

WATKINSVILLE SIGN ORDINANCE

Section 1. Objectives and Purposes.

The objective of this Ordinance is to establish requirements for the placement, installation and maintenance of signs in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. As the regulations of the placement, construction and maintenance of buildings and structures through zoning is a valid use of the police power, so too is the regulation of the placement, installation and maintenance of signs, since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings. The regulation of the placement, installation and maintenance of signs is further justified by the signs' innate scheme and primary purpose to draw mental attention to its content, potentially to the detriment of sound driving practices and the safety of the motoring public to whom a majority of the signs are oriented. Therefore, it is the intent of this Ordinance to regulate the size and location of signs such that their purpose can be served without unduly interfering with motorists and causing unsafe conditions. However, it is not the intent of this Ordinance that all signs are built to the maximum size. The City of Watkinsville encourages use of the minimum signage necessary to meet the purposes required.

Further, recognizing that the aesthetic, cultural and historic qualities of the City of Watkinsville are unique and, therefore, vital to the community's interest and its moniker as the "Artland of Georgia," it is the objective of this Ordinance to ensure compatibility to the aforementioned themes and to ensure that these qualities are not compromised.

Further, it is an objective of this Ordinance to protect and preserve the aesthetic qualities of the community by regulating the number, size, placement, installation and maintenance of signs. The fact that such signs are intended to command visual contact grants to signs a proportionately greater role than other structures in determining the overall aesthetic quality of the community.

The aesthetic impact of signs is an economic fact that can bear heavily upon the enjoyment and value of property; therefore, the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the community. It is contended that it is not irrational for a community's citizens to plan their physical surroundings in such a way that unsightliness is minimized.

It is the belief of the City that more communication is desirable during the election cycle, so that all citizens may freely express their viewpoints during the election campaigns, and therefore the ordinance allows increased opportunities to erect signs during these periods, without limiting content or favoring content in any fashion.

In seeking to comply with federal and state law, the City has determined the following: large signs are, as the U.S. Supreme Court has recognized, an aesthetic harm; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, the Eleventh Circuit has recognized portable signs are visual clutter and a potential traffic hazard. These holdings show that the City's ordinance is within the law and constitutional, which is a goal of the City. The goal of this Ordinance is to avoid being an impermissible content-based regulation, and instead to be a permissible time, place and manner

regulation. At all times, any sign permitted under this regulation can carry any message, political or non-political, commercial or non-commercial.

In addition, it is declared that the regulation of signs within The City of Watkinsville is necessary and in the public interest for the following reasons:

- A. To protect property values within the City of Watkinsville.
- B. To protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs.
- C. To promote the economic well-being of The City of Watkinsville by creating a favorable physical image.
- D. To eliminate the clutter of excess signage.
- E. To protect the right of citizens to enjoy the City of Watkinsville natural scenic beauty.
- F. To protect and enhance the unique aesthetic, cultural and historic attractions to tourists and thereby promote and stimulate business.
- G. To regulate the construction, erection, maintenance and size of signs that may constitute a direct danger to pedestrians and property, especially during periods of high winds.
- H. To promote the aesthetic beauty of the environment of the City of Watkinsville.
- I. To ensure reasonable opportunities for communication for all groups and interests.
- J. To preserve and promote the public health, safety and welfare in the City of Watkinsville.

Section 2. Definitions:

Abandoned sign, abandoned sign structure: A sign or sign structure shall be considered abandoned when the business activity or firm which such sign advertises is no longer in operation, or does not have a current occupation tax certificate in effect. A sign or sign structure shall also be considered abandoned if it contains no sign copy for six months.

Arterial Road: A Road designated as an arterial road on the City's street map, and any road designed to collect traffic and carry major volumes of traffic across or through the City.

Awning: A structure projecting from and supported by the exterior wall of a building constructed of rigid or nonrigid materials such as cloth, plastic or metal.

Banner: A sign made of fabric or any nonrigid material with no enclosing framework.

City: The City of Watkinsville.

Court: The City Court referred to herein shall mean the Municipal Court of the City of Watkinsville, Georgia; and Superior Court referred to herein shall mean the Superior Court of Oconee County, Georgia.

Double Frontage Lot: A lot with street frontage on two or more public streets.

Entrance Sign: A sign erected at the entrance to a development or subdivision.

Erect: To build, paint, construct, attach, hang, suspend, place or affix.

Facade: The entire building front including the parapet.

Face or facing: The surface or plane of the sign upon, against or through which a message is displayed or illustrated. See “Sign Face.”

Freestanding sign: See “Ground Sign.”

Ground sign: A permanently affixed sign which is not dependent on a building for support.

Illuminated sign: Any sign that has characters, letters, figures, designs or outline illuminated externally or internally by electric lights or luminous tubes as a part of the sign proper or by accessory flood or spot lights.

Incombustible material: Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

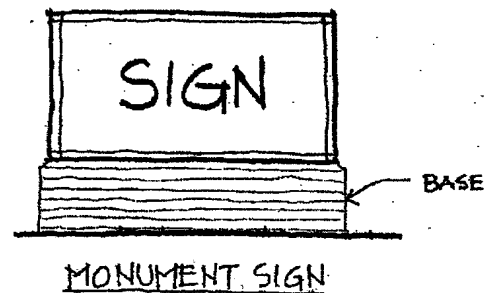
Lot frontage: The distance for which any property line and right-of-way line are coincident.

Marquee: A permanent roof-like structure having areas on the sides for display of changeable graphics or copy, projecting from and supported by a building.

Monument-Style Sign: A sign, in which the face of the sign is permanently mounted on an enclosed decorative base of brick, stone, stucco or similar material with a frame within which the sign panels are enclosed.

Multiple use: A development containing two (2) or more businesses occupying one (1) or more buildings on a single parcel of land.

Nonconforming sign: Any sign which was erected legally prior to the adoption of this Ordinance, but which does not conform to any one (1) or more of the requirements of this Ordinance.



Parapet: The extension of a false front or wall above a roof line.

Pennant: Pieces of cloth or plastic joined together uniform or varying in size, color and/or design suspended from a structure to the ground or additional structure.

Permanent: Intended to last indefinitely without change.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind.

Planned Center: A single office, commercial, or industrial property or lot that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship (e.g., strip shopping mall, office complex, etc.); two or more businesses platted as one lot.

Portable sign: Any sign that is not permanently attached to the ground, a structure or a building that can be moved from one location to another. A-frame signs and trailer signs are examples of portable signs.

Principal use: The use which constitutes the primary activity, function or purpose to which a parcel of land or building is put.

Projecting sign: Any sign, other than a “wall sign,” which projects from and is supported by a building and projects more than 12 inches.

Right-of-way: A strip of land over which The City of Watkinsville has a right, by ownership or easement, to construct a public street, sidewalk or use for public utilities, or any strip-of-land whereon the City has constructed such use.

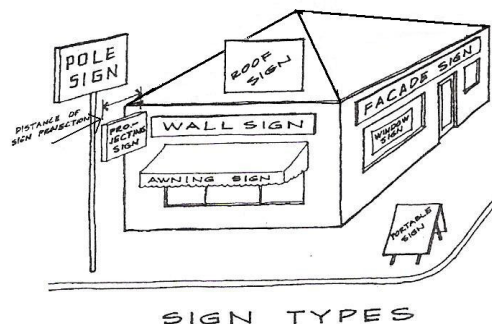
Roof line: The highest continuous horizontal line of a roof. On a sloping roof, the roof line is the principal ridge line, or the highest line common to one (1) or more principal slopes of roof. On a flat roof, the roof line is the highest continuous line of the roof or parapet, whichever is higher.

Roof sign: A sign that is erected, constructed, or maintained below the roof line of any building.

Sign: Any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure, or located anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows and similar devices.

Sign copy: All words, letters, numbers, figures, characters, art work, symbols, or insignia that are used on a display surface area.

Sign face: The actual message-carrying portion of the sign that can be used to display content, including any area that can display or does display words, pictures or other communicative elements of the sign, including the background color.



Sign owner: A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator; e.g., a sign leased from a sign company.

Sign structure: Any aboveground portion of a freestanding base, supports, uprights, or braces the primary purpose of which is to support a sign(s) and excluding those portions of any such structure the primary purpose of which is to serve an architectural function (i.e., building wall, freestanding wall, entrance wall, fence, gate, etc.).

Signable area, wall signs: The area of the facade of the building facing the right-of-way up to the roofline.

Subdivision: A tract of land subdivided into multiple lots and developed under a common plan of development, typically with internal streets.

Temporary: Having or suggesting a nondurable character or a limited or short-term period of use.

Wall: An upright structure of wood, stone, etc., serving to enclose, divide, define or protect.

Wall sign: Any sign painted on or attached flat and parallel to the exterior wall or surface of a building which projects not more than 12 inches from that wall or surface. Includes awning signs, mansard signs, marquee signs, and parapet signs.

Window sign: Any letters, words, or symbols which are displayed on or attached to the window glass of a structure and oriented towards outside the building, primarily to attract the attention of the passing public using the public right-of-way.

Zoning district: Any geographic area defined by the Official City of Watkinsville Zoning Map for the purpose of regulating use, as such map is designated in the Zoning Ordinance and has been adopted by the City. The zoning districts as adopted on said map are incorporated herein by reference for use in the regulation of signs. No other provisions of the Zoning Ordinance are incorporated into this Ordinance, unless otherwise specifically stated.

Section 3. General Provisions.

- A. **Permit required.** No sign shall be allowed within the city, except as provided herein. It shall be unlawful for any person to erect, repair, alter, or relocate within the City of Watkinsville any sign, as defined in this Ordinance, without first obtaining a sign permit if required by this Ordinance, and making payment scheduled for the same.
- B. **Responsible parties.** It shall be the responsibility of the sign owner and owner of the property where the sign is located to maintain and ensure conformance to the provisions of this Ordinance.

- C. **Savings clause.** Notwithstanding any other restrictions in this Sign Ordinance, any sign, display or device allowed under this Ordinance may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise an activity, service or product prohibited by laws or regulations of the United States or the State of Georgia or by the ordinances of the City.

Section 4. Permitted Signs.

If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited. These regulations apply to signs located on any lot or development, or any subdivision or planned center, within the City.

- A. **Standard Permitted Signs.** The following signs are permitted in the following zoning districts. See Sec. 2 for definitions. A double-sided (double-faced) sign is counted as one sign, but each face counts towards the maximum area permitted. Height is measured from grade to the highest portion of the sign structure. Area is calculated as shown in Sec. 6. Values in the table are shown in feet (ft.) or square feet (sf). “N/a” means not applicable. “Wall signs,” as used in this table, includes awning signs, mansard signs, marquee signs, and parapet signs.

Table of Standard Permitted Signs.

Districts /Uses	Ground Signs				Window Signs	Wall Signs or Projecting Signs		
	No. of ground signs	Max area of single ground sign face	Total area of all ground sign faces	Max height of ground signs	Window Signs (% of window area facing road frontage)	Wall Signs or Projecting Signs per business	Max. size of Wall Sign	Max. Size of Projecting Sign
DR, AR, SB, CA	1	6 sf	12 sf	3 ft	NONE	NONE	n/a	n/a
PRC	1 ⁴	6 sf	12 sf	3 ft	NONE	NONE	n/a	n/a
EC, CC, DT, PI, MUO, HM on separate lot	1 ¹	50sf	100sf	15 ft.	25%	1 ^{2,3}	30sf	6 sf
EC, CC, DT, MUO, HM in planned center	NONE	n/a	n/a	n/a	25%	1 ^{2,3}	30sf	6 sf
SM	1	20sf	40sf	8 ft.	NONE	1	NONE	6 sf

¹ The single lot must also have at least 50 feet of street frontage on a State Highway, U.S. Highway, or City or County road designated as an Arterial road to have a ground sign authorized.

² Double frontage lots may have one additional sign of the same area, size and height limitations, one per road front. Total area of all sign faces doubles accordingly.

³ Additional wall signs: if the individual business/use within the planned center or separate lot exceeds 50,000 square feet, one additional wall sign not exceeding 50 square feet shall be permitted. If the individual business/use within the planned center or separate lot exceeds 100,000 square feet, one additional wall sign not exceeding 75 square feet shall be permitted.

⁴ Additional signs desired in these districts must be part of the zoning application and may be authorized as part of the zoning approval.

- B. **Planned Center Sign.** For any planned center in the B1, B2, OIP or I zoning districts, one ground sign not exceeding 100 square feet per face (in B1 and OIP) and not exceeding 100 square feet per face (in B2 and I); not more than two faced; and not exceeding 15 feet in height, may be erected.
- C. **Commercial/Office/Industrial Subdivision Sign.** For any commercial, office or industrial subdivision in the B1, B2, OIP or I zoning districts, one freestanding sign not exceeding 100 square feet per face (in B1 and OIP) and not exceeding 100 square feet per face (in B2 and I); not more than two faced; and not exceeding 15 feet in height, may be erected. These signs are in addition to the individual signs allowed for each lot. This additional signage shall not apply to planned centers, where multiple businesses are located on one lot.
- D. **Entrance signs.** Entrance signs are additional signs that are permitted to be located at the entrance road or access point to a planned center or a subdivision. Entrance signs must be monument style, and constructed of brick, stucco, stone or similar material, and no more than six (6) feet high, not more than single sided and not more than thirty-two (32) square feet in area. Entrance signs must be setback from the right of way a distance equal to their height plus one foot.
- E. **Very Small Signs.** Very Small Signs are signs of no more than two (2) square feet, and no more than three (3) feet in height. Up to six such signs are permitted on any single lot in any commercial or industrial zoning district, provided that such signs may not aggregate to form one message.
- F. **Internal Signs.** Any sign not visible from the outside of a structure or to passing members of the public traveling on the street right-of-way shall be allowed in unlimited numbers.

- G. **Non-Residential Uses in A1, R1, R2 and R3.** Non-residential uses in A1, R1, R2 and R3 districts are allowed one ground sign, not to exceed 50 square feet per face, not more than two faced, and not higher than 8 feet. Such uses which have property lines contiguous to Limited Access or Controlled Access rights-of-way may be increased in size up to 100 square feet per face provided such signs are placed within 25 feet of the Limited Access or Controlled Access right-of-way.
- H. **Multi Family Residences.** Multi-family residences, such as apartment complexes, are authorized one wall sign per building, not to exceed 2 square feet.
- I. **Quarterly Temporary Signs.** Quarterly temporary signs are signs permitted to be erected for no more than two weeks, once per calendar quarter.
- (1) Quarterly temporary signs may not exceed 4 feet in height and 12 square feet per side, and shall not be more than two-sided. Sidewalk, A-type, sandwich, banners, portable or curb-type signs are permitted as quarterly temporary signs.
 - (2) Quarterly temporary signs are permitted in the B-1, B-2 and O-I-P zoning district.
 - (3) One temporary sign is permitted per lot, or in the case of lots containing multiple lawful uses (such as planned centers) one per use.
 - (4) Quarterly temporary signs must meet the construction standards of Sec. 7, and all other applicable provisions of this Ordinance.
- J. **Weekend Temporary Signs.** Weekend temporary signs are signs permitted to be erected after 1:00 p.m. on any Friday and must be taken down by 8:00 p.m. the following Sunday.
- (1) Weekend temporary signs may not exceed three feet in height and four square feet per side, and shall not be more than two-sided.
 - (2) Weekend temporary signs are permitted in any zoning district.
 - (3) Weekend temporary signs must not be placed within five feet of the curb or pavement or within the public right-of-way, or in any fashion that blocks sight lines for traffic or otherwise creates a hazard. On any single lot, one weekend temporary sign may be placed for every twenty feet of frontage on a public street.
 - (4) Weekend temporary signs erected in violation of this Ordinance, in improper areas (especially the public right-of-way), or erected before or after the permissible time frame, constitute a violation of this Ordinance, a safety hazard, and a public nuisance, and are subject to being taken down by the City and destroyed without notice.
 - (5) Weekend temporary signs must meet the construction standards of Sec. 7, and all other applicable provisions of this Ordinance.

(6) Weekend temporary signs do not require a permit

K. **Election Cycle Temporary Signs.** Election cycle temporary signs are signs permitted to be erected during any election cycle.

(1) Election cycle temporary signs shall not exceed three feet in height and six square feet per side, and shall not be more than two-sided.

(2) Election cycle temporary signs are permitted in any zoning district.

(3) Election cycle temporary signs must not be placed within five feet of the curb or pavement or within the public right-of-way, or in any fashion that blocks sight lines for traffic or otherwise creates a hazard. On any single lot, one election cycle temporary sign may be placed for every ten feet of frontage on a public street.

(4) Election cycle temporary signs erected in violation of this Ordinance, in improper areas (especially the public right-of-way), or erected before or after the permissible time frame, constitute a violation of this Ordinance, a safety hazard, and a public nuisance, and are subject to being taken down by the City and destroyed without notice.

(5) Election cycle temporary signs must meet the construction standards of Sec. 7, and all other applicable provisions of this Ordinance.

(6) The “election cycle” is the time period starting 100 days prior to any primary, special election, general election, or run-off, and ending 7 days after the primary, special election, general election, or run-off, is held. Election cycles may overlap. “Election,” as used herein, shall refer to Federal elections, Georgia statewide elections, Oconee County elections, or municipal elections for the City of Watkinsville.

(7) Nothing in this section affects the regular sign ordinance provisions; these are extra signs allowed during the election cycle. Any message can be placed on election cycle temporary signs.

(8) Election cycle signs do not require a permit.

L. **Construction Phase Temporary Signs.** During the construction phase of any development or subdivision, two additional signs may be erected for the entire development or subdivision. The “construction phase” is the period between issuance of a building permit and issuance of a certificate of occupancy, or in the case of a subdivision, when at least 80% of the lots are sold to a person other than the developer. Such signs shall not exceed 64 square feet in area, shall not be more than two sided, and shall not exceed 10 feet in height. Such signs shall be set back at least ten feet from the right-of-way and 25 feet from adjacent property lines, and may be

placed only at the entrance to the development or subdivision. A permit is not required for these signs. Such signs are to be removed at the end of the construction phase.

Section 6. Regulations for Signs

A. Location and Setback.

(1) The property owner must give permission for all sign placement on the owner's property. Signs are not permitted in the public right-of-way without city permission.

(2) All signs must comply with all side and rear setbacks of the underlying zoning ordinance.

(3) Signs can be located in front setback areas, but all signs and sign structures, except as noted below, must be setback at least five feet from the public right-of-way. No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property. Furthermore, for safety reasons, no sign erected on private property shall be located closer than 10 feet from the back of the curb of a public roadway, or if there is no curb, from the edge of the pavement.

(4) Entrance signs must be setback from the right of way a distance equal to their height plus one foot.

(5) Distances are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way, curb or pavement.

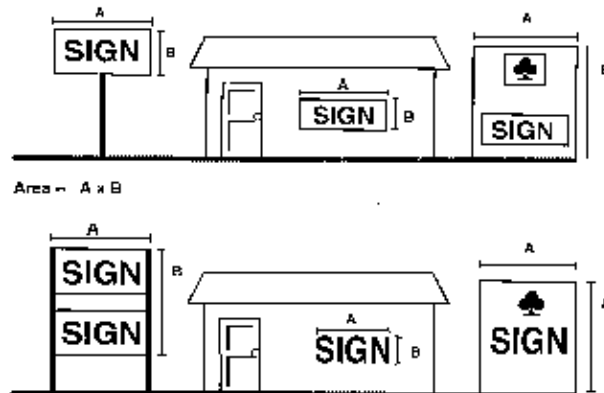
B. Height Limits; Projecting Signs. Height limitations in this Ordinance control over the general height limitations of this Ordinance, and apply to any structure that contains a sign. For example, a church spire or radio antenna with a sign would be subject to the height limitations of this Ordinance, rather than general height limitations. Height limitations apply to both the sign and the sign structure, whichever is the tallest. Awning, mansard and marquee signs shall be no less than eight (8) feet above the ground when erected over pedestrian walkways at the lowest extremity of the sign. Wall and projecting signs shall be securely fastened to the building surface. These signs may project from the building a maximum of four (4) feet including brackets; provided that, if they project more than twelve (12) inches from the building surface, they shall be no less than eight (8) feet above the level of the ground or pavement when erected over pedestrian walkways at the lowest extremity of the sign.

C. Number. For the purpose of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs 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 random manner without organized relationship of elements, such elements shall be considered to be a single sign.

D. Illumination

- (1) All signs may be internally illuminated (i.e., contain the light source within the sign). External illumination (i.e., illumination projecting onto the sign from a light fixture) is prohibited.
- (2) Other than a “time and temperature” varying electronic message, flashing, blinking or otherwise varying illumination is not permitted. No illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted. LED signs, “TV” type signs, Electronic Variable Message Center (EVMC) signs, or similar signs with changing electronic images or displaying moving pictures are not permitted.
- (3) All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
- (4) No lighted signs shall be constructed or maintained within one hundred (100) feet of any single-family dwelling.

- E. **Calculation of Area.** The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples:



Examples of Sign Face Area Measurements

- F. **Unusual Shaped Signs.** Unusual shaped signs are signs that are any shape other than a square or rectangle, and include signs with projecting elements or features, round, oval, and triangular signs, signs with more than four sides, signs in the shape of an animal, object, or device, and so forth. For all such signs, the area is calculated by

calculating the area of the smallest rectangle that will completely enclose all elements of the sign face and sign structure supporting the face, not including the base.

The Code Enforcement Officer shall make a determination of what elements are included within this box. As a result, unusual shaped signs will end up with far less actual sign face than would be permitted for a square sign.

Section 7. Safety and Construction Standards

- A. **Official Confusion.** Signs which contain or are in imitation of an official traffic sign or signal, or can be confused with an official traffic sign, are prohibited.
- B. **Fire Safety.** No sign or sign structure may be erected or maintained which obstructs any fire escape, emergency exit, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- C. **Corner Visibility.** No sign or sign structure above a height of three feet shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.
- D. **Traffic Visibility.** No sign shall obstruct the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road) or of vehicles entering or leaving driveways.
- E. **Good Repair.** All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair. All burned-out bulbs or damaged panels must be replaced. All sign copy shall be maintained securely to the face and all missing copy must be replaced.
- F. **Temporary Sign Standards.** All temporary signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device.
- G. **Removal of Unsafe Signs and Safety Hazards.** The City may remove a sign in violation of this Ordinance, without giving notice to any party, if said sign is upon the public right-of-way or upon other public property; or said sign poses an immediate safety threat to the life or health of any members of the public. The City shall keep such signs for ten days prior to disposal, unless otherwise indicated in this Ordinance.
- H. **Permanent Independent Mounting.** Ground signs shall be securely affixed to a substantial support structure which is permanently attached to the ground and wholly independent of building support.

Section 8. Prohibited Signs

The following types of signs are prohibited, as stated:

- A. Above-the-Roof Signs (which means signs mounted on a roof and projecting above the roof-line of a structure).
- B. Rotating signs, including signs with rotating elements or parts, and signs where the entire sign face or structure rotates.
- C. Portable signs (which means signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported). Such signs include, but are not limited to, printed banners or signs attached to vehicles and trailers. Exception: Sign permits issued as Quarterly Temporary Signs
- D. Changing copy, moving signs, or signs with moving parts. This includes animated signs involving motion or sound; “trivision”-type signs; signs displaying moving pictures or electronic images; LED signs; EVMC (electronic variable message center) signs; signs with content that changes more than once daily; signs with moving words; signs with waving elements, whether motorized or wind-powered; or similar moving signs. Signs with changeable non-electronic copy (e.g., message board, movie theater marquee) are permitted provided such copy is not changed more than once per day.
- E. Flashing, blinking or signs of varying light intensity, or signs containing exposed neon tubing. Signs with reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark are not allowed. Signs that spell words or create images with numerous small lights or other illumination.
- F. Courtesy benches, trash cans, and similar devices displaying signs.
- G. Trailer signs (which means signs mounted on trailers, exceeding two square feet).
- H. Sidewalk, A-type, sandwich or curb-type signs placed on sidewalks, except as quarterly temporary signs.
- I. Inflatable figures and objects (e.g., creatures, beer cans filled with cold air or helium). However, inflatable figures and object not exceeding five (5) feet in height or width are permitted.
- J. Signs that produce noise or any sound capable of being heard. Signs that produce smoke, vapor, particles or odor. Signs created by projecting light onto an object, a wall, a cloud or other matter, wherein the light creates the sign copy.
- K. Signs that are tacked, painted, posted, marked, or otherwise affixed on trees, utility poles or other similar structures or on rocks, or other natural features.

- L. Pennants and streamers.

Section 9. Removal of Nonconforming or Abandoned Signs.

- A. **General provisions.** Subject to the following conditions, nonconforming permanent signs may be continued in operation and maintenance. Such signs shall not be:
 - (1) Changed or replaced with another nonconforming sign; or
 - (2) Enlarged, extended, moved, or structurally altered except to bring the sign into conformance with all provisions of this Ordinance.
- B. **Damaged Non-Conforming Signs.** However, non-conforming signs which are damaged or destroyed may be rebuilt as they were before in terms of height, area, and location. In all other ways, including but not limited to construction and safety standards, such signs must be rebuilt in compliance with the provisions of this Ordinance unless such compliance is impossible, in which case the requirement shall be administratively varied by the Code Enforcement Officer to the minimum possible.
- C. **Illegal Signs and Nonconforming Temporary Signs.** Nonconforming signs made of paper, cloth, or other nondurable material; all temporary signs other than those permitted herein; and all prohibited signs or illegal signs shall be removed within three (3) months of the effective date of this Ordinance. All signs identified as illegal by the adoption of this Ordinance shall be removed within 30 days of the effective date of this Ordinance in accordance with the enforcement provisions of this Ordinance.
- D. **Illegal Sign.** For the purposes of this Ordinance, an illegal sign is a sign that was not lawfully placed and maintained under the provisions governing such sign at the time of placement.
- E. **Removal of Nonconforming Signs on Public Property.** The City Code Enforcement Officer, other city employee(s), (and/or private individuals, corporations and entities, if so authorized by the Mayor and Council), shall be authorized to remove and dispose of nonconforming signs or illegal signs from public rights-of-way and other public lands with or without notice to and at the expense of the owner, builder or other parties responsible for placement of said sign.
- F. **Relocation of Nonconforming Sign.** If a non-conforming sign must be removed due to a city, county or state road improvement project, the Code Enforcement Officer shall authorize the relocation of said sign even though the new location may not meet the setbacks, location and/or spacing or other provisions of this section. Nonconforming signs may not be moved for any other reason unless it is brought into compliance with existing regulations.
- G. **Abandoned Signs.** An abandoned sign face or sign structure must be removed within 6 months from the lapse of a valid occupation tax certificate. Any sign or sign structure that has not been in use (i.e., has not contained sign copy) for a 6 month

period is also considered abandoned.

- H. **Removal of Abandoned Signs.** The Code Enforcement Officer is authorized to seek the removal of abandoned signs and abandoned sign structures. The Code Enforcement Officer shall first attempt to contact the record owner of the sign and the lot containing the sign, by first class mail, advising them of the abandoned status of the sign and providing thirty days to remove or re-permit the sign. Upon expiration of thirty days, the Code Enforcement Officer shall be authorized to petition the City Court for an order requiring the property and/or sign owner to abate the nuisance by requiring removal of the abandoned sign or sign structure, and further authorizing the city to abate the nuisance upon the failure of the property owner or sign owner, or in the event no such person can be located. The City Attorney or other designated attorney shall also be authorized to seek similar relief in Superior Court.

Section 10. Required permits.

- A. **Permits Required.** It shall be unlawful for any person to erect, repair, alter, or relocate within the City of Watkinsville any sign, as defined in this article, without first obtaining a sign permit and making payment scheduled for the same, unless exempted from those requirements by this Ordinance. Routine maintenance of a sign shall not require a permit or a fee. All signs shall, in addition, be subject to the provisions of the electrical code and the permit fees required hereunder. Permits and fees shall not be required for signs in residential zoning districts, other than signs permitted under Section 4(G).
- (1) Any sign to be located within a locally designated historic district must have applied and received a certificate of appropriateness from the historic preservation commission before the issuance of any sign permit.
 - (2) Any applicant for a sign permit must show proof of current business license issued by The City of Watkinsville.
 - (3) The City of Watkinsville shall not be financially responsible for any sign erected within any future right-of-way, designated as such at the time the permit is sought or the sign erected. Any application to erect a sign within any future right-of-way shall forfeit all claims to compensation on the part of the sign owner should the acquisition of the future right-of-way become necessary by the City of Watkinsville.
- B. **Illuminated/Graphic Approved by Building Inspector.** The application for a permit for any sign in which electrical wiring and connections are to be used shall be submitted to the building inspector. The building inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the City of Watkinsville and he shall approve the permit if the plans and specifications comply with the Code. All illuminated signs shall conform to UL standards and shall have a UL sticker applied in a visible area on the metal edging of the sign. The sign manufacturer's name and phone number shall

also be displayed.

- C. **Application for Sign Permit.** Applications for sign permits shall be made upon application forms provided by the building inspector and shall contain or have attached thereto the following minimum information:
- (1) Name, address, and telephone number of the applicant;
 - (2) Address 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, structures, or property lines;
 - (4) One (1) accurate scale drawing of the plans, specifications, and method of construction and attachment to the building or ground for the sign, as well as a scale drawing of the site showing drives, structures, and any other limiting site features;
 - (5) Name or person, firm, corporation, or association erecting the structure;
 - (6) Any electrical permit required and issued for said sign;
 - (7) Such other information as the building inspector shall require showing full compliance with this and all other laws and ordinances of the City of Watkinsville;
 - (8) Authorization by owner, if applicable.
 - (9) Such other pertinent information as may be useful or necessary.
- D. **Permit issued if Application is In Order.** It shall be the duty of the Code Enforcement Officer, upon the filing of a complete 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.
- (1) Within 3 business days of submission, the applicant will be notified if the application is complete. An incomplete application will not be processed and shall be deemed withdrawn if complete information is not submitted within 10 days.
 - (2) Once a complete application is submitted, the Code Enforcement Officer shall have 10 working days to either approve or deny the application. If no decision is issued in 10 days, the permit shall be deemed approved.
 - (3) If the permit is denied, the applicant shall be informed of the reason for the denial.
 - (4) The applicant will be notified that if the work authorized under a sign permit has not been started within six (6) months after date of issuance, the permit shall become null and void and a new permit shall be required.

E. **Permit Fee Schedule**

- | | |
|-----------------------------------------------|-------------------------|
| (1) All freestanding signs- | \$50.00 per sign |
| (2) All wall mounted, mansard etc- | \$50.00 per sign |
| (3) All Quarterly Temporary
sign requests- | \$10.00 per application |

The Mayor and Council may from time to time by resolution, establish and/or modify said fee schedule as necessary to include, but not necessarily be limited to, the cost of issuing permits, making inspections and other administrative matters related to this section.

- F. **Appeals.** In the event the applicant is dissatisfied with a decision of the Code Enforcement Officer, the applicant may appeal as described in Section 12.

Section 11. Administration, Enforcement, and Penalties.

- A. **Administration.** It shall be the duty of the City of Watkinsville Code Enforcement Officer and he is hereby given the authority to administer and enforce the provisions of these Regulations. Decisions and interpretations of the Code Enforcement Officer may be appealed under Section 12.
- B. **Enforcement and Violations.** It shall be unlawful for any person to violate any provisions or fail to comply with any of the requirements of this Ordinance. Any person who has violated or continues to violate the provisions of this Ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise dealt with in a manner provided by law.
- C. **Inspections.** The Code Enforcement Officer and law enforcement personnel of the City of Watkinsville shall have the power to conduct such investigations as may be reasonably deemed necessary to carry out the duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting signage. No person shall refuse entry or access to any authorized official who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- D. **Citations.** Any authorized official, including the Code Enforcement Officer and law enforcement personnel, are authorized to issue citations and otherwise enforce this Ordinance. Citations shall be heard in the city court. Citations for violation of this Ordinance shall be commenced by the completion, signing, and service of a citation, which shall cite the provision of this Ordinance that has been violated. A duplicate original of the citation shall be personally served upon the violator, his or her authorized representative or, if a corporation or other legal entity, an officer or representative of the entity. Upon a finding of any violation of this Ordinance, fines shall be assessed at the amounts specified below.

- E. **Stop-Work Order.** In the event a sign is under construction in violation of this Ordinance, the Code Enforcement Office shall be authorized to issue a stop work order in lieu of or in addition to a citation. Such stop work order shall prevent further work until said violation is corrected or overturned.

- F. **Multiple Violations.** Each day a violation exists shall be a separate violation, subjecting the offender to a separate citation. Each separate action or occurrence of any specific provision of this Ordinance shall be a separate violation, subjecting the offender to a separate citation. Any offender may be cited with a maximum of ten citations per day.

- G. **Responsible Parties.** Both the sign owner and the property owner, if different, may be cited for violations of this Ordinance.

- H. **Fines.** Fines for violations of this Ordinance shall be assessed according to the following schedule as a minimum. The maximum permissible fine for violations shall be \$1,000. As a deterrent to violation, second and subsequent violations by the same offender of any provision of this Ordinance, whether violations of the same or different provisions of this Ordinance as the initial violation shall increase the fine owing. However, repeated citations for the same violation on a second and subsequent day shall not count as a subsequent violation, but shall rather be assessed at the same rate as the initial violation. Multiple violations on the same day shall also be assessed at the same level:
 - (1) First Violation: For the first violation of any provision of this Ordinance by any violator (whether an individual or corporation), the fine shall be a minimum of \$200.

 - (2) Second Violation: For the second violation of any provision of this Ordinance (whether the same or different as the first violation) by the same violator (whether an individual or corporation), the fine shall be a minimum of \$400.

 - (3) Third and Subsequent Violations: For the third and subsequent violation of any provision of this Ordinance (whether the same or different as the prior two violations) by the same violator (whether an individual or corporation), the fine shall be a minimum of \$600.

- I. **Superior Court.** In addition to or in lieu of any other remedy, any authorized official, appropriate authority, or any person who is or would be damaged by such violation, may seek injunctive, mandamus or other appropriate relief in superior court to enjoin or prevent a violation of any provision of this Ordinance. Such action may also seek civil fines at the rates specified above for violation of this Ordinance, and may additionally seek any other costs associated with the action to enjoin or prevent any violation of any provision of this Ordinance. The City shall be entitled to its reasonable attorney's fees and costs for bringing an action in superior court against any violator wherein any relief is granted or fine assessed.

Section 12. Appeals.

Any party aggrieved because of the alleged error in any order, requirement, decision or determination made by the Code Enforcement Officer or any other party in enforcement of this ordinance, may appeal, such order, requirement, decision, determination or interpretation in writing, to the City Clerk of the City of Watkinsville. Such notice of appeal must be submitted to the City Clerk within thirty (30) days of the decision or the right to appeal shall be lost. The appeal shall be heard by the Mayor and Council within forty-five days of a notice of appeal being filed with the Clerk. In exercising this power, the Mayor and Council may, in conformity with the provisions of this Ordinance, reverse or affirm any order, requirement, decision or determination made by the Code Enforcement Officer or any other party. Appeals from the decision by the Mayor and Council shall be to the Superior Court of Oconee County, Georgia.

Section 13. Variances.

- A. **Variances.** The Mayor and Council are hereby empowered to vary or adapt the strict application of the requirements of this Ordinance. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty and prevents the owner from obtaining the full use and purpose of the sign as intended by this sign ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the sign. No variance in the strict application of the provisions of this Ordinance shall be granted by the Mayor and Council unless it finds that the requirements and standards detailed in this Code are satisfied.
- B. **Standards for Granting Variance.** A variance may only be granted if the Mayor and Council find that all of the following conditions exist:
- (1) by reason of exceptional narrowness, shallowness, or shape; or by reason of other exceptional topographic conditions; or other extraordinary and exceptional situations or conditions on a piece of property, the strict application of the regulations would result in peculiar, exceptional, and undue hardship on the owner of such property;
 - (2) The hardship or problem was not created by the property owner or a predecessor property owner, such as an illegal lot split creating a substandard lot, or other self-imposed hardship;
 - (3) The variance can be granted without impairing the purposes of this Ordinance and without infringing on the rights of neighboring property owners or impairing the public health, safety and welfare.
- C. **Conditions.** In granting a variance, the Mayor and Council may impose conditions on the variance that they deem necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

- D. **Regulations that May be Varied.** A variance may only be granted as to the following regulations: sign setback, sign height, sign placement and/or sign type. The following regulations enacted in this Ordinance are not subject to variance: maximum allowable square footage of sign area, total number of signs allowed, maximum allowable total sign square footage allowed per site, and regulations that protect public safety.
- E. **Variance after Denials.** If a sign permit is denied by the Code Enforcement Officer based on a regulation that can be varied, as an alternative to an appeal, a property owner or sign contractor may apply to the Mayor and Council for a variance by filing a form to be obtained from the City Clerk.

Section 14. Legal Status Provisions.

- A. **Conflict with Other Regulations.** Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this Ordinance, the provisions of such statute or ordinance shall govern.
- B. **Severability.** Should any section or provision of this Ordinance be determined by a court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- C. **Repealer.** This Ordinance replaces Article XIV of the existing Watkinsville Zoning Ordinance, adopted March 1986, and as amended thereafter. In the event all of this Ordinance is determined to be void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed.
- D. **Effective Date.** This Ordinance shall take effect and be in force from and after its adoption, the public welfare of Watkinsville demanding.