

## ORDINANCE 311

### AN ORDINANCE CREATING CHAPTER 158 TO REGULATE SIGNS WITHIN THE CITY OF NORWAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORWAY, IOWA, AS FOLLOWS:

**Section 1. Chapter 158** “Sign Regulations,” of the Norway Code of Ordinances is hereby established by enacting a new Chapter to be codified the same to read as follows:

**158.1 Purpose.** The purpose of this Chapter is to provide minimum standards for the construction, erection and maintenance of signs to protect and safeguard life, health, property and public welfare and to preserve the character of the City, by regulating the size, height, design, quality of materials, construction, location, lighting and maintenance of signs and sign structures, to accomplish the following:

- A. Encourage a desirable and uniform City character with minimum of clutter;
- B. Provide for fair and equal treatment of all sign users;
- C. Provide for a reasonable and comprehensive system of sign controls and regulation to ensure a high-quality environment;
- D. Provide for public convenience by properly and efficiently directing people to locations and activities;
- E. Encourage well-designed signs as well as variety, design relationship, spacing, location and accommodation for new technology;
- F. Promote public safety by ensuring that traffic control and regulation devices be easily visible and free from obstruction, including blinking signs, excessive number of signs, signs resembling traffic signs and obstruction of official traffic signs.

**158.2 Definitions.** As used in this Chapter, the following terms shall be defined as follows:

- A. “Banners” and “pendants” are temporary signs hung with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind.
- B. “Billboard” includes all structures, regardless of the material used in the construction of same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading material which advertise a business, public building, entity or attraction which is not carried on or manufactured in or upon the premises upon which the sign or billboard is located.
- C. “Changeable copy sign” means a sign that is designed so that characters, letters or illustrations can be changed or rearranged, manually or automatically, without altering the face or surface of the sign.
- D. “Direction/informational sign” means a freestanding sign giving directions, instructions or facility information and which may contain the name or logo of an establishment, but no advertising copy and are primarily parking, exit and entrance signs.

- E. "Directory sign" is a permanent sign that displays the name of a building, building complex and/or the occupants.
- F. "Display surface" is the area made available by the sign structure for the purpose of displaying the advertising message.
- G. "Electric sign" is any sign containing electric wiring, but not including signs illuminated by an exterior light source.
- H. "Ground sign" is a sign which is supported by one or more uprights or braces which is firmly and permanently anchored in or on the ground and which is not attached to any building.
- I. "Identification sign" is a sign displaying the name, address, crest, insignias or trademark, occupation or profession of an occupant of a building or the name of any building on the premises.
- J. "Off-premises sign" means a sign that advertises a product, service or facility, or directs a person to a different location than the one where the sign is installed.
- K. "On-premises sign" means any sign identifying or advertising a business, person, activity, product or service located on the premises where the sign is installed and maintained.
- L. "Pole sign" is a sign wholly supported by a sign structure in the ground.
- M. "Portable sign" means any sign not permanently attached to the ground or to a building.
- N. "Roof sign" is a sign erected upon or above a roof or parapet of a building or structure.
- O. "Sign" means any medium, including its structure and component parts, which is used or intended to be used to attract attention to a subject matter, product, building service or activity for advertising purposes or directional/informational or advertising/directional or informational purposes.
- P. "Sign on-site" means an exterior sign displayed upon or against the wall of an enclosed building.
- Q. "Sign on-site – monument sign" means a permanent freestanding sign where the sign is supported directly by a foundation or base.
- R. "Sign on-site – post sign" means a portable sign or a sign which is supported by one or more columns, ropes or lines, upright, poles or branches extended from the ground or from an object on the ground, or a sign which is erected on the ground having no part of the sign attached to any building, structure or other sign.
- S. "Swinging sign" is a sign which, because of its design, construction, suspension or attachment, is free to swing or more noticeable because of the wind.
- T. "Temporary sign" means any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, chalkboard, wallboard, plywood or other light materials, with or without frames, intended to be displayed for a limited period of time.

**158.3 Permit.** Permits shall be obtained prior to the installation, alteration, or relocation of any Sign within the City. No permit is needed for the following signs:

- A. Real estate signs, no greater than three (3) square feet in area per side, that identify a property that is for sale.

- B. Construction and development signs which identify projects and contractors, provided the sign is maintained and removed following the completion of construction or development.
- C. Political signs announcing candidates seeking public office or signs announcing or advocating political issues of the type permitted and regulated by state and federal election laws.
- D. A nameplate not exceeding two (2) square feet in area located on-site on private property
- E. Temporary signs as described and regulated herein, which are placed or erected by a person or organization, no more than three (3) times per calendar year.
- F. Traffic signs or other signs of a public agency, such a railroad crossing signs and signs that warn of danger, hazards or unsafe conditions.
- G. Display of any official flag or emblem of a nation, state or city.
- H. City identification, welcome and entrance signs installed by the City.
- I. Any sign which is located within a building and not intended to be visible from outside the building.
- J. Grave markers, statues or remembrances of persons or events that are noncommercial in nature.
- K. Works of art which are not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.
- L. Temporary decorations or displays celebrating a traditional patriotic or religious holiday.
- M. Signs applied directly or attached directly to the body of a car, bus, trailer or other vehicle are exempt from regulations of this Chapter, if such vehicle has a valid registration, is utilized in the normal course of business or in the operator's usual routine activity and such vehicle is not used primarily for the display of such sign or signs.
- N. Signs and notices that are legally required to be displayed, maintained or posted by law or by any court or government order, rule or regulation.
- O. Informational signs, not exceeding three (3) square feet in surface area, displayed strictly for direction, safety or convenience of the public, including signs which identify restrooms, telephones, danger areas, parking areas entrances or exits, freight entrances and similar messages.

A permit fee for all nonexempt signs shall be as set forth by City council Resolution which may be amended from time to time at the council's discretion.

**158.4 Location of Sign.** All signs with-in the City limits shall be on-premises signs, with the following exceptions:

- A. Church or service club signs which are no more than a maximum of four (4) square feet of display area. The message content for such off-premises signs is restricted to the name of the church, club or organization, its location, hours of service or meeting and an official emblem. Any message in the nature of advertising is prohibited. The signs may only be located at the edge of the City limits where designated areas have been provided or as near to the building as needed to provide direction.

- B. Portable signs, pendants, banners, etc., in accordance with Section 158 of this Chapter.
  - 1. All signs shall be placed wholly upon private property and shall not overhang any public right-of-way.
  - 2. Signs shall not obstruct or hinder the vision of pedestrians or motorists in any way.
- C. Welcome signs owned and maintained by the City. Such signs are not restricted in height, size, design or materials and may be placed upon streets which serve as entrances to the City. They may be lighted in a manner approved by this Chapter for any other sign controlled by this Chapter. The location, size, height, design and materials must be approved by the City council. Prior to action by the Council, the council may refer the sign issue to the Planning and Zoning commission for its review and input. If a report from the Planning and Zoning Commission is not received by the City Council within sixty (60) days of the referral, the council may proceed with action on the sign without such report

#### **158.5 Temporary Signs.**

A. A temporary sign is a sign, placard or other notice intended for display for only a limited time period. A temporary sign, including but not limited to garage sale signs, real estate open house signs, estate sale or auction sign and signs advertising property for sale or lease, shall be permitted, without a permit, notwithstanding any other provisions of the Norway code of Ordinances. A temporary sign shall not exceed fifty (50) square feet.

B. Regulations:

- 1. Signs may be placed only by the owner of the property at which the sale is to take place or by the owner's representative.
- 2. No temporary sign that is located on public property shall be permitted to be placed more than seventy-two (72) hours in advance of the event advertised and any sign must be removed with seventy-two (72) hours after the event is completed. It is the obligation of the person for which the sign for such event that the sign is advertising to remove the sign in accordance with the regulations.
- 3. Temporary signs that are located on private property to advertise garage sales or open houses shall be required to comply with the same guidelines. Temporary signs located on private property that advertise property for sale or lease may be installed for as long as the property is actively being marketed for sale or lease but shall be removed within seventy-two (72) hours of completion of the lease or sale of the property.

#### **158.6 Billboards.**

A. Billboards must comply with the following regulations:

1. The maximum height, including any lighting apparatus, shall not exceed fifty (50) feet above grade.
2. Billboards, which shall include any signs over three hundred (300) square feet, shall not exceed six hundred seventytwo (672) square feet per side and shall have no more than two (2) faces per side.
3. Minimum clearance shall be then (10) feet above grade.
4. Billboards shall comply with setbacks established for the zoning district in which they are located and by state and federal regulations that shall govern the areas in and adjacent to state and federal highways.
5. Billboards may only be located on commercial or industrial properties adjacent to state and/or federal highways.
6. No part of the billboard structure shall be located within on thousand (1000) feet of any other billboard. In addition, no sign or structure shall be located within on hundred (100) feet of any lot zoned for residential use or within one hundred (100) feet of any lot which is used for a public park, school, church, funeral home, library, designated historic building or district.
7. Abandoned or obsolete billboards shall be removed within thirty (30) days following written notice from the City.

B. Other Ordinances. If any provisions of this section shall be in conflict with the provisions contained in the Uniform Sign Code, the provisions of this section shall apply. Otherwise, billboards must comply with the provisions of the Uniform Sign Code.

**158.7 Portable Signs and Pendants.**

- A. Portable signs shall not exceed fifty (50) square feet in sign area.
- B. Banners, ribbons, pendants, twirling signs, balloons and other portable signs and other similar devices shall be permitted in a commercial or industrial district for a period not to exceed thirty (30) days, when used in conjunction with the opening or closing of a business, special celebration or other temporary event related to the business.
- C. The Council, upon written request, may approve the time a community benefits banner, such as a centennial celebration banner or banner which identifies a City-wide event, may be erected, up to a maximum of eight (8) months.
- D. A permit shall be issued for portable signs, signs on-site – post signs and off-premises signs. Such portable signs, banners and/or pendants shall be removed immediately upon the expiration of no greater than thirty (30) days.
- E. No portable signs, banners and/or pendants shall be permitted on the same property within the ensuing six (6) month period after the expiration of the thirty (30) day open house or celebration period previously advertised.
- F. This section is not intended to prohibit banners located on City-owned poles, as approved by the Council.
- G. A nonprofit organization may be granted a permit for placing temporary off-site signs to be used to advertise an event, provided:
  1. The event is of a nature that can be considered to be of general public interest.

2. The signs are not set in place more than thirty (30) days before the event and shall be removed by the sponsor no later than twenty-four (24) hours immediately following the event.
3. The signs are placed on private property with the consent of the owner.
4. The sign is not placed on or does not overhang any public right-of-way and is not placed on any public property other than the public property on which the event may be taking place.
5. The signs do not obstruct visibility near corners or driveways as provided for in other sections of this code.
6. There are no more than five (5) signs to be placed under a permit for a single event.
7. The application for the permit identifies the location and number of signs to be installed. There will be no charge for the permit.
8. The size of the sign is limited to sixteen (16) square feet.
9. The sign is not lighted or illuminated either internally or externally in any way.

**158.8 Prohibited Signs.** The following signs are expressly prohibited within the City:

- A. Any sign that makes use of beacon lights, flashing, blinking or traveling lights, with reflectors or reflecting materials used to increase the intensity of the sign illumination.
- B. Any sign or portion thereof that moves or assumes any motion constituting a non-stationary condition. This requirement is not intended to prohibit any form of signage attached to a motor vehicle.
- C. Swinging signs over twenty-four (24) square inches.
- D. Any sign having an element that turns on or off or otherwise changes its appearance faster than once in five (5) seconds.
- E. No sign or sign structure other than an official traffic, street, welcome or related sign approved for placement by the City shall be placed on any street or highway right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- F. No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof.
- G. No roof signs shall be allowed.
- H. Any sign attached to or placed on a vehicle or trailer parked on public or private property is prohibited. The prohibition of this section does not prohibit the identification of a firm or its principal products on a vehicle operated during the normal course of business.

**158.9 Violations.** It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain a sign or sign structure within the City limits, or cause or permit the same to be done, contrary to or in violation of the provisions of this Chapter. Each violation shall constitute a separate offense, each day of violation shall constitute a separate offense. The City may enforce the provisions of this Ordinance and violations thereof through use of a simple misdemeanor criminal citation or municipal infraction citation.

**Section 2. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 3. Severability.** If any section, provision, or part of this ordinance is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged to be invalid or unconstitutional.

**Section 4. Effective Date.** This ordinance shall be in full force and effect after passage and approval and publication as provided by law.

Passed by the city Council of Norway, Iowa, on the 23<sup>rd</sup> day of September 2019.

City of Norway, Iowa

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Martin Schulte, Mayor

ATTEST:

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Wendy Erger, City Clerk

This ordinance shall be in full force and effect after its publication as required by law.