

**CITY OF ELY
LINN COUNTY, IOWA**

**ORDINANCE #234
AN ORDINANCE REVISING THE SIGN REGULATIONS OF THE ELY ZONING
ORDINANCE**

SECTION 1. §6-13-7 REPEALED. Section 6-13-7 of the Ely Code of Ordinances is hereby repealed in its entirety.

SECTION 2. §6-13-7 ADOPTED. The following is hereby adopted as §6-13-7 of the Ely Code of Ordinances:

6-13-7 SIGN REGULATIONS

Intent. Regulation of the size, location, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without disruption to surrounding areas; to prevent wasteful use of natural resources; to prevent hazards to life and property; and to assure the continued attractiveness of the community.

A. Definitions:

The following definitions are given for words used in this chapter:

1. "Advertising Sign". A sign, other than an off-premises sign, that directs attention to or identifies a business, commodity, service, or entertainment conducted, sold or offered only at or upon the premises on which the sign is located.
2. "Awning sign" means a sign attached to or in any way incorporated with the face of an awning or any other similar projection, and which does not extend beyond the projection.
3. "Bulletin Board" means a sign that provides information, via a static non-moving media that is changed or adjusted manually for the purpose of providing information, about products, services, or activities offered or provided at or upon the premises the bulletin board is located.
4. "Development sign" means a permanent sign that displays the name of a development or of a multi-lot subdivision.
5. "Display surface" means the area made available by the sign structure for the purpose of displaying the advertising message.
6. "Electronic Sign" means a sign, or portion of a sign, that displays an electronically controlled and conveyed image or video, which may or may not include text. This definition includes, but is not limited to electronic text message signs, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.
7. "Ground sign" means a sign which is supported by one or more uprights or braces and which is firmly and permanently anchored in or on the ground and which is not attached to any building.

8. "Identification sign" means a sign displaying the name, address, crest, insignia or trademark, occupation, or profession of an occupant of a building or the name of any building on the premises.
9. "Information sign" means a sign displayed strictly for the direction, safety, or convenience of the public and which sets forth no advertisement. Information signs include signs which identify parking areas and drives, restrooms, addresses, telephones, exits and entrances, no trespassing areas, danger areas, and similar information.
10. "Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property.
11. "Nameplates" means signs bearing only property numbers, postal box numbers, names of occupants of premises, private parking, or other identification of premises not having commercial connotations.
12. "Off-premises sign" means a sign which directs attention to a use, business, product, or activity conducted off the lot on which the sign is located. Off-premises signs shall not be permitted in any zoning district.
13. "Painted sign" means a sign painted directly on an exterior surface of a building, window, or wall.
14. "Pole sign" means a ground sign wholly supported by one or more tubular sign structures in the ground.
15. "Political sign" means a temporary sign announcing candidates seeking public office, a political issue, or containing other election information.
16. "Portable sign" means a sign that is not firmly and permanently anchored or secured to either a building or the ground.
17. "Projecting sign" means a sign which projects from and is supported by a wall of a building or structure, with the exposed face of the sign on plane not parallel to the plane of the wall.
18. "Projection" means the distance by which a sign extends over public property or beyond the building line.
19. "Real estate sign" means a temporary sign which advertises the sale, rental, or lease of property.
20. "Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.
21. "Sign" means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising or other purpose.
22. "Sign structure" means any structure that supports or is capable of supporting a sign as defined in this chapter.
23. "Special Event" means any event lasting no more than three (3) consecutive days that is presented by or promotes, a business, organization, entity, institution or the city.
24. "Swinging sign" means a sign which, because of its design, construction, suspension, or attachment, is free to swing or move noticeably because of the wind.
25. "Temporary sign" means any banner, pendant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time only.

26. "Wall sign" means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign on plane parallel to the plane of the wall.

B. Church or Public Bulletin Boards:

1. Permitted in all districts subject to the bulletin board being located the premise of the premises of the institution.
 - a. Bulletin boards shall not exceed 25 square feet for all purposes.

C. Temporary, Civic Signs Advertising the Lease or Sale of the Premises, or Items on the Premises, or Special Events. Temporary signs advertising the sale or lease of a premise or items on the premises, or for grand openings, sales, and special events are permitted in all zoning districts, subject to the following requirements:

1. Not to exceed twenty-five (25) square feet for all types and purposes including, but not limited to, those used for civic and non-profit events in area in any zoning district other than residential districts R-1, R-1A, R-1B, R-2 and R-3.
2. Not to exceed twelve (12) square feet in area for all types and purposes including, but not limited to, those used for civic and non-profit events in residential districts R-1, R-1a, R-1b, R-2 and R-3.
3. No more than one such sign is permitted at any single premises.
4. Temporary non-real estate signs may be present at any single premises for a maximum of 45 days per calendar year. Real estate signs may be present at a single premises for a maximum of 180 days per calendar year.
5. Temporary signs for non-profit civic events are permitted in any zoning district subject to the following requirements:
 - a. Such signs are installed no earlier than 30 days before the date of the event and removed no later than 7 days after the date of the event.
 - b. Banners attached to city property - light poles or signs - must be approved by the Zoning Administrator, although no formal permit is required.
6. No sign may be placed in street right-of-way in any district.

D. Portable Signs. Portable signs are permitted in the C-1, C-1a and C-2 districts subject to the following requirements:

1. Such signs may be placed on a sidewalk located in the public right of way and must comply with b & c below.
2. Such signs may have a maximum structural sign height of 4 feet and maximum structural width of 2.5 feet and must be placed so as not to obstruct the flow of pedestrian traffic on the public sidewalk.
3. Such signs may be displayed only during business hours.
4. No sign may be placed in street right-of-way in any district. except portable signs may be placed on sidewalks in the public right of way subject to §6-13-7C.5 (above).

E. Advertising Signs

1. Off-Premise signs of any sort shall not be permitted in any zoning district
2. Permitted in A-1 district, provided:
 - (a) Signs cannot exceed one hundred (100) square feet in area.

- (b) They are not within one hundred (100) feet of any R district.
- (c) They are not within one hundred (100) feet of an intersection, highway structure, or residence, or another sign.
- (d) They are not within one hundred (100) feet of a park, school, cemetery, public, or semi-public building.
- (e) They are not within seventy-five (75) feet of the center line of a city or country road, or one hundred (100) feet of state or federal highway.

3. Permitted in C-1 districts, provided:

- (a) That they are not to exceed twenty-five (25) square feet in area and are attached to the structure in which the establishment is located and shall not be within twenty (20) feet of any residential district or use.

4. Permitted in C-2 district provided;

- (a) That they are not to exceed 100 square feet in area and shall not be within twenty (20) feet of any residential district or use.

5. Permitted in M-1, and M-2 districts, provided:

- (a) That they are not to exceed 100 square feet in area and shall not be within twenty (20) feet of any residential district or use.

F. Minimum Front Setback Requirement for Non-Temporary Signs: Signs may be located in a required front yard, subject to the following minimum setbacks

- 1. A-1 Agriculture - three (3) feet front
- 2. R-1, R-1a, R-1b, R-2, R-3, R-4 Residential - three (3) feet
- 3. C-1, C1a Commercial - zero (0) feet
- 4. C2 Highway Commercial - ten (10) feet.
- 5. M-1 Light Industrial - zero (0) feet
- 6. M-2 Heavy Industrial - twenty (20) feet

G. Illumination of Signs and Nameplates

All sign illumination shall be from the interior or from floodlight projection shielded to preclude glare visible from public right-of-way and neighboring properties.

H. Measurement of Sign Area. The square footage of a sign made up of letters, words, or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.

I. Condition and Maintenance. All signs, together with supports, braces, and anchors, shall be of rust-inhibitive material or treatment and shall be maintained in good condition

in the opinion of the Code Official. The display surfaces of all signs shall be kept neatly painted or posted at all times.

J. Electronic Message Signs. Electronic message signs that display time and temperature or provide changing messages are permitted.

K. Code Compliance. The construction, installation, erection, anchorage, and maintenance of all signs are subject to the applicable provisions of this section, the Building Code and other applicable codes. All signs and sign structures shall be designed and constructed to withstand load pressures as regulated by the Building Code and Zoning Code.

L. Corner Visual Clearance. Signs shall not be located within the corner visual clearance area. Additional limitations upon location, size, and height of any such signs may be required by the City if additional requirements are necessary to meet standard traffic engineering practices.

M. Interference with Utilities. Signs and their supporting structures shall not interfere with any equipment or lines for utilities including water, sewage, gas, electricity, or communications.

N. Obstruction to Doors, Windows, or Fire Escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire extinguisher system. No sign shall obstruct or interfere with any opening required for ventilation.

O. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and rubbish.

P. Prohibited Signs. The following devices, types of signs, or sign locations are specifically prohibited in all locations and zoning districts:

1. In Public Rights-of-Way. No sign or sign structure other than an official traffic, street or related sign approved for placement by the controlling public agency shall be placed on any street or highway right-of-way, except certain Temporary Signs as defined and regulated within this chapter. No sign shall be attached to any utility pole, light standard, tree or any other public facility located with the public right of way.
2. Without Consent of Owner. No sign or sign structure shall be placed on private property without the consent of the owner or the authorized agent thereof.
3. Imitation or Resemblance to Traffic Control and Safety Signs or Devices. No sign or sign structure shall be erected at any location where it may be reason of its size, shape, design, location, content, coloring, or manner of

illumination constitute a traffic hazard or detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any traffic control device, or which may be confused with an official traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign display or be visible from an adjacent street. No lights resembling an emergency light and words such as, but not limited to, "Stop", "Look", "Danger" or any other lights, words, phrases, symbols or characters which in any manner may interfere with, mislead or confuse vehicle operators shall be used in a location which is visible to vehicular traffic.

SECTION 3. §6-13-4.71 AMENDED. Section 6-13-4.71 is hereby amended to read as follows:

71. Yard -- An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure, except that signs may be located within a required yard subject to §6-13-7 of this code. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building line shall be used.

SECTION 4. REPEALER CLAUSE. Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.

SECTION 5. SEVERABILITY. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional

SECTION 6. EFFECTIVE DATE. This ordinance shall be in effect from and after final passage, approval, and posting and publication of this ordinance as required by law.

Introduced this 13th day of May, 2013, and adopted by the City Council of the City of Ely, Iowa this 10th day of June, 2013.

James E. Doyle Jr., Mayor

Attest:

Aaron Anderson, Clerk/Administrator