

CHAPTER 152: SIGN AND BILLBOARD REGULATIONS

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GENERAL PROVISIONS

§ 152.01 PURPOSE.

Outdoor advertising displays and signs (hereinafter referred to as “displays”) are regulated in the interest of promoting traffic safety, safeguarding public health and preventing adverse community appearance and the over-crowding of land and protecting the character of the area in which they are located. The regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. It is

recognized that, unlike on premises signs which are in actuality a part of a business, outdoor advertising can be a separate and distinct business. Both, however, can affect the character of the area where they are located and the appearance of the community and both are the subject of this chapter. In general, it is intended that displays on premises or otherwise are to be located away from residential areas, and that displays be regulated to permit standard sizes to protect the character of an area wherein displays are located and to conserve property values. Signs physically attached and supported by buildings located on business premises in areas zoned B-1, M-1 and M-2 are not intended to be regulated by this chapter.

('97 Code, § 7-38) (Ord. 1-10-91, passed 1-10-91)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall not limit the exemptions contained in the exemption section of this statute.

BUILDING INSPECTOR. The Town Maintenance Superintendent.

ON PREMISES SIGNS. Signs and outdoor advertising displays located on real estate upon which a business is located advertising the products or services sold or distributed by the business on the real estate.

SIGNS and OUTDOOR ADVERTISING DISPLAYS. Any identification, description, display or illustration which is affixed to or painted or represented directly or indirectly on an outdoor object, surface or parcel of land and which directs attention to an object, product, place, activity, business, person, service or interest.

('97 Code, § 7-53) (Ord. 1-10-91, passed 1-10-91)

§ 152.03 EXEMPTIONS.

The following displays are exempt from the requirements of this chapter:

(A) Signs not exceeding one square foot in area bearing only property numbers, address numbers, names of occupants of the premises and their business or profession;

(B) Temporary signs in connection with special events, provided temporary signs may not be used for a period to exceed 30 days in any one calendar year on any real estate;

(C) Real estate signs advertising the sale of real estate upon which they are located;

(D) Signs physically and permanently attached to and supported by a building advertising the business, products or services provided by the business contained in the building, as long as the building is located on real estate zoned B-1, M-1 or M-2 as established by the Elkhart County Board of Zoning, provided the display does not interfere or endanger pedestrian traffic.

(E) Notwithstanding the exemption provided under division (B) of this section for temporary signs, any user, displayer, organization, entity or individual intending to use or display any temporary sign shall first complete and file with the Clerk-Treasurer a "temporary sign permit form." Blank forms shall be obtained from the Clerk-Treasurer.

('97 Code, § 7-52) (Ord. 1-10-91, passed 1-10-91; Am. Ord. 4-20-00, passed 4-20-00)

§ 152.04 PERMIT PROCEDURES.

(A) *Permits.* After the effective date of this chapter, and except as otherwise provided, no person shall erect any display without first obtaining a permit therefor from the Clerk-Treasurer.

(B) *Fees.* Fees are set forth in § 110.003 of this code.

(C) *Written application.* Application for sign permits shall be made in writing in duplicate and shall contain the following information:

(1) Name, address and telephone number of applicant;

(2) Location of building structure or land to which the display is to be erected;

(3) A detailed drawing or blueprint showing a description of the construction details of the display and showing the lettering composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any land; and its position in relation to nearby buildings or structures and to any private or public street or roadway;

(4) Written consent of the owner of the land to which or on which the display is to be erected in the event the applicant is not the owner thereof.

('97 Code, § 7-49) (Ord. 1-10-91, passed 1-10-91)

§ 152.05 OUTDOOR SIGN OR ADVERTISING APPLICATION.

The permit required in § 152.04 shall be issued upon the satisfactory completion of the application set forth in the Appendix to this chapter.

('97 Code, § 7-54(part)) (Ord. 1-10-91, passed 1-10-91)

REGULATIONS**§ 152.20 LOCATION.**

Displays which advertise products or businesses shall be permitted only on property which is zoned B-1, M-1 and M-2 as established by Elkhart County zoning ordinances.
(‘97 Code, § 7-39) (Ord. 1-10-91, passed 1-10-91)

§ 152.21 SIZE.

The maximum size per face of a display shall not exceed 120 square feet, excluding structural supports and trim. The faces of display structures constructed in the form of a “V” shall not exceed an angle of 45°. Displays may be placed back-to-back or in a V-type construction. Not more than one face is allowed on each side of the display.
(‘97 code, § 7-40) (Ord. 1-10-91, passed 1-10-91)

§ 152.22 HEIGHT RESTRICTIONS.

The maximum height of a display shall not exceed 12 feet measured from either the grade at its base or from the adjacent roadway grade, whichever is lower, to the top of the display.
(‘97 Code, § 7-41) (Ord. 1-10-91, passed 1-10-91)

§ 152.23 SPECIFICATIONS.

Where the structural support is visible from the road from which its in intended to be viewed, the display shall be constructed on a single steel pole. When a structure is constructed so as to have copy material facing in a single direction, the exposed rear of the display and the structural members shall be finished and maintained to a degree equal to that of the copy side of the sign.
(‘97 Code, § 7-42) (Ord. 1-10-91, passed 1-10-91)

§ 152.24 SPACING.

(A) *Distance between displays.* No display may be closer to any other display on the same side of the street or highway facing traffic heading in the same direction than:

- (1) One-hundred feet on any city street; and

(2) Three-hundred feet on any state highway; however, this provision does not prevent erecting back-to-back or V-type displays with a maximum of one display per facing.

(B) *On premises signs for businesses having frontage less than 300 or 100 feet.* In the event a property owner's property upon which a display needs to be erected has less than 100 feet frontage on a city street, or less than 300 feet frontage on a highway, and in the event the real property owner or his or her licensee operates a business on the premises and has no interest in adjoining real estate, he or she may erect a display on the real estate. Provided, however, the display may be no closer to other displays on the same side of the street or highway facing traffic heading in the same direction than a distance equal to one-half the measurement in feet of his or her real property frontage on the street or highway.

(C) *From residential, park or school.* The minimum distance from property zoned "R" for residential uses, a park or a school shall conform to building setback requirements, or in the absence thereof a distance of 50 feet.

(D) *Visual barriers or obstructions.* The above spacing does not apply to displays separated by buildings or other visual barriers or obstructions, natural or man-made.
(‘97 Code, § 7-43) (Ord. 1-10-91, passed 1-10-91)

§ 152.25 SETBACK REQUIREMENTS.

Each display shall be set back beyond the road or street right-of-way, measured from the closest edge of the display.
(‘97 Code, § 7-44) (Ord. 1-10-91, passed 1-10-91)

§ 152.26 MAINTENANCE.

All displays shall be maintained in a state of good repair. The backs and supporting structures of all outdoor advertising displays shall be kept painted in a neutral color to blend with the natural environment. The Building Inspector or his or her designated agent is authorized to inspect every display at least once annually to determine that it meets the requirements set forth in this section. Whenever it shall appear to the Building Inspector that any display has been constructed or is being maintained in violation of this section, the display shall be made to conform with all regulations herein or shall be removed at the expense of the owner within ten days after written notification thereof by the Building Inspector.
(‘97 Code, § 7-46) (Ord. 1-10-91, passed 1-10-91)

§ 152.27 NONCONFORMING DISPLAYS.

(A) It shall be unlawful for any person to erect or place any display which does not conform to the requirements of this chapter. However, any displays existing at the time of the enactment of this chapter

and not conforming to its provisions, but which did conform when erected shall be regarded as legal, nonconforming displays and may be continued if properly repaired and maintained in accordance with the provisions of this chapter.

(B) A nonconforming display shall not be replaced by another nonconforming display except that the substitution or interchange of poster panels, painted panels or demountable material on nonconforming displays shall be permitted.

(C) Repairs and maintenance of nonconforming displays shall be permitted. However, no changes in the size or construction of the display shall be permitted except to make the display comply with the requirements of this chapter.

('97 Code, § 7-47) (Ord. 1-10-91, passed 1-10-91)

§ 152.28 LIGHTING.

Displays may be illuminated, subject to the following conditions:

(A) Displays which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited;

(B) Displays which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the public street or roadway and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited; and

(C) No display shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

('97 Code, § 7-48) (Ord. 1-10-91, passed 1-10-91)

§ 152.29 PERMISSION REQUIRED.

No display shall be placed on private or public property without the written consent of the owner or agent thereof.

('97 Code, § 7-50) (Ord. 1-10-91, passed 1-10-91)

§ 152.30 VARIANCE.

A variance to these provisions may be sought according to state statute governing variances.

('97 Code, § 7-45) (Ord. 1-10-91, passed 1-10-91)

APPENDIX: OUTDOOR SIGN OR ADVERTISING APPLICATION AND PERMIT

- | | Name | Phone # | Address |
|--------|---|---------|---------|
| 1. (a) | Applicant or Sign Owner | | |
| 1. (b) | Person or Company in Charge of Sign Maintenance | | |
| 1. (c) | Building or Land Owner Where Sign to be Located | | |
2. (a) Measurement (dimensions of sign face or faces if double-sided).
 2. (b) Maximum height of sign measured from finish grade of land around sign or adjacent roadway grade, whichever is highest, to the top of the sign.

Note: a drawing or blueprint showing above dimensions and location plan is required by ordinance and must be submitted with application.

2. (c) Distance from closest roadway measured from street right-of-way to closest edge of sign.
2. (d) If sign is "V" type, construction degree of angle between sign faces.
3. Zoning of land for building of proposed sign location.

Terms of Issuance (a) Fee shall be \$1/sq. ft. of sign face. Total fee for this application is \$____ (b) Applicant and/or property owner state that they have reviewed Bristol Town Ordinance No. 8-14-86 and any amendments thereto, and represent the sign or advertisement to be constructed will comply therewith. The issuance of this permit does not evidence approval or compliance. Responsibility for compliance with any state or federal law, or any Town Ordinance shall remain the responsibility of the sign and property owner. The permit and application are for record keeping purposes only.

 (Applicant)

 (Signature of Land or Building Owner
 Evidencing Consent)

Fee and Permit Issued the _____ day of _____, 20____.

 Clerk-Treasurer

(*97 Code, § 7-54(part)) (Ord. 1-10-91, passed 1-10-91)

**OUTDOOR TEMPORARY SIGN OR ADVERTISING
APPLICATION AND PERMIT**

	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
1a	Applicant or Sign Owner _____		
1b	Person or Company in Charge of Sign Maintenance _____		
1c	Building or Land Owner Where Sign is to be Located _____		
2)	Zoning of land for placing of proposed sign _____		
3a	Date sign will be installed _____	3b	Date Sign will be Removed _____

Terms of Issuance - Terms of permit include but are not limited to:

- (a) Temporary signs cannot be displayed on any property for more than thirty (30) days in total per calendar year.
- (b) Signs may not be on public right-of-ways or obstructing view of pedestrian or vehicular traffic.
- (c) Lighting on signs must comply with state and county law.
Lights cannot be flashing in any manner. No red, blue or green lights allowed. Lights cannot be directed toward the roadway. Intense lighting that may cause impairment or glare is prohibited.

Bristol Town ordinance #1-10-91

(Applicant)

(Approved by: Town Clerk / Town Marshal)

(Application Date) (Approval Date)