**"Rough" Draft of proposed new sign ordinance for New Albany**

**Section 1. Applicability**

Any sign erected, altered, or maintained after the effective date of this Ordinance shall conform to the following regulations.

**Section 2. Purpose & Intent**

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Ordinance is to regulate all signs within the City Of New Albany; to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare.

**Section 3. Definitions**

Words and terms used in this ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

**Abandoned Sign:** A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of off-premises signs, or at least 360 days in the case of on-premises signs.

**Address Sign:** A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service. (Also known as: **nameplate sign**)

**Animated Sign:** A sign depicting action, motion, or light or color changes through electrical or mechanical means.

**Awning:** A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

**Awning Sign:** Any sign painted on, or applied to, an awning.

 **Balloon Sign:** A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

**Banner:** Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

**Beacon Lighting:** Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

**Building Frontage:** The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street or parking lot.

**Canopy:** A structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

**Canopy Sign:** Any sign that is part of, or attached to a canopy.

**Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are ***manual changeable copy signs*** *and* ***electronic changeable copy signs****, which include:* ***message center signs, digital displays, and Tri-Vision Boards.***

**Channel Letter Sign:** A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall , which may accommodate a light source.

**Clearance:** The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

**Digital Display:** The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

**Directional Sign:** Signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

**Festoon Lighting:** A type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

**Flag:** Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

**Flashing Sign:** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message centers signs or digital displays that meet the requirements set forth herein.Racew

**Freestanding Sign:** A sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of **freestanding signs**:

**Ground Sign:** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building. (Also known as ***monument sign***)

**Pole Sign:** A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

**Gas Station Canopy:** A freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

**Gas Station Canopy Sign:** Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this ordinance, gas station canopy signs shall be considered wall signs.

**Government/Regulatory Sign:** Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

**Historic District:** A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

**Holiday Decorations.** Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons. (Also known as ***seasonal decorations***)

**Illumination:** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

**External Illumination:** Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

**Internal Illumination:** A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this ordinance.

**Halo Illumination:** A sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect. (Also known as ***back-lit illumination***)

**Illuminated Sign:** A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

**Incidental Sign:** A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

**Incidental Window Sign:** Signs displayed in the window displaying information such as the business’ hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.

**Inflatable Sign:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

**Interactive Sign:** An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

**Legibility:** The physical attributes of a sign that allow for an observer’s differentiation of its letters, words, numbers, or graphics.

**Light Trespass:** Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

**Limited Duration Sign:** A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period.

**Luminance:** An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft2).

**Manual Changeable Copy Sign:** A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

**Marquee:** A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

**Marquee Sign:** Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

**Mechanical Movement Sign:** A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

**Memorial Sign:** A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

**Menu Sign:** A permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

**Message Center Sign:** A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

**Message Sequencing:** The spreading of one message across more than one sign structure.

**Multi-Tenant Sign:** A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

**Mural** (or **mural sign**)**:** A large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/ or symbols.

**Neon Sign:** A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

**Nonconforming Sign:** A sign that was legally erected and maintained at the effective date of this Ordinance, or amendment thereto, that does not currently comply with sign regulations of the district in which it is located.

**Off-Premises Sign:** An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located. (Also known as a ***third-party sign***, ***billboard***, or ***outdoor advertising***)

**Official Traffic Sign:** Official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

**On-Premises Sign:** A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

**Pennant:** a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

**Permanent Sign:** A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

**Personal Expression Sign :** An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

**Portable Sign:** A sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

**Sandwich Board Sign:** A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (Also known as ***A-frame sign***)

**Vehicular Sign:** A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle’s primary purpose.

**Private Drive Sign:** A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

**Projecting Sign:** A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee. (Also known as ***blade sign***)

**Public Sign:** A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.rtable Sign

**Reflective Sign:** A sign containing any material or device which has the effect of intensifying reflected light.

**Revolving Sign:** A sign which revolves in a circular motion; rather than remaining stationary on its supporting structure.

**Roof Sign:** A building-mounted sign erected upon, against, or over the roof of a building.

**Scoreboard:** A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

 **Security Sign:** An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign. (Also known as ***warning sign***)

**Shielded:** The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

**Sign:** Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

**Sign Area:** The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §6.D. for standards for measuring sign area.

**Sign Face:** The part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

**Sign Height:** The vertical dimension of a sign as measured using the standards in §6.E

**Sign Supporting Structure:** Poles, posts, walls, frames, brackets, or other supports holding a sign in place.

**Snipe Sign:** A sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner. (Also known as ***bandit sign***)

**Storefront:** The exterior facade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment..

**Streamers:** A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

**Street Frontage:** The side or sides of a lot abutting on a public street or right-of-way.

**Street Pole Banner:** A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

**Temporary Sign:** A type of non-permanent, sign that is located on private property that can be displayed for no more than 30 consecutive days at one time.

**Vending Machine Sign:** A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

**Wall Sign:** A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (Also known as: ***fascia sign***, ***parallel wall sign***, or ***band sign***)

**Window Sign:** Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

**Section 4. Prohibited Signs**

The following signs are unlawful and prohibited:

A. Abandoned signs.

B. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.

C. Mechanical movement signs, including revolving signs.

F. Animated signs, flashing signs, or signs that scroll or flash text or graphics.

G. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.

H. Any signs that imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.

I. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.

J. Signs which emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.

K. Reflective signs or signs containing mirrors.

L. Interactive signs.

M. Signs incorporating beacon or festoon lighting.

N. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.

O. Roof signs.

P. Signs erected without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.

Q. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the City of New Albany Zoning Ordinance.

R. Any sign that promotes illegal activity.

S. “Billboard” Signs or off premises signs

T. Neon Signs? LED Neon Window Signs

U. Portable Manual Changeable Copy Signs

**Section 5. Signs Exempted from Permit**

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

A. Official traffic signs.

B. Government/regulatory signs.

C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.

D. Holiday and seasonal decorations.

E. Personal expression signs of any sign type, including flags, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, and not illuminated.

F. Address signs - Up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.

1. Residential districts. Signs not to exceed three (3) sq. ft. in area.

2. Non-residential districts. Signs not to exceed five (5) sq. ft. in area.

G. Public signs - Signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.

H. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not to exceed four (4) sq. ft. in area.

I. Private drive signs - One (1) sign per driveway entrance, not to exceed two (2) sq. ft. in area.

J. Security and warning signs - These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

1. Residential districts. Signs not to exceed two (2) sq. ft. in area.

2. Non-residential districts. Maximum of one (1) large sign per property, not to exceed five (5) sq. ft. in area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.

K. Flags:

1. Location. Flags and flagpoles shall not be located within any right-of-way. Height. Flags shall have a maximum height of 30 ft.

2. Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.

3. Size. Maximum flag size is 24 sq. ft. in residential districts, 35 sq. ft. in all other districts.

L. Legal notices.

M. Vending machine signs.

N. Memorial signs, public monument or historical identification sign erected by the [municipality], including plaque signs up to three (3) sq. ft. in area.

O. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this ordinance.

P. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.

Q. Incidental signs, including incidental window signs.

R. Directional signs, provided they do not contain any commercial messaging.

1. Area. No single directional sign shall exceed four (4) sq. ft. in area.

2. Height. Directional signs shall have a maximum height of five (5) ft.

3. Illumination. Directional signs shall be non-illuminated.

L. Art and murals, provided such signs do not contain any commercial messaging.

M. Temporary signs in accordance with §8 Regulations by Sign Type (Temporary Signs).

**Section 6. General Conditions for On-Premises Signs**

A. Sign location.

1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.

2. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

B. Sign Materials & Construction: Every sign shall be constructed of durable materials, using noncorrosive fastenings; shall be structurally safe and erected or installed in strict accordance with then?? Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

C. Sign Area.

1. The area of a sign shall mean total area including any supporting framework, bracing or trim which is incidental to the display, lettering, wording and symbols.

2. The maximum total area of all sign types for nonresidential uses is limited to two square feet of sign area per one linear foot of building frontage that faces a public street or parking lot.

3. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.

4. Signs may be double-sided.

D. Sign Height.

1. No Freestanding sign shall exceed the rooflineof the building of which the sign represents.

2. No sign attached to the building shall project above the roofline of such building.

F. Sign Illumination.

1. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

2. Signs may be illuminated, externally or internally.

a. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in white color.

b. Internal: Internally illuminated signs must be static in intensity and color.

1. Message Center Signs and Digital Displays:

a. Where permitted (C2 and Industrial???), one (1) message center sign is permitted per business. No message center sign may contain text which flashes, pulsates, moves. Each complete message must fit on one screen.

2. Digital display signs are allowed as **part** of an on-premises sign only (no more than 30% of total sign). Where permitted(C2 and industrial???) one (1) digital display sign is permitted per business. Any Digital Display containing animation, streaming video, or text or images which flash, pulsates or moves is prohibited. Each complete message must fit on one screen.

3. Message reader boards are allowed.

E. Number *of*signs*.*

1. The number of freestanding signs shall be limited to one per business.

2.The number of wall signs shall be limited to two signs and shall include business identification, logo or product advertising signs. Window coverings such as canopies, awnings, etc. that displays business advertisement shall be included in the calculation of the number of signs.

**Section 7** **Regulations by Sign Type: On-Premises Signs**

A. Wall Signs.

1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or

extend out more than twelve (12) inches from the building wall on which it is affixed.

B. Canopy or Awning Signs.

1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.

2. Canopy or awning signs must be centered within or over architectural elements such as

windows or doors.

3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.

4. Sign Placement.

a. Letters or numerals shall be located only on the front and side vertical faces of the

awning or canopy.

b. No more than one emblem or logo is

permitted on any one awning or canopy.

5. Sign Height.

a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above

the finished grade.

7. Awnings above the ground floor may be fixed, provided they do not project more than four (4)

feet from the face of the building.

8. Multi-tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all

awning or canopy signs shall be similar in terms of height, projection, and style across all

tenants in the building.

C. Projecting Signs.

1. No portion of a projecting signs shall project more than four (4) feet from the face of the

building.

2. Sign Height. The lowest edge of a projecting sign shall be at least eight (8) feet above the

finished grade.

D. Window Signs.

1. Incidental window signs displaying pertinent business information such as the business’

hours of operation and credit cards accepted, shall be excluded from area calculations for

window signs.

E. Marquee Signs.

1. Such signs shall be located only above the principal public entrance of a building facing a

public street or parking lot.

2. No marquee shall be wider than the entrance it serves, plus two (2) feet on each side there-

of.

3. No portion of a marquee sign shall extend vertically above the eaveline.

F. Freestanding Signs.

2. Freestanding ground signs shall be supported and permanently placed by embedding, an-

choring, or connecting the sign in such a manner as to incorporate it into the landscape or

architectural design scheme.

3. Sign Placement.

a. All freestanding signs shall be set back five (5) feet from the right-of-way, except for

official traffic signs and government/regulatory signs.

b. No freestanding sign may occupy an area designated for parking, loading, walkways,

driveways, fire lane, easement, cartway of the right-of-way or other areas required to

remain unobstructed.

G. Manual Changeable Copy Signs: Manual changeable copy signs are permitted only when integrated

into a freestanding, marquee or wall sign.

H. Menu signs. Signs at drive-through windows of restaurants or other food service establishments, shall not exceed thirty (30) square feet in total size or be of a size which is comparable to existing signs for similar businesses in the area. In all events, such signs shall not be located between the business and the street upon which it fronts.

**Section 8: Regulations by Sign Type: Temporary Signs**

 1. Banners, Political Signs, Yard Sale Signs, Real Estate Signs, Sandwich Boards are all considered temporary signs and are allowed without a permit.

1. Banners should be professionally made and may be placed up to 14 days before an event and must be taken down within 2 days of completion of the event.
2. Commercial and Residential Real Estate Signs should be professionally made, should be no larger than ????? and taken down within 7 days of property being sold???
3. Political signs should be placed on private property only and taken down within 7 days of election.
4. Sandwich boards may be used in front of businesses as long as there is no obstruction to pedestrians or traffic.
5. Yard Sale signs should be placed on private property only with permission of property owner and should be removed within 2 days of completion of event.

2. The City of New Albany has the authority to remove temporary signs if regulations are not followed.

Residential:

1. Sign area within residential districts may be no larger than ¼ of the size of the primary entrance (measured vertically) of the home. This includes home office, professional office, day care, bed and breakfast signs.
2. Freestanding Sign Residential Development:????

**Section 8. Removal of Unsafe, Unlawful, or Abandoned Signs**

A. Unsafe or Unlawful Signs.

1. Upon written notice by the City of New Albany, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by City of New Albany to be a nuisance, or it is deemed unsafe by City of New Albany or it is unlawfully erected in violation of any of the provisions of this Article.

2. City of New Albany may remove or cause to be removed the sign at the expense of the owner and/ or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of the notice. In the event of immediate danger, City of New Albany may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this section. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 180 days the city of New Albany may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the City of New Albany may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

**Section 9. Nonconforming Signs**

 A. Signs legally in existence at the time of the adoption of this Ordinance, which do not conform to the requirements of this Ordinance, shall be considered nonconforming signs.

B. Any changes made in existing signage must meet regulations of this ordinance. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if the following occur.

**Section 10. Permits & Applications**

A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the City of New Albany without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §5. Exempt Signs.

B. In order to apply for a sign permit, the applicant must complete this application: (insert link)

1. Zoning Officer shall have ten (10) business days from the receipt of a complete application to review the application.

2. A permit shall be issued on or before the end of the ten (10) business day review period if the application for a sign is approved. Zoning Officer will notify applicant of approval.

3. An application for a sign permit may be denied by the City of New Albany within the ten (10) business day review period if the application fails to comply.

6. The applicant may appeal the decision to the Board of Aldermen.

**Section 11. Special Regulations for Signs in Historic Districts**

In addition to all other requirements of this Ordinance, the following regulations shall be applicable to any sign placed in **C1 (Downtown New Albany):**

1. The Zoning Officer will secure approval from a historical preservation designee(s) appointed by the Mayor.
2. The designee(s) shall ensure that the proposed sign is appropriate compared to the style, period, type, size, and scale of the building and district for which it is proposed.
3. Installation of signs in C1 must not damage or require removal of historic materials and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.

D. No ground signs are allowed in C1.??

E. No internally illuminated signs are allowed in C1.

 F. Window Signs: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.

**Section 12. Violations**

The placement of a sign that requires a sign permit without a sign permit shall be unlawful. Violations of this Ordinance shall be treated as strict liability offences regardless of intent. Violators shall be fined a daily fee per sign displayed in violation of this Ordinance. The fee amount shall be established from time to time by Resolution of the City of New Albany.

**Approved by the Board of Aldermen and Mayor** of the City of New

Albany, Mississippi, this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ 2017.