

TITLE XV:

LAND USAGE

Chapter 158

Sign Ordinance

CHAPTER 158: SIGN ORDINANCE

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§ 158.01 TITLE

This ordinance shall hereafter be known and cited as the “Pike County Sign Ordinance.”
(Res. passed 5-88; Amended 12-10-08)

§ 158.02 STATEMENT OF FINDINGS

(A) The County finds that signs provide an important medium through which individuals, businesses, and government may convey a variety of messages. Left unregulated, however, signs can become a threat to the public health and safety as a traffic hazard and a detriment to property values and the overall economic growth of Pike County as an aesthetic nuisance. See, e.g., Scenic America, Billboards & Sign Control available at <http://www.scenic.org>; Jerry Weitz, Ph.D., AICP, The Public Purpose of Roswell's Sign Ordinance and the Implications of Doing Without It: A Position Paper (December 7, 1999) available at <http://roswellgov.com>. In particular, based on the cited materials and the studies referenced therein as well as other related studies, the County finds that unregulated signs:

- (1) Can be a safety hazard to drivers and pedestrians;
- (2) Can create unsafe, cluttered and aesthetically blighted thoroughfares throughout the County;
- (3) Can hamper economic growth;
- (4) Can lower property values;
- (5) Can adversely impact public investments;
- (6) Can degrade the utility of public safety signs; and
- (7) Can adversely impact the aesthetic quality of the community and surrounding environment.

(B) The County also finds the following:

- (1) There is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The County finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility polls, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.
- (2) The County finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. While such signage is referenced based upon the function it serves within the context of this ordinance, the provisions of this ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

(Res. passed 5-88; Amended 12-10-08)

§ 158.03 STATEMENT OF PURPOSE

By enacting this Chapter, the County intends:

- (A) To balance the rights of individuals, businesses, and government to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- (B) To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination;
- (C) To preserve and promote the public health, safety, and welfare of the citizens of Pike County;
- (D) To improve traffic and pedestrian safety;
- (E) To maintain and enhance the visual environment, and preserve the right of citizens and visitors to enjoy Pike County's rural scenic beauty;
- (F) To protect property values of nearby public and private property by minimizing possible adverse effects and visual blight caused by signs;
- (G) To avoid the harmful aspects of the unrestricted proliferation of signs;
- (H) To promote economic development;
- (I) To enable the fair and consistent enforcement of sign regulations; and
- (J) To promote the purposes stated in this Section by regulating signs based on objective standards, including, but not limited to height and size, and without regard to the content of the sign message.

This Ordinance is adopted under the zoning authority of Pike County in furtherance of the more general purposes set forth in the Zoning Ordinance. This Ordinance is adopted and hereafter amended pursuant to Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia and the Georgia Planning Act of 1989.
(Res. passed 5-88; Amended 12-10-08)

§ 158.04 APPLICABILITY

The regulations set forth below shall apply and govern in all zoning districts. Within the unincorporated portions of the County no sign shall be erected or maintained unless it is in compliance with this Chapter.
(Res. passed 5-88; Amended 12-10-08)

§ 158.05 DEFINITIONS

(A) ABANDONED SIGN.

Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

(B) AUDIBLE SIGN.

Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

(C) AWNING/CANOPY SIGN

Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

(D) BANNER.

A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

(E) BEACON.

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. A Beacon is considered a prohibited sign unless otherwise required by Federal and/or State law, rule or regulation. See Section 158.10.

(F) CHANGEABLE COPY SIGN.

Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

(G) ELECTRONIC SIGN.

Any sign that, through computer programming, may exhibit illuminated changeable copy, flashing and /or scrolling elements, and /or illuminated, changeable graphics on a fixed display surface.

(H) FLAG.

Any fabric or bunting containing colors, patterns, or symbol used as a symbol of a government or other entity or organization.

(I) FLASHING SIGN.

A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

- (J) LOT.
A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the zoning standards.
- (K) MARQUEE; MARQUEE SIGN.
Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A marquee sign is prohibited. See Section 158.10
- (L) OBSCENE.
Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as: (a) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (b) acts of masturbation; (c) acts involving excretory functions or lewd exhibition of the genitals; (d) acts of bestiality or the fondling of sex organs of animals; or (e) sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.
- (M) OUT-OF-STORE MARKETING DEVICE.
Any facility or equipment which is located outside of a primary building on a site zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths. Where such out-of-store marketing devices are too small to be legible to the traveling public on neighboring rights-of-way and are otherwise non-removable without damage to the equipment's surface, they do not require a permit and are not subject to overall sign limitations for the lot on which they appear.
- (N) PENNANT; STREAMER.
Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.
- (O) PERMIT; WRITTEN.
A sign permit reviewed, approved, and issued by the Zoning Administrator or his/her designee.
- (P) PERMITTEE.
The person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.
- (Q) PORTABLE SIGN.
A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.
- (R) PUBLIC SIGN.
Any sign erected by a governmental entity.

(S) ROOF SIGN.

Any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

(T) SIGN.

A sign is an object, device, display, or structure thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location; or to express a point of view, by any means including words, letters, figures, designs, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a sign shall constitute a separate sign.

(U) SIGN AREA.

(1) The area of the smallest rectangle within which all elements of a flat sign are contained (a flat sign being one with two display surfaces facing exactly opposite directions, or one display surface if against the wall of a building); or the maximum projected surface area (projected in one direction) of any other sign.

(2) Supporting structures for signs shall not be counted in the sign area, provided such supporting structures consist of posts, hangers, or brackets of the minimum number and size necessary to support the sign. A wall or fence on which a sign is mounted shall not be counted in the sign area, provided it serves primarily to enclose, divide, or protect an area.

(V) SIGN, FREE STANDING.

A sign that is not mounted on a principal building.

(W) SIGN, NON-CONFORMING.

Any sign that does not conform to the provisions of this Chapter at the effective date of this Chapter, or any amendment thereto.

(X) SIGN, TRAFFIC CONTROL.

A sign to regulate the safe and ordered flow of vehicular and pedestrian traffic.

(Y) SIGN, WALL.

A sign which is mounted parallel on the exterior surface of a building in which the activity advertised by the sign is located.

(Z) WINDOW SIGN.

Any sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

(Res. passed 5-88; Amended 12-10-08)(Amended 10-14-09) (Am. Ord. passed 12-12-12)

§ 158.06 GENERAL PROVISIONS

(A) Permit required.

A permit shall be required for the erection, alteration or reconstruction of any sign unless otherwise noted and shall be issued by the Zoning Administrator or his/her designee in accordance with the regulations contained in this Chapter.

(B) Design, materials and maintenance.

Any sign not meeting the following provisions shall be repaired or rebuilt in accordance with the specifications of this Chapter:

(1) All signs shall be designed and constructed in accordance with applicable provisions of the Uniform Building Code and the electrical code of Pike County at all times;

(2) The area on private property around the sign on which it is erected shall be properly

- maintained clear of brush, trees, and other obstacles so as to make signs readily visible;
- (3) All burned out bulbs or damaged panels must be replaced;
 - (4) All sign copy shall be maintained securely to the face and all missing copy must be replaced; and
 - (5) All signs shall be maintained in good structural condition at all times so that the public and traffic safety are not compromised.
 - (6) It shall be the responsibility of the sign owner to maintain and insure compliance with the provisions of this Chapter.
- (C) Measurement of sign height.
This height shall be measured from the grade at the right-of-way boundary line or the grade of the sign site if such grade is higher than the grade at the boundary line of the street right-of-way to the uppermost part of the sign face, base or structure. If the sign is located below the grade at the boundary line of the street right-of-way, sign height shall be measured from the edge of the right-of-way to the uppermost part of the sign face, base or structure.
- (D) Minimum sign setbacks.
Except as otherwise specifically provided, for any freestanding sign, the minimum front setback is 10 feet from the edge of the paved road or beyond the right-of-way line, whichever is greater; and 10 feet from the side and rear lot lines. However, in no case will a sign be allowed to obscure vision at a street or driveway intersection, or railway crossing. Setbacks along state highways shall be as required by the Georgia Department of Transportation.
- (E) Illumination and Electronic Displays.
 - (1) No sign, electronic or otherwise, shall be illuminated by lights and/or graphics that flash, move and/or scroll, or markedly change in intensity, more than once per day, except that a sign may have changeable copy 12 inches high or less that may change. The changeable copy of 12 inches high or less may change not more than every 2 minutes. To prevent glare visible from a public street or adjoining property, the beam of any light shall be directed so as not to be visible beyond the sign at which it is directed, and the light source shall not be visible from any point on an adjacent property or the public right-of-way.
 - (2) Electronic, real-time displays of time and temperature, which may comprise a portion or the entirety of an electronic sign's copy, shall be exempt from the copy change frequency specified in Section 158.06 (E)(a), but must remain at a height of 12 inches or less.
- (F) Movement or animation.
A sign structure shall not rotate, oscillate, or otherwise move or change in appearance, whether such motion is driven by wind, mechanical, electrical, or other means, except in accordance with Section 158.6(E) above, changeable copy of 12 inches high or less may change not more than every two (2) minutes, except in cases where Section 158.06(E)(b) may apply.
- (G) Sign message.
In any zoning district, any sign, display, or device allowed under this Chapter may contain any lawful non-commercial or commercial message. No provision of this Chapter shall be construed to allow regulation of signs based on the content or view point of the sign message.

(Res. passed 5-88; Amended 12-10-08)(Amended 10-14-09) (Am. Ord. 12-12-12) (Am. Ord. 4-9-14)

§ 158.07 SIGN REQUIRING ISSUANCE OF A WRITTEN PERMIT

The following signs are allowed with a permit (the permit must be approved prior to commencement of any sign construction):

(A) Wall Signs.

In non-residential zoning districts only, one wall sign per establishment shall be permitted unless that establishment has street frontage on more than one side.

(1) If a business is located in a structure that is located on a lot that has no street frontage, one wall sign shall be permitted on any single façade for that business establishment in the structure, whether that façade faces the street or not. If a business establishment is located in a structure that is located on a lot that has street frontage, but the portion of the structure where the business establishment is located does not have frontage, the business establishment is entitled to one wall sign on the business establishment's façade. If a business establishment is located in a structure that is located on a lot that has more than one street frontage, one wall sign on each façade of the business establishment which has street frontage for the façade of the business establishment is permitted. A publicly owned alley shall be considered a street.

(2) Wall signs attached flat against the exterior surface of a building may extend not more than 12 inches from the wall.

(3) The total area for wall signage shall not exceed two square feet for each linear foot of building frontage attributable to the particular business or businesses which the sign will identify, or 15% of the total area of the one building façade upon which the signage is placed or 100 sq. ft., whichever is less. A sign directory is a wall sign. For buildings with multiple tenants having store fronts only, the facade rented by the tenant shall be considered as wall area for a sign.

(4) The total area for wall signage shall include any/all awning sign and/or canopy sign area.

(B) Residential Subdivision Entrance.

No more than 2 freestanding signs shall be allowed to be placed at each entrance of a residential subdivision. These signs must be placed on common property under the ownership of the Home Owners Association (HOA) and shall not be allowed to be on private property. The sign face shall not exceed 35 sq. ft. in area or five feet in height. Sign structures shall not exceed 6 feet in height. If the sign or sign structure is attached to a decorative wall or fence, the decorative wall or fence shall not exceed 6 feet in height. The post and/or columns of the decorative wall or fence shall not exceed 8 feet in height. Such signs shall not be internally illuminated. A permit shall be required. The permit shall not be issued until after the final plat is recorded.

(C) Signage During Construction.

In all zoning districts one additional sign shall be allowed during construction. The sign shall not be internally illuminated. A permit shall be required.

(1) Duration. The sign shall be allowed beginning with the issuance of a land disturbance permit and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever comes first.

(2) Size. The sign shall not exceed 12 square feet in area nor 5 feet in height.

(D) Menu Boards.

In all non-residential districts, restaurant menu boards are allowed subject to the following regulations:

- (1) No more than 8 square feet in area per side with no more than 2 sides;
- (2) No more than 4 feet in height;
- (3) No part of the sign shall be legible by the traveling public.

(E) Freestanding Signs On Non-Residential Lots.

The owner of nonresidential property or the owner's agent may apply for a permit for one freestanding sign in addition to the signs allowed by general permit in Section 158.08.

- (1) The maximum sign area of the sign shall be 64 sq. ft. for multiple user lots and 32 sq. ft. for single user lots. Maximum sign areas shall apply to each face separately, but no freestanding sign shall have more than two faces. Where sign faces are located in a "V" formation, the angle between the two sign faces shall not be greater than 60 degrees.
- (2) The maximum height of the sign is 20 feet.

(F) Free-Standing Sign On Residential Lots Used For Non-Residential Purposes.

The owner of residential property that is used for non-residential purposes or the owner's agent may apply for a permit for one freestanding sign in addition to the signs allowed by general permit in Section 8 subject to the following:

- (1) The residential lot must be 5 acres or greater;
- (2) The maximum sign area of the sign shall be 32 square feet. Maximum sign areas shall apply to each face separately, but no freestanding sign shall have more than two faces. Where two sign faces are located in a "V" formation, the angle between the two sign faces shall not be greater than 60 degrees; and,
- (3) The maximum height of the sign is 20 feet.

(G) Awning/Canopy Signs.

In non-residential districts, awning and/or canopy signs may be permitted. The area of any awning and/or canopy sign(s) shall be limited to the maximum area permitted for wall signs set forth above. In the event a non-residential establishment intends to have an awning and/or canopy sign in addition to the permitted wall sign, the total aggregate sign area for all awning, canopy and/or wall signs may not exceed the limitations set forth in Section 158.07(A) above.

(H) Electronic Signs.

Prior to issuance of a written permit, proposed electronic signs must document conformance with applicable standards and restrictions of the Sign Ordinance, including, but not limited to, Section 158.06 (E) and (F). If the permit applicant cannot document conformance with Section 158.06 (E) and (F), then the applicant must declare whether or not they will seek a variance to the standards. Official variance approval must be obtained prior to issuance of a written sign permit for applicants that cannot document conformance with Section 158.06 (E) and (F).

(Res. passed 5-88; Amended 12-10-08)(Amended 10-14-09) (Am. Ord. passed 12-12-12)(Am. Ord. passed 4-9-14)

§ 158.08 GENERALLY PERMITTED SIGNS

A general permit is hereby granted for the following types of signs in any zoning district, provided that such signs are erected and maintained in compliance with all applicable conditions:

- (A) Traffic control signs;

- (B) Official notices issued by any court with competent jurisdiction or authorized public agency, department or official;
 - (C) Temporary signs (signs which are not permanently mounted), including real estate “for sale,” “for rent,” and directional signs, yard sale signs, and similar signs, etc., shall be restricted to no more than 2 signs per lot. Said signs shall not exceed 4 square feet in area per side and shall not exceed 4 feet in height. Signs shall not have more than 2 sides;
 - (D) Any flag provided, however, that (1) no more than two flagpoles are permitted per lot, (2) no more than two flags are permitted per flagpole, (3) the maximum dimension of the hoist side of each flag shall not exceed 20% of the height of the flagpole, (4) all flagpoles shall be set back from each property boundary a distance equal to the height of the flagpole or in accordance with 158.7(F), whichever is greater, and (5) all flagpoles shall be maintained in good repair, so as not to constitute a threat to public safety. On officially designated county, state, and federal holidays, there shall be no maximum flag size or number of flags on display;
 - (E) Individual Parcel Sign. In addition to any other written permit, pursuant to the provisions of this Ordinance, one sign of no more than 4 square feet in area per side and no more than 4 feet in height may be placed on any parcel of land in any zoning district by the property owner or with the property owner’s consent. Signs shall not have more than 2 sides. No individual parcel sign shall be allowed to be placed in a public right-of-way. An individual parcel sign may contain any lawful non-commercial or commercial message. In no event shall any individual parcel sign contain obscene material as defined in Section 158.05(K) of this Ordinance;
 - (F) Window signs provided, however, no more than 25% or 35 sq. ft., whichever is less, of the total available glass area shall be used to display window signs. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein tenants have primary direct access from their space to the outside. The access must include outside walkways and stairways properly designated for public use. In no case shall any window signs be installed above the level of the second floor windows;
 - (G) Numerals displayed for purpose of identifying property location not to exceed 8 inches in height;
 - (H) Door signs not to exceed 1 square foot in size and not more than one sign per door;
 - (I) Out-of-store marketing devices.
 - (J) Political campaign signs. This ordinance does not regulate the length of time a political campaign sign may be displayed nor the number of political signs which may be displayed on private property for which permission by the property owner has been granted. Political campaign signs shall not exceed 5 feet in height and 16 square feet in area per side. Signs shall not have more than 2 sides. Signs must be attached to an independent mounting device no more than 40 inches above ground level. Political campaign signs shall not be placed within 100 feet of any intersection nor shall any sign be closer than 10 feet to the pavement of a roadway. In no event shall a political campaign sign be placed in a public right-of-way.
- (Res. passed 5-88; Amended 12-10-08)

§ 158.09 NON-CONFORMING SIGNS

(A) Findings.

The County finds that non-conforming signs may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the County and

may adversely affect public safety due to the visual impact of said signs on motorists and pedestrians.

(B) Non-conforming Signs.

An existing sign at the time of the adoption of this ordinance that is deemed a non-conforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the non-conforming sign:

- (1) Shall not be enlarged or altered except in conformance with this Chapter, but it may be repaired to the extent necessary to maintain it in a safe condition;
- (2) Shall not be replaced, expanded or modified by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on non-conforming signs shall be permitted;
- (3) Shall not be allowed to be increased in height or size or relocated on the property, but may be decreased in height or size; and
- (4) Is subject to removal if (a) it has deteriorated to a point of making it a hazard, or unsightly; (b) the business advertised ceases at that location; or (c) the sign has been damaged to such extent that more than minor repairs are required to restore the sign.
- (5) To the extent this section conflicts with O.C.G.A. § 32-6-83 or Ga. Const. Art. 3 §6, ¶ 4(a) in application, this section shall be deemed to provide effected parties the minimum protections provided by O.C.G.A. § 32-6-83 or Ga. Const. Art. 3 §6, ¶ 4(a) as amended from time to time. In no event is it the County's intent to obligate itself to pay any compensation related to the removal of any sign. .

(Res. passed 5-88; Amended 12-10-08)

§ 158.10 PROHIBITED SIGNS

Notwithstanding any other provision of this Chapter, the following types of signs shall be prohibited anywhere in the unincorporated areas of Pike County.

(A) Signs imitating warning signals.

No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol or character in a manner that might mislead or confuse an automobile or other vehicular driver;

(B) Signs within street or highway right-of-way.

No sign whatsoever, whether temporary or permanent, except traffic control signs and signals and information signs erected by an authorized public agency or department, are permitted within any street or highway right-of-way or at any location where, by reason of position, shape, wording or color, it obstructs the view of pedestrians or vehicular traffic;

(C) Certain attached and painted signs. Signs painted on or attached to trees, fence posts and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs shall be prohibited;

(D) Fluttering ribbons, balloons and banners. Fluttering ribbons, tethered balloons and banners and similar devices are prohibited. This restriction, however, does not apply to flags;

(E) Roof signs. No sign shall be permitted that is mounted on or extends into the air above any roof surface of a building. A sign may be mounted against a parapet of uniform height around the perimeter of a building but may not extend above the parapet;

- (F) Portable signs. No portable sign shall be permitted unless it qualifies as a temporary sign and complies with all applicable requirements for such signs under this Chapter; this shall include portable business signs with flashing lights / arrows.
 - (G) Painted wall murals. No painted mural shall be permitted unless it complies with the height and size restrictions contained in this Chapter as a wall sign; and
 - (H) Obscene signs. Signs or other advertising structures that contain obscene material are prohibited.
 - (I) Abandoned signs. Abandoned signs constitute a violation of this ordinance and are subject to the enforcement provisions set forth herein.
 - (J) Audible signs. Any sign that emits a sound which is audible or otherwise emits a signal that can be converted into audible sound shall be prohibited, shall constitute a violation of this ordinance and shall be subject to the enforcement provisions set forth herein.
 - (K) Beacons/Beacon signs. Any beacon or beacon sign, as defined herein, shall be prohibited, shall constitute a violation of this ordinance and shall be subject to the enforcement provisions set forth herein: except, however, this prohibition shall not apply to any beacon that may be required by Federal and/or State law, rule or regulation.
 - (L) Marquee signs. Any marquee sign, as defined herein, shall be prohibited, shall constitute a violation of this ordinance and shall be subject to the enforcement provisions set forth herein
 - (M) Pennant, streamer. Any pennant and/or streamer sign, as defined herein shall be prohibited, shall constitute a violation of this ordinance and shall be subject to the enforcement provisions set forth herein.
- (Res. passed 5-88; Amended 12-10-08) (Am. Ord. passed 12-12-12)

§ 158.11 SIGN PERMITS REVIEW, INSURANCE AND FEES

- (A) Purpose.
The purpose of this Section is to provide a timely and standardized mechanism for reviewing applications for sign permits to ensure signs within the County comply with the objective standards of this Chapter, including, but not limited to, the height and size provisions.
- (B) Authority.
The zoning administrator or his/her designee is authorized to review and approve or disapprove an application for a sign permit pursuant to the procedures of this Section and the standards of this Chapter.
- (C) Applicability.
No sign, except those specified in Section 158.8 of this Chapter, shall be erected, placed, reconstructed or structurally altered without the sign owner having first obtained a sign permit from the zoning administrator or his/her designee, pursuant to the procedures in this Section and the standards of this Chapter.
- (D) Generally Permitted signs by ordinance.
Pursuant to Section 158.8 of this Chapter, a general permit has been granted for those signs listed therein, and no application for a sign permit is required so long as all applicable standards of this Chapter are met.
- (E) Procedure.
The following procedure shall govern the application for and the issuance of all written sign permits under this Chapter.

- (1) Initial submission and review of application. Application for a sign permit shall be made on the form provided by the zoning administrator or his/her designee and shall be accompanied by the information and documents listed on the form and the fee as required by the County. An application will only be deemed as complete when all required information and accompanying documents are received. The following information will be required at a minimum:
 - (a) The type and purpose of the sign as defined in this Chapter.
 - (b) The value of the sign.
 - (c) A survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on the property, the distance of the proposed sign from the property's boundaries, and all existing structures or buildings on the property.
 - (d) The square foot area per sign and the aggregate square foot area if there is more than 1 sign face.
 - (e) The names(s) and address(es) of the owner(s) of the real property upon which the sign is to be located.
 - (f) Written consent of the owner of the property, or his/her agent, granting permission for the placement, maintenance, size and height of the sign to be placed on the property.
 - (g) For wall signs: a set of building elevations.
 - (h) The name, address, telephone number, and business license number of the sign contractor.
 - (i) Scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.
 - (j) Insurance certificate referenced in Section 158.12 below.
- (2) Action by Zoning Administrator or his/her designee. Within 15 working days after the application is determined complete, the zoning administrator or his/her designee shall review the application in accordance with this Section and determine whether the application complies with the standards in this Chapter.
- (3) Approval. If the zoning administrator or his/her designee finds that the application complies with the standards of this Chapter, the zoning administrator or his/her designee shall approve and issue a written sign permit. Any Sign application for which no action has been taken after 15 working days after the application is complete shall be deemed approved by default. In such an event of default approval, the applicant shall request in writing the issuance of a written sign permit from the zoning administrator or his/her designee.
- (4) Fails to comply. If the zoning administrator or his/her designee determines the application fails to comply with the standards of this Chapter, the applicant shall be provided a written notification. If the applicant resubmits the application within 30 days of the written notification of denial, the resubmitted application does not require payment of the fee. The time for resubmission may be extended an additional 30 days for good cause, if requested of the zoning administrator prior to the original deadline for re-submittal.
- (5) Re-submittal. A revised application shall be resubmitted to the zoning administrator or

his/her designee and reviewed within 15 working days after its re-submittal. The zoning administrator or his/her designee shall approve or disapprove the application based on the criteria and time restraints set forth in this Chapter.

- (6) Criteria. A sign permit shall be approved upon a finding that the applicant has demonstrated the application complies with the objective standards of this Chapter.
 - (7) Expiration. A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six months after the date of issuance; provided, however, that when an applicant can demonstrate that a commercial entity was engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90 day extension may be granted by the zoning administrator. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted sign. If later an individual desires to erect a sign at the same location, a new application must be submitted and another fee paid in accordance with the fee schedule applicable at such time.
- (F) Amendments.
A sign permit may be amended, extended, or modified only in accordance with the procedures established for its original approval.
- (G) Maintenance of permit.
The owner or lessee of a lot containing signs requiring a permit under this Chapter shall, at all times, maintain in force a sign permit for such property. Sign permits shall be issued for individual lots.
- (H) Identification Labels.
- (1) With each permit the zoning administrator or his/her designee shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his/her agent to affix such sticker to the sign in the lower right hand area so it will be easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the provisions of this article.
 - (2) The zoning administrator or his/her designee shall inspect all existing signs and advertising devices in the County to determine if such signs or devices conform to the provisions of this article. Identification stickers shall be provided for all signs in order to identify existing conforming and nonconforming signs.
- (I) Assignment of sign permits.
A current or valid sign permit shall be freely assigned or transferred to a successor as owner or lessee of the property or holder of a business license for the same premises, subject only to filing such application as the County may require and paying any applicable fees. The assignment shall be accomplished by filing and shall not require approval.
- (J) Vested rights.
No person applying for a sign permit or erecting a sign under this Chapter shall acquire any vested rights to continue maintenance of such signs.
- (K) Appeals.
The following procedure shall govern the appeal of any decision to deny or grant an application for a sign permit under this Chapter:
- (1) Any party aggrieved or affected by the denial of an application for a sign permit may

appeal the determination to the Board of Appeals in accordance with the procedures of Chapter 156.025. The appeal shall be heard at the next scheduled meeting but not more than 45 days from the filing of the written notice of appeal.

- (2) Any party aggrieved or affected by the decision of the Board of Appeals may appeal to the Board of Commissioners by filing a written notice of appeal with the zoning administrator within 30 days following the decision of the Board of Appeals. Unless otherwise agreed to by the parties, the Board of Commissioners shall hear the appeal within 30 days following the filing of the notice of appeal. The Board of Commissioners shall have 20 working days following the hearing to issue a written decision.
- (3) Any party aggrieved or affected by the decision of the Board of Commissioners may appeal the decision by filing a writ of certiorari with the Superior Court pursuant to O.C.G.A. § 5-4-1, et seq.

(L) Inspections.

The zoning administrator or his/her designee may conduct inspections of all signs requiring the issuance of written sign permits to ensure compliance with the provisions of this Chapter.

(M) Fees.

The Pike County Board of Commissioners may set reasonable fees for the issuance of written sign permits, sign inspections and sign variance applications.

(Res. passed 5-88; Amended 12-10-08)(Amended 10-14-09) (Am. Ord. passed 12-12-12)

§ 158.12 PUBLIC LIABILITY INSURANCE REQUIRED

Any person or entity erecting or maintaining signs requiring a written sign permit within the County shall obtain a certificate of insurance from an insurance company authorized to do business in Georgia evidencing that the entity has in effect public liability and property damage insurance in the sum of \$25,000.00 for property damage for any one claim, and public liability insurance in an amount not less than \$100,000.00 for injuries including accidental death to one person. The certificate of insurance shall state that the insurance carrier shall notify the County thirty (30) days in advance of any termination and/or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

(Res. passed 5-88; Amended 12-10-08)

§ 158.13 VARIANCE

A variance may be granted upon application if an individual case of unnecessary and extraordinary hardship is placed upon the applicant for a sign permit, when such variance will not be contrary to the public interest and the purposes of this Ordinance, except that no variance will be given to extend the size and height maximums of this ordinance.

(A) Authority to grant variances.

Pursuant to the provisions set forth in Sections 33.02, 156.026 and 156.373 of the Code of Ordinances, Pike County, Georgia, the Board of Appeals is authorized to receive, consider, grant, grant with conditions, or deny applications for variances for written sign permits.

- (B) Variance application. A request for a variance may be initiated by a property owner or his/her authorized agent by filing an application with the zoning administrator. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and

position of the proposed sign in relationship to the surrounding properties in addition to the requirements prescribed in Section 156.023 of the Zoning Code. The zoning administrator may require other drawings or materials essential to an understanding of the proposed sign and variance requested and its relationship to the surrounding properties.

- (C) Fee. Each application for a variance shall be accompanied by the applicable fee, which shall be established by the Pike County Board of Commissioners.
- (D) Conditions and criteria for granting variances. The Board of Appeals, in cases where specifically authorized, may grant a variance only after consideration and adoption of findings of fact that all of the following conditions and criteria have been met:
 - (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography that are not applicable to other lands or structures in the area;
 - (2) A literal interpretation of the provisions of the sign ordinance would deprive the applicant of rights commonly enjoyed by other similar properties;
 - (3) Granting a variance requested would not confer upon the property of the applicant any significant privileges that are denied to other similar properties;
 - (4) The requested variance will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or to the general welfare;
 - (5) The special circumstances are not the result of actions of the applicant;
 - (6) The variance is not a request to permit a sign that exceeds the height and size limitations contained in this Chapter;
 - (7) The mere existence of a non-conforming sign or advertising devise shall not constitute a valid reason to grant a variance; and
 - (8) The variance requested is the minimum variance, which will make possible the logical use of the land and sign.

(Res. passed 5-88; Amended 12-10-08)

§ 158.14 ENFORCEMENT

- (A) Enforcement officer.

The provisions of this ordinance shall be administered and enforced by the zoning administrator or his/her designee.

- (B) Notice.

The zoning administrator or his/her designee shall give the permittee a 10 to 30 day written notice, based on the practical considerations of completing measures to conform with the standards of this Chapter, to correct the deficiencies or to remove the sign which is in violation of this Chapter. If the permittee refuses to correct the deficiencies or remove the sign, the zoning administrator will have the sign removed at the expense of the permittee.

- (C) Penalties.

If the violation is not eliminated within the required time period, the sign permit shall be revoked. In addition, any person violating this Ordinance shall be subject to a fine in the amount of \$250 per offense. Each day in which the violation continues to occur shall constitute a separate violation. Violation of this ordinance shall be deemed a misdemeanor and shall be prosecuted in accordance with §10.99 of The Code of Ordinances, Pike County, Georgia and with OCGA §36-1-20 as presently enacted or may be subsequently amended.

- (D) Public Nuisance.

Any violation of this Chapter is hereby declared to be a public nuisance.

(E) Appeal.

Any violator may appeal the determination of the zoning administrator to the Board of Appeals in accordance with the procedures of Section 158.11 of this Ordinance. Any appeal shall act as a super cedes of the County's enforcement of this Ordinance, except to the extent that violation of this Ordinance is deemed to present a safety hazard to the public.

(F) Legal proceedings.

The zoning administrator upon a finding that any provision of this Ordinance is being violated, is authorized to institute legal proceedings to enjoin violations of this Ordinance. The violator shall be liable for court costs and reasonable attorney fees incurred by the County.

(G) Removal.

- (1) The County may order the removal of any sign in violation of this ordinance by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a written notice has been issued, such notice shall operate to revoke the permit.
- (2) If the sign is not removed within the time required by the County (or the date any appeal becomes final), the County shall remove or cause to be removed the sign and collect the costs thereof after a final determination by a court that the sign is unlawful and should be removed.
- (3) The County shall have removed any sign in violation of this ordinance, without giving notice to any party if: the sign is upon the public right-of-way or upon other public property or if the sign poses an immediate safety threat to the life or health of any member of the public.

(H) Sign(s) removed by the County will be destroyed after 14 days if sign(s) is/are not claimed. (Res. passed 5-88; Amended 12-10-08)(Amended 10-14-09)

§ 158.15 SEVERABILITY AND CONFLICT

(A) Severability.

This Ordinance is declared to be severable. In the event any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Chapter, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The County hereby declares that it would have passed the remaining parts of this Chapter if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

(B) Conflict.

If any part of this Ordinance is found to be in conflict with any other Ordinance of this County or any state or federal statute, the most restrictive or highest standard shall prevail. If any part of this Sign Ordinance is explicitly prohibited by state or federal statute, that part shall not be enforced.

(Res. passed 5-88; Amended 12-10-08)

§ 158.16 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its adoption.

(Res. passed 5-88; Amended 12-10-08) (Am. Ord. passed 12-12-12)

