

ARTICLE 8

Signage Performance Standards

§ 5-801. Purposes.

- (a) These performance standards are intended to create a more attractive commercial environment in the Town of Pine Bluffs by enhancing the community's natural, scenic and architectural assets through limited signage. These standards are also intended to limit the creation of traffic and pedestrian safety hazards, protect property values and prevent public nuisances in Residential areas.

§ 5-802. Authority; conflict.

- (a) The Town Council is hereby authorized and directed to appoint a building official or police officer to enforce all the provisions of this code.
- (b) If any provisions of this article (Article 8 of Chapter 5 of the Code of Ordinances of the Town of Pine Bluffs) conflict with any other provisions of the Code of Ordinances of the Town of Pine Bluffs, the provision of this article will prevail over any other provisions of the Code of Ordinances of the Town of Pine Bluffs governing the erection, re-erection, construction, alteration or modification of signs.

§ 5-803. Definitions.

- (a) **Awning.** A temporary shelter supported entirely from the exterior wall of a building. Awnings are collapsible, retractable or capable of being folded against the face of the supporting building.
- (b) **Awning Sign.** Any sign attached to or part of the construction of the awning. These signs include those that hang below the awning and they must maintain a height of eight feet for rigid signs, seven feet for fabric signs, from the ground walking surface to the lowest projection of the sign.
- (c) **Building Frontage.** The linear width of the building, facing the lot frontage line, measured horizontally from exterior wall corner to exterior wall corner and disregarding perpendicular projections or indentations.
- (d) **Commercial Districts.** Districts, or zones, within the boundary or Town limits, defined on the Town of Pine Bluffs Zoning Map as Commercial or Central Business, Highway Business, State Park, Agricultural, Industrial and Redevelopment District.

- (e) **Construction Sign.** A temporary sign identifying new development or construction usually including such information as the name of the project, the owner, the leasing agent, the contractor, the architect and brief project descriptive information. These signs shall be displayed from the beginning of construction and removed within 7 days of the project completion.
- (f) **Coverage or Area of Sign.** The area of all faces of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists or more than one section or module, all areas will be totaled.
 - (i) On double-faced or multiple-faced signs, each face displaying a different message shall be considered as a separate sign for permit and coverage or area of sign purposes.
 - (ii) Double faced or multiple faced signs displaying the same message on all sides shall be considered a single sign for permit purposes.
- (g) **Electronic Sign.** Electronic message centers, time and temperature units, electronic gas price changers, etc., and can be of a flip type or bulb type with a changeable message.
- (h) **Flashing Sign.** A sign equipped with a visible exterior artificial light source, made up of individual visible light bulbs, neon or florescent tubes, that are not constant in intensity, cycle on and off, at all times or that flash in sequence to give the illusion of movement.
- (i) **Flat-Wall Sign.** A sign attached directly to, or painted on, the wall of a building or structure, parallel to that wall and extending no more than one foot from it. Flat-wall signs shall not project above the roof line of the building it is attached to and must comply with Section 9 hereof for projection over public property. The projection is measured from the wall surface to the outer most projection of the sign.
- (j) **Free-Standing Sign.** A sign constructed on its own foundation, is not dependent on any adjoining structure for support and may be supported by one or more columnar structures.
- (k) **Governmental Sign.** A sign installed and maintained by a government entity including regulatory and traffic control signs.
- (l) **Illuminated Sign.** A sign equipped with an internal, constant or intermittent, artificial light source and translucent faces. Illuminated signs may cycle the illumination off and on, change intensity or colors provided the entire sign surface changes intensity equally and at the same time. All sign types may be intentionally

illuminated by shielded spotlights provided the illumination remains constant in intensity and does not change colors.

- (m) Institutional Sign. An on premises sign designating churches, hospitals, schools, museums, residential care facilities and similar uses.
- (n) Interior Sign. Signs located within a building that have no portion intentionally visible from the exterior of the building.
- (o) Lot Frontage. Any property or boundary line of a private lot or parcel of land that forms the property or boundary line of the Right-of-way of any public street or highway. Property or boundary lines in common with another public property, private property, or alley right-of-ways is not considered frontage.
- (p) Marquee. A permanent shelter supported entirely from the exterior wall of a building. A marquee is usually a rigid structure not intended to collapse, retract or fold into or against the supporting building.
- (q) Marquee Sign. Any sign attached to or part of the structure of the marquee. These signs include those that hang below the marquee which must maintain a height of eight feet from the ground walking surface to the lowest projection of the sign.
- (r) Moving Sign. A sign that has actual moving parts.
- (s) Nameplate Sign. A sign attached directly to, or painted on, a building customarily near the main entrance with sign coverage not exceeding four square feet.
- (t) Neon Sign. A sign incorporating tubes using electrically stimulated neon or other gas.
- (u) Off-Premises or Off-Site Sign. A sign that relates to or advertises products or services, or directs persons to a different location from where the sign is installed. These signs are the primary responsibility of the owner of the property containing or supporting the sign.
- (v) Political Sign. A sign that promotes the election of a particular candidate, a particular political party or any phase of the election process. Their removal is the responsibility of the candidate or party whose name they bear. Political signs shall not be erected prior to 90 days before the next scheduled election and must be removed within 5 days after that election. Political signs shall not be placed on public property.
- (w) Projecting Sign. A sign attached directly to the wall of a building or structure, perpendicular or at an angle to that wall and extending more than one foot from that wall measured from the wall to the outer most projection of the sign.

- (x) **Public Service Sign.** A sign that has moving illuminated displays of time, temperature, or similar public service information. Commercial messages may be displayed in addition to the public service information above, however, the commercial message cannot be the sole use and the public service information must be contained in at least 50% of the display.
- (y) **Real Estate Sign.** A sign displayed on the premises for sale for the purpose of informing the public that the property is for sale, lease or rent.
- (z) **Residential Districts.** Districts or zones, within the boundary of Town Limits, defined on the Town of Pine Bluffs Zoning Map as District A Residential and District B Residential.
- (aa) **Residential Flat Wall Sign.** A sign attached directly to or painted on the wall of a residence parallel to that wall and extending no more than one foot from that wall. Residential flat wall signs shall not project above the roof line of the building it is attached to and must comply with Section 5-814 hereof for projection over public property. The projection is measured from the wall surface to the outer most projection of the sign. Residential flat wall signs shall not be illuminated.
- (bb) **Rooftop Sign.** A sign erected upon, against or directly above a roof or on top of or above the parapet of a building.
- (cc) **Rotating or Revolving Sign.** A sign that moves on a base or pedestal. The entire sign rotates and does not just create illusion of movement.
- (dd) **Sign.** Any devise or display of letters, words, models, insignias, banners, flags, pennants, symbols or other representations which call attention to a product, service, organization, person or event. Flags, pennants or insignias of any nation or political subdivision thereof shall not be considered a sign.
- (ee) **Special Event Sign.** A temporary sign containing specific information about a specific event to be erected not more than 60 days prior to the start of the event and to be removed within 7 days after the event.
- (ff) **Temporary Sign.** Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frames, intended to be displayed for a limited period of time not to exceed thirty (30) days.
- (gg) **Portable Sign.** A sign that is not permanently attached to the ground or building, may be erected on a stand or pedestal or the sign itself may be self-supporting.
- (hh) **Window Sign.** A sign installed in, or painted on, a window for the purpose of viewing from outside the building.

- (ii) Utility Location Sign. A sign or marker showing or marking the location of a utility, said sign or marker may also include a warning against digging or excavation and may display identification of the owner or operator of the utility.

§ 5-804. Right of entry.

- (a) Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

§ 5-805. Non-signage areas.

- (a) No signs shall be erected or permitted in or for the following areas within the corporate limits of the Town of Pine Bluffs.
 - (i) North of Interstate Highway 80 and south of Eighth Street from Muddy Creek to east side of Simkins-Black subdivisions.
 - (ii) South of Interstate Highway 80 from Beech Avenue east to the Nebraska/Wyoming state line.
 - (iii) Signs already in non-signage areas may not exceed 25 feet in height from ground to top of sign.

§ 5-806. Sign criterion.

(a)

Sign Type	Sign Required	Permit	Allowed Residential Districts	in	Allowed Commercial Districts	in	Allowed Coverage or area of Signage
Awning	Y		N		Y		
Construction	N		Y		Y		
Electronic Signs	Y		N		Y		
Flashing	Y		N		Y		
Flat-Wall	Y		Y		Y		
Free-Standing	Y		N		Y		
Governmental	N		Y		Y		N/A
Illuminated	Y		N		Y		
Institutional	Y		Y		Y		
Interior	N		Y		Y		
Marquee	Y		N		Y		
Moving	Y		N		Y		
Nameplate	Y		Y		Y		
Neon	Y		N		Y		
Off-Premises or Off-Site	Y		N		Y		
Political	N		Y		Y		
Projecting	Y		Y		Y		
Public Service	Y		N		Y		
Real Estate	N		Y		Y		
Residential Flat Wall Sign	Y		Y		Y		
Rooftop	Y		N		Y		
Rotating or Revolving	Y		N		Y		
Special Event	Y		Y		Y		
Temporary	Y		Y		Y		
Portable	Y		Y		Y		
Window	N		Y		Y		

§ 5-807. Allowed coverage or area of total signage.

- (a) Total coverage or area of all allowed sign types, governed by this article, located on one private lot or parcel of land will be calculated by allowing 3 square feet of total coverage or area per 1 lineal foot of lot frontage or 3 square feet per 1 lineal foot of building frontage which ever is more restrictive but not to exceed 500 square feet per lot or parcel. Allowable sign coverage for a private lot or parcel that does not contain a building will be calculated using the lot frontage only but not to exceed 500 square feet.

§ 5-808. Permit required.

- (a) It is unlawful to erect, re-erect, construct or alter a sign, that requires a permit, without first obtaining an approved permit issued by the Town of Pine Bluffs. Application for a sign permit shall be made in writing upon forms provided by the Town. All information required by the form must be provided. Each individual sign must be issued a separate permit and no permit will be issued for multiple signs.
- (b) Painting, repainting or cleaning of an advertising structure or changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
- (c) Permits for electronic signs §5-803(g) shall be reviewed and granted or denied on a case by case basis after considering the effect on surrounding and other directly affected real property owners.

§ 5-809. Sign permit fee.

- (a) Upon approval by the Town Council of the Town of Pine Bluffs of the application required in §5-808 of this code, the applicant shall pay the permit fee of Ten Dollars (\$10.00) or Fifty Cents (\$.50) per every One Thousand Dollar (\$1,000.00) estimated cost of the construction of the sign, whichever is greater.

§ 5-810 Tow-in or vehicle signs prohibited.

- (a) The use of vehicles or trailers as signs or sign structures within the Town limits is prohibited.

§ 5-811. Signs to be marked and tagged.

- (a) All signs shall be plainly marked with the name and address of the person, firm, or corporation responsible for the sign and its' maintenance. An identification tag, issued with each approved sign permit by the Town of Pine Bluffs, will be affixed to the sign, by the permittee, in a location that can be observed from the public right-of-way.

§ 5-812. Sign safety and maintenance.

- (a) All wiring, electrical fitting or apparatus used in illuminated and rotating or revolving signs shall be in compliance with the Town's or State's adopted electrical codes.
- (b) The design, materials, construction and installation of all signs must conform with the Town's adopted ordinances, building codes and fire code.
- (c) No illuminated sign shall be constructed or installed so as to direct light upon adjoining properties in a manner that constitutes a nuisance or traffic hazard.
- (d) No sign or sign structure shall interfere with, or be attached to, any fire escape, exit or standpipe.
- (e) All signs shall be designed and anchored as to resist all forces, acting in any direction, including but not limited to wind.
- (f) All signs shall be maintained in good repair with all displays of parts being functional and structurally sound.
- (g) Signs with broken light bulbs, broken frames or panels, sagging structural members, etc., shall be considered to be out of compliance with this section.
- (h) The paint covering any surface of a sign or sign structure must be periodically repaired as to not allow the painted surface to peel or fade and the substrate to oxidize.
- (i) Any sign designated by a law enforcement agency as a safety hazard shall be subject to removal per §5-817 hereof.
- (j) Any sign which does not comply with all of the above standards shall be subject to removal per §5-817 hereof.

§ 5-813. Obsolete signs.

- (a) Any sign relating to products, businesses, services, etc. no longer available or at the designated location, or any sign displaying a blank surface for 6 consecutive months shall come before the Council to determine further action to be taken concerning said sign.

§ 5-814. Sign projection.

- (a) No sign or sign structure shall project into any public alley, adjoining private property or within 2 feet of any curb line or street edge. Sign projection allowed over public street right-of-ways, provided the furthestmost projection of the sign does not come within 2' of the curb line or street edge, shall not exceed the following:

Clearance from ground or walking surface to the lowest projection of the sign	Maximum horizontal projection
Less than 8'	Not permitted
8' to 9'	2'
9' to 10'	3'
10' to 11'	4'
11' to 12'	5'
12' to 13'	6'
13' to 14'	7'
14' to 15'	8'
15' to 16'	9'
Over 16'	10'

- (b) Horizontal thickness of projecting signs shall not exceed 2 feet.

§ 5-815. Signs in public ways.

- (a) All signs, including nonconforming signs, based in or on public property, excluding governmental signs, require a valid sign permit approved by a majority vote of the Town Council. All signage in public ways must comply with all applicable federal, state and local regulations or code and when in conflict the most restrictive will govern.

§ 5-816. Variances.

- (a) It is acknowledged that some types of signs or placement thereof may not be addressed by this code, in those circumstances the proponent of said sign placement may make application to the Town Council for a permit for the sign or sign placement. The Town Council in passing upon such application shall

consider all relevant factors and standards specified in other sections of this code and shall hold a public hearing after adequate notice for additional input from the public prior to acting on the permit application. Notice shall be published one week prior to public hearing.

§ 5-817. Non-conforming signs; removal; penalty.

- (a) A nonconforming sign is any sign which was in existence at the time of adoption of this ordinance which does not conform to the provisions of this ordinance. All nonconforming signs in existence prior to January 1, 1990 are hereby granted a permit. Nonconforming signs erected on or after January 1, 1990 will be considered to be not in compliance with this ordinance and subject to removal as herein provided. All nonconforming signs in existence prior to January 1, 1990, shall be allowed to continue in use until voluntarily removed, use ceases for a period of 6 consecutive months or is removed as per paragraph (b) of this section. All nonconforming signs in existence prior to January 1, 1990 must be maintained, however, and with the exception of required maintenance, no change in the sign structure or message is allowed.
- (b) The Building Official or Police Department shall cause to be removed any sign they deem to be not in compliance with this ordinance or for which no permit has been approved. The Building Official or Police Department shall notify, by certified mail, the owner of the property on which the sign is located of the violation. If the owner of the property on which the sign is located cannot be found, the violation notice will be posted on the sign. It shall be the duty of the owner of the property to notify the owner of the sign of the non-compliance. The owner of the property will cause the violation to be corrected within 30 days of the date of the notification. The owner of the property containing the sign or owner of the sign may appeal the determination of the Building Official or Police Department by filing a written application for appeal with the Town Council within 15 days after the date on the notification. If the Building Official or Police Department determines the sign causes an imminent danger to the public safety they shall cause the immediate removal without notification.
- (c) Any sign removed by the Town pursuant to the provisions of this Section shall be returned to the owner of the property or of the sign upon payment of costs or removal. The cost of removal of the sign by the Town shall be considered a debt owed to the Town by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the Town. The cost of removal shall include any and all incidental expenses incurred by the Town in connection with the sign's removal.
- (d) Any person, firm or corporation violating any provision of this article shall be guilty of a misdemeanor and shall be penalized in accordance with the provisions of §1-105 of this code and a separate offense shall be deemed to be committed for each day during which a violation occurs or continues.