

ARTICLE 1751
Signs

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CROSS REFERENCES

Authority to regulate - see W.Va. Code 8-12-5(31)
Unauthorized signs - see TRAF. 313.06

1751.01 DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) "Area" means the surface included within the framework of any sign measured from outside to outside of such framework, ladders and scrollwork not included.
- (b) "Awning sign" means any form of advertising upon the surface of or affixed to any awning or shade which folds or rolls, other than the name of the owner of the business on the premises to which such awning is affixed or attached.
- (c) "Banner Sign" means any sign made of canvass or other cloth stretched on a frame and attached to a building or hung without a frame.

- (d) "Frontage" means a section of the front of any building.
- (e) "Ground sign" means any sign erected, constructed or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial or reading matter, when such sign or advertising display is supported by uprights, braces or other structural members placed upon the ground or fixed therein and not attached to any part of any building.
- (f) "Marquee sign" means any sign affixed to any hood or canopy over the entrance to any building, which extends wholly or partly across any public space, and is supported by such marquee, or the building or structure to which such marquee is attached.
- (g) "Occupant" means the person or association owning, renting or occupying any property.
- (h) "Parasite sign" means any sign hung or supported from any other sign to which it is not attached as an integral part thereof.
- (i) "Projecting sign" means any letter, words, model, sign, device or representation used in the nature of an advertisement, announcement or direction, extending over public space or beyond the face of the wall of any building. Projecting signs shall be classified as follows:
- (1) Signs, illuminated or non-illuminated, affixed at right angles to any building or structure and extending over public space.
 - (2) Flat signs, illuminated or non-illuminated, which are affixed in a rigid manner, and lie parallel to and in the same plane as the wall or structure to which they are attached and extend over public space in excess of twelve inches.
- (j) "Roof signs" means any sign erected, constructed or maintained upon the roof of any building.
- (k) "Sign" means any device or surface used for display on which letters, illustrations, designs, figures or other symbols are painted, printed, stamped, raised or in any manner outlined or attached.
- (l) "Wall sign" means any sign, bulletin or poster erected on or in a plane parallel with the facing of the building wall, and that may be affixed to the front, rear or side wall of any building; provided, that it shall not extend over any public space more than twelve inches.

1751.02 OUTDOOR ADVERTISING; LICENSE.

- (a) Required. No person shall engage in the business of outdoor advertising by sign painting, erecting, constructing or maintaining any of the kinds or classes of signs mentioned by Section 1751.01, in the Town, without first having procured a license from the Director of the Division of Finance to conduct such business.

(b) Application; Examination of Applicant; Issuance. The license required by subsection (a) hereof shall be issued only upon the favorable recommendation of the Director of Public Works on written application therefore in such form as he may prescribe. Before recommending the issuance of a license, the Director of Public Works shall examine the applicant's qualifications and competency to engage in the sign business. Such examination shall be practical and elementary in character, but sufficient to test the applicant's qualifications and knowledge of approved methods in connection with such business.

(c) Fees. The annual fee for the license required by subsection (a) hereof shall be forty-five dollars (\$45.00).

(Passed 4-24-07)

(d) Nontransferable. Such license shall not be transferable.

(e) Revocation. A license to engage in outdoor advertising business may be revoked at any time by the Mayor for a violation by the licensee of any of the applicable provisions of this article, and such revocation shall not be in bar of any prosecution of such violation. A person whose license has been revoked shall not be licensed again within six months from the date of such revocation.

1751.03 BOND OR LIABILITY INSURANCE REQUIRED OF OUTDOOR ADVERTISERS.

No person shall engage in the business of outdoor advertising until such person shall have filed with the Director of the Division of Finance a bond in the penal sum of ten thousand dollars (\$10,000), or a policy of public liability insurance in the sums of ten thousand dollars (\$10,000), twenty thousand dollars (\$20,000) and five thousand dollars (\$5,000) property damage insurance, duly executed by a surety company licensed to do business in the State, conditioned to indemnify and save the City harmless from all liability, damage or loss which any person may suffer, either in person or property, by reason of the erection, construction or maintenance of any sign. The bond required by the provisions of this section shall cover all signs erected, constructed and maintained by licensees to whom licenses have been issued under the provisions of Section 1751.02(a).

1751.04 PERMIT TO ERECT SIGNS.

(a) Required; Application. No sign shall hereafter be erected except as provided in this article and until a permit therefore has been issued by the Director of Public Works upon application in writing signed by the applicant or his authorized agent or representative, accompanied by plans and specifications showing dimensions, material and details of construction of the sign for which a permit is asked. Such application shall show the facts relative to the ownership of the property upon which the sign is to be constructed and his right to erect such sign thereon, or the written permission for the erection of such sign from the owner or occupant of such property. The Director of Public Works may prescribe such other regulations, consistent with the provisions of this article as to the form and contents of all applications for the permits herein required.

(b) Not Required for Certain Portable Signs. Portable signs not exceeding four feet in length or height, where not otherwise prohibited by these Codified Ordinances or other City ordinances, may be erected and displayed without a permit.

(c) Fees. The fees for the permit required by subsection (a) hereof, up to and not to exceed five years, shall be as follows:

<u>Type</u>	<u>Fee</u>
Ground signs	
Under 100 sq. ft.	\$ 5.00
Over 100 sq. ft.	10.00
Roof signs	
Under 100 sq. ft.	5.00
Over 100 sq. ft.	10.00
Wall signs	
Under 100 sq. ft.	5.00
Over 100 sq. ft.	10.00
Projecting signs	
Under 25 sq. ft.	5.00
Over 25 sq. ft.	10.00
Marquee signs	15.00

except that advertisers using a standard wall or roof sign under twenty-five square feet in area for general display in large quantities may obtain a blanket permit for the erection and maintenance of such signs. The fee for such a permit shall be fifty dollars (\$50.00) for the first 100 signs or fraction thereof and fifty dollars (\$50.00) for each additional 100 signs or fraction thereof.

(d) Permittee of Signs Covered by Blanket Permit. The permittee operating under a blanket permit as referred to in subsection (c) hereof shall file with the Director of the Division of Finance the location of each sign covered by each blanket permit together with evidence of full and complete insurance protecting the City as required by Section 1751.05. Such permittee shall be solely responsible for the maintenance of such signs and they shall be exempt from annual inspections.

1751.05 LIABILITY INSURANCE REQUIREMENTS GENERALLY.

No permit required by Section 1751.04(a) for the erection, construction, alteration or maintenance of any of the signs mentioned and described in this article, other than such signs as are erected, constructed or maintained by licensees to engage in the business of outdoor advertising under the provisions of Section 1751.02(a), shall be issued until the applicant or the permittee have filed with the Director of the Division of Finance a policy of public liability and property damage insurance conditioned to indemnify and save harmless the Town from any claims which may arise either to person or property by virtue of the granting, maintenance or use of the permit. The amount of coverage of the policy shall be in the minimum amount of one hundred thousand dollars (\$100,000) for injury of one person and the sum of three hundred thousand dollars (\$300,000) for injury to two or more persons for any one accident, and in

the sum of twenty-five thousand dollars (\$25,000) for damage or injury to property. Such policy of liability and property damage insurance shall be continued in force during the entire period of the permit, and no permit shall be effective until such insurance is deposited as aforesaid, and shall apply in all cases of the granting of sign permits where such sign is upon, over or along any street or public highway, or within thirty feet of the boundary of any public street or highway; provided, that all projecting signs having an area of five square feet or less on each side; all wall signs and all wall bulletins, regardless of size; and all roof signs, regardless of size, shall not require insurance coverage by the owner, or permittee as hereinbefore set forth; in all such cases a group or master policy shall be carried by the Town protecting itself against all claims, and in the amounts herein specified; an insurance fee of fifty cents (\$0.50) shall be collected from the owner of each of such exempted sign annually, and at the time of the annual sign inspection, to cover the cost of the insurance, and such charge shall be in addition to the inspection fee as hereinbefore set forth, and shall be in addition to all other fees and costs set forth in this article; provided further, that in the case of all persons already carrying insurance for the foregoing amounts, or more, such persons shall be permitted to file with the Director of the Division of Finance a certificate or endorsement to policy, insuring the Town as hereinbefore provided, and such certificate or endorsement when so received by the Director of the Division of Finance shall be deemed a sufficient compliance with the insurance provisions herein set forth.

1751.06 GROUND SIGNS.

- (a) Ground signs of a temporary nature advertising real estate for sale or rent may be erected by the owner or the occupant of such real estate or by the owner's agent upon the specific property advertised for rent or sale without a permit; provided, that such signs shall not exceed thirty-six square feet in area.
- (b) Ground signs of a temporary nature advertising the candidacy of an individual for elective office, or the program of any political party or group, may be erected without a permit; provided, that such signs shall not exceed thirty-six square feet in total area and are not erected within the limits of any public right of way.
- (c) Principal use ground signs for businesses such as service stations, restaurants and motels, which serve the motoring public at interchanges of limited access highways, including interstate and elevated highways, shall be limited to that height which is necessary for reasonable visibility of such signs from the limited access highway being served, as determined by the Director of Public Works in the exercise of reasonable discretion. In other structural respects, such signs shall conform to the Building Code.
- (d) Other ground signs shall be limited in height to correspond with structural height limitations specified in the Zoning Ordinance, and shall conform in all structural aspects to the Building Code. If such signs are illuminated, the lighting fixtures may project not more than six feet beyond the building line.

1751.07 ROOF SIGNS.

No roof sign shall be placed on any building to prevent the free passage from one part or to interfere with any openings in such roof, or project beyond the outer edge of the walls of the building. All roof signs shall be constructed to leave a clear space of not less than two feet between the roof level and the lowest part of the structure and there shall be at least five feet clearance between the vertical supports thereof. Every roof sign shall be set back at least two feet from the face of any wall, but if illuminated, the light reflectors may project six feet beyond the building line. All roof signs shall be entirely of incombustible material, including the uprights, supports and braces of the same; except, that ornamental moldings and battens behind the steel facings and decorative latticework may be of wooden construction. All roof signs shall be constructed to withstand a wind pressure of not less than thirty pounds to the square foot of superficial area subject to such pressure, and when erected upon any roof not constructed entirely of fireproof material, the bearing plates of such sign shall bear directly or indirectly upon the masonry walls of the building, or upon steel girders or metal columns which are of sufficient strength to withstand the live and dead load stresses of the roof sign thereon. No roof sign having a tight closed or solid surface shall be at any point over thirty-one feet above the roof level. Roof signs not having a tight closed or solid surface may be erected upon any fireproof building to a height not exceeding fifty feet above the roof level, but the portions of such roof signs covered and exposed to wind pressure shall not exceed thirty-five percent of the total area of such signs. All roof signs shall be thoroughly secured to the buildings upon which they are installed by iron or metal anchors, bolts not less than one-half inch in diameter, supports, galvanized chains or stranded cables, steel rods or braces. Every roof sign and all the supports, braces, guys and anchors thereof shall at all times be kept in good repair, and, unless of non-corroding metal, shall be thoroughly and properly painted at least once each c u o years, and the Director of Public Works may order the removal of any roof sign not maintained in a safe condition and in accordance with the provisions of this section.

1751.08 WALL SIGNS AND WALL BULLETINS.

No wall sign, wall bulletin or part of a wall bulletin or wall sign shall extend beyond the building line of the building or structure to which, it is affixed or attached more than twelve inches; except, that if the same is illuminated, the lighting reflectors may project six feet beyond such building line. All such wall signs or wall bulletins shall be safely and adequately attached to the walls of the building or structure by means of iron or metal anchors, bolts or expansion screws, or by sign hooks where the top of such sign is not more than ten feet above the sidewalk. No wall sign or wall bulletin shall be erected or maintained in such a manner as to permit the accumulation of paper, leaves or trash behind the same, and where plate glass is used for a wall sign or wall bulletin at a greater height than eight feet above the sidewalk, no piece of glass shall be more than fifteen square feet in area. No wall sign or wall bulletin shall be erected and maintained so as to cover the doors or windows of any building, except by special permit authorized by the Chiefs of the Police and Fire Departments, or so as to prevent free ingress or egress to or from any window, door or fire escape of the building upon which it is erected.

1751.09 PROJECTING SIGNS.

No projecting sign shall be erected, altered or maintained when the lowest edge of such sign is less than ten feet above any sidewalk or less than fourteen feet above any street, alley or way used for vehicular traffic, nor shall any part of any projecting sign over a public sidewalk extend nearer than two feet from the curb line of such public sidewalk. All horizontally projecting signs shall be so constructed and erected that they can be swung in either direction flat against the building to which they are attached. No vertical projecting sign shall extend above the roof or the top of the cornice of the building to which it is attached except that when such vertical projecting sign does not exceed thirty-six inches in width it may extend not more than ten feet above the roof or top of the cornice of the building to which it is attached. Any sign attached to the corner of a building and parallel to the vertical line of such corner shall be a projecting sign and shall be subject to all the restrictions and regulations of this article pertaining to projecting signs. Every projecting sign shall be constructed and braced to withstand a horizontal wind pressure of not less than thirty pounds for every square foot of surface exposed and shall be securely attached to the building by iron or metal anchors, bolts, supports, galvanized chains or stranded cables or steel rods, and the method of attachment shall in every instance be subject to the approval of the Director of Public Works. No projecting sign shall be set at an angle of less than ninety degrees to the building on which it is erected or to which it is attached, except where two streets intersect, and no part of an "A" shape projecting sign may be more than three feet from the building upon which it is erected or to which it is attached. All non-illuminated projecting signs of forty square feet or less in area shall have a facing of sheet metal or other incombustible material, and all projecting signs exceeding forty square feet in area shall be constructed entirely of incombustible material. All electrically illuminated projecting signs shall be constructed entirely of incombustible material and approved by a nationally recognized testing laboratory. Such signs may project over public space at an angle of ninety degrees to the building to which they are attached; provided, that horizontal signs not over four feet in height and ten feet in length shall be kept back of the curb line not less than twenty-four inches, unless fifteen feet or more above the curb, and in such cases shall not project beyond the curb, and vertical signs not more than four feet in width and the bottom edges of which are fifteen feet or more above the sidewalk shall be kept back of the curb line not less than twenty-four inches. An all-metal sign will be permitted to project from a building into public space under the same conditions as an electrically illuminated projecting sign; provided, that it is not more than thirty-six inches in height, not more than fifteen square feet in area and is illuminated with reflected light from lights and reflectors attached thereto. The center of such sign shall not be more than three feet from the face of the building to which it is attached, all electrically illuminated on both sides, except where placed flat against a building.

1751.10 MARQUEE SIGNS.

Marquee signs may extend to the edges of the marquee to which they are attached, but no such sign shall be less than ten feet in the clear above the sidewalk, nor shall the top of such sign extend more than six feet above nor two feet below such marquee when the same is at right angles to the sidewalk or have a width in excess of six feet.

1751.11 AWNING SIGNS.

Signs on awnings which fold or roll and are used only for shade or rain, and which advertise only the business in the premises to which such awning is attached, shall require no permit nor any license fee; otherwise, the license fee shall be the same as for ground signs. Awning signs shall not be less than eight feet above the sidewalk or less than fourteen feet above any street, alley or way used for vehicular traffic.

1751.12 BANNERS.

No section of a banner sign made of canvas or other cloth shall be more than 100 square feet in area and not more than one such section shall be attached to any twenty-foot frontage of a building abutting public property. No banner or similar sign shall be placed in contact with an electric sign, and no permit shall be granted for a banner sign for a period exceeding thirty days, but such permit may be renewed for a period of not more than ninety days from the date of the original permit. No commercial banner signs shall be erected across a public sidewalk, street, alley or other public property.

1751.13 SIGNS ADVERTISING ENTERTAINMENTS.

Signs used for the advertising of a circus, carnival, theatrical performance or similar enterprise shall not be erected or maintained, except upon the premises of the exhibitor or upon boards erected and maintained by persons engaged in the business of outdoor advertising, without a permit for the erection and maintenance of the same upon specific structures. Such permits shall be issued upon the payment of such fees and upon such conditions as may be prescribed by the Director of Public Works, and in every instance the permittee shall be required to post a sufficient bond with the Director of the Division of Finance to pay the cost of removing such advertising matter in case it is not removed within forty-eight hours after the last performance or exhibition for which such advertising is used.

1751.14 PARASITE SIGNS.

No person shall hang or place any parasite sign or place any advertisement upon any sidewalk, hydrant, lamppost, tree, telephone, telegraph or electric light pole, fence or building in the City, or advertise by signs tacked, posted or tied to any public property.

1751.15 ENLARGEMENT OR ALTERATION OF SIGNS.

No ground sign, roof sign, wall sign, projecting sign, marquee sign, awning or banner sign in existence prior to June 24, 1946, shall be enlarged, rebuilt, structurally altered or relocated, except in accordance with the provisions of this article and until a permit therefore has been issued by the Director of Public Works and the fee for such permit paid, as provided for by Section 1751.04.

1751.16 SIGNS ATTACHED TO OR OBSTRUCTING FIRE ESCAPES.

No signs of any description shall be installed, erected or maintained to obstruct any fire escape or any window or door leading to any fire escape, nor shall any sign of any kind be attached or affixed in any form or manner to a fire escape.

1751.17 INFORMATION TO BE MARKED ON SIGNS.

Every sign as described in this article constructed or maintained after June 24, 1946, shall be plainly marked with the name of the person erecting and maintaining such sign, together with the permit number, and, in the case of banner signs, the date on which the permit therefore was issued or renewed shall also be prominently displayed.

1751.18 MAINTENANCE OF GROUND SIGNS.

Any person occupying any vacant lot or premises with a ground sign shall be subject to the same duties and responsibilities as the owner of the lot or premises with respect to keeping the same clean, sanitary, inoffensive and free and clear of all noxious substances in the vicinity of such sign.

1751.19 APPEALS FROM ACTIONS OF DIRECTOR OF PUBLIC WORKS.

Any person aggrieved at any action of the Director of Public Works under the provisions of this article shall have the right to appeal the ruling, action or decision of the Director of Public Works to Council, and the action of Council upon such appeal shall be final and conclusive.

1751.20 SIGNS NOT TO BE ERECTED CONTRARY TO COVENANTS.

No person shall erect, maintain or construct any ground sign or any other sign upon any lot or premises contrary to any building or other restrictive covenants to which such lot or premises is subject.

1751.21 COMPLIANCE WITH ARTICLE.

No person shall construct, erect or maintain any sign contrary to the provisions of this article.

Where any sign for which a permit is required by this article is constructed, erected or maintained prior to obtaining such permit or the renewal of an expired permit, the person unlawfully constructing, erecting or maintaining such sign shall be required to pay twice the amount of the fees specified for a permit; but the payment of such double fees shall not entitle such person to construct, erect or maintain such sign and shall not relieve such person from fully complying with the requirements of this article or from any other penalties prescribed in the Codified Ordinances.

1751.22 SIGNS IN URBAN RENEWAL AREA TO CONFORM TO URBAN RENEWAL PLAN.

All existing graphics as of January 1, 1974, which are located within the area of the Urban Renewal Project No. W.Va. R-18, also known as Downtown Project No. 1, and which are regulated by a resolution of Council adopted on June 11, 1973, shall conform to the regulations of such resolution by January 1, 1977.

1751.23 SIGNS TO BE REMOVED.

Any company who has a sign which advertises a business is to remove the sign within thirty (30) days after closure.

Any sign which has not been used for more than thirty (30) days to advertise a business, activity, campaign, product or service, and which is in a state of disrepair, may be subject to removal by the Building Inspector upon the following conditions: if such a sign shall not be repaired and usable by the owner thereof within thirty (30) days after receipt of written notice of the condition of the sign from the Building Inspector, then the Building Inspector may cause removal of such sign and any expense incident thereto shall be paid by the owner of the sign.

All yard, garage or other sale signs of that nature must be removed the day following the end of the sale.

(Passed 9-10-91)

1751.24 LED Sign fees, rules and regulations.

The town hereby establishes a schedule of fees, rules and regulations for the LED sign owned by the Town of Nutter Fort.

The Town Council of Nutter Fort hereby agrees to allow the general public to display announcements for a certain fee. Announcements may be defined as birthdays, anniversaries, and important events. The rate for one day rental of the sign will be twenty-five dollars (\$25.00), and the announcement will be displayed for a twenty-four hour period of time. Discounted rates are available as follows: Additional days for the same announcement may be purchased for Ten Dollars (\$10.00) per day, up to a maximum of four days. In addition, the sign may be rented in conjunction with the Town's parking lot for an inclusive fee of Forty Dollars (\$40.00). One wishing to display an announcement must also complete an application. The application will consist of the date the announcement should be displayed, as well as a description of the message. The message content will be limited to four frames of display. The application and the fees must be submitted at least 24 hours in advance. The town will not rent the LED sign for any political or business advertisements.

As per the Town Council of Nutter Fort:

- 1) The display of political or commercial (business) announcements will not be permitted.
- 2) However, the Town may, at its discretion, welcome a new business location by use of the LED sign.
- 3) All applications will be reviewed by the Mayor. The Mayor may reject any display that he or she feels inappropriate.
- 4) All funds collected from the general public for the purchase of display on the LED sign will be accounted for in the General Revenue Account.
- 5) Town employees and officials are entitled use of the sign free of charge for announcements regarding immediate family members, restricted to a maximum use of four time annually per employee/official.

(Amended 10-23-2012, Originally Passed 4-24-12)

1751.99 PENALTY.

(EDITOR'S NOTE: See Section 1705.99 for general Building and Housing Code penalty.)