

Notice is hereby given that at 6:30 p.m. on November 21, 2011, or as soon thereafter as the matter can be reached for hearing, there will come before the Mayor and Council of the City of Covington, Georgia, at Covington City Hall, 2194 Emory Street, N.W., Covington, Georgia, the passage of an ordinance entitled:

"AN ORDINANCE OF THE CITY OF COVINGTON, GEORGIA, TO AMEND THE COVINGTON MUNICIPAL CODE ENACTED AND ADOPTED ON THE 16TH DAY OF OCTOBER, 2001, AS AMENDED BY PREVIOUS AMENDMENTS, TO ALTER CERTAIN PROVISIONS OF TITLE 16 OF THE SAID CODE FOR THE PURPOSES OF AMENDING CHAPTER 16.48 THEREOF RELATING TO SIGNS, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES."

A copy of said proposed ordinance is posted on the bulletin board at the City Hall, 2194 Emory Street, Covington, Georgia.

This 8th day of November, 2011.

THE CITY OF COVINGTON
Audra M. Gutierrez
Acting City Clerk

BE IT ORDAINED by the Mayor and Council of the City of Covington in council duly assembled and it is ordained by the authority of same that Chapter 16.48 (Signs) of the Code of Ordinances of the City of Covington Georgia ("Code") is hereby amended as follows:

1.

By deleting Chapter 16.48 of the Code in its entirety and substituting in lieu thereof the following:

**"Chapter 16.48
SIGNS**

Sections:

- 16.48.010 Purpose and intent.**
- 16.48.020 Scope of Regulations.**
- 16.48.030 Definitions.**
- 16.48.040 Signs regulated by zoning district.**
- 16.48.050 Additional permitted signs.**
- 16.48.060 Temporary signs requiring permit.**
- 16.48.070 Standards**
- 16.48.080 Prohibited signs.**
- 16.48.090 Procedures.**
- 16.48.100 Construction and maintenance.**
- 16.48.110 Enforcement.**
- 16.48.120 Fines and penalties.**
- 16.48.130 Inspection.**
- 16.48.140 Nonconforming signs.**
- 16.48.150 Appeals and variances.**
- 16.48.160 Severability.**

"16.48.010 - Purpose and intent.

It is the purpose of the city council in enacting this chapter to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the further purpose of this chapter to encourage an aesthetically attractive environment, while allowing sufficient opportunities for communications to serve business and comply with the federal and state constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location,

construction and illumination. Signs can detract from the beauty of a neighborhood and lower property values. In seeking to comply with federal and Georgia law, the city council has determined the following: large billboards are, as the U.S. Supreme Court has recognized, an aesthetic harm; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, judicial decisions of the Eleventh Circuit have recognized that portable signs are visual clutter and a potential traffic hazard. These holdings support the constitutionality of this chapter, as intended by the city.

Many signs can also be a hazard and negatively impact traffic safety, by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this chapter to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction.

16.48.020 – Scope of regulations.

It shall be unlawful for any person to erect, construct, enlarge, move, alter, or convert any sign or cause the same to be done within the city except in accordance with the provisions of this chapter.

Nothing herein shall be construed to permit display of any message which is obscene, illegal or speech which is otherwise unprotected under the First Amendment of the United States Constitution. Nothing herein shall be construed to prohibit a prosecution for violation of a criminal statute by the city or other duly constituted government authority or a civil action by the city or other private person or entity.

16.48.030 - Definitions.

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. Words in the present tense include the future, words in the singular include the plural number, and words in the plural include the singular. In addition to the words and terms elsewhere defined in this chapter or otherwise in this code, the following words and terms, as used herein, shall have the following meanings unless the context or use indicates another or different meaning or intent:

The word "shall" is mandatory and not discretionary.

The word "may" is permissive.

The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

The word "structure" includes the word "building."

"Abandoned sign" A sign which refers to a use, activity or idea that is no longer located on the property where the sign is located, or which has ceased to be used through the removal of its copy or the deterioration of its copy through lack of maintenance.

"Animated sign" means a sign with action or motion with moving characters or flashing lights or colors which require electrical energy.

"Area of sign" or "sign area" means the area within a continuous perimeter enclosing the limits of written representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed, excluding the necessary supports or uprights on which a sign is placed; provided, however, that an open space contained within the outer perimeter of the display face of a sign or between any component, panel, strip or figure of any kind composing the display face shall be included in the computation of the area of the sign, whether or not such open space is enclosed by a frame or border.

"Balloon" means a sealed nonporous, flexible bag or character designed to be inflated with air or a gas; such as, but not limited to, helium.

"Banner" means a temporary sign of lightweight fabric, plastic or similar material designed to be hung either with or without a frame or other structure, with characters, letters, illustrations or ornamentation. National flags, state and municipal flags, and official flags of businesses, institutions or other organizations shall not be considered banners.

"Building facade" or "face" means the portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes.

"Building frontage" means the length of an outside building wall facing a street.

"Building lot" means that area of land that includes all of the land area improved and/or utilized as part of the same development. The foregoing definition expressly excludes a separate lot of land under the city's subdivision regulations contained in this title that has been developed as a separate, freestanding commercial or professional facility with separate parking facilities and is clearly independent of the adjoining developments. For example, the building lot of a shopping center would include the total area including the parking lot, drives, walks, open areas, common areas, and all connecting or adjacent buildings that are part of a common scheme of development, but would expressly exclude the "outlots" of a shopping center that were conveyed by fee simple title or long-term ground lease to third parties for the development of a freestanding commercial or professional establishment such as a bank, restaurant or similar facility having its own parking and other amenities.

"Building official" means the director of inspections of the city or his authorized representative.

"Canopy sign" means a sign imposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway. Such signs may be mounted flush or suspended.

"Changeable copy sign" means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

"City" means the city of Covington, Georgia, and the geographic area included within the corporate limits of the city of Covington.

"Code" means the Covington Municipal Code as amended from time to time by the governing authority of the city.

"Copy" means the wording or graphics on a sign surface, in either permanent or removable form.

"Detached sign" means a permanent sign affixed to the ground which is wholly independent of any building and supported by one or more columns, upright braces or constructed devices.

"Directional sign" means a sign within a commercial or industrial district identifying the entrance to a premises or directions to various premises, amenities or other facilities within a planned center.

"Directory sign" means a sign containing information relative to the location, distance to, entrance to, and exit from structures or land use activities.

"Flag" means any fabric banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other organization.

"Flashing sign" means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.

"Fluorescent color" means a color that is intense, brilliantly colored and apparently giving off light, often described as day-glow colors.

"Governing authority" means the mayor and council of the city.

"Ground sign" means a sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

"Height," as applied to a sign, means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way, other than an alley. In the event a sign is equal distance from more than one improved public right-of-way, none of which are alleys, the highest point shall be used. Where the elevation of the ground at the right-of-way line nearest the sign is equal to or greater than five feet above the vehicular traffic surface, the permitted height of the sign may be established as a variance to this article, limited, however, to the least variation required to place the applicant's signage in a similar position to other allowable signage.

"Illuminated sign" means a sign electrically illuminated directly or indirectly.

"Inflatable" means a non-sealed flexible bag or character designed to be inflated and cause to remain in such state of inflation by the continued use of a mechanical device; such as but not limited to a fan, pump or generator.

"Mobile sign" means a sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promoting a message.

"Nonconforming sign" means a sign legally erected prior to the effective date of this chapter which fails in one or more respects to comply with all provisions of this chapter.

"Official sign" means any sign posted by or at the direction of a governmental entity.

"Pennant" means any lightweight plastic, fabric or other material, suspended from a pole, rope, wire or string, often in series, designed to move in the wind.

"Permanent sign" means any sign attached securely to a building, wall, canopy, roof or the ground by means of concrete, bolts, metal braces or treated wood or cedar, and continuing in the same state or without essential change to the sign structure.

"Permit" means a certificate issued by the city allowing the erection, construction or placement of a sign.

"Planned center or Strip shopping center" means a group of stores, offices or businesses, occupying distinct and separate spaces that are open to the public and combined into one building complex on one lot with dedicated access to each such space through a common lobby or directly from the exterior of the complex.

"Portable signs" means signs which are attached to vehicles, trailers, movable structures or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported.

"Prohibited sign" means any sign, other than a nonconforming sign, not conforming to this chapter.

"Projecting sign" means a sign which is attached to the building wall and which extends more than eighteen (18) inches from the face of such wall.

"Public service sign" means any sign erected and maintained by public officials or public agencies.

"Roof sign" means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof.

"Rotating sign" means a sign which is designed to revolve by means of electrical power.

"Sail sign" means a piece of cloth, varying in size, shape, color, and design, attached at one edge to a staff or cord for the entire vertical length of the cloth, and used as a means of conveying a message.

"Sandwich sign" means a freestanding portable sign, also referred to as an "A frame sign" that is not permanently attached to a building structure or the ground.

"Setback" means the distance from a property line to the nearest part of a building structure or sign, as measured perpendicularly to the property line.

"Sign" means a device, fixture, placard, structure or representation that uses any display of color, form, graphic, illumination, image, letters, shapes, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For purposes of this Chapter, the term "sign" shall include the structure upon which the face is located.

"Sign face" means the portion of a sign on which words, shapes or images are displayed.

Sign, Attached. "Attached sign" means any sign attached to, applied on or supported by any part of a building (such as roof, wall, window, canopy, awning, arcade or marquee) which encloses or covers usable space.

Sign, Box/Cabinet. "Box/cabinet sign" means a sign being flat in appearance with little or no depth dimension. Box signs include flat signs either internally or indirectly illuminated and with or without a frame.

Sign, Channel Letter. "Channel letter sign" means a sign where the letters or symbols are comprised of a U-shaped aluminum channel, with plastic front faces, which are individually cut and form letters spelling out a word or words or symbol(s) to be used to form a message.

"Sign clearance" means the vertical distance from the established finished grade of the sidewalk or ground to the lower edge of a sign.

Sign, Light Emitting Diode (LED). "Light emitting diode (LED) sign" means an electronic device that lights up when electricity is passed through it. They are usually red but can be multi-colored. Used for displaying images because they can be relatively small.

Sign, Neon. "Neon sign" means an illuminated sign containing a glass tube filled with neon or phosphorus, which is bent to form letters, symbols or other shapes.

Sign, Wall. "Wall sign" means a sign attached to or painted on the exterior wall of a building. The total lettering on one facade of a building or structure shall constitute one wall sign.

"Signable area" means that area of the facade of a building up to the roofline, free of windows and doors or major architectural detail, to which a sign may be attached or erected; provided, however, that the "signable area" for a fascia sign shall be further restricted to the horizontal area along the building facade below any upper story windows unless there is adequate space between windows and rooftop when a principal use structure is greater than one story in height.

"Standard Informational Sign" means a sign with an area not greater than four and one-half (4 ½) square feet, with a sign face for short-term use, containing no reflective elements, flags, or projections, and which, when erected, stands at a height not greater

than two and one-half feet (2 ½), and is mounted on a wooden stake or metal frame with a thickness or diameter not greater than one and one-half (1 ½) inches.

"Streamer" see definition of pennant.

"Street frontage" means the length of a property line along the street on which it borders.

"Temporary sign" means a display, informational sign or banner with or without a structural frame, not permanently attached to a building, structure or the ground, and intended for a limited period of display.

"Tenant frontage" means the horizontal distance in feet between the left side wall and the right side wall or building end of a tenant space fronting a street or common parking area.

"Trailer sign" means any sign attached to a trailer.

"Vehicular sign" means any sign attached to a vehicle except for work vehicles of a business or organization or common carriers used primarily for daily transportation of employees, equipment or goods.

"Wall sign" means a single-face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure and which projects no more than eighteen (18) inches from the exterior wall of a building. Individual letters in addition to the "box type" (i.e., letters and symbols on an attached backing) sign may also be installed and constitute a wall sign. Such a sign may be constructed without constituting an encroachment into a required side or front yard setback line. For the purposes of this Section, this term includes Fascia sign.

"Window sign" means any sign painted on or attached to or placed in a window so that it is designed to be viewed primarily from the outside or exterior of a building.

"Zoning district" means the use classification of parcels of land as defined under the zoning ordinance.

"Zoning ordinance" means the official zoning ordinance of the city codified at this title of the Covington Municipal Code.

16.48.040 - Signs regulated by zoning district.

Types of signs and regulatory aspects of those signs, allowed per zoning district shall be as follows:

- A. Signs Permitted in the TCR, CR, NR1, NR2 and NR3 Zoning Districts.
 - 1. The aggregate sign area of all signs on a parcel zoned CR, NR1, NR2 and/or NR3 shall not exceed sixteen (16) square feet; provided that during the period of time commencing with opening and qualifying for elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of Standard Informational Signs may be erected.
 - 2. No sign shall be erected to a height greater than four (4) feet.

3. Ground signs are allowed subject to the limitation of one (1) per road frontage. Internal illumination is prohibited. Such sign(s) may be illuminated with external lighting fixtures provided that fixtures are directed away from streets and adjacent properties.
 4. All signs erected shall be supported by independent means by use of a wooden stake or metal frame inserted directly into the ground.
 5. Parcels may contain Standard Informational Signs, subject to the aggregate sign area allowance, without a permit fee, placed so that they are located entirely on private property.
 6. Window signs are allowed subject to the limitation of one per dwelling not to exceed twenty-five (25) percent of the area of the window.
 7. No sign erected in the TCR, CR, NR1, NR2 and/or NR3 zoning district shall be illuminated except as permitted in number 3 above.
- B. Signs Permitted in the TCM Zoning Districts.
1. Ground Signs. One sign structure per road frontage per lot of up to forty (40) square feet per sign face with an aggregate total of each sign not to exceed eighty (80) square feet with a maximum height of six (6) feet and a minimum setback of ten (10) feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.
 2. Window Signs. Total signage shall not exceed fifteen (15) percent of the area of windows facing the road frontage.
 3. Wall Signs. One wall sign per road frontage for each tenant no greater than 1 sq. ft. of sign area per 1 linear foot of tenant space frontage shall be permitted. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.
 4. Canopy Signs. One per establishment not to exceed eight (8) square feet made onto the canopy material.
 5. Projecting Signs. One per building not to exceed six (6) square feet. Minimum height is seven feet six inches above any pedestrian way.
 6. Sandwich or A-type Signs. One per establishment not to exceed eight (8) square feet per sign face and four (4) feet in height. Sandwich signs may be placed directly in front of the building, but not in the public right-of-way, and may not impede the flow of pedestrian traffic. Such signs must be removed between the hours of ten p.m. and seven a.m.
- C. Signs Permitted in the NM Zoning Districts.

1. Ground Signs. One sign structure per road frontage per lot of up to forty (40) square feet per sign face, with an aggregate total of each sign not to exceed eighty (80) square feet and with a maximum height of eight (8) feet and a minimum setback of ten (10) feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.
 2. Window Signs. Total signage shall not exceed twenty-five (25) percent of the area of windows facing the road frontage.
 3. Wall Signs. One wall sign per road frontage for each tenant no greater than 1 sq. ft. of sign area per 1 linear foot of tenant space frontage shall be permitted. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.
- D. Signs Permitted in the CM Zoning Districts.
1. Ground Signs. One sign structure per road frontage per lot of up to one hundred (100) square feet per sign face, with an aggregate total of each sign not to exceed two hundred (200) square feet and with a maximum height of eight (8) feet and a minimum setback of ten (10) feet. If the lot contains a principal building or planned center of over fifty thousand (50,000) square feet, the maximum area per sign shall be one hundred twenty (120) square feet per face, with an aggregate total of each sign not to exceed two hundred forty (240) square feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.
 2. Window Signs. Total signage shall not exceed twenty-five (25) percent of the area of windows facing the road frontage.
 3. Wall Signs. Each tenant shall have no greater than 1 sq. ft. of sign area per 1 linear foot of tenant space per elevation. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.
 4. Roof Signs. In lieu of a wall sign(s) a tenant or stand alone building may erect one permanent roof sign per road frontage, the following standards shall apply:
 - a. The height of the roof sign and supporting structure shall not exceed ten percent (10%) of the building height upon which it is erected.

b. The maximum square footage of a roof sign shall be equivalent to that of the building's linear foot per road frontage. Under no circumstances shall a roof sign overhang the building upon which it is erected.

c. Signs located between the wall plate and curb on a mansard roof are considered wall signs.

E. Signs Permitted in the M-1 and M-2 Zoning Districts.

1. Ground Signs. One sign structure per road frontage per lot of up to one hundred (100) square feet per sign face with an aggregate total of each sign not to exceed two hundred (200) square feet, with a maximum height of eight (8) feet and a minimum setback of ten (10) feet. If the lot contains a principal building of over sixty-five thousand (65,000) square feet, the maximum area per sign face shall be one hundred-fifty (150) square feet, with an aggregate total of each sign not to exceed three hundred (300) square feet. Ground signs shall be attached to a permanent wall or base constructed of brick, stone or textured concrete masonry units. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.

2. Window Signs. Total signage shall not exceed twenty-five (25) percent of the area of windows facing the road frontage.

3. Wall Signs. Each tenant shall have no greater than 1 sq. ft. of sign area per 1 linear foot of tenant space per elevation. Illumination; signs may be illuminated internally or with external lighting fixtures provided that fixtures are directed away from streets and adjacent property.

F. Changeable Copy Signs. Changeable copy signs are permitted in the CM, M-1 and M-2 zoning districts. They shall be an integral part of the permitted ground sign and shall not exceed twenty five (25) percent of the permitted ground sign, sign face. When a Light Emitting Diode (LED) board is used such sign shall not be animated, flash, blink or vary in light intensity and shall hold a fixed message for one minute at a time and change messages in less than three seconds. No changeable copy sign shall give off light, which glares, blinds or has any other adverse effects on traffic or adjacent properties and shall contain a default setting that shall display a dark, blank screen should a malfunction occurs. LED type signs shall not operate at brightness levels of more than 0.30 footcandles (under measurement conditions) above ambient light levels as measured from seventy-five (75) feet.

16.48.050 - Additional allowable signs.

The following signs are also allowable, as stated.

A. The following signs are subject to a permit.

1. Subdivision Entrance Signs. Two single faced monument-style signs or one double-faced sign shall be permitted at every entrance to any residential subdivision, apartment complex, or other similar residential development. Such signs shall not exceed eight (8) feet in height and twenty-four (24) square feet per face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material. Internal illumination is prohibited.
 2. Commercial/Office/Industrial Entrance Signs. Two single faced monument-style signs or one double-faced sign shall be permitted at every entrance to any commercial, office or industrial planned development. Such signs shall not exceed eight (8) feet in height and twenty-four (24) square feet per face. All sign structures shall be constructed of brick, stone, textured concrete masonry units or equivalent architectural material. Internal illumination is prohibited.
- B. The following signs are allowed but require no permit.
1. Official signs meeting the standards of this chapter or the Manual on Uniform Traffic Control Devices, a copy of which is maintained for public inspection in the Planning Department of the city.
 2. Any sign not visible from the outside of a structure or to passing members of the public;
 3. Directional signs, for example; exit/entrance, shipping/receiving or other directional information, not to exceed six square feet per sign face in area and four feet in height. The aggregate square footage of such signs on a single parcel shall not exceed forty-eight (48) square feet.
 4. Signs on courtesy benches and trash cans on private property are only permissible in the CM zoning district, and such signs shall not extend beyond nor be larger than the bench or trash can to which they are affixed.
 5. The aggregate of Standard Informational Signs on property zoned TCM, NM, CM, M-1 and/or M-2 shall not exceed twenty (20) square feet; provided that during the period of time commencing with opening and qualifying for elections and concluding with the final determination of all contests and issues resolved by such elections, an unlimited number of Standard Informational Signs may be erected.

16.48.060 - Temporary signs requiring permit.

- B. The following type of temporary signs may be displayed in the CR, NM, TCR and TCM zoning districts upon the issuance of a temporary sign permit from the building official or his designee:
- Banners. A maximum of twelve (12) square feet of banner sign is permissible for the location subject to the temporary sign permit, and all banners

shall be attached exclusively to the building façade facing a public street. No banner shall hang freely, be free standing or be attached to a utility pole, light pole, bollard, fence or vehicle or exceed the tenant or building frontage, whichever is less.

No more than five temporary sign permits shall be authorized per calendar year for the same location and tenant. Such permits shall be valid for fourteen (14) consecutive days. A period of fourteen (14) consecutive days of down time shall pass between the issuance of additional permits.

- B. The following types of temporary signs may be displayed in the CM, M-1 and M-2 zoning districts upon the issuance of a temporary sign permit from the building official or his designee:
1. One inflatable advertising device or balloon less than thirty-five (35) feet in height per tenant;
 2. Banners. A maximum of twenty-four (24) square feet of banner sign(s) is permissible for the location subject to the temporary sign permit, and all banners shall be attached exclusively to the building façade facing a public street. No banner shall hang freely, be free standing or be attached to a utility pole, light pole, bollard, fence or vehicle or exceed the tenant or building frontage, whichever is less.
 3. Sail Signs. A maximum of twenty-four (24) square feet of free standing sail signs is permitted for each tenant. No sail sign shall exceed twelve (12) feet in height.
 4. No more than five temporary sign permits shall be authorized per calendar year for the same location and tenant. Such permits shall be valid for thirty (30) consecutive days. No more than two temporary sign permits shall be issued back to back during a total of sixty consecutive days of temporary signage without a period of thirty (30) consecutive days of down time between the issuance of additional permits.

16.48.070 - Standards.

- A. Content. Any sign, display or device allowed under this chapter may contain any commercial or noncommercial message, except that such messages cannot depict obscenity, as defined by O.C.G.A. Section 16-12-80.
- B. Location. All signs must be placed on private property, except signs erected on public property by an authorized governmental unit. No sign shall be located closer than ten (10) feet from the back of the curb of a public roadway, nor be located closer than ten (10) feet from the public right-of-way, whichever is farther from the street, unless otherwise noted. No sign shall encroach on or hang over any public right-of-way.

- C. Number. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other nonground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, each such element shall be considered to be a single sign.
- D. Illumination. Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
- E. Corner Visibility. No sign or sign structure (above a height of three feet) shall be maintained within fifteen (15) feet of the intersection of the extended right-of-way lines of two streets, or of an intersection of a street right-of-way with a railroad right-of-way.
- F. Fire Safety. No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, door or hydrant; nor shall any sign or sign structure be attached to a fire escape.

16.48.080 - Prohibited signs.

The following types of signs are prohibited:

- A. Sidewalk, A-type, sandwich or curb-type signs, except as permitted in Section 16.48.040 of this chapter;
- B. Swinging or projecting signs, except as permitted in Section 16.48.040 of this chapter;
- C. Animated signs involving motion or sound;
- D. Flashing, blinking signs or signs of varying light intensity, or signs containing exposed neon tubing provided that signs allowed under the Manual on Uniform Traffic Control Devices, a copy of which is maintained for public inspection in the office of the city Planning and Zoning Department, when operated in accordance with said Manual are exempt from this restriction in the interest of public safety;
- E. Signs which contain or are in imitation of an official traffic sign or signal, or which can be confused with an official traffic sign;
- F. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature;
- G. Rotating signs;
- H. Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view for more than one week;
- I. Signs or advertising devices attached to any vehicle or trailer when such vehicle or trailer is parked directly adjacent to the street where signage is prominently

displayed to passing traffic, except for work vehicles of a business or organization with a valid license plate used for daily transportation;

J. Pennants and streamers;

K. Portable signs of any size moved in and out on a daily basis, except as permitted in Section 16.48.040 of this chapter.

The city shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs as provided in Section 16.48.110 of this chapter.

16.48.090 - Procedures.

A. Sign Permit.

1. A sign permit is required before a sign may be erected, an existing sign may be enlarged, relocated or improvements costing sixty (60) percent or more of the sign's total replacement value are made. All signs using electrical wiring and connections shall require an electrical permit issued pursuant to the provisions of Section 15.04.020(C)(1)(c) of the Code.

2. A sign permit shall be issued by the building official or his designee when the plans and specifications for the proposed sign or part thereof conform in all respects to the applicable provisions of this chapter and the city building code, as certified by the building official or his designee. Applications for such permits shall be accompanied by all the information required under Section 16.48.100(B) of this chapter and such other information as the building official or his designee may require in the exercise of sound discretion to determine compliance with the provisions of this chapter. Standardized sign plans may be filed with the building official in fulfillment of this requirement, although site plans to determine the location of a sign shall be filed with each application.

3. Each sign application shall contain an agreement to indemnify and save the city harmless from all damages, demands or expenses which may in any manner be caused by the sign or sign structure.

4. Every sign constructed, erected or maintained for which a permit is required by this section shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign, and shall have the number of the permit issued for said sign by the building official or his designee affixed on the framework of the sign in such a manner that the information contained therein shall be readily accessible, legible and durable.

B. Application. Applications for sign permits required by this section shall be filed by the sign owner or owner's agent with the building official or his designee, upon forms provided by the city. The application shall describe and set forth the following and any additional information pertinent to the sign application as may

be requested by the building official or his designee in order to determine compliance with this chapter.

1. The type of the sign as defined by this chapter;
 2. A site plan, drawn to scale, showing the location of the sign, and construction plan describing the material the sign is to be constructed from;
 3. Elevation drawing, drawn to scale, showing the height and dimensions of the sign face;
 4. The street address or other acceptable means of location of the property upon which subject sign is to be located and the proposed location of the sign on the said property;
 5. The square foot area per sign and a description (square footage, height and use) of existing signage on the property;
 6. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located;
 7. Written consent of the owner, or owner's agent, granting permission for the placement, replacement and maintenance of the sign;
 8. The name, address, and phone number of the sign contractor.
- C. Expiration Date. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance; provided, however, that one six-month extension of the permit shall be granted if an additional permit fee has been paid prior to the expiration date of the initial permit.
- D. Processing of Application. Upon receipt of a properly completed application for a sign as permitted under the provisions of this chapter, the city shall commence review of a permit application no later than ten (10) working days after the date of its submission. A copy of any application for a sign permit within the TCR and TCM zoning districts shall be transmitted by the building official to the main street manager for comment and review. The main street manager shall have ten (10) days from the receipt of the application to submit comments. Review by all city officers shall be completed and the permit shall be issued or denied no later than the thirtieth (30th) day after the date of its submission. A permit shall be denied if the applicant, landowner, or lessee violates or fails to comply with any provisions of this chapter in either the application or the physical standards governing the sign. All applications meeting the standards of this chapter shall be granted.
- E. Fees. No permit shall be issued until the appropriate application, including exact dimensions, and area of the proposed sign has been filed with the building official or his designee and the following fees have been paid:

Type of Sign	Fee
--------------	-----

Electric	\$50.00 plus 1% of construction cost in excess of \$1,000.00
Non-electric	\$25.00 plus 1% of construction cost in excess of \$1,000.00
Temporary	\$25.00 payable one time per calendar year, not required for each permit

16.48.100 - Construction and maintenance.

- A. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and, unless constructed of galvanized or non-corroding metal, shall periodically be given an appropriate protective coating. The area immediately in front of all freestanding signs shall be maintenance free of high weeds and debris.
- B. It shall be the duty of the building official or his designee to periodically inspect every sign for which a permit is required in order to determine that each meets the requirements set forth in this chapter.
- C. The person or entity holding a sign permit shall be required to remove or have removed from the premises discarded or unusable paper, sign faces, parts and debris resulting from the changing of the advertising copy or message or maintenance of any approved sign or sign structure.
- D. No sign permittee shall allow such sign(s) to fall into a state of disrepair. Upon written notice from the building official, any sign which is torn, tattered, broken, dismantled or otherwise in a state of visual and/or structural dilapidation or disrepair shall be removed from its premises or replaced by the responsible party. Any sign or sign structure which has been vandalized shall be cleaned, repaired and/or removed in no less than one working week following receipt of such notice.

16.48.110 - Enforcement.

- A. Building Official and/or His Authorized Representative. All of the provisions of this chapter shall be administered and enforced by the building official or his designee and shall include issuing permits, inspecting signs, and enforcement of all provisions of this chapter.
- B. Removal.
 - 1. The building official may order the removal of any sign found to be in violation of this chapter. Notice specifying the violation and necessary corrective action shall be given to the permit holder, then to the owner of the sign. If the sign owner cannot be found or cannot be determined, notice shall be given to the sign erector and owner of the property on which the sign is located and/or

any other party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply with the terms of this notice and this chapter within seven days after the receipt of written notice of noncompliance by the city or within ten (10) days from the mailing of such notice if no receipt indicating acceptance is returned.

2. An aggrieved party may appeal the removal order within ten (10) days from the date that the notice was received by filing a written notice of appeal with the municipal court clerk. Such appeal shall be as provided in Section 16.12.180 of this title. If the sign is not removed within thirty (30) days after the order of removal (or thirty (30) days after the date the decision on any appeal becomes final), the city code enforcement personnel shall be authorized to remove the sign or cause the sign to be removed and to collect the costs thereof as provided below in subsection C of this section.

C. Removal Without Notice. City code enforcement personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign erected or maintained in violation of this chapter, without giving notice to any party, if:

1. The sign is upon the public right-of-way or upon other public property; or
2. The sign poses an immediate threat to the life, health or safety of any member of the public.

D. Costs of Removal.

1. Any sign which is erected in violation of this chapter, other than a sign subject to the provisions of subsection B of this section, is declared to be a nuisance and the costs of removal of same shall be at the sign owner's expense.
2. Removal of any sign without notice, as provided in subsection B of this section, shall be without liability to the city, its elected officials, officers, agents, servants or employees. The permit holder shall be primarily responsible for the costs of such removal. If there is no current permit holder for such sign, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured erection of the sign. If payment or arrangement to make payment for the costs of such removal is not made with sixty (60) days after the receipt of a statement for same, the city code enforcement personnel shall certify the amount thereof for collection to the city attorney. In the event that a sign that is removed as provided in this section remains unclaimed for

more than one hundred twenty (120) days from the date of removal, the sign shall be disposed of in accordance with O.C.G.A. Section 44-14-411, et seq.

- E. Invalid Permits. The building official or his designee may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this chapter or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this chapter. In the event a sign is not removed within ten days next following receipt of a removal order by the owner of such sign or property, the building official or designee may institute such legal proceedings hereunder against the property owner, sign owner, lessee, sign erector or a combination of the above as may be required to effect removal of such sign.

16.48.120 – Fines and penalties.

- A. Citations. Without limitation, sign erectors, sign owners, and such other responsible parties may be cited to appear in Covington Municipal Court for the violation of any provisions of this chapter.
- B. Penalties. Any person, firm or corporation, whether acting as principal, agent, employee or in any other capacity, who is convicted of violation of the provisions of this chapter may be punished as provided in Chapter 1.12 of this code.

16.48.130 - Inspection.

In accordance with Section 15.04.020 (Administrative procedures for enforcement of state minimum standard codes) of this code, enforcement personnel are empowered to enter into or inspect any building, structure, or premise upon which a sign subject to this chapter is located for the purpose of inspecting the sign, its structural and electrical connections, and to ensure compliance with the provisions of this chapter.

16.48.140 – Nonconforming signs.

- A. Signs which do not comply with this chapter and were legally placed before the effective date of this chapter shall become nonconforming with respect to the requirements set forth herein. However, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior ordinances shall be removed or brought into compliance herewith as soon as practicable, but within thirty (30) days from the effective date of this chapter. Nonconforming signs made of paper, cloth or other nondurable material, all temporary signs other than those permitted herein, and any signs that are not affixed to a building or the ground or are located within a public right-of-way, shall be removed as soon as practicable but within thirty (30) days from the effective date of this chapter. Upon failure to comply with the requirements of this

chapter, the building official may cause the removal of any nonconforming sign at the expense of the owner, as provided in subparagraph 1. of subsection D. of Section 16.48.110 of this chapter.

- B. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted. Provided, however, that in the event a nonconforming sign is destroyed by an Act of God, the owner of the sign may repair or replace the sign. In making such repair or replacement, the owner shall make the sign conforming if physically possible. If not physically possible to make the sign conform to the requirements of this chapter, the sign may nevertheless be repaired or replaced, provided the replacement or repair does not extend the natural life of the sign as it existed before the damage or destruction occurred.
- C. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this chapter.
- D. Each sign which exists at the effective date of this chapter shall be registered by its owner with the building official or his designee.

16.48.150 - Appeals and variances.

- A. Procedure Upon Denial. Upon denial of the application for a sign permit the applicant shall be given written notice stating the reason(s) for the denial. Within fifteen (15) days of receipt of such notice to deny the permit, the aggrieved party may appeal any decision as provided in Section 16.12.180 of this chapter.
- B. Variances.
 - 1. Variances may be granted from the provisions of this Chapter by the procedures set forth in subsection B. of Section 16.12.170 Variances authorized by the Board of Appeals and Adjustments shall be limited to the following hardship stipulations:
 - a. Where visibility of a conforming sign from the proposed street and within fifty (50) feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
 - i. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
 - ii. Such visibility obstruction was not created by the owner of the subject property; and

- iii. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.
- 2. Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. No variance shall transfer to a new owner or occupant of the property.
- 3. Variance procedures shall apply both to signs which are nonconforming as of the effective date of this Chapter and to new signs erected thereafter.

16.48.160 – Severability.

Should any provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this chapter as a whole or any provision thereof other than the provision specifically declared to be invalid. The city council hereby declares that it would have passed chapter 16.48 and each section, sentence, clause and phrase hereof, irrespective of the fact that any one or more subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.”

2.

This ordinance shall become effective on November 22, 2011. All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed.

ENACTED AND ADOPTED this twenty-first day of November, 2011.

CITY OF COVINGTON

By: 
KIMBERLY C. CARTER, MAYOR

ATTEST: 
AUDRA M. GUTIERREZ, ACITING CITY CLERK

(CITY SEAL)

