

Ordinance 2021-21

AN ORDINANCE TO REGULATE SIGNS WITHIN THE VILLAGE OF WEST LIBERTY, LOGAN COUNTY, OHIO

ARTICLE XII SIGNS

Section 1200 Intent. The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and to protect the physical appearance of the community.

Definitions

- a) *"Modification, major"* means a change to an existing permanent sign that results in structural alteration, relocation, or replacement
- b) *"Modification, minor"* means a change to an existing permanent sign that does not involve structural alteration, relocation, replacement, or change of the sign face. This definition includes repainting, cleaning and minor repair that maintains the sign in a safe condition. For off-premises signs, this definition also includes the replacement of border trim and the change of poster panels, painted boards, and other changeable copy.
- c) *"Off-premises sign"* means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the lot where it is displayed, or only incidentally on such lot.
- d) *"On-premises sign"* means a sign which directs attention to an activity, business or profession conducted on the lot where it is displayed. However, a real estate sign advertising the sale, rental or lease of the lot on which it is maintained, institutional bulletin boards and a professional or announcement sign accessory to a home occupation or a dwelling shall not be deemed a business sign.
- e) *"Permanent sign"* means any sign with its own foundation or footing, or which is painted on or otherwise anchored to a building, wall or other permanent structure, and any of which are installed to achieve a lasting and enduring condition and location.
- f) *"Portable sign"* means a temporary sign that can be easily moved by wheel or human motion from place to place. Such signs include, but are not limited to retail stands, and signs affixed or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business.

- g) *"Real estate sign"* means any sign which is used to offer for sale, lease, or rent the property on which the sign is located.
- h) *"Sign"* means any device for visual communication that is used for the purpose of informing or attracting the attention of the general public.
- i) *"Temporary sign"* means a sign which has no permanent attachment to a building or ground, including but not limited to, pole or post attachments, banners, pennants or any other sign that does not meet the definition of a permanent sign.
- j) *"Sidewalk sign"* means a sign which is supported by a frame, such as an A-frame or sandwich sign placed on the sidewalk, that is not permanently attached or anchored to the ground or any other structure.
- k) *"NonConforming Use"* means a sign that was allowed under the zoning regulations at the time the use was established but which because of subsequent changes in these regulations is no longer a permitted use
- l) *"Biennial"* means taking place every other year
- m) *"Free-standing sign"* means a sign supported by or suspended from a post or posts, column or other structure, in or upon the ground, except a sign that is attached to a building
- n) *"Temporary sign"* means a sign that conveys a message, either by word or picture or both, that is movable or portable, and is not, therefore, permanently or securely fastened or attached to a building, the ground or a structure
- o) *"Political signs"* means a sign that by word, design, picture or symbol advertises any candidate or political party, issue, levy, referendum or other matter to be voted upon in any general, primary or special election, or a sign that advocates by word, picture, design or symbol any type of political action to be taken or already taken by the electorate or its representatives at any level of government
- p) *"Minimum height"* means the vertical distance measured from the nearest finished grade to the lower part of the display surface
- q) *"Structure"* means a device that supports or is capable of supporting a sign. A sign structure may be a single pole and may or may not be an integral part of the building
- r) *"Building or lot frontage"* means that side of a building or lot which faces a public dedicated street, alley or public parking area. If a building or lot faces a street or alley and a parking area, that side facing the street or alley shall be the building or lot frontage. When a business establishment faces more than one street, highway or alley, the primary building or lot frontage shall refer to that side of the building or lot of such business establishment which faces the

highway, street or alley that is considered by the Village or State traffic authorities to be the most primary route

- s) *"Primary street"* means that street considered by the Village or State traffic authorities to be a primary route
- t) *"Real estate sign"* means a sign offering real estate for sale or for rent or indicating that real estate has been sold

Section 1201 Governmental Signs Excluded. For the purpose of this Ordinance "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, governmental property or required by any law, ordinance, or governmental regulation.

Section 1202 General Requirements for all Signs and Districts. The regulations contained in this section shall apply to all signs and all use districts.

1. Any sign illumination shall be so arranged as to confine the illumination to the sign, avoid glare or other disturbance on adjacent property and shield the source of illumination. No flashing shall be permitted where such flashing would interfere with or distract from a traffic control sign or signal or normal traffic visibility. Such flashing shall not be permitted on portable or temporary signs.
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;
3. No hanging sign, not horizontal to the building, shall be erected or maintained at no more than two-thirds distance to the curb (not closer than two feet from the curb) and the bottom of the sign shall be at a minimum height of nine (9) feet from the sidewalk.
4. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
5. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape
6. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign.
7. The sign owner shall be responsible for sign maintenance and repair. If any sign reaches a state of disrepair and is deemed unsafe by the Code Enforcement Officer, and is not properly renovated, it shall be condemned and an order issued for immediate removal at the expense of the sign owner or property owner. A sign shall be removed by the sign owner or property owner when the use to which it related is

abandoned or changed for ninety days or longer, or the Village shall cause such sign to be removed. In case any sign is installed, erected, constructed or maintained in violation of any of the terms of this Zoning Code, the Code Enforcement Officer shall notify the property owner or lessee in writing thereof to alter such sign so as to comply with this Zoning Code. Upon receipt of written notice from the Code Enforcement Officer proceed at once to put such sign in a safe and secure condition or remove the sign.

8. No sign shall be placed in any public right-of-way except in the central business district where paragraph 3 of Section 1202 applies. Publicly owned signs, and directional signs, and signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

9. Signs shall not obstruct or adversely affect vision clearance or traffic visibility.

10. Nature Limited. Outdoor advertising signs erected after the effective date of this chapter shall be limited to advertising goods sold or services rendered on the premises and the name of the business. This provision shall not apply to political signs.

11. Sign Area. The aggregate sign area or display surface of all exterior signs of every nature shall not exceed three square feet for each lineal foot of primary lot frontage of the business being advertised.

12. Illuminated signs. Display signs illuminated by electricity, or equipped in any way with electrical devices or appliances, shall conform with respect to wiring and appliances to the provisions of the ordinances in the Village relating to electrical installations. Signs shall not be illuminated by fluorescent lamps using more than 425 milliamperes or by transformers of more than thirty milliamperes capacity. Fluorescent lamps of 800 milliamperes may be used provided the spacing between such lamps is no less than nine inches from center to center of the lamp and such lamps are not closer than five inches from the center of the lamp to the inside face or faces of the sign. Signs shall not be illuminated by incandescent lamps of more than seventy-five watts, and such lamps shall not be closer from center to center than nine inches.

13. Location; Attached Signs.

(a) All attached signs shall be mounted on the building which houses the business advertised by such signs and shall be located on or along a wall of such building which faces the street, parking lot or service drive.

(b) Such signs not more than fifteen inches in height and five square feet in area, projecting outward from the building wall not more than four feet, may be erected at each entrance to such a

building, provided that they comply with all other provisions of this chapter. The area of such signs shall not be included in determining the aggregate sign area of such a building.

(3) Signs may be installed on an attached canopy or marquee which projects beyond the building over a walk or yard, provided that no part of such a sign may extend above such canopy or marquee and provided that they comply with all other appropriate provisions.

(d) No part of any sign in this section shall be less than nine feet above ground level.

14. Free Standing Signs. Free-standing signs may be erected henceforth only in accordance with the following:

(a) Such signs heretofore erected, maintained and now in place, but not in accordance with the provisions of this chapter, are hereby declared to be conditionally permitted signs. They may be maintained until declared unsafe by action of the Code Enforcement Officer. However, no such conditionally permitted sign shall hereafter be relocated, rebuilt, enlarged, extended, replaced or otherwise altered in any material respect.

(b) No free standing sign shall be placed or anchored on the sidewalk or on the boulevard, nor shall any part of such sign, or the pole or support that holds or supports such sign, extend into or over any street, highway, alley, public walkway, sidewalk or boulevard. No such sign, its base, or any part of the structure shall be closer to the curb line than ten feet or the edge of the pavement when there is no curb. In case of a corner lot or other situations where the property abuts more than one public street, including alleys, the ten-foot limitation shall be determined by measuring from the primary street.

15. Traffic Safety; Colors, Etc. Display signs shall not closely resemble the shape, form and color of official traffic signs, signals and devices.

16. Traffic Obstruction. No display sign shall be so placed that it will obstruct or interfere with a required doorway or other required means of ingress and egress or with the flow of traffic.

Section 1203 Measurement of Sign Area. The area of a sign face shall be computed by means of the smallest circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem 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 or housing.

Section 1204 Awnings with Signs.

1. Permanent type awnings that are a part of the building structure with no posts or supports shall be a minimum height of eight feet.

2. Roll down awnings attached to buildings are permitted if kept at a minimum height of seven feet when rolled down. They shall also be maintained in a good state of repair.

3. Signs, when a part of the awning (permanent or roll down) are permitted. The size of such signs is covered in Section 1212.

Section 1210 Signs Permitted in all Districts not requiring a Permit.

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than eight (8) square feet.

2. Professional name plates not to exceed two feet by three feet in area.

3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.

4. Political, garage, porch, yard and similar signs.

Section 1211 Signs Permitted in any District Requiring a Permit.

1. Signs or bulletin boards customarily incidental to places of Worship, schools, social clubs or similar facilities which ground signs or bulletin boards shall not exceed twenty (20) square feet in area and which shall be located on the premises of such institution;

2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

3. Real estate developers and subdividers may erect on premises, signs not to exceed sixty-four (64) square feet.

Section 1212 Signs Permitted in the Business and Manufacturing Districts Requiring a Permit. The regulations set forth in this section shall apply to signs in the business and manufacturing districts and such signs shall require a permit.

1. In a business or manufacturing district, each business or manufacturing plant shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single enterprise may have an area equivalent to one and one-half ($1 \frac{1}{2}$) square feet of sign area for each lineal foot of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.

2. In the business or manufacturing district, one off-premises sign with a total area not exceeding fifteen (15) square feet may be permitted.

Section 1220 Temporary Signs.

1. Temporary signs not exceeding sixty-four (64) square feet in area, announcing special public or community events, the erection of a building, the architect, the builders, or contractors may be erected

for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1240-1243 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1200.

2. Special Displays. Special decorative displays used for holidays, public demonstrations or promotion of civic, welfare, or charitable purposes, are permitted provided the Village is held harmless for any damage resulting therefrom.

Section 1221 Free Standing Signs. Free standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than eight (8) feet to any street right-of-way line and not closer than twelve (12) feet to any adjoining lot line may be erected. Free standing signs shall have a minimum height of eight (8) feet to the bottom of the sign.

Section 1222 Wall Signs Pertaining to Non-conforming Uses. On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

Section 1223 Signs on Service Station Dispensing Pumps and Canopies. Signs on service station dispensing pumps shall be permitted in addition to attached business signs, subject to the following provisions:

- a) The attached sign area shall not exceed fifty (50) percent of the pump facade area.
- b) No attached sign shall project more than one inch horizontally from the dispensing pump facade.
- c) No attached sign shall project more than two (2) feet above any part of the dispensing pump.
- d) The total attached sign area shall not exceed one square foot per linear foot of canopy frontage.
- e) Such a sign shall not project above or below any part of the canopy facade.

Section 1224 Real Estate Signs. Real estate signs advertising the sale, rental or lease of the lot on which they are maintained shall be set back at least one foot from the edge of the sidewalk and in areas without sidewalks at least one foot from the right-of-way line of the street. In addition, real estate signs shall not exceed:

- a) In the aggregate, eight square feet in area on an individual lot in residential districts or fifteen (15) square feet in commercial or industrial districts.
- b) One hundred forty-eight (148) square feet in an area on any commercial or industrial lot in which said sign is specifically intended for view from a major thoroughfare.

- c) Subdivision developments of three or more lots may display a real estate development sign, in lieu of individual lot signs, not exceeding fifteen square feet in area for the first three lots and one additional square foot in area for each additional lot available at the time of such sign installation.
- d) There shall be not more than one real estate sign permitted for each frontage of each individual lot or property for sale or rental.
- e) All real estate signs shall be removed within ten days of sale or rental of the property affected by such sign.

Section 1230 Political Signs. Such a sign shall not be placed on a sidewalk or boulevard, nor shall any part of such a sign extend into or over any street, highway, alley, public walkway, sidewalk or boulevard. No such sign shall be fastened or stapled to a utility pole. Signs shall not obstruct or adversely affect vision clearance or traffic visibility.

Section 1231 Garage, Porch, Yard and Similar Sale Signs. All signs advertising garage, porch, yard or similar type sales shall be removed immediately after the sale has concluded its duration. No sign shall be placed in a public right-of-way, except publicly owned signs such as traffic control signs, nor shall any sign be attached or otherwise applied to trees, utility poles, benches, trash receptacles, or any other unapproved supporting structure in a public right-of-way.

Section 1232 Biennial Inspection. The Code Enforcement Officer shall inspect or cause to be inspected biannually, or at such additional time as he deems necessary, each outdoor display and advertising sign in the Village for the purpose of ascertaining whether the same is secure or insecure, whether it is in need of removal or repair and whether it is in conformity with the provisions of this chapter.

Section 1240 Sign Setback Requirements. Except as modified in Sections 1241 1244, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least eight (8) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district unless granted by the Board of Zoning Appeals.

Section 1241 Increased Setback. For every square foot by which any on premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1) foot but need not exceed one hundred (100) feet.

Section 1243 Setbacks for Public and Quasi Public Signs. Signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than eight (8) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Section 1244 Special Yard Provisions. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which they are located, except that in any residential district, on-premises signs shall not be erected or placed within the twelve side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

Section 1245 Portable and Temporary Signs. The intent of this section is to recognize the individual or entity who occasionally desires to display a temporary commercial message in conjunction with a permitted land use, and to provide the time, place, and manner limitations allowing certain sign types for these purposes. It is further intended to recognize the negative affect temporary signs can have on the attractiveness of a community, including the deterioration of the natural environment, the clutter temporary signs contribute to the landscape, the distractions and obstructions this sign type may cause to motorist, and the hazards that the aforementioned concerns may cause. Thus, this section is intended to establish regulations that allow portable and temporary signs without their becoming a nuisance to the community. Portable and temporary signs shall be permitted as an accessory use to a lawfully established principal, conditional or nonconforming use conducted on the premise, subject to the limitations included in this code. All portable and/or temporary signs shall comply with the following provisions:

- a) All electrical work and equipment involved with a portable or temporary sign shall conform to the National Electric Code (NEC).
- b) No sign portable or temporary by intent or design shall be used as a permanent sign.
- c) It shall be the applicant's or owner's responsibility to remove all portable or temporary signs in good condition. Signs or banners that are torn, damaged, faded, or otherwise in a state of disrepair must be immediately replaced or removed.
- d) It shall be the applicant's or owner's responsibility to remove all portable or temporary signs when the time limit for the sign has expired.
- e) Location:
 - i) Portable and temporary signs shall be permitted on the building face or in the yard adjacent to any building elevation facing a street, parking lot, drive through lane, or service drive.
 - ii) Portable or temporary signs shall be permitted only on the same lot or parcel as the business or activity for which it is displaying information.
 - iii) No temporary sign shall be placed in the right-of-way or attached to utility poles, or traffic control signs or devices.
- f) Number:

- i) Not more than one portable or temporary sign shall be permitted for each street frontage.
- ii) A sidewalk sign and a temporary sign shall not be displayed at the same time.

g) Period of Display:

- i) Portable and/or temporary signs shall be displayed for no more than 105 days in any calendar year.
 - ii) Temporary and/or portable signs may be displayed for a period of time not to exceed thirty-five (35) consecutive days. A lapse of seven (7) days must occur before another temporary sign can be displayed.
 - iii) Twenty (20) days per calendar year will be subtracted as a penalty from a business activity's allotted number of temporary sign display days when that activity maintains a temporary sign past the expiration date for the permit or displays a temporary sign without a permit. If the business activity has fewer than twenty (20) allotted temporary sign days remaining for the calendar year in which the penalty is imposed, the balance of those penalty days will be subtracted from that activity's allotted temporary sign days in the following calendar year.
- h) Attached temporary signs or banners are temporary/portable signs that are attached to a permanent building or structure. Attached temporary signs shall comply with the following provisions:
- i) The sign or banners shall be mounted flat against the facade of the building or structure so that no part of the sign or banner projects more than four inches from the facade. The banner or sign must be secured, at a minimum at all four corners.
 - ii) Attached sign or banner size is limited to 10% of the area of the facade of the building or structure to which it is mounted, with a maximum of fifty (50) square feet.
 - iii) The mounting location of the banner shall not obstruct any ingress, egress, fire exits, or ventilation openings.
 - iv) Attached temporary signs or banners shall not be mounted on the roof, eaves, gutter, or overhang.
 - v) Detached temporary signs or banners are temporary/portable signs that are supported by poles, uprights, or braces extending from the ground or from an object on the ground, or any sign located on the ground, providing that no part of the sign is attached to any part of the building.
 - 1) The maximum height for a detached (freestanding) portable or temporary sign shall be six feet

- 2) The area of portable or temporary signs shall not exceed fifty (50) square feet in area per face.

Section 1260 Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Code Enforcement Officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Corrective action must be taken within thirty (30) days and completed within sixty (60) days. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 1264 of this Ordinance.

Section 1261 Existing Signs. A sign legally in existence at the time of the passage of this section but which does not conform with the regulations of this or a subsequent amendment shall be construed as a legal nonconforming sign. Legal nonconforming signs may be maintained and structural parts repaired and restored to a safe condition if required subject to the following limitations:

- a) Any nonconforming sign which is damaged more than seventy-five percent (75%) of its fair market value above the foundation at the time of the damage by fire, flood, explosion, earthquake, riot, or act of God or man shall not be reconstructed and used as before such calamity. If it is less than seventy-five percent (75%) damaged, it may be reconstructed or used, provided that such reconstruction or use is accomplished within twelve (12) months of such calamity.
- b) A legal nonconforming sign shall immediately lose its legal nonconforming status, and must be brought into conformance with these regulations or be removed if the sign is altered structurally (subject to the exception in (a) above); or if it is enlarged, relocated, or replaced.

Section 1262 Permits and Fees. (a) No outdoor display or advertising sign shall be hereafter erected or altered within the Village until a permit for the same has been issued by the Code Enforcement Officer.

(b) The application for a permit shall be in such form as may be prescribed by the Code Enforcement Officer from time to time, but it shall contain information that will adequately describe such sign, its location and design and the material from which it is constructed, in order to afford the Code Enforcement Officer sufficient information to apply the provisions hereof. Such application form shall be provided by the Code Enforcement Officer.

(c) A fee in the amount of ten dollars (\$10.00) per sign shall accompany each permit application. Such fee shall not be refundable. Upon receipt of a proper application and fee, the Code Enforcement Officer shall, in writing, within fifteen days (15), either approve or reject such application and, if approved, shall issue a permit therefore. Any rejection shall be accompanied by the reasons therefore.

Section 1263 Appeal of Decision of Code Enforcement Officer. An appeal from a decision of the Code Enforcement Officer may be taken by any aggrieved person or Village official within twenty (20) days from the date of the decision from which the appeal is taken, by mailing a certified letter to the

Chairman of the Board of Zoning Appeals setting forth the grounds for such appeal and enclosing the appropriate fee of seventy-five dollars (\$75.00). A copy of such appeal letter shall be mailed to the Code Enforcement Officer, who shall forthwith transmit to the Board all information in his possession concerning the decision upon which the appeal is taken.

Upon receipt of an appeal letter and the payment of the fee, the Board shall place the matter on the agenda of its next meeting and shall give the required notice for such hearing. The Board shall make a decision on the appeal within fifteen days after the hearing thereon. The Board may vary the application of this chapter to any particular case when, in its opinion, enforcement thereof would do manifest injustice, would be contrary to the spirit and purpose of this chapter or other zoning provisions, would be contrary to the public interest or when, in its opinion, the decision of the Code Enforcement Officer should be modified or reversed. A decision of the Board shall be in writing and shall specify the reasons therefore. The Code Enforcement Officer shall take action immediately in accordance with the decision of the Board.

Section 1264 Penalty Any property owner on whose property a sign is exhibited that violates any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

That all Ordinances or Resolutions or parts of such legislation inconsistent with this Ordinance are hereby repealed.

This Ordinance is a measure made necessary to protect the health, safety, and welfare of this Village of West Liberty, Ohio, and shall be in effect upon its passage and signing of the necessary signatures.

1st Reading: December 13, 2022

Vote: Yeas: 6 Nays: 0

2nd Reading: January 24, 2022

Vote: Yeas: 6 Nays: 0

3rd Reading: February 14, 2022

Vote: Yeas: 5 Nays: 0

PASSED: 2-14-2022

SIGNED: Jill C. McKelvey
Mayor Jill C. McKelvey

ATTEST: Cinde M. Boyd
Clerk/Treasurer Cinde M. Boyd

APPROVED: 2-14-2022

SIGNED: Jayne Griffith
President of Council
Jayne Griffith