

the planning department. The fire prevention code is hereby adopted and incorporated and made a part of this Code, except where amended specifically herein, as fully as if set out herein.

(Ord. No. 97-020, 12-22-97)

Sec. 5-172. Permit fees.

The schedule of permit fees for the fire prevention code shall be set from time to time by the city commission and a schedule of such costs is on file in the planning department, and shall be incorporated and made a part of this Code.

Sec. 5-173. Amendments.

The fire prevention code adopted in this article shall be amended from time to time by the city commission and such amendments shall be incorporated and made a part of this Code.

Secs. 5-174—5-179. Reserved.

ARTICLE III. SIGN REGULATIONS

Sec. 5-180. Purpose and intent.

(a) *Purpose.* The purpose of these regulations is:

- (1) To provide for a comprehensive and balanced system to facilitate communication between people and their environment;
- (2) To avoid the visual clutter that is potentially harmful to community appearance;
- (3) To protect the general public from damage and injury caused by the distractions, hazards, and obstructions caused by signs; and
- (4) To preserve the value of property by assuring the compatibility of signs with surrounding land uses.

(b) *Intent.* With these purposes in mind, it is the intent of these provisions to authorize the uses of signs, which are:

- (1) Compatible with their surroundings;
- (2) Appropriate to the activity that displays them;
- (3) Expressive of the identity of individual activities and the community as a whole; and
- (4) Legible in the circumstances in which they are seen.

(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-181. Definitions.

Animated sign means a sign which uses movement or changes of lighting to depict action or to create a special effect or scene.

Area of sign means the entire area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure of similar character, together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports or uprights on which any sign is supported shall not be included in determining the sign area unless such supports are designed in such a manner as to form an integral background of the display. The sign area of painted or affixed wall signs when composed of letters only is the sum of the area of a rectangle which encloses all of the letters. Only one face of a double-faced sign with parallel, opposing faces 15 inches or less apart and bearing identical copy shall be used in computing the area.

Banner means a sign, with or without characters, letters, illustrations or ornamentation, applied to cloth, paper or fabric of any kind, with only such material for backing. Banners are to be considered temporary signs.

Billboard means an outdoor, off-site sign.

Building frontage means the length of the building line of any one premises along a street on which it borders.

Canopy means a structure, made of cloth, metal or material with frames attached to a building, and carried by a frame supported by the grounds or sidewalks.

Canopy sign means a sign affixed to, superimposed upon, or painted, on any roof-like structure, which is extended over a sidewalk or walkway or vehicle access area. Canopy signs shall be no less than eight feet above the ground when erected over pedestrian walkways and 14 feet above areas of vehicle service access at the lowest extremity of the signs. Canopy signs shall be otherwise regulated as provided for wall signs.

Construction sign means a sign erected and maintained on premises announcing the proposed or existing construction of a building or project.

Double-faced sign means a sign with parallel, opposing faces 15 inches or less apart and bearing identical copy. Only one face shall be used in computing signable area.

Eaves means the lowest horizontal line of any roof.

Erect means to build, construct, attach, hang, place, suspend, affix or fabricate, which shall also include painting of wall signs or other graphics.

Facade means any face of a building. The dominant facade of the building is where its principal entrance is located and which may not face the street upon which its legal address is located.

Flashing sign means a sign designed to attract attention through the use of flashing, changing, revolving or flickering light source, or change of light intensity. Flashing signs are prohibited within the city limits.

Free-standing sign means a sign securely affixed to a substantial support structure which is permanently attached to the ground and wholly independent of any building for support. Free-standing signs must direct attention to a building, profession, product, service, business activity or entertainment conducted on the premises upon which the sign is located. A freestanding sign shall have a maximum of 150 square feet.

Gasoline price signs means non-illuminated signs giving information such as self-service instructions, price, type of fuel, etc.

Frontage means the width in linear feet of each lot where it abuts the right-of-way of any public street.

Instructional / directional sign means a sign used to give direction or specific instruction to the public, such as, but not limited to, "enter", "exit", "no parking", "drive through", "rest room", and so forth. Instructional signs may be located adjacent to but not within the right-of-way line, and must not exceed six square feet in area and three feet in height above the ground if free-standing.

Illuminated sign means a sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back lighted, and reflecting signs which depend upon automobile headlights for an image.

Nonconforming sign means any sign which does not conform to the requirements of this article.

Off-site sign means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. Billboards shall be considered off-site signs. Off-site signs are only permitted in B-II zoning districts.

On-site sign means a sign, other than temporary sign, which may identify, advertise or promote a product or service, a person, place activity, event or idea or any other thing located or obtainable on or at the location where the sign is located; and, in addition, on-site signs may display noncommercial messages or noncommercial speech.

Political sign means a sign identifying and urging voter support for a particular election issue, political party or candidate for public office.

Portable sign means any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols. Even though the wheels or supports of such sign should be removed and the sign rendered immobile, such sign shall retain its character as a portable sign based on its original design unless it is permanently attached to the property as an on-site sign.

Real estate sign means any sign which advertises the sale, rental or development of the premises upon which it is located.

Roadway frontage means the length of the property line of any one premises along a street on which it borders.

Roof sign means any sign or other graphic erected or maintained on a building, any portion of which extends above the eave or roof line or parapets of a building. Roof signs shall be otherwise regulated as provided for wall signs.

Shopping center means a group of two (2) or more retail and service establishments located on commonly owned property sharing the same parking facilities and connected together by common walls, interior aisles, or malls.

Sign means any presentation or representation by letter, symbol, number or combination thereof which is outdoors for the purpose of making something known. Signs include, but are not limited to, figures, devices, pennants, emblems and pictures. Signs do not include the interior of buildings, but do include window signs visible from the exterior.

Signs do not include merchandise and pictures or models of products incorporated in a window display; nor works of art painted on a window or wall which in no way identify a product located on the premises.

Temporary sign means a sign of a non-permanent nature which includes but is not limited to political, real estate, special event signs for special use or events such as, but not limited to, grand openings, seasonal sales, etc. Banners are also considered temporary signs. Temporary signs can be erected for no more than 14 days during a four-month period.

Wall sign means a sign attached to, erected against or painted on the exterior of the wall of a building with the face in a parallel plane to the plane of the building wall.

Window sign means any sign placed inside or upon a window facing outside and which is intended to be seen from the exterior. Window signs shall be limited to one sign per window. The area of these signs shall not exceed more than 25 percent of the window.
(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-182. Prohibited signs.

The following types of signs are prohibited:

- (1) Signs which obstruct the sight distance along a public right-of-way.
- (2) Signs that would tend by their location, color, or nature, to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle or traffic signal.
- (3) Signs that would by their nature or moving parts tend to confuse traffic or create any potential hazard to traffic.
- (4) Uses of signs that in any way approximates an official highway sign or carries words such as "stop", "go", "slow", or "danger", which might be confused with traffic signs.

- (5) Signs posted or displayed upon any bridge, utility pole, public right-of-way or public or private property without the owners written consent (refer to section 14-3 of this Code). This includes "yard sale" and other weekend-type special event signs.
- (6) Animated signs except public service signs.
- (7) Flying signs and paraphernalia or inflatable signs except as used by legally constituted governmental agencies and authorities are only permitted during special promotions and events, and cannot be erected for more than 14 days in one calendar year.
- (8) Signs, which produce noise or sounds capable of being heard even though the sounds produced, are not understandable sounds.
- (9) Signs which emit smoke, vapor, particles or odor.
- (10) Signs that are more than six square feet, attached to or painted onto a vehicle parked on or adjacent to and visible from a street for the purpose of advertising onto said street, except signs advertising the vehicle for sale. Political signs shall not be included.
- (11) Flashing signs.
- (12) Roof signs shall be prohibited within the Main Street Tax District.
(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-183. Signs excluded.

The following signs shall be excluded from the regulations of this article; except those related to the health, safety and welfare of the general public:

- (1) Any sign with a total surface area of two square feet or less.
- (2) Signs on the inside or outside of store windows that fill less than 25 percent of the window space.
- (3) Signs of a duly constituted governmental body, including traffic and legal signs.
- (4) Temporary signs, to include banner signs, political signs, special event signs and promotional signs. Temporary signs cannot exceed 40 square feet. Temporary signs can be erected for no more than 14 days during a four-month period.
- (5) Real estate signs not exceeding four square feet with a maximum height of three feet above the non-elevated ground. Real estate signs shall not be illuminated, and no more than two real estate signs may be placed on any lot.
- (6) Signs incorporated on machinery or equipment at the manufacturers or distributors level, which identify or advertise only the product or service dispensed by the machine or equipment such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- (7) Instructional/directional signs are excluded, but these signs must not exceed six square feet in area and three feet in height above the ground if freestanding.

- (8) Nonadvertising safety signs or symbols (e.g. caution, clearance, slow) located on and pertaining to a parcel of private property.
 - (9) Gasoline price signs.
 - (10) Drive-thru menu signs.
- (Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-184. Regulations applying to signs by zoning district.

- (a) Residential zoning districts (includes R-IA, R-IB, R-II, and R-III zoning districts):
 - (1) On-site business signs: Not permitted.
 - (2) Off-site advertising signs (billboards): Not permitted.
 - (3) Portable signboards: Not permitted.
- (b) Business zoning districts (includes B-I, B-II: with the exception the Main Street Tax District, and B-IV zoning districts):
 - (1) On-site business signs:
 - a. Free-standing signs.
 - 1. One free standing sign per business of record is permitted, and said sign shall not exceed one square foot of area for each linear foot of roadway frontage(s) occupied by the business displaying the sign, not to exceed 150 square feet per business.
 - 2. In regard to multi-tenant occupancy, one free-standing sign per business is permitted, and each sign shall not exceed two square feet of area per linear foot of building frontage occupied by the business displaying the sign not to exceed 150 square feet per business.
 - 3. On lots with multiple road frontages, one free-standing sign per road frontage is permitted with a total square footage of all signs not to exceed one square foot of area per linear foot of roadway frontage occupied by the building, not to exceed 150 square feet per business.
 - 4. Free-standing signs, at their highest point shall be no more than 35 feet above either the unaltered level of the ground or centerline elevation of adjacent right-of-way at a point perpendicular to the location of the top of the sign.
 - b. Wall signs shall not exceed two square feet of area per linear foot of building frontage occupied by the business displaying the sign.
 - (2) Off-site advertising signs (billboards): Limited to B-II zoning district only:
 - a. Only allowed in B-II zoning district.
 - b. Maximum height (to top of billboard) is 50 feet above existing road grade.
 - c. One two-sided billboard is permitted per lot (double-stacked billboards are prohibited).

- d. Maximum surface area of billboard cannot exceed 150 square feet per side.
 - e. The B-II Main Street Tax District; and the portion of North Broad Street from Falls Road to Currahee Street, shall only allow a maximum height (to top of billboard) to be 30 feet above existing road grade.
- (3) Portable signs: Limited to B-I, B-II, B-IV zoning districts only:
- a. Only one sign is allowed per business.
 - b. The portable sign will be placed in a stable position on its legs or wheels, and uncluttered by blocks, bricks, braces or other materials not generic with the sign.
 - c. Portable sign area cannot exceed 40 square feet per side of surface area.
 - d. Portable signs can not utilize flashing illumination.
 - e. Portable signs must be set back a minimum of 15 feet from a right-of-way line.
 - f. No portable sign can be placed or mounted on any building.
 - g. No portable sign can be permanently mounted.
 - h. Portable signs shall not be permitted in B-III zoning.
 - i. Portable signs, located within the B-II Main Street Tax District and the portion of North Broad Street from Falls Road to Currahee Street, are only permitted for a maximum of 45 days in any twelve-month period.

(c) Main Street Tax District (Includes B-II Main Street Tax District and all B-III zoning district): The following requirements shall be enforced within the Main Street Tax District:

- (1) One free-standing sign per lot of record is permitted for each business located on the property. Said sign shall be limited to one square foot of area for each linear foot of building frontage occupied by the business displaying the sign, not to exceed 150 square feet per business.
- (2) Free-standing signs, at their highest point, should be no more than 25 feet above either the unaltered level of the ground or centerline elevation of adjacent right-of-way at a point perpendicular to the location of the top of the sign.
- (3) Wall signs shall be regulated as follows:
 - a. For single-tenant and multi-tenant occupancy with less than 100 linear feet of building frontage, 1½ square feet per linear foot of building frontage, to a maximum of 100 square feet per business.
 - b. For multi-tenant (commercial shopping center with 100 linear feet or more of building frontage), each tenant, two square feet per linear foot of building frontage to a maximum area of 150 square feet per business.

(d) Industrial zoning districts (Includes M-I and M-II zoning districts):

- (1) On-site business signs: Permitted as specified in subsection (b)(1), above.
- (2) Off-site advertising signs (billboards): Not Permitted.

(3) Portable signs: Not permitted except for special sales of company products or job vacancies, and limited to the portable sign regulations in subsection (b)(3), above.
(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-185. General provisions.

(a) *Lighting requirements.* Only permanent signs shall be allowed to be illuminated, either directly or indirectly. No sign shall give off light, which glares, blinds or has any other such adverse effect on traffic. 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 roadway. A permit will not be issued for an illuminated sign within 75 feet from any structure within a residentially zoned area. Flashing, blinking, fluctuating and animated signs are prohibited, however, signs displaying the time, temperature, date, official warnings and regulatory signs are exempt from this restriction.

(b) *Construction and maintenance.* All signs shall be constructed and maintained in conformance with all building and electrical codes adopted by the City of Toccoa. The City of Toccoa may at its discretion require certification to confirm that the structural requirements of these codes are met. The city marshal shall have the authority to cause to be removed after due notice any sign which shows gross neglect or becomes dilapidated by giving the owner 30 days written notice to correct the deficiencies or to remove the sign(s). If the owner refuses to comply, the city marshal shall have the authority to have said sign(s) removed at the expense of the owner. These signs, together with their supports, braces, guys and anchors, shall be kept in good repair and unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

(c) Except as otherwise provided in this article, any on-site sign and its supports that is located on property which becomes vacant and is unoccupied for a period of six months or more, or any on-site sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to be abandoned. Permanent on-site signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 12 months or more. An abandoned on-site sign is prohibited and is a violation of this article.

(d) When any sign constitutes an immediate peril to persons or property, the city marshal may require the condition to be remedied immediately, including removal of the sign if that is necessary to remedy the condition. For the purpose of this article, the word "remove" shall mean that the sign face and sign structure, including all posts, columns, or supports shall be taken down and removed from the property.

(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-186. Nonconforming signs:

(a) Nonconforming signs may continue in existence except that the nonconforming sign shall not be:

(1) Replaced by another sign, except within the provisions of this article.

(2) Increased in size beyond that existing as of the effective date of this article.

(b) The substitution or interchange of poster panels or painted boards on nonconforming signs shall be permitted.

(c) Repairs and maintenance of nonconforming signs such as repainting, electrical repairs, and neon tubing shall be permitted. However, no changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article.

(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-187. Enforcement.

It shall be the duty of the community planning and development department to enforce this article. The city shall have the authority to revoke, suspend, or void any construction permit and shall have the authority to suspend all work on site or any portion thereof.

(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-188. Application for permit and permit fees.

(a) A sign permit is required before a sign may be erected or attached to, suspended from or supported on a building or structure or before an existing sign may be enlarged, relocated or materially improved upon except as is herein provided by this article.

(b) Plans and other information, which the building official may require, shall accompany a sign permit application. Review comments or approval of applications for sign permits will be granted within ten working days of receipt of all applicable information.

(c) If the plans, specifications, and intended use of the applied sign or part thereof conform in all respects to the applicable provisions of this article and the city building and electrical codes, a sign permit shall be issued.

(d) A sign permit shall become null if the sign for which the permit was issued has not been completed within a period of six months after the date of permit issuance.

(e) The permit fees for the sign regulation code shall be amended from time to time by the city commission and such amendments shall be incorporated and made a part of this Code.

(Ord. No. 98-009, § I, 8-24-98; Ord. No. 2000-21, 10-23-00)

Sec. 5-189. Penalties.

Any person, firm or corporation, or agent thereof, who shall violate a provision of this Code or fail to comply therewith, or any of the provisions thereof, or violate a detailed statement or plan submitted and approved thereunder shall be guilty of an offense. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon conviction in the recorder's court for any such violation such person shall be punished as provided in section 1-1-8 of the code of ordinances of the city.

(Ord. No. 2000-21, 10-23-00)