

THE VILLAGE CITY CODE

CHAPTER 20

SIGNS

ARTICLE I. IN GENERAL

Sec. 20-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

Main thoroughfare means Britton Road, Pennsylvania Avenue, May Avenue, and Hefner Road.

Monument sign means a freestanding sign having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block, brick, or stone.

Pole sign means a freestanding sign with visible supporting posts or other foundational infrastructure (typically, a sign supported by a metal pole).

Portable sign includes but is not limited to, removable signs placed in or on any pick-up truck or other such vehicle. "Portable sign" does not include signs carrying the name of a business painted on or attached to the sides of trucks or cars.

Shopping center means a developed business area consisting of at least two and one-half (2-1/2) acres and containing two or more businesses under separate ownership.

Sign means any cloth, card, paper, metal, printed, glass, wooden, plastic, plaster, stone sign, banner or other sign, device, or structure of any character whatsoever, including but not limited to statuary, placed outdoors for advertising purposes on the ground or in any tree, wall, bush, rock, post, fence, building or structure. "Sign" does not include balloons, flags, streamers, or similar type devices unless such are inscribed with any logo or advertisement.

Sign square footage means the area of sign or banner calculated by the length of the sign times the height of one side of the sign or banner.

(Code 1976, §§14-1-1, 14-1-15 Ord. No. 245, §1, 11-7-78 Ord. No. 464, Section 1, 12-3-91; Ord. No. 713, §1, 11-07-2016)

Sec. 20-2. Billboards, portable and temporary signs Compliance.

- (a) No billboards, portable signs, temporary signs, or any other signs except those specifically enumerated under the terms of this chapter shall be

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permitted.

Code 1976, §§14-1-15 Ord. No. 466 §1, 2-4-92)

Sec. 20-3. Preexisting signs; vested signs.

A nonconforming sign existing on November 7, 2016, may be continued and maintained. Additionally, new signs for businesses that will occupy structures built under building permits approved by the City within the ninety (90) days prior to November 7, 2016, shall be vested under the sign regulations in place on November 6, 2016, for a period of one (1) year. On and after November 7, 2017, neither nonconforming signs nor vested signs may be structurally altered, added to, or enlarged in any manner or moved in whole or in part to another location unless a sign permit as provided for in this chapter has been issued. In the event a sign is damaged to the extent of more than forty (40) percent of its actual cash value, or is removed for whatever reason or destroyed it shall not be restored or replaced except after securing a sign permit as provided for in this chapter. (Ord. 719, §1, 2-6-2017)

Cross references--Building and building regulations, Ch. 6 Christmas tree sale signs, § 11-332 signs constituting nuisance, § 15-2(b) planning and development, Ch. 18 zoning, Ch. 24.

Sec. 20-4. Permit.

- (a) It shall be unlawful for any person to erect or install any sign or change the fascia of a sign until a sign permit has been secured from the city. This section does not apply to banners, political signs, for sale, lease or rent signs, or other temporary signs permitted by this chapter.

(Ord. No. 466, §2, 2-4-92)

- (b) At the time an application for a permit for signs exceeding sixteen (16) square feet is submitted, it must be accompanied by one (1) set of prints sealed by a professional engineer registered in the state certifying to the structural qualities of the proposed sign.
- (c) No permit for a business or shopping center sign shall be issued except to the owner of record of said property.
- (d) Prior to the issuance of a sign permit, a fee in the amount established by resolution shall be paid to the city.

(Code 1976, § 14-1-19, 14-1-21, 14-1-22, 14-1-25 Ord. No. 255, § 1, 4-17-79 Ord. No. 466, §2, 2-4-92; 2004 City Code)

Sec. 20-5. Churches, Schools, YMCA, Fraternal Organizations.

Every church, school, YMCA, and fraternal organization will be permitted to

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construct one (1) sign per street frontage on their property, which signs shall not exceed one (1) square feet per two (2) lineal feet frontage, up to one hundred (100) square feet in area.

(Code 1976, § 14-1-2 Ord. No. 407, § 1, 5-17-88 Ord. No. 465, § 1, 1-23-92; Ord. No. 713 §3, 11-07-2016)

Sec. 20-6. Civic clubs.

All civic clubs or fraternal organizations shall be permitted to erect one (1) sign near the city limits of each main thoroughfare which individual signs shall not exceed twelve (12) square feet in area. "Civic club" or "fraternal organization" means any recognized group, which has an established membership and regular meetings in the city. (Code 1976, § 14-1-3)

Sec. 20-7. Leasing and for sale signs for housing developments.

Areas being developed in new housing or apartments will be permitted a maximum of two (2) advertising signs per development with the maximum size of any one (1) sign being two hundred (200) square feet in area. In the event two (2) signs are placed in such new housing development, the total square footage of both signs shall not exceed three hundred (300) square feet. Such signs shall be permitted to stand for a total period of eighteen (18) months after being erected or until eighty-five (85%) percent of the property involved is sold, leased or rented, whichever period shall be longer. For the purposes of this section of this ordinance, new housing development areas shall be construed to mean an area of a minimum size of five (5) acres.

(Code 1976, §14-1-4 Ord. No. 548, § 2, 7-20-99; Ord. NO 713, §4, 11-07-2016)

Sec. 20-8. Apartments, Assisted Living Centers and Planned Unit Developments.

- (a) Apartment houses or complexes, planned unit developments and assisted living centers shall be permitted one monument sign on each abutting street. Monument signs shall not exceed eight (8) feet in height if located abutting a Main Thoroughfare (as defined in Sec. 20-9) or four (4) feet in height if located along any other streets, and the fascia of each side of a permitted monument sign shall not exceed one (1) square foot per two (2) lineal feet frontage up to one hundred (100) square feet in area. In lieu of a monument sign, apartment houses, or complexes shall be permitted one sign mounted on the building, which sign shall not exceed the height of the building on which it is mounted, and which shall not to exceed one (1) square foot per two (2) lineal feet frontage up to one hundred (100) square feet in area.
- (b) Non-illuminated directional and informational signs shall be permitted within apartment complexes, assisted living centers and planned unit developments to designate traffic flow, building identification, and on site services. Such signs may

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include a company logo but shall not exceed five (5) feet in height and ten (10) square feet in area per face.

(Code 1976, § 14-1-10 Ord. No. 535, §1, 5-5-97 Ord. No. 548, §2, 7-20-99; Ord. No. 713, §5, 11-07-2016)

Sec. 20-9. Shopping centers.

- (a) When a shopping center is intersected by a main thoroughfare and if there is a developed business area consisting of at least two and one-half (2.5) acres on each side of said thoroughfare, then the shopping center on each side of the thoroughfare shall be considered a separate shopping center.
- (b) Areas under development as a shopping center will be permitted a maximum of two (2) signs per development with the maximum size of any one (1) sign being one hundred (100) square feet in area. If two (2) signs are placed in the new commercial development area or shopping center, the total square footage for both signs shall not exceed one hundred fifty (150) square feet. Such signs shall be permitted to stand for a total period for eighteen (18) months after erection or until seventy-five (75) percent of the property involved is sold, leased, or rented, whichever period shall be longer.
- (c) A shopping center abutting a main thoroughfare shall be permitted one (1) pole sign not exceeding one (1) square foot per two (2) lineal feet frontage or one hundred fifty (150) square feet in area.
- (d) A shopping center abutting two (2) main thoroughfares, shall be permitted one (1) pole sign not exceeding one (1) square foot per two (2) lineal feet frontage on the respective abutting thoroughfare up to one hundred fifty (150) square feet in area abutting each thoroughfare.
- (e) The owner or authorized representative of a shopping center may designate one (1) store in the shopping center as the “anchor store” for the shopping center. An anchor store may have one (1) pole or monument sign not exceeding one (1) square foot per two (2) lineal feet frontage up to one hundred (100) square feet in area. In addition to the name of the anchor store, the sign may contain the name of two additional businesses provided said businesses are located in the same structure as the anchor store and provided any such sign does not exceed sixty percent (60%) of the square footage of the designated anchor store sign. In no instance shall the total combined square footage of all signs placed on an “anchor store” sign exceed one hundred (100) square feet in area. An anchor store sign may not be located closer than one hundred (100) feet from the main shopping center sign.
- (f) If a shopping center contains a detached building that is structurally not part of the main shopping center and the detached building has frontage on a main thoroughfare, the detached building may have one (1) pole sign not exceeding the

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lesser of one (1) square foot per two (2) lineal feet frontage of the detached building or seventy-five (75) square feet in area, and not more than eight (8) feet in height. A detached building pole sign may not be located closer than fifty feet (50) from the main shopping center sign or an anchor store sign.

- (g) In lieu of pole signs, shopping centers may have one (1) monument sign on each abutting street. Monument signs shall not exceed twelve (12) feet in height if located abutting a main thoroughfare or five (5) feet in height if located along any other streets, and the fascia of each side of a permitted monument sign shall not exceed one (1) square foot per lineal feet frontage up to one hundred seventy-five (175) square feet in area.

(Code 1976, §§ 14-1-5--14-1-7; Ord. No. 568, §1, 5-15-01; Ord. NO. 713, §6, 11-07-2016)

Sec. 20-10. Miscellaneous commercial developments.

- (a) Areas commercially developed containing more than one (1) business immediately abutting each other but not qualifying as shopping centers and which areas contain one (1) acre or less shall be permitted one (1) sign containing the name of said businesses not to exceed one (1) square foot per two (2) lineal feet frontage up to a maximum of one hundred (100) square feet in area, which sign may contain the names of the businesses represented in the area, with the name of no business occupying more than seventy-five (75) square feet. Areas commercially developed containing more than one (1) acre but less than two and one-half (2.5) acres shall be permitted one (1) sign not to exceed one (1) square feet per two (2) lineal feet frontage up to a maximum of one hundred twenty-five (125) square feet in area, which sign may contain the names of the businesses represented in the area with the name of no business occupying more than seventy-five (75) square feet.
- (b) Commercial, retail, professional, or office buildings which are not attached to or do not immediately abut another commercial, retail, professional or office building shall be permitted one (1) permanent pole sign not to exceed one (1) square foot per two (2) lineal feet frontage up to seventy-five (75) square feet in area if it has an entrance thereto on one (1) main thoroughfare. Commercial, retail, professional, or office buildings with entrances on two (2) main thoroughfares shall be permitted one (1) permanent pole sign not exceeding one (1) square foot per lineal feet frontage up to seventy-five (75) square feet in area on each main thoroughfare. For the purpose of this section, main thoroughfare shall mean Britton Road, Hefner Road, May Avenue or Pennsylvania Avenue.
- (c) In lieu of pole signs, commercial, retail, professional, or office buildings may be permitted one monument sign on each abutting street. Monument signs shall not exceed eight (8) feet in height if located abutting a main thoroughfare or four (4) feet in height if located along any other streets, and the fascia of each side of a permitted monument sign shall not exceed one (1) square foot per one and one-

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half (1.5) lineal feet frontage up to one hundred twenty-five (125) square feet in area.

(Code 1976, §§ 14-1-18, 14-1-9 Ord. No. 555, §1, 6-20-00; Ord. No 713, §7, 11-07-2016)

Cross references--Garage sale signs, § 14-244 home occupation signs, and § 24-157.

Sec. 20-11. Service stations.

- (a) A service station shall be permitted one (1) permanent pole sign not to exceed one (1) square foot per two (2) lineal feet frontage up to seventy-five (75) square feet in area if it has an entrance thereto on one (1) main thoroughfare. Service stations with entrances on two (2) main thoroughfares shall be permitted one (1) permanent pole sign not exceeding one (1) square foot per lineal frontage up to seventy-five (75) square feet in area on each main thoroughfare.
- (b) In lieu of pole signs, service stations may be permitted one monument sign on each abutting street. Monument signs shall not exceed eight (8) feet in height if located abutting a Main Thoroughfare (as defined in Sec. 20-9) or four (4) feet in height if located along any other streets, and the fascia of each side of a permitted monument sign shall not exceed one (1) square foot per one and one-half (1.5) lineal feet frontage up to one hundred (100) square feet in area.
- (c) In addition to the signs permitted in Subsection (a) above, each service station shall be permitted to erect signs on the main building, accessory buildings, or canopies provided, however, that the combined area of all such signs shall not exceed one hundred twenty-five (125) square feet and no sign or combination or signs shall exceed twenty (20%) percent of the wall area on which it is placed.

(Ord. No. 466, §2, 2-4-92; Ord. 713, §8, 11-07-2016)

Sec. 20-12. Signs mounted on buildings.

In addition to signs authorized in sections 20-9 and 20-10, the following signs mounted on buildings shall be permitted:

- (a) Commercial establishments located in a separate detached building and under single occupancy shall be permitted signage not to exceed a combined total of four hundred and twenty five (425) square feet or twenty (20%) percent of the square footage of the front of the building, whichever is less. Such signage may be placed on any side of the building or combination thereof. For the purpose of computing such percentage, no portion of the front of a building shall be over twelve (12) feet in height.
- (b) Each commercial establishment located in a building under multiple occupancy shall be permitted signage not to exceed a total of four hundred and twenty five

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(425) square feet or twenty (20%) percent of the square footage of the establishment's storefront, whichever is less. For the purpose of computing such percentage, no portion of the storefront shall be over twelve (12) feet in height. Establishments in this class having store frontage on multiple sides of a building shall be allowed to place signage on any side of the building or combination thereof, provided that the total signage shall not exceed four hundred and twenty five (425) square feet or twenty (20%) of the largest store front, whichever is less. Commercial establishments in this class may authorize another business establishment in the same building to use all or a portion of its permitted signage, provided that in no case shall the total signage for any one business exceed four hundred and twenty five (425) square feet.

- (c) Commercial establishments which exceed fifty thousand square feet in gross floor area shall be permitted five hundred and fifty-five (555) square feet or twenty (20%) percent of the square footage of the front of the building, of signage per elevation. All signage on all elevations shall not to exceed a total of two thousand two hundred and twenty (2,220) square feet. Up to four hundred and seventy-five (475) square feet of this signage may extend above the parapet wall of the building to a height of forty (40) feet above the finished elevation of the building. A sign extending above the height of the parapet wall shall be in lieu of a pole sign as permitted in Section 20-9 of this chapter. Commercial establishments, which exceed fifty thousand square feet in gross floor area shall also be permitted one (1) monument sign with a fascia not exceeding forty (40) square feet in area.

(Ord. No. 540, §1, 6-16-98; Ord. No. 582 §1, 12-17-02; Ord. No. 689 §1, 03-04-2014; Ord. No. 713, §9, 11-07-2016)

Sec. 20-13. Signs on public property.

(a) Except as described in paragraph (b) of this section, no signs may be placed on any easement, utility pole, or other public property. All signs must be placed or erected on private property with the permission of the owner of the property.

(b) Yard signs may be placed on the right-of-way immediately adjacent to residential property that is zoned for and in use for a residential purpose, provided that such signs are set back at least four (4) feet from the edge of the street. For purposes of this paragraph, *yard sign* means a temporary sign that is not permanently affixed or attached to the ground or another structure, which can be removed without special handling, and which can be placed on a street-facing lawn or elsewhere on a property by means of stakes or posts.

(c) Signs placed on public property in violation of this Section may be removed and impounded by the City. Any sign so removed may be returned to its owner upon request, made at City Hall, and after payment of a \$25.00 return fee.

(Code 1976, §§ 14-1-13, 14-1-20 Ord. No. 542, §1, 11-3-98 Ord. No. 713, §10, 11-07-2016; Ord. No. 723, §1, 03-20-2017)

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Sec. 20-14. Rotating, moving, spinning, or sound emitting signs.

1. It shall be unlawful for any person to erect, construct or maintain any pole sign or any other sign or electronic message display which consists of any movable part or parts or which is of a spinning, rotating, or whirling type.
2. It shall be unlawful for any person to erect, construct or maintain any sign that emits any sound, which is designed to attract attention.

(Code 1976, §14-1-16, 14-1-24 Ord. No. 466 §4, 2-4-92 Ord. No. 555, §2, 6-20-00 Ord. No. 565, §1, 2-6-01, 2008 Code)

Sec. 20-15. Maintenance and location generally.

All signs of every type erected under the provisions of this chapter must be maintained in a neat condition and free from scaling paint and rust. All permanent signs must be placed back of the front property line and may not be placed on or overhanging the street or any easement.

(Code 1976, §§ 14-1-16, 14-1-24; Ord. No. 723, §2, 03-20-2017)

Sec. 20-16. Height obstruction of traffic.

Unless otherwise indicated, all freestanding signs must not exceed a height that is the lesser of one (1) foot per five (5) lineal feet frontage of the property on which the sign sits or twenty-five (25) feet maximum, and must be constructed so that there will be no visual obstruction to any vehicular traffic.

(Code 1976, § 14-1-17 Ord. No. 555, §3, 6-20-00; Ord. No. 713. §11, 11-07-16; Ord. No. 717 § 1, 12-05-16)

Sec. 20-17. Real estate signs.

For sale, lease or rent signs shall be permitted in residential and commercially zoned districts. Except as may otherwise be permitted in Sections 20-7, 20-9(a) and 20-10 of this chapter, no for sale, lease, or rent sign shall exceed ten (10) square feet in area and not more than one (1) such sign shall be permitted for each hundred (100) feet of frontage.

(Code 1976, §14-1-20, Ord. No. 466, §5, 2-4-92)

Sec. 20-18. Wind resistance; technical requirements; materials.

All signs permitted under this chapter must be constructed as to withstand wind velocities of at least one hundred (100) miles per hour and any other

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requirement made by the city engineer based on sound engineering practices. Additionally, all pole signs must contain a pole cover or covers that are no less than thirty (30%) percent of the width of the sign face at its widest part. Painted or untreated concrete block shall not be permitted as a pole cover material.

(Code 1976, § 14-1-18; Ord. No. 713 §12, 11-07-2016)

Sec. 20-19. Banners.

- (a) In addition to the signs permitted by this chapter, each business, church, school, YMCA, or fraternal organization shall be permitted to place two (2) temporary banners on the property on which the business, church, school, YMCA, or fraternal organization is located for the purpose of advertising a grand opening, sale or special event. Such banners shall be placed in accordance with the following regulations:
- (1) Banners permitted by this section may be on a building, fence or may be freestanding.
 - (2) No banner shall be permitted on the rear of a building.
 - (3) No banner shall exceed 20% of the square footage of the wall or fence on which it is placed.
 - (4) Freestanding banners shall not exceed 20% of the square footage of the wall or fence in front of which it is placed.
 - (5) Banners advertising a grand opening shall be removed thirty (30) days after the date on which the occupancy permit was issued for the business. When a business changes name and no new occupancy permit is issued for the business, banners shall be removed thirty (30) days after the new business sign has been installed.
 - (6) Banners advertising sales or special events shall be removed within three (3) days after the end of the sale or special event.
 - (7) Banners shall be maintained in good condition at all times and shall not be displayed on the right of way or in a manner that creates a sight restriction for motorists or a hazard to the public.

(Ord. No. 464, § 2, 12-3-91 Ord. No. 487, § 1, 6-15-93)

Editor's note: Section 4 of Ordinance 464 provided an effective date of 1-2-92 for new section 20-19.

Sec. 20-20. Directional signs.

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- (a) In addition to the signs permitted by this chapter, each business, church, school, YMCA, or fraternal organization shall be permitted to place signs that direct the flow of traffic into and out of the property on which it is located and within the parking areas of the property on which it is located. Such signs shall be placed in accordance with the following regulations:
- (1) It shall be unlawful for any person to place any directional sign until a permit has been secured from the city. Prior to the issuance of a permit, a fee in the amount established by resolution shall be paid to the city.
 - (2) Directional signs may be mounted on buildings or be free standing. Freestanding directional signs shall not be placed on any right of way and shall not exceed (8) feet in height and nine (9) square feet in area. Directional signs placed on private property, but which are in a sight-triangle at an intersection, shall not exceed two (2) feet in height or otherwise obstruct the view of oncoming traffic.
 - (3) Directional signs must be inscribed with directional information such as arrows or the words "exit" or "entrance".
 - (4) Churches, schools, YMCAs, or fraternal organizations that are not located on a main thoroughfare as defined by Section 20-9, Subsection (b) herein, may place one (1) directional sign on a main thoroughfare. Said sign shall be placed to indicate the most direct route from the thoroughfare to the church, school, YMCA, or fraternal organization.

(Ord. No. 464, §3, 12-3-91 Ord No. 479, §1, 11-17-92, Ord. No. 586, 10-7-03)

Sec. 20-21. Signs for Home Occupations.

One (1) non-illuminated sign not exceeding two (2) square feet in area and attached to the main or accessory building shall be permitted for a home occupation or profession, which is carried on by the inhabitants of a single-family residence in conformance with applicable provisions of city code.

(Ord. No. 465, Section 2, 1-23-92)

Cross references--Chapter 24, Section 24-1, Home Occupations defined Chapter 24, Section 24-153, Home Occupations permitted in A-1 Single Family Zone.

Sec. 20-22. Special activity signs, Temporary signs.

- (a) Every church, school, YMCA, and fraternal organization shall be permitted to erect two (2) signs for the purpose of advertising Mother's Day Out programs, Singles or Young Adult programs, Boy and Girl Scout Troop activities, and other

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similar ongoing programs. No sign permitted under this subsection shall exceed sixteen (16) square feet in size.

- (b) Every church, school, YMCA, and fraternal organization shall be permitted to erect one (1) temporary sign, not to exceed thirty-two (32) square feet in size, for the purpose of advertising special events. No sign permitted under this subsection shall be allowed to remain in place for more than fifteen (15) days.
- (c) Every business shall be allowed to erect one (1) temporary sign, not to exceed thirty-two (32) square feet in size, for advertising employment openings. No sign permitted under this subsection shall contain the name or logo of a business or be allowed to remain in place for more than fifteen (15) days.
- (d) Roofing, concrete, weed control and other similar businesses shall be allowed to erect a temporary sign at each job site containing the name, logo and/or phone number of the business. Such signs shall be permitted only during the time that work is being conducted on the premises and shall be removed within three (3) days after the work has been completed. No such sign shall exceed ten (10) square feet in area and not more than one (1) such sign shall be permitted for each one hundred (100) feet of frontage.
- (e) Apartment complexes shall be permitted to erect temporary signs for the purpose of advertising vacancies, features of the apartments, monthly rental rates, and other similar advertisements. No such sign shall exceed ten (10) square feet in area and not more than one (1) such sign shall be permitted for each one hundred (100) feet of frontage.
- (f) Neighborhood associations shall be permitted to place two (2) temporary signs, not to exceed six (6) square feet in size each, for the purpose of advertising special events and association meetings. No sign permitted under this subsection shall be allowed to remain in place for more than seven (7) days.

(Ord. No. 466, § 6, 2-4-92 Ord. No. 479, §2, 11-17-92 Ord 480, §1, 12-15-92; 2014 City Code)

Sec. 20-23. Public signs permitted.

The provisions of this Chapter shall not apply to signs erected by the City, County, State, or Federal government for traffic direction, street identification or for any other public purpose approved by the City Council.

Sec. 20-24. Decorations, insignias, and flags permitted.

- a) **Seasonal decorations.** Decorations pertaining to recognized national, State and local holidays and observances, provided that such decorations shall not be

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erected earlier than six weeks prior to the holiday or observance and shall be removed no later than three weeks after said holiday or observance.

- b) **Insignias and flags.** Insignias, flags and emblems of the United States, the State, and municipal and other bodies of established government, or flags which display the recognized symbol of a nonprofit and/or noncommercial organization shall be permitted.

Secs. 20-25—20-49 Reserved.

ARTICLE II. ELECTRONIC SIGNS

Sec. 20-50. Definitions.

- 1) For the purposes of this Article the following terms shall be defined as follows:
- i. *Electronic Message Display (EMD)* means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
 - ii. *Dissolve* means a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
 - iii. *Fade* means a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
 - iv. *Frame* means a complete, static display screen on an Electronic Message Display.
 - v. *Frame Effect* means a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.
 - vi. *Transition* means a visual effect used on an Electronic Message Display to change from one message to another.
 - vii. *Level 1 EMD* means an Electronic Message Display, which displays static messages only and which change with no transition.
 - viii. *Level 2 EMD* means an Electronic Message Display, which displays static messages and which change with a "Fade" or "Dissolve" transition, or similar

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subtle transitions and frame effects that do not have the appearance of moving text or images.

- ix. *Level 3 EMD* means an Electronic Message Display, which display a static message with "travel" or "scrolling" transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size, or be revealed sequentially rather than all at once.
- x. *Level 4 EMD* means an Electronic Message Display, which displays with full animation, flashing and video.
- xi. *Scroll* means a mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.
- xii. *Static* means having no motion; being at rest.
- xiii. *Strobe* means a sign where the message or lighting flashes on and off more often than once every second. This shall not include the use of flashing lights in a chasing or alternating fashion around the sign perimeter.
- xiv. *Travel* means a mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

(2008 Code)

Sec. 20-51. Size, location, height and use restrictions.

1. Electronic Message Displays permitted by this Article:

- a) Shall not exceed fifty percent (50%) of the sign area allowed for any use pursuant to this Chapter and provided that said EMD sign area shall not increase the total sign area authorized for each such use in Article I of this Chapter.
- b) Shall not be located closer than one hundred (100) feet from any residence.
- c) Shall not be higher than six (6) feet above the highest point of the roof of the building or structure where the sign is located.
- d) Shall not be used for off-premises advertizing.

(2008 Code; Ord. No. 648 §1, 11-03-2009)

Sec. 20-52. Electronic Message Displays in Commercial Districts.

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1. **Level 1, 2 and 3 EMDs.** Level 1, 2, and 3 Electronic Message Displays may be permitted in the C-2 Zoning District and shall not be subject to operational limitations, minimum display times or message change sequences but shall be equipped with dimming features that automatically adjust the display brightness according to ambient light conditions.
2. **Level 4 EMDs.** Level 4 EMDs are specifically prohibited in the C-2 Commercial District.

(2008 Code; 2014 Code)

Sec. 20-53. Electronic Message Displays in Residential Districts.

1. Level 1 and 2 Electronic Message Displays may be permitted in the A-1 Single Family Zoning District for churches, schools, YMCAs, community centers, and libraries subject to the following requirements:

A. Level 1 EMD.

- i. *Operational Limitations.* Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity. The City Council may limit the hours in which approved Level 1 EMDs may operate and/or may require dimming as deemed necessary to reduce the illumination of nearby residences. (2010 City Code)
- ii. *Minimum Display Time.* Each message on the sign must be displayed for a minimum of eight (8) seconds.
- iii. *Message Change Sequence.* A minimum of two (2) seconds of time with no message displayed shall be provided between each message displayed on the sign.
- iv. *Council Approval.* Level 1 EMDs in the A-1 Single Family District shall be subject to the approval of the City Council.

B. Level 2 EMD.

- i. *Operational Limitations.* Such displays shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement, or the appearance or optical illusion of movement, of any

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part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity. The City Council may limit the hours in which approved Level 2 EMDs may operate and/or may require dimming as deemed necessary to reduce the illumination of nearby residences. (2010 City Code)

- ii. *Minimum Display Time.* Each message on the sign must be displayed for a minimum of eight (8) seconds.
- iii. *Council Approval.* Level 2 EMDs in the A-1 Single Family District shall be subject to the approval of the City Council.

C. **Level 3 and 4 EMDs** are specifically prohibited in the A-1 Single Family Zoning District.

(2008 Code)

Sec. 20-54. Intermittent lighting restrictions.

- a) No strobe or high-intensity intermittent lights shall be permitted except where required on structures for aircraft warning lights. (2008 Code)
- b) A time and temperature display within any sign shall be allowed to change intermittently upon the appropriate change of time and temperature.
- c) Illuminated signs and electronic marqueses placed in the interior window or windows of any building in the C-2 Commercial District shall be allowed to flash or scroll intermittently.

Sec. 20-55. Traffic hazards.

The Traffic and Safety Commission shall review any complaint by the public or a public official in reference to a possible traffic hazard caused by any sign. The Traffic and Safety Commission shall have the authority to order the removal or alteration of any sign, when it determines that the proposed sign projects upon or in view of any street a beam of light of sufficient intensity to confuse, annoy, or distract motor vehicle operators or in any manner interfere with the operation of vehicular traffic on any adjacent street.

(2008 Code)