

An Ordinance regulating the use of signage within the Village of Newcomerstown.

Whereas, The purpose of this Section is to create the legal framework for a comprehensive but balanced system of signage to promote communication between people and their environment and to avoid the usual clutter which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

Whereas, Council desires to regulate the use of signage within the Village; and,

Whereas, this ordinance creates such rules and regulations necessary for the regulating of signs; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWCOMERSTOWN, TUSCARAWAS COUNTY, STATE OF OHIO;

- Section 1.** The Village of Newcomerstown hereby adopts such rules and regulations necessary for the general regulations for signs, Attachment A incorporated herein by reference and further known as Chapter 1328 of Newcomerstown Village Code.
- Section 2.** This Ordinance shall become effective and be in force at the soonest date provided by law.

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11.00 SIGNS

11.01 STATEMENT OF PURPOSE.

The purpose of this Section is to create the legal framework for a comprehensive but balanced system of signage to promote communication between people and their environment and to avoid the usual clutter which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. This section is adopted for the following purposes:

- a. To preserve, protect and promote public health, safety, and welfare.
- b. To preserve the value of private property by assuring the compatibility of signage with surrounding land uses.
- c. To protect the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.
- d. To enhance the physical appearance of the Village by preserving the scenic and natural beauty of the area.
- e. To enhance the Village’s economy, business and industry by promoting the reasonable, orderly and effective display of signage and encouraging better communication between an activity and the public it seeks with its messages.
- f. To protect the general public from damage and injury which may be caused by distractions, obstructions, and hazards created by certain signage.

- g. To protect pedestrians and motorists within the Village from injury caused by distractions, obstructions, and hazards created by certain signage.
- h. To protect the public investment in streets and highways by reducing distraction which may increase the number and severity of traffic accidents.
- i. To encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of signage.

11.02 GENERAL REGULATIONS

1. Obstructions. No sign may block any required access way, window, fire escape, door, or other entrance or exit way, nor any window surface required for ventilation by the Village Code.
2. Public Right-of-way. No sign or associated lighting fixture shall be erected or displayed within the public right-of-way except for traffic control and traffic information signs, and signs as otherwise provided herein.
3. Metal Signs. No metal sign shall be located within a vertical distance of eight (8) feet, or a horizontal distance of four (4) feet of electrical wires or conductors, even if such wires or conductors are insulated or otherwise protected.
4. Setback Requirements. Except as otherwise provided, freestanding signs shall be located no less than ten (10) feet from any driveway or lot line, as measured from the portion of the sign closest to the driveway or lot line. On a corner lot, the sign shall not be placed within any portion of the thirty (30) foot sight triangle at the intersection of two streets and/or public access points (such as driveways).
5. Projection. No sign shall project beyond the property line into the public right-of-way, except as otherwise provided herein.
6. Off-Premise Signage. Off-premise signage is not permitted within the Village. All signs constructed within the Village shall be located on the property in which the construction, business and/or use is taking place.
7. Illumination. Sign illumination shall be constant in intensity and color. The light for any illuminated sign shall be shaded, shielded, or directed so as not to cause glare in surrounding properties or in public streets. No direct or reflected light from a light source for an illuminated sign shall create a traffic hazard for operation of motor vehicles. Illuminated signs shall be wired and ground fault interrupters (GFIs) controlling their electrical supply.
8. Changes to Signs. A sign permit shall not be required for painting, cleaning, repair, or maintenance of an otherwise permitted sign existing on the property.
9. Change Ownership, Tenant or Advertiser. Any sign that has a change of ownership tenant or advertiser shall cause all signs on that lot to secure new sign permits.
10. Sign Maintenance, Repair and Safety.
 - a. The appearance and safety of a sign shall be maintained at all times. The sign shall be repaired and repainted as necessary to prevent rust, corrosion, rotting, or other deterioration in appearance or structural safety of the sign.
 - b. The source of illumination shall be kept in safe working order at all times.
 - c. All letters, figures, characters, and sign embellishments on a sign and its support shall be safely and securely attached to the sign at all times.
11. Non-Conforming Signs.

All signs lawfully existing, or holding Sign Permits issued prior to the date of adoption of this ordinance, but which are not in conformance with these regulations, may be continued as non-conformities.

12. Removal of Unsafe, Abandoned or Unlawful Signs.

Any sign, other than an outdoor advertising sign, that no longer identifies a business, activity, event, or service, conducted, or product, service or entertainment sold on the premises where the sign is located shall be considered abandoned and shall be removed. If upon inspection the designated representative finds that a sign is abandoned, unsafe, or in any way not in compliance with Village Ordinances, he or she shall issue a written order to the permittee or owner stating the nature of the violation and requiring the repair, replacement, or removal of the sign within ten (10) working days from the date of the order.

If after ten (10) working days of issuance of an order has not been complied with, or if a sign constitutes an immediate hazard to the public safety, the designated representative may recommend to the Village Council to authorize judicial process to cause the sign to be removed or repaired.

After removal of a sign through judicial process, the designated representative shall send a notice to the property owner stating the nature of the removal work performed and demanding payment of the cost thereof plus ten percent (10%) for inspection and administrative costs. If said amount is not paid within thirty (30) days of the notice, it shall become a lien against the property owner upon which the sign was located.

11.03 PERMIT AND REGULATION EXEMPT SIGNS.

The following signs and displays are exempt from the permit required and subject only to the provisions of Section 11.02.

- a. Memorial signs and tablets displayed on private property.
- b. Holiday Decorations. Displays of a primarily decorative nature clearly incidental and customary and commonly associated with any national, local, or religious holiday.
- c. Scoreboards, when used in conjunction with an athletic activity.

11.04 PERMIT EXEMPT SIGNS.

The following signs are exempt from the permit requirements, but must comply with the regulations established herein.

- a. Governmental and Utility Signs. Informational signs or displays maintained by a government body or public utility, including traffic or parking regulatory devices, legal notices, warning of hazards, and similar displays.
- b. Government Mandated Signs. Street address numerals, public hearing signs and other signs or exterior displays required to be maintained by government order or regulations, provided that the content and size thereof does not exceed that required by such order or regulation.

Mail boxes and neighborhood Delivery Cluster Box Units may only display names, addresses, and user information. Such mail structures may not be used for advertising any commercial, sales, home occupation activity, or garage sales and the like.

- c. Legal notices, identification, informational, directional, traffic, or other sign erected or required by governmental authority under any law, statute or ordinance.
- d. "No Trespassing", "Beware of Dog", "No Dumping" and other similar warning signs not larger than two (2) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street.

- e. **Garage and Yard Sale Signs.** Signs shall not be more than six (6) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a street; signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated. Signs may not be erected or maintained more than three (3) days prior to the beginning of the sale and shall be removed within five (5) days after the conclusion of the sale.
- f. **Political and Election Campaign Signs.** The following rules shall apply to signs identifying a political candidate, party or issue subject to an upcoming election:
 - 1. Signs shall not be attached to fences, trees, utility poles or light poles, similar structures or placed within the public right-of-way.
 - 2. Signs shall not exceed sixteen (16) square feet in area per face.
 - 3. Sign shall not exceed six (6) feet in height.
 - 4. Signs shall not be posted or attached to any parked or stationary semitrailer or similar type trailer.
 - 5. Signs can be erected no more than forty-five (45) days before an upcoming election and must be removed within five (5) days following the date of the election to which it pertains.
- g. **Roadway Directional or Informational Signs –** Signs erected within the Village's right-of-way shall be installed in accordance with the National Manual on Uniform Traffic Control Devices (ILMUTCD). In addition, the person or entity seeking to erect such sign shall provide the Village with a liability waiver.
- h. **Signs or banners giving notice of noncommercial events and activities** are permitted provided that such signs may not be erected or maintained more than (14) days prior to the date of which the event or activity advertised is to occur or be conducted and shall be removed within five (5) days after the termination thereof.
- i. **Temporary directional signage.**
 - 1. Signs shall provide directional messages for commercial or noncommercial events or activities at a specified address within the Village limits.
 - 2. Signs shall be permitted within the Village's public right-of-way only.
 - 3. Signs shall not exceed four (4) square feet in surface area per face and three (3) feet in overall height. A sign shall be limited to a maximum of two (2) sign faces.
 - 4. Signs shall be free standing, not attached to any utility pole or structure or any traffic control sign and be setback a minimum of five (5) feet from the curb or edge of pavement.
 - 5. If a sign is removed by a Village official it will be retained for a period of five (5) days and then destroyed. The owner of such signs may claim them at the Village Hall between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
- j. **Permanent directional signage.**
 - 1. Signs shall provide directional messages for buildings or other permanent structures.
 - 2. Signs shall not exceed four (4) square feet in surface area per face and three (3) feet in overall height. A sign shall be limited to a maximum of two (2) sign faces.

3. Signs shall be free standing, not attached to any utility pole or structure or any traffic control sign and be setback a minimum of five (5) feet from the curb or edge of pavement.

11.05 PROHIBITED SIGNS

The following signs and displays, as they are defined herein are prohibited.

- a. Traffic hazard. Any sign that is determined to constitute a traffic hazard by reason of size, location, content, color or type of illumination.
- b. Public right-of-way. Any sign which is located in or which extends over the public right-of- way except as otherwise permitted under this Section.
- c. Light/utility pole. Any signs that have been attached to a light or utility pole, except for banners installed by governmental agencies.
- d. Billboard signs within Village limits.
- e. Signs which contain any obscene material.

Temporary and portable signs, except as regulated by Section 11.09 herein

- f. Projecting signs, except as regulated by Section 11.07 herein.
- g. Temporary Vehicle Signs, other than professionally designed magnetic signs, when displayed on a parked car, truck, semi-trailer, trailer, or other vehicle to advertise a business, service, product, or other commercial activity.
- h. All other signs not expressly permitted or regulated herein.

11.10 ADMINISTRATION

1. Permits

- a. Contents of Sign Permit Application. An application for a Sign Permit shall be made upon forms provided by the designated representative and shall include the following information.
 1. The name, address, and telephone number of the applicant, of the owners or managers of the property on which the sign is to be displayed, and of the intended owner of the sign.
 2. The location of the property where the sign is to be displayed.
 3. A site plan showing the position of the sign in relation to nearby buildings, structures, rights-of-way, and street grade, and the locations and sign areas of all existing signs on the same premises.
 4. A copy of plans and specifications showing methods of construction and support, all dimensions of the sign, and all electrical components, if any.
 5. An elevation sketch showing all exposed surfaces of the sign and all proposed messages or representations thereupon, accurately represented as to shape, size, proportion and color.
 6. Name, address, and phone number of the party that is to erect the sign. Sign contractor must be registered and bonded with the Village prior to the issuance of any sign permit.

- 7. Written consent of the owners of the property on which the signs are to be displayed, if other than the applicant.
- 8. Other information required by the designated representative to ascertain compliance with Village regulations.
- 9. A non-refundable fee as established by the Village Council.
- 10. The signature of the applicant on the Permit Application.
- b. Issuance of Sign Permits. The designated representative shall issue a Sign Permit for any sign for which a complete and accurate Sign Permit Application has been filed when he or she has determined that the sign is in compliance with this and other applicable Village Ordinances.
- c. Suspension, Revocation, and Denial. A Sign Permit shall become void if the sign authorized thereby has not been completely installed within six (6) months of the date the Sign Permit was issued. The designated representative shall give written notice to the applicant of denial of a Sign Permit Application together with the reasons for the denial. The designated representative may suspend or revoke, in writing to the permittee, any Sign Permit issued on the basis of misstatement of fact.
- d. Permit Fees.
 - 1. Permanent signs, including wall signs and ground signs.
 - a. Non-illuminated signs - \$3.00 per square foot of sign area
 - b. Illuminated signs - \$25.00 plus \$3.00 per square foot of sign area
 - 2. Temporary and Portable signs - \$10.00 per sign
 - 3. Sign Face Changes - \$1.50/square foot of sign area

Appeals and Variances

Variances and appeals relating to the application of sign regulations and decisions of the designated representative, pertaining thereto shall be as provided for all as other provisions of this Ordinance.

Penalties

Any person who violates, omits, neglects or refuses to comply with any provisions herein, after notification by certified or registered mail, shall be subject to a suit for injunction as well as the following minimum fine schedule:

- 1st Offence:\$ 75,00
- 2nd Offense:\$150,00
- 3rdOffence:\$300,00
- 4th Offense and above \$500.00

An offense is deemed to occur whenever a person fails to comply with the terms of a notice of violation. The applicable fine will accrue each day a sign is in violation of the provisions herein.

11.11 DEFINITIONS.

As used in this Section, the following terms and words shall have the meaning ascribed to them as defined below:

ABANDONED SIGN: Any sign or part of a sign on a building or on the ground (freestanding) that remains after the business identified on the sign no longer occupies the tenant space, building or property.

ADVERTISING SIGN: A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered, or manufactured or an entertainment offered on the premises where the sign is located or to which it is affixed.

AMENITY SIGN: A temporary sign constructed for a developing residential subdivision or complex identifying the amenities to be offered within the subdivision or complex. An amenity sign shall not be considered as a marketing sign.

ANIMATED OR MOVING SIGN: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

ATTENTION GETTING DEVICE: Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of attracting attention, promotion or advertising.

AWNING: An overhanging roof like structure stretched over a frame to provide shelter or shade. It may be constructed of canvas or other materials, permanent or collapsible, but by definition does not include any lettering, signage or advertising information.

AWNING SIGN: A sign attached to or incorporated in any awning.

BANNER: A temporary sign composed of flexible material either enclosed or not enclosed in a rigid frame.

BILLBOARD: A sign or graphic structure which advertises products or services not sold or distributed on the premises on which the sign or graphic is located.

BUSINESS SIGN: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

CONTRACTORS SIGN (in residential areas): A temporary sign erected on a residential property indicating the name of a contractor, or contracting company performing repair work, maintenance work or construction on the property.

DIRECTIONAL SIGN: Signs limited to directional messages, principally for pedestrian or vehicular traffic, establishment but does not identify the establishment itself or other goods or services available at the and does not contain other advertising messages.

DIRECTORY SIGN: A sign listing the names, and location of various activities conducted within a building or group of buildings.

FLASHING SIGN: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

GARAGE/YARD SALE DIRECTIONAL SIGN: A temporary sign directing the public to a specific location in which the sale of personal property is being conducted.

GRAND OPENING SIGN: A temporary sign or a portable sign used for the purpose of advertising a grand opening of a new business. A grand opening sign may be a wall, marquee, canopy, awning, or freestanding sign.

GROUND SIGN: A monument sign erected on a supporting structure, not attached in any way to a building.

HISTORIC SIGN: A sign designated by the Historic Preservation Commission or a local authority as having historical or architectural significance in the history of Newcomerstown,

ILLUMINATED SIGN: A sign which has characters, letters, figures, or outlines illuminated by electric lights, luminous tubes, or any other means of illumination.

MARKETING SIGN: A temporary sign constructed for a developing residential subdivision or complex identifying the name of development and prices of the homes

being sold or rents of the units being rented. A marketing sign shall not be considered as an amenity sign.

NON-CONFORMING SIGN: Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

OFF- PREMISE SIGN: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

OVERHANGING SIGN: Any sign, awning sign, canopy sign or marquee sign, whether or not attached to a building that overhangs any public sidewalk, public street, public alley, or other public way.

PAINTED WALL SIGN: definition of wall sign includes "painted" signs

POLITICAL SIGN: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

PORTABLE SIGN: A sign that is designed to be moved from place to place, not permanently or temporarily attached to ground or building and often contains changeable copy.

REAL ESTATE SIGN, SMALL: A sign, having a maximum size of six (6) square feet in area, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

REAL ESTATE SIGN, LARGE: A sign, having a size of greater than six (6) square feet in area but in accordance with the maximum size and height provisions as specified in the respective zoning districts, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

ROOF SIGN: A sign attached to and extending above the roof parapet or eaves of a building.

SANDWICH BOARD SIGN: A sign with no more than two (2) sides, informing the general public of an event or particular item or items that is/are offered a specific and proximate commercial enterprise. A sandwich board sign shall not be permanently anchored to the ground.

TEMPORARY SIGN: A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

TENANT IDENTIFICATION SIGN: A sign giving the name of a tenant on a lot on which two (2) or more tenants or businesses are located. Said sign shall only indicate the name of the tenant or business establishment or a logo or symbolic representation of the type of business. Tenant identification signs shall be uniform in size and be designed for maximum legibility.

VEHICLE SIGN: A sign or advertisement posted on a vehicle, either permanently or temporarily.

WALL SIGN: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

11.12 APPEALS PROCEDURE

Any party who had a sign permit denied by the Village Council may seek a variance of the provision(s) of this Ordinance by filing an appeal application to the Village Fiscal Officer. Such a variance request must be applied for and filed within 30 days of the denial.

At a Building and Grounds Committee meeting, any appeal application(s) filed within the required 30 days will be reviewed. The Building and Grounds Committee may request a variance from the provisions of this Ordinance upon a finding of all of the following:

- The particular physical surroundings, shape or topographical conditions of the property would render compliance with the provisions of this Ordinance difficult and likely result in a particular hardship on the owner, as distinguished from inconvenience of the Ordinance requirements or a desire to increase financial gain or avoid the financial expense of compliance.
- The type of sign structure and the location proposed would not pose a significant risk to the public health, safety and welfare.
- The benefit of the sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the Village desire to eliminate the accumulation of visual clutter in accordance with stated purpose of this Ordinance.
- A variance would be in the interest of the of the Village and not against the spirit and intent of the Ordinance.

In issuing a variance from the strict letter of the provisions of this Ordinance, the Building and Grounds Committee presents their findings to the Village Council. The Village Council may grant a variance of any sign requirement or place reasonable conditions or restrictions upon issuance of a permit.

First reading – May 18, 2020

Second reading – June 1, 2020

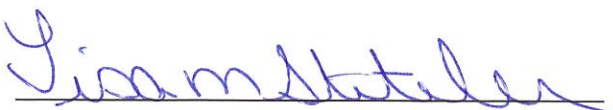
Third reading – June 15, 2020

Adopted on: June 15, 2020



Patrick M. Cadle, Mayor

Attest:



Lisa M. Stiteler – Fiscal Officer