

ORDINANCE NO. 20-17

AN ORDINANCE REPEALING CHAPTER 1341 "SIGNS" OF
THE PAINESVILLE CODE OF 1998, and DECLARING AN
EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE
COUNTY, OHIO:

SECTION I. That Chapter 1341 of the Painesville Code of 1998 is hereby repealed.

1341.01 DEFINITIONS.

As used in this chapter, unless the context otherwise indicates:

- (a) "Awning" means any structure made of cloth or metal with a metal frame attached to a building and projecting over a sidewalk when the same is so erected as to permit its being raised to a position flat against the building when not in use.
- (b) "Billboard" or "signboard" means any structure or portion thereof, situated on private premises on which lettered, figured or pictorial matter is displayed for advertising purposes.
- (c) "Bulletin board" means any announcement sign directing attention and located on the lot of a public or semipublic building.
- (d) "Canopy" means any structure, other than an awning, made of cloth or metal with a metal frame attached to a building and carried by a frame supported by the ground, foundation or the building to which it is attached.
- (e) "Electronic message center (EMC)" means a free-standing ground sign containing a computerized, programmable electronic visual communications device capable of storing and displaying multiple messages in multiple formats and at varying intervals that are electronically changed by remote or automatic means.
- (f) "Erect" means to build, construct, attach, hang, place, suspend, or affix and also includes the painting of wall signs.
- (g) "Facing and surface" means a surface of the sign upon, against or through which the message is displayed or illustrated on the sign.
- (h) "Flat" or "wall sign" means a sign erected parallel to, or painted on, the surface or integral with the outside wall of any building.
- (i) "Foot-candle," means a unit of measure of the intensity of light falling on a surface equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.
- (j) "Ground sign" means any sign erected, constructed or maintained to display outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts or braces placed upon or affixed in the ground and not attached to any part of a building.
- (k) "Illuminated sign" means any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
- (l) "Marquee" means any hood or awning or permanent construction projecting from the wall or building above an entrance.
- (m) "Marquee sign" means a sign attached to the soffit or fascia of a marquee.
 - (1) "Pole sign" means any letter, word, sign, device or representation used in the nature of an advertisement or announcement, not attached to a building and which is supported by a single stationary pole or post.
- (n) "Portable sign" means any sign which is capable of moving or being moved.
- (o) "Projecting sign" means any sign which is attached to a building or other structure and which extends beyond the line of the building or structure, or beyond the surface of that portion of the building or structure to which it is attached.
- (p) "Project sign" means a sign indicating the name, owner, or manager of a development or project.
- (q) Real estate "For Sale" and "For Rent" signs means signs which direct attention to the promotion, development, rental, sale, or lease of the property on which the signs are located.
- (r) "Roof sign" means any sign erected, constructed, and maintained wholly upon or over the roof or parapet wall of any building with the principal supports on the roof structure.

(s) "Sidewalk" means that portion of a street between the curb lines, or adjacent to the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

(t) "Sign" means an identification, description, illustration, or device which is affixed to or integrated into a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

(u) "Sign area" means the total area of space to be used for advertising purposes, including spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign.

(v) "Temporary sign" means a sign applying to a seasonal or other brief activity or service and constructed of wood, metal, cloth, paper, plastic or fabric of any kind.

(w) "Wall sign" means any sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

1341.02 INSTALLATION OF SIGNS.

No person, firm or corporation, or his or their agents, shall erect, hang, maintain, use, or suspend any outdoor sign, marquee or portico except as hereinafter provided.

1341.03 SIGNS ON PUBLIC PROPERTY.

No sign shall be placed upon public property, any public sidewalk, public street, parkway or treelawn in the City except signs erected by the City or temporary signs erected for the purpose of warning the public of existing danger and then only by securing permission from the City Manager.

1341.04 SIGN POSTS, ETC., ON PUBLIC PROPERTY.

(a) No posts or other structures shall be erected on public property, in any parkway, treelawn or between any sidewalk line and curb line or other public place for the purpose of erecting, hanging, or suspending of any sign or marquee.

(b) Banners, balloons, streamers, cloth, canvas or like signs, shall not be suspended over or across any public right of way, sidewalk, or public street, except by special permission of the City Manager and for a temporary period only, not to exceed thirty days. When such permission is given, no permit fee shall be required, but such permission may be conditioned on insurance coverage.

1341.05 PERMIT REQUIRED.

Unless specifically exempted by Section 1341.04 or Section 1341.06, each person, firm or corporation, or his or their agents, before the commencement of any work in connection therewith, shall first obtain a permit therefor from the Building Official of the City. Each applicant for such permit shall file with the Building Official an application on forms to be supplied by the Building Official. All applications shall include detailed design plans and specifications and sufficient data to determine the soundness of the design, and compliance with the provisions of this chapter, the Zoning Code, and the Ohio Building Code.

1341.06 PERMIT NOT REQUIRED.

The exemption from the requirement of a permit for an outdoor sign or marquee shall not relieve the owner of such sign or marquee from the responsibility for its erection and maintenance in a safe condition or from conforming with applicable provisions of this chapter governing materials, construction, and erection. Unless required by the Zoning Code, no permit shall be required for the following nonilluminated outdoor signs:

(a) Those having an area of not more than four square feet in residential districts or not more than twelve square feet in business districts, provided such signs pertain only to the sale, lease, or rental of the premises.

(b) The posting of bills, signs, or posters on billboards or display structures that have been legally erected and maintained for such purposes.

(c) Signs erected by the City or other governmental units, or public carrier for the regulation of traffic, identification of streets, transit lines or stations and similar designations or instructions.

- (d) Legal notices, house numbers, memorial or inaugural inscriptions.

1341.07 PERMIT REFUSAL.

(a) The Building Official shall refuse a permit for erection of any sign or marquee if the application therefor and the accompanying drawing or diagram show that the sign or marquee, when erected, will not be in accordance with the provisions hereof, or if the same shall constitute a hazard to the safety of persons using the public street, sidewalk or area in the vicinity thereof.

(b) All appeals of a sign permit refusal shall be made by filing with the Building Official a notice of appeal on forms provided for such purpose. Such appeal shall be scheduled for a hearing before the Board of Zoning Appeals. Fees, notice requirements, and procedures for such appeals and hearings shall be as set forth in these Codified Ordinances.

1341.08 FEES.

For each permit for the erection or construction of a sign or marquee, the applicant shall pay the Building Official of the City a permit fee of five dollars (\$5.00) plus twenty cents (20¢) per square foot for that portion of the face of any sign in excess of fifteen square feet.

1341.09 SIGN SUPPORTS.

Each sign or marquee erected, hung or suspended or permitted under the terms of this chapter shall be securely fastened to a building or other structure upon the premises owned or occupied by the applicant. Such sign or marquee shall be supported vertically and horizontally so as to prevent the same from falling from its own weight and all superimposed loads. No sign herein referred to shall be suspended from or supported by a cornice or coping. Signs or marquees supported by or extending from any building shall be anchored to the supporting wall or structural members of such building. In no case shall the sign or marquee be supported by or suspended from the facing wall only of the structure.

1341.10 INSPECTION OF THE INSTALLATION.

Each sign or marquee erected shall be examined by the Building Official to determine whether the sign or marquee is constructed, erected, hung, or suspended in accordance with the application and permit and the provisions thereof.

1341.11 VERTICAL AND HORIZONTAL CLEARANCES.

(a) No sign or marquee erected, hung, or suspended shall extend over and across any sidewalk, public street, public right of way or part thereof.

(b) No sign or marquee shall be erected so as to have less than ten feet of vertical clearance between such sign or marquee and the ground level. Signs erected against a building and not extending therefrom may be located less than ten feet above grade, provided that the same is erected, in the judgment of the Building Official, so as not to be an obstruction to the use of a walkway or to endanger persons using the same.

(c) No sign erected parallel to the wall of any building shall be at a distance greater than nine inches therefrom and shall be fastened to the building at intervals of not less than three feet and shall be designed so as to prevent the accumulation of snow or water upon or behind the sign.

1341.12 OBSTRUCTIONS PROHIBITED.

(a) No sign or marquee shall be erected, maintained, or permitted to remain so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, lighting system, or traffic control lights of the City.

(b) Signs may be displayed in or attached to the inside of display or show windows, provided the total sign area does not exceed twenty-five percent (25%) of the total display or show window area.

1341.13 PROHIBITED SIGNS AND ADVERTISING DEVICES.

The following signs and advertising devices are prohibited:

(a) Portable or moveable signs or devices except as a temporary sign as provided in Section 1341.14.

- (b) Pennants, streamers, whirligig devices and bare strings of light bulbs.
- (c) Roof signs or signs extending above the parapet line.
- (d) Flashers, animators or mechanical movements or contrivances of any kind excepting clocks.
- (e) Paper or cloth posters applied directly to the wall of the building or pole or other support and letters or pictures in the form of advertising, printed, painted, or applied directly on the wall of a building.
- (f) Search lights and beacons.

1341.14 TEMPORARY SPECIAL EVENT SIGNAGE.

Temporary signs identifying a special, unique, or limited activity, service, product, or sale of limited duration shall be permitted subject to the following:

- (a) Number. There shall not be more than two permits for special events signage issued for the same premises within one calendar year.
- (b) Location. Special event signage shall be located only upon the premises upon which the special, unique, or limited activity, service, product, or sale is to occur. Such signs may be located in any required yard, but may not extend over any lot line or within fifteen feet of any point of vehicular access from the premises to a public roadway.
- (c) Size. Special event signage shall not extend thirty-two square feet in gross surface area for each exposed face nor exceed an aggregate gross surface area of sixty-four square feet, except by special permission of the City Manager.
- (d) Height. Special event signage shall not project higher than fifteen feet above grade, except by special permission of the City Manager.
- (e) Timing. Special event signage shall be erected and maintained for a period not to exceed thirty days and shall be removed within three days of the termination of the activity, service, project or sale.
- (f) Existing Signs. Temporary signage existing at the effective date of this chapter may be continued until December 31, 1988; thereafter, all temporary signage shall conform to this section.

1341.141 POLITICAL SIGNS.

- (a) A political sign shall be any temporary sign advocating action on a public issue or promotion of a candidate for public office.
- (b) For a period of not to exceed thirty days, there may be placed on property, with the owner's consent, political signs which shall carry a complete message and shall not exceed sixteen square feet in area. The signs may be double face. Such sign shall not be nearer than five feet to the street line or any boundary line, provided, however, that on a corner property, if the tops of such sign are in excess of three feet above the curb grade, then they must be twenty feet or more from the intersection of the street lines. The signs must be maintained in good repair.

1341.15 PERSONS RESPONSIBLE FOR SIGNS.

The owner of each outdoor sign or marquee and the owner of the premises on which the sign or marquee is erected, affixed, attached or maintained, shall be individually and separately responsible for the maintenance of such sign or marquee, and its removal when ordered by the Building Official.

1341.16 RESIDENTIAL DISTRICTS (R-1, R-2, R-3).

Signs erected in residential districts shall comply with the regulations as set forth in the Zoning Code.

1341.17 NEIGHBORHOOD BUSINESS DISTRICT (B-1).

- (a) Wall Signs. One permanent wall sign is permitted on the premises provided it shall be limited to two square feet of sign for each lineal foot of front width of business building or business unit measured parallel to the street line, provided that the maximum total area of the aforementioned sign shall not exceed 200 square feet. On a corner lot, a second sign shall be permitted and the combined surface area may be increased by twenty-five percent (25%) provided that such additional sign area is displayed on that face of the building abutting on that street creating the additional allowance.

(b) Free-Standing Signs. In addition to a wall sign, one free-standing sign not exceeding fifty square feet per face and limited to 100 square feet per sign shall be allowed for any one building. Such sign shall not exceed eight feet in height above established grade. No portion of sign or sign supports shall extend into the public right of way. Buildings located on lots with two or more street frontages shall be permitted to erect two free-standing signs subject to size and location requirements as set forth herein.

(c) Entrance and Exit Signs. In addition to the aforementioned signs, entrance and exit signs shall be permitted at drives leading to private parking lots. Such signs shall not be more than four square feet in area per face and limited to eight square feet per sign. Such sign shall not exceed four feet in height above established grade.

1341.18 COMMUNITY BUSINESS DISTRICT (B-2).

(a) Generally. The same as regulated in the B-I Neighborhood Business District, except as hereinafter modified.

(b) Wall Signs. On a corner lot or abutting on a public parking lot, a second sign shall be permitted and the combined surface area may be increased by fifty percent (50%) provided such additional area is displayed on that face of the building abutting on that street or parking lot creating the additional allowance.

(c) Free-Standing Ground Signs. In addition to wall signs, one free-standing ground sign not exceeding 75 square feet per face and limited to 150 square feet per sign shall be allowed for any one building. Such sign shall not exceed eight feet in height from grade. Buildings located on lots with two or more street frontages shall be permitted to erect two free-standing ground signs subject to size and location requirements as set forth herein. One of the two permitted free-standing ground signs may contain an EMC sign in accordance with the requirements listed in division (d) of this section.

(d) Electronic Message Center (EMC) Signs. In lieu of a standard free-standing ground sign, an electronic message center sign may be incorporated into the free-standing ground sign provided it does not exceed 40% of the allowable 75 square feet per sign face of the 150 square feet total per sign. In no case shall a free-standing ground sign incorporating an electronic message center sign exceed eight feet in height. In addition, all EMC signs shall adhere to the following requirements:

(1) Any EMC must meet all of the requirements of this sign code.
(2) As an EMC sign is a form of reader board. The permitted EMC sign square footage may not be couple with any other form of reader board.

(3) The separation between EMC signs shall be a minimum of 70 feet.

(4) EMC signs shall be located a minimum of 30 feet from any intersection of public streets and located on the property so as to not restrict line of sight visibility for pedestrian traffic and any vehicular traffic for ingress from or egress to a public street.

(5) EMC signs shall only advertise commercial events, goods and/or services available on the property the sign is located. EMC signs can also be used for noncommercial speech that is protected by the first amendment.

(6) EMC signs shall hold their message a minimum of 15 seconds per screen. Electronic signs displaying time and temperature shall be the only exception to this division.

(7) Each message shall be limited to two lines of text per screen and two screens of text total. Letter and/or character copy shall not exceed a maximum of 18 inches in height. Amber Alerts and Weather Alerts shall be the only permitted exceptions to this division.

(8) No flashing light(s) or "spell-on" scrolling, streaming, or crawling display modes shall be allowed on any EMC sign.

(9) Operation of an EMC sign shall be consistent with the hours of operation of the business on which the EMC is to be located, except that no EMC sign shall be operational between the hours of 11:00 p.m. and 6:00 a.m.

(10) All EMC signs shall be anti-glare and all EMC signs shall be equipped with an automatic dimmer device.

(11) As measured from the affected property lines on which the EMC sign is located, the maximum light emanation from an EMC sign shall not be greater than .2 foot-candles.

(12) No EMC sign shall utilize colored or neon lights that can be used in a location or manner in which they might be confused with traffic control devices or vehicular traffic.

(13) An EMC sign shall not face any residentially zoned property (S-1, R-1, R-2), nor shall any EMC sign face any historic district.

(14) All electric equipment used to operate or install an EMC sign must be UL listed.

(15) All electrical power to any EMC sign shall be supplied via underground carrier inside approved conduit, and must be installed to the City of Painesville's electrical requirements,

(16) Any malfunctioning EMC sign shall be turned off, or display a blank screen, until repaired.

(17) All EMC signs shall be kept in good operating condition and maintained with good external appearance.

(18) If any nonconforming, existing EMC sign is damaged so that repair costs amount to 50% or more of the replacement cost of the EMC sign, the EMC sign may be repaired only if it is brought into conformance with this section.

1341.19 CENTRAL BUSINESS DISTRICT (B-3).

(a) Generally. The same as regulated in the B-1 Neighborhood Business District, except as hereinafter modified.

(b) Wall Signs. On a corner lot, or frontage on a public parking lot, a second sign shall be permitted and the combined surface area may be increased by one hundred percent (100%) provided such additional sign area is displayed on that face of the building fronting on that street or parking lot creating the additional allowance. In lieu of a wall sign, one extended sign for each business unit with a street frontage shall be permitted. Such sign shall not exceed forty square feet in total area and shall meet the requirements of Section 1341.11.

1341.20 GENERAL BUSINESS AND INDUSTRIAL DISTRICTS (B-4, M-1, M-2, M-3).

The same as regulated in the B-3 Central Business District.

1341.21 SPECIAL DISTRICT SIGN REGULATIONS.

Council may from time to time establish sign regulations separate from the provisions of this chapter for a designated area of the City. Such districts shall be contiguous and possess certain unique characteristics, as determined by Council, to warrant sign regulations which differ from one or more of the provisions of this chapter. A map defining the district and special regulations, which may modify certain defined provisions of this chapter, shall upon approval by Council, be made an attachment to this chapter. If, and to the extent that special district regulations are approved by Council, such regulations shall be observed by the persons affected in lieu of compliance with the affected provisions of this chapter. However, those provisions of this chapter which are not affected by special district sign regulations shall continue to apply in the designated special district. Nothing in this section or elsewhere in this chapter shall prevent the establishment of special district sign regulations which are more stringent than those set forth in this chapter.

1341.22 ILLUMINATION OF SIGNS.

(a) All illuminated signs shall be so designed, located, shielded, and directed so as to prevent the casting of glare or direct light from artificial illumination upon adjacent publicly dedicated roadways and surrounding property.

(b) In no instance shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination, exceed seventy-five foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.

(c) Signs visible from adjoining properties zoned for residential uses shall not be illuminated except with indirect white light.

(d) An electrical permit shall be obtained for the erection of illuminated signs.

1341.23 SIGN MAINTENANCE.

All signs, both exterior and interior, shall be maintained in a good state of repair. All signs whose exterior is deteriorated, decaying, disintegrating or whose exterior surface has weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating, shall be repaired, repainted or resurfaced, or removed.

1341.24 REMOVING OF SIGNS.

Whenever any structure or part thereof becomes vacant, the owner or agent shall cause all signs, which are visible from the exterior, and which no longer apply to the products or services offered on the premises, to be removed within thirty days and to restore the exterior appearance of the building to match the existing facade.

1341.25 POSTING OF GASOLINE PRICES.

(a) Sign Visibility. No person, firm, or corporation shall sell or offer to sell gasoline in the City unless the price thereof is posted on a sign clearly visible from the street. The placement of such sign shall not be deemed a violation of other sections of this Code relating to regulation of signs.

(b) Figure Dimensions. The figures indicating the price shall be not less than six inches or more than twelve inches in height. Two signs shall be required on gasoline stations facing on two streets unless one sign can be so located as to be clearly visible from both streets.

(c) If gasoline is offered for sale at differing prices, the sign shall show the cost of regular gasoline, nonpremium unleaded gasoline and premium unleaded gasoline.

(d) Pump islands shall be identified as either "full serve" or "self serve". The placement of such signs shall not be deemed a violation of other sections of this Code relating to regulation of signs.

1341.26 NONCONFORMING SIGNS.

(a) A nonconforming sign means a sign existing prior to the initial passage of this chapter which does not conform to one or more of the requirements of this chapter.

(b) Nonconforming signs, other than temporary, may be continued and be maintained and repaired but not expanded. If any nonconforming sign is discontinued or replaced, any future use thereof shall be in conformity with the provisions of this chapter.

1341.99 PENALTY.

Whoever violates any provision of this chapter or who fails or refuses to obey a lawful order of the Building Official issued pursuant to this chapter is guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during which a violation continues.

SECTION II. That this ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the necessity to adopt additional regulations to help insure compliance with the City's Building and Zoning Codes, and therefore this Ordinance shall become effective immediately upon its passage.

PASSED:



PAUL W. HACH, II
President of Council

ATTEST:



VALERIE VARGO
Clerk of Council