

ARTICLE IV. SIGNS*

*Cross references: Advertising, ch. 6.

ARTICLE IV. SIGNS

Sec. 130-121. Purpose and intent.

This article is intended to regulate the size, materials, location, and condition of signs in a manner that as its first priority protects the safety of those who travel in and through the city, as its second priority preserves an attractive and harmonious community, and as its third priority promotes commerce and trade. This Article bans some types of signs entirely. Signs not expressly prohibited are permitted only if expressly allowed by right or by Special Use Permit under this Article, by specific provisions in another portion of this Chapter, or by a proffer on rezoned property. This Article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

Sec. 130-122. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning or as expressly provided below:

Billboard means any freestanding sign over fifty square feet in sign area, except a multiple-occupant sign permitted under § 130-126 (a) (1) of this Code .

Flag means a piece of flexible material which communicates via distinctive color and/or design and which is flown from a pole or draped by one edge on the face of a building. It includes a pennant.

Sign means any word, numeral, figure, design, trademark, service mark, flag, pennant, twirler, light, balloon, display or other device of any kind which, whether singly or in any combination, is used for the purpose of attracting the attention of the public while viewing the same from outdoors. It includes any screen or other device, regardless of the technology employed, which is used for the purpose of attracting the attention of the public outdoors. However, it does not include any decorative features that lack trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or calling.

Sign, animated, means a sign any portion of which rotates, moves, or in any way simulates motion, or which is set in motion by any means including but not limited to mechanical, electronic, or wind power, whether or not such signs have a written message content. The term includes but is not limited to pennants, flags, wind socks, streamers, dancing balloons, LED, plasma or other digital image or image projection device, propellers, discs, etc.

Sign area means the entire area enclosing the extreme limits of writing, representation, pictorial elements, emblems or a figure of similar character, together with all material, color or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

Sign, banner, means a temporary sign made of flexible material designed to be installed with attachments at each corner.

Sign, business, means a sign which directs attention only to a business, commodity, service, activity or product sold, conducted or offered upon the premises where such sign is located.

Sign, canopy, means a sign which is attached to, or painted on, the fascia board of a freestanding canopy structure, with the sign face in a plane parallel to such fascia, and not extending more than 15 inches from the fascia board.

Sign, changeable message, means a sign that includes a section designed to permit changing of the message either electronically or manually in which the message is stationary and does not fluctuate in size or brightness.

Sign, community, means a sign, located at the principal entrance to a development, erected for the purpose of identifying the name of the community and information relating to private nonprofit activities and causes supported solely by the property owners association.

Sign, directory, means a sign or portion of a sign on-site at a commercial retail, industrial, or office park, complex, campus, or center, listing businesses in the center.

Sign, flashing, means an illuminated sign on which the light is not kept stationary or constant in intensity at all times when in use.

Sign, freestanding, means a sign supported by upright structural members on, or in, the ground and not attached to a building.

Sign, monument, means a freestanding sign in the shape of a solid such as a rectangular solid or cylinder. It is generally convex but may have a narrow portion no less than 70% of the width of the widest portion and may be topped with a non-convex decoration, such as scrollwork, which contains no text or symbols and is no more than 10% of the volume of the entire sign.

Sign, noncommercial means a sign relating to any subject other than real estate, goods, services, entertainment, construction, insurance, or other business for sale, lease, license, or other monetary transaction.

Sign, nonconforming, means any sign lawfully installed which, due to the adoption or amendment of this Code, does not conform to this Code.

Sign, off-site, means a sign which pertains to a business, event, or activity occurring elsewhere than the parcel where the sign is erected.

Sign, off-site directional, means an off-site sign that identifies only a business name and/or address and that indicates where the primary ingress/egress to the business is located.

Sign, outdoor advertising, means a sign which directs attention to a business, product, or commercial activity or service which is conducted, sold or offered elsewhere than upon the premises where such sign is located. It does not include a permitted off-site directional sign or permitted temporary directional sign.

Sign, portable, means a sign that is not permanently attached to the ground or any structure.

Sign, projecting, means a sign attached to a building wall which extends more than 15 inches from such wall. Shingle signs, as defined in this section, shall not be deemed projecting signs.

Sign, public, means any sign erected in a public right-of-way, or on property owned by the city, for the purpose of informing the general public of specific information relevant to the health, safety, or general welfare of the community.

Sign, shingle, means a sign containing a maximum sign area of four square feet, mounted by means of one vertical post, not to exceed eight feet in height and one horizontal member not to exceed 3 1/2 feet in length from which the sign shall be hung. Message content of the sign shall be no more than six feet above grade and the top of the sign shall be no more than eight feet above grade. Also, a sign containing a maximum sign area of two square feet mounted on, and perpendicular to, a building.

Sign, subdivision, means a sign located at the principal entrance to a group of homes constructed as part of a single development identifying the name of the subdivision.

Sign, temporary, means a sign that is permitted under the zoning ordinance for a limited duration.

Sign, temporary directional, means a sign containing only such information as necessary to direct persons to a specific location. No advertising figures, such as purchase prices, rates of interest, etc., shall be displayed on a temporary directional sign.

Sign, wall, means a sign which is attached parallel to and not extending more than 15 inches from the wall of a building or painted on the wall.

Vehicle, for purposes of sight distance, includes a bicycle.

Vehicle Travelway means a road or designated bicycle trail open to motor vehicles and/or bicycles, but does not include a sidewalk unless the sidewalk is designated by the city as a bikeway in the Comprehensive Plan.

Sec. 130-123. Administration.

(a) *Authorization.* No sign shall be erected or displayed without a permit, except as otherwise provided in this Article.

(b) *Application for permit.*

- (1) An application for a sign permit shall be filed with the City on forms furnished by the issuing department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances.
- (2) The City shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty business days after receipt.
- (3) If the application is rejected, the City shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

(c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the city council shall accompany all sign permit applications.

(d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign permit, the permit shall be void. Whenever the use of a building or premises is discontinued by a specific business, the sign permit shall expire and all signs pertaining to that business shall be removed by the owner of the building or premises within 60 days of the discontinuance. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The zoning administrator may revoke a sign permit under any of the following circumstances:

- (1) The zoning administrator determines that the application was materially false or misleading, or
- (2) The sign as installed does not conform to the sign permit application, or
- (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

Upon expiration of a permit or receipt of a notice of revocation, the owner or occupant of the property shall remove the sign.

(e) *Overlay district regulations.* If the land on which a sign is proposed is located within any overlay district as delineated in this chapter, the proposed sign shall conform to the requirements of such district in addition to those of the underlying district.

All signs in the Historic Overlay District require approval of the Architectural Review Board.

(f) *Insurance:* Signs larger than three square feet on a public right-of-way, including sidewalks, require Insurance making the City an additional insured. Such insurance shall be with an insurer licensed to do business in the Commonwealth of Virginia, shall provide maximum coverage of at least three million dollars, and shall be shown by a certificate acceptable to the City Attorney.

(g) *Special exceptions:* Comprehensive sign plans may be approved by special use permit in B, I, and PMD districts. Comprehensive sign plans may be approved by special use permit in R districts for uses allowed by special use permit. The comprehensive sign plan shall establish the time, manner and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs may not be modified above the height permitted in the Zoning Ordinance.

Sec. 130-124. General regulations.

(a) *Placement.* Except as otherwise permitted, all freestanding signs shall be set back from any public right-of-way at least half the height of the sign. In addition, no sign shall violate the visibility provisions set forth in section 130-72 or otherwise create a hazard to the public.

(b) *Illumination.* All permitted signs may be backlit, internally lighted or indirectly lighted, unless such lighting is specifically prohibited in this Article.

1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs may be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow and light trespass. The beam width shall not be wider than that needed to light the sign. Light fixtures that illuminate a sign placed in a sign easement shall also be within that easement.

2) Internal illumination shall be limited to the illumination standards for parking lot lighting in the City of Manassas Design and Construction Standards Manual. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the property line, shines into on-coming traffic, affect highway safety or shine directly into a residential dwelling unit.

(c) *Maximum height.* The height of a sign is measured to the highest point of the sign structure from the grade immediately adjacent to the sign. Property grade may not be modified immediately adjacent to a sign unless the modified grade is shown on an approved site plan. The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter.

(d) *Sign area.*

(1) Sign area is calculated under the following principles:

a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

- b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.
 - c. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
- (2) The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display.
 - (3) The cumulative total of permitted sign area for all signs on a single parcel located in the R-1, R-2, R-2-S, R-3, R-4, R-7, and PMD district shall not exceed a maximum area of 16 square feet, unless otherwise specified in this ordinance.
- (e) *Sign condition, safety hazard, nuisance abatement, and abandonment.*
- (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
 - (2) Any sign which constitutes a nuisance may be abated by the City under the provisions of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.
 - (3) If a sign constitutes a nuisance or presents an imminent and immediate threat to life or property, then an authorized City official may abate, raze, or remove it, and the City may bring an action against the responsible party to recover the necessary costs incurred for abating, razing or removing the sign.
 - (4) Abandoned nonconforming signs may be removed as provided in Va. Code § 15.2-2307.
- (f) *Applicable building frontage.* No building wall or lot frontage shall be calculated more than once in determining the permitted sign area.
- (g) *Noncommercial signs.* Any sign that may display commercial messages under this ordinance may also be used as a noncommercial sign.
- (h) *Nonconforming signs.* Nonconforming signs are governed by the provisions of section 130-163, pertaining to nonconforming structures, except that no nonconforming sign may be enlarged.

Sec. 130-125. Permitted signs in residential zones.

Signs in residential districts may not advertise any commercial message, business, trade, profession, occupation, or calling except as expressly provided in this section.

(a) *Signs in residential districts generally.* In any residential district, the following signs may be displayed with the consent of the owner or occupant of the residential unit and without a permit. The total area of such signs, except for flags and signs permitted under paragraphs (4) and (6) of this subsection (a) is subject to the cumulative size limit set out in § 130-124 (d). Flags are subject to the total size limit set out in § 130-130.

- (1) Noncommercial signs, including noncommercial flags as provided in § 130-130.
- (2) Signs indicating the property is “For Sale” or “For Rent,” up to the size limit listed in § 130-129 (e).
- (3) Signs indicating the name of the contractor performing construction or renovation on the property, during construction or renovation, up to the size limit listed in § 130-129 (e).
- (4) Signs erected by or required by public entities or public utilities.
- (5) Signs up to two square feet in sign area indicating “no trespassing,” “no solicitors,” and the like.
- (6) Address signs not exceeding two square feet in sign area.
- (7) Signs approved by Special exception per section 130-123 (g)

(b) *Signs in single-ownership, high density housing.* In the R-5 and R-6 districts, where a multifamily structure exists under the control of a single owner, proprietor and/or rental agent, a real estate for sale or rent sign of up to eighteen square feet in sign area and a development sign may be erected. The development sign is subject to the following conditions:

- (1) Maximum sign area shall be 32 square feet.
- (2) Sign text is limited to:
 - a. The name of the structure or development.
 - b. The street number of the structure or development.
 - c. The type of development.
- (3) The sign may be freestanding or mounted as a wall sign.
- (4) Maximum height shall be ten feet.

- (5) Location:
 - a. From any right-of-way line, 15 feet.
 - b. From any adjoining lot line, 25 feet.
 - c. A development having frontage on two or more streets may have two such signs, but shall not erect more than one sign per road frontage.

(c) *Signs for semipublic use, community signs, subdivision signs, and signs for church, chapel, synagogue, temple or other place of worship.* One sign is permitted per subdivision, community, or use, subject to the following requirements:

- (1) The sign shall not exceed 32 square feet.
- (2) If the sign is not on property belonging to the user, a perpetual easement shall be recorded prior to the issuance of a building permit. The easement shall identify the entity responsible for the sign's maintenance.
- (3) Any illumination of the sign shall be indirect ground-mounted lighting.

(d) The maximum height of a sign in any residential district is ten feet, except as otherwise provided in this Article.

(e) The minimum setback, unless otherwise specified, is the height of the sign.

(f) The cumulative total of permitted sign area for all signs on a single parcel located in the R-1, R-2, R-2-S, R-3, R-4, R-7, and PMD district shall not exceed a maximum area of 16 square feet, unless otherwise specified in this ordinance.

130-126. Permitted signs in business and industrial districts.

(a) *Signs in business and industrial districts generally.* In addition to signs permitted in every district, freestanding signs, wall signs, projecting signs, directory signs, canopy signs, convenience signs, changeable message signs, portable signs, and banner signs are permitted in all B (business), I (Industrial), and P (Planned or Proffered) zoning districts under the restrictions provided in this section.

- (1) *Freestanding signs.*
 - a. One freestanding sign, not more than 50 square feet in sign area, shall be permitted, in addition to wall or other permitted signs, for each separate street frontage of the lot, subject to the following provisions:
 - 1. One freestanding sign may be located anywhere on the lot provided it maintains the setbacks as identified in section 130-124.
 - 2. When two or more freestanding signs are installed on a parcel that has two or more street frontages, no freestanding sign shall be located within the area between the two points of curvature of the intersecting streets and a radius point no less than ten feet from the point of curvature.

3. When multiple street frontages permit two or more freestanding signs, a maximum of two permitted freestanding signs may be consolidated into one sign no larger than 75 square feet in sign area and conforming to all other required sign setbacks.
- b. However, when a recorded ingress/egress exists on a lot that provides access to an otherwise landlocked lot, one additional off-site directional sign shall be permitted in accordance with subsection (a)(1)d. of this section.
 - c. For lots supporting three or more occupants and operating as a shopping center, plaza, mall or other common title, one freestanding sign shall be permitted in addition to the wall or other signs allowed for the individual occupant. Message content shall include the name of the shopping center and the name of any tenant. Sign area shall not exceed the sum of one square foot for each linear foot of lot frontage, up to a maximum of 750 square feet. The area of the sign that may be used to identify tenants or occupants shall not exceed 65 percent.
 - d. An off-site directional sign shall be subject to the following requirements:
 1. The sign applicant shall provide evidence that a sign easement has been granted and recorded by the underlying property owner identifying the entity responsible for maintenance and having the liability for the sign and those entities having use of the ingress/egress easement.
 2. Maximum size of the sign area shall be three square feet per business up to a maximum sign area of 15 square feet.
 3. Setbacks shall be sufficient to meet sight distance requirements.
 4. Maximum height shall be eight feet.
 5. Message content permitted shall be limited to the name and address of the business having legal use of the ingress/egress easement.
- (2) *Wall signs.*
- a. Wall signs shall only be permitted on a front wall (a building face that fronts on, and runs generally parallel to, the public street frontage), unless otherwise provided in this article.
 - b. The maximum sign area of a wall sign located within 45 feet from the street right-of-way shall be one square foot for each linear foot of building face on which the sign is located. The maximum sign area of a wall sign located more than 45 feet from a street right-of-way shall be 1.5 square feet for each linear foot of building face on which the sign is located.

- c. Every business having an independent unit wall and entrance may have one wall sign of up to 25 square feet in sign area, or up to the area permitted under subsection (a)(2)b. or e. of this section, if larger. This sign shall be installed above the business's primary entrance.
- d. A wall sign is permitted on each building face fronting on a public street.
- e. For lots supporting three or more occupants and operating as a shopping center, plaza mall or other common title, one wall sign shall be permitted for each occupant. Such sign shall be on the wall containing the entrance to the occupant's space. Such sign shall not exceed 1.5 square feet of sign area per linear foot of the width of the occupant's front wall.
- g. Signs painted directly on a window or awning and legible from the street right-of-way shall be considered wall signs. Illuminated awnings, if translucent, are considered part of the total sign area.
- h. An interior sign closer than 18 inches to a window or door and visible from the street right-of-way shall be considered a wall sign.

(3) *Projecting signs.*

- a. One projecting sign not exceeding 24 square feet in sign area shall be permitted per lot or building frontage for each individual tenant.
- b. Projecting signs erected over public property shall not extend more than six feet beyond the face of the building or beyond a vertical plane two feet inside the curblin and shall be a minimum of eight feet above the sidewalk or ground.
- c. Projecting signs erected over private property shall not extend more than six feet beyond the face of the building and shall be a minimum of eight feet above the sidewalk or ground. If such sign extends over a vehicle travelway, the minimum clearance shall be 12 feet.
- d. When a building is located closer than 30 feet to a public right-of-way, wall signs on the sides of the building perpendicular to the street may be substituted for the otherwise permitted projecting sign specified in subsection (a)(3)a. of this section. The 24-square-foot maximum for sign area shall apply.

- (4) *Directory signs.* Outdoor directory signs in addition to the signs permitted elsewhere in this article may be erected in multiple-building complexes, or shopping centers, as long as the letters on the sign are no larger than four inches tall, if the sign is 45 feet or less from the public right of way it faces, or no larger than eight inches tall, if the sign is more than 45 feet from the public right of way it faces. No permit is required for directory signs allowed under this provision.

- (5) *Canopy signs.* Canopy signs are limited to 0.5 square foot per linear foot of canopy fascia on which the sign is mounted. Such sign shall not extend above the cap on the fascia board or be suspended below the horizontal plane formed by the bottom of the fascia board. One accent stripe, not greater than six inches in width, painted on the canopy shall not be considered in calculating sign area.
- (6) *Convenience signs.* Property owners or occupants may display signs for the direction or convenience of the public, including signs that identify restroom, public telephone, entrance, exit, freight entrance or the like with a sign area not exceeding three square feet for each such feature identified.

(b) *Changeable message signs.* One freestanding, projecting, or wall-mounted sign per lot may be replaced with a changeable message sign subject to the following requirements:

- (1) The location of the sign is such that the sign will not adversely impact vehicle or pedestrian sight distance and conforms to the location provision of the freestanding, projecting, or wall sign it is replacing.
- (2) The total area of the portion of the sign designed to display a changeable message shall not exceed 75 percent of the overall sign area of the permitted sign or allow for more than four horizontal lines of text.
- (3) The structure supporting a changeable message sign shall be designed as a freestanding, projecting or wall sign.
- (4) The applicant shall demonstrate by the design, height or other security measures that the movement or changing of the sign's text is restricted to the user of the sign exclusively.
- (5) Illumination requirements shall be the same as for ground, projecting, or wall signs.
- (6) The message shall not be changed more frequently than three times in a 24 hour period and the content of the message must otherwise be static. Interchanging of time and temperature displays may occur no more than once in a 30 second period. Time and temperature shall not be interchanged with any other message content on the sign.

(c) *Portable signs.* One portable sign per road frontage is permitted subject to the following requirements:

- (1) Maximum sign area is 15 square feet, except in the B-3 city center commercial district where the maximum sign area is six square feet and maximum width is two feet.
- (2) Maximum height is four feet, except in the B-3 district where the maximum height is three feet.

- (3) No portable sign shall display changeable text except for slate or other erasable boards. Changeable text shall not be changed more frequently than once every 24 hours.
 - (4) Every portable sign shall be maintained in a legible condition and shall be displayed only in front of the business it advertises.
 - (5) A detailed location plan must be submitted with each application for a portable sign. Such plan shall indicate:
 - a. The proposed location at which the sign is to be located.
 - b. The minimum vehicle sight distance created by the sign at vehicle entrances on either side of the sign.
 - c. On property occupied by multiple tenants:
 1. The property owner, condo administration or designated agent must secure this permit and is responsible for compliance with this section and may authorize rotating tenants at this portable sign location.
 2. In the B-3 district, no more than two signs are permitted for an individual building entrance, but the applicant may authorize a rotating schedule for multiple tenants.
 - d. In the B-3 district, in addition to ARB approval for the appropriateness of the design and colors, the following location requirements apply:
 1. A minimum three-foot pedestrian travelway must be maintained between the sign and the face of curb. This travelway may not contain any pole, trash can, or other obstruction to pedestrian travel.
 2. The sign must be no more than two inches from the building wall.
 3. The near edge of the sign must be no more than six feet from the near edge of the business entrance.
 4. Portable signs must be at least 12 feet apart, near edge to near edge.
 - (6) A portable sign is subject to the sight distance requirements of § 130-72.
 - (7) All portable signs shall be removed and stored inside the place of business when it is closed.
- (d) *Banner signs.* Banner signs are permitted as temporary signs subject to the following requirements:
- (1) Banner signs shall not exceed one-half the maximum size of the permitted wall sign area.

- (2) Banner signs may not be displayed more than 14 days in any calendar month.
- (3) All banner signs must be located against an existing building wall, unless the building fascia includes a canopy extension greater than four feet in depth.
- (4) If a canopy extends more than four feet from the front of the wall face, a banner sign may be suspended between the canopy support columns provided the bottom of the banner sign and all securing devices are installed and maintained at a minimum distance of eight feet above the grade or sidewalk surface.
- (5) Any banner sign shall be installed in a taut manner to restrict movement or damage by the natural environment and shall be maintained in this manner at all times. Any banner sign not being maintained in that manner shall be secured or removed upon receipt of a notice of violation from the zoning administrator.
- (6) If any person does not maintain a banner sign in accordance with the provisions of this subsection, the zoning administrator may revoke the permit to erect banner signs on that property and decline to issue a new banner sign permit for a period of six months.

Sec. 130-127. Temporary directional signs on public property.

Temporary directional signs may be erected in any zoning district subject to the following requirements:

- (a) The applicant obtains a temporary sign annual permit and posts a cash bond of \$500. No more than twenty signs are permitted, and each sign shall be marked with a numbered sticker showing its authorization under this subsection. The City will issue replacement stickers for lost or destroyed signs upon payment of a fee to be set by uncodified ordinance.
- (b) Temporary directional signs shall be no larger than three square feet in sign area.
- (c) Temporary directional signs shall not be posted before 12:00 noon on Friday and shall be removed by 12:00 noon on Monday, except that on holiday weekends temporary directional signs may be posted after 12:00 noon the day prior to the holiday weekend and need not be removed until 12:00 noon the day after the holiday, if the holiday falls on a Monday.
- (d) The locations of the temporary directional signs shall be subject to the prior approval of the authorized City official, based on the number of signs previously permitted at the proposed location and impacts on pedestrian and vehicular traffic, and shall be shown on a map filed as part of the permit application.
- (e) Only one temporary directional sign per permit holder per block shall be permitted, and the signs shall be posted only on the utility strip between a sidewalk and the curb, or along the shoulder of the street in the right of way where no curb, gutter and sidewalk exists. No sign shall be posted on a street median.

- (f) Temporary directional signs shall not be affixed to utility poles, public signposts or trees.
- (g) Any temporary directional sign found in violation of this section or left on the ground will be removed by the city and a charge of \$20.00 per sign will be deducted from the cash bond. The sign permit holder shall be notified of the sign removal and will not be permitted to post any additional signs until such time as the cash bond is reimbursed for the funds forfeited. A second violation within one calendar year shall result in a permit revocation for 90 days.

Sec. 130-128. Prohibited signs.

In addition to signs prohibited elsewhere in the City Code or by applicable state or federal law, the following signs are prohibited:

- (a) General prohibitions.
 - (1) Any sign not expressly permitted by this Chapter.
 - (2) Signs that violate any law of the Commonwealth relating to outdoor advertising.
 - (3) Signs attached to natural vegetation.
 - (4) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized City official as a nuisance.
 - (5) Signs suspended over or displayed upon a vehicle or which alter the standard design of such vehicle when the vehicle is used primarily as a sign. A vehicle bearing advertising material is used primarily as a sign unless it is used in the routine operation of the business and moved at least daily when the business is in operation.
 - (6) Signs more than 25 feet in height.
 - (7) Signs hanging from supports, except against the face of a building.
- (b) Prohibitions based on materials.
 - (1) Signs painted directly on a building, except where expressly permitted by this chapter.
 - (2) Animated signs. This subsection does not apply to the hands of a clock operating as such, to the display of the time or temperature, to barber poles (one per shop, not exceeding 36 inches in length), to flags expressly permitted under this Article, banner signs which conform to section 130-126 (d) or the changing of the message content not exceeding three changes of content in a 24 hour period.

- (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
 - (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any building, except for temporary decorations not to exceed three months per year.
 - (5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.
 - (6) Signs that emit sound.
 - (7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.
 - (8) Strings of flags visible from, and within fifty feet of, any public right-of-way.
- (c) Prohibitions based on location.
- (1) Off-site signs, unless specifically permitted by this chapter.
 - (2) Signs erected on public land other than those approved by an authorized city official in writing, required by law without such approval, or permitted under Virginia Code §§ 24.2-310 E. and 24.2-604 A. Any sign not so authorized is subject to immediate removal and disposal by an authorized City official. Removal of the sign under this provision does not preclude prosecution of the person putting up the sign under City Code § 6-1.
 - (3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.
 - (5) Outdoor advertising signs and billboards.

Sec. 130-129. Signs not requiring permit.

In addition to signs allowed without a permit elsewhere in this Article, the following signs are allowed and do not require a permit:

- (a) The changing of message content on a changeable message sign, if permitted in that district.
- (b) Signs erected by the City or other government entity, including but not limited to traffic control signs, signals, regulatory devices, legal announcements, historical markers and directional signs.

- (c) The following small signs:
 - (1) Yard sale signs permitted under § 130-84.
 - (2) Signs not exceeding one square foot in sign area indicating the location of underground public utilities.
 - (3) Signs, not exceeding two square feet in sign area, warning the public against hunting, fishing, trespassing, dangerous animals, swimming or the like.
 - (4) Address signs not exceeding two square feet in sign area.
 - (5) Temporary signs not exceeding two square feet in sign area and erected for not more than 60 consecutive days.

- (d) The following noncommercial signs:
 - (1) Noncommercial signs on private property.
 - (2) Seasonal displays or decorations.
 - (3) Subject to Virginia Code §§ 24.2-310 E. and 24.2-604 A., noncommercial signs at polling places outside the Prohibited Area if erected not earlier than five p.m. on the day before the election and removed not later than nine a.m. on the day after the election.

- (e) Real estate signs and contractor advertising the sale or lease of the premises where the sign is located or the name of the contractor performing the construction or alteration of a structure on the premises. Such signs shall not exceed four square feet for single-family detached and townhouse properties or eighteen square feet for multifamily residential, commercial and industrial properties.

Sec. 130-130. Flags

Except as prohibited by § 130-128 (b) (8), flags are permitted as follows:

- (a) Noncommercial flags are permitted in every zoning district without a permit, subject to the general provisions of this section.

- (b) Except for hospitality flags permitted under subsection (e) of this section, the minimum setback for a flag pole is the longest dimension of the pole, in order to prevent the flag or pole falling into the property of another or into a public street, trail, or sidewalk.

- (c) The maximum height of a flag pole is 25 feet.

- (d) Maximum size and number:
 - (1) The maximum sign area of any flag in a residential district is twenty-four square feet. There is no maximum number of flags in a residential district.
 - (2) A single commercial flag of no more than fifty square feet sign area is permitted per business in any B (business), I (Industrial), or P (Planned or Proffered) district. No permit is required.
- (e) Businesses in the B-3 district may have up to two hospitality flags per entrance. Hospitality flags do not contain advertising symbols, trademarks, or servicemarks. The maximum sign area of a hospitality flag is twelve square feet.
- (f) Flags may not be illuminated unless illumination is required by law.

Sec. 130-131. Violations.

Violations of any of the provisions of this article may be prosecuted in accordance with article XII of this chapter, enforced by action for injunction, or remedied as otherwise provided in this article. Any sign erected on private property in violation of the provisions of this article shall be presumed to have been erected by the owner of the property and/or by the person who owns, sponsors, sells or otherwise possesses a beneficial interest in that which is described or advertised on the unlawfully erected sign. Any sign erected on publicly owned property in violation of the provisions of this chapter shall be presumed to have been erected by the person who owns, sponsors, sells or otherwise possesses a beneficial interest in that which is described or advertised on the unlawfully erected sign. It shall be the burden of such person to rebut such presumption.

This section Repealed and Re-enacted in it's entirety; Ord.No #0-2010- 09 § 130-121 Through 130-131, 2/22/2010