

# BINGEN MUNICIPAL CODE

## Chapter 15.12

### SIGNS

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#### **15.12.005 Purpose.**

This chapter shall be known as the “Bingen Sign Ordinance” and is enacted to protect the public health, safety and welfare by regulating the use of exterior signs and displays, thus promoting traffic safety, protection of property values, and attempting to preserve the right of the individual to utilize his property as he chooses. (Ord. 390, § 2 (part), 1989).

#### **15.12.010 Definitions.**

For the purpose of this chapter, the words set out in this section have the following meanings:

- A. “Billboard sign” means a frame or structure on which advertising space is available for rent, in the form of nonpermanent advertising.
- B. “Building face” means the area of a building including door and window space, from groundline to building top.
- C. “Freestanding sign” means one not affixed to a building and that is a self-supporting entity.
- D. “Illuminated sign” means one designed to give forth an artificial light. A flashing sign is an illuminated sign, in which the artificial light is not maintained stationary, or constant in intensity or color when in use.
- E. “Projecting sign” means one that is not flush to a structure, at all points.
- F. “Reflective sign” means one designed to cast back light from another source.
- G. “Sign” means any structure, or part thereof, or any device attached to a structure, or painted or represented on a structure, which shall display or including any letter, word,

model, banner, pennant, insignia, logotype, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. (Ord. 390, § 2(part), 1989).

**15.12.020 Application.**

Persons wishing to erect, move or alter signs must submit a written application on a form suitable to the city. The mayor shall review all applications and either approve or reject such applications. (Ord. 522 §2, 2006).

**15.12.030 Application - Appeal variance.**

- A. It is unlawful for any person to place, replace, erect, or change any street or directional signs, which are publicly maintained, without first having obtained permission from the city council.
- B. All applications for sign approval shall be delivered to the city clerk.
- C. Approval of a commercial sign shall be granted only to the holders of a valid business license.
- D. In the event a sign design is not approved by the city building inspector or other official designated by the mayor, the applicant may appeal to the city council as follows:
  - 1. Written notice of appeal shall be filed with the city clerk and with the city council, at least four days prior to the next regularly held council meeting;
  - 2. The council, at the next meeting, will review the application and make a final decision.
- E. Temporary variances may be approved by the city council based upon a showing of “undue hardship.” (Ord. 390 §2, (part), 1989).

**15.12.040 Requirements.**

A sign in the commercial districts (C1 and C2), must conform to the following requirements:

- A. The sign must pertain to the commercial use on the site.
- B. The design of the sign must be compatible with the business facade and with the prescribed space allotted on the building.
- C. Illuminated and neon signs are permitted and may be displayed from within and without any business. Electric signs shall be constructed of the quality and grade as specified in the building code.

- D. Wind loads. For the purpose of design, and except for roof signs and combination signs, wind pressure shall be taken upon the gross area of the vertical projection of all signs and sign structures at not less than fifteen pounds per square foot for those portions less than sixty feet above the ground, and at not less than twenty pounds per square foot for those portions more than sixty feet above the ground.
- E. Size.
  - 1. The size of signs shall be limited to no greater than one hundred fifty square feet maximum area in both C-1 and C-2 zoning districts.
  - 2. Signs shall not exceed a height of thirty feet unless the city council has approved such sign prior to installation upon the showing of good cause. The maximum area of such signs shall not exceed one hundred fifty square feet.
  - 3. Signs shall not extend more than six feet from the building and must be at least eight feet above the sidewalk.
  - 4. When determining the maximum area of any sign, the supporting structure shall be included in the total maximum area.
  - 5. Notwithstanding the maximum size limitations contained in subsections 1 and 2, the maximum area for any sign shall not exceed four percent of the building face.
- F. All signs shall be maintained in good repair. The city council upon notice and hearing may revoke approval of sign not kept in good repair. (Ord. 404, 1990; Ord. 390 §2 (part), 1989).

**15.12.050 Prohibited signs.**

Notwithstanding the other sections of this chapter:

- A. It is unlawful for any persons to erect, place, replace or alter a sign without prior city approval. It is unlawful for any person to erect, place or use a nonconforming sign.
- B. Signs shall not be spotlighted or indirectly lighted in such a manner that it is unsafe to pedestrian or vehicle traffic.
- C. Existing billboard location shall be converted to a design compatible to the city within one year from enactment of the ordinance codified in this chapter. Additional billboards shall be subject to council approval.
- D. Standard theater marquees are not a prohibited sign.

- E. Signs painted on building faces are not prohibited if said signs conform to the other standards herein.
- F. Nonconforming signs should be removed or altered to conform with this chapter within one hundred eighty days of the date of enactment of the ordinance codified in this chapter or when such business changes ownership or management.
- G. Nonconforming signs including those signs which impair the vision of motorists and thereby create hazard to the motoring public.
- H. Prohibited signs including all signs illuminated by or containing flashing, rotating, blinking or strobe lights and further, shall not be mechanically driven to allow the sign to revolve or rotate. (Ord. 390 §2 (part), 1989).

**15.12.060 Temporary signs.**

- A. Signs constructed of paper, canvas or other similar material are temporary signs and shall be removed within thirty days from the day of erection, or sooner if the purpose is served.
- B. Signs advocating special events, sponsored by city organizations, are considered temporary.
- C. Approval is not required for temporary signs; however they are subject to review by the city council. (Ord. 390 §2 (part), 1989).

**15.12.70 Violation-Penalties.**

- A. Any person violating any provisions of this chapter shall be guilty of a misdemeanor and under conviction thereof, may be punished by a fine of not more than one hundred dollars, or more than thirty days in jail, or both.
- B. Each day that a violation continues to exist shall constitute a separate offense.
- C. Any sign erected in violation in any of the terms of this chapter shall be removed by the owner upon written notice from the city. In the event the owner fails to remove said sign, the city may remove the sign and the expense incurred to remove shall be paid by the owner of said sign. (Ord. 390 §2 (part), 1989).