

## Town of Winter Park – Sign Code

### Title 6 – Chapter 2 – Winter Park Town Code

#### 6-2-1: TITLE, AUTHORITY, PURPOSE, PHILOSOPHY AND COMPLIANCE:

- A. Title: This chapter shall be known and may be cited as the *TOWN OF WINTER PARK SIGN CODE*.
- B. Authority: The regulations herein are authorized by title 31, article 21 of the Colorado Revised Statutes and are hereby declared to be in accordance with all provisions of these statutes.
- C. Purpose: The purpose of this chapter is to establish a set of standards for the fabrication, erection and use of signs, symbols, markings or advertising devices within the town of Winter Park. These standards are designed to protect and promote the health and safety of persons within the community and to promote commerce and community identity while improving the quality of the visual environment.
- D. Philosophy:
1. Small well designed signs can visually communicate as well as, or better than large signs.
  2. A large number of signs tend to detract from and be detrimental to the area in which they occur. The continuity of well designed signs can contribute to the promotion of an image for the town.
  3. Off site signs should display only directional information.
  4. Signs can be desirable elements in the environment when designs are guided by consideration for the human, be it a motorist or pedestrian.
  5. Signs shall be of quality design, using quality materials and sound construction methods.
- E. Compliance: All signs shall conform to all regulations of this chapter unless specifically exempted therefrom as part of the site plan approval or special review approval procedure outlined in [title 7, chapter 7](#) of this code. Said signs shall comply with the following requirements:
1. Every sign shall have a good scale and proportion in its design and visual relationship to buildings and surroundings.
  2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
  3. The colors, materials and lighting of every sign shall be restrained and harmonious with the building site to which it principally relates. Signs and banners must have colored backgrounds, white or light colors that would appear white from fifty feet (50') away are prohibited.

4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
5. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention or advertise product pricing.
6. Identification signs of a prototype design and corporation logos shall conform to criteria for all other signs. (Ord. 327, Series of 2003)

#### **6-2-2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS:**

A. Construction Of Language: The following rules of construction shall apply to the text of this chapter:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".
7. The word "person" includes any person, firm, partnership, association, corporation, company or organization of any kind.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and, or, or either . . . or", the conjunction shall be interpreted as follows:  
  
"And" indicates that all the connected items, conditions, provisions, or events shall apply.  
  
"Or" indicates that the connected items, conditions, provisions or events shall apply.  
  
"Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

10. The words "free", other language or numerals advertising product pricing is prohibited on permanent commercial signage as well as banners. Businesses utilizing display cases, attraction boards, or changeable copy signs to present menus, specials, etc., will be exempt from this prohibition.

**B. Definitions:**

**ABANDONED SIGN:** A sign is considered abandoned if, the business or activity advertised on that sign is no longer licensed, or is no longer doing business or is no longer active at that location, and such inactivity exists for a thirty (30) day or longer period of time.

**ADVERTISING DEVICE:** Any balloon, flag, pennant, propeller, oscillating, rotating, pulsating light or other contrivance except a sign, used to attract attention for the purpose of promoting the sale of products.

**ADVERTISING SIGN:** Any sign directing attention to a business, commodity, service or entertainment conducted, sold or offered, relative to the property upon which it is located.

**ADVERTISING STATUARY:** Any imitation, representation or similitude of a person or thing which is sculptured, molded, modeled or cast in any solid or plastic substance, material, or fabric and used for commercial purposes.

**ADVERTISING STRUCTURE:** Any structure erected for advertising purposes, with or without any advertisement display thereon, situated upon or attached to real property, upon which any poster, bill, printing, painting, device or other advertisement may be placed, posted, painted, tacked, nailed or otherwise fastened, affixed, or displayed provided, however, that said term shall not include buildings.

**ALTERATION:** Any change of copy, color, size, shape, illumination, position, location, construction or supporting structure.

**ANIMATED SIGN:** Any sign designed and constructed to give its message or attract attention through a sequence of progressive or random changes of parts or lights or degree of lighting through rotation, movement, fluctuation, flashing, changing or blinking lights or similar devices.

**ATTRACTION BOARD:** A sign used to advertise items such as, but not limited to, restaurant menus and specials. Such sign shall not be a changeable copy sign (i.e., sandwich board).

**AWNING SIGNS:** Proportional words, letters, numbers, or other symbols not exceeding six inches (6") in height which are displayed in a high quality manner on any valance or awning.

**BALLOON:** Any helium or air filled material to be displayed for advertising purposes which can be in many shapes.

**BANNER:** A professionally produced strip of cloth, plastic, or similar material affixed to a building or railing which is located outdoors and contains language for advertisement, greeting or similar messaging purposes.

**BILLBOARDS:** Any framework for signs advertising merchandise, services, or entertainment sold, produced, manufactured or furnished at a place other than the location of such structure.

**BUILDING:** A structure having a roof supported by columns or walls.

**BUILDING FACE:** The total area of the building elevation, excluding the area of the roof.

**BULLETIN:** A sign of permanent character, but with removable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon, the premises upon which such a sign is maintained. Such sign shall not exceed six (6) square feet in size and contain letters no larger than two inches (2") in height.

**BUSINESS:** A business that has a valid town business license, is enclosed by permanent walls and has its own entrances. It will usually, but not always, have its own utilities, i.e., gas, water, electric and sanitary facilities.

**CANOPY:** A fixed structure of any material and any length, projecting from and connected to a building and/or columns and posts from the ground, or supported by a frame extending from the building and/or posts from the ground.

**CANOPY SIGN:** Any sign attached to the underside or constructed upon a projecting canopy, protruding over a private sidewalk. A sign supported by a canopy and in all cases mounted perpendicular to the building.

**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged for the purpose of advertising restaurant menus or specials (i.e., dry erase boards).

**COMMERCIAL DISTRICTS:** Shall include all zoning classifications which are consistent with the commercial designation of the town of Winter Park.

**CONSTRUCTION SIGN:** Any sign stating the name of the future site occupant and may include the name, address, and telephone number of businesses directly related to the construction project.

**CONVENIENCE SIGN:** Any sign which conveys information such as "restrooms", "no parking", "entrance", "exit" and the like, but does not contain brand, trade or business identification and is designed to be viewed on site or adjacent to the site by pedestrians and/or motorists.

**DETACHED SIGN:** See definition of Freestanding Sign.

**DIRECTIONAL SIGN:** Any sign permanently or temporarily erected by or with approval of the town or any authorized government agency, designed solely to provide direction or guidance to pedestrian or vehicular traffic.

**DIRECTLY ILLUMINATED SIGN:** Any sign which has light cast on its surface from an interior source, including electric lights or luminous tubes.

**DISPLAY CASE:** Any case, cabinet or other device, wall mounted having a window of glass or other transparent material, or other opening, access to which is made from other than within a structure or building. Items to be displayed could include, but are not limited to, restaurant menus and specials.

**ELECTRONIC MESSAGE SIGN:** Any sign displaying a variable message controlled by either a computer or other electronic or digital components. Electronic message signs are only permitted as a conditional use under subsection [6-2-5B2](#) of this chapter.

**FLAG OR PENNANT:** Any cloth, bunting, plastic, paper, or similar material used for advertising purposes attached to, or appended on or from any structure, staff, pole, line, framing, or vehicle.

**FREESTANDING SIGN:** Any detached sign which shall include any sign supported by one or more uprights, braces, poles or posts placed upon or in or supported by the ground and not a part of, or attached to, any building. This definition includes "monument signs", "pylon signs", "ground signs" and "pole signs". A freestanding sign shall have no more than two (2) sides back to back, each side of which shall contain an area which shall not exceed the amount permitted in other sections of this chapter.

**GRADE:** The level of the public sidewalk or curb closest to the sign.

**GROUND SIGN:** See definition of Freestanding Sign.

**ILLEGAL SIGN:** Any sign placed without proper government approval and/or permits as required by the town code at the time said sign was placed. "Illegal sign" shall also mean any nonconforming sign which has exceeded its authorized amortization period.

**ILLUMINATED SIGN:** Any sign which an artificial source of light is used in order to make the message readable and shall include directly and indirectly illuminated signs.

**INDIRECTLY ILLUMINATED SIGN:** Any sign which has light cast on its surface from an exterior source, including electric lights, or luminous tubes.

**LOT:** Is either a lot of record, as part of a land subdivision officially recorded with Grand County and existing on the effective date of this chapter or any applicable subsequent amendment thereto; or a tract of land, either unsubdivided or consisting of two (2) or more contiguous lots of record, located within a single block, which, on the effective date of this chapter or any applicable subsequent amendment thereto, was in single ownership; or a tract of land, located within a single block, which at the time of filing for a building permit (or, if no building permit is required, at the time of filing for a certificate of occupancy), is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership; a lot therefore may or may not coincide with a lot as shown on the official tax maps of Grand County, or on any recorded subdivision plat or deed. For the purposes of this definition, ownership of a lot shall be deemed to include a lease.

**LOT FRONTAGE:** The shortest property line adjacent to a public street. The frontage of a lot is also the front property line.

**LOT LINE:** A boundary of a lot.

**MAJOR OCCUPANT:** The primary tenant of a building or multiple use facility, designated as such by the property owner.

**MARQUEE SIGN:** A changeable copy sign specifically for the use of movie theaters.

**MOBILE SIGNS:** See definition of Vehicular Sign.

**MULTIPLE USE FACILITY:** Any building which is occupied by three (3) or more than one legal and distinct businesses. (See definition of Business.)

**MURAL:** Any painted design which covers all or a major portion of a wall, building facade, or other structure for the purpose of displaying an art piece; not meant for the purpose of advertising.

**NEON SIGN:** A sign in which a colorless, odorless, primarily inert gaseous element known as "neon" is found and produces illumination.

**NONCONFORMING SIGN:** A sign or advertising structure existing within the incorporated area on the effective date of this chapter which, by its height, square foot area, location, use or structural support does not conform to the requirements of this chapter shall hereafter be termed nonconforming.

**OFF PREMISES SIGN:** See definition of Billboards.

**PAINTED WALL SIGN:** Any sign, permanent in nature, including windows painted on any surface of any building, visible from any public right of way.

**PERMANENT SIGN:** A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

**PERMANENT WINDOW SIGN:** A sign or painted information upon or within two feet (2') of a window for the purpose of viewing from outside of the premises. This term excludes merchandise displayed and decorative borders.

**PERSON:** Shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

**PLASTIC SIGN:** Any sign, embellishment or sign area made of plastic, flat sheet, corrugated panels, formed or molded, on one or more faces.

**POINT OF PURCHASE SIGN:** Any structure, device, display board, screen surface or wall with characters, letters or illustrations placed thereto, thereon or thereunder by any method or means whatsoever where the matter displayed is used for advertising on the premises a product actually or actively offered for sale or rent thereon or therein or services rendered.

**POLITICAL CAMPAIGN SIGN:** A sign indicating the name and/or picture of an individual seeking election to a public office, or relating to a forthcoming public election or referendum, or pertaining to the advocating by persons, groups, or parties of the political views or policies.

**PRIMARY IDENTIFICATION SIGNS:** Any sign identifying a multiple use facility and the tenants therein.

**PROJECTING SIGN:** Any sign which is attached to a building, projecting at a ninety degree (90°) angle from the outside wall or walls of any building, which is supported by only one rigid support, irrespective of the number of guywires used in connection therewith.

**REAL ESTATE SIGN:** A temporary sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

**RESIDENTIAL BUILDING IDENTIFICATION SIGN:** Any sign which serves to identify only the name of the occupant and the address of a residential dwelling unit.

**RESIDENTIAL COMPLEX SIGN:** Any sign identifying a residential subdivision to include single-family or multiple-family development.

**ROOF, MANSARD:** A curb roof having the lower slope almost vertical and the upper almost horizontal, with the same profile on all sides of the building.

**ROOF SIGN:** Any sign erected, constructed and maintained wholly upon, above or over the roof of any building.

**SANDWICH BOARD SIGN:** A sign with two (2) faces attached at the top and open at the bottom so that the structure forms a wedge and is self-supporting. See definition of Changeable Copy Sign.

**SECONDARY IDENTIFICATION SIGN:** Signs which may be located at entrances to a multiple use facility where a primary identification sign is not located. Secondary identification signs shall incorporate the name and/or logo of the multiple use facility. Secondary identification signs are limited to thirty (30) square feet of sign area.

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

**SIGN AREA:** The entire area within a single continuous perimeter composed of squares or rectangles which enclose the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame, background area of sign, structural trim, or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports or uprights on which any such sign is supported shall not be included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the display. In the case of "skeleton letters" or other signs placed on a wall without any border,

the area shall be determined by enclosing all of the letters in a common geometrical shape (e.g., square, rectangle, circle).

**SIGN COPY:** Any words, symbols, logos, figures, numbers or symbolic representations incorporated into a sign with the purpose of attracting attention to the subject matter.

**SIGN, FLASHING:** Any illuminated sign, which exhibits changes in light or color.

**SIGN HEIGHT:** Shall be measured from average ground level at the base of the supporting structure to the top of the sign.

**SITE:** One or more parcels of land identified by the assessor's records and for which an integrated building development exists or has been proposed.

**SNIFE SIGN:** Any sign made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.

**SPECIAL EVENT:** An activity or occasion which occurs on premises and does not exceed three (3) weeks in duration.

**TEMPORARY REAL ESTATE OPEN HOUSE SIGN:** A temporary sign for the purpose of allowing individual realtors to market property for sale, lease or rent via a staffed open house event.

**TEMPORARY USE:** An activity which is not part of a permanent use on the premises and is temporary in nature; such activity shall not exceed six (6) months in duration.

**TEMPORARY USE SIGN:** A sign or painted information installed or applied on a property in conjunction with a temporary use with the intent of displaying the sign continuously for more than twenty four (24) hours, but which is not a part of a permanent use on the property and is not intended to be displayed for more than six (6) months.

**TEMPORARY WINDOW SIGN:** A "temporary use sign" as defined herein and applied upon or within two feet (2') of a window for the purpose of viewing from outside of the premises.

**THREE-DIMENSIONAL (3-D) SIGN:** A sign in which the lettering is on a different plane than the sign face plane.

**TWO SIDED SIGN:** A sign with no more than two (2) faces which are viewed separately and must be constructed in a parallel fashion. Only one face of a two (2) sided sign shall be considered in determining the sign area.

**VEHICULAR SIGN:** A sign affixed to, or painted onto, or placed in the open bed of a transportation vehicle or trailer for the purposes of business advertising; however, not to include signs affixed to vehicles or trailers for identification purposes or required by licensing ordinances.

WALL SIGN: Any sign attached or erected on the exterior wall of a building with the exposed face of the sign parallel to said wall, and supported throughout its length by the wall of the building. (Ord. 327, Series of 2003; amd. Ord. 388, Series of 2006)

### **6-2-3: INTERPRETATION OF PROVISIONS:**

- A. Provision Intent: The provisions of this chapter are not intended to abrogate any other ordinance of the town which is more restrictive than the provisions of this chapter.
- B. Uncertainty Of Ordinance Provisions: Whenever the application of this chapter is uncertain due to ambiguity of its provisions, the application shall be referred to the planning and zoning commission for determination. The commission shall then authorize signing which best fulfills the intent of this chapter.
- C. Severability: If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. 327, Series of 2003)

### **6-2-4: ADMINISTRATIVE PROCEDURES:**

- A. Sign Permit Required: No sign may be placed, erected, moved, reconstructed, altered, redesigned or displayed within the incorporated limits of the town until the owner of the property upon which such sign is to be placed, erected, moved, reconstructed, altered, redesigned or displayed has obtained a sign permit therefor as provided in this section.

Exception: Routine maintenance, repair and repainting which does not alter a sign may be performed on previously permitted sign without first obtaining a new permit.

- B. Permit Application: Sign permit applications shall be obtained from the town. A completed application shall be submitted to the town planner by the owner or his authorized agent. The application shall contain, or have attached thereto, the following information:
  - 1. The name and address of the owner or other person in control of the real property upon which the sign or advertising structure is to be constructed, erected, posted or displayed.
  - 2. The name of the person erecting the sign or advertising structure.
  - 3. The address and/or legal description of the property upon which the proposed sign or advertising structure is to be located.
  - 4. The type of sign or advertising structure.
  - 5. The proposed location of the sign or advertising structure on the property identified. The location and total surface area of all other permitted signs existing on the property or buildings.

6. Two (2) copies of detailed drawings, drawn to scale, containing complete plans and specifications which indicate the method of construction and anchoring to the building or ground. The total area of the proposed sign in square feet. The height of the proposed advertising structure from ground level.
  7. The sign elevation which must indicate overall and letter/figure dimensions, colors, materials, proposed copy and illumination.
  8. A site plan which shall indicate all signs existing or proposed for the site with dimensions, colors, materials, copy, and/or illumination for each sign.
  9. Building elevations with signs depicted.
- C. Permit Application Review: Within ten (10) days of filing a completed application the town planner shall review the sign application. The town planner shall determine if the proposed sign and application are in compliance or noncompliance with this code. The town planner shall either approve the application for issue or deny issuance of the permit due to noncompliance with this or other town ordinances or regulations which may apply.
- D. Permit Issuance: If the town planner has determined the sign and application is in compliance with this code and other ordinances or regulations which may apply, the town planner shall issue a permit for the proposed sign.
- E. Permit Expiration: Every sign permit issued by the town planner shall expire by limitation and become null and void if the work which has been authorized by such sign permit is not completed within one hundred twenty (120) days of the date of issuance of such permit. Additional time may be permitted with authorization of the town planner.
- F. Permit And Application Retention: The town planner shall retain one copy of the sign permit and application. The permit and application shall be retained at the office of the town planner until such time as the sign no longer exists.
- G. Permit Fees: Each application for a sign permit shall be accompanied by a permit fee as set forth by section 1-8-1 of this town code.
- H. Appeal From The Decision Of The Town Planner: Upon denial of a permit by the town planner, the applicant may resubmit a modified application or file an appeal to the planning and zoning commission. An appeal from the decision of the town planner shall be filed with the town planner within thirty (30) days of denial of a permit. The appeal shall contain seven (7) copies of detailed drawings, drawn to scale, containing complete plan specifications which indicate the method of construction and anchoring to the building or ground. The total area of the proposed sign in square feet; the height of the proposed advertising structure from ground level; the planning and zoning commission shall consider the appeal at its next regularly scheduled meeting or as promptly as practicable at a subsequent regularly scheduled meeting of which the applicant is given written notice. The commission shall render a decision on the appeal within thirty (30) days after the hearing. (Ord. 327, Series of 2003)

### **6-2-5: GENERAL PROVISIONS:**

- A. Exempted Signs: The following signs, if nonilluminated and nonanimated, shall be exempt from the application, permit and fee requirements of this chapter:
1. Memorial tablets and plaques installed and authorized by a duly constituted governmental agency or recognized historical society.
  2. Official and legal notices issued by any court, public body, or officer in performance of a public duty or in giving any legal notice.
  3. Attraction boards as defined in subsection [6-2-2B](#) of this chapter must be located on private property. Such signs are limited in size to six (6) square feet.
  4. Directional, warning, informational, or pedestrian signs or structures required or authorized by law, or by federal, state, county or town authority. Illuminated signs are subject to planning and zoning commission approval for size, color and material. Such signs shall promote the public good, health, safety, and welfare.
  5. Residential building identification signs used to identify individual residences, which shall not exceed two (2) square feet in size, shall be limited in content to the name of the resident and address of the premises.
  6. Official flags of the United States of America, the state of Colorado, and other states of the United States, counties, municipalities, official flags of foreign nations recognized by the United States government. No side of any flag may be greater than a maximum of six feet (6'), except flags on poles over thirty five feet (35') high may have a flag which has a width of not more than twenty five percent (25%) of the height of the pole. All flags shall be displayed in a proper manner.
  7. Real estate signs. One real estate sign shall be allowed per lot or per condominium or multi-family development involving advertising said property for sale, lease or rent, subject to the limitations provided by subsections [6-2-7-6D](#) and [6-2-7-7H](#) of this chapter. In the event that a lot has frontage on two (2) or more streets, a real estate sign shall be allowed on each frontage, and if frontage is greater than one hundred (100) linear feet, an additional sign shall be allowed per four hundred (400) linear feet. Such signs shall be temporary in nature and shall be removed from the subject property within thirty (30) days after the transaction has been completed.
  8. Prohibited activities signs located on a property posting said property for warning or other prohibitions on trespassing, hunting, fishing, swimming or other prohibited activities. Such signs shall be no greater than one square foot in area and shall be spaced no closer than fifty feet (50') apart, except as otherwise provided in other applicable town ordinances. Setback requirements shall not apply to such signs.
  9. Interior signs. Interior signs located on the interior of a building or structure and not visible under normal viewing conditions from outside the building primarily designed for the information of persons within the subject building or structure.

10. Open-closed hours. Door and window signs that designate hours and "open" and "closed" shall not exceed four (4) square feet and not more than one of each is allowed per business entrance.
11. Vacancy-no vacancy. All "vacancy" or "no vacancy" signs are not to exceed two (2) square feet, and not more than one of each per business is permitted.
12. String lights. Holiday string lights or colored tree lights may be used for decorative purposes.
13. Signage on motor vehicles. Signs displayed on motor vehicles that are being operated or stored in the normal course of business, may display only the business name and logo, the business address, business telephone number, a business slogan, generic product identification (i.e., ski rental, lodging, restaurant, etc.), or specific brand name product identification; but only if the primary purpose or use of such vehicles will not be the display of signs and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles. Four (4) square feet shall be allowed on each side and/or the rear. Total signage not to exceed twelve (12) square feet on the vehicles.
14. Window signs that are more than two feet (2') back from the window, except illuminated signs arranged for the purpose of viewing outside the premises. The area of illuminated signs arranged for the purpose of viewing outside the business is to be counted in the total allowable business signage and a permit is required.
15. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right of way.
16. "Display case" as defined in subsection [6-2-2B](#) of this chapter shall not require a permit to change display items. Such cases are limited in size to six (6) square feet.
17. Changeable copy signs as defined in subsection [6-2-2B](#) of this chapter shall not require a permit to change display items. Such cases are limited in size to six (6) square feet and must be located on private property.
18. Temporary real estate open house signs.
  - a. One on site open house sign, nonilluminated, not exceeding six (6) square feet in area may be permitted on the premises that is for sale, lease or rent.
  - b. All open house signs shall be limited to a maximum of three feet (3') above the surface grade at the base of the sign measured from the ground or snowpack, whichever is higher.
  - c. Balloons are prohibited.
  - d. One or more off site open house signs may also be permitted as necessary to indicate changes of direction from U.S. Highway 40 to the subject property location.

- e. Such signs shall be limited to display on private property only.
- f. Such signs shall not be displayed within public rights of way.
- g. Such signs shall be displayed only when the unit is actually open and in all cases shall be removed at night.

B. Prohibited Signs: The following signs shall not be permitted in the town of Winter Park:

1. Any sign not specifically authorized or permitted in accordance with the provisions of this chapter is prohibited. (Ord. 327, Series of 2003)
2. Animated or moving signs, including signs consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or otherwise animated light, unless specifically permitted as part of the allowable signage enumerated in this chapter and as part of a conditional use permit for an electronic message sign approved by the town of Winter Park planning commission and the town of Winter Park town council pursuant to the following procedures and subject to the following criteria:
  - a. Conditional Use Permit Application: Any application for a conditional use permit as allowed by this subsection B2 shall follow the application procedures as defined in subsections 6-2-4A and B of this chapter. The applicant shall also provide support information addressing the standards for findings of fact as described in this subsection B2. The town planner shall have up to two (2) weeks to determine if an application is complete.
  - b. Conditional Use Permit Review Procedure: Upon determination by the town planner that an application is complete, the town planner shall schedule a public hearing before the town of Winter Park planning commission. Public notice is required to be mailed to property owners within three hundred feet (300') of the property boundary where the sign is proposed indicating time and place of the public hearing no less than two (2) weeks in advance of the public hearing. At the regular meeting in which the public hearing is held, the planning commission shall review the application in conformance with the findings of fact noted below. The planning commission may approve, approve with conditions, or deny the conditional use permit application.

Following approval or approval with conditions by the town of Winter Park planning commission, the town planner shall retain the conditional use permit application and all of its supplemental documents for review by the town of Winter Park town council at a public hearing within forty (40) days. At the regular meeting in which the public hearing is held, the town council shall review the application in conformance with the findings of fact noted below. The town council may approve, approve with conditions, or deny the conditional use permit application. No conditional use permit shall be valid or may be issued pursuant to the terms of this subsection B2 until the same is approved by the town council.

- c. Permit Standards: Any conditional use permit shall only be permitted after meeting the following standards, as determined by findings of fact established by the town of Winter Park planning commission and the town of Winter Park town council:

- (1) General Welfare: The establishment, maintenance or conducting of the sign for which a use permit is sought will not, under the particular case, be detrimental to the public welfare or injurious to property or improvements in the general vicinity of the proposed site.
- (2) Nuisance: Any sign found to be objectionable or incompatible with the town of Winter Park or the surrounding area due to light pollution, visibility from public rights of way, aesthetic degradation, hours of operation, or other undesirable characteristics as determined by the town of Winter Park town council may be prohibited.
- (3) Zoning Consistency: To obtain a conditional use permit, the applicant must generally show that the contemplated sign is compatible with the policies in terms of the town code, and that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the underlying zone district or be detrimental to the public health, safety, or welfare of the town of Winter Park. (Ord. 388, Series of 2006)

3. Advertising devices, "advertising statuary" as defined herein.
4. Flags, pennants, balloons used for advertising purposes, except as provided in section [6-2-7-4](#) of this chapter. Decorative flags, banners or pennants or a combination of same, constituting an architectural feature which is integral to the design character of a project may be permitted if first approved by the planning and zoning commission.
5. Light bulb strings and exposed tubing including external displays, which consist of unshielded light bulbs, festoons and strings of open light bulbs, are prohibited. An exception hereto may be granted by the planning and zoning commission based on the criteria identified in subsection [6-2-1E](#) of this chapter when the display is in keeping with the overall design theme put forth for the multiple use facility and/or for the business activity to which it relates except as provided in subsection A12 of this section.
6. Off premises signs or billboards, including any sign, other than directional signs, installed for the purpose of advertising a project, person or subject not related to the premises upon which said sign is located, except to advertise a community event or function inside or outside the town boundaries, not to exceed thirty (30) days prior to said event, and with a special use permit.
7. Signs which create a safety hazard by obstructing clear view of pedestrian and vehicular traffic.
8. Signs constituting a traffic hazard. No person shall install or maintain or cause to be installed or maintained any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of the words "stop", "look", "danger" or any other words, phrases, symbols, or characters in such a manner to interfere with, mislead or confuse traffic.
9. Signs on doors, windows or fire escapes. No sign shall be installed, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire

escape. No sign of any kind shall be attached to a standpipe or fire escape, except those signs as required by other codes or ordinances.

10. Signs in proximity to utility lines. No permit shall be issued for any sign, and no sign shall be constructed or maintained, which has less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the state of Colorado, or rules and regulations duly promulgated by agencies thereof.
11. Signs on public property including streets, medians, islands, parkways, sidewalks, traffic control signposts, utility poles, and trees. Signs are prohibited on any utility pole, traffic sign post, traffic signal or any other official traffic control device. Signs shall not project over or into a public right of way. No person except a public officer in performance of a public duty shall affix, by any means, any form of sign, on any public property or within the public right of way. An exception hereto may be granted by the planning and zoning commission after being referred to the public works superintendent.
12. Vehicle signs, including signs affixed to automobiles, trucks, trailers or other transportation vehicles or signs placed in the open bed of any such transportation vehicles which advertise, identify or provide direction to a use or activity not related to its lawful making of deliveries or sales of merchandise, or as required by licensing ordinances, except as provided in subsection A13 of this section.

Provided however, an exemption may be granted by the planning and zoning commission for advertising by public transportation systems, i.e., taxis and buses with PUC licensing. A plan shall be submitted to the design review committee for review. This signage may be internally illuminated, but not to exceed the wattage listed in subsection B14a of this section.

13. Roof signs as defined herein except those on mansard roofs.
14. Illuminated signs except those signs which conform to the following restrictions:
  - a. All theater signs and signs illuminated from an exterior light source, provided that no unfrosted light source, fluorescent light source or light source in excess of twenty five (25) watts shall be directly visible to any motor vehicle or pedestrian located in a public right of way or street or from any residential area within a distance of three hundred feet (300') measured from that light source, and further provided that no portion of the sign, including any frame, bracing or support structure shall be constructed of a reflectorized surface.
  - b. Signs illuminated from an interior back or front light source provided that the following requirements are satisfied:
    - (1) The signs are arranged in such a way to reflect away from adjacent property.
    - (2) They satisfy the requirements of subsections [6-2-7-7A](#) and J of this chapter.

- c. Individual, precast or formed letters, individually illuminated and backlit, with translucent or opaque faces, producing soft outlines or halo illumination on the wall surface behind the sign.
15. Signs which produce audible noise or sounds.
16. Signs which emit visible smoke, vapor, particles or odor.
17. Snipe signs as defined in subsection [6-2-2B](#) of this chapter.
18. Signs intended to swing or otherwise noticeably move as a result of wind pressure because of the nature of suspension or attachment of such signs.
19. Marquee signs except for movie theaters having a capacity of two hundred (200) or more people.
20. Words or pictures contained in a sign which reflect lewd or immoral information or images as determined by standards and values of the community.
21. All signs and banners must have colored backgrounds. White or a light color that would appear white from fifty feet (50') away are prohibited. (Ord. 327, Series of 2003)

#### **6-2-6: INSPECTIONS AND MAINTENANCE:**

- A. Inspections: All signs shall be subject to inspections by the town planner and all other persons as may be authorized for such purposes under the provisions of the ordinances for the town.
- B. Maintenance: Every sign and sign structure, including those signs and sign structures for which no permit or permit fees are required, shall be maintained in good structural condition at all times. All such signs and sign structures shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust resistant materials. The town planner shall inspect and have the authority to order painting, repair, alteration or removal of a sign or sign structure which shall constitute a nuisance or hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute a hazard for any other reason. (Ord. 327, Series of 2003)

#### **6-2-7: SIGN REGULATIONS AND STANDARDS:**

Sign permits may be issued for signs included under this section, provided the signs are in compliance with all other applicable laws and ordinances. (Ord. 327, Series of 2003)

##### **6-2-7-1: CONSTRUCTION SIGNS:**

Construction sites may display one construction sign, identifying or advertising new construction, remodeling or development of any structure or land area. Such signs shall not exceed forty (40) square feet. Construction sign permits may not be issued until foundation permits for the project have been issued. A construction sign shall be valid for a period of not

more than six (6) months and may be renewed for no more than three (3) successive periods in the same location. Construction signs shall conform in all respects to the requirements of all signs subject to a permit, with the exception that a construction sign shall be allowed in addition to any other signs permitted. (Ord. 327, Series of 2003)

#### **6-2-7-2: CONVENIENCE SIGNS:**

On site signs which are necessary for public convenience or safety but which are nonexempt, may be approved by the planning and zoning commission. Signs containing information such as "open", "closed", "no vacancy", "vacancy", "entrance", "exit" and directional arrows, but not business or product identification, shall be designed to be viewed from on site, or from an area adjacent to the site, by pedestrians or by motorists. Such signs shall not exceed four (4) square feet in area. (Ord. 327, Series of 2003)

#### **6-2-7-3: POLITICAL SIGNS:**

Political signs having to do with any issue, ballot measure, ballot proposition, candidate or group of candidates in any district, municipality, community, state or federal election shall be permitted subject to the regulations for all signs subject to a permit per section [6-2-4](#) of this chapter and the following:

- A. All political signs shall be placed no earlier than thirty (30) days prior to the election and shall be removed not later than seven (7) days following the date of the election. In the event all signs are not removed within the specified time or are posted prior to the specified time period, the town shall have the right to remove and dispose of same.
- B. All political signs shall be in compliance with subsection [6-2-5B11](#) of this chapter which prohibits the affixing of any sign on any public property or within the public right of way.
- C. The written permission of the property owner for signs on private property shall be required. Such permission shall include authorization for the town or its authorized personnel to enter upon such property and remove any sign posted in violation of the provisions of this chapter.
- D. Political signs shall not exceed four (4) square feet in size.
- E. The candidate, or person(s), responsible for the placement of a political sign shall be responsible for its removal.
- F. Political signs shall not be affixed to any living plants, trees, bushes or shrubs. (Ord. 327, Series of 2003)

#### **6-2-7-4: SPECIAL EVENT, TEMPORARY USE AND WINDOW SIGNS:**

- A. Special Event Signs: Special event signs which do not meet the criteria established by this chapter may be approved for a limited period of time as a means of publicizing short term activities. Businesses wishing to use banners, window signs, flags, or pennants, balloons or attraction boards may apply for a special event sign permit to be approved by the town planner or his designee. Such permit shall be valid for no more than one week prior to the

special event and shall be removed within forty eight (48) hours after the event has terminated. Such permit shall not exceed three (3) weeks.

- B. Temporary Use Sign: Temporary use signs are permitted with approval contingent upon design concept, size, theme, color, material and quantity as it relates to size and mass of a building. Approval shall follow procedures outlined in subsections [6-2-4B](#) and C of this chapter. Only one temporary use sign shall be permitted per business.
- C. Temporary Window Signs: Temporary window signs shall be constructed of quality material and shall be neat in appearance. Temporary and permanent window signage in area shall not cover more than fifty percent (50%) of the display windows on any business or building face. Signage shall be arranged to prevent individual windows from being covered totally.
- D. Permanent Window Sign: Window sign(s) may be approved following procedures outlined in subsections [6-2-4B](#) and C of this chapter. Window sign(s) in area shall cover not more than fifty percent (50%) of the display window on any business or building face. Permanent window signage shall be calculated as part of the total signage allowed under subsection [6-2-7-7A](#) of this chapter and shall be located in accordance with the provisions applicable to permanent signs. (Ord. 327, Series of 2003)

#### **6-2-7-5: SIGNS CONSTRUCTED OF CERTAIN MATERIALS:**

- A. Metallic Signs: Signs with metallic surfaces shall be treated to reduce reflection, from sunlight or artificial illumination, on residential properties in the vicinity and on the vision of passing motorists.
- B. Plastic Signs: Plastic signs, including signs made of fiberglass and other synthetic materials, shall be treated to reduce reflection, from sunlight or artificial illumination, on residential properties in the vicinity and on the vision of passing motorists.
- C. Wood Accent: It is recommended that all plastic and metal signs incorporate wood or the appearance of wood as a border and/or background. (Ord. 327, Series of 2003)

#### **6-2-7-6: RESIDENTIAL SIGNS:**

All residential signs shall be three-dimensional (3-D) as defined herein. In addition, the following provisions shall apply to all signs related to residential uses:

- A. Residential Building Identification Signs: One residential building identification sign limited in content to the name of the occupant and the address of the premises shall be allowed for each dwelling unit. Such signs shall not exceed one square foot in area. Freestanding signs shall not exceed five feet (5') above grade.
- B. Residential Complex Identification Signs: Residential developments shall be permitted one residential complex identification sign per primary street access. Such identification signs shall be limited in size to a maximum of thirty (30) square feet of sign copy. Total sign area not to exceed forty five (45) square feet. Residential complex identification signs shall be wall mounted or freestanding. Freestanding residential complex identification signs shall not exceed a height above grade of eighteen feet (18').

- C. Nonresidential Signs: Signs identifying other activities which are authorized in residential districts shall be limited to six (6) square feet and placed under the direction of the planning and zoning commission.
- D. Real Estate Signs: One real estate sign shall be allowed per lot involved and shall not exceed three (3) square feet in area. Such signs shall be restricted to the following information:
  - 1. For sale, lease, rent or exchange by owner or agent;
  - 2. Owner's or agent's name;
  - 3. Owner's or agent's phone number;
  - 4. Agent's logo may be incorporated into the real estate sign. (Ord. 327, Series of 2003)

**6-2-7-7: COMMERCIAL SIGNS:**

- A. Maximum Sign Area: Each business location (see definition of Business) shall be allowed sign area of thirty (30) square feet for all signs (i.e., commercial signs, primary and secondary identification signs, individual business signs). Exempt, convenience, temporary, special event, pedestrian information and awning signs shall not be included in this limitation. The following are restrictions on the composition of sign area:
  - 1. For interior lit signs which emit light through the background of the signs, the entire illumination area of the sign shall be included in the maximum sign area limitation of this subsection A and subsection F1 of this section. Not more than two (2) signs are permitted per business and the area of these signs shall be counted in the total allowable business signage area.

When interior lit signs which emit light through the background of the signs are used for a freestanding sign or part of a freestanding sign, the entire illumination area of the sign shall be included in the maximum sign area and background limitation of this subsection A and subsection F1 of this section.
  - 2. The area of interior lit signs that emits light only through the sign copy (message portion) of the sign, and individual, precast or formed illuminated letters shall be determined by measuring the sign area.
  - 3. Interior lit theater signs (attraction boards) may have an allowable area of thirty (30) square feet as determined by subsections A1 and A2 of this section.
- B. Height Of Signs: No sign shall be attached to a building at a height above the third story unless the business which the sign advertises is located above the third story, in which case the sign may be on the same story as the business. In no event shall a sign be attached above the roofline. Freestanding signs shall not exceed eighteen feet (18') in height, however, increases in height may be allowed by the planning and zoning commission to compensate for topographical features of said sign's location. All canopy and projecting signs shall allow a ground clearance of at least seven feet (7'). Projecting signs not to

project more than six feet (6') from face of building, and may not project beyond the applicant's property.

C. Compatibility Of Signage: All signage displayed by a business from a single location, e.g., a single freestanding sign, shall be compatible in design, color and materials.

D. Freestanding Signs:

1. Site Requirements: All signs shall be located on the property of the person/business who owns the sign and which it advertises. The location may be at any point which offers the best line of vision, subject to provisions in subsections [6-2-5B7](#), B10, and B11 of this chapter.
2. Permitted Number Of Signs: A single activity, business or multiple use facility shall be permitted no more than one freestanding sign which meets the site requirements provided by subsection D1 of this section, provided, however, the planning and zoning commission may allow an increase in the number of freestanding signs (subject to the size limitations of subsections A and F1 of this section) where site or visibility considerations make such an increase appropriate.
3. Placement Of Signs: All new ground signs shall be placed in an appropriately landscaped planter or area. No freestanding sign may be placed in a location that will obstruct other legal conforming signs.

E. Allowable Increase In Area: The planning and zoning commission may allow an increase in the sign area up to one hundred percent (100%) in such instances where there are two (2) separate fronts not visible from one location or when the multiple use facility is accessible from two (2) or more streets. No more than thirty (30) square feet of sign copy per business may be visible on any building from any one location. This provision applies to all signs unless specifically excluded elsewhere in this chapter.

F. Multiple Use Facility:

1. Primary Identification Signs: Each multiple use facility shall be permitted signage related to the entire multiple use facility:
  - a. Such signage may contain the name of the facility as well as the names of tenants therein. If a multiple use facility has two (2) or more separate entrances one additional primary identification sign will be permitted.
  - b. Primary identification sign area shall not exceed the following schedule:

Gross Square Footage Of Facility	Of Maximum Sign Area Of Primary Identification Sign	Of Maximum Sign Area Of Individual Businesses Within Primary Identification Sign
1 - 20,000	40 square feet	30 square feet
20,000 -	80 square feet	30 square feet

40,000

40,000 - 120 square feet 30 square feet

60,000

60,000 - plus 160 square feet 30 square feet

c. "Secondary identification sign" (see definition herein) area shall not exceed thirty (30) square feet and shall be located at entrances for which primary identification is not provided.

2. Individual Business Signs In A Multiple Use Facility: Businesses or activities in multiple use facilities shall be allowed signage pursuant to subsection A of this section.

3. Sign Theme: In addition to the application procedures identified in subsection [6-2-4B](#) of this chapter, the owner or the duly authorized agent of the multiple use facilities shall provide a plan which identifies the general sign theme for the facility and shall make this information available to all tenants in the facility.

4. Design Compatibility: All signs related to a multiple use facility shall provide a continuity of design to the aggregate, shall be proportioned to the building space allowed, and shall be compatible in design with each other.

Such continuity and proportion shall be subject to review by the planning and zoning commission. This subsection should not be construed as requiring all signs to be the same and individuality of business styles and objectives may be considered by the planning and zoning commission.

G. Hanging Panels: Freestanding signs and projecting signs with the exception of multiple use signs may include a maximum of two (2) additional hanging panels per freestanding or projecting sign. All hanging panels suspended from projection signs shall clear grade by seven feet (7'). The maximum area of a freestanding sign or a projecting sign together with the hanging panels shall not exceed the maximum sign area as provided by subsection A of this section.

H. Real Estate Signs: One real estate sign is authorized per lot or per approved project and shall not exceed sixteen (16) square feet in area. Copy shall be restricted to:

1. For sale, or lease, or for rent by owner or agent;
2. Owner's or agent's name;
3. Owner's or agent's phone number; and
4. Agent's logo may be incorporated into the real estate sign.

I. Pedestrian Information Signs: Each business is allowed one 6-square foot pedestrian information sign per entrance. This sign can be one of the following: canopy projecting, display case or wall sign.

J. Illuminated And Neon Signs: Interior lit signs which emit light through the background or copy portion of the sign, exposed gaseous light tubing and individual, precast or formed letters, individually illuminated and backlit, with translucent or opaque faces shall be allowed in any zoning district except R-1 and R-2 subject to the restrictions of subsection A of this section and the following criteria:

1. Every sign or architectural display shall have a good scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. The colors, materials and lighting of every sign shall be restrained and harmonious with the building site to which it principally relates.
3. When used as a sign, the number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the sign face.
4. When used as a window sign, the restrictions of subsection [6-2-5A14](#) of this chapter shall apply.
5. Businesses are limited to fifteen (15) square feet of exterior neon signs, if only letters and numbers are displayed. However, the planning and zoning commission may vote to approve or disapprove an increase in the sign square footage up to thirty (30) square feet subject to the following criteria:
  - a. Signs shall comply and are subject to subsections J1 through J4 of this section.
  - b. Thirty percent (30%) of the sign copy area shall contain artistic sign copy that is either logos, symbols, figures or graphical elements.
  - c. Encouraged are neon signs with artistic merit which are visually interesting. (Ord. 327, Series of 2003)

**6-2-7-8: BANNERS:**

- A. Maximum banner area is thirty (30) square feet. Businesses may display a maximum of two (2) banners with a combined total area of thirty (30) square feet.
- B. Banners are permitted to be displayed during the shoulder seasons and summer months only (from the spring closing of Winter Park Resort until the day of reopening for the next ski season).
- C. Banners must be displayed as a wall sign and may also be attached to railings.
- D. A banner must be securely fastened so that it may not be blown down, in whole or in part.
- E. Banners must be of professional quality construction and appearance.
- F. Banners must conform to the color requirements established in subsection [6-2-5B21](#) of this chapter. (Ord. 327, Series of 2003)

#### **6-2-7-9: MURALS:**

Artistic murals shall be in compliance with section [6-2-4](#) of this chapter prior to the creation of such murals. (Ord. 327, Series of 2003)

#### **6-2-8: NONCONFORMING SIGNS:**

A. Intent: It is the intent of this section to recognize that the eventual elimination, as expeditiously as possible, of existing signs that are not in conformity with the provisions of this chapter, is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate these regulations. It is also the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

#### **B. General Provisions:**

1. A nonconforming sign may not be:

a. Changed to another nonconforming sign.

b. Structurally altered so as to extend its useful life.

c. Expanded.

d. Reestablished after discontinuance for ninety (90) days or more.

e. Reestablished after damage or destruction of more than fifty percent (50%) of its present replacement value.

2. An owner of an existing nonconforming sign may, with approval by the planning and zoning commission, maintain said sign as required by ordinance and may bring the sign more into compliance with the ordinance, with the understanding that the sign is still nonconforming and subject to removal. (Ord. 327, Series of 2003)

#### **6-2-9: VARIANCES:**

A. Intent Of Variance Provision: Variance from the terms of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this chapter deprives such property privileges enjoyed by other property in the vicinity, and under identical zoning classification and other restrictions.

B. Authority Of Board Of Adjustment: The board of adjustment shall have the authority to grant variances from the strict application of the rules, regulations, and provisions of this chapter as follows:

1. Jurisdiction: Before the board of adjustment shall have jurisdiction to grant a variance, the applicant must show that due to the peculiar shape, size, location or topography of the property, there are unusual conditions involved which would make the literal enforcement

of the regulations of this chapter result in the practical difficulties which are unnecessary for the purpose of this chapter and which would deprive the subject property of privileges enjoyed by other properties in the vicinity in the same zoning district classification and under the same sign ordinance restriction.

2. Limitations: Any variances which if granted, shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the provisions herein, and with the limitations on other properties in the vicinity in the same zoning district and under the same ordinance restrictions in which the subject property is located.
3. Minimum Adjustment: In granting the variance under the provisions of this section, the amount of adjustment granted shall be the minimum necessary to equalize the property rights. Conditions and safeguards shall be prescribed in this chapter therewith as are necessary to protect the purpose and intent of this chapter, the master plan of the town, and the general welfare of the community.
4. Public Welfare: The granting of any variance shall not be materially detrimental to the public welfare or injurious to the property improvements in the vicinity. The board of adjustment shall ensure that the granting of a variance will be compatible with the purpose and intent of this chapter, and the master plan of the town, and will not be injurious to the public health, safety and general welfare. (Ord. 327, Series of 2003)

#### **6-2-10: ABATEMENT AND REMOVAL OF ILLEGAL SIGNS:**

- A. Abatement Of Signs Relating To Inoperative Activities: Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises, or sign copy on such signs shall be obliterated within thirty (30) days after the associated enterprise or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to abatement. The expense of such abatement shall be a lien against the property on which the sign was maintained and a personal obligation against the property owner. Said property owner shall first be served with a notice to abate the nuisance and shall be given the opportunity for a hearing. If, after such opportunity for hearing, the town planner or his designated representative orders agents of the town to remove the nuisance, they shall have authority to enter upon the private property to remove the sign constituting the nuisance. New signs for building or property upon which an abandoned sign is located shall not be approved until the abandoned sign is removed. The provisions of this subsection may be utilized separately from, as an alternative to, or in conjunction with, any other remedy provided by law.
- B. Confiscation Of Illegal Signs: Illegal signs may be confiscated if the property owner does not remove the sign according to subsection 6-2-8B2 of this chapter. The property owner may obtain said signs from the town manager following the completion of all legal actions. (Ord. 327, Series of 2003)

#### **6-2-11: ENFORCEMENT AND ADMINISTRATION OF PROVISIONS:**

The town council by itself or through the department of planning shall adopt procedures for enforcement and administration of this chapter and to employ those persons necessary for such administration and enforcement. (Ord. 327, Series of 2003)

#### **6-2-12: APPEALS:**

Appeals to the town council may be taken by any person aggrieved by any decision of the planning and zoning commission. (Ord. 327, Series of 2003)

#### **6-2-13: VIOLATIONS AND PENALTIES:**

It shall be unlawful for any person(s) to erect, construct, alter, move, use or maintain any sign or structure, or cause or allow the same to be done, contrary to or in violation of the provisions of this chapter.

For each and every violation of the provisions of this chapter, and for each and every day that such violation(s) continues, said violation(s) shall be punishable as a misdemeanor by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Persons charged with such violation(s) may include:

- A. The owner, lessee, tenant, contractor or any other person using the land, building, or premises where such violation has been committed or shall exist; or
- B. Any person who knowingly commits, takes part or assists in such violation; or
- C. Any person who maintains any land, building, or premises in which such violation shall exist.  
(Ord. 327, Series of 2003)

#### **6-2-14: BIENNIAL REVIEW OF REGULATIONS:**

In keeping with the purpose and intent of this chapter and the master plan of the town, the planning and zoning commission shall formally review this chapter every two (2) years from the date of adoption. This review shall include an evaluation report from the design review committee which shall be submitted to the planning and zoning commission. A meeting shall then be held by the planning and zoning commission to allow for public input after which a formal report of findings and recommendations shall be made to the town council. A public hearing shall be conducted prior to any amendments being made to this chapter deemed necessary by the town council. (Ord. 327, Series of 2003)