

ARTICLE XII

SIGNS AND ADVERTISING

Section 1201. Purpose and Findings. The Mayor and Council of the City of Dacula are enacting this amendment to ensure that noncommercial messages are authorized with restriction only as to the size of such signage and to establish reasonable regulations for signage containing commercial messages. The Mayor and Council find that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard and detriment to property values and the City's overall public welfare as an aesthetic nuisance.

By enacting this amendment, the Mayor and Council intend to:

- A. Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs.
- B. Further the objectives of the City's comprehensive plan.
- C. Protect the public health, safety, and welfare.
- D. Reduce traffic and pedestrian hazards;
- E. Maintain the historical image of the City.
- F. Protect property values by minimizing the possible adverse effects and visual blight caused by signs.
- G. Promote economic development.
- H. Ensure the fair and consistent enforcement of sign regulations.

Section 1202. Definitions.

For the purposes of the Article, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular, the word *shall* is mandatory and not directory, the word *person* includes a firm, organization, partnership, trust and corporation, and the word *City* shall mean the City of Dacula, Georgia.

As used in this Article, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

"Advertising device" means any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.

"Animated sign" means a sign with action, motion, or changing colors which requires electrical energy. This definition does not include signs which indicate time, temperature, or date.

"Arcade, directory, mall sign" means a serial sign which identifies the names of businesses, offices, professionals, industries or other entities located within a planned center.

Section 1202. Definitions. (Continued)

"*Area of sign*" means the area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The sign area of painted or affixed wall signs when composed of letters only is the sum of the areas of the smallest contiguous rectangles each capable of containing one such letter. For double-faced signs, except for commercial off-premises signs, only the largest display face shall be measured in computing the sign area.

"*Banner*" means a sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper or fabric of any kind with only such material for a backing.

A *Billboard Sign* means a sign, which advertises or directs attention to businesses, products, services or establishments. Refer to Section 1219 – (A) for additional billboard requirements.

"*Business sign*" means any notice or advertisement, pictorial or otherwise, which directs attention to goods, commodities, products, services or entertainment sold or offered, usually where such sign is located.

"*Clock sign*" means any timepiece erected outside of any building for the purpose of advertising the business on the premises on which it is located.

"*Commercial sign*" means a sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including without limitation, any sign naming a brand of goods or service and real estate signs.

"*Construction sign*" means a sign erected and maintained on premises announcing the proposed or existing construction of a building(s) or project.

"*Double-faced sign*" means a sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

"*Flashing sign*" means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs that indicate only the time, temperature, or date shall not be considered as flashing signs.

"*Frontage, building*" means the width in linear feet of the front exterior wall of a particular establishment.

"*Frontage, road*" means the width in linear feet of each lot where it abuts the right-of-way of any public street.

"*Ground sign*" means a permanently affixed sign which is wholly independent of a building for support.

A *Ground sign; Height* means the distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

Section 1202. Definitions. (Continued)

"Height of sign" means the distance in vertical feet from the ground to the highest point of the sign face

"Illuminated sign, direct" means a sign illuminated by an internal light source.

"Illuminated sign, indirect" means a sign illuminated by an external light source directed primarily toward such sign.

"Licensee" means the person and/or entity erecting the sign on property of owner and/or permittee.

"Marquee" means a roofed structure and attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

"Marquee sign" means a business sign painted on, attached to or hung from a marquee.

"Monument sign" means any sign which has a brick or stone base and frame within which advertising panels are contained.

"Nonconforming sign" means any sign which does not conform to the provisions of this Article.

"Nonconforming use" means a structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is located as outlined in the City Zoning Ordinance.

A Number of Signs@ For the purposes of determining number of signs:

- (1) *Ground signs shall be equal to the number of sign structures.*
- (2) *All other non-ground 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 a random manner without organized relationship of elements, such element shall be considered to be a single sign.*

"Off-premises signs."

- (1) *"Off-premises advertising sign"* means a sign which is not located upon the premises of the business or entity indicated or advertised by said sign. This includes products advertised in conjunction with a business entity.
- (2) *"Off-premises directional sign"* means a sign not located upon the premises of the business or entity indicated on the sign and only for the purpose of directing traffic to business establishments, real estate developments, public and private clubs, schools and other such facilities. The advertising of products and/or services shall not be allowed on the sign structure.

A On-premises sign@ means an authorized sign that may be permitted on an individual lot usually used to identify the business located on the same lot.

"Permittee" means the person and/or entity owning the land (landowner) on which the sign is erected.

Section 1202. Definitions. (Continued)

"Planned center, office, commercial, or industrial" means a group of retail stores, service establishments, offices, industries, or any other businesses planned to serve the public, which is in common ownership or condominium ownership.

"Political sign" means sign identifying or urging voter support for a particular election issue, political party, or candidate for public office.

"Portable sign" means a sign which is attached to vehicles, trailers, movable structures, or attached to sign structures which are not securely anchored into the ground, or any sign which may be transported or is designed to be transported. Such signs include, but are not limited to, "A" and "T" type, sidewalk, sandwich, trailer signs, curb-type signs, banners or other commercial advertisement attached to vehicles and trailers which offer products or services "For Sale" or announce when the "Sale" is to occur. Exceptions: Signs which are painted, bolted, screwed or magnetically attached to the top, sides or rear of the vehicle stating only the name, address, business logo and telephone number of a business. Signs which are placed in the bed of a truck or trunk of an automobile, or a banner attached to the vehicle regardless of the information contained thereon or method of attachment are not included in this exception. (Note: all vehicles must be parked in locations consistent with Article X of this Resolution).

AProject Directional Sign@ means a sign located within a project at a street intersection or private drive within the project (other than an entrance to the project) on which the name of a street and/or the institutionalized corporate/business names or other building identification with addresses indicating direction to their location within the project. The purpose of this sign is to provide more definitive directional information concerning the whereabouts of the tenants.

AProject Directory Sign@ means a sign which is located within the boundary of a project, as defined by the approved Concept Plan or Preliminary Plat or Development Permit, as provided in the City of Dacula Development Regulations on which the address, institutionalized name of the businesses, tenants and occupants of the project may be placed. Ancillary directional information may also be placed on the sign (e.g., map of the project showing streets, etc.). The purpose of which is to provide the public in motorized vehicles information about the location of tenants within the project.

"Pylon sign" means a freestanding sign which rests upon a pylon or pole.

"Real estate sign" means a temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

"Roof sign" means a sign projecting over the coping of a flat roof, or over the ridge of a gable, hip or gambrel roof, and supported by or attached to said roof.

"Sidewalk or sandwich sign" means a movable sign not secured or attached to the ground or surface upon which it is located.

Section 1202. Definitions. (Continued)

"*Sign*" means a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. The term "sign" shall mean and include every outdoor advertising device, billboard, poster panel, statuary, free-standing ground sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person, group, organization, corporation, or other legal entity, when the same is placed in view of the general public traveling along a public street right-of-way.

ASign Structure@ means the poles, beams, columns, posts, foundations, and the like, which provide structural support of the sign surface area to which the sign is affixed.

"*Sign face*" means that part of a sign that is or can be used for advertising purposes. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Structural frames and members not bearing advertising matter shall not be included in computation of surface area (see definition for "Sign, Double Faced").

"*Swinging or projecting sign*" means a sign projecting more than six (6) inches from the outside wall or walls of any building upon which it is located.

"*Temporary sign*" means a sign of a nonpermanent nature. All such signs shall be removed with ten (10) days after the purpose of which the sign is intended to advertise has been accomplished.

"*Trailer sign*" means any sign mounted on wheels and that may be moved from one location to another.

"*Wall sign*" means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than six (6) inches from the outside wall of such building or structure. The total lettering on one (1) side of a building or structure shall constitute one (1) wall sign.

"*Window sign*" means a sign installed inside a window and intended to be viewed from the outside.

Section 1203. Permit B Required.

Except as specifically excluded from the provisions of this Article, it shall be unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the City without first having obtained a sign permit.

Section 1204. Permit B Application.

Application for sign permits required in Section 1203 shall be filed by the sign owner or his agent in the office of the City Administrator on forms furnished by said office. The application shall describe and set forth the following:

- A. The type and purpose of the sign as defined in this Article.
- B. The value of the sign including the cost of construction of the sign.

Section 1204. Permit B Application. (Continued)

- C. The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the City Administrator shall be used.
- D. The square foot area per sign and the aggregate square footage area if there is more than one (1) sign face.
- E. The name(s) and address (es) of the owner(s) of the real property upon which the subject sign is to be located.
- F. Consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign.
- G. The City Administrator will require a sketch or print drawn to scale showing pertinent information such as wind pressure requirements and display materials in accordance with the Southern Standard Building Code as amended by City of Dacula. The City Administrator may require additional information of such print or sketch to insure compliance with this Article.
- H. Name, address, phone number and business license number of the sign contractor.

All applicants for electrical signs must obtain an electrical permit.

Section 1205. Permit B 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 (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later on an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Section 1206. Permit B Fees.

No permit shall be issued until the appropriate application has been filed with the City Administrator and fees have been paid as established by the City Council from time to time.

Section 1207. Reserved

Section 1208. Nonconforming Signs.

- A. In all use districts, signs which were illegally erected or maintained with respect to prior Ordinances; signs made of paper, cloth, or nondurable materials; signs located within a public right-of-way, and signs prohibited by this Article shall be removed by the owner within ninety (90) days from the effective date of this Section. Upon failure to comply with the requirements of this Article, the City Administrator or his/her designee may cause the removal of such signs at the expense of the owner.
- B. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dis-mountable material on nonconforming signs shall be permitted.
- C. Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repairs or changes in the size or shape of this sign shall be permitted except to make the sign comply with the requirements of this Article.
- D. Nonconforming signs which met all requirements of this Exhibit when erected may stay in place until one of the following conditions occurs:
 - 1. The business advertised ceases;

2. The deterioration of the sign or damage to the sign makes it a hazard; or
3. The sign has been damaged to such extent that more than minor repairs are required to restore the sign.

No structural repairs, change in shape, size or design shall be permitted except to make the sign comply with all requirements of this Article.

Section 1209. Non-Commercial Speech.

Noncommercial speech shall be regulated by this Article only as to the size and style of signage containing such speech. Any sign or structure used solely for the purpose of displaying a noncommercial message or noncommercial speech is exempt from all other aspects of this Article.

Any sign or structure erected for the purpose of displaying noncommercial speech or a noncommercial message shall not be used for display of a commercial message unless such sign or structure is erected in conformance with all requirements of this Article and has received a sign permit as required under Section 1203 of this Article.

For the purpose of this Article, noncommercial speech or noncommercial messages on signs shall mean any speech or message which does not meet the definition of a commercial sign@ (Section 1202).

Section 1210. Reserved.

Section 1211. City occupation tax certificate, public liability insurance required.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City, unless and until such entity shall have obtained a City occupation tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of twenty-five thousand dollars (\$25,000.00) for property damage for any one (1) claim and public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier will notify the City thirty (30) days in advance of any termination and/or restriction of the coverage.

Section 1212. Prohibited Signs; Ground Signs on Double Frontage Lots.

- A. The following types of signs or advertising devices are prohibited in all zoning districts of the City:
- 1 Roof signs.
 - 2 Sidewalk, sandwich or curb-type signs.
 - 3 Portable signs.
 - 4 Deleted (October 4, 2001)
 - 5 Swinging or projecting signs.

Section 1212. Prohibited Signs; Ground Signs on Double Frontage Lots. (Continued)

- 6 Vehicles used for basic purpose of providing advertisement or products or directing people to a business activity located on the same or nearby property or to any other premise are prohibited.
- 7 Rotating or animated signs involving motion or sound.
- 8 Off-premises signs, except in accordance with Section 1225.

- 9 Flashing, blinking, or varying light intensity signs except time, temperature and date.
 - 10 Signs on public rights-of-way except signs exempt under Section 1213.
 - 11 Signs which contain or are imitation of an official traffic sign or signal or contain the words Astop,@ Ago,@ Aslow,@ Acaution,@ Awarning,@ or similar words, except construction signs and barricades and when the words are incorporated in the permanent name of a business.
 - 12 Courtesy benches, trash cans, and similar devices on which advertising is displayed.
 - 13 Trailer signs.
 - 14 Window signs exceeding thirty (30) percent of window area.
- B. Where any lot, parcel, or tract of land zoned C-1, C-2, C-3, M-1, or M-2 exists and has double frontage on public streets and is further defined as being a double frontage lot as outlined under the City Zoning Ordinance, or is a lot other than a corner lot which has frontage on two (2) or more streets, permitting shall be in accordance with Section of the City of Dacula Zoning Code, provided that if there is no state highway frontage, signage shall be placed away from any residential areas to the extent possible. In all other zoning districts, the following number of ground signs shall be permitted:
1. Only one (1) ground sign per road frontage shall be allowed.
 2. Any ground sign permitted shall be used and located in such manner where the principal advertising is oriented toward the road frontage authorizing such ground signs.
 3. No permit for a ground sign shall be authorized where such ground signs shall be oriented in a greater degree to a different road frontage than the road frontage authorizing such ground sign.
 4. The City Administrator or his/her designee shall determine, in all instances where double frontage lots allow ground signs to be permitted, where each sign=s predominant advertising is directed.
 5. Any appeal of a determination made by the City Administrator of this Section shall be made directly to the Mayor and City Council. The Mayor and City Council may vary this Section where they find the requested variance is warranted.

Section 1213. Temporary signs.

- A. The following types of signs or advertising devices shall be permitted only by issue of a temporary sign permit from the City of Dacula. Approval of a temporary sign permit allows usage of this type of advertising for a period not to exceed thirty (30) consecutive days. Complete temporary sign applications and applicable fees must be resubmitted for review and approval every thirty (30) calendar days. Only one temporary sign permit will be granted for each business within any thirty (30) day interval. Only one temporary ground sign shall be permitted on each commonly owned, shared commercial frontage. All signs or advertising devices must be set back at least ten (10) feet from either the edge of pavement (concrete/asphalt) or out of the right-of-way, whichever is greater. A fee of thirty-dollars (\$30.00) shall be charged for each temporary sign permit. Temporary signs shall be removed after the 30-day temporary sign permit has expired without renewal.
1. Air-or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.
 2. Streamers or pennants.
 3. Flags or banners, maximum size of thirty-two (32) square feet, except official flags of the United States, State of Georgia, Gwinnett County, City of Dacula, not to exceed three (3).
 4. Searchlights and similar devices.
 5. Deleted and Reserved (October 4, 2001)
 6. Deleted and Reserved (October 4, 2001)
 7. On-premises temporary signs relating to the initial opening or final closing of a business or service provided such signs shall not exceed thirty-two (32) square feet each and shall not be closer than ten (10) feet to the pavement of any street or on any public right-of-way. The City Administrator or his/her designee shall approve such signs for a maximum period of thirty (30) days for both initial opening signs and final closing signs.
 8. Temporary yard signs not to exceed six (6) square feet.

Section 1214. Exemptions.

The following types of signs are exempt from Sections 1203, 1204, and 1218 through 1220 of this Article:

- A. Temporary non-illuminated real estate or construction signs, not in excess of six (6) square feet, in the R1100, R1200, R1400, R1600, R1100CZP, R1200CZP, R1400CZP, TRD, R-MD, RSR, and R-TH zoning districts, provided such signs are located on the lot or building for sale, lease or being constructed, are not located on any public right-of-way, and are limited to one (1) sign per street frontage. Such signs shall be removed within ten (10) days after the subject lot or building is leased, sold, or construction is completed.
- B. Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations provided such signs are posted not more than two (2) days before said event and removed the day after the event.

Section 1214. Exemptions.

- C. Signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, memorial plaques, signs of historical interest, and the like.
- D. Signs on private property directing traffic movement, each not exceeding three (3) square feet in area, and not advertising any business, service or product. Such signs shall not be allowed on any public right-of-way.
- E. On-premises credit card identification signs up to three (3) square feet in area per sign. Such signs shall be at least ten (10) feet from the pavement of any street or out of the right-of-way, whichever is greater.
- F. Any sign not visible from a public street.
- G. A sign installed inside a window for purposes of viewing from outside the premises. However, such signs shall not exceed thirty (30) percent of the window area.
- H. Off-premises non-illuminated school, hospital, or other quasi-public signs not exceeding four (4) square feet in area. However, no such sign shall be allowed on any public right-of-way.
- I. On-premises model home, model apartment, sales office signs, etc., within a residential development, provided such signs do not exceed six (6) square feet in area and are set back at least (10) feet from the pavement of any street. Such signs shall be limited to one (1) per sales office, model, etc.
- J. On-premises no trespassing, no hunting, and similar public notice type signs less than six (6) square feet in area, provided no such signs shall be allowed on any public right-of-way.
- K. On-premises signs attached to the outside wall of any business establishment, which are designed to identify services rendered, products sold, or activities conducted on the premises, provided not more than two (2) such signs shall be affixed to any wall on the business establishment and further provided the total area of such signs shall not exceed one (1) percent of the total area of the wall on which they are affixed.

Section 1215. Misleading Advertising; Discontinued Businesses.

It shall be unlawful for a person to display false or misleading statements upon signs or other public places calculated to mislead the public as to anything sold, services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language sufficient to mislead a reasonable or prudent person shall be prima facie evidence of a violation of this Section by the persons displaying such sign, or permitting same to be displayed at their residence, establishment, or place of business.

Section 1216. Maintenance.

- A. All signs shall be maintained in good condition as to present a neat and orderly appearance. The City Administrator may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated, or if the ground area around it is not well maintained.
- B. The City Administrator or his/her designee will give the owner ten (10) days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the City Administrator or his/her designee will have the sign removed at the expense of the owner.
- C. Ground signs located within one hundred (100) feet of a public right-of-way shall display the street address of the property. Within a commercial center where multiple addresses exist, the highest and lowest street address numbers shall be identified. This Section shall not apply to any ground

sign where the sign is located on property which has more than one street frontage and the property address is assigned from a street other than the street frontage whereupon the ground sign is erected.

1. Street address numbers shall be of contrasting colors against the background. Numbers shall be a minimum of eight (8) inches in height. Numbers shall be visible from both directions of travel along the street.
 2. Ground signs existing prior to the adoption of this Ordinance shall be brought into compliance with this Section by August 1, 2001.
- D. When a business or service using an identification or business sign is discontinued, all signs and sign structures relating to this business or service shall be removed within ten (10) days from the date of discontinuance.

Section 1217. Illumination.

Only permanent signs shall be allowed to be illuminated provided that:

- A. The light from any illuminated sign shall not be of an intensity or brightness which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
- B. No sign shall have blinking, flashing, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature, or date.
- C. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
- D. Signs located within any residential district may only be indirectly illuminated.

Section 1218. Signs Permitted in Specific Zoning Districts.

- A. Generally. If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this Section shall be prohibited in that district, except as otherwise provided for under this Article.
- B. R1100, R1200, R1400, R1600, R1100CZP, R1200CZP, R1400CZP and RMD. The following types of signs shall be permitted and regulated within the zoning district in the City:
 - 1 Temporary real estate signs in excess of six (6) square feet. Signs pertaining to the sale or lease of lots or dwellings within a residential development. Such signs shall be removed within ten (10) days after the subject lot or building is leased or sold or construction is completed respectively, such signs shall not exceed 32 square feet.
 - 2 Signs identifying telephone towers and substations.
 - 3 Permanent signs identifying only the name of a residential development.
 - 4 Church bulletins, signs identifying public or private schools, recreation facilities, churches, public buildings and facilities.
 - 5 Signs identifying farm products which are produced and sold on the premises.
 - 6 Signs containing noncommercial speech not exceeding 128 square feet.
- C. O-I Districts.

The following types of signs shall be permitted and regulated within the O-I zoning districts of the City:

1. Signs identifying planned office centers.
2. Temporary signs not to exceed thirty-two (32) square feet pertaining to the construction, lease or sale of space within a planned office center, or an individual office on an individual lot. (Temporary Sign Permit required)
3. Signs for individual offices, churches, hospitals, clubs, business establishments.
4. Deleted and reserved.(October 4, 2001)
5. Arcade, mall, or directory signs for a planned office center.
6. Off-premises directional signs, subject to the requirements set forth in Table 1219(5) and Section 1225(e).
7. Signs containing noncommercial speech not exceeding 128 square feet.
8. Billboards

D. C-1 and C-2 districts.

The following types of signs shall be permitted and regulated within the C-1 and C-2 Zoning District of the City:

1. Signs identifying planned office and/or commercial centers.
2. Temporary signs up to thirty-two (32) square feet pertaining to the construction, sale or lease of space within an office and/or commercial centers. Sign shall be reduced to sixteen (16) square feet one (1) year after the final certificate of occupancy has been issued.
3. Business signs for individual retail shops, service establishments, and offices.
4. Arcade, mall or directory signs for planned office and/or commercial centers.
5. Off-premise directional signs, subject to requirements set forth in Table 1219(5) and Section 1225(e).
6. Signs containing noncommercial speech not exceeding 128 square feet.
7. Billboards

E. C-3, M1 and M2 districts.

The following types of signs shall be permitted and regulated within the C-3, M1, and M2 Zoning Districts of the City:

1. Signs identifying planned industrial centers.
2. Temporary signs up to thirty-two (32) square feet pertaining to the construction, sale or lease of space within a commercial or industrial center. Sign shall be reduced to sixteen (16) square feet one (1) year after the final certificate of occupancy has been issued. . (Temporary Sign Permit required)
3. Business signs for individual industrial establishments and businesses.
4. Arcade, mall or directory signs for commercial, industrial or office centers.
5. Off-premises directional signs, subject to requirements set forth in Table 1219(5) and Section

1225.

6. Off-premises advertising signs. All off-premises signs will comply with the requirements set forth in Table 1219(6) and Section 1225.
7. Signs containing non-commercial speech not exceeding 128 square feet.
8. Billboards

F. PMUD District

The following types of signs shall be permitted and regulated within the PMUD Zoning District of the City:

1. Signs identifying planned office and/or commercial centers.
2. Temporary signs up to thirty-two (32) square feet pertaining to the construction, sale or lease of space within an office and/or commercial centers. Sign shall be reduced to sixteen (16) square feet one (1) year after the final certificate of occupancy has been issued.
3. Business signs for individual retail shops, service establishments, and offices.
4. Arcade, mall or directory signs for planned office and/or commercial centers.
5. Off-premise directional signs, subject to requirements set forth in Table 1219(5) and Section 1225(e).
6. Signs containing noncommercial speech not exceeding 128 square feet.
7. Billboards

Section 1219. Maximum Heights, Sizes, Setback Requirements, and Number Allowances.

The following tables provide information regarding restrictions on signs as permitted by zoning districts in the City. Ground signs, wall signs and marquee signs are examples of the type signs that shall be permitted and regulated in accordance with the requirements of this Article.

All signs shall not exceed the maximum height, size, and number allowed within the following charts:

Section 1219 – (A) Billboards

1. Billboards requirements:

- a. The dimensions of the sign shall not exceed 400 square feet in size (total aggregate sign face area) and 30 feet in height. Double sided signs are allowed but the total of both sides shall not exceed the maximum square footage. The billboard shall be supported by a single pole painted brown, dark green or black in order to blend into its surroundings. Between the bottom edge of the sign and the ground beneath it there shall be a clearance of at least 15 feet.
- b. No billboard shall be located within 1500 feet of another billboard or within 500 feet of the property line of any property zoned AG, R-1200, R-1400, or R1600.
- c. In order to construct a billboard under the standards of this provision, the applicant is required to have a property interest in the site large enough for a Fall Zone. A Fall Zone is defined as an area large enough and set back far enough from any buildings, structures, or property lines equal to 133 percent of the height of the entire structure

in every direction. Within the Fall Zone, no buildings or other structures may be constructed.

- d. Each billboard site shall have a designated driveway access point which is shown on the site plan presented with the application. The applicant shall have a property interest specifically providing for ingress and egress to the site. The ingress and egress driveway shall be paved and two additional paved parking spaces shall be provided for inspection, maintenance and supervision of the billboard.
- d. Flashing, blinking, animated, running and neon lights are prohibited.
- e. Any structure extending beyond the face of any billboard, excluding the aprons is specifically prohibited.
- f. Billboards shall not change at intervals more frequently than once every 20 seconds. Transition time between automatic copy changes shall take no more than one (1) second. Billboards shall remain static except during transition between copy changes.
- g. The location of billboards shall be limited to arterial streets/roads and or freeways. Road classifications are designated by the Gwinnett County Department of Transportation.

**TABLE 1219(1). SINGLE-FAMILY RESIDENTIAL ZONES
R-1100, R-1200, R-1400, R-1600, R-1100CZP, R-1200CZP), R-1400CZP and R-MD**

All Single-Family and Multi-Family Residential Zones

<i>Type of Sign (Purpose or Use)</i>	<i>Maximum Size</i>	<i>Number Allowance</i>	<i>Ground Signs Setbacks from Street R-O-W²</i>	<i>Maximum Height</i>
(1) Temporary real estate or construction signs in excess of 6 square feet	32 sq. ft.	1 per road frontage	0 ft.	8 ft.
(2) Temporary signs pertaining to the sale or lease of lots or buildings within a residential development	32 sq. ft.	1 per entrance	0 ft.	8 ft.
(3) Permanent sign identifying only the name of a residential development	75 sq. ft. per sign ¹	2 per entrance	0 ft.	8 ft.
(4) Church bulletins, signs identifying public recreation facilities, public buildings, etc.	75 sq. ft.	1 per road frontage	0-20 ft. >20 ft.	8 ft. 20 ft.
(5) Accessory announcement signs for public and noncommercial uses	6 sq. ft.	1 per road frontage	0 ft.	4 ft.
(6) Signs containing noncommercial speech	75 sq. ft.	1 per road frontage	0 ft.	8 ft.

¹ In case a person desires to place a double-faced sign within a median at the entrance of a residential development, there will be no setback requirement if the City Administrator determines such sign will not constitute a traffic hazard. However, if this option is taken, only one (1) sign per entrance will be allowed.

² No sign shall be located closer than ten (10) feet to the back-of-curb or edge of pavement of a public roadway

TABLE 1219(2). (RESERVED) TABLE 1219(3).

OI, CI, C2, C3, MI and M2 Zones (Table 1219 (3) does not apply to billboards)

<i>Type of Sign (Purpose or Use)</i>	<i>Maximum Size</i>	<i>Number Allowance</i>	<i>Ground Signs Setbacks from Street R-O-W²</i>	<i>Maximum Height</i>																														
(1) Major sign for planned office, commercial, or industrial center	<p><u>GROUND SIGNS</u></p> <table border="0"> <tr> <td><u>Gross Sq. Ft. Space</u></td> <td><u>Sign Size</u></td> </tr> <tr> <td>0 - 10,000</td> <td>75 s.f.</td> </tr> <tr> <td>10,001 - 50,000</td> <td>100 s.f.</td> </tr> <tr> <td>50,001 - 100,000</td> <td>150 s.f.</td> </tr> <tr> <td>100,001 - ></td> <td>200 s.f.</td> </tr> </table> <p><u>WALL SIGNS</u></p> <table border="0"> <tr> <td><u>Gross Sq. Ft. of Building Space</u></td> <td><u>Max. Sign Size per Bldg. Elevation</u></td> </tr> <tr> <td>0 - 2,500</td> <td>36 s.f.</td> </tr> <tr> <td>2,501 - 15,000</td> <td>60 s.f.</td> </tr> <tr> <td>15,001 - 50,000</td> <td>100 s.f.</td> </tr> <tr> <td>50,001 - ></td> <td>200 s.f.</td> </tr> </table> <table border="0"> <tr> <td><u>Gross Sq. Ft. of Building Space</u></td> <td><u>Aggregate Total all Wall Signs</u></td> </tr> <tr> <td>0 - 2,500</td> <td>72 s.f.</td> </tr> <tr> <td>2,501 - 15,000</td> <td>120 s.f.</td> </tr> <tr> <td>15,001 - 50,000</td> <td>200 s.f.</td> </tr> <tr> <td>50,001 - ></td> <td>400 s.f.</td> </tr> </table>	<u>Gross Sq. Ft. Space</u>	<u>Sign Size</u>	0 - 10,000	75 s.f.	10,001 - 50,000	100 s.f.	50,001 - 100,000	150 s.f.	100,001 - >	200 s.f.	<u>Gross Sq. Ft. of Building Space</u>	<u>Max. Sign Size per Bldg. Elevation</u>	0 - 2,500	36 s.f.	2,501 - 15,000	60 s.f.	15,001 - 50,000	100 s.f.	50,001 - >	200 s.f.	<u>Gross Sq. Ft. of Building Space</u>	<u>Aggregate Total all Wall Signs</u>	0 - 2,500	72 s.f.	2,501 - 15,000	120 s.f.	15,001 - 50,000	200 s.f.	50,001 - >	400 s.f.	<p><u>Ground Signs</u> <i>One sign structure per road frontage not to exceed maximum allowable square footage*</i></p> <p><u>Wall Signs</u> <i>Sign square footage may not exceed 50% of the total permitted sq. footage on any building elevation. Total of all signs (including business signs) shall not exceed the total sq. footage listed.</i></p>	<p><i>0 - 5 ft</i></p> <hr/> <p><i>>5 ft. - < 20 ft,</i></p> <p><i>20 ft. or >.</i></p>	<p><i>5 ft.</i></p> <hr/> <p><i>10 ft.</i></p> <hr/> <p><i>20 ft.</i></p>
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(2) Business signs for individual offices, shop, etc., within a planned office, commercial or industrial center	<p><u>WALL SIGNS</u></p> <table border="0"> <tr> <td><u>Gross Sq. Ft. Building Space</u></td> <td><u>Max. Sign Size per Building Elevation</u></td> </tr> <tr> <td>0 - 2,500</td> <td>36 s.f.</td> </tr> <tr> <td>2,501 - 15,000</td> <td>60 s.f.</td> </tr> <tr> <td>15,001 - 50,000</td> <td>100 s.f.</td> </tr> <tr> <td>50,001 - ></td> <td>200 s.f.</td> </tr> </table> <table border="0"> <tr> <td><u>Gross Sq. Ft. of Building Space</u></td> <td><u>Aggregate Total of all Wall Signs</u></td> </tr> <tr> <td>0 - 2,500</td> <td>72 s.f.</td> </tr> <tr> <td>2,501 - 15,000</td> <td>120 s.f.</td> </tr> <tr> <td>15,001 - 50,000</td> <td>200 s.f.</td> </tr> <tr> <td>50,001 - ></td> <td>400 s.f.</td> </tr> </table>	<u>Gross Sq. Ft. Building Space</u>	<u>Max. Sign Size per Building Elevation</u>	0 - 2,500	36 s.f.	2,501 - 15,000	60 s.f.	15,001 - 50,000	100 s.f.	50,001 - >	200 s.f.	<u>Gross Sq. Ft. of Building Space</u>	<u>Aggregate Total of all Wall Signs</u>	0 - 2,500	72 s.f.	2,501 - 15,000	120 s.f.	15,001 - 50,000	200 s.f.	50,001 - >	400 s.f.	<p><u>GROUND SIGNS</u> Not allowed.</p> <p><u>WALL SIGNS</u> Signs may not exceed 50% of the total permitted square footage on any building elevation. The total of all wall signs on all elevations shall not exceed the total square footage listed.</p>	<p><u>GROUND SIGNS</u> Not allowed.</p>	<p>Not greater than height of wall of building elevation.</p>										
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<p>(3) Business signs for individual establishments, offices, shops, etc. not within a planned office, commercial or industrial center</p>	<p><u>GROUND SIGNS</u></p> <table border="0"> <tr> <td><u>Gross Sq. Ft. Space</u></td> <td><u>Sign Size</u></td> </tr> <tr> <td>0 - 10,000</td> <td>75 s.f.</td> </tr> <tr> <td>10,001 - 50,000</td> <td>100 s.f.</td> </tr> <tr> <td>50,001 - 100,000</td> <td>150 s.f.</td> </tr> <tr> <td>100,001 - ></td> <td>200 s.f.</td> </tr> </table> <p><u>WALL SIGNS</u></p> <table border="0"> <tr> <td><u>Gross Sq. Ft. of Building Space</u></td> <td><u>Max. Sign Size per Bldg.</u></td> </tr> <tr> <td><u>Elevation</u></td> <td></td> </tr> <tr> <td>0 - 2,500</td> <td>36 s.f.</td> </tr> <tr> <td>2,501 - 15,000</td> <td>60 s.f.</td> </tr> <tr> <td>15,001 - 50,000</td> <td>100 s.f.</td> </tr> <tr> <td>50,001 - ></td> <td>200 s.f.</td> </tr> </table> <table border="0"> <tr> <td><u>Gross Sq. Ft. of Building Space</u></td> <td><u>Aggregate Total all Wall Signs</u></td> </tr> <tr> <td>0- 2,500</td> <td>72 s.f.</td> </tr> <tr> <td>2,501 - 15,000</td> <td>120 s.f.</td> </tr> <tr> <td>15,001 - 50,000</td> <td>200 s.f.</td> </tr> <tr> <td>50,001 - ></td> <td>400 s.f.</td> </tr> </table>	<u>Gross Sq. Ft. Space</u>	<u>Sign Size</u>	0 - 10,000	75 s.f.	10,001 - 50,000	100 s.f.	50,001 - 100,000	150 s.f.	100,001 - >	200 s.f.	<u>Gross Sq. Ft. of Building Space</u>	<u>Max. Sign Size per Bldg.</u>	<u>Elevation</u>		0 - 2,500	36 s.f.	2,501 - 15,000	60 s.f.	15,001 - 50,000	100 s.f.	50,001 - >	200 s.f.	<u>Gross Sq. Ft. of Building Space</u>	<u>Aggregate Total all Wall Signs</u>	0- 2,500	72 s.f.	2,501 - 15,000	120 s.f.	15,001 - 50,000	200 s.f.	50,001 - >	400 s.f.	<p><u>Ground Signs</u> <i>One sign structure per road frontage not to exceed maximum allowable square footage*</i></p> <p><u>Wall Signs</u> <i>Sign square footage may not exceed 50% of the total permitted sq. footage on any building elevation</i></p>	<table border="0"> <tr> <td><u>0 - 5 ft</u></td> </tr> <tr> <td><u>>5 ft. - < 20 ft,</u></td> </tr> <tr> <td>20 ft. or >.</td> </tr> </table>	<u>0 - 5 ft</u>	<u>>5 ft. - < 20 ft,</u>	20 ft. or >.	<table border="0"> <tr> <td><u>5 ft.</u></td> </tr> <tr> <td><u>10 ft.</u></td> </tr> <tr> <td>20 ft.</td> </tr> </table>	<u>5 ft.</u>	<u>10 ft.</u>	20 ft.
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<p>(4) Temporary signs pertaining to the construction, sale, or lease of space within a planned office, commercial or industrial center</p>	<p>32 sq. ft.</p>	<p><u>Ground Signs</u> <i>One sign structure per road frontage</i></p>	<p>0 ft.</p>	<p>8 ft.</p>																																						

(5) Arcade, mall or directory signs for planned office, commercial or industrial centers	75 sq. ft.	1 per road frontage	0 ft.	8 ft.
(6) Signs containing noncommercial speech.	128 sq. ft.	1 per road frontage	0 ft.	8 ft.
(7) Off-premises directional, see table 1219(5)				
(8) Off-premises advertising signs (see table 1219(6))				

*Multiple sign faces are permitted on each sign structure. However, total faces shall not exceed total permitted square feet.

²No sign shall be located closer than ten (10) feet to the back-of-curb or edge of pavement of a public roadway.

**TABLE 1219(6).
OFF-PREMISES ADVERTISING SIGNS,
OI, C1, C2, C3, Mi and M2 ZONES**

Type sign: Off-premises advertising signs, as defined in Section 1202. The following conditions shall apply to all (such) signs:

- A. A variance must be obtained for any off-premises sign from the Dacula City Council.
- B. A person or business applying for a variance must be located within the City limits.
- C. A variance may be granted only in an individual case of unusual hardship and where there exist extraordinary and exceptional conditions to the property in question.
- D. Location and spacing:
 - 1. No off-premises sign shall be placed within 100 feet of a residence, church, school, park or cemetery.
 - 2. No off-premises sign shall be located within 200 feet of another off-premises sign on either side of the street as measured along the right-of-way of the street or streets on which these signs are located.
 - 3. Off-premises signs shall be erected only in the buildable area of the lot.
- E. Height: The height of an off-premises advertising sign at its highest point shall not exceed 12 feet.
- F. Size: The size of the off-premises advertising sign will comply with the zoning district in which the sign is located. Provided, however, no off-premises advertising sign shall exceed 200 square feet (in area), inclusive of any border and trim but excluding the base, apron, supports and other structural members.
- G. Faces: No off-premises advertising sign shall contain more than 2 faces, not to exceed more than 200 square feet on each side. Double-faced signs which advertise 2 products, businesses, or carry different noncommercial messages shall be considered as 2 different signs
- H. Setback: All sign structures will be set back from the right-of-way and pavement in accordance with the requirements of the zoning district in which such is located.

Section 1220. Signs for Non-Conforming Uses.

Signs for nonconforming land uses per the Zoning Ordinance of the City shall conform to the requirements of this Article and Article VIII of this Resolution.

Section 1221. Omitted.

Section 1222. Numbering.

- A. Ground signs located within one hundred (100) feet of a public right-of-way shall display the street address of the property. Within a commercial center where multiple addresses exist, the highest and lowest street address numbers shall be identified. This Section shall not apply to any ground sign where the sign is located on property which has more than one street frontage and the property address is assigned from a street other than the street frontage whereupon the ground sign is erected.
- B. Street address numbers shall be of contrasting colors against the background. Numbers shall be a minimum of eight (8) inches in height. Numbers shall be visible from both directions of travel along the street.
- C. Ground signs existing prior to the adoption of this Ordinance shall be brought into compliance with this Section within one year of the date of adoption of this Section.

Section 1223. Issuance of Permits.

- A. The City shall process all sign permit applications within 30 business days of the City's actual receipt of an application and a sign permit fee. The City Administrator shall give notice to the applicant of his decision by hand delivery or by mailing a notice, by Certified Mail, Return Receipt Requested, to the address on the permit application on or before the 30th day after the City's receipt of the application. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this Section.
- B. The City Administrator shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of original submission.
- C. Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the City Administrator shall revoke said application and the subject sign shall be removed. A revocation pursuant to this Section shall be appealable pursuant to Section 1226 of this Ordinance.

Section 1224. Mayor and City Council: Assumption of Powers and Duties.

The City of Dacula Mayor and City Council is hereby empowered and authorized to enforce this Ordinance.

Section 1225. Mayor and City Council: Powers and Duties Enumerated.

The Mayor and City Council shall have the following powers and duties:

- A. *Administrative Review.* To hear and decide whether there is an error in any order, requirement, decision or determination made by the City Administrator in the enforcement of this Article.
- B. *Variances.* To authorize upon appeal in specific cases such variance from the terms of this Article as will not be contrary to the public interest, when due to special conditions a literal enforcement of the provisions of this Article will, in an individual case, result in unusual hardship, so the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of unusual hardship upon a finding by the review board that the following conditions exist:
 - 1. There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area.
 - 2. A literal interpretation of the provisions of this Article would deprive the applicant of rights commonly enjoyed by other similar properties.
 - 3. Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties.
 - 4. The requested variance will be in harmony with the purpose and intent of this Article and will not be injurious to the neighborhood or to the general welfare.
 - 5. The special circumstances are not the result of actions of the applicant.
 - 6. The variance requested is the minimum variance which will make possible the logical use of the land, building or structure.
 - 7. The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning district involved.
- C. *Appeal.* Any applicant aggrieved by the decision of the Mayor and Council in their review of decisions by the Mayor and City Council shall seek judicial review by filing for a writ of certiorari in the Superior Court of Gwinnett County within 30 days of the decision of Mayor and Council.
- D. *Petitions for Variance.* All petitions for review of variance requests shall be in written form and filed with the office of the City Administrator. The Mayor and City Council shall hear all such petitions within thirty (30) days of receipt by the office of the City Administrator and shall act upon all such petitions within fifteen (15) days of the hearing.

Section 1225. Mayor and City Council: Powers and Duties Enumerated. (Continued)

- E. *Off-Premises Advertising or Off-Premises Directional Signs.* The Mayor and City Council will approve and/or disapprove all requests for off-premises signs. The permittee will submit with each request for an off-premises sign the following information:
1. The street address of the property on which the sign will be located and the zoning district in which such property is located.
 2. A plat of the property on which the sign will be located which shows where thereon the sign will be located and the distance from the property lines and the paved street.
 3. A design of the sign which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign.
 4. A statement stating that all of the requirements of the zoning district in which the sign will be located have been complied with.
 5. A copy of the lease or other document from the owner of the sign which authorized the erection thereof.
 6. The cost of the sign and/or estimated cost if such is not known at the time the permit is requested which will be changed to actual cost as soon as such is known.
 7. No action will be taken on the erection of the sign by the owner of the property, the lessee, the sign owner, and/or any of their contractors, agents, or employees until the sign has been approved by the Mayor and City Council.
- F. *Variations as to Size and Message.* The Mayor and City Council shall have the power to grant any variance as to the maximum size and message of signs.

Section 1226. Suspension, Revocation of Permit, License.

Violation of any provision of this Article will be grounds for terminating the permit granted by the City to the owner and/or the license of the person or entity erecting the sign. No permit and/or license shall be suspended, revoked or canceled except for due cause as hereinafter defined, and the permittee and/or licensee is granted a public hearing before the Mayor and City Council. The permittee and/or licensee will be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the suspension, revocation or canceling of such permit and/or license. A Due cause@ is the willful and/or continued violation of the provisions of this Article. The termination of the permit and/or license does not in any way preclude the person or persons alleged to have violated the provisions of this Article from being tried under Section 3-1-28 of this Article, or preclude the City from taking any other action authorized by this Code, and/or any action authorized by law.

Section 1227. Enforcement.

This Article shall be administered and enforced by the City Administrator or her/his designee.

Section 1228. Penalty.

Any person violating any provision of this Article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars (\$50.00) and not more than one hundred fifty (\$150.00) for each offense. Each day such violation continues shall constitute a separate offense.

Section 1229. Additional Enforcement Options.

In case any sign, advertising device, or other device covered by this Article is or is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this Article, the City Administrator may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of the city code requiring the presence of the violator in the municipal court; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.