

ORDINANCE NO. 02-11

TOWN OF HIGHFILL, BENTON COUNTY, ARKANSAS

AN ORDINANCE PROVIDING MINIMUM STANDARDS REGULATING AND CONTROLLING THE DESIGN, QUALITY, MAINTENANCE AND PLACEMENT OF SIGNS VISIBLE TO THE PUBLIC WITHIN THE TOWN OF HIGHFILL; AMENDING THE HIGHFILL ZONING CODE TO CONFORM HEREWITH; PROVIDING FOR ENFORCEMENT THEREOF; AND DECLARING AN EMERGENCY TO EXIST.

**WHEREAS**, the Town Council for the Town of Highfill, Arkansas, recognizes the need to establish and provide minimum standards to safeguard life, health, property, public welfare and community aesthetics by regulating and controlling the design, quality, maintenance and placement of signs visible to the public within the Town; and

**WHEREAS**, the Town Council has determined that it would be in the best interest of the Town of Highfill to establish and adopt an Ordinance to regulate the design, quality, maintenance and placement of signs within the municipal boundaries of the Town and thereby amend the Highfill Zoning Code in conformity therewith.

**NOW THEREFORE, BE IT ENACTED**, by the Town Council of the Town of Highfill, as follows:

**Section 1. Purpose.**

The purpose hereof is to provide minimum standards to safeguard life, health, property, public welfare and community aesthetics by regulating and controlling the design and quality of the maintenance of signs visible to public places.

**Section 2. Definitions.**

For the purposes hereof, the terms used herein are defined as follows:

Awning and canopy sign: A sign painted on or attached to an awning or canopy.

Billboard: A free-standing sign having a sign face area in excess of two hundred (200) square feet, but not in excess of six hundred (600) square feet per sign face area.

Code Enforcement Officer: The Code Enforcement Officer shall be the designated official of the Town of Highfill in connection with this Chapter, which shall be the building inspector, or the Mayor, or their designated representatives.

Construction sign: A sign identifying an architect, contractor and/or material supplier participating in construction on the property upon which the sign is located.

Entrance/exit sign: A sign for facilitating traffic onto and out of a site.

Flashing sign: A sign that contains an intermittent or sequential flashing-light source.

Freestanding sign: A sign that is supported by uprights embedded in a foundation in the ground and not attached to any building or wall.

Garage/porch/yard sale sign: A sign advertising the sale of goods from residential property.

Government sign: A sign used solely by a local, state or federal government or agencies thereof or by any public utility company for the purpose of giving notice of matters of public safety or of governmental concern.

Ground clearance: The vertical distance measured from the lowest point of the sign and/or structural foundation to the grade of the ground surface beneath the sign.

Hanging sign: A sign, other than a wall sign, attached to a building or other structure, perpendicular to the street and extending past the building or structure.

Height of a sign: The vertical distance measured from the highest point of the sign and/or structural foundation to the lowest point of the sign.

Home occupation sign: Any type of sign describing services provided from the home or residence.

Luminous tube sign (neon sign): Any sign which has characters, letters, figures, designs, or outlines, illuminated by gas filled luminous tubes, such as neon, argon or florescent.

Maximum height: The vertical distance measured from the highest point of the sign and/or structural foundation to the grade of the ground surface beneath the sign.

Monument sign: A sign that is placed on the ground and supported by a closed in base.

Multi-tenant monument sign: A monument sign that provides information for multi-tenant projects. See monument sign.

Person: Any individual, corporation, association, firm, partnership or legal entity whatsoever.

Political sign: A sign advertising any candidate or any position on an issue upon which the citizens of the Town may vote.

Projecting sign: A sign, other than a wall sign, attached to a building or other structure, perpendicular to the street and extending past the building or structure.

Real estate sign: A sign advertising the availability of any particular real property.

Roof sign: A sign upon or above a roof or parapet of a building or structure.

Sign: Any device, structure, fixture, display field or placard, designed for the display of or displaying graphics, any communicative symbols or messages and/or written copy, and the structural foundation thereof which is located outdoors or which is not entirely located under the roof and entirely surrounded by the vertical plane of interior walls, including windows and doors, of a permanent building.

Sign area: The aggregate square-foot enclosed by the perimeter of the sign face(s), including framework and decorative roofing or other embellishments but not including structural foundation, with each face contributing to the aggregate area.

Sign face area: Any single planer surface of a sign, including the sign's framework or decorative embellishments, but not including structural foundation.

Special occasion sign: A sign advertising a special occasion, such as a family reunion, birth of a child, school play, special church event or similar noncommercial function.

Street name signs: A signed used solely by local, state or federal governmental bodies, or agencies thereof, to identify the name of any street, road or similar right-of-way located within the Town of Highfill that has been erected at the direction of or under the supervision of the Mayor, the Highfill Town Council, or their designated representatives.

Structural foundation: A structure or supporting member affixed to the premises for the purpose of supporting or displaying a sign but carrying no graphic or communicative symbol other than that within the sign area.

Subdivision signs: A sign that is temporary in nature to identify a subdivision that is under construction, which sign may be indirectly illuminated and may not exceed fifty (50) square feet in sign area that may be erected in any principal entrance to a subdivision; provided, that in no event shall such sign remain for more than six (6) months that is located within fifty (50) feet of an occupied dwelling in any residentially zoned district.

Traffic directional sign: A sign bearing only property numbers, post box numbers, names of occupants on premises or words or symbols guiding traffic or parking on private property and having no other message or any commercial connotation.

Town: The Town of Highfill, Benton County, Arkansas, an Arkansas municipal corporation.

Wall sign: A sign which is: (a) painted on the surface of a wall or a building, or (b) attached to and supported by the vertical wall of a permanent building and which is entirely within a plane which is:

- (1) Coplanar with the wall; or
- (2) Parallel with the plane of the wall and is removed therefrom only by structural foundation.

Window sign: A sign installed within three (3) feet from the window, visible from the street, for the purpose of viewing from outside the premises.

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

(a) Permit required. No sign shall be erected, maintained or utilized within the Town except by a permit issued by the Code Enforcement Officer. No permit shall be issued except for signs in compliance with this Chapter. A separate permit shall be required for each sign. In addition, electrical permits shall be obtained for electrical signs.

(b) Application. The application for a sign permit shall be made in writing upon forms furnished by the Highfill Town Recorder-Treasurer. The application shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant;
- (2) Name, address and telephone number of the owner of the property where the sign will be located, if different from the applicant;
- (3) Location of the building, structure or lot to which or upon which the sign is to be attached or erected;
- (4) Position of the sign in relation to nearby buildings or structures;
- (5) Two (2) blueprints or ink drawings of the plans, including the sign dimensions and the lighting and construction design, specifications and method of construction, and attachment to the building or in the ground;
- (6) Name, address and telephone number of the person, firm, corporation, association or other entity erecting the sign structure;
- (7) Written consent of the owner of the building, structure or land to which or on which the sign structure is to be erected;
- (8) Any applicable electrical permit required and issued for said sign, together with an application requesting electrical permit for the proposed sign, if applicable;
- (9) Such other information as the Town's Code Enforcement Officer shall require to show full compliance with all applicable codes, laws and regulations.

The permit for any sign not erected within six (6) months of the date of the permit shall be void.

(c) Fees. Permit fees shall be twenty-five dollars (\$25.00) for all signs.

(d) Inspection. All signs shall be subject to inspection by the Code Enforcement Officer in accordance with law. The Code Enforcement Officer may revoke any permit and/or may order any sign removed at any time upon notice and for good cause, including without limitation for failure to erect, use or maintain the sign in compliance with this Chapter.

(e) Approval. After a review of the Application by the Code Enforcement Officer, together with payment of the applicable fees, as well as approval by the proper authorities showing that the sign meets all zoning, electrical, building or other code requirements, the applicant shall receive a permit decal which must be displayed in the lower left corner of one face or on the structural support of the sign evidencing permission to erect or install the approved sign.

(f) Appeal to board of adjustment. Any revocation or order of the Code Enforcement Officer pursuant to this Chapter may be appealed to the board of adjustment provided, however, that written notice of appeal must be delivered to the Code Enforcement Officer by the appellant within five (5) weekdays following notice of the revocation and/or order. Except during the pendency of a timely appeal, failure to comply with the order of the Code Enforcement Officer shall constitute a violation of this Chapter.

(g) Removal of signs. All unpermitted signs, including signs for which the permit is revoked without appeal or after unsuccessful appeal, shall be removed or brought into full compliance with law within five (5) weekdays; provided, however, and subject to the provisions of section 9 (b) that any sign determined by the Code Enforcement Officer to present a great and present hazard to public safety shall be removed within one (1) weekday, whether or not appeal is taken from the determination and whether or not any sign permit has been revoked.

(h) Exemptions.

(1) The following signs do not require permits, but they must meet all other requirements of this Chapter, including those specified in Section 5:

- a. Garage or yard sale signs
- b. Constructions signs
- c. Political signs
- d. Government signs
- e. Real estate signs
- f. Special occasion signs
- g. Subdivision signs
- h. Traffic directional signs
- i. Street name signs.

(2) Any lawful change of the advertising copy or message on a painted or printed sign which does not cause a structural change shall not require an additional permit.

#### **Section 4. General Requirements; all signs.**

(a) Prohibited signs. No sign shall be permitted, erected, used or maintained in the Town which:

- (1) Is a billboard, roof sign, hanging sign, projecting sign, home occupation sign or flashing sign;
- (2) Is not constructed in full compliance with the Standard Building Code and the electrical wiring standards of National Electrical Code and with the approved plastic materials as specified in the Standard Building Code, as applicable, and with all other applicable provisions of this Chapter and all other Town codes, ordinances, laws, rules and regulations except signs exempt from permit requirements as set forth in Section 3 (h) and except as otherwise herein provided;
- (3) Is not permanently attached and anchored in full compliance with the construction requirements of this Chapter and the Standard Building Code, whichever is more restrictive, except for signs exempt from permit requirements of section 3 and except temporary signs;
- (4) Contains or consists of animation, flashing lights or movement;
- (5) Is constructed, erected, used and/or maintained so as to be an obstruction of vision near any driveway, parking lot or roadway or interferes with, obstructs the view of or is likely to be confused with any authorized traffic sign, signal or device by such location as may interfere with, mislead or confuse traffic;

- (6) No longer identifies a bona fide business, service, current interest or activity;
- (7) Is an attraction device or sign which contains a beacon of any type and/or contains a spot light providing direct illumination to the public;
- (8) Has an exterior which revolves, rotates or otherwise moves in whole or in part;
- (9) Utilizes a vehicle or a trailer or any similar type property as a sign in circumvention of this Chapter; or
- (10) Is in a state of structural, mechanical, or cosmetic disrepair such that it does not meet the construction standards hereof or such that it is a visual blight or eyesore clearly visible from public right-of-ways.

(b) Prohibited locations. No sign shall be erected, placed, attached or otherwise affixed, used or maintained which is:

- (1) Located within an eight-foot radial clearance from overhead electrical conductors which are energized from zero (0) to seven hundred fifty (750) volts or within a ten-foot radial clearance from any conductors energized at more than seven hundred fifty (750) volts (the term overhead electrical conductors as used in this section shall include any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other metal covering of equal strength;
- (2) Located within ten (10) feet of a fire hydrant;
- (3) Located upon, within or above any public property or right of way, including but not limited to, any public building, sidewalk, crosswalk, curb, curbstone, fence, wall, public playground equipment and/or facilities, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, pole for electric light or power, or telephone or telegraph (or other communication service), or other utility, or trolley wire (or wire appurtenance thereof), or upon any fixture of the fire alarm or police telegraph system, or upon any lighting system, public bridge, drinking fountain, street sign, or traffic sign; unless placed thereon by authorization of a government official or a government agency;
- (4) Attached to any rock or tree; or
- (5) Erected or placed upon or above a roof or parapet of any building or structure.

(c) Setback requirements. Unless otherwise specified herein, no sign shall be erected, used or maintained except in conformance with the following:

- (1) *Front setback.* Signs shall be set back a minimum of ten (10) feet from the street right-of-way.
- (2) *Side setback.* All signs shall be set back a minimum of ten (10) feet from the nearest side property line.

(d) Exceptions. The following exceptions shall apply to this Section 4:

- (1) The location restrictions of Section 4(b) hereinabove shall not apply to street name signs.
- (2) The setback requirements of Section 4(c) hereinabove shall not apply to the following:
  - a. Wall signs which otherwise conform to all provisions of this Chapter and which are mounted on building walls lawfully sited within the setback space; and
  - b. Awning and canopy signs which otherwise conform to all provisions of this Chapter and which are mounted on building walls lawfully sited within the setback space.
  - c. Street name signs and government signs.

**Section 5. Requirements; specific sign types.**

(a) Awning and canopy signs. Awning and canopy signs shall have a minimum ground clearance of eight (8) feet. A maximum of twenty percent (20%) of the awning or canopy area may be used for sign area. The awning or canopy may project a maximum of three (3) feet from the face of the building or structure to which it is attached, except when used as an entrance. Awnings and canopies may only be located above doors, windows or walkways. Fire resistant canvas is required for the awning. Canopies may be constructed of wood, metal, and/or tempered glass. Awnings and canopies may consist of one field color and one contrasting color. Awning and canopy signs may identify the name of the tenant or the nature of the goods sold or services provided and the telephone number of the establishment. Awning and canopy signs are permitted in all zones except residential and agricultural.

(b) Construction signs. Construction signs shall have a maximum sign area of twelve (12) square feet. All such signs shall be removed within five (5) days of completion of such construction. Construction signs are permitted in all zones.

(c) Entrance/exit signs. Entrance and exit signs shall have a maximum height of three (3) feet. The maximum sign area is limited to three (3) square feet. These signs should be located at entrance and exit drives only and should not hinder traffic. One entrance and one exit sign is permitted at each approved driveway, but must not be located on the Town right-of-way. The content of the sign is limited to the word "entrance" or "exit". The design of these signs should be simple in form and compatible with the architectural elements of the building, and they should be constructed of materials of high quality and construction. Entrance/exit signs are permitted in all industrial zones, and regional and local commercial zones.

(d) Freestanding signs. Freestanding signs may have a maximum height of eight (8) feet. When directed to pedestrians, the maximum sign area is limited to twenty (20) square feet. When directed at vehicular traffic traveling at a posted speed of 25 miles per hour or less, the maximum sign area is limited to twenty-five (25) square feet. When directed at vehicular traffic traveling at a posted speed of greater than 25 miles per hour, the maximum sign area is limited to thirty-two (32) square feet. The sign must be set back from the property line, street or right-of-way, if applicable, a minimum of ten (10) feet and oriented towards pedestrian and vehicular traffic in order to maintain safety. The design of freestanding signs should be simple in form and compatible with the architectural elements of the corresponding building or structure, and they should be constructed of high quality materials, such as wood, metal and glass. Only one freestanding sign is allowed on each property. If there is more than one street front for the property, one additional sign may be permitted; however, the total square footage of both signs must not exceed 150% of the allowed area. The sign may identify the name of the tenant or the nature of the goods sold or services provided the street

address and the telephone number of the establishment. Freestanding signs are permitted in all zones except residential and agricultural.

(e) Garage, porch, or yard sale signs. Garage, porch, or yard sale signs shall have a maximum sign area of six (6) square feet and shall be limited to one (1) sign per each lot, parcel or property. At least one (1) sign must be located on the property where the sale is being held, and a maximum of two (2) additional signs may be placed in the area only after obtaining the permission of the property owners. These signs shall advertise only occasional residential sales of used goods and must be removed one (1) day after the event, and shall be displayed without lighting having a primary purpose or effect of illuminating the sign. Garage signs are permitted in residential zones only.

(f) Government signs. Government signs shall be exempt from the provisions of this Chapter.

(g) Hanging or projecting signs. Hanging or projecting signs shall not be permitted.

(h) Home occupation signs. Home occupation signs shall not be permitted.

(i) Luminous tube signs (neon signs). Luminous tube (neon) signs shall be located within a building or structure and displayed through a window. These signs may not be attached to the exterior of the building. The maximum sign area is limited to ten percent (10%) of the total area of the window through which it is displayed. These signs are limited to ground floor elevation, unless the business is located solely on the second story of a building, in which case said signs must adhere to all of the standards contained herein, except the height restriction. Only one such sign is permitted per business. The sign may include letter graphics and symbols displaying the name and primary purpose of the business. The following are prohibited: message/sales promotion and product brand names. The sign may not flash, move, alternate or show animation. The colors used in such signs are subject to design standards. Luminous tube signs are permitted in commercial zones only.

(j) Monument signs. Monument signs shall be limited to a maximum height of four (4) feet and a maximum sign area of thirty-two (32) square feet. They must be oriented towards pedestrian paths and vehicular traffic and maintain required zone setbacks. The signs must be simple in form and compatible with the architectural elements and materials of the building. The signs should be constructed of high quality materials. Only one monument sign is permitted for each business. The sign may identify the name of the tenant or the nature of the goods sold or services provided the street address, and the telephone number. Monument signs are permitted in all zones except agricultural. In residential zones, monument signs shall only be permitted for multi-tenant buildings, such as apartment complexes.

(k) Multi-tenant monument signs. Multi-tenant monument signs shall be limited to a maximum height of five (5) feet and a maximum sign area of forty (40) square feet. The sign must be located in the common area of the project, oriented towards pedestrian and/or vehicular traffic, and must maintain required zone setbacks. The signs must be simple in form and compatible with the architectural elements and materials of the building. The signs should be constructed of high quality materials. Only one multi-tenant monument sign is permitted for each business center. An additional sign may be permitted for directional purposes only, which may not exceed eighteen (18) square feet in sign area. The sign may identify the name of the multi-tenant structure, the nature of the goods sold or services provided, the street address, the names and unit numbers of the tenants and the telephone number. Multi-tenant monument signs are permitted in all zones except agricultural.

(l) Political signs. Political signs shall be temporary in nature, and may be placed or erected on private property with the consent of the property owner (or person entitled to possession) or their authorized agent in connection with elections or political campaigns provided that:

- (1) such signs are prohibited on utility poles and may not obstruct drivers' vision clearances at an intersection;
- (2) such signs shall not be posted earlier than sixty (60) days prior to a primary, general or special election and are to be moved within three (3) days after the election;
- (3) such signs shall not exceed eight (8) feet in height; and
- (4) such signs shall not be placed in public right-of-ways; and
- (5) signs found to be in violation of this section may be removed by the Code Enforcement Officer.

Political signs are permitted in all zones.

(m) Real estate signs. Real estate signs shall only be displayed on the premises being advertised and shall not exceed a maximum sign height of three (3) feet and a maximum sign area of nine (9) square feet. Provided, however, that any sign giving notice of and directions to any "open house" being shown for sale may be displayed off the premises advertised so long as it is otherwise maintained in full compliance with the size requirements of this subparagraph, and shall be removed by the beginning of the first business day following the last day of the sale. Real estate signs shall be displayed without lighting having a primary purpose or effect of illuminating the sign. Real estate signs are permitted in all zones.

(n) Special occasion signs. Special occasion signs shall only advertise occasional, non-commercial special events of no more than seven (7) days duration. The maximum sign height shall be three (3) feet and the maximum sign area shall be nine (9) square feet. Each sign shall be erected no more than seven (7) days prior to the first day of the special occasion and removed by the end of the third day after the end of the special occasion. Special occasion signs are permitted in all zones.

(o) Street name signs. Street name signs shall be exempt from the provisions of this chapter.

(p) Traffic directional signs. Traffic directional signs shall not exceed three (3) square feet in area, except upon a special permit issued by the Code Enforcement Officer upon showing of clear necessity, and shall be permissible in all zones.

(q) Wall signs. Wall signs shall be limited to a maximum height of the building surface below the finished floor elevation of the second floor or twenty (20) feet above the finished grade level, whichever is lower. Businesses located solely on the second story of a building are allowed a sign that adheres to all of the standards contained herein, except the height restriction. The maximum sign area may not exceed five percent (5%) of the building face to which the sign is attached. The sign may not project more than three (3) inches from the wall surface. The sign must be placed to utilize the architectural features of the building without obscuring them. Sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion and exposed surfaces should be constructed of high quality materials such as metal or wood. There is no maximum number of signs per building, however the aggregate sign area must not exceed the five percent (5%) of the building face maximum. In a multi-tenant building the primary focus of sign area shall be for building identification. The sign may identify the name of the tenant, the nature of the goods sold or services provided, the street address and the telephone number of the business. Wall signs are permitted in all zones except residential and agricultural.

(r) Window signs. Window signs may not exceed a maximum sign area of thirty percent (30%) of the total area of the window and are limited to the main floor level of the building. Businesses located solely on the second story of a building are allowed a sign that adheres to all of the standards contained herein, except the height restriction. These signs include those within three (3) feet of the window, visible from the street and in excess of two (2) square feet in area. There is no maximum number of window signs on a window

face, however the aggregate sign area of all signs in each window must not exceed the thirty percent (30%) of the window area maximum. Temporary signs, such as sale signs, are permitted for a maximum time of two weeks. The signs must be permanently attached to the window face by either using vinyl, etching, or other similar attachment methods. Detached signs from the surface should be constructed of comparable materials. The sign may identify the name of the tenant, the nature of the goods sold or services provided, the street address, and the telephone number of the business. Window signs are permitted in all zones except residential and agricultural.

## **Section 6. Sign Construction Specifications.**

### (a) Wind-resistance construction specifications.

#### (1) *General*

a. Signs and sign structures shall be designed and constructed to resist wind as specified in this section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

b. The overturning moment produced from lateral forces shall in no case exceed two-thirds (2/3) of the dead-load-resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in the determining of the dead-load-resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(2) *Windloads* For the purposes of design, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than thirty (30) pounds per square foot for those portions less than sixty (60) feet above the ground and at not less than forty-five (45) pounds per square foot for those portions more than sixty (60) feet above the ground. In calculating wind pressure on curved surfaces, such as cylindrical or spherical signs or sign structures, this pressure shall be assumed to act on sixth-tenths (6/10) of the projected area. In all open-frame signs or sign structures, the area used in computing wind pressure shall be one and one-half (1 ½) times the net area of the framing members exposed to the wind.

(3) *Combined loads.* Wind loads need not be combined in the design of signs or sign structures, only that loading producing the larger stresses need to be used. Vertical design loads shall be assumed to be acting simultaneously with the wind loads.

(4) *Allowable stresses.* The design of steel, concrete or wood members shall conform to the requirements of Chapters XV, XVI, XVII, Standard Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Code XIII, Section 1302.2 of the Standard Building Code.

### (b) Construction requirements in general.

(1) *General.* Any and all signs containing more than 32 (thirty-two) square feet of surface face, must be designed by a licensed engineer. The supports for all signs or sign

structures shall be securely built, constructed and erected in conformance with the requirements of this Code.

- (2) *Materials.* Materials used for constructions of signs and sign structures shall be of the quality and grade as specified for buildings in the Standard Building Code. In all signs and sign structures, the materials and details of construction shall, in the absence of specified requirements, conform with the following: Structural steel shall be of such quality as to conform with Chapter XV, Standard Building Code. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light-gauge steel as specified in Chapter XV. Secondary members, when formed integrally with the display surface, shall not be less than Number 18-gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be at least Number 20-gauge in thickness. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be at least one-eighth (1/8) inch. Steel members may be connected with one (1) bolt provided the connection is adequate to transfer the stresses in the members.
- (3) *Restrictions and combustible materials.*
  - a. All electric signs and electrical sign structures shall have structural members of incombustible materials.
  - b. Ground signs may be constructed of any material meeting the requirements of this Code, except as provided above.
  - c. Wall signs, projecting signs, and signs on marquees shall be constructed of incombustible materials, except as provided in this section. No combustible materials other than approved plastics shall be used in the construction of electric signs.
- (4) *Nonstructural trim.* Nonstructural trim may be of wood, metal, approved plastics or any combination thereof.
- (5) *Anchorage.*
  - a. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind load acting in any direction. Anchors and supports shall be designed for safe-bearing loads on the soil. Anchors and supports shall penetrate to a depth below ground greater than that of the frostline.
  - b. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
  - c. No wooden block or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage except in the case of signs attached to wood framing.

**Section 7. Non-conforming uses.**

(a) Grace period. Signs in place on the effective date of this Chapter which are not in compliance with its terms shall be deemed a nuisance and are required to be removed or brought into full compliance within sixty (60) calendar days after the effective date.

(b) Expansion of use. No person shall cause any expansion of use of any nonconforming sign, including without limitation enlargement or illumination of any nonconforming sign. A nonconforming sign shall not be moved or replaced except to bring the sign into complete conformity with this Chapter. The message of a nonconforming sign may be changed so long as this change does not create any new or expanded nonconformity.

**Section 8. Abandoned signs; unsafe signs.**

(a) Any sign which:

(1) Continues in a state of structural, mechanical, or cosmetic disrepair for thirty (30) calendar days after the Code Enforcement Officer gives written notice that it constitutes a safety hazard or is a visual blight or eyesore clearly visible from any public right-of-way; or

(2) For thirty (30) consecutive calendar day, advertises or gives notice of a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted or is otherwise obsolete shall be deemed abandoned and shall be removed within thirty (30) days after written notice of abandonment from the Code Enforcement Officer.

(b) Any sign presenting a clear and imminent threat to public safety may be summarily removed by the Code Enforcement Officer who shall give notice of the action as soon as reasonably possible.

(c) Signs not timely removed in compliance with paragraph (a) above may be removed by the Code Enforcement Officer who shall give reasonable notice of the action.

(d) Persons who, according to the provisions of section 11(a), are responsible for signs removed by the Code Enforcement Officer pursuant to paragraphs (b) and (c) of this section shall be jointly and severally liable for all costs of the removal, which costs shall also constitute a lien against the real property on which the sign is located. The costs shall be paid within five (5) weekdays following notice thereof; provided, however, that appeal may be taken to the Town Council by written notice delivered to the Town Recorder/Treasurer within five (5) weekdays of notice of the costs. Failure to pay costs when due shall constitute a separate violation of this Chapter.

**Section 9. Variances.**

Upon written application delivered to the Code Enforcement Officer and containing such information as he may reasonably require, the board of adjustment may grant variances from the provisions of this Chapter with terms and conditions. Variances maybe granted for historic, aesthetic, or other reasonable causes, which cause shall be stated upon the record. A variance shall be granted for no more than one (1) sign used or maintained for each separately licensed business on any one (1) lot or parcel.

**Section 10. Enforcement.**

(a) Any and all persons having express or implied authority over the size, appearance, content and/or location of a sign, together with the landowner and/or lessor of the real property upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with law and shall be jointly and severally liable for any violations of this Chapter or other law pertaining to the sign. The real property landowner shall be presumed to be the person recorded as such in county records.

(b) Citations for violations of the provisions of this Chapter shall be issued by the Code Enforcement Officer upon proper authority.

(c) Any sign not properly permitted may be removed by the Code Enforcement Officer after due notice to the landowner and failure to comply with the corrections required pursuant to this section.

**Section 11. Penalties.**

Any sign in violation of any of the provisions of this Chapter shall be cited and fined in the amount of twenty-five dollars (\$25.00) for each offense. Each day the violation exists shall constitute a separate offense.

**Section 12. Severability clause.**

In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Code shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Code as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Code shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**Section 13. Repeal of Conflicting Ordinances or Resolutions.**

Any matters set forth in the Sign Code which are contrary to the existing ordinances of the Town of Highfill shall prevail, and the Highfill Zoning Code is amended to conform thereto, and all other ordinances and resolutions or parts of ordinances and resolutions in conflict herewith and therewith are hereby repealed to the extent of such conflict.

**Section 14. Emergency Clause.**

It is hereby found and determined that the Town of Highfill does not currently have sufficient laws and regulations regarding the construction, erection, placement, maintenance and inspection of signs within the Town of Highfill to provide adequate protection to the citizens of the Town in contemplation of its current and future growth, and enactment of this Code will prevent harm in this area to the community and help assure the proper regulation, growth and development of the Town of Highfill. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the Town and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Code is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the ordinance enacting this Code. If the Code is vetoed by the Mayor and the veto is overridden by the Town Council, it shall become effective on the date the Town Council overrides the veto

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2001.

**APPROVED:**

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Scott E. Elliott, Mayor

**ATTEST:**

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Cassie S. Elliott, Town Recorder

(SEAL)