

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF BAXLEY, GEORGIA
ESTABLISHING ADVERTISING SIGN REGULATIONS

WHEREAS, the Mayor and Council of the City of Baxley have deemed it to be in the best interests of the public safety, general welfare and orderly development of the City to place certain conditions upon the location of signs and billboards within the City limits, and particularly in the central business district; and

WHEREAS, the Mayor and Council have determined to regulate signage through the City's Zoning Ordinance, recognizing the limitation upon property rights and providing for a public hearing on the matter; and

WHEREAS, the provisions of the City's Zoning Ordinance and state statutes with respect to amendments thereto, including public notice and hearing, have been complied with:

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Baxley, Georgia, that the Zoning Ordinance of the City of Baxley be and it is hereby amended by (a) deleting in their entirety Sections 65 and 66 of Article VI of the Zoning Ordinance, and reserving said Sections for future provisions; and (b) adopting and incorporating a new Article XIII as follows:

ARTICLE XIII. SIGNS.

Signs-Comprehensive ordinance:

Section 1. DEFINITIONS. For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein:

Banner: Any sign printed or displayed upon cloth or other flexible material, with or without frames.

Beacon: A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Billboard(Outdoor Advertising Sign): Any off-site free-standing sign with an advertising face exceeding 32 square feet.

Bulletin board: Any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution, for purposes of announcing events which are held on the premises.

Display surface area: The net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, display surface area shall not include the structural supports for free-standing signs; provided further, that only one face of a double faced sign as defined shall be considered in determining the display surface area.

District or zoning district: A section or sections of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class or use permitted therein.

Erect: To build, construct, attach, hang, place, suspend, or affix, and paint a wall sign.

Flashing sign: An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Free-standing sign: A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be firmly in or below the ground surface and not attached to any building or any other structure whether portable or stationary.

Identification and informational signs: Signs of an identificational or of informational nature bearing no advertising.

Illuminated sign: Any sign which has character, letter, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Joint identification sign: A sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons, or businesses, included but carry no other advertising matter.

Nonconforming sign: A sign existing at the effective date of the adoption of this ordinance which could not be built under the terms of this ordinance.

Off-site sign: Any sign not located upon the premises which does not advertise that premise and which does not exceed thirty-two(32) square feet in size. Only one off-site advertising sign shall be permitted by the owner of any parcel of land zoned commercial or industrial.

On-site sign: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Portable swinger sign and "A" frame or sandwich sign: An advertising device in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

Portable temporary attraction sign board: A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached thereto.

Real estate sign. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Roof sign: Any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building.

Sign: The term "sign" shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single sign.

Section 2. SIGN PERMITS. It shall be unlawful for any person to erect, repair, alter, relocate or keep within the city any sign or other advertising structure as defined in this ordinance without first obtaining a sign permit from the building inspector and paying the fee required by the City's established permit schedule. All illuminated signs shall, in addition, be subject to the provisions of the electrical code, and the permit fees required thereunder.

(A) Application for initial sign permit: Application for initial sign permits shall be

made upon blanks provided by the building inspector, and shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of the applicant.
 - (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - (3) Position of the sign or other advertising structure in relation to nearby building or structures.
 - (4) Two blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground.
 - (5) Name of person, firm, corporation or association erecting structure.
 - (6) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
 - (7) Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign must accompany sign application.
- (b) Sign permit fees: Every applicant, before being granted a permit hereunder, shall pay to the city building inspector's office a permit fee based on established schedule for each sign or other advertising structure regulated by this ordinance.
- (c) Issuance of sign permit: It shall be the duty of the building inspector, upon the filing of an application for an erection permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this ordinance and all other laws and ordinances of the city, he shall then issue the erection permit. If the work authorized under an erection permit has not been completed within six months after date of issuance, the said permit shall become null and void.

Section 3. SIGN MAINTENANCE.

- (a) Sign identification: Every sign hereafter registered shall show in a conspicuous place thereon which is visible to the inspector and is readable by the inspector and is readable by the inspector from the ground, the permit number.
- (b) Premises maintenance: All free-standing signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- (c) Unsafe and unlawful signs: If the building inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or is abandoned or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, he shall give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within ten days after such notice, such sign or other advertising structure may be removed or altered to comply by the building inspector at the expense of the permittee or owner of the property upon which it is located. The building inspector shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building inspector may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

Section 4. NONCONFORMING SIGNS.

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(a) All nonconforming signs erected and in place as of December 8, 1998, the date of commencement of the moratorium on erection of signs within the City limits, shall be permitted to remain in place until the sign is:

(1) Destroyed or damaged by any means to the extent that the cost of repair or replacement would exceed fifty percent(50%) of its replacement cost at the time of damage;

(2) Removed by the owner of the sign and/or the property.

(b) No non-conforming sign may be enlarged or altered in a way which would increase its nonconformity.

(c) Off-site directional signs to churches that do not exceed six (6) square feet are permitted.

Section 5. EXEMPTIONS. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this ordinance. The exemptions shall apply the requirement for sign permit only and no sign permit shall be required for the erection of the following signs:

(a) Professional name plates erected flat on walls of building and not exceeding four square feet of display surface area.

(b) Building construction signs: One on-site building construction sign on each construction site in any zoning district provided that the maximum display surface area shall not exceed eight square feet.

(c) Real estate signs: On a zoning lot in any district, there may be erected on each street frontage one unanimated real estate sign not more than ten square feet in area.

(d) Home occupation signs erected flat against the wall of the building and not exceeding four square feet in area.

(e) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs.

(g) Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering which were legally erected and maintained for such purposes.

(h) Banners shall be exempted when used in conjunction with public and private events as follows:

(1) Public events: Public event banners shall be removed within 72 hours following the event to which the banner applies.

(2) Private sales events: Banners placed on private property for advertising a special sales event. Note: Banners bearing advertising matter shall be considered wall or free-standing signs, depending upon mounting, and shall meet all regulations pertaining thereto.

(i) All signs located within a building that are not visible to the public outside said building.

(j) Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful business conducted therein.

(k) Directional, identification, and informational signs, provided that such signs are limited to wall and free-standing signs not to exceed 12 square feet of display surface area.

(l) Collection boxes for charitable or nonprofit organization containing no commercial advertising and located on private property.

(n) Subdivision signs: In any district, one temporary subdivision identification sign indirectly illuminated, not to exceed fifty square feet in area per surface may be erected at any principal entrance to a subdivision and within fifty feet of a dwelling in a residence district occupied as a dwelling.

(o) Bulletin boards six feet or less in height with display surface area up to sixteen square feet.

Section 6. GENERAL REGULATIONS.

(a) Removal of certain signs: Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down, obliterated, or removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten days after written notification from the building inspector, and, upon failure to comply with such notice within the time specified in such order, the building inspector is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property, building, or structure to which such sign is attached or affixed.

(b) Signs not to constitute traffic hazard: No sign or other advertising structure as regulated by this ordinance shall be erected or continued to be displayed at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.

(c) Public property: No signs other than signs placed by agencies of governments shall be erected on any public property. No sign shall be placed on any private property without the consent of the owner thereof. No sign shall be placed or painted on any tree or rock. No signs shall be placed on any utility pole except for utility identification or similar purpose.

(d) Signs over public right-of-way. For each premises there shall be one sign permitted overhanging the public right-of-way up to four feet beyond the right-of-way and not exceeding forty square feet in area overhanging the public right-of-way, provided that there shall be a clearance of nine feet above the ground and that such signs shall not overhang a vertical projection of the curb line. No support or any part of a sign structure shall be upon the public right-of-way. No permit shall be issued for any sign overhanging the public right-of-way in accordance with this provision unless the applicant posts a bond, or proof of public liability insurance in the amount of \$100,000 per person, \$300,000 for any accident, and \$10,000 for property damage. Such bond or liability insurance shall remain in effect at all times while the sign is in place.

(e) Sign illumination: Direct illumination by incandescent light bulbs shall be restricted to light bulbs rated at twenty-five watts or less.

(f) Spotlights and beacons prohibited: It shall be unlawful for any person to continue in operation or erect any attraction device or sign which contains a beacon of any type and/or contains a spotlight providing direct illumination to the public.

(g) Fluctuating illumination prohibited: It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuate in light intensity shall be prohibited with exception to time and temperature displays.

(h) A parked vehicle carrying advertising shall be considered a sign unless in operable condition and carrying a current, valid license tag.

Section 7. ROOF SIGNS. Roof signs shall be prohibited and no roof sign shall hereafter be placed on the roof of any building or structure in any zoning district of the city.

Section 8. FREE STANDING SIGNS/BILLBOARDS

(a) Only on-site signs advertising the business located upon the property shall be allowed in the following areas beginning at the intersection of U. S. # 1 and U. S. # 341:

North on Main Street/North Boulevard to Thomas Street

South on Main Street to Dyal Street

East on Parker Street to Martin Luther King Jr. Avenue

West on Parker Street to Brobston Street

Northeast on Main Street/S.R. 144 to Martin Luther King Jr. Avenue

(b) Any Billboard shall be erected so that the bottom clearance is at least 12 feet above the level of the nearest street, with a total height of no greater than 30 feet for a single height sign and 50 feet for a double-height(stacked) sign. Maximum square footage for a single-sided sign shall be 300 square feet per side or per face; with a maximum of 600 feet per side or per face for a double-height sign.

(c) Off-site signs will be permitted only in areas zoned commercial or industrial.

(d) Billboards located on state or federal numbered highways may not be located any closer than 150 feet apart.

Section 9. POLITICAL SIGNS

(a) Signs shall not be displayed earlier than sixty(60) days prior to the date of any primary election, general election, special election or referendum it concerns.

(b) Signs must be removed no later than ten(10) days after the date of the primary election, general election, special election or referendum it concerns. The candidate for office or the candidates representative, political party, political organization, special interest group, etc. and the property owner on which the sign is located shall be responsible for removing the sign.

(c) The sign shall be located entirely on private property.

(d) Signs are prohibited on public lands or rights-of-way.

(e) Signs are prohibited on trees, utility poles, rocks, natural features or like objects.

(f) Signs shall be no larger than eight(8) square feet in size on residentially zoned property.

(g) The Building Official shall have the authority to and shall, without notice, immediately remove any and all political campaign signs that are in violation of this section. The expense incurred by the City for the removal of said signs shall be billed to and collected from the candidate, political organization, political party, special interest group or organization responsible for placement of the sign.

(h) The restrictions established in this section shall not apply to free standing signs(billboard type) otherwise permitted in this article.

(i) Normal sign permitting procedures are waived for signs authorized under this section.

Section 10. PROJECTING SIGNS.

(a) It shall be unlawful to erect any projecting sign that projects more than two feet from the wall of the building upon which it is erected or which projects beyond the end or top of the wall to which it is attached. Display surface area of projecting signs shall not exceed sixteen square feet. Only one projecting sign per business shall be permitted and a projecting sign shall

not be permitted on property which has a free-standing sign.

Section 10. PENALTIES.

(a) Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than fifty dollars or more than one thousand dollars.

The owner or tenant of any building, structure, premises or part hereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Section 11. CONFLICTS BETWEEN SPECIFIC AND GENERAL PROVISIONS.

Where there is an apparent conflict in this Article between specific and general provisions, it is the intention hereof that the specific shall control.

Section 12. SEVERABILITY.


If any section, provision, or clause of any part of this Article shall be declared invalid or unconstitutional, or if the provisions of any part of this Article as applied to any part of this Article as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such individuality shall not be construed to affect the portions of this Article not so held to be invalid, or the application of this Article to other circumstances not so held to be invalid. It is hereby declared as the intent that this Article would have been adopted had such invalid portion not been included herein.

Section 13. REPEAL OF CONFLICTING PROVISIONS.

All Ordinances or parts of Ordinances in conflict with this Article, and not preserved hereby, are hereby repealed.

READ at a regular meeting of the Mayor and Council of the City of Baxley held on the 13th day of April, 1999; and

DULY ADOPTED by the Mayor and Council after second reading at a regular meeting held on the 27th day of April, 1999.


Steve Rigdon, Mayor

Attest: Jean W. Spell
Jean W. Spell, Clerk