

## ARTICLE XVI SIGNS

### Section 1. Definitions

For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

*Awning Sign.* A sign painted on or applied to a structure made of cloth, canvas, or similar material which is affixed to and projects from a building.

*Banner Sign.* A temporary, professionally made and designed sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind.

*Billboard.* A structure which is erected by an advertising company for the purpose of the placement of a sign for hire. Each such space for hire shall be considered a specific billboard regardless of whether or not the face is incorporated into the ground structure.

*Building Sign.* Wall, roof, marquee, or projecting sign that is attached to a building. No building sign shall exceed 40 square feet in area.

*Erect.* To build, construct, attach, hang, place, suspend or affix.

*Ground Sign.* Any sign erected, constructed or maintained for the purpose of displaying outdoor advertising by means of poster, picture and/or words when such sign is supported by one or more uprights, pylons, posts, poles or braces placed upon, or in, or supported by the ground and not attached to any part of a building.

*Illuminated Sign.* Any sign which has characters, letters, figures, designs or outline illuminated by a light source as part of the sign proper.

*Marquee.* Any hood, canopy, awning or permanent construction projecting from the wall of a building above an entrance or existing over a thoroughfare, walkway or sidewalk.

*Marquee Sign.* Any sign affixed to, or a part of, a marquee used for notice, advertisement or announcement purposes.

*Menu Sign.* A temporary sign used to inform the public of the list of entrees, dishes, foods, and entertainment available in a restaurant.

*Monument Sign.* A sign attached to a brick, stone, or masonry wall or structure that forms a supporting base for the sign display.

*Projecting Sign.* Projecting sign shall include any sign which is attached to a building and extends beyond the wall of the building to which it is attached.

*Roof Sign.* Any sign erected, constructed or maintained upon the roof of any building, subject to the provisions of wall signs.

*Sandwich Board Sign.* An A-frame sign that is not permanently attached to the ground or other permanent structure.

*Sign.* A sign shall mean and include any writing, figure, representation, emblem, flag, three-dimensional figure or model, device, letter, word, street clock and temperature announcement, and shall include any announcement, declaration, demonstration, display, illustration, name, identification, description or insignia used to advertise or promote the interest of any person, group or business when the same is viewed by the general public. This definition shall not include interior sign displays (i.e., signs in windows); whether or not visible by the general public. This definition shall include any sign placed upon a vehicle or trailer when the location of the vehicle or trailer is reasonably construed as being placed for the display of advertising matter.

*Sign, Temporary.* A sign that (1) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, (2) is intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days in a given year, or which is portable in nature mounted on a movable chassis without having a fixed location. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary. All existing temporary signs shall abide by this Ordinance with the date of adoption. Temporary signs are limited to 4' x 8'.

*Sign Illumination.* External lighting by means of a light source not a part of the sign proper, whether or not such light source is attached to the structure of the sign.

*Wall Sign.* Any painted sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.

*Window Sign.* A sign that is either painted or attached to the inside surface of a window.

## **Section 2. Exempted Signs**

The following classes of signs shall be exempted for the provisions of this Article relating to registration, payment of permit fees; provided that such exemption shall not be construed so as to relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner:

1. All signs not exceeding six (6) square feet in area advertising the sale, rent or lease of real estate and located upon the property to which such sign refers. Such sign shall not be a hazard to traffic safety. Such signs shall be affixed to a post in the ground or to the wall so advertised. Such signs shall be removed within ten (10) days after the sale or rental of the property. Only one (1) sign shall be allowed per lot or building;
2. Signs advertising the name of the merchant and his business, when painted upon the windows of such establishment, except in the TC Town Center District
3. Signs erected on church property, giving the name of the church, the time of services and similar information;
4. Signs of charitable, benevolent or religious associations or fraternal or nonprofit associations, located on the premises or grounds of such associations;
5. Signs of political parties and candidates seeking public office;
6. Professional signs denoting the name and profession or calling of persons pursuing livelihood such as minister of the gospel, teacher, lawyer, physician, or dentist; provided, that such sign does

not exceed the size and type permitted by the ethical standards of the profession or calling, and in no case exceeds two (2) square feet per side.

7. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary emergency or non-advertising signs as may be approved by the Zoning Administrator.
8. Memorial signs or tablets, names of buildings and the date of erection, when cut into any masonry surface or when constructed of bronze or any other incombustible material.
9. Special decorative displays used for holidays, public demonstrations or promotions of civic welfare or charitable purposes, when authorized by the Mayor or Zoning Administrator when there is no commercial advertising; and
10. One (1) sign denoting the architect, engineer and contractors when placed upon work under construction and when not exceeding twenty (20) square feet in area. Such signs shall be removed within ten (10) days after the completion of such construction.
11. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises not having commercial connotations;
12. Flags and insignias of any government except when displayed in connection with commercial promotion;
13. Legal notices; identification, information, or directional signs erected or required by governmental bodies;
14. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
15. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
16. Menu signs; and
17. Window signs on interior of window.

### **Section 3. Sign Permit Required**

1. No person shall erect a sign within the Town and no person shall repair, alter, relocate or maintain any existing sign within the Town unless and until a permit for such sign has been issued by the Zoning Administrator.
2. No permit required by this Article shall be granted until after an application has been filed with the Zoning Administrator showing the plans and specifications of the proposed structure and its proposed location with respect to property lines, nor until the provisions of this Article relating to such structure have been complied with. Each such application shall be accompanied by the required fee. The Zoning Administrator may prescribe suitable regulations not inconsistent with the provisions of this Article concerning the form and contents of all applications for the various types of permits required.

3. The Zoning Administrator may revoke any permit issued by him/her pursuant to this Article upon failure of the holder thereof to comply with any of the provisions of this Article.

#### **Section 4. Ground Signs**

1. All letters, figures, characters or representations in cut-out, irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure and shall comply with all the requirements of this Article.
2. No person shall erect any ground sign the total height of which is greater than forty (40) feet above the level of the street upon which the sign faces, or above the adjoining ground level if such ground level is above the street level.
3. Location.
  - a. No ground sign shall be near than two (2) feet to any other sign, building or structure.
  - b. No ground sign shall be nearer the street than the building line established by law or ordinance.
  - c. All ground signs shall conform to the provisions and the requirements of this Article.
4. All ground signs shall be securely built, constructed and erected upon posts, poles, and pylons, and standards designed by standard engineering practices, and shall not be supported and braced by timbers or metal rods.
5. All posts, poles, and pylons, or wood shall be treated to protect them from moisture when they rest upon or enter into the ground.
6. All ground signs, the premises surrounding such signs, shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
7. Temporary ground signs advertising the future use or development of property on which such signs are located may be erected, subject to the provisions of this Article; provided, that such signs shall be erected only under the provisions of a temporary, six (6) months renewable permit. No such sign shall exceed eight (8) feet in length or four (4) feet in height. Such signs shall be removed within thirty (30) days of completion of such development.
8. Renewable permits for ground signs shall be denied by the zoning inspector in the event that the sign has not been kept in proper repair or has damaged the public health and welfare by providing a harboring place for rodents or reptiles or a screen for unauthorized dumping grounds refuse. Such signs unfit for a renewal permit shall be ordered removed within thirty days after expiration of the permit, subject to the provisions of this Article for the removal of signs by the Zoning Inspector.
9. Temporary ground directional signs to subdivisions under development are permitted in a residential area; provided, that permission of the owner of the property upon which the sign is erected is obtained, and that there are no objections to such sign by adjoining property owners. Such directional signs shall be no larger than twenty (20) square feet in area. Such signs are subject to the same restrictions as temporary ground signs.

10. No sign shall extend downward nearer than ten (10) feet to the ground or pavement. Such excepted sign shall not extend downward nearer than six (6) feet six (6) inches to the ground level.
11. Signs on posts, poles, and pylons shall be constructed and braced to withstand a horizontal wind pressure of not less than thirty (30) pounds for every square foot of surface exposed and shall be securely attached to the post or posts in an approved manner.

#### **Section 5. Roof Signs**

1. Roof signs shall display no advertising matter except pertaining to the business conducted in the building upon which the sign is placed, and shall not be placed on the roof of any building so as to prevent the free passage from one part to any other part thereof with any opening on such roof. No such sign shall project beyond the exterior wall of the building.
2. Every roof sign shall be constructed entirely of an incombustible material. The uprights, supports and braces shall be constructed entirely of metal, and shall be securely anchored or otherwise fastened to support so that it will not constitute a menace to persons or property. All roof signs shall be so constructed or erected as to stand wind pressure of not less than thirty (30) pounds per square foot of area subjected to such pressure. No roof sign shall exceed forty (40) square feet of area nor shall it exceed ten (10) feet in height above the roof line or parapet. Every such sign and all supports, braces, guides and anchors thereof shall be kept in good repair.
3. The Zoning Inspector shall order the removal of any sign that is not maintained in accordance with the provision of this Section.

#### **Section 6. Wall Signs**

1. No wall sign shall extend beyond the building line more than eighteen (18) inches; except, that if the sign is illuminated the light reflectors may project six (6) feet beyond the building line.
2. No wall sign shall exceed forty (40) square feet in area and such sign shall be made of incombustible materials and shall be safety and adequately attached to such buildings.

#### **Section 7. Projecting Signs**

1. No projecting sign shall extend above the roof line.
2. Every projecting sign shall be constructed and braced to withstand a horizontal wind pressure of not less than thirty (30) pounds for every square foot of surface exposed, and shall be securely attached to the building wall in an approved manner.
3. No projecting sign shall extend more than four (4) feet six (6) inches from the building line, including attachment irons and the like, unless such sign is less than four (4) feet six (6) inches in height, in which case the maximum projection shall be six (6) feet six (6) inches from the building line.
4. No sign projecting to more than six (6) inches from the building line shall be erected directly above or below a sign projecting six (6) feet, unless there is a space of not less than six (6) feet, separating such signs.

5. No projecting signs shall extend downward nearer than eight (8) feet to the ground or pavement.

#### **Section 8. Marquees and Marquee Signs**

1. No marquee or marquee sign shall be erected which does not comply with this Article and any other requirement of this Ordinance.
2. Marquees and marquee signs may extend to a point two (2) feet back of the curb line, but no such marquee or marquee sign shall be less than eleven (11) feet in the clear above the level of the sidewalk.
3. There may be placed thereon an illuminated sign which may extend the entire length and width of the marquee, provided, that such sign does not extend more than nine (9) feet above nor one (1) foot below such marquee. Under no circumstances shall the sign or signs have a vertical width greater than nine (9) feet.
4. No additional signs shall be attached to a marquee.

#### **Section 9. Sign Illumination and Illuminated Signs; Flashing Signs Prohibited**

1. Goose neck reflectors and lights shall be permitted on ground signs, roof signs, wall signs, post signs and marquee signs; provided, that the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare on the street or adjacent property.
2. Business signs may be illuminated, but if located in the vicinity of a traffic control signal no red illumination shall be used thereon.
3. All illuminated signs and sign illumination shall be subject to applicable provisions of this Ordinance and of all laws and electrical and building codes which may be in force within the Town of Elkton.
4. The application for a permit for the erecting of a sign or other advertising structure in which wiring and connections are to be used shall be submitted by the Zoning Inspector to such official or officials having inspection duties in connection therewith under this Article or an law, electrical code, ordinance or regulation in force in the Town of Elkton, and the applicant shall pay any required inspection fee.
5. It shall be unlawful for any person to erect or maintain within the Town any sign the illumination of or for which alternatively flashes on and off or which alternatively increases and decreases in the intensity of illumination.

#### **Section 10. Commercial Signs**

No commercial sign, as defined by this Article, shall be erected within the Town except upon property which has been zoned for such purpose.

**Section 11. Obstruction of Windows, Doors, Fire Escapes, Etc., Prohibited**

No sign of any description shall be installed, erected, constructed or maintained in such a manner as to obstruct any fire escape or any window or door, nor shall any sign be attached in any manner to any fire escape.

**Section 12. Obstruction of Traffic and Traffic Signs Prohibited**

1. No sign or advertising shall be erected at or near the intersection of any streets in such a manner as to obstruct free and clear vision; or any location where by reason of its position, shape, or color it may interfere with or obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
2. No sign shall make use of the words "stop", "look", "danger", or any other word or phrase of similar character in such a manner as to interfere with, mislead or confuse traffic.
3. No beacon ray or similar type of lighting device shall be permitted.

**Section 13. Display of Obscene, Etc., Matter Prohibited**

No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.

**Section 14. Miscellaneous Requirements**

1. No permit shall be issued for any sign except as prescribed in this Article.
2. The property owner, business, or other person responsible for the placement and/or maintenance of any sign shall maintain said sign in good and reasonable condition as deemed appropriate by the Town.
3. Signs which contain or consist of banners, posters, pennants, ribbons, streamers, and strings of light bulbs, are prohibited, except as permitted below:
  - a. Charitable banners will be permitted for a fourteen (14) day period at approved locations with the issuance of a permit by the Zoning Administrator.
  - b. The Zoning Administrator may issue a person a permit to display a banner used for business advertising purposes in commercial zones for a period not exceeding thirty (30) consecutive days, up to four times per calendar year.
4. Temporary signs are permitted once per calendar year for a maximum of thirty (30) days and shall not exceed four (4) feet by eight (8) feet.
5. Notices, placards, bills, cards, posters, advertisements, or other signs mounted or placed in any fashion upon any lamppost, utility pole, satellite dish, fire hydrant, or other public water, sewer, stormwater, building, structure or other public infrastructure, tree or tree box, or upon any piers or columns located on or along the public streets and highways of the Town of Elkton, shall be prohibited, except as such may be authorized or required by law.

## **Section 15. Existing Signs**

1. All signs which have been lawfully erected and maintained prior to the effective date of this Ordinance shall be deemed as legal and lawful signs under the provisions of this Article; provided that the Zoning Inspector does not find any such sign to be in a state of disrepair or to constitute a safety hazard.
2. No existing ground sign, roof sign, wall sign, projecting sign, or marquee sign shall be enlarged, rebuilt, structurally altered or relocated except in accordance with the provisions of this Ordinance, and not until a permit therefore has been issued by the Zoning Inspector.
3. The issuance of a permit shall not relieve the owner or leasee of the premises from the duty of maintaining safely any of such structures.

## **Section 16. Enforcement**

1. The Zoning Inspector shall remove a sign that is: (a) an immediate or potential hazard to the public health, safety and welfare; and/or (b) in violation of this chapter. Except in a case where a sign presents an immediate hazard to the public health, safety and welfare, the owner of the sign, its representative or agent, prior to the removal of a sign by the zoning inspector, shall be given ten (10) days written notice to remove said sign or to take such other action as set forth in the notice. Notice shall be delivered in person or sent by United States Postal Service certified mail, return receipt requested, to the owner, its representative or agent, and describe the violation and direct the owner, its representative or agent, to remove said sign, or take such other action as set forth in the notice and/or as otherwise provided by law. In the event that the zoning inspector removes a sign that presented an immediate or potential hazard to the public, the owner of the sign, its representative or agent, shall be notified after the fact in accordance with the notice provisions set forth herein.
2. In case such sign is maintained by a person engaged in the business of erecting and maintaining signs such notice may be served by addressing and mailing such notice to the last known address of such person.
3. No person shall maintain or display on or in connection with any premises owned, occupied or used by him any sign in violation of this Article.
4. Any person violating the provisions of this Article shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars (\$1,000) and/or imprisonment for not more than six (6) months.
5. The Zoning Inspector shall remove any sign of immediate danger or hazard to persons or property, without notice. No person shall maintain or permit to remain upon any premises owned, leased or occupied or used by him, with notice thereof, any unsafe sign or insecure sign liable to injure any person or property.
6. Any property owner within the corporate limits of the Town of Elkton where a business has ceased or is terminated shall be responsible for the removal of all signs, posts, and standards and the building and grounds shall be restored to their original condition within thirty (30) days after notification by the Zoning Official of the Town of Elkton.

7. All expenses incurred by the Zoning Inspector in taking down or removing any sign under this Article shall be charged to the person responsible for such sign and shall constitute a lien on the property upon which such sign was installed as well, which shall be enforceable as a lien for taxes.

**Section 17. Signs, Number and Surface Area**

1. For purpose of determining number of signs, a sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit.
2. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
3. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of this display area of the sign including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
4. Signs, including window signs, which are composed of letters, words or representations only and which follow no square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.
5. No more than one (1) sign shall be attached to each building or portion thereof; however, should a building be occupied by more than one tenant, each tenant separated by a tenant separation wall may display one (1) business sign on the building adjoining its space, unless as otherwise provided under paragraph 6 of this section.
6. Where a building has frontage on more than one street, one sign may be permitted for each building frontage on a separate street. In no event shall the combined square footage of the signs displayed exceed the total square footage of signs permitted in the zone in which they are displayed.
7. In addition, a free standing or attached sign may be erected provided that it lists only the names of the businesses housed within the premises and provided that it conforms to the zoning classification in which it is erected.

**Section 18. Permitted Signs**

1. In the R-1, R-2, and R-3 districts the following on-site signs are permitted:
  - a. One name plate not exceeding two (2) square feet in area which indicates the name of the occupant.
  - b. One unlighted sign, not exceeding six (6) square feet in area which indicates the prospective sale or rental of property on which it is located.
  - c. One unlighted sign not exceeding two (2) square feet in area which identifies a permitted non-residential use.

- d. Signs displaying political, religious, or personal messages provided that said signs are:
  - (1) Unlighted.
  - (2) Maximum sixteen (16) square feet in area.
  - (3) Constructed and placed as a ground sign.
  - (4) Placed at least fifteen (15) feet from the front property line and per the minimum requirements for an accessory building from the side and rear property lines as set forth in this ordinance.
2. In the C-1 and B-I districts the following on-site signs are permitted:
  - a. Total signage not to exceed ten (10) square feet of area for each ten (10) linear feet of street frontage.
  - b. Signs must pertain to goods or services sold on the premises.
  - c. Signs must not rise above roof level.
3. In the C-2 and C-3 districts the following on-site signs are permitted:
  - a. Total signage not to exceed fifteen (15) square feet of area for each ten (10) linear feet of street frontage.
  - b. Signs must not rise above roof level.
4. In the C-2 and C-3 districts the following off-site signs may be permitted as a Special Exception by the Board of Appeals:
  - a. Signs may not exceed three hundred (300) square feet in area.
  - b. Signs must not be nearer than one hundred (100) feet to any residence.
  - c. Signs must not be nearer than twenty-five (25) feet to any property line.
5. In the TC district, the following on-site signs are permitted:
  - a. Total signage not to exceed ten (10) square feet of area for each ten (10) linear feet of street frontage.
  - b. Wall Signs:
    - (1) Wall signs shall not exceed fifteen (15) percent of the front first-story façade with a maximum area of forty (40) square feet. Individual wall signs are allowed for each separate business or tenant; however the total wall sign area shall not exceed fifteen (15) percent of the front first-story façade.

- c. Projecting Signs:
    - (1) The maximum sign area shall not exceed five (5) square feet.
    - (2) The maximum height of the projecting sign shall not exceed the eave line or top of the parapet wall of the principal building, whichever is lower. The projecting sign shall not extend downward nearer than eight (8) feet to the ground or pavement.
  - d. Window Signs:
    - (1) Window signs shall not exceed twenty-five (25) percent of the total glass area of the window.
  - e. Awning Signs:
    - (1) Awnings shall be traditional fabric awnings and not plastic backlit awnings.
    - (2) Sign lettering and/or logo shall be limited to ten (10) percent of the awning.
    - (3) A minimum height of seven (7) feet from the lowest point to the sidewalk is required.
  - f. Ground Signs:
    - (1) Ground sign supports shall be made of wood or metal.
    - (2) Ground signs shall not exceed twenty (20) square feet.
    - (3) Signs shall not exceed four (4) feet in height.
  - g. Marquee Signs:
    - (1) A marquee sign for a movie theater or live performing arts theater shall not exceed one hundred (100) square feet.
  - h. Monument Signs:
    - (1) Monument signs should be constructed out of materials that complement the building structure.
    - (2) Signs shall not exceed twenty (20) square feet.
    - (3) Signs shall not exceed six (6) feet in height.
    - (4) Monument signs shall have landscaping around the sign base.
6. Signs not requiring permits in the TC District.
- a. Building Identification Signs:

- (1) Building identification signs shall not exceed two (2) square feet bearing only the building name, property number, and/or street address.
- b. Directional Signs:
  - (1) Directional signs shall not contain advertising, not exceed four (4) square feet, and not obstruct the sight triangles at internal intersections on the premises.
- c. Menus and Signs Indicating Business Hours:
  - (1) Signs shall not exceed two (2) square feet, and are limited to one (1) per unit.
  - (2) Signs shall be located in a permanently mounted display box on the façade of the building adjacent to the entrance, displayed within a window adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.
  - (3) Signs shall not be affixed with adhesive tape or other semi-permanent mounting technique.
- d. Sandwich Board Signs:
  - (1) Signs shall not exceed six (6) square feet.
  - (2) Signs are permissible along the sidewalk, provided a minimum walking distance of five (5) feet shall be maintained to allow for a pathway for pedestrians.
  - (3) Signs shall be taken indoors at the close of each business day.
  - (4) Sandwich boards shall be weighted at the base so that the sign cannot be moved by strong winds; however, no sign shall be chained, tied, or otherwise affixed to any object, structure, or the ground.
  - (5) Only one sandwich board sign will be permitted in front of the business it advertises.
- e. Signs must pertain to goods or services sold on the premises.
- f. Signs must not rise above roof level.
- g. Signs shall not obstruct clear sight triangles at intersections of all streets and driveways.
- h. Signs in the Historic District shall comply with the Historic and Architectural Review Committee review process and requirements.

## **Section 19. Prohibited Signs**

1. Billboards, except existing billboards, or billboards approved prior to January 1, 2006, shall be deemed legal and lawful signs pursuant to Section 17.1 of this Article and they may be replaced, but must be modernized on the site where they exist so long as their advertisement area does not exceed three hundred (300) square feet and their maximum height does not exceed the height requirements for the zone in which they are located.

**Section 20. Reserved**