

ORDINANCE # 139

CHAPTER 6

# Community Signage

Section:

- 11-6-1 Intent.
- 11-6-2 Purpose.
- 11-6.3 Applicability and scope.
- 11-6.4 Definitions.
- 11-6-5 Sign type definitions, regulations, and prohibitions.
- 11-6-6 Sign-related activities permitted in all zones.
- 11-6-7 Prohibited signs.
- 11-6-8 Nonconforming signs.
- 11-6-9 Design standards and general provisions.
- 11-6-10 Procedure for sign permit approval.
- 11-6-11 Construction specifications and indemnification.
- 11-6-12 Liability.
- 11-6-13 Violations.
- 11-6-14 Right of appeal/variance.
- 11-6-15 Notice, enforcement, and penalties.

**11-6-1 Intent**

The intent of this chapter is to provide a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards.

**11-6-2 Purpose**

The purpose of this chapter is to establish requirements, and to encourage good design, that meet the identification and information needs of all land uses and reflect the special character of Ennis. A basic tenet in adopting and applying these regulations is that unrestricted signs do not benefit either the private business owner or the community at large. Toward this end, the town commission finds that the town of Ennis is a unique historic agricultural community that depends on a tourist economy. Tourists are attracted to the visual quality and character of the town. Sign regulations are intended to:

- A. Recognize that signs are a necessary means of useful communication for the convenience of the public.
- B. Maximize the value of signage as a means of locating and identifying businesses and properties.
- C. Protect, preserve, and enhance the unique character beauty, and small town charm of Ennis and its surrounding areas as a place to live, vacation, and to conduct business that encourages the continued development of tourism.
- D. Promote signs that are of appropriate scale and integrated with the surrounding buildings and landscape to further the community's desire for quality development.
- E. Promote clear views of the natural surroundings by minimizing visual clutter, reducing the competition for airspace, and encouraging the construction of signs of natural looking materials, which are compatible with the historic, cultural and natural surroundings.

- F. Protect the public from hazardous conditions that can result from signs that are structurally unsafe, obscure the vision of motorists, create dangers to pedestrian traffic, or which compete or conflict with necessary traffic signals and warning signs.
- G. Eliminate distracting lighting, excessive glare, and light pollution by reasonably limiting the illumination of signs and buildings to subdued, adequately shielded, or concealed light sources.
- H. Impose reasonable time, place, and manner restrictions while not interfering with the free exercise of rights granted under the First Amendment of the Constitution of the United States of America.
- I. Meet the identification and information needs of all land uses.
- J. Reflect the important aspect of signs in our community, while maintaining our western heritage. The lack of signage creates a hardship on merchants and visitors who rely on effective signing to identify businesses and services.

### **11-6-3 Applicability and scope**

The provisions of this chapter shall apply to the display, construction, erection, alteration, use, maintenance, and location of all signs within the town of Ennis. All signs that are displayed, constructed, erected, or altered after the date of adoption of this chapter shall conform to the provisions of these regulations. Any sign not addressed in this chapter shall be addressed with a conditional use permit.

- A. Any sign that does not require a permit does not count against a property's allocation.
- B. The Zoning Administrator shall enforce this chapter. The duties associated with administering and enforcing this chapter may also be combined with the duties of other existing positions in the town of Ennis.
- C. Unless specifically exempted, it shall be unlawful to erect, place, construct, reconstruct, or relocate any sign without first obtaining a sign permit from the town of Ennis. Exemptions from the necessity of securing a permit, however, shall not be misconstrued to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this chapter.
- D. Before any permit is granted for the erection of a sign or sign structure requiring such permit, plans and specifications shall be filed at town hall. Plans must show the dimensions, list materials, and required details of construction including anchorage, and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected. (See section 11-6-10 for complete sign permit procedures.)
- E. No sign shall be enlarged or relocated except in conformity to the provisions herein, and until a proper permit, if required, has been secured.
- F. A schedule of permit fees to erect, alter, or relocate a sign shall be established by resolution of the town commission of the town of Ennis.

### **11-6-4 Definitions**

For purposes of this chapter, the following definitions are applicable:

"Alteration of sign" means the moving or modification, in any manner, of a sign or its' structure including, but not limited to height, size, area, shape, or foundation, but excluding the exchange, replacement, or repainting of the sign faces of cabinet-type signs where there are no changes to the original structure. The changing of movable parts or components of a sign that is designed for such changes, or the changing of copy, display and/or graphic matter, or the content of any sign shall not be deemed an alteration.

"Awning" means an architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton over which a covering is attached.

"Beacon" means any light source with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Blight" means the state or result of being deteriorated or ruined.

"Building facade" means that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves for the entire width of the building elevation or that portion comprising the exterior elevation of one business located in a multiple tenant structure.

"Building graphics" means a mosaic, mural, painting, graphic art technique or combination or grouping thereof, applied or implanted directly onto a building wall or fence.

"Canopy" means a roofed structure that covers an area, especially one that shelters a passageway between two buildings.

"Copy" means the graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

"Dilapidated" means a sign on which:

1. The lettering or background material or any part of the sign has flaked, broken off, or changed color;
2. Structural supports or frame members are visibly corroded, stained, bent, broken, or dented; or
3. Sign supports are twisted, leaning or at angles other than those at which the sign was originally erected.

"Height of sign" means the vertical distance measured from the highest point of the sign to the adjacent street grade or surface beneath the sign.

"Leading edge" means the portion of a sign that is closest, in any direction, to the adjacent property line or right-of-way line.

"Marquee" means a projecting structure over the entrance to a building or structure, especially a theater or hotel.

"Property frontage" means a side of a property that borders on a public street.

"Secondary frontage" means a side of a property that faces a parkway (alleyway) or an interior park.

"Sign" means the means by which anything is made visibly known or used to identify, advertise or promote an individual, firm, association, corporation, professional business, commodity, service or product, that can be viewed from the public right-of-way. For the purposes of removal, "sign" shall also include all sign structures.

"Sports Arena Sign" means a sign displayed, for advertisement purposes, at outdoor sporting arena's (ex: - baseball & football fields, etc...) on arena boundary fences, scoreboards or other integral structures of the arena. Sports Arena Signs do not require a sign permit.

#### **11-6-5 Sign type definitions, regulations, and prohibitions**

For purposes of this chapter, the following sign type definitions and regulations shall apply:

##### **Abandoned/Obsolete Signs**

A. Definition: Any sign, including all structural, support and other componential elements, which advertises a business no longer in operation; a lessor, owner, product or activity conducted or product available on the premises that is no longer available where the sign is displayed;

B. Prohibition: Abandoned signs are prohibited.

C. Removal: Abandoned signs, on or off premises, are hereby declared a nuisance and the sign owner or property owner shall either remove the sign structure or replace the obsolete sign face with a blank sign face within thirty days of receiving notice of violation. Extensions to this deadline may be granted for reasons--such as weather--provided a timeline is submitted supporting a reasonable removal process. Any sign which is located on a property which becomes vacant and unoccupied for a period of six months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Signs associated with a business temporarily suspended because of sale or lease of the business shall not be deemed abandoned unless the property remains vacant for a period of six consecutive months, at which time the sign face shall be replaced with a noncommercial facing approved by the zoning administrator. Signs of a historical nature shall not be subject to the provisions of this section.

##### **Address Signs**

A. Definition: Any sign displaying the name and/or location of the occupant/tenant of the property, building, or subdivision.

B. Allowance: Address signs are allowed.

C. Regulations:

1. Address signs do not require a sign permit; provided, the area of an address sign does not exceed two square feet; per sign face, if sign is double-sided.
2. Not more than one address sign shall be permitted on a property held in single and separate ownership unless such property fronts on more than one street, in which case one address sign shall be permitted on each separate street frontage.
3. Signs displaying the name of an apartment building shall not exceed thirty-two square feet in area; per sign face, if sign is double-sided. Unless otherwise regulated by specific reference herein, freestanding address signs shall be limited to a height of fifteen feet.
4. Only one sign advertising a home occupation or avocation shall be allowed per property;

#### **Animated Sign**

A. Definition: A sign or display manifesting either kinetic or illusory motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs shall include signs that incorporate fluttering, undulating, swinging (non-canopy signs), rotating, or otherwise moving signs, pennants, balloons, holograms, light beams, or other free flowing decorations into the sign structure. This shall not include signal lights and other public safety signs maintained by government.

B. Prohibition: Animated signs are prohibited.

#### **Awning Sign**

A. Definition: A sign that is generally composed of a skeletal frame covered in a fabric type material typically open on the bottom side, which extends along and/or projects beyond the wall of the building and that is generally designed to provide protection from the weather.

B. Allowance: Awning signs require a sign permit.

C. Regulations:

1. Supports, posts or columns beyond the property line will not be permitted.
2. Awning signs shall maintain a minimum clearance of eight feet from the top of the sidewalk to the bottom of the sign.

#### **Banner Sign**

A. Definition: A non-rigid advertising sign, and is generally made of vinyl, or fabric.

B. Allowance: Banner signs require a sign permit when the signs are intended to be permanent and must be framed internally or externally by, and mounted to, a rigid material. (Temporary banner signs are addressed in "Temporary, Portable, or Special Event Signs").

#### **Beacon Lights and Strobe Lights**

A. Definition: Any light source with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate, flash, or move.

B. Prohibition: Beacon lights and strobe lights are prohibited.

C. Removal: Rotating or strobe lights attached to any sign structure, sign, or building are hereby declared a nuisance and shall be taken down by the owner within ninety days of adoption of the ordinance codified in this chapter. Extensions of this deadline may be granted for reasons--such as weather--provided a timeline is submitted supporting a reasonable removal process.

#### **Billboard Signs**

A. Definition: An off-premises sign that is two hundred fifty square feet or larger.

B. Prohibition: Billboard signs are prohibited.

#### **Canopy or Marquee Sign**

A. Definition: A sign attached to or constructed in or on a canopy or marquee.

B. Allowance: Canopy or marquee signs require a sign permit.

C. Regulations:

1. Canopy and marquee signs are permitted in the L-CR, C-CR, C-I, HC and P-I districts.
2. Canopy signs shall maintain a minimum clearance of eight feet from the top of the sidewalk to the bottom of the sign.

#### **Construction/Artisan Signs**

A. Definition: Temporary signs of contractors or artisans displayed during the period during which such contractors or artisans are performing work on the property upon which such signs are displayed.

B. Allowance: Construction/artisan signs do not require a permit.

C. Regulations:

1. Construction/artisan signs are permitted in all zoning districts.
2. Construction/artisan signs shall not exceed six square feet; per sign face, if sign is double-sided.
3. Such signs shall be limited to one sign per contractor or artisan, may be put up two weeks prior to commencement of work, and shall be removed immediately upon completion of the work of the contractor or artisan.

#### **Directional or Instructional Signs**

A. Definition. A permanently erected and incidental sign designed to guide or direct pedestrian or vehicular traffic. Such signs include those identifying restrooms, public telephones, public walkways, public entrances, freight entrances, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility.

B. Allowance: Directional or instructional signs do not require a sign permit.

C. Regulations:

1. Directional or instructional signs are allowed in all zoning districts.
2. Advertising materials of any kind are strictly prohibited on directional and instructional signs.
3. Directional or instructional signs shall not exceed the following zoning district size limitations:
  - a: R-LD, R-TD, R-RD, and R-MD: two square feet; per sign face, if sign is double-sided.
  - b: All other zones: four square feet; per sign face, if sign is double-sided.

#### **Flags**

A. Definition. A piece of fabric attached to a staff or cord on one end and generally used as a symbol of a nation, state, political subdivision, or organization.

B. Allowance: Noncommercial flags do not require a sign permit. Commercial flags require a sign permit and the square footage of the commercial flag will count against the owner's allocated signage area.

C. Regulations:

1. Flags are allowed in all zoning districts.
2. The maximum size of any flag shall be restricted to the maximum size that is safely allowed to fly from the flagpole where it is to be displayed as determined by the manufacturer's or engineer's specifications.
3. A flag pole's maximum height will be equal to or less than the maximum building height allowed by the town zoning code and all applicable building codes.
4. A flag pole shall not be considered a "tower"
5. All flagpoles installed prior to the acceptance of this code are grandfathered.

#### **Freestanding Sign**

A. Definition. A sign erected on a freestanding frame, mast or pole, not attached to a building, and located on the property where the business advertised on the sign face is located.

B. Allowance: Freestanding signs require a sign permit.

C. Regulations:

1. Freestanding signs are permitted in the L-CR, C-CR, C-I, HC and P-I districts.
2. Freestanding signs and support structures shall not exceed fifteen feet in height. All Freestanding Signs installed prior to the acceptance of this code are grandfathered.
3. Limit of 2 freestanding signs for each property's street frontage

#### **Garage Sale Sign**

A. Definition: A sign used to advertise a nonrecurring garage sale or yard sale.

B. Allowance: Garage sale signs do not require a sign permit.

C. Regulations: Garage or yard sale signs shall not be placed more than five days prior to the sale and must be removed within two days after the end of sale.

#### **Government Sign**

A. Definition: A sign placed or erected by a governmental agency or nonprofit civic association for a public purpose in the public interest for control of traffic and for other regulatory purposes; street signs, warning signs, railroad crossing signs, signs of public service companies indicating danger; and aids to service and safety which are erected by or for the order of government.

B. Allowance: Government signs do not require a sign permit.

#### **Historic Sign**

A. Definition: A sign which has historical or cultural significance to the town of Ennis or which is listed on the National Register of Historic Places.

B. Allowance: Historic signs do not require a sign permit.

C. Regulations:

1. Signs placed on a historic building identifying the structure as a property listed on the inventory of the National Register of Historic Places shall not exceed two square feet in area.
2. The sign must be maintained as close to its original form as possible.

#### **Holiday Decorations**

A. Definition: Noncommercial signs or other materials displayed on traditionally accepted civic, patriotic, and/or religious holidays.

B. Allowance: Holiday decorations do not require a sign permit.

C. Regulations: Holiday decorations shall be maintained in safe condition and will not create a fire hazard.

#### **Interior Sign**

A. Definition: A sign which is fully located within the interior of any building and not intended for external viewing, or within an enclosed lobby or courtyard of any building.

B. Allowance: Interior signs do not require a sign permit.

#### **Illuminated Sign**

A. Definition: A sign that uses a source of light to make the message readable, including signs that are either internally or externally lighted and signs that may be reflecting, glowing, or radiating by virtue of another light source.

B. Allowance: Illuminated signs require a sign permit.

C. Regulations:

1. Illuminated signs are permitted in the L-CR, C-CR, C-I, HC and P-I districts.
2. All lighting sources shall be electrical in nature. No open flames are allowed.
3. Exterior lighting is permitted; provided, that the following criteria are satisfied:
  - a: Lights shall be designed, located, shielded, and directed in such a manner that the light source is fixed.
  - b: A sign's light source shall not be directly visible, or cast direct light upon any adjacent public right-of-way, surrounding property, residential property, or motorist's field of vision.
4. Internal lighting is permitted; provided, that the following criteria are satisfied:
  - a. The proposed light source shall not be visible from the exterior of the sign, which shall include the back, edges, and sides of the sign.
  - b. Any proposed internally lighted sign application shall submit plans depicting the location and types of lighting to be used.
5. Backlit signs are permitted; provided, that the following criteria are satisfied:
  - a. Signs shall be lighted from a source mounted on the wall behind the proposed sign. The light source shall not be visible through the sign. Lighting shall be visible only along the edges of the sign and light shall not extend more than twelve inches beyond the sign edges.
  - b. Any proposed backlit lighted sign permit application shall include plans depicting the location and types of lighting to be used.

#### **Menu Sign**

- A. Definition: A sign that displays a list of products offered by a business.
- B. Allowance: Menu signs do not require a sign permit provided they are less than two 2 square feet.

**Message Center Sign (EMC: Electronic Message Center)**

- A. Definition: A sign containing a display that can be changed by a manual, mechanical, electrical, electronic, and/or a computerized process.
- B. Allowance: Message center signs require a sign permit.
- C. Regulations:
  1. Message center signs are permitted in the L-CR, C-CR, C-I, HC and P-I districts.
  2. Manual reader board (MRB) signs are permitted subject to the following conditions:
    - a. The maximum area of the sign face is thirty-two square feet; per sign face, if the sign is double-sided.
    - b. All of the letter track rails must be in good working condition and free of cracks or breaks.
    - c. All MRB signs shall be well-maintained
  3. Electronic message center (EMC) signs are permissible subject to the following conditions:
    - a. EMC signs may be incorporated into permitted signs so long as they contain static images that are displayed for a minimum hold time of three seconds before transitioning from one static image and/or message to the next.
    - b. Not more than one such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one street, in which case one such sign shall be permitted on each separate street frontage.
    - c. A sign permit shall not be issued to erect or place an EMC sign on a property until a site plan and/or final plat has been approved by the town for development of the property and after issuance of a building permit for a building on the property.
      - (1) EMC signs shall be included as part of other allowed flush wall mounted, roof mounted, or freestanding signs.
      - (2) EMC signs are only allowed in conjunction with a nonresidential use.
    - d. The maximum allowable area of an EMC sign that is incorporated into a larger sign shall be thirty-two square feet per side.
    - e. All EMC signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
    - f. Flashing, revolving, moving, rotating, or similar intermittent lights are prohibited on EMC signs.
    - g. Animated graphics and enhancements are allowed so long as they are not used in conjunction with on/off flashing, and as long as the sign does not include any full motion video, live or delayed.

**Neon Sign**

- A. Definition: Any sign using bent glass tubes for the copy.
- B. Allowance: Neon signs require a sign permit.
- C. Regulations:
  1. Neon signs are not permitted in residential districts.
  2. Limit of two neon signs per business are allowed, in addition to an Open, Vacancy, No-Vacancy, etc. sign, provided the maximum size is two square feet; per sign face, if sign is double-sided.
  3. A single neon sign shall not exceed six square feet.
  4. Neon signs are to stay steadily lit.

**Obscene Sign**

- A. Definition: A sign that contains offensive language, is hate based, is discriminatory, or on which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

B. Prohibition: Obscene signs are prohibited.

#### **Off-Premises Sign**

A. Definition: Any sign normally used for promoting an interest other than that of a business, individual, product, or service available and primarily located on the premises where the sign is located.

B. Prohibition: Off- premise signs are prohibited. A Variance may be obtained and approved, with or without special requirements set forth by the Town Council, etc..., to allow for an Off-Premise sign.

C. Existing: Off premise signs, in existence prior to this Ordinance taking effect, shall, within two years, obtain a variance to continue the use.

#### **Political Sign**

A. Definition. A temporary sign intended to advance a political statement, cause, or candidate for office.

B. Allowance: Political signs do not require a sign permit.

C. Regulations:

1. Political signs are allowed in all zoning districts.
2. A political sign relating to the election of a person running for public office or relating to a matter to be voted upon at an election called by a public body shall not be erected for more than forty five days prior to the election date for which the candidate or matter is scheduled to be held. Such signs shall be removed within ten days following such election or referendum.
3. Political signs may not exceed six square feet in area.
4. Political signs shall not be illuminated.

#### **Projecting Sign**

A. Definition: A sign that is attached to a structure, building face, or pole and projects over a public right-of-way.

B. Allowance: Projecting signs require a sign permit.

C. Regulations:

1. Projecting signs are permitted in the L-CR, C-CR, C-I, HC and P-I districts.
2. Only one projecting sign per property frontage is allowed.
3. No projecting sign shall exceed forty eight square feet in area; per sign face, if sign is double-sided.

#### **Public Notices**

A. Definition: Official government notices, legal notices, "No Trespassing" signs, and signs which indicate the private nature of a road, driveway, or property.

B. Allowance: Public notices do not require a sign permit.

C. Regulations:

1. Public notices are allowed in all zoning districts.
2. No public notice shall exceed six square feet in area.

#### **Real Estate Sign**

A. Definition: A temporary sign that is used to advertise the fact that a property is for sale, lease, or rent.

B. Allowance: Real estate signs do not require a sign permit.

C. Regulations:

1. Real estate signs are allowed in all zoning districts subject to the following size limitations:
  - a. In the Residential zoning districts: six square feet per sign face, if sign is double-sided.
  - b. In all other zoning districts: twelve square feet per sign face, if sign is double-sided.
2. Real estate signs shall be permitted only during the time in which the property advertised is available for sale, lease, or rent, and must be removed within ten days after execution of an agreement of sale, lease, or rental agreement.

3. Not more than one real estate sign shall be placed on property held in single and separate ownership unless:
  - a. The property fronts on more than one street, in which case one real estate sign shall be permitted on each separate street frontage.
  - b. One real estate sign shall be allowed for every two hundred feet of frontage.

**Residential Business Sign**

- A. Definition: A sign advertising a home occupation or avocation.
- B. Allowance: Residential Business signs require a permit.
- C. Regulations:
  1. One sign advertising a home occupation or avocation is allowed.
  2. Sign area shall not exceed two square feet; per sign face, if sign is double-sided.

**Roof Sign**

- A. Definition: A sign erected, constructed, and maintained upon, or connected to, the roof of any building and that uses the roof structure as its primary means of support.
- B. Allowance: Roof signs require a sign permit.
- C. Regulations:
  1. Roof signs are permitted in the L-CR, C-CR, C-I, HC and P-I districts.
  2. Roof signs may not exceed six feet above the roof
  3. Roof signs may not exceed 20 percent of the total allowed sign area
  4. Roof signs shall appear to be an architectural feature and integral part of the building upon which they are mounted. Supporting columns may be erected if the bracing that is visible to the public is minimized or covered.

**Service Sign**

- A. Definition: Acceptable sources of payment or membership.
- B. Allowance: Service Sign do not require a permit if less than one square foot.
- C. Regulation:
  1. Service sign may not be attached to a permitted sign

**Sidewalk Sign**

- A. Definition: A sign placed on the pedestrian public right-of-way.
- B. Allowance: Sidewalk signs require a sign permit.
- C. Regulations:
  1. Sidewalk signs are permitted in the L-CR, C-CR, C-I, HC and P-I districts.
  2. Sidewalk signs may only be utilized when a business is open.
  3. Sidewalk signs shall be at least three feet tall but no more than four feet tall and may not exceed 2½ feet in width.
  4. The leading edge of a sidewalk sign shall be positioned no more than thirty-six inches from the building property line and are not allowed on street or Town right-of-way.
  5. Sidewalk signs shall be placed outside of normal pedestrian traffic.
  6. Sandwich Boards located on property other than the advertising business will require written permission from the property owner where the sign is displayed.

**Skylights and Searchlights**

- A. Definition: Lights used to illuminate the sky for the purpose of drawing attention to a business or event.
- B. Prohibition: Skylights and searchlights are prohibited.

**Sports Arena Sign**

- A. Definition: Sports Arena signs are signs displayed, for advertising purposes, at outdoor sports arena.
- B. Allowance: Sports Arena signs do not require a sign permit.
- C. Regulations:
  1. Sports Arena Signs are allowed at established sporting arena that provide essential non-profit services to the community.
  2. Signs must be kept in good physical and aesthetic condition to provide safety and functionality to athletes and spectators.

3. Abandoned/Obsolete signs are not allowed and shall be removed upon request by the Zoning Administrator.
4. Signs are limited to be displayed on actual arena boundary fencing, scoreboards or other integral arena structures that do not interfere with the participation of competitors or spectator's field of vision or play
5. Signs must comply with all regulations set forth in this chapter and all other restrictions set forth throughout the sign ordinance, as a whole.

### **Temporary, Portable, or Special Event Signs**

A. Definition: Any sign that is designed or intended to be relocated from time to time, whether or not permanently attached to a building or structure, or located on the ground. Such signs include, but are not limited to: signs on wheels or on portable or mobile structures, trailers, skids, tent signs, airborne signs, banners, and pennants.

B. Allowance: Temporary or portable signs do not require a sign permit.

C. Regulations:

1. Temporary or portable signs do not count against a property's maximum allowable signage area.
2. Unless the length of time a temporary sign may be displayed is specifically addressed elsewhere in this chapter, no temporary sign shall be permitted to be displayed for a period in excess of ninety days during a period of three hundred sixty-five days, unless a longer period of display time is approved by the zoning administrator or his/her designee.
3. Unless the size of a temporary sign is specifically addressed elsewhere in this chapter, the size of any temporary sign shall not exceed the size limits provided for any permanent sign of like configuration and/or type in a given district.
4. Street Banners across the highway require the written approval of the Montana State Department of Transportation
5. Temporary signs may not be electrically energized or contain any electrical device.
6. A temporary sign may be illuminated; provided, that such illumination is in adherence to the guidelines detailed herein.
7. Temporary banners advertising "Grand Opening", "Going Out of Business", or "New Ownership/Management" events are permitted on a one-time basis and do not count against a property's maximum allowable signage area. Banners may be placed on the structure for no more than fifteen days and shall be wholly located on private property. Only one "Grand Opening" temporary sign shall be permitted for the life of a business. A subsequent "Grand Opening" or "Going Out of Business" banner may be permitted when business ownership has transferred to a new owner, or when the business moves to a new location.
8. Banners and other temporary signs for town-wide expositions and special events are allowed, provided the following conditions are met:
  - a. The sponsor obtains a user agreement.
  - b. The zoning administrator or his/her designee shall review and approve proposed placement, size, and time of display of the banner or temporary sign.
  - c. Such banners and temporary signs shall not count against the sponsor's maximum signage area.
  - d. Approved banners shall not impede the public right-of-way.
  - e. Where required, clearance under the sign shall be eight feet.
  - f. Party type balloons shall be permitted in order to attract attention to an event; provided, that they are removed immediately following the close of the event.
  - g. No temporary or special event sign shall be displayed for more than thirty days prior to an event. Such signs shall be removed within seven days of the end of an event.
9. Community signboards for the notification of special events, and display standards and locations of such signs, shall be provided for review and approval by the zoning administrator or his/her designee.

### **Vacancy/Open/Office Sign**

A. Definition: Signs that advertise "Vacancy," "No Vacancy," "Open," "Closed," and "Office."

B. Allowance:

1. Vacancy/open/office signs do not require a sign permit; provided, that the proposed sign does not exceed six square feet in area; per sign face, if sign is double-sided.

2. Vacancy/open/office signs may be of the Neon sign nature but must remain constantly and unchangingly lit while business is open and operating and must be turned off while business is closed.

### **Vehicle Sign**

A. Definition: A sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection and registration stickers.

B. Allowance: Vehicle signs do not require a permit.

C. Regulations:

1. A vehicle to which a sign is attached cannot be used for the sole purpose of advertising. It is the responsibility of the property owners to provide proof that the vehicle has a legitimate business purpose other than display of the sign.

2. The vehicle signs must be painted upon or applied directly to an integral part of the vehicle.

### **Wall Sign**

A. Definition: Any sign attached to, painted on, or installed upon a wall of a building, with the exposed face parallel to the building wall and/or parapet.

B. Allowance: Wall signs require a sign permit.

C. Regulations: Wall signs shall count toward maximum allowable signage area for a structure.

### **Window Sign**

A. Definition: A sign installed inside a building or upon the window surface for the purpose of viewing from outside.

B. Allowance: Window signs require a sign permit.

C. Regulations:

1. This section shall not apply to window displays, such as clothing, merchandise, or real estate photographs; provided that they are displayed inside the window.

2. Window signs shall count towards the maximum allowable signage area for a structure, and should not cover more than forty percent of total window space.

3. Temporary window posters/signs for non-profit and city-wide events shall not count against the maximum allowable signage area for a structure.

### **Works of Art**

A. Definition: Works of art which in no way identify or advertise a person, product, service, or business; also religious symbols and commemorative plaques.

B. Allowance: Works of Art do not require a permit.

### **11-6-6 Sign-related activities permitted in all zones**

The following sign-related activities shall be exempt from obtaining a sign permit in the R-RD, R-LD, R-MD, R-TD, L-CR, C-CR, HC AND C-I districts. Exemptions shall not be misconstrued as relieving the applicant and owner of the sign from the responsibility of complying with all applicable provisions of this chapter. The exemption shall apply to the requirement for a sign permit under this section. The regulations below shall not have forbearance in districts that have covenants wherein the covenants are more restrictive and shall have forbearance where the covenants are less restrictive. In general, the more restrictive covenant or ordinance shall apply.

A. Preventive Maintenance. The ordinary preventive maintenance of a lawfully existing sign, which does not involve a change of placement, size, lighting, color or height. A sign may be temporarily removed for offsite maintenance or repair, provided that it is reinstalled in the original location.

B. Repainting. The repainting of a lawfully existing sign exactly as it was prior to such activity shall be allowed.

#### **11-6-7 Prohibited signs**

In addition to any sign not specifically permitted in accordance with this chapter, the erection, construction, alteration, relocation, or placement of the following signs is expressly prohibited in the town of Ennis after the date of the adoption of the ordinance codified in this chapter:

- A. Signs which move and/or are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination, unless specifically allowed within this chapter.
- B. Appendages to primary signs which have flashing, blinking, or traveling lights.
- C. Any sign which emits sound, odor, or visible matter.
- D. Any sign erected without a permit, if a permit is required.
- E. Any sign erected in or over public right-of-way or other public property, unless the same is erected by the town, county, state or other authorized governmental agency, or with the permission of the town, for public purposes, unless allowed within this chapter.
- F. Signs which bear or contain statements that demean or otherwise degrade religions, races, or ethnic groups.
- G. Signs, including political signs, attached, maintained, painted, printed or otherwise affixed to any curb, sidewalk, post, pole, hydrant, bridge, bench, tree or other surface on public property, or over or across any street or public thoroughfare, except by a duly authorized public employee or as required or permitted by law. This section shall not apply to signs advertising garage sales, yard sales, bake sales, lost pets, missing persons, or other similar purposes.
- H. Illegal signs are signs constructed or altered after the date of sign code adoption, without first obtaining an approved sign permit, or were constructed or maintained illegally before the date of sign code adoption and which do not comply with its provisions, including proper maintenance.
- I. Abandoned signs are those that advertise entities that have been abandoned for any length of time or vacated for a period in excess of one year.

#### **The following provisions shall govern procedures for bringing illegal and abandoned signs into compliance:**

- a. Illegal signs, including signs that are in disrepair, are deteriorated or are unsafe, shall be removed within thirty (30) days after notification by the zoning administrator by the owner or lessee of the premises upon which the sign is located.
- b. Abandoned signs shall be removed within thirty (30) days after notification by the zoning administrator. Sign shall be removed by the owner or lessee of the premises, upon which the sign is located when the advertised business is no longer conducted on the premises.

#### **11-6-8: Nonconforming signs**

Nonconforming signs are signs which do not meet the physical criteria, that in other ways violate this chapter and which legally existed on or before this chapter's date of adoption. The following provisions shall govern procedures for bringing nonconforming signs into compliance:

- A. Nonconforming signs shall be brought into compliance when the building or premises housing the entity being advertised is moved, expanded or structurally altered.
- B. Nonconforming signs which are structurally altered, relocated or replaced shall immediately conform to the requirements of this chapter except that:
  - 1. Signs may be structurally altered where such alteration is necessary for public safety.
  - 2. Signs may be reinstalled if they are moved for construction or repairs of public works or public facilities and such reinstallation is completed within one year.
  - 3. Signs may be repaired and reinstalled if they are damaged by an act of God or by an accident, provided:
    - a. Such damage does not exceed fifty percent (50%) of the cost of reconstruction; and
    - b. Provided that such sign is reconstructed within one hundred eighty (180) days of the date the sign is damaged.

### **11-6-9: Design standards and general provisions**

A. Materials. The town of Ennis encourages the use of natural appearing materials for sign construction, whenever possible, to blend with the local historical flavor.

B. Measurement Standards for Signs. Each property shall be allowed a maximum signage area of three and a half square feet per linear foot of property frontage and one square foot per linear foot of secondary frontage. All signs shall be measured from the outer edge of the sign and such measurements shall include all letters, designs, logos, and pictures incorporated into the sign. Signs consisting of individual letters, elements, or logos placed on building walls or structures shall be defined by boxes to calculate the sign area. No more than four boxes may define a sign area.

1. All permitted signs shall count towards the total maximum signage area.
2. The area of a two-sided sign (faces are one hundred eighty degrees from each other) shall be calculated using one sign face.
3. From any point, if multiple faces of a sign are visible, then the maximum number of faces visible will be used to calculate signage area.

C. If a property has more than one frontage, than the sign allotment for each property frontage will be computed separately. The sign allotment thus calculated may then be applied to permitted signs placed on each frontage.

D. Display Standards. The display of all signs regulated by the town of Ennis shall conform to the standards set forth in this section.

1. Signs shall not resemble, imitate, or approximate the shape, size, form or color of traffic signs, signals, or other devices for traffic control. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals, or devices. Signs that impede the clear sight distance or obstruct traffic control devices will be removed by the town of Ennis and/or the Montana Department of Transportation.
2. Signs shall not be erected, relocated, or maintained in such a way that prevents free ingress or egress from any door, window, or fire escape.
3. Sign foundations shall not be constructed within the public right-of-way; signs placed in the public right-of-way will be removed by the town of Ennis and/or the Montana Department of Transportation.
4. Canopy and projecting signs over public walkways may do so only subject to the projection and clearance limits either defined herein or at a minimum height of eight feet from grade level to the bottom of the sign. Signs, architectural projections, or sign structures projecting over vehicular access areas must conform to the minimum height clearance limitations imposed by the town for such structures.
5. All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead electrical conductors in accordance with the National Electrical Safety Code and local utility specifications.
6. A sign shall not exceed the maximum building height of the building code for the zone where it is located.
7. No sign shall extend from a building to a point beyond the curb.

E. Maintenance.

1. All sign supports, braces, guys, and anchors shall be kept in good repair. Faces of all signs shall be well-maintained at all times. The town of Ennis may notify the sign owner or its agent, in writing, of any sign that is not in a proper state of repair. If corrective action is not taken within thirty days of receiving written notice, an official of the town of Ennis may order the removal of the sign.
2. All areas around a sign structure shall be kept litter and weed free.

### **11-6-10 Procedure for sign permit approval**

A. Permit Required. It shall be unlawful to erect, place, construct, reconstruct, or relocate any sign without first obtaining a sign permit from the town of Ennis, unless the sign is specifically exempted from permit

requirements. The applicant shall complete the application and review process before entering into binding commitments incurring expense of the design, preparation, or construction of the proposed sign.

B. Application. An application for a sign permit shall include the following information:

1. A signature of consent from the owner of the property.
2. Proposed location of the sign on the building or property.
3. A blueprint or drawing of the plans, specifications, and method of construction of the sign and its supports. The plans shall include the proposed sign's dimensions, materials, and colors. If the proposed sign is to be illuminated then the plans shall include the type, intensity, and design of the sign's illumination.
4. The dimensions, measurements, and calculations of building frontages and property line frontages on streets and alleys; the dimensions of any other sign located on the property; and any other information needed to calculate maximum signage area, height, type, placement, or other requirements of these regulations.

C. Determination of Compliance. After reviewing the application and determining whether or not the proposed sign is compliant and consistent with the purposes, requirements, and standards in this chapter, the zoning administrator or his/her designee shall approve, approve with conditions, or deny the application for a sign permit within twenty-eight calendar days of the date of filing. The zoning administrator or his/her designee shall give written notice by mail or otherwise delivered to the applicant of any application denied together with a brief written statement of the reasons for rejection and the steps, if any, necessary to gain approval for said application. No sign permit application shall be accepted if:

1. The applicant has installed any sign in violation of the provisions of this chapter and, at the time of the submission of the application, such sign has not been brought into compliance, removed, or included in the application.
2. Any sign under the control of the applicant or property owner was installed in violation of the provisions of this chapter and, at the time of submission of the application, such sign has not been approved, removed, or included in the application.

D. The applicable sign permit fees shall be paid in full prior to the installation of the approved sign and are not refundable.

E. New sign permits shall expire one year from the date of issuance. If the proposed sign has not been erected or altered pursuant to the issued permit a new application process shall be initiated.

F. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

G. Whenever there is a change in the sign user, sign owner, or owner of the property on which the sign is located, the new sign user, sign owner or property owner shall forthwith notify the zoning administrator of the change. (No new sign permit is required, unless the sign is altered.)

#### **11-6-11 Construction specifications and indemnification**

A. Compliance with Code. All signs shall comply with the appropriate detailed provisions of the building code relating to design, structural members, and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards hereinafter set forth in this section.

B. Auxiliary Construction Specifications.

1. No sign shall be placed or maintained in any manner which will interfere with any opening required for ventilation.
2. A parapet wall or roof must be designed for and have sufficient strength to support any sign which is attached thereto.

C. Maintenance. Every sign shall be maintained in a safe, presentable and good structural material condition at all times. Such maintenance shall include repair, replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The zoning administrator or his/her designee shall have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

D. Nonliability. The town and its agents shall in no way be liable for negligence or failure of the owner, or the person responsible, for any damage caused by defective conditions related to a sign within the town.

#### **11-6-12 Liability**

The provisions of this chapter shall not limit the liability of any person who erects or owns any sign from personal injury or property damage resulting from the placing of a sign, or resulting from the negligence or willful acts of such person or his/her agents, employees or workers, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued under the provisions of this chapter. The provisions of this chapter shall not impose upon the town of Ennis, its officers, employees, or planning board, any responsibility or liability by reason of the approval of any sign.

#### **11-6-13 Violations**

The following are violations of this chapter:

- A. The installation, operation, maintenance, or alteration of any sign requiring a permit without first obtaining a permit or after a permit has been revoked.
- B. The failure to remove a sign that is installed, operated, maintained, or altered once such notice to remove has been issued by the town of Ennis.
- C. Any sign that is deemed by the town of Ennis to have been erected, altered, extended, moved, or otherwise utilized in violation of any provisions of this chapter.
- D. Any sign not maintained or kept in good repair, as determined by the town of Ennis

#### **11-6-14 Right of Appeal/Variance**

- A. Any person who is issued a written notice of violation, denied a sign permit, objects to the conditions attached to a sign permit, or objects to any interpretation of this chapter may file an appeal or file for a variance with the town Commission.
- B. Appeals and Variance requests shall be handled as set forth in Chapter 5, section 11-5-1: Zoning Code Appeal and Variance Application.

#### **11-6-15 Enforcement, notice and penalties**

A. Enforcement:

- 1. Duties: The zoning administrator shall monitor signage in the town of Ennis for compliance with town ordinances.
- 2. Non-Compliance: When the zoning administrator determines a sign is not in compliance with town ordinances, the zoning administrator shall:
  - a. Give the property owner, occupant, business operator, or person in charge/care of the property notice, either verbally or in writing, the signage is not in compliance, and
  - b. Give the property owner, occupant, business, business operator, or person in charge/care of the property thirty (30) days to take corrective action.
  - c. If the zoning administrator determines that exigent circumstances exist, such as a safety hazard, the zoning administrator may require corrective action be taken in less than thirty (30) days.
  - d. Prohibited signs specified under town code section 11-6-7 do not require a thirty (30) day compliance notice and enforcement action may be taken immediately by the Police Department.
  - e. If the property owner, occupant, business operator, or person in charge/care of the property fails to bring the sign into compliance in the required time period, the zoning administrator shall make a written complaint with the Police Department requesting enforcement action.
- 3. Failure to Comply:
  - a. The Police Department upon confirming the violation may issue the property owner, occupant, business operator, or person in charge/care of the property a notice to appear and complaint.
  - b. The property owner, occupant, business operator, or person in charge/care of the property is subject to a separate notice to appear and complaint each day the violation continues or is not corrected.
  - c. If the property owner, occupant, business operator, or person in charge/care of the property does not bring the signage in compliance with the town ordinances, in addition to issuing any notices to appear and complaints, the town of Ennis may petition the City Court for an order authorizing the

removal of the sign. The property owner, occupant, business operator, or person in charge/care of the property will be assessed the cost of the sign removal.

**B. Penalty:**

- a. A violation of this Chapter is a municipal infraction and subject to the penalties specified in Title 1, Chapter 4 of this Code.
- b. A violation of the community signage is an absolute strict liability offense.

**11-6-16 Repeal Ordinance**

- A. City Ordinance 11-4-12 through 11-4-17, Town of Ennis Sign Code, is hereby repealed and all ordinances, resolutions and sections of the Town of Ennis City Code and parts thereof in conflict herewith are hereby repealed.

**Ordinance #139**

**Adopted: May 24, 2015**

**Section 11-6-16 (Repeal of old sign ordinance)**

**Adopted: April 13, 2016**

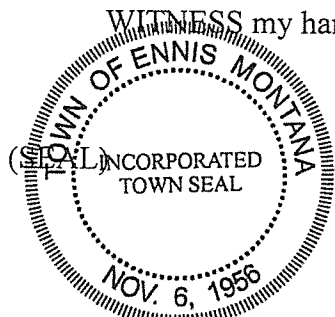
ORD # 138  
ST. MTNC. DIST.

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the Town of Ennis, Montana (the "Town"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "ORDINANCE OF THE TOWN OF ENNIS, MONTANA CREATING A STREET MAINTENANCE DISTRICT; PROVIDING A METHOD OF PERFORMING THE MAINTENANCE AND A METHOD OF ASSESSING FOR THE COSTS OF THE MAINTENANCE" (the "Ordinance"), on file in the original records of the Town in my legal custody; that the Ordinance was duly adopted on first reading by the Town Commission of the Town at a special meeting on November 13, 2014, and that the meeting was duly held by the Town Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Commission Members voted in favor thereof: Vincent, Pine & Bourk; voted against the same: Palmerton; abstained from voting thereon: \_\_\_\_\_; or were absent: Bancroft

WITNESS my hand and seal officially this 13th day of November, 2014.

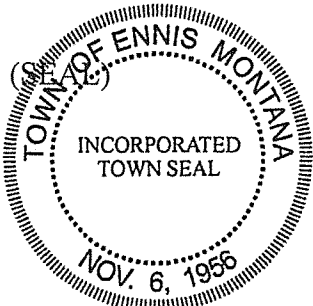


Singer Quinn  
Town Clerk/Treasurer

I further certify that the Ordinance was duly adopted on second reading by the Town Commission of the Town at a special meeting on December 18 2014, and that the meeting was duly held by the Town Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Commission Members voted in favor thereof: Vincent, Palmerton, Bourk & Bancroft; voted against the same: \_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_; or were absent: Pine

WITNESS my hand and seal officially this 18th day of December, 2014.



Singer Quinn  
Town Clerk/Treasurer