

ARTICLE V. SIGNS

Sec. 86-211. Purpose, administration, and enforcement.

- (a) *Purpose and intent.* It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. It is not the purpose of this article to regulate or control the copy or content of signs. Notwithstanding anything to the contrary in this article, no sign shall be subject to any limitation based on the content of the message contained on such sign. It is not the intent of this article to afford greater protection to either commercial or noncommercial speech. Any sign, display or device under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for a profit, or to a commodity or service for sale, and that complies with all other requirements of this article. These sign regulations are intended to:
- (1) Enhance the attractiveness and economic well-being of the town as a place to live, vacation and conduct business.
 - (2) Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.
 - (3) Protect the public from the dangers of unsafe signs.
 - (4) Enable the identification of places of residents and business.
 - (5) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
 - (6) Allow for communication of information necessary for the conduct of commerce.
 - (7) Permit signs that compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
 - (8) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
 - (9) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
 - (10) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
 - (11) Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.
 - (12) Require signs to be constructed, installed and maintained in a safe and satisfactory manner.
 - (13) Preserve and enhance the natural and scenic characteristics of this community.
 - (14) Provide increased flexibility in the number, size, location, design and operating characteristics of signs in areas approved by town council.
 - (15) Promote the public safety, welfare, convenience and enjoyment of the town.
- (b) *Administration.*

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- (1) *Building and electrical code standards.* All permanent signs must meet the structural and installation standards of the International Building Code and electrical standards of the National Electric Code as enforced by the Town of Edisto Beach Building Code Administrator.
 - (2) *Permit required.* No sign requiring a permit shall be erected unless a sign permit has been issued by the building code administrator or designee in accordance with the procedures of this chapter. Action shall be taken on permit applications within ten business days.
 - (3) *Fees.* An applicant for a sign permit shall pay such fees as determined necessary for application processing. These fees are due upon submission of an application and shall be determined by town council from time to time by resolution.
 - (4) *Documentation of signs.* Upon request, the owner of any existing sign shall provide the Town of Edisto Beach Town Administrator with evidence that documents the size, location and date of construction of all existing signs on the premises.
- (c) *Enforcement.*
- (1) The building code administrator and duly authorized staff shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein. Any person violating provisions of this article shall be subject to penalties as specified in section 1-6.
 - (2) For signs within any public right-of-way, public beach, public beach access, or other public lands and where the building code administrator or duly authorized staff determine that a sign is illegal, abandoned, not being maintained, or no longer being used for the purposes under which the original permit was issued, the building code administrator or duly authorized staff is authorized to remove and impound the sign without notice to the owner thereof.
 - (3) For signs on private property and where it is determined by the building code administrator or duly authorized staff that a sign is illegal, abandoned, not being maintained, or is no longer being used for the purposes under which a permit was issued (if applicable), the building code administrator or duly authorized staff shall notify the owner of the violation. If the violation is not corrected within two business days following notification, the building code administrator or duly authorized staff may have the sign removed and impounded, and the landowner will be charged for the costs incurred by the town. The town may place a lien upon such owner's property and foreclose the same to collect the charges.
 - (4) The owner of an impounded sign may recover the impounded sign upon request to the town with sufficient proof of ownership. If the sign is not claimed within ten days after the date of impoundment, the building code administrator shall have authority to dispose of the sign without compensation to the owner.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2015-09, § 3(Exh. C), 5-14-15; Ord. No. 2018-18, 8-9-18)

Sec. 86-212. Prohibited signs.

- (a) The following signs shall be prohibited:
- (1) Signs which utilize illumination from bare light bulbs which are not directed toward the face of the sign. This does not apply to signs which employ light bulbs which have individual power ratings of 15 watts or less or not to exceed 400 lumens.
 - (2) Illuminated signs within 500 feet of the R-1, R-2, R-4 and R-7 districts which are not shielded in such a manner as to prevent light from being cast into such districts.

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- (3) Illuminated signs located within R-1, R-2, R-4 and R-7 districts which are not shielded in such a manner as to prevent illumination from being cast onto any residence within 100 feet of such sign.
 - (4) Internally illuminated exterior commercial signs are prohibited.
 - (5) Fluttering ribbons, pennants, banners, and similar devices used for commercial advertising, except those banners permitted under sections 86-213 and 86-214(a)(165).
 - (6) Signs imitating traffic devices (signals and warnings) and signs using such words as "stop" or "danger".
 - (7) Signs in wetlands or tidelands/marshes.
 - (8) Signs in rights-of-way, except for temporary signs erected by the town.
 - (9) Snipe signs, which is any sign attached in any way to a utility pole, tree, fence, post or any other object located on public property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.
 - (10) Signs mounted on vehicles or trailers, except for magnetic signs, lettering and vehicle wraps, which shall be allowed.
 - (11) Roof mount signs.
 - (12) Signs painted on or attached to trees, fence posts, telephone or utility poles, or natural features.
 - (13) Changeable copy signs, except a sign may contain a changeable copy portion which is not more than 50 percent of the area of the sign on which the changeable copy portion is located.
 - (14) Off-premises signs.
 - (15) Parking lot signage defined as signs that are located in parking lots other than traffic control signs (such as directional signs, private on-site directional signs, such as "Entrance", "Exit", "Drive-through", "Unit Number", "Street Name" and information signs).
 - (16) Handwritten signs, with the exception of the yard sale signs.
 - (17) Obscene or Pornographic Signs. No sign, visible to the public, shall exhibit statements, words or pictures of an obscene or pornographic nature. For purposes of this subsection, obscene words, photographs, or depictions are defined as provided in S.C. Code, Section 16-15-305(B), (C), (D), and (E), as amended.
 - (18) No sign of any type, size, design, purpose or intent for view off site may be erected in the Town of Edisto Beach except in accordance with the provisions of this Article V.
- (b) *Signs in disrepair.* Signs in disrepair shall be repaired, renovated or removed from the premises within 30 days following a notice by the building code administrator. Signs in disrepair that are not repaired, renovated or removed from the premises within 30 days following a notice by the building code administrator shall be deemed prohibited and are subject to enforcement under this article.
- (c) *Obsolete signs.* Signs advertising a person, business, service, event or other activity that is no longer available or other signs that contain inaccurate or outdated information shall be considered obsolete, and, within 30 days from the time the activity ceases existence, shall be removed by the owner of the property or shall be remediated by removing the sign face, painting the sign face a neutral color, or installing a blank face panel. This provision does not apply to seasonal activities during the regular periods in which they are closed. If the sign face is not reused and permitted within one year, the remaining sign structure must be removed in its entirety, unless the building code administrator grants an extension subject to the owner submitting statement of intent and stipulating a reasonable time for reuse and permitting of the sign structure. Remedial action shall be taken within 30 days after a sign becomes obsolete. If no remedial action is taken,

the building code administrator or designee shall give notice to the owner of record who shall have 30 days to remove the sign prior to any further enforcement action being pursued.

- (d) *Signs interfering with vehicular vision.* Signs which are erected so as to interfere with the vision of vehicles operated along any highway, street, road or driveway, or at any intersection of any street or highway are prohibited. Signs determined by the building code administrator to be in violation shall be removed or relocated immediately upon notice.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2015-09, § 3(Exh. C), 5-14-15; Ord. No. 2018-18, 8-9-18; Ord. No. 2021-01, § 2, 9-9-21)

Sec. 86-213. Signs allowed in individual zoning districts requiring a permit.

- (a) Except as otherwise provided in section 86-214, a permit must be obtained in accordance with this article when a sign is constructed, erected, moved, enlarged, illuminated or substantially altered.
- (b) *Routine maintenance does not require a permit.* Such maintenance includes painting, cleaning, changing copy where permitted, or changing copy in compliance with a sign plan, but does not include reconditioning a sign by removing it from its supports for the purpose of repair or alteration and reinstallation, replacing the plastic face or changing the structural or electrical components of any sign, except routine electrical maintenance. Painting or repainting the advertising message or sign area for of a sign for the same business is allowed without a permit.
- (c) *R-1, R-2 and R-4 districts.* The following signs, together with the conditions attached thereto, are permitted in the R-1, R-2 and R-4 districts: Only signs allowed in residential areas set forth in section 86-214.
- (d) *R-7 district.* The following signs, together with the conditions attached thereto, are permitted in the R-7 district with a permit:

A single residential identification sign is not permitted to exceed ten square feet in area. Such sign shall be set back not less than ten feet from any street right-of-way line.

- (e) *C-1 district.* The following signs, together with the conditions attached thereto, are permitted in the C-1 district with a permit:
- (1) Any sign permitted in the R-7 district together with the conditions attached thereto.
 - (2) One business identification sign, provided a permit is secured from the office of the building code administrator. The sign, if illuminated, shall be shielded so that it does not cast light rays directly toward or upon residential structures; the sign does not exceed 40 square feet in area, is placed no closer than five feet from any side yard line and, if projecting into the front yard, shall not extend beyond the front property line.
 - (3) All existing signs in the C-1 district upon effective date of this article shall be allowed. However, should an existing sign be destroyed for any reason it shall conform to the terms of this article.
 - (4) Shopping center or unified business signs. Within a shopping center or unified business development, individual stores or business establishments shall be limited to 100 square feet of sign area on the building. In addition to signs permitted for individual stores or business establishments within a shopping center or unified business development, shopping center signs bearing the name of the unified business development or shopping center shall be permitted on the basis of one sign for each shopping center or unified business development. This sign shall contain only the name of the shopping center or unified business development. Additionally, each individual business is permitted, as a part of that main sign, eight square feet, so long as the total area of the main sign does not exceed 60 square

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- feet. On lots with a single store or business establishment, sign area shall not exceed 150 square feet of sign.
- (f) *C-2 district.* The following signs, together with the conditions attached thereto, are permitted in the C-2 district and shall require a permit:
- (1) Any sign permitted in the C-1 district together with the conditions attached thereto.
 - (2) Freestanding signs. The sign area of all signs on the premises shall be charged against the maximum signage area allowed on the premises, except for the following type signs:
 - a. Menu reader boards for drive-in or drive-through restaurant service.
 - b. Signs attached directly to petroleum products pumps at service stations, provided each such sign is no larger than the pump itself.
 - c. Private, on-site directional signs, such as "Entrance", "Exit", or "Drive Through", "Unit Number", "Street Name" and information signs.
 - (3) Exclusive to marina-based operations. One sign not exceeding nine square feet total area may be permitted for each marine based business, to be displayed on the dock at embarking and disembarking location provided individual business is approved by the planning commission and town council for that same location.
- (g) *C-3 district.* The following signs are permitted within the C-3 district, together with conditions attached thereto:
- (1) Any sign permitted in the C-2 district, together with the restrictions attached thereto.
 - (2) Portable "A-Frame" or sandwich signs that meet the following conditions:
 - a. One such sign per business establishment (excluding real estate signage), and such permit is not transferable. The total square footage of the sign shall not exceed 12 square feet and shall be no more than six square feet per side of sign, with the maximum height being 42 inches, and shall be in an established C-1, C-2, or C-3 zoning district;
 - b. The sign shall be positioned during normal business hours so as not to impede or disrupt foot traffic or cause an unsafe condition to pedestrians or motorized and non-motorized traffic;
 - c. The sign shall be removed during non-business hours;
 - d. The sign shall not be placed within ten feet of any street right-of-way, highway right-of-way or within ten feet of a property line, whichever is more restrictive;
 - e. The sign shall only be permitted to be placed on the property where the business depicted by the sign is located;
 - f. The sign shall not be placed so as to cause the width of the sidewalk to be reduced below four feet in width, nor shall it be erected or maintained in a manner that prevents free ingress or egress from any door, window or fire escape;
 - g. The sign shall not be placed in an off-premises location;
 - h. A permit shall be required to locate a sign and a fee may be charged. Permits are valid for one calendar year beginning January 1, and ending December 31. If a sign is displayed prior to obtaining a sandwich board sign permit, the permit fee will be doubled or application may be denied;
 - i. The sign must be weighted down or removed if winds gust to 20 mph or more;

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- j. The sign shall not be illuminated, nor shall it contain moving parts or have balloons, streamers, pennants, or similar adornment attached to them. Attaching portable "A" frame signs to structures, poles, sidewalks, objects, signs, etc. by means of chains, cords, rope, wire, cable, etc. is prohibited;
 - k. Acceptable primary portable "A" frame sign materials include the following: plastic, steel, iron, metal and wood. Synthetic materials such as chalkboard and whiteboard are acceptable accent materials but are limited to 50 percent of sign area on each side;
 - l. At least the top half, 50 percent, of each side of the sign shall be permanent and contain the name and nature of the business. The sign lettering shall be professionally painted or applied; a "yard sale" or "graffiti" look with hand painted or paint stenciled letters is not acceptable. The written message of the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business.
 - m. Violation of any one or more of the conditions set forth in this subsection may result in revocation of portable "A" frame sign permit and other enforcement as provided in section 86-211.
- (h) *PUD district.* The following signs are permitted within the PUD district with a permit:
- (1) Any sign permitted in the C-2 district, together with conditions attached thereto.
 - (2) Any sign permitted in the C-3 district, together with conditions attached thereto.
- (i) *Application.* The property owner or agent, along with the lessee, if any, and the sign installer, must file an application for the sign permit on forms prescribed by the town administrator or designee. The application must be accompanied by all required documents and fees.
- (1) Required application documents. (See sign permit application form.)
 - a. An application for a sign permit must be accompanied by:
 - 1. A scale drawing of the site showing:
 - a) The proposed location of the sign, including setbacks;
 - b) The location and size of all other signs on the property;
 - c) The location, dimensions and distance from property lines of all buildings on the site;
 - d) The location and name of all streets which abut the property;
 - e) The frontage dimensions of the site along each street which abuts the property.
 - 2. Application must be made for an electrical permit, if the application is for an illuminated sign not utilizing a cord-and-plug.
 - 3. Application must be made for a building permit for a sign requiring a constructed support and/or a permanent or semi-permanent attached to the ground.
 - 4. Payment of the sign permit fee.
 - 5. Other information that may be required by the building code administrator or designee to ensure compliance with this article or other sections of the code.
- (j) *Inspection, approval, permit expiration.*
- (1) All signs for which a permit is required are subject to inspection by the building code administrator or designee. All ground signs shall be subject to a footing inspection, and all signs to a final electrical

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- inspection. Inspections must be made to the main frame prior to installation of decorative panels or skirting. Following an inspection, if corrections or defects are not made within 30 days after notification, no permits for any sign work will be issued to a contractor delinquent of inspection items.
- (2) Within ten days after receipt of an application, building code administrator or designee shall determine that the information is complete or incomplete and inform the applicant in writing of the deficiencies, if any. If the application is deemed:
- a. Incomplete, the applicant may submit the required information within 30 days without payment of an additional application fee, but if more than 30 days elapse, the applicant must thereafter initiate a new application; or
 - b. Complete, the reviewing official shall determine if the sign meets all provisions of the town's code of ordinances and shall issue the permit which states whether the application is approved, denied, or approved with conditions within ten days of receiving the complete permit application. Any application not specifically approved within the applicable calendar day period shall be deemed granted.
- (3) No permit shall be issued for any sign if a nonconforming billboard, roof, projecting, or pole sign exists at the business location.
- (4) Every sign permit issued shall become null and void if the work is not commenced within six months. If work is suspended or abandoned for 120 days at any time after commencement, a new permit shall be required and the fee will be one-half the amount required for a new application provided no changes have been made in the original plans.
- (k) Sign design and construction. All signs shall meet the following minimum design and construction standards:
- (1) All permanent signs shall comply with the minimum requirements provided in the adopted International Building Code relating to design, structural members, and connections. All signs requiring electrical connections and all ground signs shall require a building permit.
 - (2) Signs shall maintain a clearance of ten feet from all overhead electrical conductors and three feet from all secondary voltage service drops.
 - (3) No sign shall be attached to a wall which lacks sufficient strength to support it, or nailed or attached in any way to trees, telephone poles or other objects.
- (l) *Expiration or invalidation of a sign permit.* A sign permit becomes invalid when:
- (1) The sign for which the permit was issued is not erected within six months from the date of issuance;
 - (2) The sign for which the permit was issued is moved or substantially altered;
 - (3) The town administrator or designee revokes the permit for failure to comply with an order issued by the town stipulating corrective action for improper maintenance;
 - (4) The application for a sign permit contained inaccurate information;
 - (5) The business ceases existence or changes; or
 - (6) The terms of the permit have not been satisfied.
- (m) *Maintenance and noncompliance.*
- (1) All signs including all supports, braces, guys and anchors shall be kept in good repair.
 - (2) A sign which no longer correctly directs or exhorts any person, advertises an operating business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed

shall be removed. The property owner is responsible for the removal of signs, including all brackets, poles, footings and structural elements.

- (3) Any sign that is unsafe, insecure, or is a menace to the public health or safety, or has been displayed or is being maintained in violation of the requirements of this item (g), in addition to being a violation of the Town of Edisto Beach Code of Ordinances and subject to enforcement under section 86-211, shall be removed by the owner. Written notice of such finding shall be provided to the contractor, owner, agent or lessee thereof, and a time, not more than 30 days (dependent on the relevant health and safety factors), shall be accorded for removal. Any portable sign may be removed by the building codes administrator without notification if such sign is placed in public rights-of-way. If the contractor, agent, owner or lessee fails to timely remove or correct the violation, the sign may be removed by the building codes administrator at the expense of the contractor, applicant, owner, agent or lessee of the property. The town may immediately remove any sign or advertising structure which is an immediate peril to persons or property, with such costs recoverable in like manner.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2015-09, § 3(Exh. C), 5-14-15; Ord. No. 2018-18, 8-9-18; Ord. No. 2021-01, § 2, 9-9-21)

Sec. 86-214. Signs for which a permit is not required.

- (a) A permit is not required for the following types of signs on private property in any zoning district, unless further limited as provided herein:
- (1) Traffic, directional warning or information signs authorized by any public agency.
 - (2) Official notices issued by any court, public agency, or officer of any court or public agency.
 - (3) One non-illuminated "For Sale" or "For Lease" sign not to exceed nine square feet, provided all such signs are to be removed 30 days after closing of sale or lease.
 - (4) One non-illuminated "For Rent" sign not to exceed nine square feet in area attached upon a seasonal residential rental unit.
 - (5) One sign for a home occupation or to identify a clubhouse provided it is not illuminated, not larger than nine square feet and mounted against a wall of the principal building.
 - (6) One bulletin board and one identification sign on a lot of record used for operations of a non-profit organization in any zoning district, provided there shall be a limit of one each such sign which shall not exceed nine square feet in area.
 - (7) Directional signs, portable signs, sandwich board signs, and banners identifying functions of a non-profit organization not exceeding nine square feet in area and not erected for more than 15 days 48 hours prior to the function and removed within 24 hours following the event conclusion.
 - (8) No more than four (4) portable signs identifying Bay Creek Park Market not exceeding nine square feet in area and not erected for more than 48 hours prior to the function and removed within 24 hours following the event conclusion.
 - (98) One sign identifying by name only residential subdivisions or multifamily dwellings, provided such signs do not to exceed nine square feet in area and must be located on premises.
 - (109) Campaign signs which conform to the following: (1) signs shall not be located on public property, utility poles, or in public rights-of-way and shall be confined wholly to placement on private property with permission of the property owner; (2) signs shall not be erected earlier than 90 days before the election or referendum to which they apply; (3) signs shall be removed within five days after the

election or referendum to which they apply; (4) Signs shall not exceed nine square feet per sign face. The regulations of this subsection do not prohibit the use of outdoor advertising signs.

(1110) One home identification sign, not exceeding nine square feet in total area, attached to the building or upon a rod or post not more than five feet high and stating only the street number, home name and/or name of the occupants of the home, provided any numbers or letters attached to the owner's home shall not be included in calculating sign area.

(1211) A community service bulletin board on a lot of record used for commercial purposes in a commercial zoning district not to exceed nine square feet, provided a business may utilize any wall or accessory surface or combination of not more than three individual surfaces in a cumulative fashion to achieve the required nine square feet, and that such combination shall be approved by the building code administrator or designee.

(1312) Signs and banners associated with special events not to be displayed for more than 30 days prior to the event.

(1413) Fluttering ribbons, pennants, banners and similar devices displayed no more often than once per month on each lot and not for more than 48 hours on each occasion.

(1514) Banners identifying events (bands, cooking events, specials) located at retail business establishments displayed between 8:00 am Friday and 4:00 pm the following Monday beginning Memorial Day and ending on Labor Day which do not exceed 30 square feet in area and are located on the same parcel as the retail business establishment.

(1615) Flags, each not to exceed five feet by eight feet in measurement. Flags shall not encroach into right-of-way and shall not obstruct the view of motorists.

(1716) One yard sign per lot of record which conforms to the following: (1) sign shall not exceed nine square feet; (2) sign shall not exceed five feet in height; (3) sign shall be located at least ten feet from the right of way; and (4) sign shall be located at least ten feet from the property line of any adjacent lot.

(b) *Free-standing house numbering (address) signs.* A permit is not required for permanent, free-standing, on-premises house numbering (address) signs. All permanent, free-standing, on-premises house numbering (address) signs shall contain house numbers at least four inches in height each. The area devoted to required house numbers shall not be included in the calculation of any maximum sign area in this article.

(c) *Special signs.*

(1) A permit is not required for one building contractor's or developer's sign, not to exceed nine square feet in total area on a lot where a building is actually under construction. Each subcontractor at such a building, or contractor or subcontractor where solely lot improvements, such as landscaping and irrigation, are being installed, may present one sign not to exceed nine square feet in area. All such signs are to be removed from the site by building contractors within 15 days after a certificate of occupancy has been issued on the project, and exterior lot contractors and subcontractors must remove their signs after completion of work.

(2) Yard sale signs that conform to the following shall not require a permit: (1) Yard sale signs are prohibited on public property and rights-of-way and shall be placed only on private property; (2) Yard sale signs shall be posted five days before the day of the sale and shall be removed by the end of the day of the sale; (3) Directional signs for the sale may be placed near street intersections and shall be placed only on private property with the property owner's permission; (4) Signs shall not be placed in the right-of-way or attached to utility poles, street signs, boxes, trees or anything that would be considered a snipe sign; and (5) The area of each yard sale sign face shall not exceed nine square feet and shall include the address and the date of the sale.

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- (3) Electronic changeable copy signs are permitted without a permit within the office commercial district (C-1), marine commercial district (C-2) and the commercial district (C-3), provided such signs shall only be displayed from inside the building and the display area of changeable signs shall be limited to 15 percent of the total allowed sign area.
 - (4) Way finder signs are signs which are often referred to as "wayfinders" that give orientation, traffic control, or direction to businesses and civic organizations in a commercial district and town owned parks in any zoning district, approved by the authority of the town council. The town will provide and maintain such signs in any zoning district. Such signs shall conform to DOT codes applicable where necessary. Town council shall approve uniform design criteria in keeping with section 86-211.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2013-06, 4-11-13; Ord. No. 2015-09, § 3(Exh. C), 5-14-15; Ord. No. 2017-16, 6-8-17; Ord. No. 2018-18, 8-9-18; Ord. No. 2018-27, 1-10-19; Ord. No. 2021-01, § 2, 9-9-21)

Sec. 86-215. Nonconforming signs.

(a) *Generally.*

- (1) A "nonconforming sign" is any sign that was legally established but which no longer complies with the sign regulations contained in article V of this chapter.
- (2) A nonconforming sign shall not be changed or replaced with another nonconforming sign, including changing the sign face.
- (3) A nonconforming sign shall not be modified in any way which would increase the degree of nonconformity. No changes in the existing sign will be allowed except those repairs which are necessary to keep the sign in good working order.

(b) *Nonconforming on-premises signs.* Any sign in existence upon adoption of this article, which had up to date permitting and was in conformity with the sign ordinance provisions existing prior to that date, but was not in compliance with the provisions of the Code of Ordinances as of the date of adoption of this article, and is not made conforming by the provisions of this article shall be deemed nonconforming, but shall be allowed to continue to be displayed by virtue of its "grandfathered" status, subject to the limitation that only one existing off-premises signs is allowed per lot per business; however, should a continuing nonconforming sign be destroyed for any reason, it shall not be re-erected except in conformance with other terms of this article. In addition, the copy of such sign may be changed only by permit and permission of the building department. This approval will be based upon guidelines in section 86-211.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2015-09, § 3(Exh. C), 5-14-15; Ord. No. 2021-01, § 2, 9-9-21)

Sec. 86-216. Severability.

- (a) *Generally.* In any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article.
- (b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), above, or elsewhere in this article, this Code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such on constitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article, even if such severability would result in

a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

- (c) *Severability of provisions relating to certain prohibited or exempted signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), or elsewhere in this article, this Code or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, clause, term or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such on constitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this article that pertains to prohibited signs, including specifically those signs and typed exempted or prohibited, and not allowed under any section of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of section 86-212, prohibited signs, is declared unconstitutional by the valid judgment or decree of any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of those sections, thereby insuring that as may prohibited sign types as may be constitutionally prohibited continue to be prohibited, and those exempted may continue to be exempted.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2015-09, § 3(Exh. C), 5-14-15)

Sec. 86-217. Height limitations.

The maximum height for all signs within the town shall be 20 feet from finished grade at the base of the sign.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2015-09, § 3(Exh. C), 5-14-15)

Sec. 86-218. Penalties for noncompliance.

Upon adoption of this article, the town will notify in writing the owners of all nonconforming and prohibited signs. The owners shall have 90 days from the date of adoption of this article by the town to bring their signs into compliance with this article or be deemed in noncompliance. Noncompliance shall be considered a misdemeanor and, upon conviction, shall be punished in accordance with section 1-6.

(Ord. No. 2012-17, Exh. A, 9-13-12; Ord. No. 2015-09, § 3(Exh. C), 5-14-15; Ord. No. 2018-18, 8-9-18)

Secs. 86-219—86-234. Reserved.