

ORDINANCE NO. 09-352

AN ORDINANCE ESTABLISHING REGULATIONS AND PROCEDURE FOR PERMITTING, CONSTRUCTION AND PLACEMENT OF SIGNS IN THE CITY OF BROUSSARD, LOUISIANA

An ordinance regulating the construction and placement of outdoor advertising signs in residential and commercial locations as well as off-site locations in the City of Broussard, Louisiana, and providing for the specifications, reports, permits, prohibitions, enforcement and penalties therefore.

BE IT ORDAINED by the City Council of the City of Broussard, Louisiana, that this Ordinance shall replace in its entirety Ordinance 99-211. This Ordinance shall not be construed to implicitly or explicitly repeal any other Ordinance enacting any administrative code, or any provision therein, except where explicitly stated herein. In the event of a conflict between this Ordinance and any other Ordinance or administrative code, the more restrictive provision shall be deemed controlling, unless otherwise expressly provided for by the Broussard City Council.

Section 1.0 Purpose

The purpose of these provisions are to create the legal framework for a comprehensive but balanced system of signage for the City of Broussard, Louisiana:

- A. To preserve, protect and promote public health, safety, and welfare.
- B. To preserve the value of private property by assuring the compatibility of signage with surrounding land uses.
- C. To protect the physical and mental well being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.
- D. To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area.
- E. To enhance the City's economy, business and industry by promoting the reasonable, orderly and effective display of signage and encouraging better communication between an activity and the public it seeks with its messages.
- F. To protect the general public from damage and injury which may be caused by distractions, obstructions, and hazards created by certain signage.
- G. To protect pedestrians and motorists within the City from injury caused by distractions, obstructions, and hazards created by certain signage.
- H. To protect the public investment in streets and highways by reducing distraction which may increase the number and severity of traffic accidents.
- I. To encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of signage.

Section 2.0 Definitions

Definitions of terms applicable to these provisions are set forth in Appendix A.

Section 3.0 General Provisions.

A. Permit Required. A sign permit must be obtained from the City of Broussard prior to the installation, structural alteration, repair, reconstruction or refacing of a sign.

1. The sign shall be constructed and erected in accordance with the building code of the City. For purposes of this permit requirement, a sign shall be deemed to be structurally altered, repaired, reconstructed or refaced if the costs incurred to accomplish any such activity exceeds fifty (50%) percent of the replacement value of such sign.

2. A sign permit application must be in writing and shall include the following information:

a. Name, address, and telephone number of applicant;

b. Address or location, if no address, of building, structure, or land on which the sign is to be erected;

c. A scale drawing of the sign, showing the elevation of the sign, the face(s) composing the sign, the position of lighting or other extraneous devices, and any other components of the sign.

d. A site plan showing the exact position of the proposed sign, property lines, distance from property lines, size of the sign, all measurements of the sign (height, length, square footage per face), any easements, rights-of-way, utility lines, drainage ditches, coulees, as well as any existing signage, on any building or land and its position in relation to nearby buildings or structures and to any private or public street. This shall include a survey of existing signs to remain, linear dimensions of primary and secondary street frontages, a complete list of proposed signs (including sign types, heights, widths, individual and cumulative square feet, letter styles, colors and materials used), as well as any additional specific information which may be required by the City on a case-by-case basis.

e. Written consent of the owner of the building, structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof.

3. The Planning and Zoning Commission may issue a sign permit for any sign for which a complete and accurate application has been filed when it is determined that the sign is in compliance with this and other applicable Ordinances. Once the placement of the sign has been permitted, the applicant shall construct the sign within six (6) months from the issuance of the permit. Should the sign not be constructed within that period of time, a new permit shall be required.

4. After construction of the sign has been completed, the applicant shall secure a final permit approval from the Commission. The sign will be assigned a permit number and tag (indicating date of issuance) which will be attached to the sign itself.

5. The Commission may suspend or revoke, in writing to the permittee, any Sign Permit that was issued on the basis of inaccurate information or misstatement of fact.

B. Off-site Outdoor Advertising for Albertson's Parkway

The following requirements are applicable to signage along Albertson's Parkway from the intersection of the Parkway with Highway 90 to the intersection of the Parkway with Highway 89. Should any conflict exist between these requirements and those appearing elsewhere herein,

these requirements shall be construed to apply to Albertson's Parkway only. For the purpose of the requirements of this Section, "billboard" shall mean any off-site outdoor advertising sign with a total square footage per side of one hundred fifty (150) square feet or less, inclusive of embellishments.

1. Size and Height Restrictions

- a. Only billboards having a maximum total square footage of one hundred fifty (150) square feet per side or less will be allowed.
- b. Except as otherwise specified in this Ordinance, no portion of a billboard shall be higher than forty-five (45) feet, including embellishments, nor lower than six (6) feet from existing grade at site.
- c. No billboard shall exceed forty-five (45) feet in length horizontally.

2. Minimum distance between signs

- a. No billboard shall be located closer than seven hundred (700) feet from any other billboard, measured along front property lines on the same side of the street, corners included.
- b. Billboards shall be located a minimum of three hundred fifty (350) feet from the point of reference, which is located across the street which is perpendicular to a legally permitted billboard, corners included (distance to be measured along front property lines).
- c. For purpose of measuring the distance between signs only, measurements shall be made:

1. for V-shaped signs – from signage vertex

2. for all other billboards – from signage midpoint

3. Distance from Residential Areas

- a. No billboard in excess of twenty (20) feet in height, (measured from the existing grade at the site) or any portion thereof may be located less than one hundred (100) feet from any residential property.
- b. No billboard less than twenty (20) feet in height (measured from the existing grade at the site) or any portion thereof may be located less than fifty (50) feet from any residential property.

4. Setback From Property Lines

- a. All billboards shall be set back a minimum distance of ten (10) feet from the front and rear property lines and shall be set back a minimum distance of five (5) feet from all side property lines.
- b. Nothing in this section shall be interpreted as lessening the distances required from residential property as mandated in this Ordinance.

5. Setback From Utility Lines

Any billboards shall be located such that the minimum distance from any and all electrical utility lines or other facilities comply with all appropriate and applicable codes and regulations, including those latest additions of the National Electrical Safety Code, and meets at least the minimum requirements. The foregoing are intended to be minimal requirements, and additional clearance may be required on a case-by-case basis.

6. Measurements

All measurements for billboards shall be measured from the closest outermost extremity

of the sign and not from the base structure unless the base structure is the closest outermost extremity.

7. Stacking

Stacking of billboards is permitted providing that it does not exceed allowable square footage and height requirements.

8. Construction on Public Rights-of-Way, Easements and Servitudes

No billboard shall be located or constructed over any public right-of-way, easement or servitude and no billboard shall be positioned so as to allow any portion of same to infringe upon any easement or the vertical plane of said easement.

Section 4.0 Exempt Signs

The following types of signs are exempt from the requirements of this Ordinance.

A. Government Signs

Any official traffic, informational or business directional sign erected and maintained by the City, Parish or State, or agencies thereof.

B. Utility Signs

Informational signs or displays maintained by a government body or public utility, including traffic or parking regulatory devices, legal notices, warning of hazards, and similar displays.

C. Government Mandated Signs

Street address numerals, public hearing signs and other signs or exterior displays required to be maintained by government order or regulations, provided that the content and size thereof does not exceed that allowed by such order or regulation.

D. Memorial/Marker Signs

Historical markers, tables and statues, memorial signs and plaques; names of buildings and dates of erection cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or non-profit organizations; not exceeding six (6) square feet.

E. Directional Signs

On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits, and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet per face and four (4) feet in height.

F. Mail Box Signs

Mail boxes and neighborhood Delivery Cluster Box Units. Such units may only display names, addresses, and user information. Such mail structures may be used for advertising commercial, sales, home occupation activity, or garage sales only upon meeting all other requirements of this Ordinance.

G. Nameplates

Nameplates and Identification Signs, subject to the following:

1. For one- and two-family dwellings, there shall be not more than one (1) nameplate, not exceeding two (2) square feet in area, for each dwelling unit indicating the name or address of the occupant.
2. For multiple-family dwellings, and apartments, a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the

building and the name of the management thereof may be displayed.

H. Permanent Subdivision/Development Entrance Signs

Permanent subdivision/development entrance signs shall only be permitted for subdivisions/developments containing twenty (20) lots or greater and for multiple-family developments or complexes. The sign should contain only the name of the subdivision or multiple-family residential complex and appropriate logo, identifying the subdivision or complex.

1. Only one (1) sign can be erected on each side of the street leading into such subdivision or complex ("entrance"), for a total of two (2) signs per entrance.
2. The sign for the entrance designated as the primary (main) entrance into the development shall not exceed forty (40) square feet in area, including text and logo identifying the subdivision or complex, and the maximum height of the sign shall be ten (10) feet, including ornamentation. The sign for an entrance designated as the secondary entrance shall be no greater than one-half the size and height of the primary sign.
3. All signs shall be setback a minimum of ten (10) feet from the property line. However, the sign shall not be located within the sight triangle.
4. All signs shall be located within either a sign easement or in a designated outlot as common property. No signs shall be located on public right-of-way or other public property.
5. A homeowner's association or management company shall be responsible for the maintenance of such signs and the area surrounding the signs shall be landscaped in an attractive manner.

I. On-Site Subdivision Marketing Signs Subdivision marketing signs are allowed subject to the following:

1. Signs shall not exceed thirty-two (32) square feet in area within a subdivision or at entrances, and ten (10) feet in height including ornamentation.
2. Only one (1) sign is allowed per entrance with a maximum of three (3) in each subdivision or complex for the sale of lots or homes or the renting of units within a complex.
3. Signs shall not be located within public right-of-way.
4. The sign/s shall be removed within six (6) months of 90% of the lot sales within the subdivision or upon the subdivision being turned over to the homeowners association, whichever occurs first.

J. Contractor's Signs on Residential Lots.

1. Signs shall not be more than six (6) square feet in area, provided that no more than one such sign shall be permitted in each yard abutting a street
2. Signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated
3. Signs may not be erected or maintained more than two weeks before construction begins and shall be removed within one week after completion of construction or expiration of the building permit.
4. Each sign shall have attached an adhesive label or other means to identify the name, address and telephone number of the person responsible for the placement and removal of each sign.

K. Garage and Yard Sale Signs.

1. Signs shall not be more than six (6) square feet in area, provided that no more than one such sign shall be permitted in each yard abutting a street
2. Signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated.
3. Signs may not be erected or maintained more than three (3) days prior to the beginning of the sale and shall be removed within two (2) days after the conclusion of the sale.

L. Warning Signs.

“No Trespassing”, “Beware of Dog”, “No Dumping”, “Warning”, “Private Drive” and other similar warning signs not larger than two (2) square feet in area, provided that no more than one such sign shall be permitted in each yard abutting a street. Such signs may be attached to a fence or gate, or may be freestanding; however a freestanding sign shall be setback not less than ten (10) feet from any lot line and shall not exceed two (2) feet in height and shall not be an illuminated sign.

M. Non-commercial Signs.

1. Signs for patriotic, religious, ideological, or other noncommercial expressive purposes.
2. Signs shall not be more than six (6) square feet in area, provided that no more than one such sign shall be permitted in each yard abutting a street
3. Signs shall be freestanding signs and setback not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated.

Signs or banners giving notice of noncommercial events and activities are permitted provided that such signs may not be erected or maintained more than two weeks prior to the date of which the event or activity advertised is to occur or be conducted and shall be removed within one week after the termination thereof.

N. Permanent Directional Signs

1. Signs which provide directional messages for buildings or other permanent structures.
2. Signs shall not exceed four (4) square feet in surface area per face and three (3) feet in overall height.
3. Signs shall be free standing, not attached to any utility pole or structure or any traffic control sign and be setback a minimum of five (5) feet from the curb or edge of pavement.
4. No attention attracting devices, including but not limited to, pennants, streamers, balloons, inflatable shapes, banners, or flashing lights shall be attached to a directional sign, but signs may be illuminated.
5. Signs shall be designed and constructed to compliment the nature and materials of the adjacent building(s).

O. Real Estate Signs

Any sign advertising the sale, lease or rental of the premises, or a portion thereof, upon which the sign is located shall be removed within one week of the closing of the sale, the rental or lease of the premises. Any sign must conform to the following standards and shall not be illuminated.

1. One (1) wall or ground sign per premises, two (2) on corner lots.
2. Maximum area: Six (6) square feet for residential signs, forty (40) square feet for commercial/industrial signs.
3. Off-site real estate signs advertising the location of a property for sale, an open house or a subdivision are limited to one sign per intersection per real estate company.
4. A maximum of two off-premise for sale signs will be permitted for any particular

property. In the case of subdivision marketing and multiple listings by a real estate company, a maximum of two (2) off-premise signs will be permitted.

5. Two (2) open house signs may be displayed off site, and shall be removed within one week of the completion of the open house event.

P. Temporary Signs

Temporary signs are allowed to be placed for thirty days in a calendar year without approval from the City. Signs advertising short-term events, such as parades, legal gatherings, church fairs, fundraisers, etc., can be erected three weeks prior to the event and shall be removed within one week following the date of the event. Temporary signs shall comply with the requirements defined elsewhere in this Ordinance, including those related to illumination, location and size. Portable reader-board signs can only be used as temporary signs subject to approval by the Planning and Zoning Commission prior to use. Temporary directional signage is exempt, subject to the following provisions:

1. Private owner merchandise sale signs for garage sales or auctions shall not exceed four (4) square feet, and shall not be posted for a period exceeding seven (7) days
2. One (1) temporary sign for a roadside stand selling agricultural produce in season may be used, providing that such sign shall not exceed twelve (12) square feet in surface area and that it shall be set back at least ten (10) feet from the public right-of-way.
3. Directional signs for meeting, conventions and other assemblies, not exceeding six (6) square feet in surface area may be used. Such signs shall be in place for a period of no more than ten (10) days and shall be removed within three (3) days following the end of the scheduled event.

Q. Window Signs

Temporary non-illuminated window signs, not exceeding twenty-five percent (25%) of the window surface.

R. Decorations

Holiday decorations or displays, including lighting.

S. Gas Station Informational Signs

At gasoline stations, informational signs on gasoline pumps.

Section 5.0 Prohibitions

No sign, other than exempt signs, shall be constructed, erected, created or altered (except for copy change) without first obtaining a sign permit from the City of Broussard. Signs in violation of this Ordinance shall be removed immediately notice by the City. Any damage or defacement to any building or sign resulting from such prohibited placement shall immediately be repaired or otherwise corrected by the responsible party. For purposes of enforcement, the responsible party shall be deemed to be the party benefitting or intending to benefit from the advertisement, notice or message that is required to be removed. The following signs are specifically prohibited unless specifically permitted by the City of Broussard.

- A. Signs that advertise an activity that is illegal under local, state, or federal laws or regulations.
- B. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, except for readerboards, digital mall or integrated businesses notices or to show time and temperature.
- C. Signs which are erected or maintained which obstructs any fire escape, any means of egress or ventilation, or which prevent free passage from one part of a roof to any other

part thereof, or attached in any manner to a fire escape.

D. Signs which impair safety or visibility or cause confusion of vehicular traffic, in design, color or placement. No sign shall impair visibility for the motorist at a street corner or intersection, including any sign that is determined by the City to constitute a traffic hazard by reason of size, location, content, color or type of illumination. No sign, noise emission or revolving beam or beacon of light shall be erected at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

E. Billboard signs, except as specifically authorized herein and as limited by Louisiana Revised Statutes Section 48.461 et seq. No sign with a face in excess of one hundred fifty (150) square feet shall be located in any area other than the Highway 90 corridor.

F. Any signs that have been attached to a traffic device, light pole or utility pole, except for banners, signs or holiday decorations installed by governmental agencies.

G. Projecting signs, except as regulated herein.

H. Signs, fliers, bills, posters, or any other such object placed upon or affixed to sidewalks, curbs, or public rights-of-way or any publicly owned building or structure, whether located within or outside of the public right-of-way

I. Roof Signs or signs where a portion of the sign extends above the roof of the building where the sign is located.

J. Temporary and portable signs, except as regulated herein.

K. Temporary Vehicle Signs, other than professionally designed magnetic signs, when displayed on a parked car, truck, semi-trailer, trailer, or other vehicle to advertise a business, service, product or commercial activity.

L. Abandoned, neglected or dilapidated signs.

1. Signs that advertise a discontinued product, place, activity, person, institution, or business are considered abandoned signs. These signs shall be removed within thirty (30) days from the date of discontinuance.

2. Neglected or dilapidated signs shall be demonstrated by the following conditions if such conditions significantly effect the appearance of the sign: significant rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.

3. Signs which are obsolete, including any billboard that has been blank for one hundred twenty (120) days.

If such signs are not removed or brought into compliance with this Ordinance, the City shall take steps to have the signs removed and the cost thereof shall be charged to the person responsible for the sign.

M. Provocative Signs. Lewd, vulgar or sexually explicit signs, including signs that display inflammatory or vulgar language.

N. No person shall stick or post any temporary political advertisement, poster, sign, handbill, or place card of any description upon any building, vehicle, or upon any tree, post, fence, billboard, or any structure or accessory use being the private property of another individual without the permission of the occupant or owner of the same.

O. Any sign which emits smoke, vapor, particles or odor.

P. No outdoor advertising sign shall be located within two hundred feet (200') of any public park, body of water or any designated historic landmark.

Q. All other signs not expressly permitted or regulated herein.

Section 6.0 Signs on Walls of Buildings.

One principal use sign (either a wall sign or projecting sign) shall be permitted for each business establishment. Where a business fronts on more than one street or pedestrian walkway providing public access, one principal use sign for each such frontage shall be permitted; provided that the maximum sign area shall be computed for each individual street. If the linear frontage per public street exceeds one hundred (100) feet, one additional sign shall be permitted for each additional fifty (50) feet of street frontage or a fraction thereof. Additionally, supplemental identification signs, not exceeding an aggregate sign area of eight (8) square feet each, shall be permitted adjacent to each entrance of the principal use. Such identification signs shall be limited to providing the trade name or logo of the establishment, hours of operation and contact information, and shall be mounted or attached flat against the building. For the purpose of calculating the area of supplemental identification signs, the area of any sign attached to, the interior of a glass window or door shall not be included.

A. Wall Signs.

Maximum size of wall mounted signs shall not exceed twenty percent (20%) of the square footage of each principal building front. Wall signs shall not extend above the parapet wall of the buildings or extend within three feet of the property line or common building line nor project out from the building facade more than two feet. The total permissible sign area for a single business may not exceed twenty percent (20%) of the building's facade and may be incorporated within wall, canopy, building identification, projecting or window signage provided that in aggregate, they do not exceed the twenty percent (20%) limit. No sign attached to, or painted upon, the interior glass window or door shall be included in the calculation of the allowable area.

B. Awning or Canopy Signs.

Canopy signs may not extend above the parapet wall and shall maintain a clear height of ten (10) feet above the ground level while being securely fastened by metal supports to the building surface to meet all applicable building codes. Permissible sign area shall be calculated the same as wall signage and shall be considered inclusive of the total wall sign area allowance.

C. Under Canopy Signs.

In addition to other signs, one sign attached to the underside of the canopy or awning shall be permitted for each principal entrance providing access. The display area of such sign shall not exceed six (6) square feet per sign face. Signs shall be at least eight (8) feet above the sidewalk and one (1) foot from the outer edge of the canopy.

D. Projecting Signs.

Signs projecting from a building are limited to one (1) square foot of display area per sign face per linear foot of frontage occupied by each principal use; provided that a maximum sign area of forty-five (45) square feet shall be permitted per sign face for each projecting principal use sign allowed. The outer edge of a projecting sign shall not extend more than five (5) feet from the building to which it is attached. The height of a projecting sign shall not extend above the parapet wall of the building and the lowest point shall be at least eight (8) feet above the established grade.

E. Marquee Signs.

A motion picture theater or similar marquee sign may be extended to the leading edge of a marquee; however, the total sign area of such sign shall not exceed a total of ninety (90) square feet. No additional permit shall be required where a sign is affixed to or part of such marquee in

accordance with this article until such marquee is replaced, remodeled, or altered. New or remodeled signs shall not extend farther than eight (8) feet from the facade of a building nor exceed a sign area of forty-five (45) square feet. The height of a new or remodeled marquee sign shall not extend above the parapet wall of the building, and the lowest point of the marquee sign shall not be less than eight (8) feet above the established grade.

F. Building Identification Sign.

Non-exempt building identification signs shall be permitted along each building facade. The maximum aggregate size of such signs shall not exceed an area of sixty (60) square feet.

Section 7.0 Shopping Centers

A. One freestanding business sign is allowed per street frontage on an individual business site or out parcel of an integrated business center announcing the name of the shopping center, the hours of business, names and types of business occupants, and special events or attractions at the shopping center. An approved and permitted sign for an integrated business center, which includes multiple tenant identification signs, shall not be deemed to be included with the definition of billboard/off-premises advertising sign.

1. The sign may advertise the name and type of each business or occupant and may include a readerboard or digital display.

2. The sign shall not exceed thirty (30) feet in height and must be a monument sign.

Exception: A pole sign with a maximum height of seventy-five (75) feet above grade is allowed on property adjacent to the right-of-way of Highway 90 provided that such sign is erected within one thousand (1000) feet of said right-of-way.

B. Individual tenants that advertise on a multi-tenant sign are also entitled to wall, projecting, canopy and under canopy signage utilizing standards in this Ordinance, but are not entitled to any detached signage on the premises.

1. The surface area of the sign shall not exceed thirty-two (32) square feet.

2. The sign may be painted on or attached flat against the building, or may project out from the building, but such projection may not exceed forty-eight (48) inches and must be over private property. In the case of projecting signs, an eight-foot minimum clearance from the sidewalk or public way to the lowest extremity of the sign is required.

3. In no event may the sign be located closer than two (2) feet from the curb line.

4. The wall sign may be internally or externally lighted; provided, that if external illumination is desired, the lighting fixture(s) shall be shielded to focus the light on the sign area and shall avoid light spillage into the sky or onto adjacent property. If internal illumination is desired, at least sixty percent (60%) of the face panel shall be an opaque color that will subdue the light emitted.

5. The wall sign shall be mounted on the front facade of that portion of the building containing the business's public entrance, or it may be mounted on a portion of the building that is architecturally integrated with the business's front facade.

6. Where it can be shown that reasonable difficulty exists in mounting the sign as provided above, the sign may be mounted on an alternate side of the building as long as the alternate location will not detract from the design of the building or violate any other provisions of this Ordinance.

C. The shopping center may have one detached sign for each property line which abuts a public right-of-way, provided the sign area is located at least twenty (20) feet from the property line but may not be located in an easement or interfere with power lines or other utility systems. Where

a shopping center has multiple entrances, the shopping center may request one additional sign for each separate road frontage, provided that all signs are located at entryways and that the entryways are located at least three hundred (300) feet apart.

D. For shopping centers divided by public or private streets, sign locations identifying businesses across said street or streets must be approved by the Planning and Zoning Commission.

Section 8.0 Illumination

Illuminated signs are permitted subject to the following restrictions:

A. Signs which direct attention through the use of flashing, intermittent, or strobe effects are prohibited. Where readerboards or digital signs are allowed by this Ordinance, a message shall be displayed a minimum of eight seconds. Transition from one message to the next shall be instantaneous and shall not contain distracting visual effects such as flashing, etc.

B. The source of light for all illuminated off-premise signs (including non-conforming signs) shall be directed toward the sign face and shall not be directed into any residential property or district, or toward any oncoming traffic. Signs may not contain mirrors or mirror like faces and the source of illumination shall not face or reflect directly on residential property. If lighting is installed with greater efficiency, smaller or fewer lights must be used to keep lighting at or below previous levels and the total luminosity of light directed toward the sign shall not be increased.

C. Except for permanent subdivision identification signs, in no instance shall any illuminated sign be located closer than five hundred (500) feet to any residential district. The illumination of a sign which faces a residential zoning district within one thousand (1000) feet of shall be diffused or shall use indirect and designed to prevent direct rays of light from shining into the adjoining residential district. A neon or plastic face sign with interior lighting is considered a diffused or indirectly lighted sign.

D. Exposed lighting sources, except as provided for above, are prohibited.

E. An external lighting device may not extend more than seventy-two (72) inches over public or private property, and the lowest part of the device must be at least fifteen (15) feet above the finished grade.

Section 9. Off-Premise Advertising Signs (Billboards): A billboard is any sign, larger than one hundred fifty (150) square feet, not otherwise permitted by this Ordinance, which displays a message not specifically related to a commodity, service, or use available at that same premises where such advertising sign is located, and may only be installed subject to the following requirements:

A. No billboard may be installed in or within one thousand (1000) feet of a residential district or another sign structure on the same side of the highway.

B. No such sign may be permitted to be constructed, installed or displayed in any district other than a commercial district fronting Highway 90 or in an Industrial District. A monument or pole sign with a maximum height of seventy five (75) feet above grade is allowed on property adjacent to the right-of-way of Highway 90, provided that such sign is erected within one thousand (1000) feet of the right-of-way.

C. All such signs and sign structures shall be setback:

1. a minimum of twenty-five feet (25') from the edge of the right-of way of any and all roads
2. one (1) foot from any property line

3. All billboards shall be set back a minimum distance of ten (10) feet from the front and rear property lines and shall be set back a minimum distance of five (5) feet from all side property lines.

4. **Setback From Utility Lines.** Any billboards shall be located such that the minimum distance from any and all electrical utility lines or other facilities comply with all appropriate and applicable codes and regulations, including those latest additions of the National Electrical Safety Code, and meets at least the minimum requirements. The foregoing are intended to be minimal requirements, and additional clearance may be required on a case-by-case basis.

5. All measurements for billboards shall be measured from the closest outermost extremity of the sign and not from the base structure unless the base structure is the closest outermost extremity. The only exception to this section or rule is when the measurement is being made between signs as provided herein.

6. **Stacking.** Stacking of billboards is permitted providing that it does not exceed allowable square footage and height requirements.

7. **Construction on Public Rights-of-Way, Easements and Servitudes:** No billboard shall be located or constructed over any public right-of-way, easement or servitude and no billboard shall be positioned so as to allow any portion of same to infringe upon any easement or the vertical plane of said easement. .

D. All billboard installation, operation, maintenance and content shall comply with requirements and regulations of the State and federal government, plus:

1. No billboard shall have more than two faces per side.

2. No billboard shall be constructed in a V-shape in excess of sixty (60) degrees interior angle.

Section 10. Non-conforming Signs

Section 10.1 Grandfathering Provisions

A. Non-conforming signs existing on the effective date of this Ordinance may be continued in use provided no non-conforming use shall be enlarged or expanded, nor may any legal non-conforming sign be changed to another nonconforming sign. Non-conforming signs shall comply with the provisions of this Section and shall include signs that were legal when they were installed but do not meet the current requirements of this Ordinance and would not be permitted under this Ordinance or amendments thereto, but which were established before the Ordinance or amendments went into effect.

B. Non-conforming rights only apply to a sign as it existed at the time of the effective date of this Ordinance or amendments thereto which subsequently affect a sign's legal status.

C. To gain recognition of prior existing non-conforming rights, a property owner must apply to the Zoning Commission and supply evidence to establish the historic nonconformity. The Zoning Commission shall maintain files of all non-conformities that have been established.

D. Non-conforming rights continue in force except at noted below:

1. Non-conforming rights to a structure automatically terminate if a sign is destroyed or damaged beyond fifty percent (50%) of its replacement cost.

2. Non-conforming rights to a use automatically terminate if the business associated with the sign ceases to operate.

3. Non-conforming rights terminate upon change of ownership.

4. A finding by the Zoning Commission that such non-conforming sign, or the

components thereof, poses a threat to safety, sight lines for vehicular traffic, or compliance with State or federal law.

E. Non-conforming signs must be brought into conformity or removed.

Section 10.2 Non-conformities.

A. Once changed to a conforming sign, no sign shall be permitted to revert to a non-conforming sign.

B. A sign legally existing prior to the adoption of this Ordinance that does not conform to these provisions shall not be changed in overall dimensions, or altered except to conform to the provisions of this Ordinance. However, an existing business may reword or reface the sign, without increasing the dimensions thereof, unless the ownership of the business has changed.

C. A lawfully existing non-conforming sign on an individual business site or an out parcel of a mall, integrated business center or commercial or industrial park may not be enlarged, reworded (other than readerboards or digital displays), redesigned or altered in any way, except to conform to the requirements of this Ordinance.

D. When occupancy of an individual business site or an out parcel of an integrated business center changes, all non-conforming signs on the site must be modified so as to fully comply with the provisions of this Ordinance.

E. A sign that has been destroyed, damaged or deteriorated to such an extent that the cost of restoration would exceed fifty percent (50%) of the replacement cost, shall not be repaired, rebuilt or altered except to conform with the requirements of these restrictions.

F. Damage or destruction of sign or building. A non-conforming sign shall be removed if the sign or the building to which it is accessory is damaged or destroyed to the extent of fifty percent (50%) or more of the sign or building's value.

G. A non-conforming sign may be repaired:

1. If the cost of repair to the sign or the building is less than fifty percent (50%) of its current fair market value,
2. The repair is undertaken within six (6) months of damage to the sign, and
3. The repairs do not result in any increase in any dimension of the sign.

H. Replacement. A sign replacing a non-conforming sign shall conform with the provisions of this section, and the non-conforming sign shall no longer be displayed.

I. Nothing contained herein shall be construed to prevent normal maintenance, repairs or repainting.

Section 11. Inflatable Devices

A. Prohibitions:

1. No inflatable shall be located within the maximum length of the deflated device plus ten feet (10') of a roadway
2. No vulgar or sexually suggestive inflatables are allowed.
3. No more than two inflatables per business location are allowed.
4. No objects, noisemakers, mirrors or mirrored surfaces or other items or objects on the inflatable are allowed which may cause a distraction to traffic.

B. Inflatable devices shall be permitted only on property having a commercial or industrial zoning designation. Exemptions: Temporary inflatable devices for private or charity events may be located in residential districts provided such inflatables shall be on site no longer than three (3) days.

Section 12: Administrative Variances

The Planning and Zoning Commission may grant variances from the standards of the sign Ordinance, where, in the opinion of the Commission, there are extraordinary and exceptional conditions creating a substantial hardship to the applicant and the intent of the Ordinance can be achieved and equal performance gained by granting the variance. No variance may be granted when the sign may effect life, health, safety or sight lines for vehicular traffic or compliance with State or federal law.

SECTION 13: Penalties

Any sign in violation of this Ordinance is hereby declared to be a public nuisance. The Department of Public Works may, at the expense of the sign company/property owner, remove or direct the removal of any sign in violation of this article without giving notice to any party, if such sign: (i) is upon the public right-of-way or upon other public property; (ii) poses an immediate threat to the safety, life or health of any members of the public.

A. All signs without a valid permit shall be considered illegal.

B. All non-conforming signs which are not otherwise exempt or grandfathered under this Ordinance are considered illegal.

C. The City shall notify the sign company/property owner of the illegal status of the illegal sign. Thereafter, the illegal sign shall be subject to a fine of one hundred (\$100.00) dollars for each day of the violation and shall be subject to immediate removal of the sign at agent and/or sign company and/or property owner's expense.

D. Should the sign company/property owner not remove the sign, after three (3) days from notice of the illegal nature of the sign, the City may remove the sign at the expense of the sign company/property owner.

D. The construction/erection of three (3) or more illegal signs by a sign company within a period of one (1) year shall result in the revocation of that company's occupational license.

Appendix B

DEFINITIONS

As used in this Section, the following terms and words shall have the meaning ascribed to them as defined below:

Abandoned Sign: Any sign or part of a sign on a building or on the ground (freestanding) that remains after the business identified on the sign no longer occupies the tenant space, building or property.

Advertising Sign: A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered, or manufactured or an entertainment offered on the premises where the sign is located or to which it is affixed.

Amenity Sign: A temporary sign constructed for a developing residential subdivision or complex identifying the amenities to be offered within the subdivision or complex. An amenity sign shall not be considered as a marketing sign.

Animated or Moving Sign: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

Attention Getting Device: Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for purposes of attracting attention, promotion or advertising.

Awning: An overhanging roof like structure stretched over a frame to provide shelter or shade. It may be constructed of canvas or other materials, permanent or collapsible, but by definition does not include any lettering, signage or advertising information.

Awning Sign: A sign attached to or incorporated in any awning.

Banner: A temporary sign composed of flexible material either enclosed or not enclosed in a rigid frame.

Billboard: An outdoor advertising sign erected and maintained by an advertising business or service, upon which advertising matter may be displayed and which generally advertises firms and organizations that along with their goods and services, are not located on the same premises as the sign; and whose surface is sold, rented or leased for display of advertising material.

Business Sign: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

Canopy: An ornamental, overhanging, roof like structure designed for shade or shelter, including awnings, constructed for canvas or other material, but by definition does not include any lettering, signage or advertising information.

Canopy Sign: A sign attached to or incorporated in any canopy.

Construction Sign: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Contractor's Sign (in residential areas): A temporary sign erected on a residential property indicating the name of a contractor, or contracting company performing repair work, maintenance work or construction on the property.

Development Sign: A permanent sign designating the name of the development.

Directional Sign: Signs limited to directional messages, principally for pedestrian or vehicular traffic, but does not identify the establishment itself or other goods or services available at the

establishment and does not contain other advertising messages.

Directory Sign: A sign listing the names, and location of various activities conducted within a building or group of buildings.

Flashing Sign: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Garage/Yard Sale Sign: A temporary sign directing the public to a specific location in which the sale of personal property is being conducted.

Grand Opening/Closing Sign: A temporary sign or a portable sign used for the purpose of advertising a grand opening of a new business or closing, liquidation or going out of business. A grand opening sign may be a wall, marquee, canopy, awning, or freestanding sign.

1. Grand opening or grand re-opening signs, banners, streamers and pennants temporary sign shall be located entirely within the zoning lot of the business or activity for which the sign, banners, streamers or pennants are being requested.

2. Grand-opening or grand re-opening signs, banners, streamers and pennants shall not be displayed for more than three (3) weeks in any calendar year. Closing, liquidation or going out of business signs, banners, streamers and pennants shall not be displayed for more than one (1) month in any calendar year.

3. Not more than two (2) permits shall be permitted on any lot in any calendar year, whether or not the lot has more than one user, tenant or occupant.

Ground Sign: A monument sign erected on a supporting structure, not attached in any way to a building. See also – Monument Sign

Height of Sign: The distance between grade, before any berming, at the base of or below the middle of the sign and the highest point of the sign.

Historic Sign: A sign designated by the Historic Preservation Commission or a local authority as having historical or architectural significance in the history of Oswego.

Illuminated Sign: A sign which has characters, letters, figures, or outlines illuminated by electric lights, luminous tubes, or any other means of illumination.

Inflatable Sign: Any display capable of being expended by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Marketing Sign: A temporary sign constructed for a developing residential subdivision or complex identifying the name of development and prices of the homes being sold or rents of the units being rented. A marketing sign shall not be considered as an amenity sign.

Marquee: A permanent roofed structure projecting over public property and attached to a building and supported by the building or column supports from grade level or a combination of both, but by definition does not include any lettering, signage or advertising information.

Marquee Sign: A sign which is attached to or incorporated into a marquee.

Menu Board Sign: A sign, provided for patrons waiting in a vehicle, identifying the product/service and cost of the product/service available for sale. These signs are typically associated with a drive-thru restaurant or a car wash.

Message Board: A sign designed so that characters, letters, or illustrations can be changed or rearranged electronically, electrically, or manually without altering the face or surface of the sign.

Monument Sign: A sign which is completely or principally supported by a short wall typically constructed of material to match the architecture of the principal building, in which the base is a minimum of eighty (80) percent of the width of the sign, and is permanently anchored in or upon the ground.

Non-conforming Sign: Any sign lawfully existing on the effective date of enactment of this

Ordinance, or amendment thereto, which does not conform to all the standards and regulations of this Ordinance.

Off-premise Sign: A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Open House Sign: A temporary sign directing the public to a specific location for the purposes of viewing a residence that is on the market “for sale”.

Overhanging Sign: Any sign, awning sign, canopy sign or marquee sign, whether or not attached to a building that overhangs any public sidewalk, public street, public alley, or other public way.

Painted Wall Sign: definition of wall sign includes “painted” signs

Political Sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Portable Sign: A sign that is designed to be moved from place to place, not permanently or temporarily attached to ground or building and often contains changeable copy.

Projecting Sign: A sign that is attached to a wall in a perpendicular manner.

Quasi-public Sign: A sign owned by a nonprofit, religious or eleemosynary institution for purposes of advertising or announcing the quasi-public use.

Real Estate Sign, Small: A sign, having a maximum size of six (6) square feet in area, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

Real Estate Sign, Large: A sign, having a size of greater than six (6) square feet in area but in accordance with the maximum size and height provisions as specified in the respective zoning districts, pertaining to the sale or lease of the property, or a portion of the property, on which the sign is located.

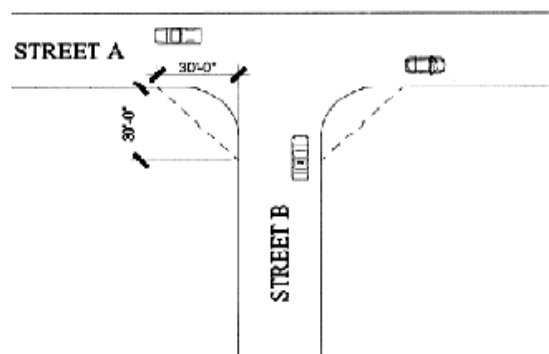
Roof Sign: A sign attached to and extending above the roof parapet or eaves of a building.

Sandwich Board Sign: A sign with no more than two (2) sides, informing the general public of an event or particular item or items that is/are offered a specific and proximate commercial enterprise. A sandwich board sign shall not be permanently anchored to the ground.

Shopping Center: a complex of four or more stores, movie theaters, restaurants, etc. grouped together on a single integrated site zoned for commercial uses and having a common parking area. A shopping center may be an enclosed mall, a strip mall or a marketplace, normally with common walls. The term includes an integrated business center or shared commercial buildings.

Sight Triangle: A triangular-shaped land established at street intersections or public access ways (driveways) in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The sight triangle is measured as shown in the diagram.

Sign: Any object, device, display or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term “sign” includes, but is not limited to, every projecting sign, ground sign, monument sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign,



temporary sign, portable sign, pennants, banners, streamers, or another attention getting device, other display whether affixed to a building or separate from any building.

Sign Area: Calculation of the surface area of a sign shall be computed as including the entire area within that of the smallest rectangle, triangle, or circle (smallest rectilinear figure of not more than eight straight lines.) which encompasses all of the display area of the sign and including all of the elements of the matter displayed such as lettering, design, symbols and background. Frames and structure members not bearing advertising matter shall not be included in computation of surface area. Any such measurements shall be taken on only one (1) face of the sign; however, informational advertising matter may be displayed on both sides of any permitted sign. All double face sign surface areas shall be parallel and may be separated by not more than twelve inches (12"). When a sign consists of letters placed directly on a wall, building surface, awning or marquee, or against open air (as when raised above a marquee), there being no background to the letters save the wall or surface itself, the area of the sign shall be that of the smallest rectangle, triangle or circle (rectilinear figure of not more than eight straight lines) within which all of the lettering can be included.

Temporary Sign: A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

Tenant Identification Sign: A sign giving the name of a tenant on a lot on which two (2) or more tenants or businesses are located. Said sign shall only indicate the name of the tenant or business establishment or a logo or symbolic representation of the type of business. Tenant identification signs shall be uniform in size and be designed for maximum legibility.

Vehicle Sign: A sign or advertisement posted on a vehicle, either permanently or temporarily.

Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign.

Window Sign: A permanent or temporary sign which is applied or attached to or located within three (3) feet of the interior of a window, which sign may be seen through the window from the exterior of the structure.

14. All Ordinances or Resolutions, or parts thereof, in conflict are herewith and hereby repealed.

15. This Ordinance shall become effective in accordance with law.

And this Ordinance being submitted to a vote, the vote thereon was as follows:

YEAS: Councilman Guilbeau, Councilman Bonin, Councilman Rousseau,
Councilwoman Batiste, Councilman Higginbotham, Councilman Romero,
And Councilman Foco

NAYS: none

ABSENT: none

And this Ordinance was declared adopted this 13th day of October, 2009.

TINA EMERT, City Clerk

CHARLES LANGLINAIS, Mayor