

## **ORDINANCE 10-07**

### **AN ORDINANCE TO AMEND THE ELLETTSVILLE TOWN CODE CONCERNING SIGNS**

**BE IT ORDAINED AND ADOPTED** by the Ellettsville Town Council, Ellettsville, Indiana that Section 152.255 through Section 152.263 of the Ellettsville Town Code is amended to read as follows:

#### **§ 152.255 PURPOSE.**

The intent of this code is to promote the public health, welfare, safety and community identity while improving the quality of the visual environment. It has been determined that these objectives may best be achieved by limiting the total amount of signing along town streets and State Road 46 to an intensity that will adequately identify each premises without being unduly distracting. The sign code is not intended to and does not restrict, limit or control the content or message of signs. The sign code has a number of specific purposes:

- a. To encourage the effective use of signs as a means of communication;
- b. To protect, conserve and enhance property values;
- c. To enhance the attractiveness and economic well being of Ellettsville as a place to live and conduct business;
- d. To encourage creative and well-designed signs that contribute in a positive way to the Town's visual environment, express local character, and help develop a distinctive image in the town;
- e. To recognize that signs are a necessary form of communication and provide flexibility within the sign review and approval process to allow for unique circumstances;
- f. To encourage and, to the maximum extent feasible, require that all signs within the Town be brought into compliance with the terms of this sign code;
- g. To reduce visual clutter;

- h. To reduce traffic and safety hazards as to not distract motorists or create a hazard to vehicular and pedestrian traffic; and
- i. To prevent the proliferation of off-premises commercial signs which obscure the legitimate effort of local businesses to reasonably identify the location and nature of their business.

### § 152.256 DEFINITIONS.

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

**ADDRESS AND NAME SIGN.** An unlighted or lighted permanent wall sign which displays the names of residents and the address of the building.

**ADVERTISING.** The use of any structure, placard, wall, banner, balloon, or other device or structure or part thereof, and which forms or on which is located graphics, symbols, lights, words and/or numbers intended to convey information to the public, and which announces, notifies, or promotes a person, organization, company, church, club, lodge, group, establishment, structure, product, goods or services. The expression of an opinion which does not announce, notify, or promote as outlined above, and which otherwise does not break any laws, is not advertising. The term includes advertise.

**BANNER.** A temporary advertising sign of lightweight fabric, plastic or similar material, which is not more than thirty two feet in sign face area, and which is mounted flush on a building or mounted between two points by use of ropes or lines. The term does not include flags.

**BILLBOARD.** A billboard sign means a lighted or unlighted permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

**CHANGEABLE SIGN.** A changeable sign means a sign with the capability of content change by means of manual or electrical activation, including signs which are:

**ELECTRICALLY ACTIVATED.** Electrically activated signs are signs whose message copy or content can be changed electrically by means of switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting

devices (LED); or it may be from an external light source designed to reflect off the changeable component display.

**MANUALLY CHANGED.** Manually changed signs are signs whose message copy or content can be changed manually.

**FASCIA SIGN.** A permanent lighted or unlighted sign which is an integral part of a buildings fascia, and which forms or is a part of the boundary of the intersection of a wall and roof.

**FLAG.** Any fabric or similar light-weight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices used to represent a government or political subdivision, or which is purely decorative in nature and does not carry advertising.

**FREESTANDING SIGN.** A lighted or unlighted permanent sign that is anchored to or into the ground, and which is not supported by or attached to any structure other than its own support structure.

**GATEWAY SIGN.** An unlighted or lighted permanent freestanding sign not exceeding six feet in height and six feet in width which is located on private property at the entrance to and identifies a named and platted residential or mobile home park subdivision or development, and which carries only the name of the subdivision or development but no other advertising or personal message.

**HOME OCCUPATION SIGN.** An unlighted permanent wall sign which identifies the home occupation within the dwelling to which the sign is attached.

**ILLUMINATED SIGN.** An illuminated sign means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

**INFORMATION SIGN.** A permanent sign not exceeding six feet in height which provides information necessary for routing of pedestrian and vehicular traffic and similar information required for on-premises traffic control, but does not advertise.

**NEW BUSINESS SIGNS.** Any new business or existing business with a change of ownership shall be permitted one temporary sign or banner for 30 days upon

occupancy, and shall be no larger than 32 square feet in sign face area. A temporary sign permit is required.

**NON-COMMERCIAL OPINION SIGN.** A sign, which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election. A sign which meets the definition of an on-premise sign, an off-premise sign, and/or an advertising sign, shall not be considered a noncommercial opinion sign. If the condition of a sign becomes unsightly, torn, faded or in the process of decline, the sign shall be considered a public nuisance and litter and will be removed by the Planning Department.

**OFF-PREMISES ADVERTISING SIGN.** A sign, which announces, notifies, or advertises goods or services which are not located on the same property on which the sign is located.

**ON-PREMISES ADVERTISING SIGN.** A lighted or unlighted permanent sign located on the property on which an organization, or business is located.

**PERSONAL MESSAGE SIGN.** An unlighted sign of not more than six square feet in sign face area and not more than six feet in height which states only an opinion or point of view, but which does not contain advertising as defined in this subchapter, and does not break any law.

**POLITICAL SIGN.** A political sign means a temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted billboard shall not be considered to be a political sign. If the condition of a sign becomes unsightly, torn, faded or in the process of decline, and is on public property the sign shall be considered a public nuisance and litter and will be removed by the Planning Department.

**PORTABLE SIGN.** A portable sign means any sign not permanently attached to the ground or to a building or building surface.

**PROJECTING SIGN.** A lighted or unlighted permanent sign which is attached only to a building and projects at least 12 inches but not more than six feet from the face of the building. A projecting sign shall not be supported by any posts or other support structure other than those devices which connect the sign to the building.

**READ BOARD.** A part of a permanent freestanding sign or structure, which uses changeable copy (symbols, words and numbers) to display information about future

events, special offerings, opinions or other on-premises advertising information that changes with reasonable frequency.

**REAL ESTATE SIGN.** A real estate sign means a temporary unlighted sign advertising the sale, lease or rental of the property or premises upon which it is located and is not more than six square feet in sign face area. If the condition of a temporary sign becomes unsightly, torn, faded or in the process of decline, the sign shall be considered a public nuisance and litter and will be removed by the Ellettsville Planning Department.

**ROOF.** A roof means a horizontal or sloping surface of a building which serves as a cover for the building or its entry, portico or other appurtenances. This definition shall include any part of a building which resembles a roof in form or function.

**ROOF SIGN.** A roof sign means a permanent sign painted on, supported by or attached to the roof or roof structure of a building. This definition shall not include a sign attached flat against the wall of a penthouse, or other integral part of a building, which projects above the main roof.

**SANDWICH BOARD.** An unlighted free-standing sign in the shape of an inverted-V, having maximum dimensions of 24 inches in width or length and 48 inches height.

**SIGN.** Any placard, wall, banner, balloon, or other device or structure or part thereof which forms or on which is located graphics, symbols, lights, words and/or numbers intended to convey a message or attract the attention of the general public, wherever located and however constructed or affixed if visible from a public street or right-of-way. A sign which announces, notifies, or advertises a person, organization, company, church, club, lodge, group, establishment, structure, product, goods or services, or which offers an opinion or other message.

**SIGN FACE AREA.** The area of the sign used for displaying the symbols, words or numbers used to convey a message. In determining the area of the sign face, the smallest area described by a rectangle that completely encloses the message and symbols shall be used. A two-faced sign where the faces are parallel, or nearly parallel, and where the back of each face is separated from the back of the other by not more than 12 inches shall be treated as one sign face for purposes of calculating sign face area.

**TEMPORARY SIGN.** Means an unlighted sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. If the

condition of a temporary sign becomes unsightly, torn, faded or in the process of decline, the sign shall be considered a public nuisance and litter and will be removed by the Ellettsville Planning Department. All temporary signs shall apply for a temporary sign permit application. Applying for a temporary sign permit does not constitute approval to manufacture, erect or construct a sign. An approved temporary sign permit must be issued prior to a sign being displayed in the Town of Ellettsville. The following temporary signs are permitted:

- (1) **CONSTRUCTION AND CONTRACTOR SIGNS.** During the time that a construction project is actively in progress or that repairs are being made to a structure or land, a contractor may display in any zoning district one freestanding sign of not more than nine square feet in sign face area and six feet in height if located in a residential zoning district, and not more than 32 square feet in sign face area and eight feet in height if located in any zoning district other than a residential or mobile home park district, to be located on the property under construction, which advertises the company's business. Removal is required within seven days following completion of the work.
- (2) **CROP IDENTIFICATION SIGNS.** Used to identify different varieties and types of crops during the growing and harvesting of crops. Permitted only where the crops so identified are planted, and not to exceed nine square feet in area and eight feet in height per sign nor more frequently than one sign where a crop type changes, and otherwise not more than every 200 feet.
- (3) **FLYERS and POSTERS.** The posting of flyers or posters on any surface such as a utility pole, tree, wall or outside window is prohibited.
- (4) **FOR-SALE SIGNS.** For sale signs are temporary signs permitted only on the property that is for sale, or on the property on which an item of personal property is for sale. Personal property advertised for sale must belong to the owner of the property on which it is offered, and the owner cannot be in the business of selling the property for commercial gain. For sale signs are limited to nine square feet in area and may be used only for the duration of the sale, but not to exceed one year.
- (5) **GARAGE SALE, YARD SALE AND OPEN HOUSE SIGNS.** A maximum of three freestanding signs are permitted per event, for three days prior to the event, and shall be removed immediately following the event. They may be placed only on private property. Each sign shall not exceed six square feet in area.

(6) **ORGANIZATIONAL ACTIVITIES.** Used to identify a scheduled event of a school or non-profit organization. The temporary sign shall not exceed 24 square feet in area and may be used for a total of not more than 30 days per calendar year.

(7) **SPECIAL OCCASION.** Announcements and decorations for weddings, birthdays, nationally recognized holidays and other infrequent special events. Such announcements and decorations are temporary and shall not carry advertising, shall have not more than 24 square feet of sign face area and shall be permitted not longer than four days per event. Signage shall not be placed in locations as to deter clear vision areas at street or highway intersections, right-of-ways or drives.

(8) **SPECIAL PROMOTION.** A non-permanent free-standing sign used as special advertising and measuring not more than 24 square feet in sign face area.

(9) **SPECIAL PROMOTION INFLATABLE/WIND BANNERS.** A temporary, secured, free-standing sign used as special advertising for not more than two weeks per occasion and not more than four times total per year. Cold air inflatables shall not exceed 3 cubic feet, dancing tubes shall not exceed 18' x 9', and wind banners shall not exceed 15' x 5'.

(10) **BANNERS.** Banners are unlighted temporary signs and shall be permitted for a period not to exceed two weeks. Banners require a special permit sticker provided by the Department of Planning. Banners not affixed with a banner sticker are prohibited.

- (a) The size of the banner shall not exceed 32 square feet, overall height maximum to top of sign is six feet.
- (b) A banner shall be used only as supplemental advertising for a business.
- (c) A banner shall be permitted only if its display does not obstruct the view of any adjoining businesses, or any signs, permanent or temporary, connected with adjoining businesses.
- (d) Banners shall be permitted to be mounted on the fascia, building wall or between two secure points.

- (e) Banners shall be tightly secured. Torn or damaged banners shall either be replaced or removed entirely.
- (f) The removal date shall be affixed/marked on the "sticker." If the removal date of a banner is removed or otherwise tampered with the banner permit shall be deemed expired and the banner shall be removed.
- (g) **Temporary Banner Amortization Period.** Temporary banners, which do not conform to this ordinance, shall, within 30 days after the effective date of this Section, be removed or made to conform.

**UTILITY LOCATION MARKERS.** Markers installed by public utility organizations to identify the locations of gas, water, wastewater and electric valves, lines and other components of the system.

**WALL SIGN.**

- (a) A sign attached parallel to a wall or painted on a wall, with no part of the sign extending more than six inches from the face of the wall, nor extending beyond the side or top of the wall to which the sign is attached.
- (b) Windows are not calculated into the total area of a wall for purposes of calculating total sign face area.
- (c) Wall signs, where permitted, shall only be on walls which are at least 50% visible from a public street that is located within 100 feet of the building.

**WINDOW SIGN.** A window sign means a sign affixed or painted to the interior or exterior surface of a window with its message intended to be visible to and readable from the public way or from adjacent property. A sign attached to a window, but not projecting from or exceeding the frame limits of the window.

**§152.257 GENERAL REGULATIONS.**

The following regulations apply to all signs in any zoning district:

(A) Height, width and ground clearance. Except as otherwise provided in this subchapter, the following are the maximum permitted height, width and ground clearance for all signs:

(1) Height. Except as permitted in this subchapter, no part of a sign shall extend more than 26 feet above the highest point on the surface of the street adjacent to the sign, or in the absence of an adjacent street, not more than 26 feet above the average elevation of the ground for a radius of 50 feet around the sign.

(2) Ground clearance. A portable, projecting or freestanding sign located within 15 feet of the edge of a street, alley or curblane shall have not less than nine feet of open clearance between the bottom of any part of the sign and the highest point of the surface of the street or alley, and shall be supported by not more than two supporting structures below the sign face, each of which shall be not more than 12 inches in-width or depth, and have not less than 36 inches of open space between the supports.

(3) Separation from streets. No part of any sign or support structure for a sign shall be closer than two feet to a street, alley or back of a curb, whichever is closer to the sign.

(B) Lights and lighted signs. Lamp bulbs and reflectors shall not be visible from any location on adjacent property or from a street, and light shall not glare into any thoroughfare or onto a residential property.

(C) Public property. No sign shall be placed in a public right-of-way or on public property except signs so placed by units of government on rights-of-way or other property under the unit's control. Signs shall not be attached to utility poles located on public property or in utility easements on private property.

(D) Public safety/visibility. Any sign whether on public or private property which does not meet the requirements of this chapter for clear vision at intersections or which otherwise creates or causes a public safety concern is prohibited; and the Director of Planning or designee shall notify the owner thereof that public safety is compromised and that the sign shall be removed immediately.

(E) Maintenance and removal. All signs should be maintained in a readable state of repair. Signs which do not display any advertising or other message for a period of six

months, or which are in a state of dilapidation, shall be removed within 30 days following notification.

(F) Legally non-conforming signs. A sign which does not conform with the regulations under this subchapter and which existed at the time that a governing regulation made the sign legally non-conforming may remain for a specified time as determined by the Department of Planning until the sign is brought up to code, shall not have its message or ad copy changed, and may undergo normal repair and maintenance, but shall not be expanded in any dimension, shall not if unlighted be changed to a lighted sign, and shall not be relocated to another place.

### **§ 152.258 EXEMPT SIGNS.**

The following signs with the indicated conditions are permitted in all zoning districts.

- (A) Flags, as defined in this subchapter;
- (B) Government signs any sign except animated signs, balloons or prohibited lights which are installed or permitted to be installed by a unit of government on land which the unit owns or controls;
- (C) Legal notices; no trespassing, no hunting, survey markers and monuments, and similar informational or directional, time and temperature only, which carry no advertising safety and warning signs; provided, that, they are used only to the degree necessary to adequately convey the intended message to the average person;
- (D) Personal message signs, as defined in this subchapter;
- (E) Utility location markers, as defined in this subchapter;
- (F) Construction signs are permitted from the time a construction permit is issued until seven days after construction work has been completed. Such signs shall be located only on private property. A sign may not exceed six square feet on residential properties, and 24 square feet on commercial or non-residential properties;
- (G) Gasoline pricing signs provided, however, that such signs shall comply with the following regulations:

Signs shall not be independently free-standing and shall be permanently attached below a pre-existing freestanding sign, to a gasoline pump island canopy support or to a building;

- (H) Any sign that is located completely within an enclosed building and that is not visible from outside of the building;
- (I) Memorials, tablets, grave markers, headstones, statuary/memorial plaques or such remembrances of persons or events that are non-commercial in nature;
- (J) Special Occasion, Garage Sales, and Open Houses.

### **§ 152.259 PROHIBITED SIGNS.**

The following signs are prohibited:

- (A) Any sign not permitted by this subchapter;
- (B) Any sign which does not conform with the regulations in this chapter;
- (C) Balloons are permitted for one week only for single-event special promotions for either a new business opening or a non-commercial special occasion, and only for balloons that are tethered at an elevation that does not exceed 20 feet in height; and not more than 12" in diameter.
- (D) Flashing, strobing or blinking lights, and beacons or other lights which are used for a purpose other than solely to illuminate the face of a sign or which are not part of the sign;
- (E) No device or vehicle which has been, is, or could be licensed as a vehicle, a trailer, or a part of a vehicle or trailer shall be used as either a temporary or permanent sign. This does not preclude the painting or placement of signs on vehicles which are licensed for and operated on streets for the purpose of providing mobile advertisement, provided the vehicle so equipped is otherwise in compliance with all local, state and federal laws pertaining to the operation of vehicles on streets;
- (F) Changeable copy signs and electronic message signs shall not be permitted in residential districts;

- (G) All miscellaneous advertising devices not specifically authorized by this code;
- (H) Portable signs, or signs with movable stands, legs or on wheels;
- (I) Signs attached to fences;
- (J) Signs on fences, trees and utility poles;
- (K) Signs on or within parked motor vehicles and designed to be conspicuously visible for advertising or informational purposes from outside the vehicle, other than trailer signs, lettering on trucks or other commercial vehicles;
- (L) Signs that imitate, or can be confused with, traffic control devices;
- (M) Off Premise advertising;
- (N) Signs on microwave, radio, transmission or receiving towers or on satellite dishes.

**§ 152.260 SIGNS PERMITTED IN AGRICULTURAL AG 1 AND AG 2 DISTRICTS.**

- (A) The following signs are permitted subject to the conditions in this subchapter.
- (B) Signs not listed are not permitted.
  - (1) The total combined sign face area for all free-standing, projecting, read board signs and roof signs, whether temporary and permanent, on any one lot shall be not more than 60 square feet in total size. Gateway, information and temporary signs shall be excluded from calculations above.
  - (2) One lighted or unlighted address and name sign with not more than four square feet of sign face area is permitted per address.
  - (3) Each approved or legally non-conforming business, public organization or nonprofit organization, but not a home occupation, may have one freestanding lighted or unlighted on-premises advertising sign. Sign face area shall be not more than 40 square feet per sign.
  - (4) Each building housing an approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, may have an unlighted

or lighted fascia sign. The sign face area shall not exceed 24 inches in height and ten feet in width. They may carry only on-premises advertising.

(5) One lighted or unlighted gateway sign is permitted at each entrance to a residential or mobile home park development, not to exceed three gateway signs total. The sign face area shall be not more than 36 square feet.

(6) One unlighted home occupation sign with not more than four square feet of sign face area is permitted per dwelling unit in which a home occupation is conducted.

(7) Information signs shall be not more than four square feet in sign face area, and not exceed three feet in height or width. Use and placement should be limited to the minimum necessary to ensure safety.

(8) Each activity which qualifies for and uses a freestanding on-premises advertising sign shall also be entitled to one unlighted read board attached to the same support structure which holds the freestanding sign or on the side of the building. The sign face area shall be not more than 30 square feet per sign.

(9) Roof signs which are flush with and an integral part of the surface of the roof are permitted on buildings housing approved or legally non-conforming businesses, public organizations or non-profit organizations, and on barns used as accessories to agricultural use, but not on dwellings. Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety. The sign face area shall be not more than 15% of total roof area. They may be used for on premises advertising.

(10) The following unlighted temporary signs are permitted: crop identification, for sale, open house, political, construction, contractor, garage sale, yard sale, special occasion and special promotion.

(11) Each building housing an approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, may have lighted or unlighted wall signs for on-premises advertising that total not more than 50% of the wall area. Dwellings shall comply with the regulations in the section on residential signs.

(12) Each building housing an approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, may have window signs that cover not more than 20% of all windows visible from public streets. Dwellings shall comply with the regulations in the section on residential signs.

**§ 152.261 SIGNS PERMITTED IN COMMERCIAL C1, C2 AND C 3 DISTRICTS AND INDUSTRIAL I-1 AND I-2 DISTRICTS.**

(A) The following signs are permitted in the designated zoning districts subject to the conditions in this subchapter.

(B) Signs not listed are not permitted.

(1) The total combined sign face area for all free-standing, projecting, read board and roof signs, whether temporary and permanent, on any one lot shall be not more than the lesser of either:

(a) One square foot of sign face area per linear foot of lot line adjacent to the street right-of-way; or

(b) Eighty square feet total signage, whichever is less A or B.

(c) The total allowance shall be not less than 50 square feet on a lot that has less than 50 linear feet of right-of-way.

(d) Gateway, information and temporary signs shall be excluded from calculations above.

(e) Where the lot is a corner lot, the longer of the two rights-of-way may be used for the calculation of total sign face area.

(2) One lighted or unlighted address and name sign with not more than four square feet of sign face area is permitted per dwelling.

(3) Each building housing an approved or legally non-conforming business, public organization or nonprofit organization, but not a dwelling, may have a fascia sign. The sign face area shall not exceed 1.6 square feet for every one linear foot of building width. It must also not exceed 24 inches above the lowest part of a roof. The sign may carry only on-premises advertising and may also be lighted.

(4) One lighted or unlighted gateway sign is permitted at each entrance to a residential or mobile home park development, not to exceed three gateway signs total. The sign-face area shall be not more than 20 square feet.

(5) One unlighted home occupation sign with not more than four square feet of sign face area is permitted per dwelling unit in which a home occupation is conducted.

(6) Information signs shall be not more than four square feet in sign face area, and not exceed three feet in height or width. Use and placement should be limited to the minimum necessary to ensure safety.

(7) Each approved or legally non-conforming business, public organization or nonprofit organization, but not a dwelling, may have one freestanding or projecting lighted or unlighted on-premises advertising sign.

(8) Each activity which qualifies for and uses a freestanding on-premises advertising sign shall also be entitled to one unlighted or lighted read board attached to the same support structure which holds the freestanding sign or the building. The sign face area shall be not more than 20 square feet per sign. The freestanding sign support structure to which the read board is also attached cannot exceed the height and width limits for the freestanding sign.

(9) Roof signs which are flush with and an integral part of the surface of the roof are permitted on buildings housing approved or legally non-conforming businesses, public organizations or non-profit organizations, and on barns used as accessories to agricultural use, but not on dwellings. Signs which extend above or protrude from the roof of a structure are permitted with a certified structural engineering report to verify wind shear and safety. The sign face area shall be not more than 25% of total roof area. They may be used for on premises advertising.

(10) All unlighted temporary signs in this subchapter are permitted.

(11) Each building housing an approved or legally non-conforming business, public organization or nonprofit organization, but not a dwelling, may have wall signs for on-premises advertising that total not more than 50% of the wall area. Dwellings shall comply with the regulations in the section on residential signs.

(12) Each approved or legally non-conforming business, public organization or non-profit organization, but not a dwelling, may have window signs that cover not more than 25% of all windows visible from public streets. Dwellings shall comply with the regulations in the section on residential signs.

(13) Scrolling interior window display signs, which are located behind a glass window, and do not exceed 9" x 36".

(14) Changeable copy signs and electronic message signs (including video displays) requires Plan Commission review and approval with a completed sign application.

(15) Changeable copy signs and electronic message signs shall be permitted in the commercial business districts and the industrial district, requires Plan Commission review and approval with a completed sign application.

### **§ 152.262 SIGNS PERMITTED IN RESIDENTIAL R1, R2 AND R3.**

(A) The following signs are permitted in the designated zoning districts subject to the conditions in this subchapter.

(B) Signs not listed are not permitted.

(1) One lighted or unlighted address and name sign with not more than two square feet of sign face area is permitted per dwelling.

(2) One lighted or unlighted gateway sign is permitted at each entrance to the development, not to exceed three gateway signs total. The sign face area shall be not more than 20 square feet per sign.

(3) One unlighted home occupation sign with not more than two square feet of sign face area is permitted per dwelling unit in which a home occupation is conducted.

(4) Information signs shall be not more than four square feet in sign face area, and not exceed three feet in height or three feet in width. Use and placement should be limited to the minimum necessary to ensure safety.

(5) The following unlighted temporary signs are permitted for a short period of time only, usually one week or less, to temporarily notify the public. Examples of these signs include: crop identification, for sale, open house, political, construction, contractor, garage sale, yard sale, special occasion and special promotion.

(6) Unlighted window signs on dwellings shall cover not more than 10% of all windows visible from public streets, and shall not advertise.

### **§ 152.263 SIGN PERMIT FEE.**

The Ellettsville sign code provides two types of sign applications.

A standard sign permit application is intended for signs that conform to the terms of this sign code and require no special conditions.

There shall be a town zoning and compliance review fee and standard sign application on file for each sign. The standard sign permit fee is \$50 per sign.

A temporary sign permit application is intended for short-term use of signs that are temporary in nature. A "sticker" will be issued by the Department of Planning stating the display time.

There shall be a town zoning and compliance review fee and temporary sign application on file for each sign. The temporary sign permit fee is \$20 per sign for a two week period per sign.

Applying for a sign permit does not constitute approval to manufacture, erect or construct a sign. An approved sign permit must be issued prior to a sign being displayed in the Town of Ellettsville. All filing fees must be submitted with approved application.

**BE IT FURTHER ORDAINED AND ADOPTED** by the Ellettsville Town Council, Ellettsville, Indiana that Sections 152.264 and 152.265 are added to the Ellettsville Town Code to read as follows:

**§ 152.264 PERMITS AND APPROVAL PROCESS.**

**(A) General Requirements.**

The sign permit applicant shall present sign design information as required in the sign application packet. The Director of Planning or designee shall review the application and information. The final administrative interpretation of these design standards and location shall be at the discretion of the Department of Planning Director or designee and Town of Ellettsville Plan Commission. Regular inspections of outdoor signage will be conducted by the Department of Planning. Failure to comply with sign regulations may result in sign permit revocation or code enforcement by the Planning Department or the Town of Ellettsville.

Sign permit applications and designs not approved by the Planning Director or designee can appeal to the Plan Commission by contacting the Director of Planning or designee to be placed on the agenda at the next monthly Plan Commission meeting.

**(B) Approval Process.**

This sign code provides for two types of sign applications.

- (1) Standard Sign Permit. A standard sign permit application is intended for signs that conform to the terms of this sign code and require no special conditions.
- (2) Temporary Sign Permit. A temporary sign permit application is intended for short-term use of signs that are temporary in nature and may be approved by the Director of Planning or designee for a two week period of time.
  - (a) Application Required. No sign or sign structure shall be displayed or changed by 50 percent prior to an approved sign application;
  - (b) Sign Permit Required. No sign or sign structure shall be displayed or changed by 50 percent prior to an approved sign permit;
  - (c) Sign Inspection Required. No sign or sign structure shall be displayed or changed by 50 percent prior to an approved inspection by the Planning Department and qualified designee as deemed necessary;
  - (d) Normal maintenance or a change in sign face and/or design shall not require a sign permit fee or inspection with less than 50 percent change to sign face and/or design;
  - (e) A sign erected, displayed or changed without a required permit shall be considered an illegal sign and shall be subject to the penalties described in this sign code.
- (3) Form. Applications for sign permits shall be made upon forms provided by the Department of Planning.
- (4) Complete application. Within ten business days of the submission of an application for a sign permit, the Director of Planning or designee shall determine whether the application is complete and in compliance with the requirements of this sign code. Complete

applications shall be processed in accordance with this section of the sign code. The Director of Planning or designee will attempt to provide the applicant of an incomplete application with a written description of the application's deficiencies within the ten-day review period. The Director of Planning or designee shall not process incomplete applications.

- (5) Information required for standard sign permit. Standard sign permit applications shall include the information specified on the application form. This shall include:
- (a) Scale drawings showing elevations of the proposed sign, relationship to buildings and other signs, and location of the foundation or post hole location in relation to the property line and public right-of-way;
  - (b) Graphic representation of transposed sign on site;
  - (c) Construction specifications;
  - (d) Electrical components and wiring;
  - (e) Method of attachment and design of structured members to which attachment is to be made;
  - (f) Name, address, telephone number and signature of property owner granting permission for the construction, operation, maintenance or display of sign structure;
  - (g) Name, address, telephone number, occupational license number and signature of sign contractor, if applicable;
  - (h) Legal description and street address of premises or property upon which sign is to be located;
  - (i) Use of property, lot, building or structure for which sign will provide information or advertising;
  - (j) Approximate value of the sign to be installed, including the cost of installation; and

- (k) Other information, as may be reasonably required by the Plan Commission or Director of Planning or designee.

(6) Information required for temporary sign permit applications. A temporary sign permit application shall include the sign size and all reasonable measurements, location, materials and time duration, along with such information as deemed necessary by the Plan Commission or Director of Planning or designee.

(7) Review and action. Upon the submission of a complete application, the Director of Planning or designee shall process the application within 15 working days according to one of the following procedures: standard or temporary sign permit application. The Director of Planning or designee shall either issue the standard or temporary sign permit or notify the applicant in writing of his denial and reasons thereof, according to the procedures outlined in this subsection.

**(C) Appeals.**

- (1) Any final determination, made by the Director of Planning or designee may be appealed to the Plan Commission by filing a written notice of appeal with the Director of Planning or designee within ten days of the determination.
  - (a) The Director of Planning or designee shall transmit to the Plan Commission all papers constituting the record upon which the action appealed was taken.
  - (b) The Director of Planning or designee shall schedule the appeal or application at the next regular meeting of the Plan Commission following the first regular meeting after the determination.
  - (c) The Plan Commission shall have 30 days from the date said matter is first scheduled for its meeting in which to act on the application or appeal.
  - (d) Appeal may be taken by the applicant, any owner of land directly affected by the determination, any person determined by the Plan Commission to be actually aggrieved by the determination, or any person otherwise given the standing to appeal by law.

- (2) Any determination of the Director of Planning or designee that has been altered in any way on appeal or through sign application, to the Plan Commission may be appealed to the Board of Zoning Appeals by filing a written notice of appeal with the Director of Planning or designee within ten days of the determination.
  - (a) The Director of Planning or designee shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appeal was taken.
  - (b) The Director of Planning or designee shall schedule the appeal or application at the next regular meeting of the Board of Zoning Appeals following the first regular meeting after the determination.
  - (c) The Board of Zoning Appeals shall have 30 days from the date said matter is first scheduled for its meeting in which to act on the application or appeal.
  - (d) Appeal may be taken by the applicant, the Director of Planning or designee, any owner of land directly affected by the determination, any person determined by the Board of Zoning Appeals to be actually or potentially aggrieved by the determination, or any person otherwise given the right of appeal by law.
  - (e) Any final determination of the Board of Zoning Appeals may be appealed to the Monroe County circuit court.

**(D) Inspections and certificates of compliance.**

- (1) Within 5 business days of completion of work under an approved sign permit, the sign installer shall file with the Director of Planning or designee a notice of completion, on a form to be provided by the Department of Planning. If the construction is complete and in full compliance with this sign code, the Director of Planning or designee shall sign the notice of completion and send a copy to the applicant within 5 business days of receipt of the notice.

- (2) If the construction is not in full compliance with this sign code, the Director of Planning or designee shall give the property owner or tenant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected.
  - (3) If the deficiencies are not corrected by the date identified by the Planning Commission or the Director of Planning or designee, the sign permit shall lapse and the sign shall be removed immediately at the owner's expense.
  - (4) If the construction is in full compliance and the deficiencies are corrected, the Director of Planning or designee shall sign the notice of completion and provide a copy to the applicant.
- (E) **Suspension/revocation.** The Director of Planning or designee may, in writing, suspend or revoke a permit issued pursuant to this sign code where the permit is issued on the basis of a material omission or misstatement of fact.
- (F) **Expiration.**
- (1) It is unlawful to maintain a sign or sign structure without a validly issued sign permit unless the sign is specifically exempt from a permit requirement pursuant to this sign code.
  - (2) Issued permits shall expire and become void if the work authorized by the permit is not completed within 180 days from the date of permit issuance, or if the work is abandoned (as evidenced by failure to make reasonable progress) for a period of 30 days or more at any time after the work is commenced. Before such work can be commenced or resumed thereafter, a new permit shall be obtained and a fee of one-half the amount required for a new permit shall be paid to the Department of Planning, provided no changes have been made in the original plans and specifications and, further provided, that the permit issuance date has not exceeded one year.
  - (3) A sign permit shall lapse and be of no further effect if the business activity on the premises or business to which the sign permit is related, is discontinued for a period of 90 days.

- (G) **License requirements for sign installers.** All sign installers shall have an electrical license to perform electrical work on illuminated or neon signs (including installation).

Exception: Non-licensed installers can perform electrical work if the sign company is qualified by a Nationally Recognized Testing Laboratory (NRTL) to manufacture and work on listed signs. These sign companies shall register with the Department of Planning office and provide proof of qualification and liability insurance.

### **§ 152.265 SIGN ENFORCEMENT PROCEDURES AND FINES.**

If a sign is installed without a permit, inspection or is a prohibited sign and personnel in the field determines the sign can not be easily removed, the Planning Department will notify the offender of their sign violation.

Offenders will have a time period to remove the sign. If the sign is not removed within the time period they are subject to a violation fine.

The Ellettsville Planning Department shall issue a written order, letter or posted notice of violation to abate, remove, or repair the issue in violation.

If the issue is not addressed within seven days following the notice of violation the fine shall be daily. Any person(s), company, business or non-profit organization that violates any of the provisions of this chapter commits a class D ordinance violation and shall be fined for each offense, with the fine amount not to exceed \$500.00.

Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues. If a business, not for profit agency or public agency receives two notices of violation within one year for a sign code violation the sign permit shall be revoked and the signs removed from the premises by the sign permit applicant, business or property owner by order of the Ellettsville Planning Department.

**Maintenance, Repair and Removal.** Any sign which becomes unsafe or is not maintained and in violation of any of the provisions of this ordinance, shall remove or cause such sign to be removed at the expense of the business, property owner and/or the user of the sign. In the case of immediate danger the Town Council and or the Planning Department will attempt to contact the owner of the sign or property owner to have the sign removed or secured at the owner's expense. If the sign owner or property owner can't be contacted the sign will be removed or secured by the Town of Ellettsville and the

owner of the sign or property owner will be responsible for all expenses incurred in the removal and storage of the signage.

Penalty, see §10.99

This Ordinance takes effect at 12:01 a.m. on the third day following its final publication according to the procedures specified I.C. 5-3-1.

This Ordinance was passed and adopted by the Town of Ellettsville, Indiana, at the Ellettsville Fire Department on the 10th day of May, 2010.

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Phillip Smith, President  
Ellettsville Town Council

ATTEST:

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Sandra Hash, Clerk-Treasurer