

ARTICLE IV. - SIGN REGULATIONS⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 15-111, §§ 1, 2(Exh. A), adopted April 28, 2015, repealed the former article IV, §§ 4-71—4-81, and enacted a new article IV as set out herein. The former article IV pertained to similar subject matter and derived from Ord. No. 09-142, § 2(3-51—3-61), adopted December 15, 2009.

Sec. 4-71. - Statement of purpose.

In adopting these sign regulations, it is the intent and purpose of the mayor and board of commissioners of the City of Albany not to impose an outright ban on signs, but instead to:

- (a) Balance the right of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs; and
- (b) Further the objectives of the city's comprehensive land use planning;
- (c) Protect the public health, safety and welfare;
- (d) Reduce traffic and pedestrian hazards;
- (e) Maintain the historical and cultural heritage and image of the city;
- (f) Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
- (g) Avoid the harmful aspects of the unrestricted proliferation of signs;
- (h) Promote economic development and tourism;
- (i) Protect private property values; and
- (j) Ensure the fair and consistent enforcement of sign regulations.

In accessing how to go about the above described task, the mayor and board of commissioners have given considerable weight and find the following to be relevant and useful to the mayor and board of commissioners of the city concerning the size, location and quantity of sign structures within the city must be regulated in order to achieve the above-stated intents and purposes: University of Georgia Land Use Clinic (2003, June 26). Sign Control on Rural Corridors: Model Provisions and Guidance; Wisconsin Department of Transportation (1994, December). Milwaukee County Stadium Variable Message Sign Study: Impacts of an Advertising Variable Message Sign on Freeway Traffic; Scenic America (2007). Billboards in the Digital Age: Unsafe (and Unsightly) at Any Speed. Scenic America Issue Alert.; Nasar, Jack L. and Hong, Xiaodong (1999, September). Visual Preferences in Urban Signscapes. Journal of Environment and Behavior, 31(5), 671-691.; Office of Safety Research and Development, Federal Highway Administration (2001, September 11). Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction. U.S. Department of Transportation.; New York State Department of State, Division of Local Government Services (2006, January). Municipal Control of Signs. James A. Coon Local Government Technical Series.; Weinstein, Alan C. A Study of Local Regulation of Outdoor Advertising in 268 U.S. Jurisdictions. Outdoor Advertising Association of America, Inc.; City Club of Portland (1996, September 6). Billboard Regulation in Portland. City Club of Portland Bulletin, 78(13), 1-40.; Smily, Alison and Persaud, Bhagwant, et al (2005). Traffic Safety Evaluations of Video Advertising Signs. Transportation Research Record: Journal of the Transportation Research Board, No. 1937, 105-112.

In adopting these sign regulations, the mayor and board of commissioners of the city have carefully considered and especially recognize the case law coming from Georgia courts, the federal courts, and courts throughout the United States, which recognize that the regulation of the size, location and quantity of sign structures is a valid and lawful means of achieving the above-stated intents and purposes, and

that such intents and purposes are valid and lawful governmental interests, which include the following: Granite State Outdoor Advertising, Inc. v. Cobb County, Ga., 193 Fed. Appx. 900 (C.A.11th 2006) (finding that the stated goals within a sign ordinance of protecting against traffic hazards and the adverse impact on the county's aesthetic qualities are substantial government interests); Gregory v. Clive, 2007 WL 2914515 (Ga. S.Ct. 2007) (recognizing as within a local government's police power to enact legislation governing billboards and signs, as such legislation clearly addresses the public health, safety, or general welfare of the community); H & H Operations, Inc. v. City of Peachtree City, Ga., 248 Ga. 500 (1981) (holding that, under its police power, a municipality can enact and enforce reasonable regulations governing the erection and maintenance of signs within its jurisdiction); Harnish v. Manatee County, Florida, 783 F.2d 1535 (C.A. 11th 1986) (finding that aesthetics is a substantial governmental goal which is entitled to and should be accorded weighty respect, and that the governmental entity charged with the responsibility of protecting the environment must be given discretion in determining how much protection is necessary and the best method of achieving that protection); Lamar Advertising Company v. City of Douglasville, Ga., 254 F.Supp.2d 1321 (N.D.Ga. 2003) (finding that where a sign ordinance asserts the goals of public safety, traffic safety, health, welfare and aesthetics, a municipality has shown an important or substantial governmental interest unrelated to the suppression of free speech); Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981) (holding that the goals of traffic safety and aesthetics advanced by a municipality as justification for regulating signs is a substantial governmental interest); St. Louis Poster Advertising Co. v. City of St. Louis, 249 U.S. 269 (1919) (finding that billboards may be prohibited in the residential districts of a city in the interest of the safety, morality, health and decency of the community); Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789 (1984) (finding that a government entity can regulate signs and billboards when necessary to advance a significant and legitimate state interest, such as the protection of the aesthetics and quality of life within its jurisdiction); City of Doraville v. Turner Communications, Corp., 236 Ga. 385 (1976) (finding that under its police power authority, a municipality can regulate the location and maintenance of outdoor advertising signs within their territorial jurisdiction); Spratlin Outdoor Media, Inc. v. City of Douglasville, 2006 WL 826077 (N.D.Ga. 2006) (upholding sign ordinance where the ordinance's height and setback restrictions were rationally related to its stated goals of promoting the health, safety, morality and general welfare of the community, promoting the orderly and beneficial development of the city, promoting adequate access to natural light and air, improving the aesthetic appearance of the city, and encouraging the most appropriate use of land and buildings in accordance with the city's comprehensive plan).

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-72. - General provisions and definitions.

- (1) No sign structure shall be placed or maintained within the city except in conformity with this sign ordinance. Violations of this article may be punished in the same manner as other violations of the zoning ordinance. The city reserves the right to take legal action to remove signs erected in violation of this article, to summarily remove signs illegally placed in the right-of-way or to otherwise enforce the provisions of this article.
- (2) Notwithstanding any other restrictions in this sign ordinance, any sign, display or device allowed under this article may contain any commercial or non-commercial message, or any political or non-political message; except that such messages cannot depict obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of Georgia or the United States.
- (3) Definitions. As used in this article, the following words have the following meanings. The general definitions and interpretative rules of the zoning ordinance shall also be used. To the extent those general rules or definitions conflict with these specific definitions, these definitions shall control.

Balloons. Any lighter than air or gas-filled object tethered in place or otherwise anchored to the ground.

Banner. A temporary sign, requiring a permit, consisting of durable and flexible material such as but not limited to coated, corrugated or non-corrugated paper, cardboard, vinyl, plastic, canvas, or fabric of

any kind, intended to be hung rigidly, either with or without a frame, attached to one or more poles, or mounted as a temporary sign device, with or without characters, letters, illustrations, or ornamentations.

Billboard. A type of ground sign which is permitted in certain zoning districts as provided by this article, and which shall be a maximum of 35 feet in height and 382 square feet in sign face area, and which is greater than 100 square feet in sign face area. Billboards may be double-faced, and may include embellishments not exceeding an additional 100 square feet.

Custom flag. A sign consisting of loose or semi-rigid material supported by a small to large, sometimes bowed, horizontal or vertical pole, including but not limited to signs commonly referred to as bowflag, flutter, stick, teardrop, drop, blade, small flags, beachwing, shark, U-shaped and feather signs.

Directional sign. An unofficial or non-standard traffic control sign, freestanding or mounted on a building, and dedicated to providing traffic direction such as enter, exit, drive through, etc., which may contain logos. These are limited to three feet in height and no larger than four square feet in area.

Flag. Any outdoor display or device made of fabric that is larger than two square feet in area and used to convey a message. A flag differs from a banner because a flag is typically attached along only one side to a pole or hung from only one side beneath a beam or other overhead structure.

Flag Code. United States Code Title 4 Chapter 1, The Flag. The laws relating to the flag of the United States of America.

Ground sign. A sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

Hanging sign. Any non-fabric sign hanging or suspended from the exterior walls of a building structure, or an awning attached to the building structure, which is directed so as to be plainly visible from a public right-of-way. Includes projecting signs.

Historic sign. Any sign, other than a billboard, which existed and was displayed in the city a minimum of 50 years prior to the present day, and is deemed to have historic merit based on its uniqueness, age, character or association. Signs of less than 50 years old may be deemed historic if they possess exceptional characteristics. The National Register of Historic Places Criteria for Evaluation will be applied to determine if the sign qualifies as an historic object.

Incidental or informational sign. A small sign that has a purpose secondary to the use of the parcel on which it is located. This includes but is not limited to credit cards accepted, official notice of services as required by law, trade affiliations, business hours, "telephone," "self-service," "private drive", "no trespassing", etc. These signs are typically located on doors, windows or building walls. Unless noted elsewhere in this article, these signs shall not require a permit. Signs shall be one square foot or less in size.

Mobile sign. A sign display area attached to a wheeled vehicle (whether motorized or not) which may be legally operated upon any public road or street. A mobile sign is distinct from a vehicle with a sign in that a mobile sign is typically used for the purpose of advertising for hire as opposed to a message that directly relates to the vehicle such as could be found on a delivery truck. Mobile signs include multiple-message type signs.

Multiple-message signs. Signs which change the message or copy on the sign face mechanically or electronically by movement or rotation of panels or slats, or by changing electronic display on the sign face.

Nonconforming sign. A sign that at the time it was erected or affixed to a building received all permits required at that time. Subsequent to the sign being installed the zoning of the property was changed, the parcel lines were altered, or regulations applied to signs were amended so as to make the sign no longer in accordance with the current requirements.

Order board. A sign for a drive-through window that includes an intercom allowing customers to place an order.

Out-of-store marketing device. An object located outside of a primary building on a site zoned for non-residential uses on which may contain messages or logos. Examples of out-of-store marketing devices include, but are not limited to: fuel pumps, bank ATM units, newspaper racks, drink machines, ice boxes, and phone booths.

Portable signs. A movable sign not permanently affixed to a building, permanent structure or the ground including sign structures which are attached to vehicles, trailers, movable structures, or any sign which may be transported. Such signs include, but are not limited to, printed banners or billboards attached to vehicles and trailers and signs designed to be transported with or without wheels attached. Except as provided herein, the definition of portable structures does not include messages painted directly upon or attached by sticker or magnetic backing to a motor vehicle or placed within a motor vehicle such that it may be viewed from outside the vehicle through windows. Portable signs with the wheels, hitch or other apparatus which makes them portable removed and attached to the ground, or other permanent structure will be considered as ground or wall signs.

Preview board. A sign for a drive-through window that does not include an intercom allowing customers to place an order.

Projecting sign. A sign which is attached perpendicularly to a building and extends one foot or more from the plane of the building wall but not more than five feet. Includes hanging signs. Count as wall signs.

Roof line. The top edge of a structure which is visible from the ground level.

Roof sign. Any sign erected, attached or mounted wholly upon or over the roof of any building, or which is dependent upon a building for support and projects above the roof line.

Sidewalk, sandwich or A-frame sign. A non-illuminated sign which is normally in the shape of an "A" or some variation thereof and which is usually two-sided. This includes a sign mounted on an easel. For the purposes of this article, these signs are not considered portable signs.

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

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

Sign structure. This includes all the elements of the sign, including its supporting structure, sign face, base, lights and every portion of the sign.

Small signs. Signs which have less than one square foot in sign face area, and which are either wall or window signs, or which are ground signs less than three feet in height.

Streamer. Narrow strips of material used for decoration, intended to be hung and visibly affected by the movement of the wind.

Subdivision sign. A permanent sign placed at the entrance to a land subdivision development.

Temporary sign. Any sign that by its design and construction is intended to be used for a limited period of time and is not permanently mounted or anchored. Such signs are constructed of materials and to a standard meant to last for less than one year. Includes signs put up during periods of rent, lease, sale or construction.

Wall sign. A sign that is fastened directly to, or is placed or painted directly upon the exterior of a building, with the sign face parallel to the wall, and extending from the surface of the exterior no more than 24 inches.

Window sign. Any sign, excluding incidental signs, placed inside or on the outside of a window, intended to be seen from the exterior.

(4) Except as provided herein, the provisions of this article shall be administered by the planning and development services director and enforced by the code enforcement director. Whenever this article

places a duty, obligation, power or authority in the planning and development services director or code enforcement director, it shall be construed to include that respective official's authorized designee. (Ord. No. 09-142, § 2(3-52), 12-15-2009)

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-73. - Permits, inspections, etc.

- (1) *Permit required.* Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the city or cause the same to be done without first obtaining a sign permit from the planning and development services director. These directives shall not be construed to require any permit for change of copy on any sign, replacement of the sign face, nor for the repainting, cleaning, or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified or enlarged in any way.
- (2) *Application.* Sign permits may be applied for by the owner of the property upon which the sign will be located, or by that person or entity's authorized agent. In order to obtain a permit to erect, alter or relocate any sign under the provisions of this article, an applicant therefor shall submit to the planning and development services director a sign permit application which shall set forth in writing a complete description of the proposed sign including:
 - a. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
 - b. The name, address and telephone number of the owner or lessee of the lot on which the sign is located if different from those designated above.
 - c. The location by street address of the proposed sign structure.
 - d. A drawing of the proposed sign showing design, dimensions, construction specifications and sign location(s). There may be circumstances such that in order to protect public health, safety and welfare the drawing must be prepared and signed by an architect or engineer licensed by the State of Georgia.
 - e. Where the sign construction requires an electrical connection, the electrical contractor shall obtain an electrical permit.
 - f. Each applicant shall present to the planning and development services director on request a certificate of liability insurance or current occupation tax certificate prior to the issuance of a sign permit.
 - g. Where the application is for a multiple-message sign using electronic lighting as part of the display on the sign face, a copy of the sign manufacturer's specifications for luminosity shall be attached to the application.
- (3) *Issuance of permit if application in order.* It shall be the duty of the planning and development services director, upon receipt of a completed application for a sign permit, to examine such plans and specifications and other data and, if the proposed structure is in compliance with the requirements of this section and all other applicable provisions of this article to issue, within five working days from date of filing, to the applicant a written permit evidencing the applicant's compliance therewith. Sign permits shall be issued in the name of the property owner upon which the sign is to be located. Issuance of the permit shall in no way prevent the planning and development services director from later declaring said sign to be nonconforming if the permit is obtained based on false information submitted by the applicant.
- (4) *Permit duration.* A sign permit shall become null and void if the construction of the sign for which the permit was issued has not begun within a period of six months after the date of issuance and completed within 12 months after date of issuance.

- (5) *Work on illegal signs.* No person shall erect or assist in the erection, construction, maintenance, alteration, relocation, repair or painting of, or do any work upon any sign for which a permit has not been obtained. Any such sign shall be illegal and the planning and development services director shall order the owner to remove the same immediately. If the owner fails to remove the same within 30 days, the planning and development services director shall proceed in accordance with this article.
- (6) *Inspection.* All signs for which a permit is required by this article are subject to inspection by the planning and development services or code enforcement director.
- (7) *Revocation.* The planning and development services director is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with the provisions of this section within 30 days after notification in writing.
- (8) *Permit fees.* Before any permit is issued under the provisions of this section, the applicant shall pay a fee as follows:
 - a. For each permit for ground signs, illuminated or not, \$0.50 per square foot on each face, to a maximum fee of \$80.00.
 - b. For each permit for a wall sign and mobile sign as permitted by this article, \$0.50 per square foot on each face, to a maximum fee of \$80.00.
 - c. For each permit for a banner, custom flag, sidewalk, sandwich or A-frame sign, \$30.00.
 - d. A double permit fee shall be paid in addition to any other penalties levied for violation of this section.
- (9) *Exemptions.* Except as otherwise provided, the following signs may be erected without a permit. Provided that each is in accordance with the prescribed conditions and all other applicable codes and regulations.
 - a. Signs having no electrical connection and a sign face with 32 square feet in area or less excluding banners, custom flags, sidewalk, sandwich, or A-frame signs.
 - b. Small signs having no electrical connection, provided that when two or more such signs are used together to form a single message, then such group of signs shall be treated as one sign for purposes of this article, and will be regulated accordingly.
 - c. Menu and preview boards. In addition to any other signs authorized by this chapter, one menu and one preview board are allowed if such property contains a commercial or industrial building or structure where materials are delivered at a drive-through window located other than on the front side of the building. These signs cannot have electrical connections to be considered exempt.
 - d. Directional signs, without electrical connections.
 - e. Custom flags, banners, streamers and balloons for citywide celebrations, conventions, and commemorations when specifically authorized by the city commission or their designee, for a prescribed period of time.
 - f. Governmental signs and legal notices. Any sign or notice posted, erected by, or at the direction of the city, county, state, or federal government.
 - g. Holiday lights and decorations.
 - h. Incidental or informational signs.
 - i. Any sign not visible from the public right-of-way.
 - j. Temporary signs erected during the time that a property is actively being constructed, marketed for sale, lease, or rent. Such signs may be freestanding or attached to a building (wall sign).
 - k. Flags displayed in accord with the U.S. Flag Code.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-74. - Permitted signs by zoning district.

- (1) If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited. These regulations apply to signs located on any lot or development, except that any sign not visible from the outside of a structure or to passing members of the public is not restricted or regulated by this article.
 - a. *Sign height.* Sign height is measured from centerline of street grade upon which the sign fronts to the highest portion of the sign structure.
 - b. *Sign face area.* The area of a sign is calculated by determining the area of the smallest square or rectangle which encloses the sign face and the structure surrounding the sign face. For example, the pole or base would not be included, but any frame holding the sign face in place would be counted. See examples below. However, this example is not a substantive regulation as to permissible types of signs:
- (2) Signs permitted in R-1, R-2, R-3, C-8 R-MHS, R-MHP, and C-R zoning districts:
 - a. Ground signs. Three double-faced signs per lot. No single sign face may exceed six square feet. Height is limited to four feet.
 - b. Window signs. Permitted, but total window signage shall not exceed 25 percent of the area of windows facing road frontage.
 - c. Wall signs. Not permitted.
 - d. One additional ground sign is permitted during periods of rent, sale, lease or construction, not to exceed six square feet or four feet in height.
- (3) Signs permitted in the C-1, C-2, C-3, C-5, C-6, C-7, M-1, M-2, FH and AG zoning districts:
 - a. *Ground signs.* One double-faced sign per street frontage. Maximum square footage for each sign face shall be two square feet for each linear foot of building frontage facing the public right-of-way, or one square foot for each linear foot of street frontage on the public right-of-way, whichever is larger, provided that no sign face may exceed 100 square feet. Maximum height for each sign structure shall be 25 feet.
 - b. *Window signs.* Permitted, but total signage shall not exceed 25 percent of the area of windows facing road frontage.
 - c. *Wall signs.*
 1. Maximum square footage for wall signs shall be two square feet for each linear foot of building frontage on the public right-of-way, or one square foot for each linear foot of street frontage on the public right-of-way, whichever is larger, provided that no sign face may exceed 100 square feet, except as provided in subsection 2., below.
 2. Where the structure upon which a wall sign is located is greater than 50 feet from the right-of-way of the nearest public street, the maximum square footage shall be as follows:

Distance from wall sign to the right-of-way of the abutting street frontage:	Maximum surface area, as determined in subsection 1. above, may be multiplied by a factor of:
50—100 feet	1.5 (but no larger than 150 square feet)
100—175 feet	2 (but no larger than 200 square feet)

175—250 feet	2.5 (but no larger than 250 square feet)
250 + feet	3 (but no larger than 300 square feet)

3. Wall signs may be located on multiple walls provided each sign faces a street or parking lot and the total square footage of the signs does not exceed what is set forth above.
- d. *Signs on multi-tenant lots.*
1. On all multi-tenant lots having less than 25,000 square feet of gross leasable area, each individual establishment shall be permitted wall signage as though each individual establishment was an individual building with individual street frontage. Where such multi-tenant premises has a frontage of 200 lineal feet or more on either an arterial or collector street, an additional double-faced ground sign shall be permitted, not to exceed 32 square feet per sign face, and no greater than 25 feet in height. Such additional ground sign shall be no closer than 120 feet from the primary ground sign on the lot.
 2. On multi-tenant lots having 25,000 or more square feet of gross leasable area, one ground sign for the first 500 lineal feet of frontage adjacent to a street and one additional ground sign for each additional 500 lineal feet of street frontage shall be permitted, provided that such ground signs on the lot shall be no closer than 250 feet. Maximum surface area for each such ground sign shall be as follows: for multi-tenant lots having between 25,000 and 100,000 square feet of gross leasable area, the maximum area of sign faces shall be 175 feet; for multi-tenant lots having between 100,000 and 300,000 square feet of gross leasable area, the maximum area of ground sign faces shall be 200 square feet; for multi-tenant lots having greater than 300,000 square feet of gross leasable area, the maximum square footage for ground sign faces shall be 300 square feet.
- e. *Directional signs.* Directional signs are limited to three feet in height and no larger than four square feet in area. Directional signs may be permitted within the rights-of-way with approval from the city commission.
- f. *One additional, non-illuminated ground sign per street frontage is permitted* during periods of rent, sale, lease or construction. This sign shall not exceed 32 square feet or eight feet in height. Such signs shall be removed within ten days after the subject lot or building is rented, leased, sold, or construction is completed.
- g. *Projecting and hanging signs.* For the purposes of this article, such hanging signs shall be regulated as wall signs, and shall be included in and count towards the amount of wall signage allowed under this article.
- h. *Menu and preview boards.* One of each permitted where a building exists, not to exceed 32 square feet, and seven feet in height. Cannot be located in the required front yard. Speakers shall not be located closer than 200 feet from a residential zone without implementation of mitigation measures suggested by a professionally prepared noise study.
- j. *Additional signage* allowed during business openings for a period of 30 days and during business closing for 60 days with one 30-day extension.
- k. *Mobile signs.* As defined in this article, require a permit and an occupational tax certificate. These signs are only permitted in the C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8, M-1 & M-2 zoning classifications. Mobile signs shall not exceed 64 square feet in size per sign face.
- l. *Historic signs.* Historic signs within the city may be utilized if they do not comply with provisions of this article including height, size, illumination and motion. The erection, re-erection, or re-

location of such non-conforming historic sign shall require a permit and shall count toward the number of signs permitted on a lot or per street frontage as the case may be. To qualify as a historic sign, the applicant must demonstrate in writing that the sign is historic through application of the National Register of Historic Places Criteria for Evaluation. Application for use of a non-conforming historic sign must be made to the Historic Preservation Commission.

- (4) *Billboards.* Billboards are permitted only in the C-2, C-3, C-7, M-1 and M-2 zoning districts. In those districts billboards may be constructed subject to the following conditions:
- a. No billboard shall be constructed or permitted, except as a replacement for an existing billboard. No billboard which is also a multiple-message sign shall be constructed or permitted, except as a replacement for two and one-half times as much existing billboard sign face area as the multiple-message sign face area of the proposed billboard. The city shall maintain a list of all billboards in the city, including the location and total sign face of each sign. Any application for a billboard building permit shall identify the billboard or billboards that are being replaced by the new billboard. Replacement shall be performed within six months after it has been determined that an existing sign or signs will be replaced by a new sign.
 - b. Billboards shall be located at least 750 feet from any residential district, measured from the location of the base of the sign along the street frontage to the property line at the street of the nearest residentially zoned lot.
 - c. New billboards shall be located at least 1,000 feet from any existing billboard, measured from the base of the billboard along the street frontage to the base of the nearest existing billboard on the same side of the street.
 - d. The restriction of 50 percent of sign area generally applicable to multiple-message signs under this article shall not apply to billboards which are also multiple-message signs.
 - e. The owner of each billboard shall file on or before January 31 of 2009 and each succeeding year a statement from a registered engineer licensed by the State of Georgia, or some other person possessing qualifications acceptable to the planning and development services director, certifying that the billboard has been inspected, and that it remains structurally sound and capable of safely carrying the loads placed upon it. If, upon inspection, it is determined that the billboard is not structurally sound, the engineer shall list the structural deficiencies and the actions which must be taken to correct the structural deficiencies. Prior to March 1 of the same year, the sign owner shall be required to take such actions and file a statement with the city certifying that each required repair has been completed.
 - f. No billboards shall be permitted in any historic district of the city.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-75. - Regulations for signs.

(1) *Location and setback.*

- a. The property owner must give permission for all sign structures erected on the owner's property. Sign structures are not permitted in the public right-of-way except as provided in this article.
- b. No portion of a sign or sign structure erected on private property shall encroach on or overhang the public right-of-way or any other person's property except as otherwise permitted by these regulations.
- c. Distances are measured from the closest portion of the sign (whether that is the base, sign face, or the sign structure) to the right-of-way, curb or pavement.

(2) *Illumination.*

- a. Signs cannot be illuminated in the R-1, R-2, R-3, R-MHS, R-MHP, C-R, C-5, C-6, C-8, FH and AG zoning districts. Signs may be illuminated in all other districts, subject to the following provisions.
- b. Flashing or blinking illumination is not permitted. Except as expressly provided in this article, no sign may use images changing more frequently than once every 20 seconds. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
- c. All externally illuminated signs shall utilize low wattage luminaries, mounted in fixtures designed to direct the light and eliminate light trespass, such as light shining into residences or other neighboring structures.
- d. All internally illuminated signs shall utilize low wattage luminaries designed to reduce light glow.
- e. All illuminated signs over ten feet in height shall be internally illuminated or illuminated by external lighting fixtures located above the sign area, firing downward, and not visible to passing motorists. Billboards may be illuminated by fixtures that fire upwards providing that they are aimed in such a way to direct the light and eliminate light trespass.
- f. No sign shall give off light, which glares, blinds, or has any other adverse effect on traffic or adjacent properties. The light from an illuminated sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. This shall be determined by measuring the footcandles (lumens per square foot) that fall on adjacent properties. No sign shall exceed one-half footcandles at any adjacent property line in a residential district and two footcandles at any public right-of-way.

(3) *Multiple-message signs.*

- a. Except as expressly provided in this article for multiple-message billboards, such signs are not permitted in the R-1, R-2, R-3, R-MHS, R-MHP, C-R, C-5, C-6, C-8, FH and AG zoning districts, but are permitted in all other zoning districts.
- b. No multiple-message sign may change its message or copy, or any pictures or images that are part of the message, more frequently than once every 20 seconds, provided that multiple-message billboards shall be allowed to change the copy or images that are part of the message not more frequently than once every ten seconds.
- c. When the message of a multiple-message sign is changed mechanically, it shall be accomplished in three seconds or less. When the message of a multiple-message sign is changed in an electronic manner, through the use of light emitting diodes, back lighting or other light source, the transition shall occur instantaneously. Multiple message signs shall not depict motion of any type through scrolling, flashing, etc.
- d. Except as expressly provided in this article in regards to billboards, the portion of the sign face of a multiple-message sign which accommodates multiple-messages shall not exceed 50 percent of the total sign face area and may not change its message or copy, or any pictures or images that are part of the message, more frequently than once every 20 seconds; the remaining portion shall be static.
- e. When any multiple-message sign is located within 150 feet of any residential district, the display of multiple-messages shall discontinue between the hours of 11:00 p.m. and 6:00 a.m., and the sign shall be static and not display more than one message during that period.
- f. Multiple-message signs which are illuminated or which use electronic to display message shall be subject to the restrictions and limitation applicable to illumination in this article.
- g. There shall be located no more than one multiple-message sign per lot, and such sign shall be permitted only on a ground sign or freestanding structure, and not on any wall sign or window sign.

- h. The total number of multiple-message billboards within the city shall be limited to eight sign faces. After the adoption of this article, new multiple message billboards shall only be permitted when both of the following location requirements are met:
 - 1. The proposed multiple-message billboard is to be erected on an existing billboard sign structure as of the date of the adoption of this article or at the location of and as a replacement for such an existing billboard sign structures. A list of such existing billboard sign structures known to the city is attached [by reference] as exhibit A to the ordinance adopting this article, and identified as "Billboards existing in the City of Albany, Georgia, as of May, 2008;" and
 - 2. The proposed multiple-message billboard will be located facing one of the following designated public right-of-way, which are deemed by the city commission to be the only right-of-ways within the city where multiple-message billboards are appropriate: Cordele Road, Oakridge Drive, Old Dawson Road (between Dawson Road and Westover Boulevard only), Newton Road (south of Oakridge only), Oglethorpe Boulevard, Westover Boulevard, Dawson Road, Slappey Boulevard, Jefferson Street, Gillionville Road, Ledo Road, US-82, and US-19.
 - i. Multiple-message billboards constructed after the adoption of this article shall be located at least 5,000 feet from existing billboards using a multiple-message sign face, measured from the base of the billboard along the street frontage to the base of the nearest existing billboard using a multiple-message sign face on the same side of the street, and 3,000 feet from any existing billboard using a multiple-message sign face, measured along the shortest straight-line from sign structure to sign structure.
 - j. No multiple-message sign shall be permitted in any historic district of the city.
 - k. The total number of multiple-message signs permitted (as defined in this article) within the city shall be limited to 100.
 - l. The total number of multiple-message mobile signs (as defined within this article) shall be limited to five.
 - m. Prior to the issuance of an multiple-message sign permit, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified within this article, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Department Director.
- (4) *Flags.* Flags are permitted in all zoning districts, subject to the following size limitations:
- a. Only one flagpole is permitted per lot;
 - b. Such flagpole shall not exceed the height of the tallest structure on the lot by ten feet; and shall in no case be greater than 60 feet in height;
 - c. The longest side of the flag shall not be greater than $\frac{1}{4}$ (25%) the height of the flagpole to which the flag is mounted;
 - d. No flag shall exceed 150 square feet in area (a 10' × 15' flag at regulation size).
 - e. On officially designated city, state, or federal holidays, or as a sign of mourning if ordered by the president or governor, there shall be no maximum flag size or number or other limitations on display, with a three day prior to and three day after grace period for setup and removal of additional flags.
 - f. Flagpoles may be mounted on buildings and exceed the maximum heights if they are included and approved in the building plans.
- (5) *Banners and custom flags.* Banners and custom flags are limited to 48 square feet; only one banner per property or road frontage; only one custom flag per 120 feet of road frontage up to a maximum of six per property; and only permitted in C-1, C-2, C-3, C-5, C-6, C-7, C-8, M-1, and M-2 zoning

classifications, and it must be mounted or attached to a building or attached to a pole, mast, arm or other structure. Banners and custom flags may only be exhibited six times each calendar year for a period of not more than 21 consecutive days during each period. Banners shall be attached to a rigid frame or displayed in such a manner that they do not sag or flutter. Banners and custom flags shall be maintained in good repair, and shall be maintained free of defects such as holes, tears, fading, cracks, breaks or missing portions. Upon written notice of any such defects the banner or custom flag must be repaired or removed. Violation of any of these requirements will result in a six month suspension of new banner or custom flag permits. Violation for one type will not limit application for the other.

Flags properly mounted to a pole, streamers and balloons may also be exhibited and are not subject to the six times per calendar year/21 consecutive days set forth above. Flags, streamers and balloons shall be maintained free of defects such as holes, tears, fading, cracks, breaks or missing portions. Upon written notice of any such defects the flags, streamers or balloons must be repaired or removed.

Permits are required for banners, flags, custom flags, streamers and balloons and written application shall be made to the planning and development services director ("director"). The director shall establish an application form and the permit fees.

- (6) *Vehicles with signs.* For purposes of this article, motor vehicles which are used in connection with a business at the site and which have more than six square feet of painted or permanently affixed sign face may be parked onsite provided the vehicle is parked within the lateral lines of a parking space. Vehicles with signs are only permitted in the C-1, C-2, C-3, C-5, C-6, C-7, M-1 and M-2 zoning classifications.
- (7) *Sidewalk, sandwich or A-frame sign are an A-frame, sandwich type, sidewalk or curb sign within a commercial zoning district.* Signs may be two-sided and shall be limited to six square feet per side. Maximum height shall be six feet above the sidewalk or ground and shall be located within ten feet of the entrance of the building. A-frame signs shall be located so as to not obscure safe vision of vehicular or pedestrian traffic. One A-frame sign may be allowed for each entrance to the building or business. Shall not obstruct vehicle safety or pedestrian traffic.
- (8) *Mansards and parapets.* Signs on mansards and parapets are allowed, provided that the sign must not extend above the top of the mansard or parapet roof line.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-76. - Safety and construction standards.

- (1) *Official confusion.* Signs which contain or are an imitation of an official traffic sign or signal, or can be confused with an official traffic sign, are prohibited.
- (2) *Fire safety.* No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.
- (3) *Corner visibility.* No sign or sign structure above a height of three feet shall be maintained within 25 feet of the intersection of the right-of-way lines of two streets, or of a street intersection with a railroad right-of-way.
- (4) *Traffic visibility and safety.* No sign or sign structure shall obstruct the traffic sight line, or the view of vehicles entering the roadway (i.e., the view of oncoming traffic by vehicles attempting to enter the road, or vice versa). No sign shall be erected on any traffic island.
- (5) *Location in general.*
 - (a) All signs shall be located on and over private property only, except those specifically permitted by this article.
 - (b) No sign shall be attached to any utility pole or other structure in the public right-of-way.

- (c) No sign requiring a permit shall be attached to an existing sign, fence, rock, tree or other form of vegetation.
- (d) All signs shall be erected in such a manner as to not interfere with or obstruct the view of any authorized traffic sign, signal or device.
- (e) No sign shall be attached to or placed against a building in such a way as to prevent egress through any door or window required or designed for access to any building; nor shall any sign be attached to or obstruct a fire escape, or interfere with openings required for proper light or ventilation.
- (f) All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities in accordance with electrical code specifications. In no case shall any sign be installed within three feet horizontally or vertically from an overhead utility line or utility guide wire.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-77. - Prohibited signs.

The following types of signs are prohibited in every zoning district:

- (1) Roof signs. See subsection 4-78(3)(d) for regulation of roof signs in existence prior to the adoption of this article.
- (2) Rotating signs.
- (3) Moving signs, or signs with moving parts. This includes, but is not limited to, animated signs involving motion or sound; signs with moving words; signs with waving elements, whether motorized or wind-powered; or similar moving signs.
- (4) Signs on public rights-of-way other than publicly owned or maintained signs, signs pertaining to railroad crossings, or signs otherwise permitted by this article.
- (5) Signs, including but not limited to banners, custom flags, streamers and balloons, erected by nailing, fastening or affixing the sign in any manner to any tree, fence, rock, utility pole, out-of-store marketing device, or other structure except as set forth herein;
- (6) Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing.
- (7) Portable signs.
- (8) Temporary signs not otherwise allowed by this article, examples of temporary signs allowed by this article include banners, streamers, balloons, A-frame signs and custom flags.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-78. - Existing signs.

- (1) It is the intent of this article to bring into conformity permanent sign structures which existed at the adoption of this article or an amendment thereto, but which are non-conforming to the provisions of this article or the provisions of an amendment to this article. It is the intent of the mayor and city commission to protect the investment-backed expectations of property and sign structure owners, and to accomplish conformity while allowing property and sign structure owners a reasonable return on their investment.
- (2) The provisions of this section shall have no application to any sign which is subject to a valid and current permit issued by the state department of transportation under O.C.G.A. § 32-6-70 et seq. Nor shall this provision have any effect on any billboard which is existing legally at the time of the

adoption of this article. A list of such billboards known to the city is identified as "Billboards existing in the City of Albany, Georgia, as of May, 2008" and attached [by reference] to the ordinance adopting this article as exhibit A, and in the future shall be maintained by the planning and development services director. In the event that any billboard sign is legally existing at the time of the adoption of this article, but not included on such list, the owner of such sign shall have a period of 90-days running from the adoption of this article to register such sign with the planning and development services director, who, upon confirming that such sign is a billboard lawfully existing as of the date of the adoption of this article, shall place such sign on the list. The planning and development services director shall place a notice in the legal organ of the city once each month during such 90-day period advising owners of billboard signs that they should register the sign with the planning and development services director within such 90-day period. For the purposes of this amortization section, any billboard which has not been registered shall be presumed to not be a lawfully-existing billboard existing as of the time of the adoption of this article unless the owner thereof can show that the billboard structure was existing in its current location, design, height and sign face size on the date of the adoption of this article. During such 90-day period, there shall be a moratorium on the issuance of any permits for the erection of billboard sign structures to allow for the registration of existing signs. After the running of the 90-day period and the automatic expiration of such moratorium, whenever a permit is issued for any billboard, such billboard will be added to the list, along with date upon which the permit was issued.

- (3) Except as otherwise provided and subject to the restrictions of this sub-paragraph, a nonconforming sign may be used, but not expanded nor improved unless the sign is made conforming. Nonconforming signs are subject to the maintenance requirements of this chapter and may be subject to removal for violations of maintenance standards. No structural repairs or change in shape or size of a nonconforming sign shall be permitted except to make the sign comply with all standards of this chapter, provided that a nonconforming sign damaged up to 50 percent of its value by act of God or by other circumstances beyond the control of the owner of the sign may be repaired without regard to the restrictions of this paragraph.
- (a) Maintenance. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in good repair.
 - (b) Repairs; material change. Minor repairs and maintenance of nonconforming signs shall be permitted. Provided, however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this article; this includes the replacement of channel letters on raceway wall signs, and poles and/or frames for ground signs. To the extent that any sign allowable hereunder is damaged up to 50 percent of its value by act of God or by other circumstances beyond control of owner of the sign then such sign may be repaired without regard to the restrictions of this section.
 - (c) Location. A nonconforming sign shall not be in a location that restricts the visibility of traffic traveling on the road or entering and exiting to and from the roadway.
 - (d) The owner of each non-conforming roof sign shall file on or before January 31 an annual statement from a registered engineer licensed by the State of Georgia, or some other person possessing qualifications acceptable to the planning and development services director, certifying that the sign has been inspected, and that it remains structurally sound and capable of safely carrying the loads placed upon it. If, upon inspection, it is determined that the roof sign is not structurally sound, the engineer shall list the structural deficiencies and the actions which must be taken to correct the structural deficiencies. Prior to March 1 of the same year, the sign owner shall be required to take such actions and file a statement with the city certifying that each required repair has been completed.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-79. - Sign and sign structure maintenance.

- (1) The sign and sign structure shall be maintained in good repair, structurally sound, with proper anchorage capable of supporting the imposed loads, so as not to pose a threat to the public health, safety or welfare. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (2) All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. Sign faces shall be maintained in good repair, and shall have neatly painted, posted or otherwise maintained display surfaces, free of defects such as holes, tears, cracks, breaks or missing portions, which are plainly visible from the public right-of-way.
- (3) When a sign or sign structure is found to be in need of maintenance, the code enforcement officer shall issue a notice of violation to the property owner, which shall describe the maintenance issue, and provide a reasonable amount of time to repair the violation.
- (4) If, after receiving the notice of violation, the property owner fails to remedy the maintenance issue within the time provided, it shall be a violation of this article, subject to citation. The code enforcement director or designee may also institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal of the sign or sign structure. The reasonable cost of any action taken by the city or its agents to remedy the maintenance issue shall be charged against the real estate upon which the structure is located and shall constitute a lien upon such real estate.
- (5) The issuance of a notice of violation may be appealed to the planning and development services director ("director") by written appeal received at the director's office within ten calendar days of the notice. The appeal shall set forth in detail why the appealing party feels its sign or sign structure is in good repair, etc. as required by sections 4-71 and 4-72.

The director shall consider the appeal by holding a hearing, open to the public, within 30 days of receipt of the appeal. The appealing party and code enforcement may present testimony and documentary evidence at the hearing.

The director has the authority to review what is presented by the appealing party and code enforcement and decide whether to affirm, reverse, or modify the notice of violation. This includes the authority to extend the length of time in which the maintenance issue must be completed.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-80. - Appeals.

Appeals of the decisions of the planning and development services director under this article shall be to the planning commission. The aggrieved party shall file such appeal in writing within 30 days of the date of the appealed decision. The planning commission shall consider the appeal at a public meeting conducted within 35 days of the filing of the appeal. The aggrieved party or its agent and the planning and development services director shall be allowed to present testimony and evidence as to whether the decision should be affirmed, reversed or modified. Such testimony and evidence shall constitute the record. The planning commission shall consider this record in light of the requirements and intent of this article, and shall vote to affirm, reverse or modify the decision at such public meeting. In the event that the planning commission fails to render a decision on the appeal within 35 days of the filing of the notice of appeal, the decision of the planning and development services director shall stand affirmed. Any person aggrieved by the decision of the planning commission may appeal to the county superior court, within 30 days of the planning commission's decision.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)

Sec. 4-81. - Legal provisions.

- (1) Any person or entity violating or refusing to comply with any provision of this article shall be subject to citation to the municipal court, and upon conviction, may be sentenced to imprisonment for up to 60 days, to pay a fine of up to \$1,000.00, or both. Each day a violation exists shall be considered a separation violation for purposes of citation and sentencing. The city may also seek civil remedies including injunctive, declaratory or equitable relief for violations of this article. The city may summarily remove signs in the rights-of-way.
- (2) Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- (3) This article replaces the city's prior sign ordinance existing and in effect immediately prior to the adoption of this article. In the event all of this article is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinance shall be considered to not have been repealed, and shall therefore still be in effect.
- (4) This article shall take effect and be in force as of the date of its adoption, the public welfare of the city demanding.

(Ord. No. 15-111, § 2(Exh. A), 4-28-2015)