

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2016-15	May 16	17
Ordinance No. _____	Passed. _____, 20_____	

AN ORDINANCE AMENDING CHAPTER 1161 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, Chapter 1161 of Code of Ordinances regulates signs within the City of Brookville; and

WHEREAS, in Reed v. Town of Gilbert, Arizona, the United States Supreme Court ruled that content based sign regulations that impose more stringent restrictions on certain signs because of their content are subject to strict scrutiny and violate the First Amendment of the United States Constitution.

WHEREAS, the City of Brookville desires to adopt a new sign code that will be content neutral and regulate signs without regard to their content; and

WHEREAS, the City of Brookville also desires to adopt a new sign code to improve its regulations of signs within the City of Brookville; and

WHEREAS, after public hearing on this amendment to the zoning code of the City of Brookville, Ohio as required by Section 4.11 of the Charter, and upon recommendation of the Planning Commission, Council hereby adopts this Ordinance to amend the zoning code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION I: Chapter 1161 Signs is hereby amended and replaced in its entirety by a new Chapter 1161 Signs, which is set forth in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION II: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

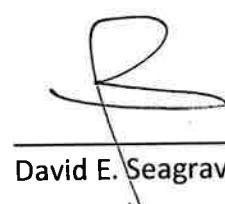
SECTION III: This Ordinance shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this 16th day of May, 2017.

ATTEST:



Meghan Wheeler, Clerk



David E. Seagraves, Mayor

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20_____

CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2016-15, passed by the Council of the City of Brookville, Ohio, on the 16th day of May 2017.



Meghan Wheeler, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2016-15 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 19th day of May, 2017, to the 20th day of June, 2017, both days inclusive.



Meghan Wheeler, Clerk

EXHIBIT "A"

CHAPTER 1161

SIGNS

1161.01 GENERAL

1161.01.1 PURPOSE AND INTENT

The City of Brookville sign regulations, including provisions to control the type, design, size, location, illumination, enforcement and maintenance thereof, are established in order to achieve, among others, the following purposes:

- A. To provide for reasonable and appropriate methods for identifying establishments in office, business and industrial districts by relating the size, type, and design of signs to the size, type, and design of the office, business, and industrial establishments;
- B. To maintain high quality districts of all land uses, and attractive public and private facilities of all types, by permitting only signs appropriate to their environs;
- C. To protect and enhance the physical appearance of the City by:
 1. Assuring the appropriate design, architectural scale, and placement of signs;
 2. Assuring that signs are placed in an orderly and attractive manner on the building or site;
 3. Assuring that the amount of information on the sign is legible and achieves the Intended purpose.
- D. To insure public safety along public and private streets within the City by maintaining a limited number of signs and assuring that all signs are in safe and appropriate locations;
- E. To eliminate any conflict between traffic control signs and other signs which would be hazardous to the safety of the motoring public or pedestrians;
- F. To control the design and size of all signs so that their appearance will be aesthetically harmonious with an overall urban design for the area, in accordance with accepted community planning and design practices, and the City's Comprehensive Plan.

1161.02 SIGN PERMIT REQUIRED

1161.02.1 Sign Permit Required

- A. Except as provide in 1161.02.2, it shall be unlawful for any person to erect any sign or other advertising structure unless a Sign Permit has be issued by the Zoning Administrator.**
- B. The applicant for a Sign Permit shall be either the owner of the property on which the proposed sign will be erect, or the appointed agent of the owner of the property on which the proposed sign will be erected.**
- C. Sign Permits shall be processed, reviewed and issued in accordance with the procedures established in 1161.09.**
- D. The changing or alteration of a sign face shall require a sign permit.**
- E. No permit is required for repair, repainting, or other maintenance that does not alter a sign unless otherwise noted within this Chapter.**
- F. Nothing in this section shall exempt a sign from the necessity of building permit approval if an electrical or building permit is required by the Building Code.**

1161.02.2 Exemptions

The following signs are exempt from the permit requirements contained within 1161.02.1 Sign Permit Required:

- A. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, or similar devices;**
- B. Signs that are constructed of paper, cloth, or similar expendable material, attached to the inside of a window, do not exceed 8 square feet in sign face area, and do not cover more than 25% of the area of the window pane;**
- C. Signs that are an integral part of the historic character of a structure that have been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Montgomery County, or City of Brookville;**
- D. Hand-held signs not set on or affixed to the ground;**

E. Temporary signs located within residential districts as listed within Table 61.4 T

1161.03 SIGN POLICY REQUIRED

1161.03.1 Sign Policy Required

All multiple tenant properties shall develop a sign policy subject to approval of the Zoning Administrator.

1161.03.2 Elements of a Sign Policy

Sign Policies serve to unify and coordinate multiple tenant signs within a property. Sign Policies shall coordinate the following aspects of sign design for multiple tenant properties:

- A. Permitted maximum height and width. Example-24" max height and max width of 80% of tenant space frontage.
- B. Permitted sign design and materials. Example-channel letters mounted on a raceway, cabinet or box signs
- C. Permitted locations on the building;
- D. Permitted sign face and sign structure colors;
- E. Permitted illumination.

1161.04 SIGN TYPES

1161.04.1 Types of Signs Permitted

No sign, other than the following types, are permitted on private property within the City. The following types of signs are permitted only in accordance with the regulations of this Chapter:

- A. Ground Signs
- B. Building Signs
- C. Window Signs

D. Flags

E. Temporary Signs

F. Signs expressly exempted by 1161.02.2 Exemptions of this Chapter.

1161.04.2 Permitted Districts For Sign Types

Signs shall be permitted by district or location of sign as listed within Table 61.1 Permitted Districts for Sign Types

Table 61.1-Permitted Districts for Sign Types

Sign Location	Ground sign	Building Sign	Window Sign	Flag	Temporary Sign
C, R-1A, R-1B	No	No	No	Yes	Yes
R-1C, R2, R3	No	No	No	Yes	Yes
Civic Special Uses in C and R Districts	Yes	Yes	Yes	Yes	Yes
Residential Special Uses in R districts	Yes	Yes	Yes	Yes	Yes
CC District	No	Yes	Yes	Yes	Yes
OR-OS Districts	Yes	Yes	Yes	Yes	Yes
GB-CB-PC	Yes	Yes	Yes	Yes	Yes
I-1, 1-2-PI	Yes	Yes	Yes	Yes	Yes
HS	Yes	Yes	Yes	Yes	Yes

1161.04.3 Ground Signs

A. Number Permitted

The number of ground signs permitted shall be as listed in Table 61.2 ground sign requirements.

B. Setbacks

Ground signs shall be set back at least 10 feet from every right of way line, at least 20 feet from any side or rear lot line, and shall be located as to conform to 1161.07.5 Traffic Hazards.

C. Maximum Area and Height

The maximum area and height of ground signs shall be as listed in Table 61.2 ground sign requirements.

D. Landscaping

1. The base of all ground signs shall be effectively landscaped in accordance with the following standards and maintained in good condition at all times.

2. All ground signs shall require at a minimum a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

a. The edge of the required landscaped area shall be thirty inches from the edge of the sign or any edge of the sign structure.

b. The landscaped area shall include all points where sign structural supports attach to the ground.

c. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised concrete curb, suitable to prevent the encroachment of vehicles, shall be required. The minimum horizontal distance between the face of any required curb and any part of the sign shall be 30 inches.

d. The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, stone, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.

E. Electronic Message Center

1. Up to 75% of the sign face may be comprised of electronic message center, subject to the requirements of 1161.05 Electronic Message Centers of this Chapter.

Table 61.2 Ground Sign Requirements

District or Location of Sign	Number of Ground Signs Permitted	Maximum Sign Area Permitted	Maximum Sign Height Permitted
C, R-1A, R-1B	N/A	N/A	N/A
R-1C, R-2, R-3	N/A	N/A	N/A
Civic Special Uses In R Districts	1 per street frontage	32 sq. ft.	7 ft.
Residential Special Uses In R-Districts	1 per street	32 sq. ft.	7 ft.
CC	N/A	N/A	N/A
CB, OR, OS, PC	1 per street frontage	32 sq. ft.	10 ft.
GB, I-1, I-2-PI	1 per street frontage	50 sq. ft.	15 ft.
GB multi-tenant	1 per street frontage	50 sq. ft	15 ft.
HS and HS-	1 per street frontage	50 sq. ft	20 ft.
	1 per lot	200 sq. ft.	100 ft.

1161.04.4 BUILDING SIGNS

A. Number Permitted

The number of building signs permitted shall be as listed within Table 61.3 in this Chapter.

B. Maximum Projection

No building sign with its face placed parallel to the building façade on which it is located shall project more than 18 inches from the surface or wall to which it is attached. No building sign with its face perpendicular to the building façade on which it is located, also known as a projecting sign, shall project more than 6' from the surface or wall to which it is attached. No building sign shall extend any closer than 12 inches to either the top or side edges of the surface or wall to which it is attached.

C. Maximum Area

The Maximum Area of Building Signs shall be as listed within Table 61.3

D. Placement

No sign shall be nearer than 4 feet to any other sign, nor nearer than 6 feet to any other building or structure.

TABLE 61.3 BUILDING SIGN REQUIREMENTS

District or Location of Sign	Number of Building Signs Permitted	Maximum Sign Area Permitted
C, R-1A, R-1B, R-1C	None	None
R-2, R-3,	None	None
Civic Special Uses In R Districts	1 per street frontage	1/4 sq. ft. per lineal foot of building frontage on which the sign shall be located, not to exceed 50 sq. ft.
Residential Special Uses In R Districts	1 per street frontage	1/4 sq. ft. per lineal foot of building frontage on which the sign shall be located, not to exceed 50 sq. ft.
CC, CB, OR, OS, GB, PC Districts	1 per street frontage	1/2 sq. ft. per lineal foot of building frontage on which the sign shall be located, not to exceed 50 sq. ft.
CC, CB, OR, OS GB, PC Multi-tenant	1 per tenant	1 sq. ft per lineal foot of building unit frontage on which the sign shall be located, not to exceed 50 sq. ft. per tenant.
I-1, I-2, PI HS	1 per street frontage	1/2 sq. ft. per lineal foot of building frontage on which the sign shall be located not to exceed 75 sq. ft.
I-1, I-2, PI HS Multi-tenant	1 per tenant	1 sq. ft. per lineal foot of building unit frontage on which the sign shall be located, not to exceed 50 sq. ft. per tenant.

1161.04.5 WINDOW SIGNS

- A. No window sign shall exceed 25 square feet in sign face area.
- B. No more than 50% of any window panel shall be covered by any combination of permanent or temporary window sign(s).
- C. No window sign shall be located above the first floor of the building from which it is displayed.

1161.04.6 FLAGS

A. Permitted Locations

Flags shall only be flown from flag poles. Flags are limited to no more than two flags per flag pole. Flag poles are regulated as accessory structures.

B. Minimum Area and Proportion

Flags shall be limited to 24 square feet in area and shall be flown in a horizontal orientation. The width (fly) of a flag shall be no more than 2.5 times the height (hoist).

C. Flag Area and Sign Area

Flags shall not count towards any sign area limitations or requirements found elsewhere within this Chapter.

1161.04.7 TEMPORARY SIGNS

Temporary signs shall comply with all applicable provisions of this Chapter regarding safety, maintenance and other prohibitions, and shall also comply with the additional conditions and requirements in this section,

- A. Temporary signs shall not be illuminated.
- B. Temporary signs shall not have any changeable copy.
- C. Temporary signs shall be constructed using commonly found materials and accepted construction methods for such signage.

Examples of commonly found materials include cardboard, painted plywood, coroplast, rigid plastic sheet, metal sheet, vinyl or cotton canvas fabric, and static cling decals.

Examples of commonly accepted construction methods include metal frames, wire "H" frames, wood posts, and paint or static cling decals on glass windows.

D. Temporary signs shall be legible, neat and professional in appearance.

E. No temporary signs shall be attached to light poles, luminaries, fixtures, mechanical equipment, fences, dumpsters or landscaping. No temporary signs shall be attached to any permanent sign or sign base.

F. Within the C, R-1A, R-1B, R-1C, R-2, R-3, OR, OS districts, the only types of temporary signs that are permitted are ground signs, window signs, and wall banners. All other types are prohibited. The maximum area and height, the minimum setback from the right of way, and the permitted number of such signs shall be as listed within Table 61-4A.

G. Within the CC, CB, GB, HS, I-1 and I-2 districts, the only types of temporary signs that are permitted are ground signs, window signs and wall banners. All other types are prohibited. The maximum area and height, the minimum setback from right of way and the permitted number of such signs shall be listed in Table 61-4B.

H. Temporary ground signs shall be located in landscaped areas only, subject to the following conditions:

1. The landscaped area shall include all points where sign structural supports attach to the ground.
2. The edge of the required landscape area shall be thirty inches from the edge of the sign or any edge of the sign structure.
3. The use of concrete, asphalt, stone or any other paved surface inside the required landscape area beneath the sign shall be prohibited.

I. Temporary wall banner signs shall not extend more than 6 inches from any wall or structure upon which they are erected.

J. Wall signs and banners shall not be attached to any roof or roof element and must be a minimum of 2 feet below the top and a minimum of 2 feet from the side of the surface to which they are attached.

Table 61.4A Temporary Sign Requirements-Residential Districts

Temporary Sign Type	Maximum Sign Area Permitted	Maximum Sign Height Permitted	Minimum Setback from Right of Way	Number Permitted and Duration
Ground and Window Signs In R Districts	12 sq. ft. total for all Ground Signs No single Ground Sign shall be greater than 6 sq. ft. In area.	4ft. for Ground Signs	3ft. for Ground Signs	No limitation on the total number of signs, provided that such signs are in compliance with the maximum sign area requirements within this table.
	8 sq. ft for Window Signs subject to 1161.04.8 B	See 1161.04.8C for window signs	10 ft. for window signs	Temporary Ground and Window Signs in R-Districts shall be displayed for no longer than 30 consecutive days.
				Subsequent Temporary Signs are allowed to be displayed provided all such signs are removed for at least 14 days prior to the beginning of a new display period.

TABLE 61.4B Temporary Sign Requirements-Non-Residential Districts

Temporary Sign Type	Maximum Sign Areas Permitted	Maximum Sign Height Permitted	Maximum Setback from Right of Way	Number Permitted and Duration
Ground, Window and Wall Banner Signs in Non-Residential Districts	12 sq. ft. for Ground Signs 25 sq. ft. for window signs subject to 1161.04.8 A and B	6 ft. for Ground Signs See 1161.04.8 C for Window Signs	15 ft. for Ground Signs N/A for Window Signs	1 sign per street frontage For such temporary signs, a permit sticker shall be obtained from the Zoning Officer identifying the dates the sign is to be displayed. Such signs may be displayed no longer than 30 consecutive days. Permit stickers must be attached to the sign when the sign is installed. A separate permit is required for each sticker granted. No more than 4 stickers may be issued to any building or building unit in the same calendar year.
	32 Sq. Ft. for Wall Banner Signs	Wall Banners must be at least 2 ft. below the top of the wall to which they are attached and must be at least 2 ft. from the edge of the wall to which they are attached.	N/A for Wall Banners	Single tenant building 1 sign per street frontage.
				Multi-tenant building 1 sign per building unit, not to exceed 3 such signs on the property at one time.

1161.04.8 VACANT LOT, BUILDING OR BUILDING UNIT SIGNS

Vacant lots, buildings, and building units are permitted signage subject to the following standards:

A. Vacant lots or vacant buildings are permitted a single ground sign per street frontage subject to the following standards.

1. Within the CB, CC, GB, HS, I-1, and I-2 districts, and upon lots greater than 2 acres located within R-1A, R-1B, R-1C, R-2, R-3, OR, and OS districts, such a sign shall be limited to 16 square feet in sign area and 6 feet in height. Upon lots equal to or less than 2 acres in area located in R-1A, R-1B, R-1C, R-2, R-3, OR, and OS districts, such sign shall be limited to 6 square feet in area and 4 feet in height.

B. Vacant building units are permitted window signage in accordance with the standards found in 1161.04.8 Window signs. If no window is present to allow for such signage, then a single group ground sign is permitted subject to the following standards:

1. Such a sign shall be limited to 6 square feet in sign area and 4 feet in height.

C. Ground signs permitted with subsections A and B above shall be subject to the following standards:

1. Such signs shall be back at least 10 feet from every right of way line, and at least 20 feet from any side or rear lot line.

2. Within the CB, CC, GB, HS, I-1 and I-2 districts, and upon lots greater than 2 acres located within R-1A, R-1B, R-1C, R-2, R-3, OR and OS districts, such signs shall be constructed using wooden poles painted white, and a rectangular or square plywood, metal or plastic sign face(s).

3. Such signs shall be placed within a landscaped area and shall be constructed and placed in such a manner that allows them to be easily removed from the site, similar to a temporary sign. Posts shall not be cemented in place.

D. Such signs shall not be illuminated.

E. Such signs shall not have any electronic message center.

F. Once an application for a use, conditional use, or planned development is approved, or once a lot, building, or building unit is occupied and no longer vacant such signs shall be removed from the vacant lot, building or building unit.

1161.05 ELECTRONIC MESSAGE CENTERS

1161.05.1 Types of Electronic Signs

Electronic Message Centers shall include the following types of electronic signs:

- A. Changeable Copy Signs are defined as a sign that displays electronic, non-pictorial text information in which each alphanumeric character, graphic or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's) fiber optics, light bulbs or other illumination devices within the display area.
- B. Video Display Signs are defined as a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, as expanding or contracting shapes.

1161.05.2 Standards for Electronic Message Centers

(A) Signs in the CB, GB, HS, I-1 and I-2 zoning districts may include Electronic Message Centers subject to the following standards:

1. The Electronic Message Centers in these districts may include Changeable Copy Signs and Video Display Signs.
2. The Electronic Message Center component of a sign shall comprise no more than seventy-five percent (75%) of the sign's total allowed sign face area.
3. A sign containing an Electronic Message Center must be located on the property where the use identified or advertised by the sign is located.
4. The Electronic Message Center shall be a portion of a freestanding, permanent, ground mounted sign.
5. The brightness of Electronic Message Centers shall be limited to the following intensity levels: Day 8:00 a.m. to 6:00 p.m.: 5000 nits; Night 6:00 pm to 8:00 a.m.; 1000 nits. To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime

brightness levels. Further, prior to issuance of a permit for an Electronic Message Center, the applicant shall provide written certification from the sign manufacturer that the light intensity level has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other method as deemed appropriate by the Zoning Enforcement Officer.

6. Any individual text message or graphic image on an Electronic Message Center shall remain illuminated, visible and static for a period of at least ten (10) seconds. An animated video display shall not exceed a period of ten (10) seconds, and shall be followed by a text message or graphic image of at least ten (10) seconds.

7. Signs containing an Electronic Message Center shall not be located within one hundred (100) feet of any residential structure.

8. A sign containing an Electronic Message Center shall comply with all other applicable requirements of Chapter 1161 of the Code of Ordinances.

(B) Signs in the C, R-1A, R-1B, R-1C, R-2, R-3, OR, and OS may include Electronic Message Centers subject to the following standards:

1. The sign containing an Electronic Message Center shall be a sign for civic or business permitted or special uses authorized in the zoning district.

2. The sign containing an Electronic Message Center shall be a Changeable Copy Sign with text messages only. Video Display Signs shall not be permitted in these districts.

3. Signs containing an Electronic Message Center shall not be located within one hundred (100) feet of any residential structure.

4. The Electronic Message Center component of a sign shall comprise no more than seventy-five percent (75%) of the sign's total allowed sign face area.

5. The Electronic Message Center shall be a portion of a freestanding, permanent, ground mounted sign.

6. The brightness of the Electronic Message Center shall be limited to following intensity levels. Day: 8:00 a.m. to 6 p.m.: 5000 nits; Night: 6 p.m. to 8:00 a.m.: 1000 nits. To ensure compliance with this provision, the sign must have an automated phased proportional dimmer, which must be used to reduce nighttime brightness levels. Further, prior to issuance of a permit for an Electronic Message Center sign, the applicant shall provide written certification

from the sign manufacturer that the light intensity level has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other method as deemed appropriate by the Zoning Enforcement Officer.

7. Any individual test message on an Electronic Message Center in these residential districts shall remain illuminated, visible and static for a period of at least ten (10) seconds.

8. The Electronic Message Center in these residential zoning districts shall be turned off from 10:00 p.m. to 6:00 a.m. The remainder of the sign may remain illuminated during these hours.

9. A sign containing an Electronic Message Center shall comply with all applicable requirements of Chapter 1161 of the Code of Ordinances.

1161.06 MEASUREMENT STANDARDS

1161.06.1 Measurement Standards

A. The area of a sign shall be measured as follows:

1. The area of the surface, or surfaces of any opaque or translucent panels used or intended for displaying a message.

2. For a sign comprised of individual letters, figures, or elements on a wall or similar surface, or an irregularly shaped freestanding sign, the area of a sign shall encompass a regular, or a combination of not more than 6 rectangles that form, or approximate, the perimeter of all the elements in the display. When separate elements are organized to form a single sign but the elements are separated by open space, the area shall be calculated by determining the geometric form or combination of forms that comprise all the display area including the space between elements; and

3. The area of the surface of any opaque panel use or intended for displaying a permanent message that is affixed to windows or doors.

B. The supporting structure or bracing of a sign shall not be counted as a part of sign area, unless such structure or bracing is made a part of the sign's message by including a symbol, logo, or other three dimensional figure, in which case a combination of regular geometric shapes that can encompass the area of said symbol or figure shall be included as part of the total sign area calculations.

C. Where a sign has two display faces that measure 24" or less back to back, only the area of one face of the sign shall be considered for purposes of measuring total sign area.

D. Where a sign has two or more sign faces that are either more than 24" back to back, or that form another geometric shape, such as a globe, pyramid, cube, or cylinder, the area of all portions of the sign face that can be viewed by the public shall be considered for purposes of measuring the sign area.

E. The height of a sign shall be measured as follows:

1. The height of a freestanding sign shall be determined by measuring the vertical distance between the top part of a sign or its structure, whichever is highest, to the elevation of the ground directly beneath the sign.

In cases where signs are to be located on man-made berms, hills, or other similar ground formations, with sides steeper than one foot of rise to four feet of horizontal run, the Zoning Administrator shall utilize the elevation of the street curb nearest to the location of the sign for determining sign height. In the case of a private or public street without curbing the edge of pavement nearest to the sign location shall be utilized to determine sign height.

2. Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

1161.07 GENERAL SIGN DESIGN STANDARDS

1161.07.1 Compliance with Building Code

A. All signs shall comply with the appropriate detailed provisions of the Building Code relating to design, structural members, and connections.

B. Signs shall comply with the provisions of the applicable Electrical Code and the additional design standards set forth in this Section.

1161.07.2 Sign Supports and Braces

A. All sign supports shall be an integral part of the sign design.

B. There shall be a cap on all free-standing sign columns or posts to provide visual interest and shed water.

C. No temporary signs shall be attached to a ground or pole mounted sign.

1161.07.3 Sign Anchoring

A. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action.

B. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

1161.07.4 Obstructions Prohibited

A. No sign or other advertising structure shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, or block any light or ventilation openings.

B. No sign of any kind shall be located or attached so as to obstruct emergency facilities or equipment.

C. No sign, otherwise permitted in this Chapter, supported by or suspended from a building shall hang less than eight feet above a pedestrian path, or less than fifteen feet above a vehicular path.

1161.07.5 Traffic Hazards

No sign or other advertising structure shall:

A. Obstruct free and clear vision within sight triangles at any street or vehicular drive intersection defined by a line drawn connecting points lying on each curb line 35' feet from the point of intersection of the curb lines.

B. Interfere with the function of or obstruct the view of any authorized traffic sign, signal, or device.

C. No signs shall be permitted or allowed in any public right of way, except as may be erected by municipal or state government.

1161.07.6 Unsafe Signs

A. No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance.

B. No signs shall be located nearer than 8 feet vertically, or 4 feet horizontally from any overhead electric wires or conductors or public utility guy wires.

1161.07.7 Prohibited Locations

Unless specified elsewhere in this Zoning Code, the following prohibitions exist on the location of permitted signs.

- A. No sign shall be mounted on the roof of a building or which is mounted to and wholly dependent upon a building for support and that projects above the parapet of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.
- B. No sign shall project above a parapet wall.
- C. No sign shall be placed or project above the angle of a mansard roof.
- D. Other than traffic control signs, no sign shall be attached to or supported by a tree, bus shelter, utility pole, bench, trash receptacle, or newspaper vending machine.

1161.07.8 Illuminated Signs

- A. No sign or other advertising structure shall be illuminated or emit light so as to cause objectionable brightness or glare into or onto any residential premises or any public right-of-way.
- B. Light sources shall not be of such brightness as to constitute a hazard to pedestrians or motorists and shall be shielded so as not to cast an illumination of more than 1 foot candles on contiguous properties and not more than 0.1 foot candles on residential properties.
- C. No colored lights shall be used in a location or manner as to be confused with traffic control devices or vehicular traffic

1161.07.9 Moving Signs

No sign or other advertising structure shall have visible moving, revolving, or rotating parts, or visible mechanical movement of any kind.

1161.07.10 Flashing Signs

Except as permitted in 1161.05 Electronic Message Centers, no sign or other advertising structure shall have any lights or illumination that flash, move, rotate, scintillate, blink, flicker, or cause the illusion of movement, vary in intensity or color, or use intermittent electrical pulses.

1161.07.11 Windblown Signs

No sign shall contain or consist of windblown devices, such as banners, pennants, ribbons, streamers, balloons and other inflatable devices, air activated graphics, spinners or similar objects, or flags except as permitted.

1161.07.12 Pole Signs

Pole signs shall not be permitted in any zoning district.

1161.07.13 Maintenance Required

- A. All signs shall be maintained so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration, or holes.
- B. All signs shall be maintained in a presentable condition at all times, including the replacement of a defective or broken part, cleaning, painting, and other acts required for the maintenance of the sign.
- C. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from compliance with the provision of these regulations regarding safety, maintenance, and repair of signs, provided however, that any repairing, cleaning, and other normal maintenance or repair of the sign or sign structure shall not alter the sign in any way.

1161.07.14 Raceways, Supporting Structure

Raceways and other such sign supporting structures shall be painted or otherwise color treated to match the building fascia, wall, or surface to which they are mounted.

1161.08 NONCONFORMING SIGNS

1161.08.1 Nonconforming Signs

A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with all of the provisions of this chapter, and all other applicable City laws and ordinances or be removed if any of the following conditions are present:

- A. The nonconforming sign or a part of the nonconforming sign is altered, modified, relocated, or changed in any manner whatsoever, exclusive of a permitted sign face replacement of a similar material and construction;

- B. The nonconforming sign is damaged or deteriorated and requires any process of reconstruction, repair, maintenance, or restoration, and the cost of said reconstruction, repair, maintenance, or restoration exceeds fifty percent of the sign's replacement cost;
- C. The nonconforming sign is part of a use that is discontinued for a period of at least 180 days.
- D. The nonconforming sign is for a property or premises that undergoes a change of use group.

1161.08.2 Outdated Signs Prohibited

No sign or other advertising structure shall advertise a business that is no longer in existence or a product that is no longer sold at the business, as such signs are misleading to the public, create undue visual clutter, and pose a hazard to traffic control and safety.

Therefore, for any sign or other advertising structure that is part of an establishment that discontinued its operation, the face of the sign shall be replaced with a blank face within 30 days or the sign or other advertising structure shall be completely removed. Compliance with this requirement by installing a blank sign does not exempt the sign from the requirements of 1161.08.3 Abandon Signs Prohibited and 1161.08.1 Nonconforming Signs.

1161.08.3 Abandoned Signs Prohibited

Signs that are abandoned, or that are accessory to an abandoned use of property, are prohibited and shall be removed. A use shall be determined abandoned if it has voluntarily ceased its operations for a period of at least 180 days.

1161.08.4 Removal of Signs

- A. The Zoning Administrator is authorized to order the removal, repair, or maintenance of any sign that constitutes a nuisance, or for which the required permit has not been obtained, or that is violative of any provision of 1161.07.6 Unsafe Signs of this Chapter.
- B. Whenever the removal, repair, or maintenance of any permanent sign has been ordered by the Zoning Administrator, the owner or person in possession of such sign shall comply with such order within 14 days after notice is served upon him. Whenever the removal, repair, or maintenance of a temporary or portable sign has been ordered by the Zoning Administrator, the owner or person in possession of such sign shall comply with the order within 48 hours after service of notice. In the event of noncompliance, the Zoning Administrator may seek an order of removal from a court of

competent jurisdiction, or may pursue criminal action against the owner and/or person in possession in accordance with the appropriate provisions of the Zoning Code relating to Code violations. If, following an inspection, the Zoning Administrator determines that any sign constitutes an immediate danger to the public safety, the Zoning Administrator may effect the immediate removal of such sign without regard to time intervals for compliance set above, at the owner's expense. Removal of sign shall include the sign face, enclosing frame, all sign supporting members and base, unless otherwise specified in the order to remove.

C. Any sign removed by the Zoning Administrator pursuant to provisions of this section shall become the property of the City of Brookville, and after 30 days, may be disposed of in any manner deemed appropriate by the Zoning Administrator.

1161.09 PERMITS, FEES AND INSPECTIONS

1161.09.1 Permits

A. Except as provided in this code, it shall be unlawful for any person to erect, construct, enlarge, move, or alter any sign in the City of Brookville, or cause the same to be done, without first obtaining, from the Zoning Administrator, a sign permit for each such sign.

B. A permit is not required for a change of copy on any change panel 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, so long as the sign or sign structure is not modified in any way.

C. No new permit is required for signs which have permits and which conform with the requirements of this Ordinance on the date of its adoption unless and until the sign is altered or relocated.

D. Every sign permit issued by the Zoning Administrator shall become null and void if erection of the sign is not completed within one hundred and eighty (180) days from the date of such permit.

E. 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.

1169.09.2 Application for Permit

A. Application for a permit shall be made to the Zoning Administrator upon a form provided by the Zoning Administrator and shall be accompanied by such

information and drawings as may be required to assure compliance with all appropriate provisions of this Ordinance.

B. Fees for permits shall be established by City Council, and shall be paid at the time of filing of an application for permit.

1169.09.3 Issuance and Denial of a Permit

A. The Zoning Administrator shall issue a permit for the erection, alteration or relocation of a sign within the City of Brookville when an application has been properly made and the sign complies with all other provisions of this Ordinance. The Zoning Administrator shall formally grant or deny a sign application within thirty (30) days after the date an application is filed. The Zoning Administrator shall give written notice to the applicant of the denial of the sign permit, and shall provide a written statement of the reasons for the denial of the sign permit. Appeal may be taken to the Board of Zoning Appeals from the Zoning Administrator's denial of a sign permit.

1169.09.4 Revocation of a Permit

A. The Zoning Administrator may revoke a sign permit in the event the sign is not in compliance with this Ordinance, or when the permit was issued on the basis of misstatement of fact or fraud in the application for the permit.