

## **SIGNS**

### **§ 154.250 GENERAL PURPOSE AND INTENT.**

It is the intent of this subchapter to authorize the use of signs whose types, sizes and arrangements are compatible with their surroundings, preserve the natural beauty of the area, protect existing property values in both residential and non-residential areas, prevent endangering the public safety, express the identity of the community as a whole or individual properties or occupants, legible in the circumstances in which they are seen, and appropriate to traffic safety. These regulations are designed and intended to improve the overall aesthetics of the community by preventing over-concentration, improper placement, and excessive height, bulk and area of signs.  
(Ord. 00037, passed 8-24-2006)

### **§ 154.251 APPLICABILITY.**

(A) Except as otherwise provided, no sign shall be erected, altered, constructed, moved, converted or enlarged except in accordance with the provisions of this chapter and pursuant to issuance of a sign permit. No sign permit shall be issued unless plans and supporting information have been submitted to the Zoning Administrator to clearly demonstrate that the sign will conform with all applicable requirements of this subchapter, or to clearly demonstrate that the sign is exempt from issuance of a sign permit.

(B) Notwithstanding the above, changing or replacing the permanent copy of an existing lawful sign shall not require a permit, provided the copy does not change the nature of the sign so as to render it in violation of this chapter.

(C) Sign permits shall expire 6 months after issuance unless the applicant has completed actual construction on the ground of the sign.  
(Ord. 00037, passed 8-24-2006; Am. Ord. 00049, passed 5-22-2008)

### **§ 154.252 ZONING ENFORCEMENT OFFICER.**

It shall be the duty of the duly appointed Zoning Administrator that (s)he is hereby given the authority to administer and enforce the provisions of this chapter.  
(Ord. 00037, passed 8-24-2006)

### **§ 154.253 SIGN PERMIT.**

(A) Unless otherwise stated in this chapter, all uses regulated by this chapter must secure a sign permit. The Zoning Administrator shall in no case grant any permit

for the erection, alteration, construction, relocation, conversion or enlargement of any sign if the sign as proposed would be in violation of any provisions of this chapter.

(B) All applications for a sign permit shall be accompanied by plans in duplicate showing the actual dimensions of the proposed sign, drawn to scale and the proposed location of the sign on the building, structure or site and such other information as may be necessary to provide for the enforcement of the provisions of this chapter.

(C) If no substantial construction progress has been made within 6 months of the date of the issuance of the sign permit, the permit becomes invalid.  
(Ord. 00037, passed 8-24-2006)

## § 154.254 DEFINITIONS.

The following words or terms shall have the meanings as herein defined:

**ABANDONED SIGN.** A sign erected on property in conjunction with a particular use, which use has been discontinued for a period of 180 days or more, or a temporary sign for an event which has occurred.

**AGRICULTURAL SIGN.** A sign in use for less than 6 months each calendar year advertising the sale of seasonal produce, crops, livestock and animal products and horticulture products.

**AWNINGS.** Cloth, vinyl, plastic or other similar type material permanently attached to a rigid frame on the face of a structure, typically over a door or entryway. This is not intended to include banners as defined and regulated in this chapter.

**BANNER.** A sign or outside advertising display having the characters, letter, illustrations, ornamentation, symbol, color or visual representation applied to cloth, paper, vinyl, fabric, plastic or like kind of malleable material, with or without frame. The term **BANNER** shall include flags, pennants, ribbons, spinners, streamers, kites, balloons and/or similar types of lighter-than-air objects, or any other material or outside advertising display fastened in such a manner as to move upon being subjected to movement of the atmospheres or any mechanical device. Flags on residential use properties are exempt from regulation.

**BILLBOARD.** A panel for the display of advertisements in public areas, such as along highways or on the sides of buildings.

**CALENDAR YEAR.** January 1 through December 31 of each year.

**CHANGEABLE COPY SIGN.** A sign on which message copy is changed manually in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels. Time and temperature signs are not included in this definition.

**COMMEMORATIVE/HISTORICAL SIGN.** Any sign erected in remembrance of a person, event or site which is historic in nature.

**COMMUNITY FESTIVAL SIGN.** Signs that are placed to commemorate and/or attract attention to a community festival.

**CONSTRUCTION SIGN.** A temporary sign whose message is limited to identification of architects, engineers, contractors, and other individuals or firms involved with construction on a specific site, the name of the building, the intended purpose of the building and the expected completion date

**EXEMPT SIGN.** Any sign that is specifically listed as exempt from this subchapter. The listed exempt signs are not regulated by the terms of this subchapter.

**FLASHING SIGN.** A sign that incorporates flashing, strobe, pulsating or blinking lights, or a sign with moving or rotating parts or parts which simulate movement, including signs or lights or signs reflecting or emitting a glaring light that could impair driver vision.

**FREESTANDING SIGN.** A sign which stands alone or on its own foundation free of support or attachment to a building or other structure.

**GOVERNMENTAL SIGN.** Any sign erected by or on the order of an authorized public official in the performance of his or her office or duty including, but not limited to, traffic control signs, street name signs, warning and directions signs, public notice or signs of a similar nature.

**HOME OCCUPATION SIGNS.** A sign used in association with a permitted home occupation conducted in the dwelling unit occupied by the operator of the business.

**INCIDENTAL SIGN.** A single face, non-illuminated professional or announcement sign attached wholly to a building, window or door or posted on property containing information relative to emergencies, store hours, credit cards honored and other similar accessory information. Including signs directing drivers such a “Drive Thru”, “ATM”, “Loading Dock”, “Truck Entrance Only”, and the like.

**INFLATABLE SIGN.** A sign or balloon which can be expanded in size by the introduction of additional air pressure or gas.

**MONUMENT SIGN.** Similar to a freestanding sign, typically with a substantial base made of natural material and with a lower height requirement.

**MULTIPLE TENANT DEVELOPMENT.** A development in which there exists a number of individual and/or separate activities, in which there are appurtenant shared facilities such as parking.

**NONCOMMERCIAL MESSAGE.** Any message protected by the First Amendment that does not direct attention to a business operated for profit, or to a commodity or service for sale.

**NONCONFORMING SIGN.** A sign legally erected and in existence prior to the date of adoption of this subchapter or an amendment, that does not meet the standards imposed by this chapter.

**NO TRESPASSING/WARNING SIGNS.** A sign which carries a message forbidding the unlawful entry upon the land or building of another or a sign which carries a message warning of danger which could cause injury to a person entering upon the land or building of another.

**OFF-PREMISE ADVERTISING SIGN.** Any form of publicity or advertising which is designed to be visible from any public way, directing attention to a location other than the property on which the publicity or advertising is installed and maintained and includes information concerning an individual business, commodity, service, activity or product by means of words, lettering, numerals, trade names or trademarks, or other pictorial matter designed to convey such information. Signs shall include the sign structure.

**OFF-PREMISE DIRECTIONAL SIGN.** Any off-premise sign indicating the location of or providing directions to a business, church, non-profit, civic organization, development or other activity.

**ON-PREMISE ADVERTISING SIGN.** Any form of publicity or advertising which is designed to be visible from any public way, and is located on the property where the publicity or advertising is installed and maintained and includes information concerning an individual business, commodity, service, activity or product by means of words lettering, numerals, trade names or trade marks, or other pictorial matter designed to convey such information. Signs shall include the sign structure.

**POLITICAL SIGN.** A sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the town may vote.

**PORTABLE SIGN.** A sign generally constructed to be easily movable without a permanent attachment to the ground and which may or may not be equipped with wheels. Such signs may be designed for changeable messages. Signs painted on or attached to operational vehicles and trailers with permanent signage are not included in this definition.

**POSTER PANEL.** Outdoor advertising device built on 1 or more posts embedded into the ground or attached to the wall or roof of a building which is designed to support a flat surface upon which is printed advertising or other messages affixed by posting.

**REAL ESTATE SIGN.** A sign erected by the owner, or his or her agent, advertising real property upon which the sign is located for rent, for lease or for sale.

**RESIDENTIAL SUBDIVISION BULLETIN SIGN.** Any sign with changeable copy, placed within the main entrance to a residential subdivision. The purpose of the sign is to post messages for residents of that subdivision and the sign shall not be used for advertising of any product or service.

**ROOF SIGN.** A sign erected over or on, and wholly supported by or partially dependent upon the roof or any building for support, or attached to the roof in any way and extends above the roof line of a building.

**SEASONAL/HOLIDAY SIGN.** A sign setting forth information concerning the observance of activities which occur once per year.

**SETBACK.** The shortest horizontal distance between the edge of the pavement or traveled surface and the closest point of a sign or its supporting member.

**SIGN.** Any form of publicity or advertising which is designed to be visible from any public way, directing attention to an individual business, commodity, service, activity or product by means of words, lettering, numerals, trade names or trademarks, or other pictorial matter designed to convey such information. **SIGNS** shall include the “sign structure.”

**SIGN STRUCTURE.** A supporting structure erected or intended for the purpose of identification, with or without a sign thereon, situated upon or attached to the premises upon which any sign may be fastened, affixed, displayed or applied, provided however, said definition shall not include a building or fence.

**TEMPORARY SIGN.** Any sign, whether attached to a principal structure or free standing, which is intended to be displayed for a limited time for a specific event. This definition does not include portable signs. If a sign display area is permanent but the copy displayed is subject to periodic changes, that sign shall not be regarded as temporary.

(Ord. 00037, passed 8-24-2006; Am. Ord. 00049, passed 5-22-2008, Ord. 00052, passed 09-24-09)

**§ 154.255 GENERAL PROVISIONS.**

(A) The scale of the signs should be appropriate for the building on which they are placed. Signs should reflect the proportional and dimensional relationships of the structure.

(B) Signs should not obscure architectural features and should be integrated with the design of the building.

(C) Any structurally unsafe sign that endangers the public safety shall be immediately removed unless it is repaired and made otherwise to comply with the requirements of the town's ordinances.

(D) No sign shall be located within a sight triangle area or so as to impair traffic visibility.

(E) Buildings should provide signage that is directed toward pedestrians, such as window signage, under canopy signage, projecting signs.

(F) Electric signs shall be placed so as not to be easily reached by pedestrian traffic. The bottom of the sign shall be located a minimum of 10 feet above grade immediately under the sign, if the sign is within 15 feet of the edge of the street right-of-way.

(G) All ground-mounted signage (post/arm, freestanding, monument) shall be set back behind the right-of-way line or 12 feet behind the edge of curb, whichever is greater.

(H) **RESIDENTIAL SUBDIVISION BULLETIN SIGN.** One (1) Residential Subdivision Bulletin Sign shall be permitted for each residential subdivision that has a private gate limiting access to residents and guests at the entrance to a public road. The sign must meet the following restrictions:

- 1) The changeable copy must be limited to 32 square feet excluding the supporting structure and not greater than 10 feet in height.
- 2) The sign must be placed a minimum of 50 feet within the subdivision from the Main Entrance.
- 3) The sign may be placed within the right of way as long as proper permission is granted by the entity maintaining the said right of way.
- 4) Copy on the sign will be changed no more than once per day.
- 5) The sign shall be completely screened from view from any public road outside of the confines of that subdivision.
- 6) The sign shall not be illuminated between the hour of 10:00 PM and 5:00 AM.”

(Ord. 00037, passed 8-24-2006, Am. 00052 09-24-09) Penalty, see § 154.999

**§ 154.256 COMPUTATION SIGNAGE AREA.**

(A) The area of a sign face (which is also the sign area of a wall sign or other sign with only 1 face) shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display,

together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself. (See Appendix, Figure A .)

(B) Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only 1 display face shall be measured in computing sign area. If the 2 faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at 1 time or from 1 vantage point should be considered in measuring that side of the sign.

(C) Spherical, cylindrical or other 3-dimensional signs not having conventional sign faces shall be computed from the smallest 3-dimensional geometrical shape or shapes which will best approximate the actual surface area of such faces. (Ord. 00037, passed 8-24-2006)

#### **§ 154.257 COMPUTATION OF SIGN HEIGHT.**

The maximum height shall be as measured from the highest point of natural grade under the sign to the highest point on the sign structure. The grade shall not be altered in such a way as to increase sign height. (Ord. 00037, passed 8-24-2006)

#### **§ 154.258 SIGNAGE TYPES.**

- (A) Suspended shingle post/arm signs (see Appendix, Figure B).
- (1) All suspended shingle post signs shall be set back behind the right-of-way line or 12 feet behind the edge of curb, whichever is greater.
  - (2) Suspended shingle post signs shall not be internally illuminated.
- (B) Wall signs (see Appendix, Figure C).
- (1) The maximum permitted aggregate area of wall signs includes the area of any windows or doorways.
  - (2) The preferred location for wall signs is between the first floor window and the window sill of the second floor, or on sign frieze area of building if original to building. (Exception: building identification which is an integral part of the building's design and architectural character shall be considered a sign for the purposes of this standard.)
  - (3) Signs may be placed on or behind windows but at no such time shall the opacity (visibility into the building) be less than 50% of the total of each window area.
  - (4) No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part a

window, nor shall it extend beyond the highest point of a roofline, parapet or mansard roof.

(5) Principal building walls and service station canopies may have signage on all faces which front on a public street.

(6) The maximum area listed in § 154.259 is the total area allowed for up to 3 wall signs.

(7) Multi-tenant building's walls signs shall be calculated by using the building frontage of each tenant. Each tenant may have up to 3 wall signs that meet the maximum area as calculated under § 154.259.

(C) Awning, canopy and projecting signs (see Appendix, Figure D).

(1) Under awning/canopy sign standards.

(a) Maximum dimensions:

Height: 16 inches

Width: 40 inches

(b) Sign clearance: minimum 8 feet from sidewalk

(2) Projecting sign standards.

(a) Minimum width of building front: 20 feet.

(b) Maximum height: 8 feet\*

(\* Sign may not extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached).

(c) Maximum projection from wall: 4 feet.

(3) Maximum awning sign area: 50% of awning area.

(D) Monument signs (see Appendix, Figure E).

(1) Only buildings set back more than 30 feet from the right-of-way and having 100 feet or more of street frontage may use a monument sign.

(2) All monument signs shall be located behind the street right-of-way or 10 feet from the curb of a street where the right-of-way does not exist or cannot be determined. No sign shall be placed so as to interfere with the sight of automobiles exiting or entering the roadway.

(3) No monument sign greater than 5 square feet in area shall be located closer than 10 feet to any adjacent lot line. A 15-foot side-yard setback shall be required if the side lot line abuts a residential use.

(4) A suspended shingle post sign may be substituted for a monument sign but shall meet all height and area requirements as provided.

(5) Up to an additional 15 feet of sign area is permitted for a monument sign that has a rock or brick base and a routed or sandblasted sign that is made out of wood.

(6) Changeable copy may be incorporated into a monument sign provided that the changeable copy area does not exceed 32 square feet. Changeable copy may be digital (including LEDs), but may not change more than one time per day.

(E) Freestanding sign.

(1) All freestanding signs shall be located behind the street right-of-way or 10 feet from the curb of a street where the right-of-way does not exist or cannot be determined. No sign shall be placed so as to interfere with automobiles exiting or entering the roadway.

(2) No freestanding signs greater than 5 square feet in area shall be

located closer than 10 feet to any adjacent lot line. A 15-foot side-yard setback shall be required if the side lot line abuts a residential use.

(3) Changeable copy may be incorporated into a freestanding sign provided that the changeable copy area does not exceed 32 square feet. Changeable copy may be digital (including LEDs), but may not change more than 1 time per day.

(4) Multi-tenant signs must reflect at least 2 tenants on site and may be required to submit documentation of separate legal entities operating from the site.

(F) *Commercial and industrial subdivision signs.* In all zoning districts, major commercial and industrial subdivisions that have been approved by the town will be allowed 1 freestanding sign. The sign shall not exceed 60 square feet in area and is limited to 8 feet in height, with a 12-foot minimum setback requirement. The sign shall be allowed to identify the name of the subdivision or the tenants within the subdivision. Such a sign must be located on a parcel that is associated with the approved subdivision. This sign shall be allowed in addition to the signage allowed for individual development within the subdivision.

(G) *Incidental Home Occupation Signs.* Incidental Home Occupations permitted in the Town of Mills River are limited to one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principle building. (Ord. 00037, passed 8-24-2006; Am. Ord. 00049, passed 5-22-2008; Am. Ord. 00055, passed 4-23-2009)

**§ 154.259 PERMITTED SIGNAGE.**

Choose 1 sign type from these 3 types

<i>Permitted Sign Types</i>	<i>Maximum Area</i>	<i>Maximum Height</i>	<i>Maximum Number</i>
Freestanding multiple tenant	125 square feet	20 feet	1 per frontage
Freestanding single tenant	80 square feet	20 feet	1 per frontage
Monument	120 square feet	15 feet	1 per frontage

Additional permitted signs

<i>Permitted Sign Types</i>	<i>Maximum Area</i>	<i>Maximum Height</i>	<i>Maximum Number</i>
Wall, window, awning, canopy	1.5 square feet per linear foot of building frontage	N/A	3 per establishment * see § 154.258
Suspended shingle post/arm signs	6 square feet	6 feet	1
Projecting	16 square feet	N/A	2 sign faces per business

(Ord. 00037, passed 8-24-2006; Am. Ord. 00049, passed 5-22-2008)

**§ 154.260 ADDITIONAL SIGNS.**

(A) *Banners.* Banners will be allowed in addition to the permitted signs on a temporary basis, not to exceed 30 days, for “grand openings”, closings and special sales or seasonal events. A banner shall not exceed 32 square feet of total aggregate surface area per banner. Banner height may not exceed 20 feet. Banners must be approved and permitted by town staff through a “temporary sign permit”. No more than 2 banners may be approved on a single permit. A maximum of 4 temporary sign permits will be issued per calendar year to any given business. Special event signs and special event directional signs related to events sponsored by non-profit organizations must apply for and receive a temporary use permit, but are waived from fees and all limits on number.

(B) *Portable signs.* Portable signs will be allowed in addition to the permitted signs on a temporary basis not to exceed 30 days. A portable sign shall not 32 square feet of total aggregate surface area per sign. Portable sign height may not exceed 20 feet. Portable signs must be approved and permitted by town staff through a “temporary sign permit”. A maximum of 4 temporary sign permits will be issued per calendar year to any given business. Special event signs and special event directional signs related to events sponsored by non-profit organizations must apply for and receive a temporary use permit, but are waived from fees and all limits on number.

(C) *Extended use temporary signs.* Exempt signs as listed in § 154.261 in this chapter that are larger than maximum dimensions listed for each sign type may be permitted with an extended use temporary permit. The sign shall not exceed 32 square feet of total aggregate surface area per sign with a height not to exceed 20 feet. Extended use temporary signs are issued for 1 year at a time and may be applied for annually.

(D) *New business and non-profit signs.* A new business or non-profit may apply for a new business sign allowing the use of a banner as a primary sign for up to 1 year. The banner must be tied wholly to a building wall or to rigid backing that prevents the banner from moving. The intent of the new business sign permit provision is to support new businesses starting in Mills River to have a sign at minimal initial cost. The total aggregate area shall not exceed 32 square feet and 20 feet in height.

(E) *Changeable copy signs.*

(1) Changeable copy signs are limited to 32 square feet.

(2) This provision shall not prohibit signs with an alternating display of time or temperature.

(3) Changeable copy signs may be digital providing the message does not change more than 1 time per day.

(F) *Multiple tenant identification.*

(1) One attached sign is allowed for each exterior public business entrance.

(2) When commercial buildings contain multiple storefronts, the developer shall be encouraged to utilize individual wall signs that are similar in size and that are mounted at the same position and height along the building face to create a harmonious line of signs and to improve readability.

(3) Multiple tenant developments may erect a single development identification or a joint identification sign.

(4) Tenant identification signs shall be 1 of the following types of

attached signs: wall, awning, projecting or window.

(5) Where 2 or more tenants share a common entrance, each tenant will be allowed 1 wall sign, not to exceed 20 square feet. All signs should be of a similar scale and type.

(G) *Off-premise directional signs.* Off-premise directional signs are limited to 9 square feet per sign.

(H) *Commercial and industrial properties with flags.* Flags not representing governmental, non-profit or business organization on commercial or industrial property must be 32 square feet or less per flag and are limited to 2 per property unless permitted as a banner with a temporary sign permit.

(Ord. 00037, passed 8-24-2006; Am. Ord. 00049, passed 5-22-2008)

### **§ 154.261 SIGNS EXEMPT FROM REGULATIONS.**

Signs that are exempt by type, but larger than the restrictions below may be permitted under the extended use temporary signs (see § 154.260(C)). The following signs are exempt from the regulations of this subchapter:

(A) Political signs (less than 4 square feet). Signs must be removed 5 days after election. Candidates should obtain property owner's permission before placing signs on their property.

(B) Construction sign (less than 9 square feet).

(C) No trespassing/warning signs (less than 4 square feet).

(D) Seasonal/holiday signs and decorations associated with national or religious holidays.

(E) Flags or insignia of any governmental, non-profit or business organization. All flags on residential, religious institution or educational use property.

(F) Signs required by law, statute or ordinance.

(G) Bulletin signs incidental to churches/ synagogues and schools, provided they do not exceed 12 square feet in area and have a maximum height of 6 feet.

(H) Incidental signs. A single face, non- illuminated professional or announcement sign attached wholly to a building, window or door containing information relative to emergencies, store hours, credit cards honored and other similar accessory information.

(I) Real estate signs (less than 4 square feet). One sign per property double-sided with limit of 7-days after "sold".

(J) Agricultural signs (see definition). These signs are limited to 32 square feet or less and non-illuminated. (This includes portable signs that would be used for advertising agricultural products).

(K) Operational vehicles and trailers with permanent signage attached.  
(Ord. 00037, passed 8-24-2006; Am. Ord. 00049, passed 5-22-2008)

### **§ 154.262 SIGNS PROHIBITED.**

The following signs are prohibited within the jurisdiction of this subchapter:

- (A) Billboards.
- (B) Off-premise advertising sign.
- (C) Digital/electronic message other than time and temperature
- (D) Revolving.
- (E) Flashing/strobe/pulsating/blinking.
- (F) Sign extending above roof ridgeline.
- (G) View-obstructing signs.
- (H) Poster panel.
- (I) Balloons and inflatable signs except party balloons and the like less than 1 cubic yard in size, displayed on property and not more than 20 feet in the air shall be exempt from these regulations.
- (J) Search lights or signs with lights varying in intensity or color.
- (K) Signs painted or attached to any trees, rocks or similar organic matter.
- (L) Signs painted on, attached to or affixed to any fence, wall or other accessory structure.
- (M) Any sign erected or placed without a proper permit or otherwise not in compliance with these regulations.
- (N) Signs that by their position, illumination size, shape or color, obstruct, impair, obscure or interfere with traffic signs, signals or devices.
- (O) Signs that emit audible sound, odor or visible matter such as smoke or steam.
- (P) Signs that exhibit obscene material.
- (Q) Signs that encroach on a required sight triangle.
- (R) Signs that resemble any official signage or markers and that, by reason of content, location, position, shape or color, may be reasonably confused with or construed as traffic-control devices.
- (S) Signs within public right-of-way or on public property, except as otherwise expressly permitted by the entity owning and maintaining the right of way or as allowed otherwise under this chapter. *Amended 09-19-09.*
- (T) Strings of lights not permanently mounted to a rigid background, unless otherwise expressly exempted or allowed under this chapter.  
(Ord. 00037, passed 8-24-2006) Penalty, see § 154.999

#### **§ 154.263 SIGN ILLUMINATION.**

- (A) Freestanding, monument and wall signs may be illuminated.
- (B) All sign illumination shall be provided by a continuous light source that is installed to illuminate only those objects or features to which it is directed with minimum spillover onto the street, sidewalk or adjacent properties. Flashing, pulsating, blinking or alternating lights shall not be used, including electronic message board signs which scroll or are animated. However, this provision shall not prohibit signs with an alternating display of time or temperature.
- (C) No sign within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the business is open and operating. A residence shall be deemed “preexisting” for purposes of this chapter if

it has a valid building permit in effect for construction of the structure or if construction of the structure was complete on or prior to the effective date of this provision.

(D) High intensity light sources that produce excessive glare hazardous to pedestrians or auto drivers or so as to create a nuisance shall be prohibited.

(E) All lighting shall be maintained in accordance with § 154.264.  
(Ord. 00037, passed 8-24-2006) Penalty, see § 154.999

#### **§ 154.264 SIGN MAINTENANCE.**

(A) Maintenance provisions. All signs, supports, braces, poles, wires and other appurtenances of signs or sign structures shall be kept in good repair, maintained in safe condition, and shall conform to the following standards:

(1) A sign shall be in a state of disrepair when more than 20% of its total surface area is covered with disfigured, cracked, ripped or peeling paint or poster paper or any combination of these conditions. Any sign in a state of disrepair shall be considered in violation of this subchapter.

(2) No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts which cause the sign to stand more than 15 degrees from the perpendicular.

(3) No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the street or highway from which it is intended to be viewed.

(4) No illuminated sign shall be allowed to stand with only partial illumination operational.

(5) If illuminated, signs shall be illuminated only by the following means:

(a) By an internal or external steady stationary light of reasonable intensity, shielded and directed solely at the sign.

(b) Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drivers or so as to create a nuisance.

(c) Electrical requirements pertaining to signs shall be as prescribed in North Carolina State Building Codes.

(6) Any sign which violates the maintenance provisions listed above shall be in violation of this subchapter and shall be repaired or removed as required by the applicable sections of this chapter.

(B) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within a public right-of-way of any road or highway except as required by the North Carolina Department of Transportation. The Administrator may use discretion in determining alternative forms of compliance for landscaping in situations where sign visibility is affected. (Consult with Town Attorney regarding this section's validity).

(Ord. 00037, passed 8-24-2006) Penalty, see § 154.999

**§ 154.265 REMOVAL OF OBSOLETE SIGNS.**

(A) Generally. Signs identifying establishments no longer in existence, products no longer being sold, and services no longer being rendered shall be removed from the premises within 30 days from the date of termination of such activities except that ground sign supports, braces and guys which are not easily dismantled and are to be sold as a portion of the business assets shall remain. However, remaining sign support, braces and guys shall comply with the requirements set forth in this subchapter.

(B) Temporary signs. Temporary signs and political signs shall be removed within 5 days after the termination of the event or election advertised.

(C) Order of removal. Upon failure of the owner or lessee of these signs to remove such signs within the prescribed time period, the Administrator shall order their removal subject to the terms of §§ 154.155 through 154.159.

(Ord. 00037, passed 8-24-2006)

**§ 154.266 NONCONFORMING SIGNS.**

(A) Signs that are erected and were in place prior to the adoption of this ordinance but which do not conform to the provisions of this chapter are declared nonconforming signs. Signs that were erected and that are in place and which conformed to the provisions of this ordinance at the time erected, but which do not conform to an amendment of this ordinance enacted subsequent to the erection of said signs also are declared nonconforming signs. Any sign erected after the passage of this chapter must meet all the criteria within this chapter.

(B) All nonconforming signs shall be maintained in accordance with § 154.262 but shall not be:

(1) Changed, replaced or relocated except in conformance with the provisions of this chapter, provided that copy may be changed on an existing sign;

(2) Expanded or modified in any way which increases the sign's degree of nonconformity; or

(3) Reestablished after damage or destruction in excess of 50% of the appraised tax value at the time of the damage or destruction.

(Ord. 00037, passed 8-24-2006)

**§ 154.267 APPEALS.**

It is the intention of this subchapter that all questions arising in connection with the enforcement of this subchapter shall be presented first to the Zoning Administrator and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the Zoning Administrator.

(Ord. 00037, passed 8-24-2006)

**§ 154.268 REMEDIES.**

If any sign is erected, constructed, repaired, converted or maintained or any sign is used in violation of this subchapter, the Zoning Administrator or any other appropriate authority may institute injunction, mandamus or other appropriate action in proceeding to stop the violation.

(Ord. 00037, passed 8-24-2006)

#### **§ 154.269 REMOVAL OF DANGEROUS SIGNS.**

Pursuant to G.S. § 160A-193, the Town Council shall have the authority to summarily remove, abate, or remedy a sign which is dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be determined, by the land owner, and if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes.

(Ord. 00037, passed 8-24-2006)

#### **§ 154.999 PENALTY.**

(A) Equitable remedies. This chapter may be enforced by equitable remedies, and any unlawful condition existing in violation of this chapter may be restrained or abated by injunction and order of abatement in accordance with G.S. § 160A-175.

(1) Injunction. Where necessary to effectuate compliance with this chapter the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance may institute an action in a court of competent jurisdiction seeking an injunction against the further violation of this chapter. The action may be joined with a civil action instituted to collect accrued civil penalties in accordance with the provisions herein.

(2) Order of abatement. Where necessary to abate a condition existing upon land in violation of this chapter or a use made of land in violation of this chapter, the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance may institute an action in a court of competent jurisdiction seeking an order of abatement of the use or condition of land in violation of this chapter. The action may be joined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the use or condition of land in violation of this chapter.

(3) Other equitable remedies. This chapter may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper.

(B) Civil penalties. Any individual who is found in violation of this chapter may be subject to a civil penalty of \$50. Each day's violation shall be treated as a separate offense. The civil penalty may be recovered in a civil action in the nature of debt if the penalty is not paid within 15 days after the individual is notified by the Zoning Administrator of a violation.

(1) Compliance order.

(a) Upon making a determination that a person is in violation

of this chapter, the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance shall issue a compliance order to the person in violation of this chapter. The compliance order shall notify the violator of the violation in writing. The order shall identify the circumstances giving rise to the violation, including the times, dates and places of the violation. The notification shall further identify the action which is necessary to comply with this chapter. The notification shall state that if the violator does not comply within a reasonable time, not to exceed 15 days, the individual will be subjected to a civil penalty. If circumstances exist such that the violator cannot come into compliance within 15 days, the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance may grant an extension of time commensurate with the magnitude of the violation. The compliance order shall further state that failure to comply with the terms of the compliance order will subject the violator to a civil penalty and shall further state the amount of the civil penalty.

(b) Failure to comply with the terms of a compliance order issued by the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance within the time stated in the order shall subject the violator to a civil penalty of \$50. Each day that the violation continues shall be considered a separate offense, and the violator may be subject to an additional civil penalty for each such separate offense.

(2) Civil action. When necessary to collect any civil penalty or accrued civil penalties, a civil action may be instituted against an individual for the collection of all accrued penalties by the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance.

(C) Criminal penalties. Unless otherwise provided by this chapter or other applicable law, violation of §§ 154.001 - 154.237 shall constitute a Class 3 misdemeanor punishable by a fine which may be up to but may not exceed \$500. Each day's violation shall be treated as a separate offense.

(1) Warning ticket. Upon the initial violation of a particular provision of §§ 154.001 - 154.237, an individual may be issued a warning ticket. The warning ticket shall identify the particular practice which is in violation of §§ 154.001 - 154.237 and shall state the time, date and place of the violation. The warning ticket shall further state that if the individual commits further similar violations within the 6 months following the date of the warning ticket, the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance may cause a warrant to be issued for the individual's arrest.

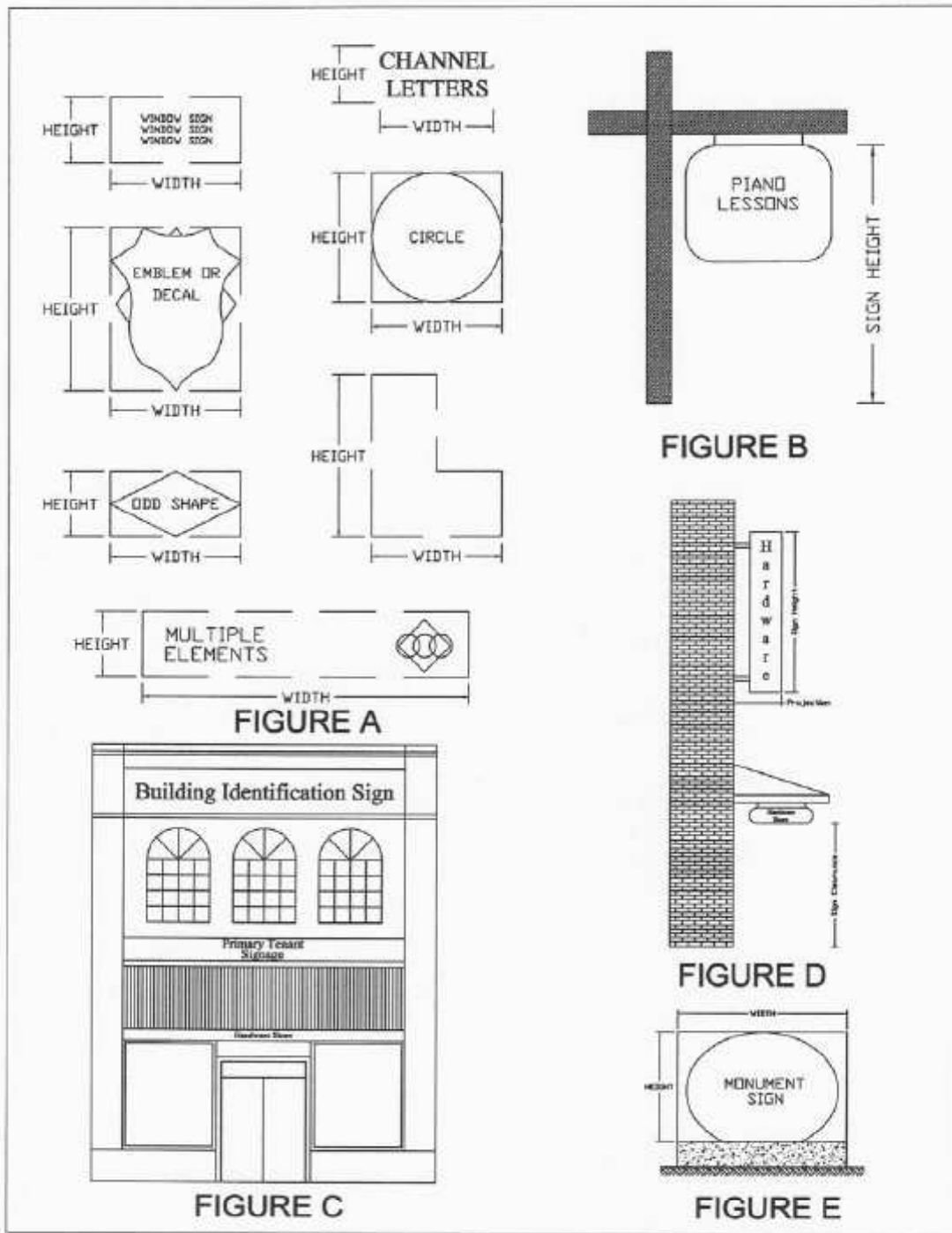
(2) Warrant. If an individual violates §§ 154.001 - 154.237 within the 6 months following the issuance of a warning ticket in a manner that is similar to the violation specified in the warning ticket, the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance may cause a warrant to be issued for the arrest of the individual.

(3) Notwithstanding any other provisions of §§ 154.001 - 154.237, the Zoning Administrator or the other official charged with the responsibility of enforcing the Town of Mills River Zoning Ordinance may cause a warrant to be issued without having first issued a warning ticket where he or she deems it necessary to effectively enforce the terms of §§ 154.001 - 154.237.

(D) Other remedies. The town may utilize any other authority set forth in the General Statutes of the State of North Carolina to abate any violations of §§ 154.250 - 254.269.

(Ord. passed 3-1-2004; Am. Ord. 00016, passed 7-29-2004; Am. Ord. passed 10-13-2005; Am. Ord. 00037, passed 8-24-2006)

**APPENDIX: FIGURES**



(Ord. 00037, passed 8-24-2006)