

Title 14

SIGNS

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Chapter 14-1

INTERPRETATION AND PURPOSE OF TITLE

Sections:

14-1-1 Interpretation and Purpose of Title.

14-1-1 Interpretation and Purpose of Title. The purpose of this Ordinance is to promote and protect aesthetic values as well as the public health, welfare and safety by regulating the size, height, design, quality of materials, construction, location, illumination and maintenance of signs and sign structures within the Alberton zoning area.

This ordinance is intended to protect property values and to create a more attractive and economic business climate, while at the same time, preserving and enhancing the scenic and natural beauty of the Town. This ordinance serves to coordinate the mutual desire of the business and the residential communities of Alberton, to maintain, preserve and enhance this unique valley and its green open spaces.

This ordinance recognizes the right of the citizenry to identify itself, its products and its services. It is intended that wasteful and unsightly competition in signs be avoided and that the community's economic value be enhanced by the attraction and direction of persons to various activities and enterprises with maximum public convenience consistent with quality and attractiveness of the community.

Provisions for the administration and enforcement of this Ordinance are included, as well as provisions for the conformance of non-conforming signs.

Chapter 14-2

DEFINITIONS

Sections:

- 14-2-1 Generally
- 14-2-2 Definitions

14-2-1 Generally

The following words and phrases, as used in this chapter, shall have the meanings ascribed to them in this section:

14-2-2 Abandoned Sign. Means an on-premises or off-premise sign, including the sign frame, which no longer correctly directs, exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available at the premises to which the sign refers.

14-2-3 Affiliated Sign. Is any sign with a message identifying membership in an association of businesses - e.g. master charge, visa, etc.

14-2-4 Billboard. Is a sign designed to advertise products, services or businesses not necessarily located on the premises on which the sign is located. This sign is also designed with a painted surface or on which temporary poster panels or bulletins are mounted for the purpose of conveying a visual advertising message.

14-2-5 Border Means an edge or line constituting the perimeter of a sign.

14-2-6 Business. Means a profit making, charitable or governmental organization involved in the provision of goods or services.

14-2-7 Business Facade. Means an exterior wall, of a place of business, which wall has a doorway for pedestrian access and faces an adjacent public street, public walkway or parking lot. A series of connected walls located in parallel or general parallel planes shall be deemed a single business facade.

14-2-8 Conforming Signs. Signs which were lawfully erected and which comply with spacing, zoning, size, lighting and all other requirements under the Outdoor Advertising Act and the outdoor advertising regulations promulgated by the highway commission (Department of Transportation).

14-2-9 Directional Sign. Is a sign, other than a government sign, not more than

four (4) square feet, which provides directions for traffic flow to places of business. These signs shall be limited to logo and direction.

14-2-10 Erect. Means build, construct, hang, place, relocate, enlarge, alter, attach, suspend, paint, post or display.

14-2-11 Freestanding Sign. Means a sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign.

14-2-12 Gaseous Illumination. Is light created by the excitation of any gas, e.g... Neon gas.

14-2-13 Garage Sale Sign. Is a sign with a message advertising the resale of personal property by a resident on his property.

14-2-14 Graphic Design. Means any artistic design or portrayal painted on an exterior wall, fence, awning, window or other structure which is visible from any public of way, and which has as its purpose artistic effect, and not the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person or organization.

14-2-15 Height. Is the distance measured from the road grade to the apex of the sign.

14-2-16 Historic Signs. Any sign which is in excess of 30 years old and has a unique historic value to the Town of Alberton, as determined by the Alberton Town Council.

14-2-17 Identification Sign. A sign erected with a message describing a place of business, its products, services or activities.

14-2-18 Indirect Lighting. Means a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign.

14-2-19 Internal Lighting. Means a source of illumination entirely within the sign, which makes the signs visible at night by emanating light outward. The source of illumination shall not be visible.

14-2-20 Marquee. Means a permanent roof structure attached to and supported by the building and projecting over public property.

14-2-21 Message Center. Is a sign that displays community service oriented messages along with incidental advertising for the business to which it relates. It must contain electronically updated time, temperature and date.

14-2-22 Nameplate. Means a sign with a message that identifies only the name and or address of the occupant.

14-2-23 Non-conforming Signs. Any sign which was lawfully erected, but does not comply with the provisions of state law or local regulations passed at a later date, or which later fails to comply with the state law or regulations due to changed conditions. Illegally erected or maintained signs are not non-conforming signs.

14-2-24 Off-premise Signs. All signs which advertise a business or activity not on the particular piece of property on which they are erected.

14-2-25 On-premise Signs. All signs erected on property for the sole purpose of advertising its sale or lease or of advertising an activity conducted on the property. To qualify as on-premise, a sign advertising an activity conducted on the property must be located on the land actually used or occupied by the activity.

14-2-26 Permanent Sign. Means any sign for which a sign permit is issued with no time limit in accordance with the provisions of this chapter. Any mention of signs in this chapter shall be considered to mean permanent signs unless this chapter specifies a time limit or references to "temporary signs".

14-2-27 Place of Business. Shall mean either:

A. A building or portion thereof occupied by one business having exclusive entry and exit (e.g., none of its doorways and hallways used by another business) to and from the exterior of the building; or

B. A building or portion thereof occupied by two or more businesses having any entrance and exit to and from the exterior of the building shared by the businesses (e.g., doorways or hallways used in common.)

14-2-28 Political Sign. Is a sign with a message advocating a particular candidate, party or proposition.

14-2-29 Projecting Sign. Means a sign erected upon a building wall or canopy and projecting more than twelve inches (12") outward from the plane of the business facade.

14-2-30 Public Sign. Is a sign posted by a government officer (e.g., traffic signs and legal notices) and signs indicating utility locations.

14-2-31 Reader-board. Means a sign constructed to display an advertising message that may be changed by the manual electronic or other manipulation of letters or numbers on its face (s).

14-2-32 Real Estate Sign. Means a temporary sign with a message announcing the offer to build on, sell, rent or lease the premises upon which it is displayed.

14-2-33 Roof Signs. Prohibited.

14-2-34 Shopping Center. Means five or more businesses located on one or more parcels of land sharing common vehicular access from the street and/or common parking facilities. A single shopping center shall be deemed to include all businesses to which the common access and parking are available.

14-2-35 Sign. A sign means any medium for visual communication, including its supporting structure and source of light, which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction or informational purposes and is viewable from a public right-of-way.

Double-faced, back-to-back, and V-type signs shall be considered as a single sign or structure. (Per MCA - 75-15-113.)

14-2-36 Special Event Sign. Is a banner or sign with a message identifying a civic or public event or holiday.

14-2-37 Temporary Sign. Means any sign for which a sign permit is approved and issued with a time limit or which is described in this chapter as having a time limit. All regulations of signs shall apply to temporary signs as well as to permanent signs, except as otherwise specified herein.

14-2-38 Under-Marquee Sign. Is a sign suspended under a marquee, porch, canopy, walkway covering or similar covering structure.

14-2-39 Un-zoned Commercial or Industrial Area. Means an area not zoned by state or local law, regulation or ordinance that is occupied by one or more industrial or commercial activities, other than outdoor advertising, on lands along the highway for a distance of 600 feet immediately adjacent to the activities.

14-2-40 Wall Sign. Means a sign erected upon a building, fence or other structure, at no point projecting more than twelve inches (12") horizontally to the back of the sign from the surface upon which it is erected. Also, the sign shall not project above the apex of the main roof or false roof structure, which is visible from the public right of way.

14-2-41 Window Sign. Is any sign erected inside or outside of a window or otherwise located within a building in a manner allowing conspicuous viewing from the exterior of the building through a window or opening. Merchandise displayed for sale is excluded. All interior signs up to and including those within four feet (4') of the inside of the window are considered "window signs".

Chapter 14-3

ON PREMISE SIGNS REQUIRING A PERMIT

Sections:

14-3-1 Generally

14-3-2 Characteristics

14-3-1 Generally. all on-premise signs permitted as accessory uses on commercial and industrial properties require a permit and are subject to the following regulation:

14-3-2 Characteristics - (On-premise)

A. Projection. Projection of wall signs shall not exceed two (2) feet measured from the face of the building. No wall sign may project above the highest point of roof structure of the building to which it is attached.

B. Setback. No on-site free standing sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses permitted in the Town. No free-standing sign may be erected or placed closer than fifty (50) feet from a side or rear lot line abutting a residential property.

C. Lighting. Signs may not incorporate animated lighting (I.E. flashing, moving, rotating or intermittent). In no event may an illuminated sign be placed or directed to cause glare or reflection that constitutes a nuisance on residential properties or a traffic hazard. The light source shall not be visible from any off-site point. All wiring, fittings, and materials used in the construction, connection and operation of illuminated signs shall be in accordance with the State Electrical Code.

D. Height. No free-standing signs shall exceed fourteen (14) feet in height from the ground.

E. Number of Signs Permitted. On commercial properties, one free-standing sign per one hundred and fifty (150) feet of frontage shall be permitted, provided such sign meets all other requirements of this ordinance. In addition, wall signs may be installed provided they do not exceed the allowable area.

F. Size. The total surface area of all freestanding signs on a property is limited to fifty (50) square feet. Wall signs shall be permitted to cover

thirty percent (30%) of the exposed facade of the building on which they are mounted.

Chapter 14-4

OFF-PREMISE SIGNS REQUIRING A PERMIT

Sections:

14-4-1 Generally

A. Billboards

1. Location
2. Spacing
3. Size
4. Shielding
5. Setback
6. Lighting

B. Directional Signs

1. Location
2. Size
3. Number
4. Permits

14-4-1 Generally. Signs and billboards located on premises to which they do not specifically relate (off-premise signs) require a permit and are subject to the following regulations.

A. Billboards. All signs and billboards are specifically prohibited from erection or display upon any property classified, pursuant to the Town of Alberton Zoning Ordinance, as "Residential A or B" or "Open Space/Public/Residential (ORP)" other than those specifically allowed pursuant to "Chapter 14-7 Section 14-7-1 Exempt Signs" of this ordinance.

1. Location. All billboards must be located in areas zoned "Commercial - Less Intense" or "Industrial/Intense Commercial." No billboard can be located closer than 500 feet from any park or residential area.

2. Spacing. No billboard can be located closer than 500 feet away from the nearest billboard.

3. Size. No billboard can have a surface exceeding 300 square feet per side per face. No billboard can have a width exceeding 30 feet. Maximum height from the top of the sign shall not exceed 22 feet above ground level at the highest point.

4. Shielding. Existing billboards, within 500 feet of a park or residential area shall be shielded by evergreen landscaping.

5. Setback. No billboard may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses in the Town in which they are passed.

6. Lighting. In no event may an illuminated billboard be placed or directed to cause glare or reflection that constitutes a nuisance residential properties or a traffic hazard. Lighting shall be directed to the face of the sign and bulbs that are not covered on the sides shall not be allowed. No flashing, moving, rotating, or intermittent light sources shall be allowed. Lighting sources shall be limited to 110 watts per bulb with a maximum bulb length of 96" maximum of 2 bulbs per billboard will be allowed. Lighting sources shall be attached to the top of the sign and be shielded. Halifane lights are prohibited.

B. Directional Signs

1. Location. Directional Signs within the town limits must be located in areas designated "Commercial - Less intense" or "Industrial."

2. Size. Directional signs can not have an area larger than 4 square -feet and can not be higher than10 feet from ground level.

3. Number. No more than (2) two, directional signs within (2) miles of the business activity or area of interest will be allowed.

4. Permits. These signs are conditional on receipt of approval by the Town Council.

Chapter 14-5

TEMPORARY SIGNS REQUIRING A PERMIT

Sections:

- 14-5-1 Allowable Signs
- 14-5-2 Deposit
- 14-5-3 Area
- 14-5-4 Removal
- 14-5-5 Additional Permits

14-5-1 Allowable Signs. The following signs may be issued a temporary permit by the Town Clerk:

- A. Portable reader-boards may be permitted for up to ten (10) consecutive days.
- B. Special event signs may be permitted for up to ten (10) consecutive days. Such signs may use moving devices such as banners, spinners, streamers, and pennants.
- C. "Going out of business" sale signs may be permitted for a period of up to sixty (60) consecutive days. There shall be twenty-four (24) month interim period between the expiration of one "going out of business" permit and the issuance of another to the same applicant, business or entity.

14-5-2 Deposit. A deposit of \$50 shall be required to insure removal at the end of the permit period. This deposit shall be made with the Town Clerk.

14-5-3 Area. The area of temporary signs shall be limited to fifty (50) square feet.

14-5-4 Removal. Upon expiration of the permit, the temporary sign and all appurtenances thereto shall be removed.

14-5-5 Additional Permits. There shall be a ninety (90) day interim period, beginning the date of expiration of the permit, before another permit may be issued for a temporary sign on the same parcel of land. This shall not apply to "Going out of Business" signs.

Chapter 14-6

PERMITS

Sections:

14-6-1 Generally

14-6-2 Application

14-6-1 Generally. It is unlawful to display, erect, relocate or alter any sign without first filing with the clerk/treasurer a written application and obtaining a sign permit except as exempted in those regulations.

14-6-2 Application. Each application for a sign permit must be accompanied by a plan or plans drawn to scale and including:

- A. The dimensions of the sign and where applicable, the dimensions of the wall surface to which it will be attached;
- B. Dimensions of the sign's supporting structure;
- C. Height of the sign;
- D. The proposed location of the sign relative to the face of the building and to the boundaries of the lot;
- E. Description of building materials, illumination and colors; and
- F. A processing fee in the amount of \$25.00 will be charged per permit. "Grand-fathered" signs will be \$5.00 each or \$10.00 for multiple signs.

Chapter 14-7

EXEMPT SIGNS

Sections:

14-7-1 Exempt Signs

14-7-1 Exempt Signs. When not containing a characteristic of a prohibited sign and when non-illuminated and containing no reflective paint, and when complying with the height limitations stated in this ordinance, the following signs may be erected without a permit:

- A. Flags of all nations, states and political jurisdictions.
- B. Garage sale signs for each residence, not to exceed six square feet (6'), temporarily erected on site for not more than one (1) week during any consecutive ninety (90) day period.
- C. Nameplates.
- D. Political signs, each not exceeding twelve square feet, located on private real property with owner's permission and temporarily erected not more than thirty (30) days prior to, and removed not more than one (1) week after the election or event to which the sign pertains.
- D. One (1) on-site real estate sign.
- F. One off-site real estate sign when the location of the dwelling is not viewable from the intersection of the public street and the access-way to the parcel, and provided the sign is located within twenty-five feet (25') of the public street intersection, and that written permission of the property owner is secured.
- G. Special event signs erected for not more than twenty-one (21) days, provided prior permission of the property owner is secured. These signs shall be removed not more than one (1) week after the event to which the sign pertains.
- H. Memorial plaques, corner stones, historical tablets and the like.
- I. Historical signs, when so designated by the Town Council.
- J. Signs located on private property which are not visible from any public right-of-way.

Chapter 14-8

PROHIBITED SIGN CHARACTERISTICS

Sections:

14-8-1 Generally

14-8-1 Generally. The following characteristics shall be prohibited in all signs:

- A. Any sign of a type which has a size or other characteristic exceeding any limitation stated in this ordinance shall be prohibited.
- B. Hazards to Exits and Entrances. No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with, the free use of any fire escape, entrance, exit or standpipe. No sign shall be erected which will obstruct any required stairway, door ventilator or window.
- C. Hazards to Traffic. No sign shall be erected in such a manner that it will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic.
- D. Motion. Except for exempt flags, any sign constructed to incorporate windblown materials, moving parts or the appearance of motion by use of flashing or reflected light or other devices shall be prohibited except that time/temperature and or message center signs shall be permitted where specifically referred to.
- E. Portable Signs. Signs erected upon trailers or portable rigs which tend to promote the business of the respective establishment shall be prohibited.
- F. Illumination. Signs with flashing lights or changing colors are prohibited.

Chapter 14-9

MAINTENANCE

Sections:

14-9-1 Generally

14-9-1 Generally. All signs shall be kept in a neat, clean and attractive condition. This includes the periodic cleaning, painting, repairing and or general maintenance of the sign. Maintenance shall also include the updating of the information provided by signs. All signs shall give an accurate representation of the current goods/prices offered, occupant, and or other circumstances that are advertised on the sign. This maintenance shall be the responsibility of the holder of the sign permit. Any sign that is not properly maintained shall be deemed to be a safety hazard or un-maintained and shall be removed by the owner within (30) thirty days of receiving a notice from the Town Council. If not removed by owner, the Town Council shall have it removed at the owner's expense.

Chapter 14-10

ADMINISTRATION AND VARIANCES

Sections:

- 14-10-1 Administration and Variances
- 14-10-2 Nonconforming Uses
- 14-10-3 Violations
- 14-10-4 Removal
- 14-10-5 Appeals
- 14-10-6 Severability

14-10-1 Administration and Variances. Only the Town Council is authorized to permit variances in the administration of this Ordinance when good taste and unusual circumstances and/or practicality justify the granting of a variance. To apply for a variance, a person must file a petition with the Town Council setting forth what variance is requested and the reasons for the request. All applications and all petitions for new sign variances shall be exclusively administered by the Town Council. The Town Council shall cause notice to be posted in at least three prominent places within the town of the time and place set for a hearing on the petition. Posting shall be made not less than ten days before the date of the hearing. At such hearing, the Town Council shall hear all persons and all objections and recommendations relative to the proposed change. Action shall be taken upon the petition by the Town Council at the next regularly scheduled meeting.

14-10-2 Nonconforming Uses.

A. Any sign lawfully erected prior to date of passage, which exceeds the limitations of this Ordinance shall be deemed nonconforming and may continue to exist until made nonconforming by the earliest of the following events.

1. No action shall be taken to increase the degree or extent of the nonconformity of the sign. A change in the information on the face of an existing nonconforming sign is allowed.
2. When any change, repair, or maintenance would constitute an expense of more than 30% of the current cost of constructing a new sign, such nonconforming sign shall either be eliminated or made to conform with the requirements of this ordinance.
3. Change of use or business, or termination of the business which existed, or
4. Destruction or deterioration of the sign to an extent of the sign to an

extent that the current cost of repair exceed thirty percent (30%) of the current cost of constructing a new sign which duplicated the old.

B. All signs deemed nonconforming by this Section shall be made to comply with the requirements of this Ordinance by June 1, 2000. Signs made nonconforming due to location shall be relocated to conforming zones.

C. All signs lawfully erected prior to the passage of this ordinance, are hereby "Grand-fathered" into this ordinance pursuant to subsection A and B of this section.

14-10-3 Violations. When in the opinion of the Town Council a violation of the code exists, the Town Clerk shall issue a written notice to the alleged violator. The order shall specify those sections of the code of which the individual may be in violation and shall state that the individual has thirty (30) days from the date of the notice to correct the alleged violation or appeal to the Town Council.

If upon inspection the Town Council finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers public health and safety, the Town Clerk shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within thirty (30) days of the date of the order.

In cases of emergency, the Town Council may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety.

14-10-4 Removal of Signs by the Order of the Town Council. The Town Council may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Town Council together with an additional ten (10) percent of Town Council's cost for inspection and incidental costs.

If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become a lien against the property together with a ten (10) percent penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Town Council as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

14-10-5 Appeals. Appeals to the Town Council may be made when a completed application is not acted upon within thirty (30) days of receipt by the Clerk or if the applicant is denied a permit. Appeals to the Town Council may also be made pertaining to a notice of violation.

The action being appealed shall be held in abeyance pending the decision of the Town Council.

14-10-6 Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

FINALLY PASSED AND ADOPTED by the Town Council of the Town of Alberton, Montana, on the 5th day of September 1995, and approved by the Mayor thereof on the same day.