

ADVERTISING* - CHAPTER 6

* Cross References: Businesses, ch. 26; advertising on streets, § 86-8.

ARTICLE II. - SIGNS*

* Cross References: Overhanging signs, § 86-151 et seq.

DIVISION 1. - GENERALLY

Sec. 6-31. Purpose.

The purpose of this article is to establish the standards for the fabrication and erection of signs and advertising devices within the city. These standards are designed to promote the sale and construction of advertising signs, encourage aesthetic compatibility, and restrict annoying or objectionable displays. (Code 1987, § 27.05)

Sec. 6-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which advertises goods, products, services or facilities which are no longer available to the public or which directs persons to a location where such goods, products, services or facilities are no longer available.

Area of sign means the area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

Billboard means outdoor advertising signs which advertise goods, products, or services not necessarily sold on the premises on which the sign is located. Billboards shall be of three main types:

(1) Poster panels or bulletins normally mounted on a building wall, roof or freestanding structure with advertising copy in the form of pasted paper.

(2) Multiprism signs alternating advertising messages on one displayed area.

(3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted, roof or freestanding display area.

Copy means the wording on a sign surface.

Electrical sign means any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

Flashing sign means any sign which contains an intermittent or flashing light source, or which includes the illusion of internally-mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as changing signs not flashing signs.

Freestanding sign means a sign erected on a freestanding frame, mast or pole and not attached to any building.

Frontage means the length of the property line of any one premises parallel to and along the public right-of-way it borders.

Height of sign means the vertical distance measured from the adjacent street grade or upper surface of the street curb to the highest point of a sign.

Lot means a parcel of land of sufficient size to meet minimum requirements for use as a building site. Such lots shall have frontage on an improved public street, or on an approved private street and may consist of:

(1) A single lot of record.

(2) A portion of a lot of record.

(3) A combination of single lots or portions of lots of record.

Message board means a sign with changeable message, the words and letters being premade and fastened to the sign face by clips, magnets, slotted devices or other means.

Modify (a sign or sign structure) means to change an existing sign by altering the size or illumination, or to alter a sign structure by changing the size or material of the supporting elements.

National Electrical Code means the code prepared by the National Board of Fire Underwriters known as the National Electrical Code, in the edition adopted by the city to govern electrical installations. Copies of the current code will be kept by the city clerk for public inspection.

Nonconforming sign means any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the preview of this article and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this article.

Projecting sign means a sign, other than a wall sign, which is attached to and projects from a structure or building face.

Relocate means to remove and reerect a sign and/or sign structure from one lot to another or from one position on a lot or building to another.

Sign means any identification, description, illustration, symbol, statute or device, illuminated or nonilluminated, which is visible from any public place designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location with the exception of window displays and city, state, national flags, holiday decorations or political posters. For the purpose of removal, the term "sign" shall also include all sign structures.

Sign structure means any structure which supports, has supported or is designed to support a sign including posts, poles, aboveground footings, cables, chains, brackets and other hardware and appurtenances designed to support a sign. A decorative cover is part of a sign structure.

Wall sign means a sign attached to or erected against a wall of a building, with the face parallel to the building wall and extending not more than one foot therefrom.

(Code 1987, § 27.06)

Cross References: Definitions generally, § 1-2.

Sec. 6-33. Penalties.

Any person, firm or corporation violating any provisions of this article shall be fined not less than \$50.00 nor more than \$500.00 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Code 1987, § 27.10)

Sec. 6-34. Permits and regulations.

(a) Sign permit required. No person shall erect, suspend, fasten, relocate or modify any sign within the city without obtaining a permit therefor. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued.

(b) Permit application. The application for a sign permit shall be made to the city clerk on forms furnished by the city. No permit shall be issued except upon approval of the commissioner of the department of public health and safety or his representative.

(c) Permit fee. The fee for a sign permit shall be \$1.00 per square foot, but not more than \$50.00.

(d) Plans and specifications. With the application for a sign permit the applicant shall submit detailed plans and specifications for a projecting or freestanding sign or sign structure exceeding 100 pounds or a wall-mounted sign or sign structure projecting less than one foot from a wall exceeding 200 pounds under the seal of an architect or structural engineer licensed in the state certifying that the supporting sign structure is adequate to sustain all loads that may reasonably be anticipated and in accordance with applicable building codes. Any sign permit shall be null and void if erection is not commenced within 180 days from the date of issuance of the permit.

(e) Extension over any sidewalk, street or other public place. The maximum extension and minimum clearance over any public place shall be such that the public health, safety and welfare will not be jeopardized. Signs shall not project farther from the property line than the distance normally therefrom to a point within two feet of a perpendicular plane through the back of the curb; provided, however, that the maximum projection over public property shall not exceed six feet. No sign shall at the lowest point be less than nine feet above the sidewalk or ground line. No post, pole, support, brace or guy wire for any sign shall be placed on public property. No existing sign or display shall be replaced with a new one which will violate this subsection. All signs or displays over public property shall be constructed of noncombustible or fire-retardant materials.

(f) Obstruction to vision. Signs or sign structures of any nature, whether moveable or permanent, shall not be placed on or over city property where it will interfere with the normal vision of persons driving vehicles on any of the city streets or property of the city.

(g) Electric signs. The method and materials to be used in the electrical construction and wiring of all electric signs and displays shall be uniform, and shall be as prescribed by the National Electrical Code. No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination.

(h) Abandoned signs. Every abandoned sign or sign face shall be removed or refitted with a blank face within 60 days after it becomes abandoned. Supports, cables, braces, and other structural elements shall be removed within one year of abandonment. The commissioner of public health and safety or his representative shall notify the sign owner in writing of this requirement, the dates of mandatory compliance and right of hearing under the requirements of due process of the law.

(i) Size limitations. No sign shall be erected whose size exceeds the following limitations:

(1) Billboards shall not exceed 100 square feet in area.

(2) Projecting signs shall not exceed 30 square feet in area per sign face. One projecting sign shall be permitted per business, except where the building fronts on two or more public rights-of-way.

(3) Freestanding signs shall not exceed 50 square feet per face or 100 square feet total area. The highest point of a freestanding sign shall not exceed 25 feet.

(j) Total sign area. Directional or informational signs such as entrance, exit, handicapped designations or other signs that do not advertise a business or commercial activity shall not be considered in calculating the total sign area. In calculating the total sign area, each face of projecting or freestanding signs shall be added.

(k) Message boards. Message boards may be erected as wall-mounted installations or as part of projecting or freestanding sign structures identifying the business. Message boards shall not exceed one-half of the area of the principal sign identifying the business.

(l) Moving signs. No sign or portion thereof shall be permitted which spins, rotates or moves either mechanically or purposefully propelled by wind, solar power or other means, except for the rotation of barber poles.

(m) Rooftop signs. No sign of any type shall be mounted on the roof of any building. The highest point of any sign shall be at least two feet below the highest point on the building to which it is attached.

(n) I-80 sign zone. A special sign zone 2,500 lineal feet from the centerline of the median of Interstate Route 80 is designated. Within the I-80 sign zone sign limitations are as follows:

(1) Billboards shall not exceed 300 square feet.

(2) Projecting signs shall not exceed 30 square feet.

(3) Freestanding signs shall not exceed 300 square feet per face or 600 square feet in total area.

(4) The maximum height of freestanding signs shall be 40 feet.

(5) All other provisions of this article shall apply to the I-80 sign zone.

(o) Nonconforming signs. A sign shall be deemed to be nonconforming by virtue of its size, height, setback, illumination, animation or other deviation from the regulations of this Code. Nonconforming signs may remain in use provided they are maintained in good repair except as follows:

(1) Whenever a sign is damaged to an extent of 50 percent of its replacement value.

(2) Whenever a sign is relocated to another building or building site.

(3) Whenever a sign or sign structure is abandoned for a period of one year.

(p) Sign maintenance and repair. All signs shall be maintained in good condition. Signs shall be kept neatly painted, including sign supports that are not of corrosion-resistant materials. The commissioner of public health and safety, or his authorized representative, shall notify the owner of any dilapidated sign of its condition and order the repair of the same within ten days.

(q) Realtors signs. Signs advertising the sale or rental of property may be placed on the same building lot as the property for sale or rent, provided:

(1) Signs shall not extend over public property.

(2) Signs shall not exceed six square feet in residential areas, classified as districts A, B or nonconforming, according to the permanent zoning ordinance of the city.

(3) Signs shall not exceed 32 square feet in areas classified as commercial or industrial according to the permanent zoning ordinance of the city.

(4) Sign permits are not required for realtors signs.

(r) Advertising on benches, planters or satellite dishes and trash receptacles. Advertising signs located on benches, planters, trash receptacles or other appurtenances shall conform to the requirements of this article. Such signs shall be located on private property and shall be securely fastened to prevent relocation or tipping and a permit shall be obtained.

(s) Flexible banners. Flexible banners containing printed messages shall be permitted subject to the following regulations:

(1) No more than two flexible banners will be permitted at a business site at one time.

(2) All flexible banners will be firmly attached to a building wall or other firm anchor so as to minimize wind movement and prevent them from being a distraction to motorists.

(3) No single flexible banner shall exceed 50 square feet per face in size.

(4) Flexible banners may remain in place as long as they are firmly anchored and in good repair.

(5) The owner or possessor of a banner who is notified in writing by the city building official that the banner does not conform to the requirements of this Code shall remove the same within five days of receiving such notice. The owner or possessor of such banner may appeal the order of the building official within five days of receiving such notice to the commissioner of public health and safety by filing a written appeal with the city clerk within such five-day period. The commissioner will hold an informal

hearing on the appeal with the building official and the appellant within 15 days after the appeal is filed with notice to both parties. The commissioner will issue a written ruling as soon as possible after the hearing. The order of removal issued by the building official will be stayed during the appeal.

(6) No permit is required for flexible banners.

(t) Contractor signs. Signs advertising the name of the company engaged in new construction or remodeling in residential areas, classified as districts A, B or nonconforming, shall not exceed 16 square feet. Such signs shall be located entirely on private property where such construction occurs. Contractor signs situated in areas classified as commercial or industrial shall not exceed 32 square feet. Sign permits are not required for contractor signs.

(Code 1987, §§ 6.26(e)--(g), 27.07)

(u) Downtown sign zone. Notwithstanding any other provision of this Article or any other ordinance of the City to the contrary, flashing signs, LED, LEC or similar signs, including electronically controlled message centers, are prohibited in the C-4, C-5 and C-6 zoning districts of the City of Ottawa.

(Amended 8-7-07, Ordinance 39-2007)

Sec. 6-35. Awnings, canopies and marquees.

(a) Definitions. Terms used in this section mean as follows:

Adjustable awning means any entrance or window covering, constructed of wood, metal, plastic, canvas or rubber, or constructed in whole or in part of other combustible material, projecting from the exterior surface of the wall of a building, and capable of being raised or lowered by means of ropes or a mechanical device.

Canopy and marquee mean any fixed entrance or window covering constructed of metal, glass, plastic or other noncombustible rigid material, projecting from the exterior surface of the wall of a building.

Combustible materials and noncombustible materials mean as follows:

(1) Those materials which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature shall be termed noncombustible materials.

(2) All other materials shall be termed combustible materials.

Fixed awning means any entrance or window covering, constructed of wood, metal, plastic, canvas or rubber or constructed in whole or in part of other combustible material, projecting from the exterior surface of the wall of a building, and not capable of being raised and lowered.

(b) Adjustable awnings. No adjustable awning shall project more than six feet from the exterior wall of a building into the public easement for street or sidewalk purposes. Every adjustable awning constructed or placed over any sidewalk shall be at least nine feet above the sidewalk at its lowest point, provided, that a hanging border of canvas or similar material may drop vertically to a point not less than seven feet above the sidewalk. All adjustable awnings shall be supported without posts by metal brackets or by a metal frame firmly attached to the building so as to leave the sidewalk wholly unobstructed thereby.

(c) Fixed awnings. No fixed awnings shall be permitted to project into the public easement for street or sidewalk purposes.

(d) Canopies and marquees.

(1) Canopies and marquees shall be constructed of metal, glass, plastic or other noncombustible material, and shall be supported entirely by metal frames and supports. The roof of such canopy or marquee may be of metal or of iron or glass supported in metal frames.

(2) All canopies and marquees shall be supported with chain, cables or metal supports properly secured to the building independent of the sidewalk.

(3) Provision shall be made in all canopies and marquees to carry water from the canopy and marquee.

(4) There shall be no post or support connecting the canopy or marquee with a public sidewalk.

(5) The lowest portion of any canopy or marquee, including supports thereof, shall be not less than nine feet above the sidewalk.

(6) The maximum extension and minimum clearance over any public place shall be such that the public health, safety and welfare will not be jeopardized and in no event shall any marquee project farther from the property line than the distance normally therefrom to a point within two feet of a perpendicular plane through the back of the curb; provided, however, that the maximum projection over public property shall not exceed six feet. No marquee shall at the lowest point be less than nine feet above the sidewalk or ground line. No post, pole, support, brace or guy wire for any marquee shall be placed on public property. All marquees over public property shall be constructed of noncombustible materials.

(e) Inspection. All awnings, canopies and marquees shall be subject to inspection by the city engineer at any time.

(f) Permit for the construction of canopies or marquees. No canopy or marquee shall be constructed or erected until a permit for the same shall have been obtained from the city clerk. Prior to the issuance of such permit, the applicant shall submit detailed plans and specifications for any canopy or marquee exceeding 100 pounds under the seal of a licensed architect or engineer certifying the canopy or marquee is structurally capable of sustaining such loads as may reasonably be anticipated in accordance with the building code of the city. The city engineer shall examine such plans and specifications and shall

determine whether such canopy or marquee can be erected with safety to the public and without undue inconvenience to owners of adjoining property or to the public. He shall report all findings to the commissioner of the department of public health and safety who shall then approve or disapprove such application based on such report and his own findings. The fee for such permit shall be \$1.00 per square foot of the projected horizontal area but not more than \$50.00.

(g) Nonconforming awnings, canopies and marquees. Any awning, canopy or marquee shall be deemed to be nonconforming by virtue of its noncompliance with the article. Nonconforming awnings, canopies and marquees may remain in use provided they are maintained in good repair, except as follows:

(1) Whenever an awning, canopy or marquee is damaged to an extent of 50 percent of its replacement value.

(2) Whenever an awning, canopy or marquee is relocated to another building or building site.

(h) Maintenance and repair. All awnings, canopies or marquees shall be maintained in good condition. The commissioner of public health and safety, or his authorized representative, shall notify the owner of any dilapidated awning, canopy or marquee of its condition and order the repair of the same within ten days.

(i) Advertising messages on awnings, canopies and marquees. Messages or advertising printed or otherwise affixed to awnings, canopies or marquees shall meet the requirements of existing sign regulations. Messages, words, symbols, logos or other advertising shall not exceed 50 percent of the surface area of the awnings, canopies or marquees. A separate sign permit is not required, however, sufficient information of the size and location of the advertising message shall be submitted to determine compliance with sign regulations.

(Code 1987, § 27.08)

Sec. 6-36. Variances and appeals.

(a) If an application for a sign permit is denied by the commissioner of public health and safety, or his representative, such denial shall include a specific written notice citing the reason for the denial. The applicant or assignee may appeal the denial and make application for a variance from the regulations as follows:

(1) Application shall be made, in writing, to the city clerk citing the reason for the variance or appeal and enclosing such plans, maps, drawings and correspondence as pertinent to the request. Such application shall be accompanied by a filing fee of \$30.00. Such application shall include the name and address of the applicant, the address and legal description of the property upon which the variation or appeal is requested and the specific section of this article to which the variance or appeal is requested.

(2) After proper receipt and acceptance of the application for variance, the city clerk shall present such application at the next regular meeting of the city council. It shall be the duty of the city council to refer the application to the zoning hearing board for hearing.

(3) The zoning hearing board shall conduct a public hearing within 60 days of referral of an application for variance. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper printed and published in the city. Such notice shall state the time and place of the hearing and the subject matter thereof. Such hearing may be adjourned from time to time by the commission or committee and after final adjournment, the commission or committee shall make a report to the city council with recommendation of the proposed action.

(4) The zoning board of appeals may, after such hearing, recommend approval of the variance to the city council whenever a strict interpretation of this article would cause particular hardship not intended or not common to other properties similarly situated, subject, however, to the following regulations and guidelines:

- a. Such variations shall not significantly compromise the regulations regarding public safety.
- b. The design, size, shape or location of the proposed sign is not detrimental to surrounding properties.
- c. A legal conforming sign would be unfeasible or ineffective because of unique topography, vegetation, visibility or existing signs or structures provided the applicant did not create practical hardship by his own actions.
- d. Advertising signs shall be aesthetically compatible with the site and area.
- e. Upon receipt of recommendation from the zoning hearing board, the city council shall take final action within 30 days. (Code 1987, § 27.09)

Sec. 6-37. Informational/Directional Signs.

Notwithstanding any provision of this Chapter to the contrary, application by public service organizations located within the City of Ottawa for the placement and erection of public informational and/or directional signs within the right of way of public streets may be made pursuant to Sec. 6-34 of this Code. The term "public service organization" shall mean a corporation or other organization that provides a civic, historical or educational service or benefit to the City of Ottawa and its citizens. (Amended 11-7-06, Ordinance 80-2006)

Secs. 6-38--6-60. Reserved.