STATE OF GEORGIA

CITY OF MORROW

ORDINANCE NO. 2018-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY REVISING ARTICLE XIX ("SIGNS") IN APPENDIX A ("ZONING ORDINANCE"); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Morrow, Georgia (the "City") is the Mayor and Council thereof; and

WHEREAS, the City has the power to regulate the display of outdoor signage within its limits pursuant to its exclusive zoning and planning authority granted by the 1983 Constitution of the State of Georgia, including but not limited to Article IX, Section II, Paragraph IV and Article IX, Section II, Paragraph III; the authority granted by the General Assembly of the State of Georgia, including but limited to O.C.G.A. § 36-70-3; the authority granted under the Charter of the City of Morrow, including but not limited to Sections 1.12(b)(3), 1.12(b)(23) and 1.12(b)(32); as well as the general police powers of the City and other authority provided by federal, state, and local laws applicable hereto; and

WHEREAS, the City previously exercised such power, having adopted a comprehensive code governing the manner in which people may display outdoor signs that presently is codified in Article XIX of Appendix A in its Code of Ordinances; and

WHEREAS, the Mayor and Council find it desirable and in the best interest of the health, safety and welfare of the citizens of the City to revise the sign regulations contained in Article XIX.

BE IT AND IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, and by the authority thereof:

Section 1. That Article XIX ("Signs") of Appendix A ("Zoning Ordinance") in the Code of Ordinances, City of Morrow, Georgia is hereby amended by striking, in its entirety, the current text contained therein and by inserting in lieu thereof the text set forth in the item identified as Exhibit "A" that is attached hereto and made a part hereof by reference.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. That this Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Morrow.

Section 6. That the effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

ORDAINED this 10th day of April, 2018.

CITY OF MORROW, GEORGIA

Jeffrey A. DeTar, Mayor

ATTEST:

Yasmin Julio, City Clerk

APPROVED AS TO FORM BY:

City Attorney

[0996-0025/281861/1]

EXHIBIT A

[See Attached]

ARTICLE XIX. – SIGNS

Section 1901. - Findings of fact and purpose.

(a) The City of Morrow finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owner's original purpose of presenting a clear message of its idea or identification of its premises.
(b) Regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's residents and business community
(c) As a result of the city's regulation of signs beginning in 1974, commercial areas of the city present an aesthetically pleasing environment which supports and promotes robust business activity within the city as well as providing a zone for traffic substantially free of unsafe diversions.
(d) The city's intention in enacting sign legislation has never been directed at nor enforced against the content of the signs, but has rather focused on the physical characteristics of the sign structures.
(e) The purposes of this article are to encourage the effective use of signs as a means of communication within the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of this article. In considering the appropriate level of sign regulation for the city, the mayor and council have considered planning studies, reports, news articles and related information from a variety of sources.
(f) Signs provide an important medium through which individuals, organizations, institutions, and businesses may exercise their right to freedom of speech and expression and convey a variety of constitutionally protected messages.
(g) The provisions in this article which regulate signs on the basis of size, height, shape, design, spacing, placement, and distance, but not on the content of any constitutionally protected message conveyed therein, provide an appropriate balance between the right of freedom of speech and expression via the sign medium and the protection of the substantial governmental purposes stated above.

Section 1902. - Definitions.

(a) For the purpose of this article, the following definitions shall apply:

(1) *Abandoned sign:* Any sign for which the sign permit has lapsed.
(2) *Awning:* A roof-like cover extending over or before a place as a shelter and supported entirely by and from the building.
(3) *Banner:* A temporary sign made of a piece or strip of cloth, paper, canvas, plastic, or similar material, and upon which a message, slogan, or emblem is painted, drawn, or otherwise projected, colored or shaped. "Banner" includes, but is not limited to such things as trash receptacle covers, tire covers, rack covers, changeable and/or removable paper, cardboard, cloth, canvas, or plastic displays. Flags are specifically excluded from the definition of "banner."
(4) *Billboard:* A freestanding sign larger than 200 square feet in sign area.
(5) *Chain Business:* Businesses that share a brand and central management, have one parent company, standardized business methods and practices with more than six locations
(6) *Changeable copy sign:* A sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Spectacular signs are not included within the definition of "changeable copy sign."
(7) *Cloud Sign*: A custom shaped sign including embossed copy with the exterior edges of the sign contoured to the outer edge of the copy.
(8) *Dilapidated sign:* Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or mechanical devices or which is otherwise dilapidated, unsightly or unkempt.
(9) *Feather sign:* A temporary sign consisting of a pole driven into the ground or mounted upon a base with an attached vertically elongated material typically constructed of cloth, paper, flexible plastic or fabric and resembling a feather, flag, sail or rectangle.
(10) Flag: A sign consisting of fabric or similar material attached at one end to a pole placed in the ground or attached at one end to a building and hanging freely such that it may flutter or move in the wind.
(11) Franchise Business: Businesses that share a brand and central management, have one parent company, standardized business methods and practices with more than six locations
(12) *Freestanding sign:* A sign securely affixed to an independent support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or stanchion signs.
(13) *Illuminated sign:* A sign designed to give forth artificial light directly or through translucent material from a source of light within such sign or a sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs.
(14) *Instructional sign:* A sign used to give direction to the public.
(15) *Interstate sign:* A stanchion sign not exceeding 100 feet in height or 200 square feet in sign area located adjacent to the right-of-way of any interstate highway.
(16) *LED sign:* Any electronically controlled sign utilizing light emitting diode technology to form some or all of the sign message, whether that message is moving or stationary.

This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. For purposes of this article, a LED sign meeting the standards of this article is permitted as a changeable copy sign.

(17) *Lot:* A designated parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed, or built upon and meeting all standards of the zoning district in which it is located.

(18) *Mobile sign:* A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promotion, or conveying an advertising message.

(19) *Monument sign:* A freestanding sign mounted directly upon the ground and not attached to or a part of or supported by a building and designed in such a manner that the base of the sign face is flush with the supporting solid base which is flush with the ground. The base shall be at least as wide as the sign.

(20) *Nonconforming sign:* Any sign which was legal at the time of erection, but which does not conform to the requirements of this article.

(21) *Person:* Any individual, association, corporation, firm, organization, partnership, trust, or any other entity.

(22) *Portable sign:* A sign that is constructed of any material that may be moved from one location to another, whether or not it is fastened to an object, building or staked to the ground in any manner at any given time.

(23) *Regional mall:* A group of commercial establishments which draws customers from a multi-county market area and which is planned, constructed and managed as a unified development containing a shopping mall structure with enclosed common areas along with predominantly retail businesses and which may include one or more free-standing retail buildings served by on-site parking and loading. This definition does not include a "shopping center."

(24) *Roof sign:* A sign:

a. Erected upon or above a roof structure;
b. Wholly supported by the roof structure;
c. A structure placed upon the roof; or
d. Any signage placed upon sloped building fascia intended to appear or actually be roof elements of a building.

(25) *Shopping center:* A group of retail/service commercial establishments that is planned and developed for the site upon which they are built, that is owned as a unit with on-site parking provided, and that does not contain enclosed common areas. This definition does not include a "regional mall."

(26) *Sign:* A sign is a device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others and which is placed out of doors in view of the general public or, when near the inside surface of a window, placed in such a manner as to be in the view of the general public outside the building.

(27) *Sign holder*: A person holding or wearing a sign of some sort; also known as a human directional, sign walker, sign waver, sign twirler or sign spinner. Frequently, they will spin or dance or wear costumes while holding the sign in order to attract attention.

(28) *Spectacular sign:* A sign that is animated, flashing, scrolling or otherwise suggesting movement of sign message, constructed of metal or other material, wired for lights or luminous tubing, or both, or utilizing copy controlled action.

(29) *Stanchion sign:* A freestanding sign mounted on one or more steel poles set in the ground and of sufficient strength and size to support the message portion of such structure which rests upon or is supported by such poles.

(30) *Standard informational sign:* A sign with an area not greater than 480 square inches, with a placard made for short-term use, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 30 inches and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half inches.

(31) *String lights:* Signs consisting in whole or in part of a series, line or row of lights, whether supported by cables or other physical means, that are visible from a public right-of-way.

(32) *Temporary signs:* Any sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or any structure which is permanently installed in the ground. Examples of a temporary sign include, but are not limited to, balloons, banners, pennants, rigid portable signs, feather flags, and searchlights.

(33) *Tri-vision sign:* A sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.

(34) *Wall sign:* Any sign attached parallel to and flush with a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.

(35) *Window sign:* A sign that is placed on or behind a windowpane and intended to be viewed from outside the building.

(b) Any term not specifically defined by this section shall be defined as provided in the city zoning ordinance or in lieu of such definition, shall be defined as provided in the general rules of construction in the City Code of Ordinances.

Section 1903. - Non-commercial messages protected.

Any sign within the city limits of Morrow which is allowable under the dimensional requirements of this article may include, wholly or partially, any non-commercial message, at the discretion of the sign owner, provided such message is not obscene.

Section 1904. - Prohibited signs.

Except as otherwise provided by this article in limited instances, the following types of signs are prohibited:

(1) Roof signs are prohibited. Exception: roof signs may be permitted on the mansard facing or mansard style roofs as an exception to this prohibition where no other space is available for mounting of wall signs.
(2) Mobile sign
(3) Portable signs, except as provided in Section 1917.
(4) Banners, except as provided in Section 1917.
(5) Rotating or moving signs.
(6) Signs that emit sound.
(7) Abandoned signs.
(8) Any sign that due to its color, shape, size, height, lighting, location, position and/or design appears to be in imitation of, or may be confused by motorists and pedestrians, to be an official traffic control sign or signal.
(9) Any sign that obstructs the view of an official traffic control sign or signal or obstructs the sight of motorists and pedestrians so as to create a traffic safety hazard.
(10) Any sign that is erected or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, any emergency exit, or any fire escape.
(11) Any sign not in compliance with all applicable codes.

Section 1905. - Computation of sign area.

(a) Except as otherwise provided in subsections (b) and (c) of this section, the area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets other regulations of the city and is clearly incidental to the display itself.
(b) The sign area of signs with more than one sign face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces are parallel, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of the larger of the two faces.
(c) The computation of the sign area of a monument sign shall include the entire monument structure, as measured from the top to ground and side to side, upon which any words, letters, figures, symbols, logos, fixtures, colors or other design elements occur.

Section 1906. - Permits.

(a) Unless exempt from obtaining a permit by the express terms of this article, no person shall erect, construct, enlarge, alter, repair, move, improve, or convert any sign or sign structure in the city without first obtaining a permit for such sign or sign structure from the city manager or his representative.
(b) Each application shall be accompanied by:
(1) A fee as established from time to time by ordinance of the mayor and council.

(2) A design and stress diagram or plan containing the necessary information to enable the building official to determine that such sign complies with all regulations of the building and electrical codes of the city.
(3) A sketch or drawing, to scale, of the proposed sign, showing size, dimensions, type, height and other information as required by the city to establish compliance with this article.
(4) A sketch or drawing, to scale, of the proposed location showing proposed height of installation and distances from all other signs and structures on the lot and public rights-of-way.

(c) The city manager or his or her representative shall review all applications for a permit and accompanying documents within 30 days of receipt of a completed application. Time for review shall not begin to run until a fully complete application with all required documentation has been submitted to the city, along with payment of the permit fee.
(1) At or before the conclusion of this 30-day review period, the city manager or his representative shall either grant or deny the permit.
(2) Should a decision not be made on a fully complete application prior the expiration of this 30-day review period, the applicant shall be permitted to erect and maintain the sign that is the subject of the application under this provision unless and until such time as the city manager or his representative notifies the applicant of denial of the application and states the reason(s) for such denial. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such sign, and should the city manager or his representative subsequently deny the application, the sign must be brought into compliance with this article.

(d) Where an application and accompanying documents show that the desired sign will conform to all requirements of this article and other pertinent laws and ordinances regulating signage, the permit shall be issued.

(e) Where an application and accompanying documents describe work which does not conform to the requirements of this article or other applicable laws and ordinances regulating signage, the permit shall be denied. The reasons for denial shall be set out in writing and emailed to the applicant on or before the 30th business day after the city is in receipt of a completed application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this article, any other law or ordinance regulating signage, the submission of an incomplete application, or submission of an application containing false material statements.

(f) A permit issued shall be construed as a license to proceed with the work, but shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this article, nor shall such issuance prevent the city manager or his representative from thereafter requiring a correction of errors in plans or in construction or of other violation of this article.

(g) Every sign erected, constructed or maintained, for which a permit is required shall be plainly marked with the name of the person erecting and maintaining such sign and shall have affixed on the front thereof the permit number issued for said sign by the city. In case of window displays, the permit number will suffice where the display is maintained by the store licensee.

(h) Every permit issued shall become invalid unless the work authorized by the permit is commenced within six months after the time the permit is issued; provided that, for cause, extensions of time may be allowed, and such extensions shall be in writing and emailed by the city manager or his or her representative.

(i) In the event the city determines that an existing sign has been erected or exists in violation of the standards of this article or other laws and ordinances regulating signage, or has been issued on the basis of an incomplete application or an application containing false material statements, the city manager or his representative shall provide notice of revocation to the permit holder via certified mail. The notice shall provide a time, not sooner than ten business days nor later than 30 business days of the notice, for the applicant to appear before the city manager or his representative and provide evidence as to why the permit should not be denied. A decision by the city manager or his representative upholding the revocation or withdrawing that action shall be reduced to writing and served on the permit holder no later than ten days from the date of hearing.

Section 1907. - Appeals.

Notwithstanding the provisions regarding appeals in Article XIV of this ordinance, in the event that the city manager or his representative denies an application submitted under Section 1906(a), revokes a permit under Section 1906(i), or denies a request to erect a temporary sign under Section 1917(b), the applicant or the permittee may appeal such decision by filing a written notice of appeal with the city clerk no later than ten business days after such denial. The mayor and council shall hear the appeal at their next regularly scheduled meeting that is at least six days after the notice of appeal is received. A final decision on an appeal shall be rendered by the mayor and council no more than 30 days from the date such appeal was heard.

(1) Should the mayor and council fail to render a decision on a properly and timely filed appeal from the denial of a permit application submitted under Section 1906(a) or Section 1917(b)(1) prior to the expiration of the 30-day period, the applicant shall be allowed to erect and maintain the sign that is the subject of the application under this provision unless and until such time as the mayor and council makes a decision on such appeal. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such sign, and should the mayor and council affirm the denial of the application, the sign must be brought into compliance with this article.

(2) Any appeal of the decision of the mayor and council rendered under this section shall be taken to the superior court by a petition for a writ of certiorari as provided by law.

Section 1908. - Exemptions from permit requirements.

The following signs are exempt from the permitting requirements of this article but, notwithstanding, are subject to all other provisions of this article:

(1) Standard information signs, subject to the number limitations provided by this article; provided the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing.

(2) One flag not exceeding 24 square feet in single-family residential districts or 60 square feet in non-residential districts, mounted on either a mast arm or vertically mounted

flagpole not exceeding 25 feet in height in single-family residential districts or 50 feet in height in non-residential districts. Such flags do not count toward allowable sign limitations.

Section 1909. - Wall and awning signs.

(a) Wall and awning signs shall be securely fastened to the building surface. Such signs may not project above the parapet wall.
(b) Wall signs shall not project beyond the building face by more than two feet. Awning signs may not project beyond the building face by more than four feet.
(c) ~~Maximum s~~Sign area for wall signs:
  (1) For a premise with a wall face of 2,000 square feet or less: a maximum area of 90 square feet and a minimum area of 20 square feet..
  (2) Except as provided in (c)(3), for a premise with a wall face over 2,000 square feet: 10 percent of the wall face or 200 square feet, whichever is less.
  (3) For a shopping center having a gross floor area of 1,000,000 square feet or more: five percent of the wall face or 200 square feet, whichever is less, on each street facing wall, provided further that individual tenants in such shopping centers must have a gross floor area exceeding 100,000 square feet in order to post a wall sign for that tenancy.
  (4) A regional mall that maintains a minimum of 75% of its total square footage as operating retail space shall be exempt from the size limitations of this subsection.
(d) Sign area height on wall signs:
  (1) For a premise with a wall face of 2,000 square feet or less: a maximum area height of three feet and minimum area height of fifteen inches.
  (2) Except as provided in (d)(3) or (d)(4), for a premise with a wall face over 2,000 square feet: the three-foot area height may be increased by three inches per additional 100 square feet of wall face but, in no event, shall the wall sign exceed five feet in sign area height.
  (3) For a shopping center having 1,000,000 square feet or more, a maximum sign area height of six feet; the six-foot limitation also pertains to any tenant with a gross floor area exceeding 100,000 square feet.
  (4) A regional mall that maintains a minimum of 75% total square footage as operating retail space shall be exempt from the size limitations of this subsection.
(e) On all wall signs larger than 90 square feet placed above an entrance to a building, there must be a minimum of 24 inches of clear vertical space between the top of the building entrance and the bottom of the wall sign, and there must be a minimum of 24 inches of clear vertical space between the top of the wall sign and the top of the building.
(f) Projecting signs shall be mounted a minimum of eight feet from grade level above pedestrian areas and 14 feet above vehicular areas.

Section 1910. - Window signs.

(a) Window signs are limited to being part of the allowance for wall signs, or, as window displays, shall not exceed 25 percent of the window area or building face in commercial and industrial zones. The color, shape, and/or design of a window display shall coordinate with existing signage on the premises, shall be in compliance with the standards of this article

and are included in allowable size limitations. Window signs shall be professionally made for the purpose of window display and maintained in a "like new" condition. Paper cut-outs and hand-made signs are prohibited.

(b) Where the wall of a building located in a commercial or industrial zoning district is such that the installation of a wall sign is impracticable due to lack of space to which such sign may be attached, window signs may be designed as a permanent sign to serve the premises. In such case, all other standards concerning size limitations shall be applicable to the window sign.

Section 1911. - Freestanding signs.

(a) Freestanding signs may be either monument signs or stanchion signs. Such signs shall be securely affixed to a substantial support structure which is permanently attached to the ground, and wholly independent of any building for support. In the case of monument signs, the primary structural material shall compliment the primary building material of the structure served by the sign so as to achieve similarities and consistency of building materials on the site.

(b) Freestanding signs shall be mounted perpendicular to the fronting street, except that one sign, upon submission and approval of installation, may be used in place of two separate signs on corner lots. Stanchion signs and monument signs shall be centered 15 feet behind the property line and shall be fully contained within the property lines with the edge of the sign being at least five feet off the right-of-way. Monument signs shall be centered within the landscape buffer area perpendicular to the fronting street and shall be fully contained within the property lines. No freestanding sign shall be located within 30 feet of an existing freestanding sign, provided this restriction shall not apply to properly installed instructional signs.

(c) Freestanding signs utilized by multi-tenant occupancies shall comply with the following additional requirements:

(1) Each such sign, whether a monument or stanchion sign, shall have a decorative base sufficient to house all sign supports within a single structure. Such base shall utilize construction materials that match the construction materials of the multi-tenant development.

(2) Stanchion signs utilized by multi-tenant occupancies shall include decorative pole covers covering the upright supports which shall be comprised of square casings of no less than 18 inches in any one horizontal direction.

(3) The exterior color of the sign cabinet (i.e., structural or architectural supports, framing and sign face) shall be compatible with the colors of the multi-tenant development.

(4) Landscaping shall be required at the base of all such signs in accordance with the following standards:

a. Plantings shall be at a height of at least 12 inches but no more than 18 inches measured from the adjoining grade. Use of a berm with low plantings may be utilized to meet the height requirements for landscaping.

b. Plantings shall be designed to provide a decorative foundation for the sign and shall utilize a mixture of greenery and/or flowering plants to create a solid landscaped appearance.

c. All plantings shall be maintained free of weeds, with sufficient water and fertilizer. Plantings shall be maintained in a healthy state.
d. A landscape plan meeting the requirements of this section shall be submitted for approval to the director of public works or his designee.

(5) Address numbers eight inches in height shall be applied to the base of the sign in a contrasting color for emergency identification. No structural supporting members shall be visible for such address numbers.

(d) Interstate signs.

(1) Except as provided in subsection (d)(2), an interstate sign shall only be allowed on a commercially zoned lot that (1) is at least one acre in area; and (2) contains no less than a 50-foot frontage adjacent to an interstate highway right-of-way.

(2) Where the commercially zoned lot has been designated as a DCI property, an interstate sign shall be allowed on said lot if it contains no less than a 50-foot frontage adjacent to an interstate right-of-way.

(3) No interstate sign shall be closer than 10 feet from the property line or right-of-way.

(4) Interstate signs may have up to 2 sign faces per each direction of travel on the nearby interstate; allowing for a maximum of 4 sign faces per each interstate sign.

(e) Height limits.

(1) Stanchion signs erected along major thoroughfares, except those signs classified as interstate signs, shall be erected to a height of 22 feet.

(2) Except as provided in subsection (3), an interstate signs shall not exceed 100 feet in height

(3) An interstate sign erected upon a commercially zoned lot that has been designated as a DCI shall not exceed 130 feet in height.

(4) Monument signs shall not exceed six feet in height.

(5) The level of the ground shall not be altered in such a way as to provide additional sign height.

(f) Size requirements.

(1) *Interstate signs.* An interstate sign shall not exceed 200 square feet of sign area. An interstate sign on a lot that has been designated as a DCI property shall not exceed 250 square feet of sign area.

(2) *Stanchion signs.*

a. Stanchion signs for multiple business parcels exceeding three acres shall not exceed 150 square feet.
b. Stanchion signs for single business parcels exceeding three acres shall not exceed 120 square feet of sign area.
c. Stanchion signs for parcels less than three acres shall not exceed 90 square feet in size.
d. Stanchion signs for parcels less than 30,000 square feet in size shall not exceed 70 square feet.

(3) *Monument signs.* Monument signs shall not exceed 60 square feet of total area of the monument sign which shall include signage and structure.

(g) No freestanding sign may be located within 30 feet of the intersection of street right-of-way lines extended or at a location that would cause an obstruction to vision to vehicular traffic.

(h) Billboards. Billboards are allowed only along the frontage of I-75 in accordance with the following standards:

(1) Billboard sign faces shall not exceed 14 feet in height or 48 feet in length for a limitation of 672 square feet in sign area.
(2) No billboard may be erected to a height in excess of 75 feet.
(3) Tri-vision technology may be utilized on billboards along I-75 provided it meets or exceeds standards of state law.
(4) No billboard shall be erected within 500 feet of an existing billboard.
(5) No billboard shall be erected within 500 feet of any public park, public playground, public green space, public recreation area or residentially zoned property.
(6) LED technology shall be permitted on billboards only in accordance with the lighting standards of Section 1913.
(7) Only one sign face shall face the lane of travel in each direction. No stacking of sign faces or side by side placement of such faces shall be allowed.
(8) Billboards shall be oriented only toward travelers on I-75.
(9) All other standards of this article, including, but not limited to, lighting, maintenance, landscaping, and permitting, shall apply to billboards.

(i) Regional malls that maintain a minimum of 75% total square footage as operating retail space shall be exempt from the size limitations of this section

Section 1912. - Location restrictions generally.

(a) No sign shall interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or pedestrians.
(b) No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this article.
(c) No sign or sign structure shall be located on utility poles or within the right-of-way of any street or public right-of-way.
(d) No sign shall be erected or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, any emergency exit, or any fire escape.

Section 1913. - Lighting.

(a) No sign shall give off light which glares, blinds, or has any other such adverse effect on traffic. The light from all illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected by direct light that is cast upon adjacent properties and roadways.
(b) Signs with flashing, intermittent or animated illumination or effect, as well as signs simulating motion through the arrangement and/or timing of lighting, or lighting that fades in and out are prohibited. LED signs and warning or official regulatory signs meeting standards of the Manual of Uniform Traffic Control Devices are exempt from this restriction.
(c) One neon or other type of illuminated sign may be used in the interior window of a store front. Such signs shall not exceed an overall area of two square feet. No series, lines or rows of electric lights shall be allowed as window displays or signage.
(d) Sign lighting not meeting the standards of this article is prohibited.

(e) All components of an illuminated sign shall be U.L. listed, or the equivalent thereof, with an identification label that shows the manufacturer of such sign.

Section 1914. - Special requirements.

(a) No sign shall be erected which simulates an official traffic control or warning sign or hides from view any traffic or street sign, signal or public service sign.
(b) No sign shall contain statements, words or pictures of an obscene nature.
(c) No sign shall advertise any activity, service, or product prohibited by the laws or regulations of the United States or the State of Georgia or by the ordinances or resolutions of the city.
(d) No sign shall emit or utilize in any manner any sound capable of being detected on any travelled road or highway by a person with normal hearing.
(e) No sign shall be erected on the inside of a curve or in any other manner that may prevent persons using the roadway from obtaining an unobstructed view of approaching vehicles.
(f) For businesses located in buildings for which attachment of a building-mounted sign is not possible due to design of the structure, a sign may be permanently painted on a window surface; provided the sign does not exceed the size and height requirements of this article and is subject to all permit application and issuance requirements of this article.
(g) No sign shall be erected in such a manner so as to prevent ingress or egress through any door or window of any such building, or in such a manner as to obstruct or be attached to a fire escape.
(h) No sign shall be painted on, mounted on, or otherwise attached to a vehicle, board or object which, if left stationary, tends to circumvent the intent of this code and the limitations of the sign regulations prescribed herein.
(i) Banners and flags exceeding the standards exempted from permit requirements and promotional tents are permitted only with permission of the city manager or his or her designee in accordance with the standards and regulations of Section 1917(b). Inflatable devises are prohibited.
(j) No sign shall be erected by nailing, fastening or affixing the sign in any manner to any tree, post, curve or utility pole.

Section 1915. - Construction and maintenance.

(a) No sign shall be erected or maintained unless it is structurally safe, clean and in good repair. New sign panels, letters, cabinets and similar changes to existing signs shall match the original elements of the permitted sign and structure.
(b) Except as otherwise provided in this article, all signs for which a permit is required shall be constructed and maintained in conformance with the city building and electrical codes. Such signs, together with their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
(c) Freestanding signs, excluding monument signs, shall be internally lighted or include an LED component. Freestanding signs with translucent sign faces shall be composed of pan molded background with embossed copy. In the case of a sign with copy less than six inches, or a sign face smaller than two feet by four feet, a pan face with flat copy may be used. In the case of a sign face larger than 100 square feet, and exceeding 40 feet in height, a flex face

may be used. Existing wall or fascia signs utilizing an integrated translucent sign face shall meet the standards of this subsection. At such time as sign face panels are replaced, new wall and fascia signs erected after the effective date of this section shall not be erected with a new translucent face but shall rather meet the standards of subsection (d).

(d) As of the effective date of this section, all wall signs erected on commercial properties within the city shall consist of individualized channelized letters or characters powered by electric strips or cloud signs. The channelized letters must be a height of at least twice that of the raceway and be centered horizontally on the raceway. Cloud sign designs will be reviewed on a case-by-case basis to ensure an acceptable level of copy contour is created. Cloud signs shall be internally lighted and shall have panned faces with a minimum depth of 2 inches. Where a sign applicant desires to incorporate into the sign design a logo or other figure for which an individually fabricated character is not possible, such logo or other representation may be made as a cloud sign or an individual component fitting into a channelized letter scheme utilizing a pan face with flat copy, provided that such pan face with flat copy may not exceed 25 percent of the overall allowable signage allowance for said sign. Industrial locations may use cut metal stand-out letters with a matte finish of neutral color. The letters must have a minimum thickness of two inches and be installed no less than four inches from the wall

(e) All signs of plastic material, including copy, facing or display surface, must be in accordance with ASTM D 65 (American Society for Testing and Materials).

(f) All edges and backs of signs shall be fully encased in metal or other noncombustible material. LED sign faces shall be incased within a frame. The frame shall be a minimum width of four inches, made of metal or other noncombustible material and be of a neutral color.

(g) Every sign may be inspected by the building inspector from time to time, as the city manager or his representative may require so as determining the continuing compliance with this code.

(h) Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the city manager or his representative, the owner thereof, or the person maintaining the same, shall upon written notice from the city manager or his representative, forthwith in the case of immediate danger and in any case within ten days, secure the same in a manner to be approved by the city manager or his representative, in conformity with the provisions of this code, or remove such sign. If such notice is not complied with within ten days, a formal citation will be issued for the violation.

(i) A chain or franchise business whose recognizable signage does not strictly adhere to the construction requirements, herein, may be provided an administrative variance by the City Manager. The administrative variance is limited to the construction components of the sign and shall not include consideration of sign content.

Section 1916. - Regulations and restrictions applicable to specific business categories.

In addition to general regulations and restrictions applying to all signs, signs for specific categories of commercial uses shall comply as follows:

(1) *Shopping centers and office parks.*

a. Areas designated as shopping centers or office parks shall be permitted one freestanding sign for each major access drive to the property from a public street or highway.
b. In developments of 1,000,000 or more square feet, including planned out-parcels of such developments, or in developments classified as a planned center, all lots or parcels shall maintain sign structures to a height and square footage in accordance with the criteria of the original development.
c. Areas designated as office parks shall be allowed one sign per building as shared tenant signage and on which all tenants shall have equal space and access. Such signs shall be monument signs which must conform to and be in consonance with the surrounding area stylistically and shall not exceed six feet in height nor 60 square feet of total area.
d. Individual signs qualifying as wall signs may be permitted for individual tenants in shopping centers and single-story office parks.
e. In addition to the freestanding sign allowance for multi-story buildings, multi-story buildings shall be allowed one wall sign for shared use by its tenants. Individual signs mounted on the wall by individual tenants in a multi-story building shall not be permitted.

(2) *Commercial lots.*
a. Each business located within one parcel of property and fronting on only one roadway, other than a designated shopping center or office park, shall be allowed one freestanding sign and one building-mounted sign and instructional signs, except where two or more businesses are located under one roof, then only one sign of the freestanding type specified shall be allowed for all.
b. Where such parcels are located with frontage along two roadways, a business will be allowed one freestanding sign and one wall sign per wall in compliance with current code plus instructional signs as required.
c. Those parcels qualifying for interstate signs will be allowed one interstate sign provided that no increase is made in the total allowable number of signs per business or parcel.

(3) *Apartments, churches, condominiums and schools.* Any lot upon which an apartment building, church, condominium building or school is located is allowed (a) one monument sign that shall not exceed six feet in height and 60 square feet in area; and (b) one wall sign. LED signs are not allowed on any lot upon which an apartment building, condominium building or other type of multi-family development is located.

(4) *Standard information signs.* In addition to any other sign authorized on commercial and industrial zoned property, such property may contain not more than one standard informational sign located so that the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, provided, however, that an unlimited number of standard informational signs are allowed during a political election between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee and no permit are required for such standard information signs.

Section 1917. - Temporary Signs.

a) *Temporary sign permit required.* Except as otherwise provided herein, a temporary sign permit shall be obtained from the City of Morrow prior to the display of any temporary sign.

b) The following signs are exempt from the temporary sign permit requirement:
   (1) Flags.
   (2) For each lot during the period that it (a) is being developed under an active building permit for new construction issued by the city or (b) is undergoing interior renovation of an existing building located on such lot under an active building permit issued by the city, one sign for each street frontage of said lot. Any sign erected under this subsection shall not exceed forty square feet in sign area. Any sign erected under this subsection shall be removed within ten days after the construction or renovation occurring under the building permit is completed or upon the issuance of a certificate of occupancy, whichever occurs first.
   (3) Information signs.
   (4) String lights.
   (5) Indoor signage.
   (6) One sign for each residentially zoned lot during the period in which such lot is listed for sale or lease. Any sign erected under this subsection shall be removed within ten days after the lot has been sold, has been leased, or is no longer listed for sale or lease.
   (7) Two signs for each commercially zoned lot during the period in which such lot is listed for sale or lease. Any sign erected under this subsection shall be removed within ten days after the lot has been sold, has been leased, or is no longer listed for sale or lease.
   (8) Signs located on a lot where a City permitted special event is occurring.
   (9) A single rigid design sidewalk sign not to exceed 24" by 36" in size; sign must be displayed immediately adjacent to the primary customer entrance and displayed only during business hours; includes but is not limited to A-frame signs; no spinning signs are allowed.

c) Restrictions:
   (1) No temporary sign shall be displayed in such a way as to create a visual obstruction or interfere with vehicle traffic in any manner.
   (2) No temporary sign installation shall cause damage to landscaping, buildings, fixtures or permanent signs.
   (3) Sign holders and automated sign spinners are prohibited.
   (4) No temporary sign shall impede the free flow of pedestrian traffic on sidewalks or other areas.
   (5) No temporary sign shall be placed in the public right of way.
   (6) No temporary signs shall emit any sound or light that is disruptive to surrounding properties or businesses
   (7) Balloons and other inflatables are prohibited unless specifically approved by the City in conjunction with a Special Promotional Event permit.

d) *Building Mounted Temporary Signs.* Building mounted temporary signs may be constructed of cloth, canvas, light fabric, wall board, sheet metal or other light weight material. Materials shall be weather resistant. Building mounted temporary signs shall be professionally produced. Mounting of signs shall be secure. Building mounted temporary

signs may not cover more than 10% of an entire wall face. Doors and windows shall be included in the calculated square footage of the wall face.

e) *Freestanding Temporary Signs.* Freestanding temporary signs may be constructed of cloth, canvas, light fabric, wood, wall board, sheet metal or other material. Sign supports may be made of wood, metal or other rigid material. All materials used in the construction shall be weather resistant. Supports shall be securely installed showing no freedom of movement. Freestanding temporary signs may have a maximum height of 8 feet and a maximum width of 8 feet. The calculated square footage shall include the sign supports.

f) *Frequency and Duration.* Temporary signs may exist within the following time limits:
   (1) Any sign erected pursuant to Section 1917(b)(2) shall be removed within ten days after the construction or renovation occurring under the building permit is completed or upon the issuance of a certificate of occupancy, whichever occurs first.
   (2) Any sign erected pursuant to Section 1917(b)(6) or Section 1917(b)(7) shall be removed within ten days after the lot upon which it was erected has been sold, has been leased, or is no longer listed for sale or lease.
   (3) Businesses without permanent signage; a single per year display for up to 60 concurrent days. A minimum of 60 days shall separate each yearly display.
   (4) Temporary and seasonal businesses may have no more than a single wall mounted banner for up to 60 days; the banner shall have a maximum size of 60 square feet.

g) *String lights and decorations.*
   a) During the months of October, November, December and January, string lights and decorations may be displayed within the following periods: (i) within 45 days before and 30 days after Halloween; or (ii) within 45 days before and 30 days after the date of a public and legal holiday recognized pursuant to O.C.G.A. § 1-4-1.
   b) During the months of February through September, string lights and decorations may be displayed within the following periods: Within 10 days before the date of a public and legal holiday recognized pursuant to O.C.G.A. §1-4-1 and 10 days after the date of such holiday.
   c) At no time may string lights be used to outline any building element (including, but not limited to, a roof, window, archway or door) located on a residentially zoned lot.

h) *Temporary sign maintenance.* All temporary signage must be professionally made. Handmade signage is prohibited. Temporary signage must be maintained in good repair and free of discoloration. All signage must be free of faded copy, chipping paint, cracked vinyl, and other conditions that exhibit deterioration. Banners and other wall or pole mounted temporary signage must be securely and neatly mounted. Any temporary signage that may become unsightly, unsafe, or fails to maintain its original appearance and position must be removed from display. Sidewalk must have a minimum 36 inch clearance at all times for pedestrian and wheelchair passage.

Section 1918. - Non-conforming signs.

(a) Signs which on the effective date of this article were approved and erected under previous sign restrictions or which became non-conforming with respect to the requirements of this article, may continue in existence so long as the sign has not deteriorated or been damaged to an extent to make it a hazard or unsightly, and no structural change in the size, shape, or design of the sign structure is made. No non-conforming sign shall be moved in whole or in

part to another portion of the lot or parcel or shall be redesigned or expanded unless such changes result in the sign meeting the standards of this article and becoming conforming. If use of the premises served by the non-conforming sign ceases for any reason for a period of more than 90 days, then any such sign shall lose its non-conforming status and any subsequent sign erected for the premises shall conform with the regulations of this article; provided that this provision shall not preclude the substitution of sign panels on a sign structure which shall be allowable.

(b) Any temporary sign erected in violation of this article may be removed by duly authorized employees of the city from any public property or right-of-way, and a responsible party may be cited for such violation.

(c) A conforming sign shall not be erected on the same lot with an existing non-conforming sign until the non-conforming sign has been removed.

(d) Where a non-conforming sign would otherwise be entitled to continuation under subsection (a) but is damaged by act of God, such sign may be repaired and restored to its preexisting condition prior to the damage having occurred, provided the natural life of the sign prior to such damage occurring shall not be extended.

Section 1919. - Erection on rights-of-way.

No sign of any kind shall be permitted to extend into or above or to be anchored or placed in any portion of the right-of-way of a state or county highway, or city street, or public sidewalk and in no case, closer than five feet to a curb line.

Section 1920. - Restrictions on signs in residential zoning districts.

(a) Multi-family developments shall not be regulated by this section.

(b) Any residential developed property which is zoned other than multi-family residential may post only such signs as are authorized by this section and shall comply with the following requirements.

(1) *Standard information signs.* In addition to any other sign authorized by this section, such property may contain no more than one standard informational sign located that the stake is no closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing. Provided, however, that an unlimited number of standard informational signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee and no permit are required for such standard informational signs.

(2) *Permanent subdivision signs.* In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then such property may not contain more than one permanent subdivision sign.

Section 1921. - Variances.

(a) Notwithstanding the administrative variance provisions of Article XIV of this ordinance, a variance from the literal applications of the terms of this article shall be granted by the

mayor and council only upon a properly filed application for a variance and only where the following conditions exist:

(1) Exceptional conditions pertain to the property where the sign is to be located as a result of a property size, shape or topography which are not applicable to other lands or structures in the general vicinity.
(2) The applicant will be deprived of rights for signage that are commonly enjoyed by others similarly situated.
(3) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated.
(4) The exceptional circumstances are not the result of action by the applicant.
(5) The request constitutes the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
(6) Granting of the variance would not violate more than one standard of this article.
(7) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.

(b) Notwithstanding the administrative variance provisions of Article XIV of this ordinance, an application for variance from the provisions of this article shall be submitted to the city clerk and shall be referred to the zoning administrator for investigation and recommendation. The application for variance shall be placed on a council agenda no less than 30 nor more than 60 days from the date of application. Notice of all variance applications shall be made in the same manner as notice of zoning variances. The city council shall render a final decision on all variance applications within 30 days of hearing the matter. Any applicant for whom variance is denied may petition for writ of certiorari from that decision to the superior court.
(c) In the event of any conflict between the application of any other provision of Appendix A and this section as to the requirements for a variance for any sign, this section shall control.

Section 1922. - Removal of defective signs.

(a) Any sign which has become damaged or dilapidated to the extent that it is unsightly or a hazard to the public shall be removed by the owner, agent or person having the beneficial use of the building or structure upon which the sign may be found.
(b) In the event a sign or sign face is required to be removed under the provisions of this section and the owner, agent or person having beneficial use of the building or structure fails to do so upon his own initiative, the city manager may provide notice by certified mail, return receipt requested, or by hand delivery to the responsible person directing that the sign be removed or otherwise brought up to standard. The notice shall provide a reasonable time within which to accomplish such removal, but generally no more than 30 days. Failure of the owner or other responsible person to remove or repair the sign in accordance with the notice shall result in issuing of a citation to the owner and placing the case on the municipal court docket for hearing as a nuisance, provided that where a sign is dilapidated to such an extent that the safety of the public is endangered thereby, the city manager is authorized to secure or remove the sign so as to alleviate the hazard to the public. In making such an emergency repair or removal, the city manager shall attempt to contact the owner, agent or person having beneficial use of the building or structure and shall document all such attempts as part of the public record.

(c) Appeals from an adverse decision under this section in the municipal court shall be taken by filing for petition for a writ of certiorari as authorized by law.

Section 1923. - Lapse of sign permit.

(a) A sign permit shall be deemed to lapse automatically where any of the following circumstances occur for the premises upon which the sign that is the subject of the permit is located:
    (1) The occupation tax certificate for the premises lapses, is revoked, or is not renewed; or
    (2) The business activity on the premises at the time the permit was issued is discontinued for a period of 180 days or more and is not renewed within 30 days after notice to the last permittee, sent to the premises, that the sign permit will lapse if the activity is not renewed.
(b) Any sign that is the subject of a sign permit that has lapsed under this section shall be taken down or removed by the owner, agent or person having the beneficial use of the premises upon which the sign is located. Where the structure of the sign is otherwise safe and in good repair, removal of the sign face and replacement with a blank panel will be sufficient to comply with the provisions of this section.
(c) In the event a sign or sign face is required to be removed under the provisions of this section and the owner, agent or person having beneficial use of the building or structure fails to do so upon his own initiative, the city manager may provide notice by certified mail, return receipt requested, or by hand delivery to the responsible person directing that the sign be removed or otherwise brought up to standard. The notice shall provide a reasonable time within which to accomplish such removal, but generally no more than 30 days. Failure of the owner or other responsible person to remove or repair the sign in accordance with the notice shall result in issuing of a citation to the owner and placing the case on the municipal court docket for hearing as a nuisance, provided that where a sign is dilapidated to such an extent that the safety of the public is endangered thereby, the city manager is authorized to secure or remove the sign so as to alleviate the hazard to the public. In making such an emergency repair or removal, the city manager shall attempt to contact the owner, agent or person having beneficial use of the building or structure and shall document all such attempts as part of the public record.
(d) Appeals from an adverse decision under this section in the municipal court shall be taken by filing for petition for a writ of certiorari as authorized by law.

Section 1924. - Penalties.

Any person determined to have violated the sign ordinance shall, upon conviction, be subject to a fine of up to $1000.00, imprisonment or labor on the public works for not more than 90 days, or by any combination thereof.

Section 1925. - Substitution.

The owner or the permittee of any sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any other commercial or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The

purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision in this article to the contrary.

Section 1926 – Severability.

It is hereby declared the intention of mayor and council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms and words of this article are or were, upon their enactment, believed by mayor and council to be fully valid, enforceable and constitutional.

It is hereby declared the intention of mayor and council that, to the greatest extent allowed by law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term and word of this article is severable from every other part, section, subsection, paragraph, sentence, clause, phrase, term and word of this article. It is hereby further declared the intention of mayor and council that, to the greatest extent allowed by law, no part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this article is mutually dependent on any other part, section, subsection, paragraph, sentence, clause, phrase, term or word of this article.

In the event that any word, term, phrase, clause, sentence, paragraph, subsection, section or part of this article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of mayor and council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections or parts of the article and that, to the greatest extent allowed by law, all remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections and parts of the article shall remain valid, constitutional, enforceable, and of full force and effect.