roadways.

(c) Removal of signs with notice:

(1) The enforcement personnel may order the removal of any sign that has been issued a permit and is in violation of this article by written notice, registered mail return receipt requested, to the permit holder. The removal order shall be issued only after the appropriate party fails to comply with the terms of this article within five days after the receipt of written notice of noncompliance by the county or within ten days from the mailing of such notice if no receipt indicating acceptance is returned.

(2) An aggrieved party may appeal the removal order within ten days from the date the notice was received. Such appeal shall be as provided in Section 134-95 or any successor provision. If the sign is not removed within 30 days after the order of removal or 30 days after the date any appeal becomes final, the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided in this article.

(d) Removal of signs without notice: The enforcement personnel or any other agent of the county having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign: (i) is upon the public right-of-way or upon other public property; or (ii) poses an immediate threat to the life or health of any members of the public; or (iii) the sign does not have a permit and is in violation of this article. In the event that enforcement personnel remove or cause to be removed any sign under this section, criminal charges for such violation may be issued to any one or combination thereof of the following: (i) to the owner of the sign; (ii) to the erector of the sign; (iii) to the property owner upon which such illegal sign is located; or (iv) to the person or to the business entity who procured the erection of the sign.

(e) If the criminal charges shall issue to a legal entity registered to do business in any state, such as a corporation, limited liability company, partnership or the like, then in that case, the citation for such violation may be issued to both the legal entity and any or all of the officers or employees of the legal entity who are culpable of violating this article..

(f) Any sign that is removed and confiscated by the enforcement personnel shall constitute evidence in any subsequent prosecution regarding the illegal sign. Each sign that is caused to be removed shall constitute a separate violation of this article.

(g) Costs of removal. Removal of any sign as provided for in this section shall be without liability to the county, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured the erection of the sign. If payment or arrangement to make payment is not made within 60 days after the receipt of such statement, the code enforcement personnel shall certify the amount thereof for collection to the county attorney. Following such removal or repair, the county may collect the costs as provided in this subsection.

(h) Invalid permits. The enforcement personnel may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this article or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this article. If a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings pursuant to this article against the property owner, sign owner, lessee, sign erector or a combination thereof.

~~(g)~~(i) Civil actions. The enforcement personnel or any individual or entity whose property interests are directly affected may bring a civil action to seek injunctive and other relief to enforce this article.

~~(h)~~(j) Citations. Any violation of this article may be tried upon citations issued by the enforcement personnel pursuant to O.C.G.A. § 15-10-63 and any successor statute. Without limitation, sign erectors, sign owners and such other parties responsible for the violation may be cited for violation of any provisions of this article.

~~(i)~~(k) Penalties.

(1) Any person who violates any section or provision of this chapter, article VI, after the conviction upon a citation issued to the magistrate court of the county, for the first violation, shall be incarcerated for a period not to exceed 60 days

and/or fined \$200.00, with the exception of those specific fines imposed in subparagraph (2) of this section, and not to exceed the maximum penalty prescribed by O.C.G.A. 36-1-20, as amended from time to time. If any person is found to be guilty of more than one violation of this chapter, article VI, in any 12-month period the following fines are established:

- ~~(1)~~(i) Three hundred dollars for the second violation of this chapter in any 12-month period.
- ~~(2)~~(ii) Six hundred fifty dollars for the third violation of this chapter in any 12-month period.
- ~~(3)~~(iii) One thousand dollars for the fourth violation and each successive violation of this chapter.

(2) Any person or business entity who violates the provisions of this Article regulating off-premise outdoor advertising signs or the provisions of this Article regulating Weekend subdivision directional signs (WSDS), after the conviction upon a citation issued to the magistrate court of the county, for the first and each successive violation, shall be incarcerated for a period not to exceed 60 days and/or fined \$1,000, and not to exceed the maximum penalty prescribed by O.C.G.A. § 36-1-20, as amended from time to time.

~~(j)~~(l) Prosecutor. The governing authority of the county may provide by separate resolution that a county attorney shall prosecute all citations issued for the violation of this article in accordance with O.C.G.A. § 15-10-66, and any successor statute. Until such time as the governing authority shall enact such a resolution, the solicitor of the state court of the county and his assistants shall prosecute all citations issued for the violation of this article.

~~(k)~~(m) Remedies cumulative. All remedies and penalties specified in this article are cumulative.

(Ord. of 1-9-90, § 11; Ord. of 2-25-92, § 11(C), (D), (F), (G), (J); Ord. of 2-14-95, § 14; Ord. of 1-26-99; Ord. of 2-8-00; Ord. of 1-22-02; Ord. of 9-24-02; Ord. of 7-8-03)

Sec. 134-343. Bonds and insurance.

All persons engaged in the business of erecting, installing, altering, relocating, constructing or maintaining signs for compensation must show proof of a code compliance bond in the amount of \$10,000.00 as described in section 18-1, and possess a current business license at the time any sign permit is obtained. Such bond shall cover compliance with Cobb County ordinances.

(Ord. of 1-9-90, § 12; Ord. of 2-25-92, § 12; Ord. of 2-14-95, § 15; Ord. of 6-24-97 (eff. 7-1-97))

Sec. 134-344. Indemnification of county.

By accepting any permit or other permission to erect and maintain a sign or by acting in the erection or maintenance of a sign pursuant to such permit or other permission pursuant to this article, the permit holder, property owner, lessee (if any), sign erector, their agents, servants, employees and assigns agree to hold

harmless and indemnify the county, its officers, agents, servants and employees from any and all claims for damages, including death; including but not limited to those resulting from the erection, alteration, relocation, construction or maintenance of a sign permitted or authorized under this article, to the extent allowed by law.

(Ord. of 1-9-90, § 13; Ord. of 2-14-95, § 16; Ord. of 9-10-02)