

TOWN OF BETWEEN, GEORGIA

**ORDINANCE PROVIDING FOR THE REGULATION OF SIGNS AND
STREET GRAPHICS WITHIN THE JURISDICTION OF THE TOWN OF
BETWEEN GEORGIA**

TOWN OF BETHELEN SIGN ORDINANCE

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ORDINANCE NO. _____

**AN ORDINANCE REPEALING THE SEPTEMBER 1, 2006 ADOPTED
SIGN ORDINANCE AND ENACTING A NEW ORDINANCE PROVIDING
FOR THE REGULATION OF SIGNS AND STREET GRAPHICS WITHIN
THE JURISDICTION OF THE TOWN OF BETWEEN GEORGIA**

It is hereby ordained by the governing authority of the Town of Between, Georgia that an ordinance shall be established to regulate signs and street graphics within the Town of Between, Georgia.

Section 1: Purpose and Intent

The purpose of this Section is to provide standards to safeguard life, public health, property, and welfare by regulating the location, size, illumination, erection, maintenance, and quality of materials of all signs, street graphics, and outdoor advertising structures. These regulations are not intended to limit non-commercial messages.

Signs and street graphics are regulated on the basis of the zoning district in which they are displayed, the type of activity on the property where they are displayed, and five design features: type of graphic, size of graphic, height of graphic, location of graphic, and type of illumination used.

Furthermore, the purposes of these sign regulations are:

- To encourage the effective use of signs and street graphics as a means of communication;
- To maintain and enhance the pleasing look of the community;
- To preserve the Town of Between as a community that is attractive to business;
- To protect the general public from damage and injury caused by the distractions, hazards, and obstructions caused by street graphics;
- To preserve the value of property by assuring the compatibility of street graphics with surrounding land uses.

Section 2:

Exempt Signs

The following types of signs are exempt from the permit requirements of Section: 23, unless otherwise expressly prohibited under Section: 3. However, all these signs shall meet the standards as specified in this Ordinance and all signs using electrical wiring and connections shall require an electrical permit issued by Walton County.

- A. Real Estate signs, provided they meet the requirements of Section 17
- B. Public Service signs
- C. Construction signs, provided they meet the requirements of Section 7.
- D. Any sign not visible from public thoroughfares, within a business, office, mall, or totally enclosed area.
- E. Instructional signs, provided they meet the requirements of Section 14.
- F. Window signs, provided they meet the requirements of Section 21.
- G. Ground signs – residential, provided they meet the requirements of Section 12.
- H. Town Owned Kiosk Signs

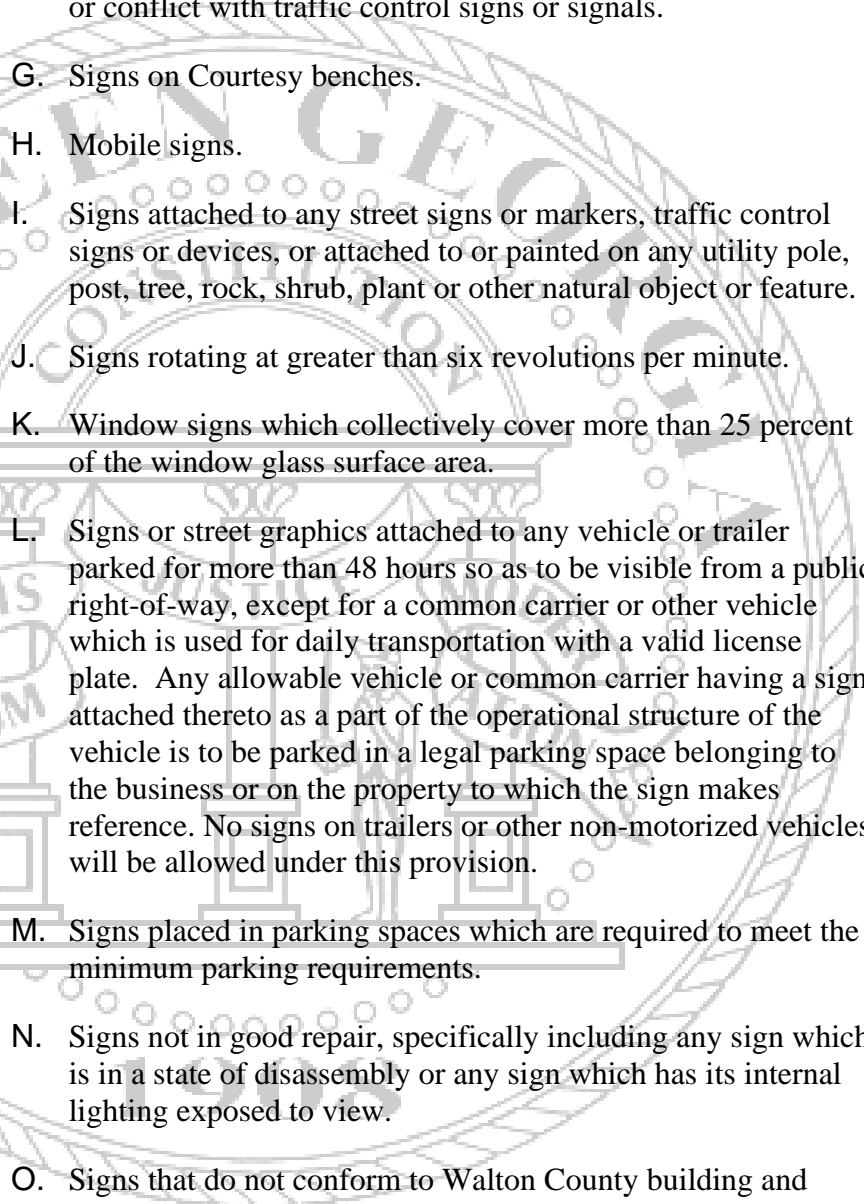
Section 3:

Prohibited Signs

The following types of signs or street graphics are prohibited in all zoning districts of the Town of Between:

The Town of Between shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs.

- A. Roof signs.
- B. Portable signs.
- C. Projecting signs, unless the Director grants approval. In no case, however, shall this type sign exceed two square feet.

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- D. Animated signs involving motion or sound, except time, temperature and date.
 - E. Signs on public right-of-way except public service signs and town owned kiosk signs exempt under Section 2.
 - F. Signs or graphics which by color, location, or design resemble or conflict with traffic control signs or signals.
 - G. Signs on Courtesy benches.
 - H. Mobile signs.
 - I. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any utility pole, post, tree, rock, shrub, plant or other natural object or feature.
 - J. Signs rotating at greater than six revolutions per minute.
 - K. Window signs which collectively cover more than 25 percent of the window glass surface area.
 - L. Signs or street graphics attached to any vehicle or trailer parked for more than 48 hours so as to be visible from a public right-of-way, except for a common carrier or other vehicle which is used for daily transportation with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the sign makes reference. No signs on trailers or other non-motorized vehicles will be allowed under this provision.
 - M. Signs placed in parking spaces which are required to meet the minimum parking requirements.
 - N. Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view.
 - O. Signs that do not conform to Walton County building and electrical codes.

Section 4:

Permitted Signs

A. Table of Permitted Signs

Signs shall be permitted in accordance with Table 1, subject to the conditions attached to Table 1 by the various Section reference number. The letter “A” in the row for a sign and in the column for a particular group of zoning districts shall indicate that the sign is allowed in that district without a permit; the letter “P” in the row for a sign and in the column for a particular group of zoning districts shall indicate that the sign is allowed in those districts only upon issuance of a sign permit; and “X” in any row indicates that the type of sign indicated is not allowed in that group of districts under any circumstances.

*Signs in ag districts with no single-family dwelling



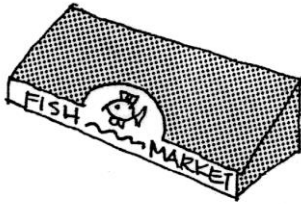
Table 1: Permitted Signs and Graphics

Sign Type	Agricultural Districts	Commercial Districts	Industrial Districts	O&I Districts	Residential Districts	Section
Free standing						
Construction	A	A	A	A	A	7
Directory	X	P	P	P	X	8
Electronic	X	P	P	X	X	9
Entrance	P	P	P	P	P	10
Ground Sign, Non-residential	P*	P	P	P	X	11
Ground Sign, Residential	A	X	X	X	A	12
Highway Oriented	X	P	P	X	X	13
Instructional	X	A	A	A	X	14
Menu Board	X	P	X	X	X	16
Public Service	A	A	A	A	A	
Real Estate	A	A	A	A	A	17
Special Event, non-residential	X	P	P	P	X	18
County Owned Kiosk Signs _(rev 9-2-03)	A	A	A	A	A	
Temporary, non-profit organizations	P	P	P	P	P	19
Building						
Awning	P	P	P	P	P	5
Canopy	X	P	P	X	X	6
Directory	X	P	P	P	X	8
Marquee	X	P	X	X	X	15
Wall	A	P	P	P	A	20
Roof	X	X	X	X	X	
Window	X	A	A	X	X	21
A = signs or other devices allowed without a sign certificate or permit						
P = signs permitted only after issuance of a sign permit						
X = signs or other devices not allowed in this district.						
Mixed Use districts TC and MUBP signage will be determined by the type of activity on the property where they are displayed in accordance with table 1: Permitted Signs and Graphics						

Section 5:

Awning Sign

Awning signs shall be allowed provided that:



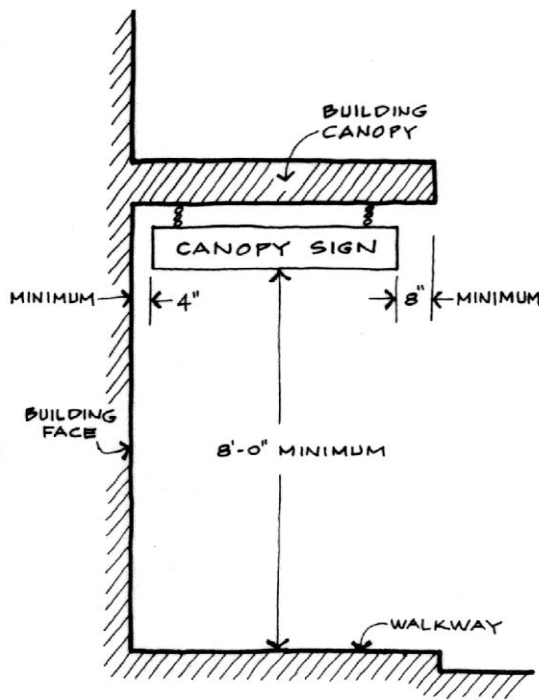
Awning Signs

- A. On a single-occupant property, one awning sign may be allowed only in lieu of all other signage otherwise permitted on the wall to which the awning is attached.
- B. On a multi-occupant property, one awning sign may be allowed over each occupant entrance, in lieu all other signage otherwise permitted on the wall the awning is attached.
- C. The maximum area of an awning sign shall not exceed 20 percent of the total awning face front or side area.
- D. Awning signs may be illuminated only with direct surface lighting and not with any form of backlighting.

Section 6:

Canopy Sign

In non-residential districts, canopy signs shall be allowed provided that:



Canopy Sign

- A. Such signs shall not exceed one per vertical side surface area.
- B. Such signs shall not exceed 10 square feet.
- C. No sign shall be allowed on top of canopy or above roofline of canopy.
- D. Such signs shall have a minimum 8 foot clearance above the walkway.

Section 7:

Construction Sign

Construction signs shall be allowed, provided that:

- A. For nonresidential, institutional, duplex, or multi-family residential developments, a single sign is allowed per development, such sign shall not exceed 32 sq ft or 6 ft in height. Such sign shall be removed no later than the date of issuance of a certificate of occupancy for the premises or any part thereof.
- B. In single-family residential districts, a single construction ground sign shall be permitted as an accessory use to a subdivision real estate sales office. Such sign shall not exceed 32 sq ft or 6 feet in height.
- C. Construction signs shall not be permitted on existing single-family residences



Section 8:

Directory Sign

Directory signs shall be allowed where a particular site includes more than one tenant, such as a shopping center, industrial park, or office park, provided that they are located near entrances to parking areas and at principal intersections within the site. Directory signs shall be not less than 50 feet from any public right-of-way. Such signs shall not exceed 16 square feet in area and 10 feet in height. Such sign shall not be separately illuminated. Such signs may also be attached to the building within projects or centers.

Section 9:

Electronic Signs

Electronic signs shall be allowed provided that:

- A. Electronic signs shall be allowed only in Commercial and Industrial districts.
- B. No message may be displayed for less than one (1) second.
- C. No message may be repeated at intervals of less than two (2) seconds.
- D. No segmented message may last longer than ten (10) seconds.
- E. No traveling message may travel at a rate slower than sixteen (16) light columns per second or signs end faster than thirty-two (32) light columns per second.

Section 10:

Entrance Sign

Entrance Sign is a type of ground sign placed at the entrance of an office park, institutional use, industrial park, apartment development, shopping center or subdivision development:

- A. An industrial park, institutional, office park, apartment development, subdivision development, or shopping center that does not display any other ground mounted graphics and that has a frontage of at least 200 feet may display one entrance sign, on one side of the entrance or on both sides of the entrance provided the signs combined area does not exceed Section 10: B.
- B. Such signs shall not exceed 50% of the height and area requirements of a non-residential ground sign.

Section 11:

Ground Sign, non-residential

Ground signs shall be allowed on non-residential properties and non-residential uses authorized in agricultural and residential districts provided that:

- A. Such signs shall not exceed 100 square feet in area;
- B. Such signs shall not exceed 15 feet in height.
- C. For a single-occupant property, there shall be only one ground sign per street frontage
- D. For a multi-occupant project, one ground sign may be allowed for every 400 feet of street frontage provided the distance between such signs is at least 300 ft.
- E. Such signs shall only be allowed on properties that have an authorized curb cut.

Section 12:

Ground Sign, residential

Ground signs shall be allowed on residential properties, provided that:

- A. Such signs shall not exceed 6 square feet in area;
- B. Such signs shall not exceed 4 feet in height.
- C. Such signs are not illuminated;

- D. There shall be only one ground sign per street frontage.
- E. A building wall sign may be allowed in lieu of the ground sign subject to the above four standards.
- F. Such signs on properties that do not have an authorized curb cut shall be required to have a sign permit.

Section 13:

Highway Oriented Sign

One highway-oriented sign may be allowed on a property under the following conditions:

- A. A highway-oriented sign must be located in a commercial or industrial district within 300 feet of a numbered and route signed State, US or Interstate Highway.
- B. The area of the sign face shall not exceed 300 square feet, nor shall the sign exceed 35 feet in height.
- C. The Highway Oriented Sign shall be considered the principal structure on a lot and may not be located on a lot with another principal structure.
- D. All portions of the Highway Oriented Sign shall be located in accordance with the principal building setback requirements of the zoning district in which it is located.
- E. The Highway Oriented Sign shall not be located within 1,000 feet of any other highway sign or within 500 feet of a residential or agricultural zoning district. Distance measurements shall be made horizontally in all directions from the nearest edge of the sign face.
- F. A lot containing a Highway Oriented Sign must meet the minimum frontage and lot size requirements of the zoning district in which it is located.
- G. All Highway Oriented Signs shall comply with all requirements of the State of Georgia.
- H. Sign post support structure for highway-oriented sign shall be of a metal unipole construction.
- I. No Highway sign may be located along a route signed State, US or Interstate Highway that is designated by the County or State as a scenic route.

Section 14:

Instructional Sign

Instructional signs shall be allowed in commercial, industrial and OI districts provided that they not exceed 2 square feet in area. Instructional ground signs shall not exceed 3 feet in height.

Section 15:

Marquee Sign



In addition to permitted wall signs, marquee signs shall be allowed at theaters. Such signs may cover no more than one square foot of sign area for each linear foot of theater building frontage.

Section 16:

Menu Board

Menu boards shall be allowed only as an accessory use to a restaurant with a drive-thru window, provided that:

- A. Such signs shall not exceed 32 square feet in area and 5 feet in height;
- B. There shall be no more than 2 such signs per property;
- C. Such signs may be internally or directly illuminated only when drive thru window is open conducting business.

Section 17:

Real Estate Sign

Real estate signs shall be allowed, provided that:

- A. Real Estate Signs are allowed in all zoning districts.
- B. Real Estate Signs are not in excess of five (5) square feet or three (3) feet in height.
- C. Are not located in street right-of-way or private common area.
- D. Are limited to one sign per street frontage.
- E. Excludes portable signs.
- F. Shall not be illuminated.

- G. Parcels, exceeding three (3) acres in size, not located in a final recorded subdivision, may have a sign not in excess of sixteen (16) square feet and five (5) feet in height.
- H. Such signs may be placed only on private property with the permission of that property owner.

Section 18:

Special Event Sign-Non-Residential

Special Event Signs shall be allowed, provided that:

- A. Prior to the special event or use, and the erection and placement of the sign or device, an application for permit shall be filed with the county.
- B. The signs and devices shall be constructed of, or shall be described as, poster board, banners, metal, wood, pennants, flags, balloons, twirlers, streamers, portable displays and air-or – gas filled figures.
- C. The maximum size allowance for all the devices and signs shall not exceed one hundred (100) square feet.
- D. The signs may be attached to the exterior wall or walls of a building, beneath a canopy and shall not be placed, located or connected less than five (5) feet from the right-of-way.
- E. The maximum number of special event sign permits to be issued to a single business location or parcel shall be two (2) per year for a period of time not to exceed sixteen (16) days for each issuance.

Section 19:

Temporary Signs for Non –Profit Organizations

Special events, such as those associated with civic, institutional philanthropic and educational purposes, shall be allowed a temporary sign, regardless of whether a temporary use permit is required and whether the use is specifically permitted, provided that:

- A. Only one such sign shall be allowed per property per event;
- B. Such sign shall be located only on private property;
- C. Such sign, if a ground sign, shall be limited to 42 inches in height and 16 square feet in area per side

- D. Such sign, if attached to a wall, shall be limited to 32 square feet in area per side; and
- E. Such sign shall be erected no sooner than thirty (30) days preceding the event and shall be removed no later than one day following the event.

Section 20:

Wall Sign, Nonresidential

Wall signs shall be allowed on buildings in commercial, office/institutional and industrial zoning districts provided that:

- A. The total area of all wall signs on a building shall not exceed one square foot in area for each linear foot of building frontage, and the fact that signs may be permitted on more than one wall of the building shall not increase this maximum;
- B. The total area of all wall signs on a particular wall or a section of wall shall not exceed one square foot of wall sign for each linear foot of length of that wall, which length shall be measured by applying the same principles as are used to measure building frontage;
- C. Such signs shall be located only on principal buildings and shall not be limited as to number;
- D. No wall sign shall project above the highest point of the building wall on the same side of the building as the sign; this shall include marquee signs and any other signs not affixed directly to such wall. The side elevation of a mansard roof shall be considered a wall sign.
- E. On a single occupancy building, all signage or message elements, except for poster boxes, marquee signs, logos and wall signs on theaters on any single wall, shall be considered parts of the same sign and shall be measured by a rectangle surrounding all of them;
- F. On a multi-occupancy building, each occupant with an outside entrance serving the general public may have a separate wall sign.
- G. In addition to other permitted signs, a theater may install one or more back lighted or internally illuminated "poster boxes", provided that:
 - i. Such boxes shall not exceed 36 by 54 inches each in area;

- ii. The top of such boxes shall not be more than ten feet above ground; and
- iii. Such boxes shall be permanently mounted to a wall.

Section 21:

Window Sign

Signs may be allowed on the interior or exterior of window glass on the first floor of buildings occupied by retail, restaurant and personal service establishments provided that they cover no more than 25 percent of each window section or pane and are not separately illuminated.

Section 22:

Standards

A. Content of Sign

Any sign, display, or device allowed under this Sign Ordinance may contain commercial or non-commercial messages, except that such messages shall not depict nudity, sexual conduct, obscene or pornographic material or advertise an illegal activity. This Ordinance will in no way infringe upon any person's Constitutional rights.

B. Location of Signs

All signs must be placed on private property, except signs erected on public property by an authorized governmental unit. No portion of a sign can be erected on or encroach on any public right-of-way except signs erected by or authorized by a government unit.

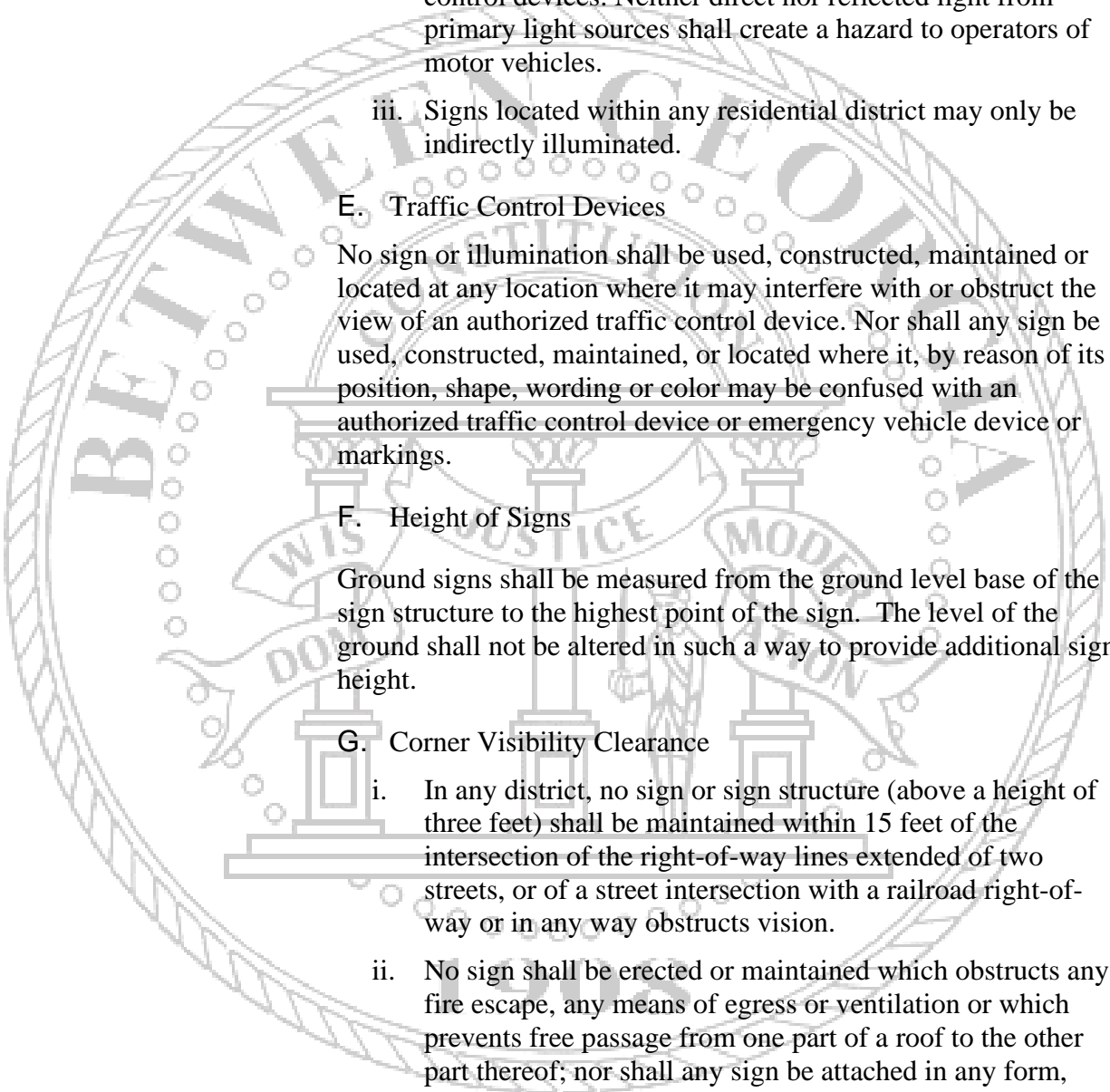
C. Number of Signs

For the purposes of determining the number of signs:

- i. Ground signs shall be equal to the number of sign structures.
- ii. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, such elements shall be considered to be a single sign.

D. Illumination of Signs

Only permanent signs shall be allowed to be illuminated provided that:

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- The seal of the City of Bettendorf, Iowa, is a large, circular emblem in the background. It features a central figure of a person holding a torch, surrounded by the words "BETTENDORF IOWA" and "1881". The seal is partially obscured by the text of the ordinance.
- i. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature or date.
 - ii. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
 - iii. Signs located within any residential district may only be indirectly illuminated.

E. Traffic Control Devices

No sign or illumination shall be used, constructed, maintained or located at any location where it may interfere with or obstruct the view of an authorized traffic control device. Nor shall any sign be used, constructed, maintained, or located where it, by reason of its position, shape, wording or color may be confused with an authorized traffic control device or emergency vehicle device or markings.

F. Height of Signs

Ground signs shall be measured from the ground level base of the sign structure to the highest point of the sign. The level of the ground shall not be altered in such a way to provide additional sign height.

G. Corner Visibility Clearance

- i. In any district, no sign or sign structure (above a height of three feet) shall be maintained within 15 feet of the intersection of the right-of-way lines extended of two streets, or of a street intersection with a railroad right-of-way or in any way obstructs vision.
- ii. No sign shall be erected or maintained which obstructs any fire escape, any means of egress or ventilation or which prevents free passage from one part of a roof to the other part thereof; nor shall any sign be attached in any form, shape or manner to a fire escape.

H. Effect of Creation of new Zoning District

If a new zoning district is created after the enactment of this Ordinance from which this article is derived, no sign shall be

permitted therein until this Ordinance is amended to include the district.

It shall be unlawful to post any signs or advertisements on any building, fence or other property belonging to another person without the written consent of the owner thereof. Such consent shall be provided to the Building Official by the person erecting, constructing or maintaining the sign.

Section 23:

Procedures

A. Compliance Letter:

A Compliance Letter issued by the Town of Between is required for the applicant to obtain the required sign permit and if applicable, an electrical permit.

The Compliance Letter form can be requested by contacting the Mayor's Office at (770) 366-1240 or by email at: *betweengamayor@gmail.com*.

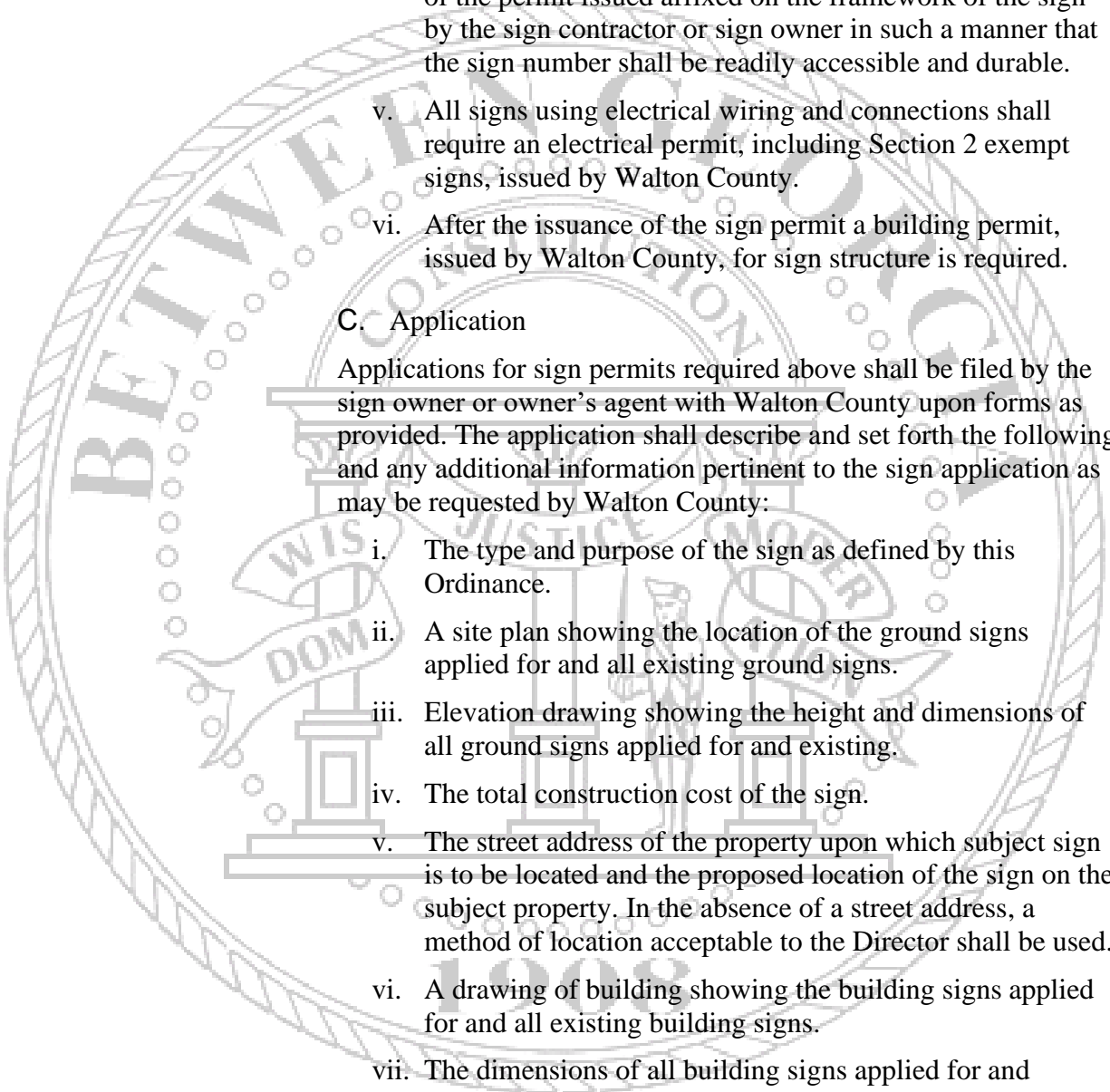
The form will be sent to the applicant via email or by U.S. Mail.

Upon completion, the form shall be mailed to the address listed (Town of Between, 1926 New Hope Church Road, P.O. Box 46, Monroe, Georgia 30655) with the required fee in the form of a check or money order made out to the Town of Between.

The approved Compliance Letter can be sent via email or by U.S. Mail

B. Sign Permit:

- i. A sign permit is required before a sign, other than a sign exempted under Section 2, may be erected or attached to, suspended from or supported on a building structure; and before an existing sign may be enlarged, relocated, or substantially changed.
- ii. A sign permit shall be issued by Walton County when the properly completed sign applications conforms in all respects to the applicable provisions of this Ordinance and the Walton County Building Code and electrical code. The application shall be accompanied by all the information required under Section 23 (B) and such other information as Walton County may require in the exercise of sound discretion in acting upon the application.

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- iii. Each application shall contain an agreement to indemnify and save the Town and County harmless of all damages, demands or expenses which may in any manner be caused by the sign or sign structure.
 - iv. Every sign constructed, erected or maintained for which a permit is required shall be plainly marked with the number of the permit issued affixed on the framework of the sign by the sign contractor or sign owner in such a manner that the sign number shall be readily accessible and durable.
 - v. All signs using electrical wiring and connections shall require an electrical permit, including Section 2 exempt signs, issued by Walton County.
 - vi. After the issuance of the sign permit a building permit, issued by Walton County, for sign structure is required.

C. Application

Applications for sign permits required above shall be filed by the sign owner or owner's agent with Walton County upon forms as provided. The application shall describe and set forth the following and any additional information pertinent to the sign application as may be requested by Walton County:

- i. The type and purpose of the sign as defined by this Ordinance.
- ii. A site plan showing the location of the ground signs applied for and all existing ground signs.
- iii. Elevation drawing showing the height and dimensions of all ground signs applied for and existing.
- iv. The total construction cost of the sign.
- v. The street address of the property upon which subject sign is to be located and the proposed location of the sign on the subject property. In the absence of a street address, a method of location acceptable to the Director shall be used.
- vi. A drawing of building showing the building signs applied for and all existing building signs.
- vii. The dimensions of all building signs applied for and existing.
- viii. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
- ix. Written consent of the owner, or owner's agent, granting permission for the placement and/or maintenance of the sign.

- x. The name, address, phone number, and occupational tax certificate (business license) number of the sign contractor.
- xi. Occupational tax certificate (business license) number of sign owner if the sign is for a business.
- xii. Certificate that all signs constructed under permit will be in compliance with Walton County Building and Electrical Code.

D. Expiration Date

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance, provided however, that a six-month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.

E. Processing of Application

Upon receipt of a properly completed application for a sign as permitted under the provisions of this Section, the Department, shall examine and process the application within ten (10) working days.

F. Fees

- i. No sign permit shall be issued until a fee in the amount established by action of the board of commissioners, a copy of which is on file in the office of the clerk of the board of commissioners, is paid to the county.
- ii. Any person required to secure a sign permit and pay the required fee who fails to make application for erection or registration of existing signs, shall be subject to and required to pay a penalty fee of an amount equal to the required fee, which penalty fee shall be in addition to the required fee and any penalty imposed for violation.

Section 24:

Appeals and Variances

A. Procedure Upon Denial

Upon denial of the application for a sign permit, the applicant shall be given written notice stating the reason(s) for the denial within 15 days of the decision to deny the permit. The aggrieved party may appeal any decision as provided in *Board of Zoning Appeals Procedure*.

B. Variances

- i. Variances may be granted from the provisions of this Ordinance in compliance with *Powers of Board of Zoning Appeals*.
- ii. Variance procedures shall apply both to signs which are non-conforming as of the effective date of this Ordinance and to new signs erected thereafter.

Section 25:

Construction and Maintenance

- A. It shall be unlawful to erect or place any sign that does not conform to the requirements of this Article.
- B. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and unless constructed of galvanized or non-corroding metal shall periodically be given a protective coating. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.
- C. The person or entity holding the permit shall be required to remove or have removed from the premises discarded or unusable paper. Sign faces, parts and debris resulting from the changing of the advertising copy or message or maintenance of any approved sign or sign structure.

Section 26:

Enforcement

- A. Inspection

Walton County enforcement personnel are hereby empowered to enter into or inspect any building, structure, or premise upon which a sign subject to this Ordinance is located for the purpose of inspecting the sign, its structural and electrical connections, and to ensure compliance with the provisions of this Ordinance.
- B. Removal
 - i. Walton County enforcement personnel may order the removal of any sign in violation of this Ordinance. Notice shall be given to the permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, notice shall be given to the sign erector or property owner and/or any other party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall

be issued only after the appropriate party fails to comply with the terms of this Ordinance within seven (7) days after the receipt of written notice of non-compliance by the County or within ten (10) days from the mailing of such notice if no receipt indicating acceptance is returned.

- ii. An aggrieved party may appeal the removal order within ten (10) days from the date that the notice was received. Such appeal shall be provided in *Board of Zoning Appeals Procedure – Appeals of decisions of administrative officials*. If the sign is not removed within thirty (30) days after the order of removal (or 30 days after the date any appeal becomes final), the enforcement personnel are authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

C. Removal Without Notice

The enforcement personnel or any other agent of Walton County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Section, without giving notice to any party, if:

- i. Said sign is upon the public right-of-way or upon other public property; or
- ii. Said sign poses an immediate safety threat to the life or health of any members of the public.

D. Costs of Removal

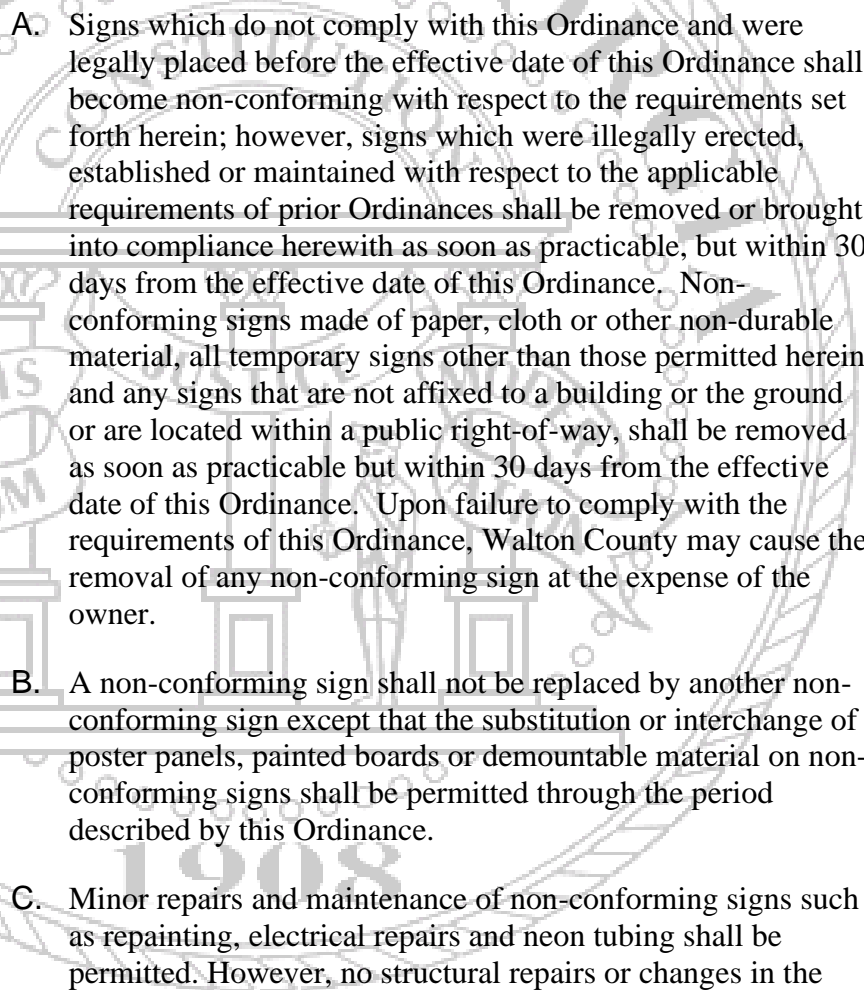
Removal of any sign as provided for in this Ordinance shall be without liability to Walton County or the Town of Between, its officers, agents, servants and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured erection of the sign. If payment or arrangement to make payment is not made within 60 days after the receipt of said statement, the code enforcement personnel shall certify the amount thereof for collection to the County Attorney. In the event signs that are removed remain unclaimed for more than 120 days from date of impound, the signs shall be disposed of in accordance with state law.

E. Invalid Permits

The enforcement personnel may issue a removal order when it has been determined that a permit was improperly issued, that the

permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this Ordinance or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this Ordinance. In the event a sign is not removed after receipt of a removal order by the owner of such sign or property, enforcement personnel may institute legal proceedings hereunder against the property owner, sign owner, lessee, sign erector or a combination of the above.

Section 27: Non-Conforming Signs

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- A. Signs which do not comply with this Ordinance and were legally placed before the effective date of this Ordinance shall become non-conforming with respect to the requirements set forth herein; however, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior Ordinances shall be removed or brought into compliance herewith as soon as practicable, but within 30 days from the effective date of this Ordinance. Non-conforming signs made of paper, cloth or other non-durable material, all temporary signs other than those permitted herein, and any signs that are not affixed to a building or the ground or are located within a public right-of-way, shall be removed as soon as practicable but within 30 days from the effective date of this Ordinance. Upon failure to comply with the requirements of this Ordinance, Walton County may cause the removal of any non-conforming sign at the expense of the owner.
- B. A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on non-conforming signs shall be permitted through the period described by this Ordinance.
- C. Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this Ordinance.

Section 28:

Fines and Penalties

A. Citation

Without limitation, sign erectors, sign owners, and such other responsible parties may be cited for the violation of any provisions of this Ordinance.

B. Penalties

Any person, firm or corporation that shall do anything prohibited or fail to do anything required by the provisions of this Ordinance, as they now exist or as they may hereafter be amended, upon conviction of a violation in Magistrate Court shall be subject to a fine and/or imprisonment in accordance with the O.C.G.A. Section 17-10-3 or any other applicable law. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.

Section 29:

Severability

In the event any section, subsection, sentence, or word of this ordinance is declared and adjudged to be invalidated or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and effect as if such portion so declared or adjudged unconstitutional were not originally part of this ordinance, even if the surviving parts of the ordinance result in greater restrictions after any unconstitutional provisions are stricken. The Town of Between Mayor and Council declares that it would have enacted the remaining parts of this ordinance if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

Section 30:

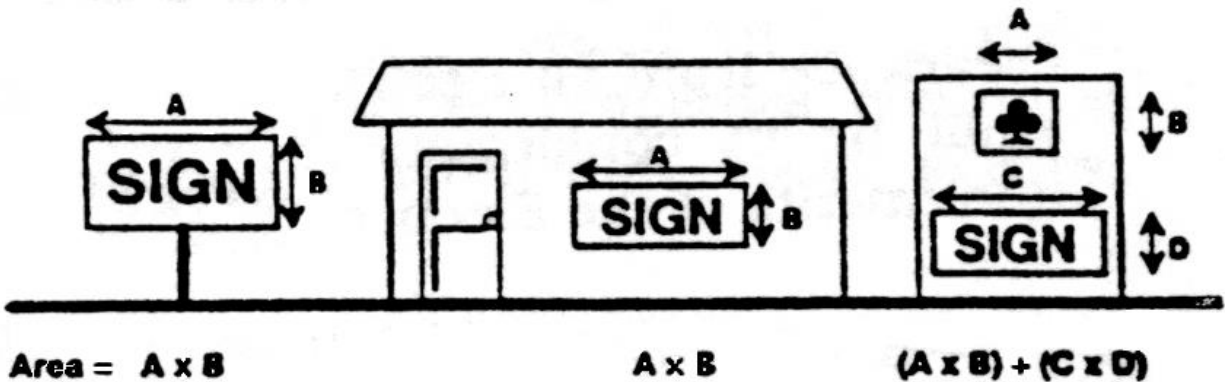
Definitions

AGRICULTURAL DISTRICTS: Refers to current zoning agricultural districts, "A".

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene, except LED displays on restaurant menu boards.

AREA OF SIGN: The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame or other

material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which the sign is placed; provided, however, that any open space contained within the outer limits of the display face shall be included in the computation of the area of the sign whether this open space is enclosed or not by a frame or border. For projecting or double-faced signs, only one (1) display face shall be measured in



Examples of Sign Area Measurements

computing sign area when the sign faces are parallel, or where the interior angle formed by the faces is sixty (60) degrees or less, provided that it is a common attached structure. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

ATTENTION-ATTRACTING DEVICE: Any device or object visible from any public right-of-way which is primarily designed to attract the attention of the public to a business, institution, sign or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects oftentimes incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent canopies or panels, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other device designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices.

AWNING: Any non-rigid material, such as fabric or flexible plastic, that extends from the exterior wall of a building and is supported by or attached to a frame.

AWNING SIGN: A sign located on an awning.

BANNER: A sign other than an official flag, made of paper, cloth, thin plastic or similar lightweight material and usually containing a message or logo.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

BUILDING PERMIT: A permit issued by Walton County.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. A multi-occupant property may have more than one principal building, but only structures regularly used for human occupancy may be considered principal buildings. Not an accessory building.

BUILDING SIGN: Any sign attached to any part of a building, except the roof, as contrasted to a "ground sign."

BUILDING WALL: An exterior load-bearing or non-load-bearing vertical structure, that encompasses the area between the final grade elevation and eaves of the building, and used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

CANOPY: A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike a marquee, a canopy generally has very limited vertical surface area; and unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.

CANOPY SIGN: Any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

CANOPY SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

COMMERCIAL DISTRICTS: Refers to current zoning districts "B-1", "B-2" and "B-3".

**Section 30:
Definitions
(continued)**

COMPLIANCE LETTER: Refers to the Town of Between issued letter to the applicant identifying that the project is in compliance with the Town of Between Sign Ordinance. The approved letter must be obtained by the applicant prior to Walton County issuing any permits.

CONSTRUCTION SIGN: Any sign that is placed at a construction site that has received development plan approval.

DEPARTMENT: The Walton County Planning & Development Department or such other department as is charged with the enforcement of this ordinance.

DIRECTOR: The Walton County Planning & Development Director or his/her designee.

DIRECTORY SIGN: A ground or building sign that is placed at the entrance of a multi-tenant property.

ELECTRONIC SIGN: A sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign.

FLASHING SIGN: A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects. LED displays on restaurant menu boards are not considered flashing signs.

GROUND SIGN: Any sign attached to the ground or to a substantial support structure, which is attached to the ground, as contrasted to a "building" sign.

ILLUMINATED SIGN: A sign that is illuminated by electrical or other artificial devices designed to give forth artificial light directly or through transparent or translucent material from a source of light within the sign, including, but not limited to neon and exposed lamp signs, or a sign illuminated by an external light directed primarily toward the sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.

INSTRUCTIONAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and similar information and directives.

INDUSTRIAL DISTRICTS: Refers to current zoning non-residential districts "M-1" and "M-2".

INFORMATION, PIECE OF: A word, whole number, telephone number, price, logo, picture, exclamation point or similar separately identifiable unit on a sign.

**Section 30:
Definitions
(continued)**

INSTITUTIONAL USE: For the purpose of determining allowable signage, a school, religious institution, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts in the County. A day- care facility shall be considered an institution regardless of ownership or operation.

LANDSCAPED AREA: A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas include, but are not limited to, natural areas, buffers, streetscapes, lawns and plantings.

LOT: A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title or otherwise permitted by law to be separately owned, used, developed, or built upon. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.

LOT OF RECORD: A lot that is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance.

MARQUEE: A roof-like structure that cantilevers from the wall of a building over its principal entrance, that has no vertical supports other than the wall from which it cantilevers, and that provides a wall surface at least four feet high.

MARQUEE SIGN: A sign attached to the wall of a marquee.

MENU BOARD: An accessory sign providing items and prices associated with a drive-thru window.

MOBILE SIGN: A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, or any movable sign structure designed for transport, which is placed, parked or maintained at one (1) particular location for the express purpose and intent of promotion or conveying an advertising message.

NONCONFORMING SIGN: Any legally placed sign that met the requirements of the Town codes at the time it was erected, but does not conform to the requirements of this Ordinance.

OFFICE/INSTITUTIONAL DISTRICT: Refers to current non-residential zoning district O-I.

PENNANT: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string or pole, usually in series, and which is designed to move in the wind.

**Section 30:
Definitions
(continued)**

PERSON: Any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T - frames; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of- way.

PORTICO: A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. A portico is considered a "canopy" for purposes of determining signage.

POSTER BOX: A box installed on a wall for the purpose of displaying posters of shows at a theater.

PROJECTING SIGN: Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

PUBLIC SERVICE SIGN: Any sign erected and maintained by public officials, or public agencies, or approved and authorized for use by state or local governmental authorities.

REAL ESTATE SIGN: A temporary sign placed on real property that is for sale, lease or rent.

RESIDENTIAL DISTRICTS: Refers to current residential zoning districts "A-1", and "A-2", "R-1", "R-2", "R-3" and "MHP".

ROOF SIGN: A sign or graphic that is placed on a roof, or at a height above the roof, or that is supported on the top of a building or structure placed upon the roof. A sign placed on the side elevation of a mansard roof shall be considered a wall sign.

SHOPPING CENTER: A building or group of buildings, either connected or free- standing, under unified or multiple ownership of land parcels, that is designed and has been approved by the Town of Between Mayor and Council as a shopping center with common parking, pedestrian movement, ingress, and egress, and used or intended to be used primarily for the retail sale of goods and services to the public.

SIGHT TRIANGLE (or HORIZONTAL SIGHT DISTANCE): The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

**Section 30:
Definitions
(continued)**

SIGN: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN FACE: The part of a sign that is or can be used for advertising or informational purposes.

SIGN STRUCTURE AREA: All elements of a freestanding sign, including the sign face, background or decorative elements related to the presentation of the sign's message, and the structural supports.

SITE: A lot, tract or parcel of land considered as one land-unit for purposes of this ordinance. For a single-family residence, the site shall be the subdivided lot on which it is located. For multi-family projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under the same ownership. For single-occupancy, non-residential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original "site plan" or "subdivision plan" approval under the UDO.

SITE PLAN: A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features.

SPECIAL EVENT SIGN: A temporary sign place on a property that is holding a special event or use.

STREET FRONTAGE: The distance for which a lot line adjoins a public or private street from one lot line intersecting said street to the furthest lot line intersecting the same street.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted, and that can be used only for a designated period of time.

THEATER: An establishment offering to the public movies or live performances.

TOWN OWNED KIOSK SIGN: A double-faced ground sign owned by the Town and located in public rights-of-way that displays directional information.

TRAFFIC SIGN: A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle or pedestrian movement.

**Section 30:
Definitions
(continued)**

WALL, EXTERIOR: A vertical, structural component of a building which encloses habitable or usable space; a parapet extending not more than twelve inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

WALL SIGN: Any sign painted on or attached to and extending not more than six inches from an exterior wall in a parallel manner.

WINDBLOWN DEVICE: Any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag (which is not of local, state, federal, corporate, nonprofit or religious origin) that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by wind, mechanical, electrical or any other means.

WINDOW SIGN: Any sign that is applied to the inside of glassed areas of a building.

ZONING DISTRICT: The classification of parcels of land as defined by the Town of Between Comprehensive Land Development Ordinance.

SECTION 31:

This ordinance shall be published and become effective in accordance with the Town of Between Charter.

PASSED AND APPROVED on the First Reading on the _____ day of _____, 20____.

PASSED, APPROVED, AND ADOPTED on the Second Reading on the _____ day of _____, 20____.

Town Clerk

Mayor