

Hurstbourne, KY Code of Ordinances

CHAPTER 153: SIGN REGULATIONS

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GENERAL PROVISIONS**§ 153.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning and the singular shall include the plural.

"AWNING." A roof-like cover constructed of cloth, metal or other material designed and intended for protection from the weather and as a decorative embellishment, and which is supported by and projects from a wall of a structure over a window, walk, door, or the like.

"AWNING SIGN." A sign painted on, printed on, or attached flat against the surface of an awning.

"BUSINESS SIGN." Commonly known as an "on premises sign", is a sign used to identify a business, profession, trade or occupation on the site and/or the generic or brand name products or services available at the site, and shall include an attached sign, freestanding sign, projecting sign, and freestanding directional sign all as more specifically described in and allowed by § 153.04 hereof, and a small freestanding sign as more specifically described in and allowed by § 153.06.

"CANOPY." A roof-like cover constructed of cloth, metal or other material designed and intended for protection of the entrance way of a building from the weather, which is supported by a building at one or more points or extremities and when structurally needed by columns or posts affixed to the ground at other points or extremities.

"CANOPY SIGN." A sign painted on, printed on or attached flat against the surface of the canopy.

"CLUB IDENTIFICATION SIGN." A sign used to identify a club, lodge, fraternity or sorority.

"COMMUNITY FACILITY IDENTIFICATION SIGN" A sign identifying a church, school or other institution of learning, library, museum, community center or similar institution on site.

"CONSTRUCTION SIGN." A sign used to identify the persons or businesses engaged in the construction of a building on site.

"DIRECTOR." The director or department executive or other persons appointed by chief executives of jurisdictions having zoning authority. "DIRECTOR" shall also mean the person or persons appointed by the City Commission as Code Enforcement Officer/Sign Officer/Citation Officer, or similar position, who shall perform the functions of Director hereunder.

"EXCEPTIONAL RESIDENTIAL USE SIGN." A sign used to identify a residence on site for persons sharing a common status, disability or condition.

"ILLUMINATED AWNING SIGN." An internally illuminated awning with translucent covering and with graphics or copy applied to the visible surface of the awning.

"ILLUMINATED CANOPY SIGN." An internally illuminated canopy with translucent covering and with graphics or copy applied to the visible surface of the canopy.

"METROPOLITAN AREA." An area within Jefferson County, Kentucky, as shown on the attached map which is incorporated herein and said area being more particularly described as follows:

Beginning at a point in the centerline of Dixie Highway, said point being 2,000 feet Northeast of the centerline of the Snyder Freeway; thence with a line parallel to the centerline of the Snyder Freeway, if extended, North 64 degrees 32 minutes 19 seconds West crossing the Ohio River to the Kentucky State Line; thence Northeast with said state line to a point, said point being 2,000 feet South of the centerline of the Snyder Freeway if extended from its terminus at US Highway 42; thence with a line crossing the Ohio River and parallel to the centerline of the Snyder Freeway South 64 degrees 16 minutes 47 seconds East to a point in the east line of US 42, said point being 2,000 feet Southwest of the centerline of the Snyder Freeway; thence with a line 2,000 feet from the centerline of the Snyder Freeway, and parallel to same, southeast, south, southwest, west, southwest and west to the point of beginning.

"MULTI-FAMILY RESIDENTIAL IDENTIFICATION SIGN." A sign used to identify a multi-family development on site.

"NON-METROPOLITAN AREA." All the area within Jefferson County, Kentucky, not described as a metropolitan area.

"OFFICE BUILDING IDENTIFICATION SIGN." A sign used to identify an office building on site, or, where allowed, the occupants thereof.

"OUTDOOR ADVERTISING SIGN." Commonly known as a "billboard" or an "off premises sign" is a sign used to display, advertise or otherwise direct attention to any business enterprise commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. This is not permitted in the city.

"READER BOARD SIGN." A business sign or part thereof that is designed so that characters, letters or illustrations can be easily changed or rearranged without altering the face or surface of the sign.

"RENT/SALE SIGN." A sign used to advertise the premises on site or a portion thereof for sale or lease.

"SIGN." Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or draw attention to or promote merchandise, services, or activities except for the following:

(1) Non-illuminated names of buildings, dates of erection, monument citations, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an allowed structure or made flush to the ground.

(2) Signs required by law or signs of a duly constituted governmental body.

(3) Signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying high voltage, public telephone, or underground cables.

(4) Signs upon a vehicle, provided that any such vehicle with a sign face of over two square feet is not conspicuously parked so as to constitute a sign; nothing herein prevents such a vehicle from being used for bona fide delivery and other vehicular purposes.

(5) Temporary holiday decorations.

(6) Numerals displayed on and denoting the address of a building or property which are not part of an otherwise existing attached or freestanding sign, and not larger than reasonably necessary to identify such address.

(7) Signs placed within the interior of a building which are attached to and/or visible through windows or doors provided the sign occupies no more than one-fourth the total square footage of the window or door.

(8) Signs of an organization holding an IRS § 501(c)(3) tax exemption that are either banners affixed to a structure or a freestanding sign promoting charitable, community service, or eleemosynary causes in which such organization is directly involved, and containing no commercial message, and approved by the City Commission or its designee.

(9) A back-to-back or V-shaped sign constitutes one sign if it has a common set of supports. A composite group of signs integrated into one framed unit or compact structure constitutes one sign. Such sign would constitute a small freestanding sign not allowed in the city.

"SINGLE FAMILY RESIDENTIAL OCCUPANT SIGN." A sign used to identify the individual or individuals occupying a single family residence.

"SUBDIVISION IDENTIFICATION SIGN." A sign used to identify a subdivision on site.

(Ord. 97-01, passed 3-24-97)

§ 153.02 GENERAL REGULATIONS.

(A) No sign shall be placed in a manner visible from any public street, alley, right-of-way, sidewalk or other public easement except as provided herein nor shall any sign be placed in or extend over any

required yard in any district or be placed in or extend over any street, right-of-way, roadway, sidewalk, public or private utility or access or other easement, or alley except as provided herein or in Article 15 of the Zoning Code, and with approval of the Director.

(B) All signs permitted hereunder shall be constructed and placed so as not to interfere with vehicular traffic by obstructing sight lines for streets, pedestrian rights-of-way and driveways.

(C) No sign shall be allowed to be illuminated except as expressly provided herein. Signs which are otherwise allowed to be illuminated are not allowed if the Director shall find that the lighting causes glare or otherwise interferes with the vision of persons operating motor vehicles. All illuminated signs shall be non-flashing and shall be constant in intensity and color, except that signs which display time and temperature are allowed in C-N, C-1, C-2, C-3, C-M, M-1, M-2 and M-3 zones.

(D) No sign shall be allowed if the Director finds that the sign is constructed or designed in a manner which may cause the sign to be confused with a traffic sign or other traffic control device.

(E) The maximum allowed area for all signs other than freestanding business signs shall be determined by drawing four or fewer straight lines encompassing the extremities of the sign within the smallest possible area.

(F) The maximum allowed area for freestanding business signs shall be measured by drawing eight or fewer straight lines encompassing the extremities of the sign within the smallest possible area, provided, however, that the area of a freestanding sign shall not include poles, supports or other structures which are solely for support and which do not contain any advertising and, the area of a freestanding sign shall not include the space between the business identification portion of a freestanding business sign and the reader board portion.

(G) Signs which revolve, rotate or move in any way shall be allowed in the C-N, C-1, C-2, C-3, C-M, M-1, M-2 and M-3 zones only and no such sign shall move faster than one cycle every ten seconds.

(H) No sign shall have more than four faces.

(I) One freestanding rent/sale sign per site not exceeding 12 square feet in area shall be allowed in any district. Lots abutting more than one street, one such rent/sale sign shall be allowed for each abutting street. In the C-N, EZ-1, C-1, C-2, C-3, C-M, M-1, M-2, M-3, PRO and PEC Districts freestanding or attached rent/sale signs not exceeding 30 square feet shall be allowed. Such signs shall be removed not later than 24 hours after closing of sale or consummation of lease.

(J) One or more signs identifying persons or business firms engaged in the construction of a building on site, are allowed, provided that each such sign shall not exceed 12 square feet in area or eight feet above ground in height. In the alternative, one sign identifying all persons or business firms engaged in construction of a building on site is allowed, provided the sign shall not exceed 30 square feet in area or eight feet above ground in height. All such signs must be removed within 20 days following issuance of a certificate of occupancy for the building.

(K) The combined square footage of reader boards on business signs under § 153.04(B)(2), freestanding signs under § 153.04(C)(5) and the size of the small freestanding signs under § 153.06 shall not exceed 32 square feet.

(L) This regulation shall be in addition to the requirements of KRS 177.830 - 177.890.

(M) No changing image signs are allowed, other than that of time and temperature, as set out in division (C) hereinabove. Changing image signs include any sign using a video, or light emitting device display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy. Video, or light emitting device displays which project a static, non-changing message are also not allowed.

(Ord. 97-01, passed 3-24-97; Am. Ord. 09-08, passed 12-8-09)

§ 153.03 RESIDENTIAL/OFFICE SIGNS.

(A) One single family residential occupant sign not exceeding one square foot shall be allowed anywhere on the premises of each residence.

(B) One freestanding subdivision identification sign not exceeding 60 square feet in area or 15 feet in height shall be allowed at each dedicated street entrance within the building lines of the subdivision during construction, for not more than 60 days prior to the commencement of construction, and after construction until such time as 80% of the lots are sold. Thereafter, one subdivision identification sign not exceeding 15 square feet in area or 15 feet in height shall be allowed at each dedicated street entrance within the building lines.

(C) One freestanding or attached community facility identification sign not to exceed 30 square feet in area and not exceeding ten feet in height facing each bordering street is allowed on the premises of any community center, church, school, library, museum or similar institution. A church sign may be illuminated if it is 32 square feet or less in area and less than eight feet in height, provided that, if the church is located in a district for which a larger business sign would be allowed, then the size of the sign may conform to the size allowed in that district. For community facility signs greater than 18 square feet in area, the illumination shall be limited to the lettering or motif, and background must be opaque.

(D) One exceptional residential use sign or club identification sign facing each bordering street not to exceed six square feet in area is allowed on each site on which an exceptional residential use or club, lodge, fraternity or sorority is located. Any such sign if freestanding must not exceed six feet in height.

(E) One illuminated or non-illuminated multi-family residential identification sign attached flat on the face of the building and extending no more than 12 inches from the surface of such building is allowed to face each street bordering on the site on which a multi-family dwelling is located in the R-5A, R-6, R-7, R-8, OR-1, OR-2, OR-3, or OTF Districts. Said signs may not exceed 12 square feet in area if the site is in the R-5A, R-6, R-7, R-8A or OR-1 Districts and may not exceed 50 square feet in area if the site is in the OR-2, OR-3, OTF, W-1 or W-2 Districts. In no event shall an attached sign be located more than three feet above the ceiling of the first floor of the building. In the alternative one freestanding sign which shall not extend into any required yard is allowed to face each street bordering the site provided that such freestanding signs if located in the R-5A, R-6, R-7, R-8A or OR-1 Districts shall not exceed a height of six feet above ground nor exceed an area of six square feet and if located in the OR-2, OR-3, OTF, W-1 or W-2 Districts shall not exceed a height of ten feet above ground nor exceed an area of 30 square feet.

(F) One illuminated or non-illuminated office building identification sign attached flat on the face of the building and extending no more than 12 inches from the surface of such building is allowed to face each street bordering the site on which an office building is located in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 districts. Said signs may not exceed ten square feet in area if the site is in the OR-1 District and may not exceed 50 square feet in area if the site is in the OR-2, OR-3, OTF, W-1 or W-2 Districts. In no event shall an attached sign be located more than three feet above the ceiling of the first floor of the building. In the alternative one freestanding sign which shall not extend into any required yard is allowed to face each street bordering the site provided that such freestanding signs if located in the OR-1 District shall not exceed a height of six feet above ground nor exceed an area of six square feet and if located in the OR-2, OR-3, OTF, W-1 or W-2 Districts shall not exceed a height of ten feet above ground nor exceed an area of 30 square feet. In the OR-3 and OTT Districts only up to 50% of the area of each sign may be used for tenant identification with at least 50% of the area of such signs dedicated to the building identification or name. In addition, freestanding directional signs subject to the requirements of § 153.04(D) are allowed in the OR-1, OR-2, OR-3, OTF, W-1 or W-2 Districts.

(Ord. 97-01, passed 3-24-97)

§ 153.04 BUSINESS SIGNS.

(A) Illuminated or non-illuminated business signs are allowed in the CN, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2 and M-3 Districts subject to the restrictions set forth in divisions (B) through (E).

(B) Attached Signs. An attached sign for the purpose of this section shall mean a business sign painted on or mounted on and parallel to the facade of a building. No building shall have more than four facades.

(1) There shall be not more than three attached signs on any one facade of a building, subject to the total maximum sign area requirement set forth below, except that multiple use buildings may have one sign per facade and one additional sign for each business, subject to the total maximum sign area requirement set forth below.

(2) The total area encompassed by all attached signs, including those on awnings or canopies, on any one facade of the building shall not exceed:

<i>Area of Facade of Building</i>	<i>Maximum Sign Area</i>
Less than 500 square feet	20% of Building Facade Area
Greater than or equal to 500 less than 1,000 square feet	100 square feet plus 15% of but the amount by which Building Area exceeds 500 square feet
Greater than or equal to 1000 but less than 3,500 square feet	175 square feet plus 5% of the amount by which Building Facade Area exceeds 1000 square feet.
Greater than or equal to 3,500 square feet	300 square feet

(3) An attached sign mounted parallel to the exterior walls of a building may project up to 18 inches from the surface to which it is mounted. In the instance of a building on the property line, an attached sign constructed flat on the face of such building may extend into the right-of-way no further than 18 inches from the surface of such building. An attached sign mounted to a slanted (inclined) exterior surface may be mounted in the vertical upright position as long as the sign does not project beyond 18 inches at the point of attachment. No such sign shall extend more than five feet above the highest point of the exterior wall to which it is attached. No such sign shall be mounted on any roof. No such sign shall extend to a height greater than 25 feet above ground, except that buildings located in the C-3 District and hospitals may have an attached sign of any height.

(a) Awning signs may project up to 48 inches from the facade to which they are mounted.

(b) Canopy signs may project up to 96 inches from the facade to which they are mounted.

(c) Awnings and canopies containing signs must be mounted no more than three feet above the ceiling of the first floor of the building. The area of all awning and canopy signs shall be included as part of the total allowable signage on any one facade of a building as listed in division (B)(2) of this section.

(d) Whenever an awning or canopy contains signage and is internally illuminated (illuminated canopy and awning signs) the entire surface area of the awning or canopy is to be considered a sign when

calculating the allowable area for signage.

(4) In addition to the permanent attached signs allowed herein, temporary banners (cloth, plastic or other nonrigid material with no enclosing framework) are allowed in the C-N, C-1, C-2, C-3, C-M, EZ-1, M-1, M-2 and M-3 Districts upon the issuance of a permit by the authorized city official.

(a) Said permit shall be issued for a period not to exceed 30 consecutive days and for cumulative periods not to exceed 60 days in any calendar year, with a separate permit required for each period of display. In addition to any other penalty provided herein or by separate ordinance, the display of any banner without a permit shall cause the forfeiture of two days of entitlement for each day the banner is displayed without a permit.

(b) Only one such temporary banner shall be allowed on any business premises.

(c) The area of such a banner shall not exceed 50% of the sign area allowed for permanent attached business signs on the building facade to which the banner is affixed.

(d) Said banner shall be of a square or rectangular design having all four corners secured with wire, steel, or nylon cord of appropriate strength.

(e) Immediately upon expiration of the permit, said temporary banner shall be removed.

(f) Any banner being displayed for which a valid permit has not been issued, shall be deemed an unlawful, un-permittable sign. Any person found to be in control of the premises shall be given 24 hours to remove said banner or it may be removed by the authorized city official at the owner's expense.

(C) Freestanding signs. In addition to the attached signs allowed above, illuminated or non-illuminated freestanding signs are allowed subject to the following restrictions:

(1) No freestanding sign shall be located in or project over or into the right-of-way or into any adjoining property.

(2) No sign shall be higher than 35 feet in the C-N and C-1 Districts, nor higher than 40 feet in the C-2, CM, EZ-1, M-1, M-2 and M-3 Districts unless specifically exempted elsewhere in this section.

(3) No freestanding sign shall encroach into a required yard.

(4) When a freestanding sign is allowed at the front or street side property line, such sign shall not exceed 20 feet in height. For each one and one-half feet setback from the front or street side property line, whichever is nearest to the sign, the maximum height may increase six inches. However, no portion of a sign within five feet of the front or street side property line may be closer than ten feet to the ground, except for directional signs of the dimensions allowed in these regulations. In no case shall a freestanding sign exceed 35 feet in height, except as noted in division (C)(2) above.

(5) The maximum area of one face of any freestanding sign shall not exceed in square feet the following percentage of the square of the maximum permitted sign height:

(a) 12% in the C-N Neighborhood Commercial District.

(b) 16% in the C-1, C-2 and C-M Commercial Districts.

(c) 20% in the EZ-1, M-1, M-2 and M-3 Industrial Districts.

(Example: maximum area of a sign ten feet from the front property line in a C-2 zone is 16% x 23 x 23).

*(d) An additional 25% (to a maximum of 32 square feet) of the allowable sign square footage can be added if used exclusively as a reader board.

(*Example: maximum area of a sign ten feet from the front property line in a C-2 zone is 16% x 23 x 23 = 84.64 sq. ft. plus 21.16 sq. ft. for a reader board sign).

(6) No sign shall have more than four faces.

(7) A lot fronting only on one street shall have not more than one freestanding sign except as allowed by division (C)(9) below.

(8) A lot fronting on two streets shall be allowed to have two freestanding signs. If two signs are to be used the total maximum combined area of the two signs shall not exceed the maximum sign area of the one freestanding sign allowed on lots fronting on only one street. See "Street" definition.

(9) The maximum area of each face of a freestanding sign as calculated by division (C)(5) hereof may be increased by 20% if the sign is located on a lot with more than 300 feet of frontage on a public street, by 35% if the sign is located on a lot with more than 450 feet of frontage on a public street and by 50% if the sign is located on a lot with more than 600 feet of frontage on a public street. In the alternative a lot with more than 450 feet of public street frontage shall be allowed to have one additional freestanding sign, but if such additional sign is placed on the lot the maximum area of each freestanding sign shall be calculated as provided by division (C)(5) and the maximum area of each such sign shall not be embellished by the foregoing provisions of this division (9).

(10) An outdoor advertising sign, if otherwise permitted, shall not be counted in determining compliance with divisions (C)(7), (8), and (9) above.

(11) No lot shall have a freestanding sign unless the building situated on that lot is set back at least 15 feet from the front and street side property line.

(D) Freestanding directional signs. Freestanding directional signs, i.e., signs used primarily to direct on premise vehicular or pedestrian circulation or traffic, are allowed to a maximum height of three feet, with a maximum area of five square feet. Such signs shall not be counted toward the number of freestanding signs allowed on a lot. One single faced "Menu Board" type sign is allowed for a "drive through" facility and shall not be counted toward the number of freestanding signs allowed, provided such sign is no larger than 16 square feet.

(E) Projecting signs. Buildings on lots which contain no freestanding sign (other than a freestanding directional sign) may not have more than one sign which projects perpendicularly from the facade (but not the roof) of the building providing that the sign does not exceed 32 square feet in area, does not extend below nine feet above the ground or sidewalk, or more than seven feet from the facade of the building, or closer than two feet to the abutting roadway. The area of the projecting sign shall be part of the total allowable signage allowed on any one facade of the building as listed in § 153.04(B)(2) of this subchapter.

(F) Illuminated or non-illuminated business signs are allowed in the OTF District subject to the following restrictions:

(1) One freestanding sign is allowed for each motel or hotel, which sign shall not exceed 30 square feet in area and shall not exceed a height of ten feet above ground.

(2) In addition, freestanding directional signs subject to the requirements of division (D) are allowed.

(G) Signs erected in the PRO and PEC Districts shall be subject to the following regulations:

(1) Individual business signs facing each bordering street shall be limited in total surface area to three square feet for each linear foot of street frontage of the lot, provided that such sign shall not exceed a maximum of 300 square feet. Directional signs may be erected in the required front yard but shall not exceed six square feet in area.

(2) One Industrial Park identification sign shall be allowed on each street on which the Industrial Park fronts and shall not exceed a maximum of 300 square feet in area.

(3) Advertising signs are prohibited.

(4) No sign in the PRO and PEC Districts shall have flashing or intermittent illumination.

(H) One business sign for each business site located in the W-3 District is allowed provided that such sign shall not exceed 300 square feet in area or 35 feet in height and shall be made a part of the architectural design of the building or the landscape development of the site. In addition, freestanding directional signs subject to the requirements of division (D) are allowed.

(I) Special Provisions. A single use building may have one attached sign furnishing emergency telephone numbers or other such emergency information. Such a sign shall not be counted toward the number of attached signs allowed provided it does not exceed one square foot in area. Multiple use buildings may have one such emergency sign for each independent use. A sign in a gasoline service station identifying a self service and/or full service pump island may be attached to canopy supports or light standards over a pump island at a height greater than the three feet allowed for other directional signs, provided the area of such a sign does not exceed five square feet.

(Ord. 97-01, passed 3-24-97)

§ 153.05 OUTDOOR ADVERTISING SIGNS.

Outdoor advertising signs (billboards) are not permitted in the city.

(Ord. 97-01, passed 3-24-97)

§ 153.06 SMALL FREESTANDING SIGNS.

Small freestanding signs are not permitted in the city.

(Ord. 97-01, passed 3-24-97)

SIGN PERMITS; LICENSING OF SIGNS

§ 153.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“BILLBOARD.” Office signs, notice, poster, display or other device intended to attract the attention of passengers of motor vehicles on the highways, and shall include a structure erected or used in connection with the display of any device and all lighting or other attachments used in connection therewith. However, it does not include directional or other official signs or signals erected by the state or other public agency having jurisdiction.

“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 gross geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; structural supports for free standing signs; provided further that both faces of a double face sign shall be considered in determining the display surface area; provided further that in no event shall area computed herein be less than areas as defined in the city Zoning Ordinance relating to sign size and location.

“ERECT.” To build, construct, attach, hang, place, suspend, or affix, and paint a wall sign.

“FACE.” A surface lying in a single plane.

“FREESTANDING 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 INFORMATION SIGNS.” Signs of an identification or information nature bearing no advertising.

“NON-CONFORMING SIGNS.” A sign existing at the effective date of the adoption of this subchapter and for which a city sign permit has previously been issued or could have been issued by the city without City Commission approval which could not be built under the terms of this subchapter or the now existing zoning district regulations for the city.

“OFF-SITE SIGN.” A sign other than an on-site sign.

“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 OR TEMPORARY SIGNS.” A single or double-faced painted or poster panel type sign or some variation thereof, which is temporary in nature located on the ground or mounted on wheels, easily movable, and not permanently attached and sometimes referred to as a "small freestanding sign". (These signs are not legal in the city.)

“SIGN.” Includes every device, frame, figure, character, letter, mark, plane, point, design, picture, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract or convey information when the same is placed out of doors in view of the general public. 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 a single sign.

“SIGN, ADVERTISING.” A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

“SIGN, BUSINESS.” A sign which directs attention to a business, profession, service, product, activity, or entertainment sold or offered upon the premises where such sign is located.

“SIGN OFFICER.” The Code Enforcement Officer or Citation Officer of the city or other person authorized by the City Commission to perform the functions of the sign officer.

(Ord. 97-02, passed 3-24-97)

§ 153.21 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 § 153.20 of this subchapter without first obtaining a sign permit from the sign officer or other duly authorized officer of the city and paying the fee required by this section.

(A) Application for initial (original) sign permit. Application for initial (original) sign permits shall be made upon blanks provided by the sign officer, and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant owner.
- (2) Location of building, structure or lot to which or upon which the sign is to be attached or erected.
- (3) Position of the sign in relation to nearby buildings or structures.

(4) Clean prints or ink drawings of plans, to true scale with the scale noted, and with materials and details of construction. (Two required)

(5) Name of person, firm, corporation, or association erecting sign.

(6) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.

(7) The date on which the sign was erected, if already in place, or the date to be erected.

(8) Any other information required by the sign officer in administering this subchapter.

(B) Application for renewal sign permit. Application for a renewal sign permit shall be made upon blanks provided by the sign officer, and may require the same information as is required for an initial sign permit or may have a copy of the initial sign permit application attached thereto.

(C) Sign permit fees.

(1) Original permit fees. Every applicant, before being granted a permit hereunder shall pay to the city a permit fee of \$1 per square foot of each face as defined in the Louisville and Jefferson County Development Code, with a minimum fee of \$25.

(2) Renewal permit fees. Renewal permit fees shall be \$0.50 per square foot of each face as above defined, with a minimum fee of \$25. Such renewal permit shall bear the same permit number as the original permit. Renewal application may be made up to 30 days prior to permit expiration.

(D) Expiration date. All sign permits shall expire on December 31 of the year when issued, and shall be considered delinquent if not renewed by January 15 of the following year.

(E) Special initial rules. For signs existing on April 1, 1997, the permit fee shall be waived if proper sign permit application is made on or before May 15, 1997. If the permit application is made after May 15, 1997, the full fee shall be due as for an original sign permit.

(F) Existing signs. An applicant for a permit for a sign in existence on April 1, 1997, shall file an application for an original sign permit marked "renewal". The issuance of a permit for an existing sign shall not be evidence that such sign conforms to the regulations of the Louisville and Jefferson County Planning Commission or ordinances of the city.

(G) Changes in ownership or display material. An original permit application and fee shall be required for a sign where more than 50% of the display is altered (other than repainting the original sign display) or where there is a change in the ownership of the sign.

(H) Issuance of sign permits. It shall be the duty of the sign officer, upon the filing of an application for a sign 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 subchapter and all other ordinances of the city, subject to the provisions of § 153.21, he shall issue the sign permit. Each sign shall require a separate permit valid only for the location shown thereon. If the work authorized under the sign permit has not been completed within six months after date of issuance, said permit shall become null and void. It shall also be the duty of the sign officer to issue renewals of sign permits for all signs complying with the terms of this subchapter (or exceptions thereto) for which previous sign permit has been issued. No permit shall be issued for any sign erected on or after April 1, 1997, which does not comply with the provisions of Article 11 of the Zoning District Regulations of Jefferson County, Kentucky, as adopted by the city, or any other city ordinance relating to signs or zoning.

(I) Revocation of permit. The authorized city official may revoke any permit where there has been a violation of the provisions of this subchapter or any misrepresentation of fact on the permit application.

(Ord. 97-02, passed 3-24-97) Penalty, see §§ 153.98, 153.99

§ 153.22 SIGN MAINTENANCE.

(A) Sign identification. Every sign hereafter registered shall show in a conspicuous place thereon, which is visible to the sign officer and is readable by such officer from the ground, the permit number. In the alternative, the owner/applicant shall keep the permit issued by the city, or a copy thereof, located on the premises on which the sign is located at all times and shall exhibit same for inspection by the sign officer or other designated representative of the city.

(B) Premises maintenance. All free standing signs and the premises surrounding 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 sign officer 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 subchapter, he shall give written notice to the permittee or property owner thereof. If the permittee or property owner thereof 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 sign officer at the expense of the permittee or owner of the property upon which it is located. The sign officer shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The sign officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. Such permittee or owner shall also be liable for the penalties hereinafter prescribed.

(Ord. 97-02, passed 3-24-97) Penalty, see §§ 153.98, 153.99

§ 153.23 NON-CONFORMING SIGNS.

(A) Non conforming signs, other than temporary or portable signs, lawfully in existence at the time of the adoption of this subchapter may be continued provided a required permit is obtained.

(B) No non-conforming sign may be enlarged or altered in any way which would increase its non-conformity.

(C) Should any non-conforming sign be damaged by any means to an extent of more than 50% of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this subchapter.

(Ord. 97-02, passed 3-24-97) Penalty, see §§ 153.98, 153.99

§ 153.24 APPEALS TO CITY COMMISSION.

The City Commission shall serve as an appeal board to which any person affected by the denial of a permit or order of the sign officer may appeal any such decision made by the sign officer. In such a case, no permit shall be issued unless the City Commission shall find that denial of the permit would deprive the applicant of reasonable use of the land, the sign will preserve and not harm the public safety and welfare and will not alter the essential character of the neighborhood.

(Ord. 97-02, passed 3-24-97)

§ 153.25 EXEMPTIONS.

Exemption shall not be construed as relieving the owner of such signs from the responsibility of complying with applicable provisions of this subchapter or the zoning regulations of the city. The exemptions shall apply only to the requirement for a sign permit and no permit shall be required for the erection of the following signs:

- (A) Professional name plates erected flat on walls of buildings 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 the maximum display surface area shall not exceed the limitations contained in the zoning district regulations.
- (C) Real estate signs pertaining to the lease or sale of a building or property, provided such sign does not exceed 12 square feet in area.
- (D) Home occupation signs otherwise lawful.
- (E) Memorial signs or tablets, names of buildings and date of erection where cut into any masonry surface or when constructed of bronze or other non-combustible materials.
- (F) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary and emergency or non- advertising signs.
- (G) Posting of bills on signs, repainting of signs which does not change more than 50% of the display area, or the changing of letters or numbers on signs designed for changeable lettering or numbering which are legally erected and maintained for such purposes, where the original sign has a valid permit, and such original permit is renewed as herein provided. (Change of ownership will require new permit).
- (H) Election campaign signs.
- (I) All signs located within a building that are not visible to the public outside the building.
- (J) Signs painted on, or affixed to glass surfaces of windows or doors and pertaining to the lawful business conducted therein, provided the sign occupies no more than one-fourth of the total square footage of the window or door, and affixed to the internal side thereof.
- (K) Directional, identification and informational signs, provided that such signs are limited to wall and freestanding signs with maximum of four square feet of display surface and contain no advertising material.
- (L) Religious, charitable, or non-profit organization signs containing no commercial advertising and located on private property provided however, a permit shall be obtained without the payment of a fee. For such signs the sign officer may require a copy of the IRS § 501(c)(3) approval.
- (M) Subdivision signs lawfully existing and identifying a subdivision.
- (N) Bulletin boards six feet or less in height with display area up to 16 square feet.
- (O) Any display not constituting any "sign" under city Zoning District Regulations, except bus stop shelter signs.
- (P) Vending machines signs presently in operation or hereinafter installed.

§ 153.98 CIVIL PENALTY.

Any violation of §§ 153.21 through 153.25 shall subject the offender to a civil penalty in an amount equal to the minimum fine prescribed by § 153.99 of this subchapter. Such civil penalty may be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 20 days after the offender has been cited for the subchapter violation. The civil penalty may be used as an alternative to or in

conjunction with the criminal penalties authorized in § 153.99 of this subchapter. The city is authorized to withhold the issuance of a sign permit where the owner or applicant has failed to pay or appeal any civil penalty assessed.

(Ord. 97-02, passed 3-24-97)

§ 153.99 CRIMINAL PENALTY.

(A) Violation of the provisions of §§ 153.21 through 153.25 or failure to comply with any of the requirements thereof shall constitute a misdemeanor. Any person who violates §§ 153.21 through 153.25 or fails to comply with any of the requirements thereof shall, upon conviction, be fined not less than \$25 nor more than \$50. Each day during which such violation continues shall be deemed a separate offense for which a separate fine may be imposed.

(B) The owner or tenant of any building or structure, premises or part thereof, 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.

(Ord. 97-02, passed 3-24-97)