

Chapter 11

SIGNS

11.01 Intent: It is the intent of this Chapter to regulate and control the location, erection, number, and maintenance of signs and matters relating thereto within the Town of South Whitley in order to promote public safety, health, and general welfare of the community. These regulations are specifically designed to:

- A. Provide for uniform regulation and orderly development of signs consistent with established policies and Ordinances of the City.
- B. Prohibit hazardous and dangerous signs.
- C. Provide a desirable and attractive living environment through harmonious and uniform signage.

11.02 Scope:

- A. The provisions of this Chapter shall govern the erection, alteration, and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, with respect to location, size, content, construction, structure, and fire safety.
- B. The provisions of this Chapter shall not apply to:
 - 1. Flags of any nation, state, county, city or other governmental unit and any not-for-profit organization.
 - 2. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.
 - 3. The erection, construction, and maintenance of official traffic, fire and police signs, signals and devices and markings of the state, county, or city.
 - 4. Non-illuminated directional or informational signs of a public nature.
 - 5. Political signs or signs announcing political candidates or issues, provided that such signs must be removed within 10 days after the election.

6. Residential garage, patio or yard sale signs not to exceed 6 square feet and located upon the premises where the sale is taking place.
7. Property Real Estate Signs not exceeding 6 square feet in area on each street frontage of a lot, which advertise the sale, rental, or lease of the premises upon which said signs are located only. The Real Estate Signs shall not exceed 6 feet in height, and shall not be illuminated in any way.
8. Bulletin boards not over 32 square feet in area, for public, charitable, or religious institutions which are located on the premises of said institutions. The bulletin board shall not exceed 12 feet in height, and illumination, if any, shall be by constant light.
9. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
10. Professional name plates, or occupational signs, and home occupation signs not exceeding 2 square foot in area, wall-mounted and unlit, adjacent to the main entrance of the building.

11.03 Administration and Enforcement:

- A. Administration: Except where herein otherwise stated, the provisions of this Section shall be administered by the South Whitley Plan Commission, or by its designee.

The Department (or its authorized representative) is hereby empowered in performance of Departmental functions to enter upon any land in the Town for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon markers, notices, or signs required to effect provisions of this Chapter. The above authorized person shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Chapter.

- B. Duties of the South Whitley Plan Commission: The Commission shall have the power to grant sign permits, and to make inspections of buildings or premises necessary to carry out the Commissions duties in the enforcement of this Chapter.

It shall be improper for the Commission to approve plans or issue any permits or certificates for any sign until such plans have been inspected in detail and found to be in conformance with this Chapter, nor shall the Commission vary or change any terms of this Chapter.

If the Commission shall find that any of the provisions of this Chapter are being violated, the Commission shall notify in writing the person responsible for such violations, indicating the nature of the violation. The Commission shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal signage; discontinuance of any illegal work being done; or shall take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions.

- C. Permit Required: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the Commission for a sign permit to do so and a sign permit has been granted therefore. Primary responsibility for securing the necessary permits shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

Blank forms shall be provided by the Commission for the use of those applying for permits as provided in this Chapter. Any permits issued by the Commission shall be on standard forms for such purpose. There shall be a separate permit for each sign to be constructed, altered, or erected

Any sign permit under which no construction work has been commenced within 6 months after the date of issuance of said permit or under which proposed construction has not been completed within 1 year of the time of issuance shall expire by limitation.

- D. Voiding of Sign Permit: A permit may be revoked by the Commission at any time prior to the completion of the sign for which the same was issued, when it shall appear to him that there is any departure from the plans, specifications, or conditions, as required under terms of the permit, that the same was procured by false representation, or that any provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any person employed of the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent location, and thereafter no such construction shall proceed.
- E. Compliance with Sign Permits: Sign permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement, or construction. Any

use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance as provided herein.

F. Violations: If it is found that a sign is in violation of this Ordinance, the Commission, or its designee, shall give notice to the owner of the sign, or if the owner cannot be located, to the owner or property management agent of the premises on which the sign is located or, if the sign erection is not complete, to the sign erector, either personally, by United States Mail, or by posting such a notice on the premises, such notice stating:

1. The violation found; and
2. That the violations must be brought into compliance within the requirements of this and all other City Ordinances within 10 days from the date of such notice; and
3. The requirements which must be met; and
4. That any person found to be in violation of any provision of this Ordinance shall be subject to the penalties established in the Legal Provisions, Chapter 1, Section 1.14, of this Ordinance.

11.04 Prohibited Signs: The following signs and advertising devices are hereby declared to be unlawful.

- A. Animated Signs;
- B. Any sign erected in a location prohibited by this Chapter;
- C. Any sign erected in a public easement or right-of-way;
- D. Any sign erected so as to prevent free ingress to or egress from any door or window, or any other exit-way required by the building or fire codes of the Town;
- E. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on public property;
- F. Any sign erected in any location where, by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color interfere with or be confused with

any authorized traffic signal sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to a vehicle operator during ingress to, egress from, or while traveling on the public right-of-way;

- G. Any on-premises sign advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located, and not located or constructed such as to qualify as a "standard outdoor advertising structure or billboard;"
- H. Any sign or advertising device such as banners and pennants affixed on poles, wires, ropes or streamers, wind-operated devices, fluttering signs, pinwheels, streamers, banners, street banners, and "A" frames or other portable signs of like nature, and other similar contraptions or techniques except that these devices may be used for a period of thirty (30) days in any twelve-month period by permit from the Department and must be kept in a safe and orderly fashion;
- I. Vehicle signs, except for standard advertising or identification markings which are painted on or permanently attached to the side of a business or commercial vehicle. Such business or commercial vehicles shall not be parked in any required parking space, nor in any excess parking space adjacent to a street right-of-way;
- J. Off-site or off-premises signs except as provided in this Section;
- K. Flashing signs including electronic message centers; however, not including digital time and temperature signs, involving only that information and no further or additional information of an advertising nature. Such as. time/temperature signs shall be constant or steady in nature, and shall not grow, melt, x-ray, up or down scroll, write on, travel, inverse, roll, twinkle, snow or present pictorials or other animation;
- L. Portable signs, signs not permanently affixed to the ground;
- M. Signs which contain characters, or cartoons, or contain statements, words, or pictures of any obscene, indecent, prurient, or immoral character.

11.05 Non-Conforming Signs: Any sign legally existing prior to enactment of this Chapter but which shall violate any provision of this Chapter, may continue to be maintained and used after passage of this Chapter subject to the following provisions.

- A. Enlargement: No non-conforming sign shall be enlarged, expanded, or extended to occupy a greater square footage of height than was occupied on the date of adoption or amendment of this Chapter.
- B. Relocation: No non-conforming sign shall be moved in whole or in part to any other portion of the lot, parcel or building not so occupied on the date of adoption of this Ordinance, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening, or

improvement of a street, highway, or other public purpose, may be relocated and allowed to be maintained and used as before.

- C. Discontinuance: If the business or service advertised or identified by a non-conforming sign ceases to be conducted for a period exceeding 30 calendar days, the non-conforming sign shall be classified as an "Abandoned Sign" and removed. See Section 11.07.D.
- D. Destruction: Should any non-conforming sign be destroyed by any means to an extent of up to fifty (50%) percent of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this Ordinance. See Section 2.11.D.2.
- E. Violations Not Made Valid: Any sign which is prohibited by this Ordinance, and was erected in violation of the requirements of the previous Sign Ordinance shall not be considered to be granted non-conforming status by the passage of this Ordinance.
- F. In any instance, in cases of doubt or a specific question raised, whether a non-conforming sign exists, shall be a question of fact, and shall be determined on appeal to the Board of Zoning Appeals.

11.06 Appeals:

- A. Any aggrieved person, firm, corporation, or any governmental officer, department, board or bureau may appeal a decision of the Plan Commission before the Board of Zoning Appeals as established and in conformance with the requirements of Chapter 12 of this Ordinance, subject to the further requirements of this Section.
- B. Grounds for Granting a Variance: The Board of Zoning Appeals may grant variances from this Ordinance for any permitted form of signage where it is found that because of the limitations on character, size, or dimensions of a sign, or the regulations controlling the erection or installation of a sign, the applicant would be subject to undue hardship. Undue hardship is not considered the loss of possible advantage, economic loss or gain, or mere inconvenience to the applicant.
- C. Appeals from decisions of the Board of Zoning Appeals shall be to the Circuit Court in conformance with the requirements of Chapter 12 of this Ordinance.

11.07 General Sign Requirements:

- A. Structural Requirements: All signs shall comply with the pertinent requirements of the South Whitley Building Code.
- B. Safety: Any existing sign which is or becomes an immediate danger or hazard to

persons or property because of being in an unsafe condition, or which obstructs any fire escape, window, or door, is subject to immediate removal without notice and at the expense of the property and/or sign owner.

- C. Maintenance: Each sign shall be maintained in a safe, presentable and good condition. All existing signs shall be painted every 2 years except where the sign is of a non-corroding material, galvanized, or otherwise treated to prevent rust. Broken panels, missing letters, flaking or peeling paint and other visual damage to a sign shall be repaired within 45 days of occurrence or within 10 days notification by the Building Commissioner.
- D. Abandoned Signs: Any sign or sign structure which advertises a business no longer conducted or service no longer rendered, or a product no longer sold on the premises or lot shall be classified an abandoned sign and shall be removed by the owner, agent, or person having beneficial use of the premises or lot upon which the sign is located within 10 days following written notice by the Commission or Building Commissioner concerning its removal.
- E. Illumination: Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- F. State Right-of-Way Requirements: All signs erected within the jurisdiction of State right-of-way requirements shall meet both State and Town requirements. Signs shall not project over any city or county public right-of-way.
- G. Lot lines: Signs shall not project over lot lines.

11.08 Severability: If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter.

11.09 Residential and Agricultural Signage: One, Two, Multi-Family Residential, and Agricultural Signs must comply with the General Sign Provisions in Section 11.07 of this Chapter. The allowable signage includes all permitted uses in Section 11.02 of this Chapter.

A. Allowable Signs:

- 1. Identification Signs: One identification sign may be erected on each perimeter street frontage of a multi-family development, manufactured/mobile home park, single-family subdivision, or permitted non-residential uses, including Special Exceptions. The sign shall not be permitted to exceed 32 square feet of display surface area. The sign shall not exceed 12 feet in height, and illumination, if any,

shall be by a constant light. Additional or Multiple signs may be permitted by the Plan Commission for one or more entrances. Please see Chapter 9, Development Plan Approval.

2. Church, Public or Semi-Public Buildings, or Public Park Identification Sign: Not more than one sign per street frontage not exceeding 50 square feet in size per face. The sign shall not exceed 12 feet in height, and illumination, if any, shall be by constant light.
3. Construction Sign: During the period of construction, a temporary sign advertising the construction of improvements on the premises, may be erected on each perimeter street of frontage of the development. The sign shall not exceed 32 square feet in surface area, nor 12 feet in height, and illumination, if any shall be by constant light.
4. Directional Signs: Two signs per entry/exit not exceeding 6 square feet in size per face.
5. Memorial or Tablet Sign: One sign not exceeding 6 square feet in size per face unless such signs are installed by the Federal, State, County, or City government or agencies thereof.
6. Property Real Estate Signs: One sign per lot frontage not exceeding 8 square feet in size per face.
7. Special Displays and other Temporary Signs. (See Section 11.12 of this Chapter.)
8. Informational signs not exceeding 2 square feet in size per side nor a height of 4 feet from the ground which identify the occupants, occupation, address, and/or information. Examples of permitted informational signs generally include: privacy sign, trespassing sign, seed sign, etc.
9. Non-illuminated Home Occupation wall sign not exceeding 2 square feet wall-mounted on the dwelling, and; if allowed with the Special Exception, 1 non-illuminated yard sign not exceeding 6 square feet in size per face. (See Chapter 12, Board of Zoning Appeals.)

B. Location and Height:

1. No sign placed upon the ground shall be located closer than 10 feet to any property line and shall meet the sight triangle requirements of Section 10.03.C of this ordinance.
2. No sign attached to the wall of a building or other structure shall extend above the roof line of that building or structure.

3. For residential signs without a specific height standard, the sign(s) shall not exceed 8 feet in height from the surrounding grade to the highest point of the sign.
4. Direction Signs: No sign shall exceed 3 ½ feet above the elevation of the adjacent driveway at the point where it meets the street right-of-way.
5. Memorial or Tablet Signs: No sign shall exceed 6 feet in height from the surrounding grade to the highest point on the sign.
6. Property Real Estate Signs: No sign shall exceed 6 feet in height from the surrounding grade to the highest point on the sign.

C. Other Requirements:

1. Mobile Construction Signs: Signs identifying mechanics, painters, architects, engineers, and similar artisans and workmen which are attached to or on trailers on the site of construction shall be permitted provided that upon completion of the project the trailer must be removed within one week. These trailers shall not be located closer than 10 feet to the property line if such signs are visible from the street.
2. Residential Construction Project Sign:
 - a. On-Site Sign: Such sign shall be removed either at such time as the permanent subdivision entrance sign is erected, or when 80% of the lots and/or dwelling units have been sold, whichever circumstance occurs first.
 - b. Off-Site Signs: Such signs shall be removed either within 2 years from the date of issuance of the sign permit, or when 80% of the lots and/or dwelling units have been sold, whichever circumstance occurs first.
3. Property Real Estate Signs: Shall be removed within 10 days following the date of closing or lease initiation.
4. Directional Sign: May contain the street address and/or name of the business center or the name of the use of the building, trademark, logo, or similar matter, provided that not more than 50% of the sign area is used for this purpose.

11.10 Business and Industrial Signage: Commercial Signs must comply with the General Sign Provisions in Section 11.07 of this Chapter. The allowable signage includes all permitted uses in Section 11.02 of this Chapter.

A. **Allowable Signs:**

1. Pole Signs: One (1) pole sign per lot and shall not have an aggregate (total from each side combined) surface area greater than 3 square feet for each foot of width of the principal structure on the premises. Total pole signage shall not exceed 300 square feet,
2. Ground-Mounted Signs: One (1) ground mounted sign per lot may be substituted for the allowable pole sign. Same surface area requirements as for pole signs.
3. Attached Signs: One attached sign for each side of the building not exceeding 10% of the total square footage of the building face upon which it is placed.
4. Window/Door Signs: Shall not cover more than 50% of the total window area or door to which they are applied.
5. Under Canopy Sign: One sign not exceeding 2 square feet in size displaying the name, occupation, address and/or service located upon the premises.
6. Directories: For buildings with multiple occupancies, a directory sign may be substituted in lieu of the allowable pole sign subject to review and approval by the Board of Zoning Appeals as to height and overall square footage.

B. Location and Height

1. Pole Signs: Such signs shall not exceed 30 feet in height from the surrounding grade to the highest point on the sign and the overhang shall not be located any closer than 1 foot to any property line. Such signs shall meet the sight triangle requirements of Chapter 10.
2. Ground-Mounted Sign: Such signs shall not exceed 6 feet in height from the surrounding grade to the highest point on the sign and shall be located no closer than 1 foot to any property line. Such signs shall meet the sight triangle requirements of Chapter 10.
3. Attached Signs: Shall be face mounted on the building wall, projecting not more than 12 inches from the face of the building. Such signs shall not project above the parapet wall, mansard, or other roof line, shall maintain a clearance of 8 feet above the ground or pavement and shall be recessed where involving a pitched roof location.
4. Window/Door Signs. Such signs may be attached to either the interior or exterior of a window or glass door and shall be maintained in good repair.

5. Under Canopy Signs: Such signs may be attached to the building or canopy and shall maintain a head clearance of 8 feet.
6. Directories: As approved by the Board of Zoning Appeals.

C. Other Requirements

1. Canopy Use: An attached or detached canopy sign may be used as an attached and/or pole sign. However, the canopy's size does not add to the width or face of the building when calculating for allowable signage.
2. Portable Signs The use of portable signs for the advertisement of cigarettes, food, or other sundry items is specifically prohibited.
3. Changeable Copy Signs: A manual changeable copy sign may be incorporated as an integral part of the permanent pole, ground, or attached signage permitted upon the property.

11.11 Special Displays and Other Temporary Signs: Banners and Pennants are a permitted use. However; the Town Clerk can require removal of such Banners and Pennants if they are not kept in a safe and orderly fashion. The following temporary signs may be approved by the Building Commissioner for up to a 90 day time period. Such signs may be extended beyond the 90 day time period, but only upon review and approval by the Board of Zoning Appeals as a Special Exception.

- A. Signs announcing Openings.
- B. Seasonal or special occasion signs such as special events and special business hours.
- C. Yard signs, such as "Siding by...".
- D. Subdivision Directional Signs not exceeding three (3) square feet in size per face.
- E. All other temporary signs not specifically referenced in this Ordinance.
- F. Portable signs, signs not permanently affixed to the ground.