

AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 66 OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO SIGNS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Chapter 66, of The Code of the City of Salem, Virginia, be amended, revised, and reordained to read as follows:

PART II - CODE
Chapter 66 - SIGNS

Chapter 66 - SIGNS ^[51]

ARTICLE I. - IN GENERAL

Sec. 66-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***Electronic sign* means an electrically activated changeable sign whose variable content capability can be electronically programmed or controlled.**

Ground sign means a **type of freestanding** sign which is supported by one or more poles, uprights or braces or other means in or upon the ground, which are not a part of the building, other than a pole sign or a pylon sign.

***Monument sign* means a type of freestanding ground sign with the entire bottom of the sign mounted or affixed to a base or pedestal or directly to the ground, in which the sign and support structure are an integral part of one another.**

Street clock means any timepiece erected on the exterior of any building or structure and extending more than 18 inches over the street right-of-way and primarily for the convenience of the public, and shall be substantially a clock and not for advertising matter. ~~For purposes of this definition, a lighted structure which displays the time as well as messages and animation shall be considered a freestanding sign, wall sign, mansard sign, roof sign or projecting sign and not a street clock.~~

(Code 1969, § 24A-2)

Sec. 66-6. - Application of chapter to certain types.

Subject to the provisions of section 66-4, the provisions and regulations of this chapter shall not apply to the following signs:

- ~~(1) Home occupation signs, as provided for in this chapter.~~

- (1) Real estate signs which advertise the sale, rental or lease of the premises upon which such signs are located only, not exceeding six square feet in area in residential districts and not exceeding 32 square feet in area in business districts and industrial districts.
- (2) Signs denoting the architect, engineer or contractor, when placed upon work under construction and not exceeding 32 square feet in area.
- (3) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (4) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or nonadvertising signs as may be approved by the council.

(Code 1969, § 24A-6)

ARTICLE II. - PERMITS GENERALLY

Sec. 66-37. - Filing and contents of application.

Application for a permit as required in section 66-36 shall be made upon a form provided by the building official and shall contain, or have attached thereto, the following information:

- (1) Name, address and telephone number of the applicant.
- (2) **The current business license number or Machinery & Tools tax number from the Commissioner of the Revenue.**
- (3) Location of building, structure or lot to which or upon which the sign in question is to be attached or erected.
- (4) Position of the sign in question in relation to nearby buildings or structures.
- (5) One blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground when deemed necessary by the building official.
- (6) Copy of stress sheets and calculations, when deemed necessary by the building official, showing the structure is designed for dead load and wind pressure in any direction in the amount required by this chapter and all other laws and ordinances of the city.
- (7) Name of person erecting the structure.
- (8) Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
- (9) Insurance policy or bond as required by section 66-39

(10) Such other information as the building official shall require to show full compliance with this chapter and all other laws and ordinances of the city.

(Code 1969, § 24A-10)

ARTICLE III. - CONSTRUCTION; LOCATION

DIVISION 1. - GENERALLY

Sec. 66-72. - Traffic hazards.

(c) *Prohibited signs.* No ~~business~~ sign shall have flashing, intermittent or animated illumination or lights of changing degrees of intensity, unless each interval in the cycle is ~~five~~ **eight** seconds or more and the sign does not constitute a traffic hazard. Other prohibited ~~business~~ signs include moving and revolving signs and string lights, strip lighting and border tubing outlining structures. This section shall not be construed to prohibit signs which display lighted messages and animation, such as those which display time, temperature and other information, provided all other requirements of this chapter are met.

(Code 1969, § 24A-20)

Sec. 66-77. **Electronic Signs Generally.**

In order to minimize driver distraction, promote pedestrian and vehicular safety, and to reduce light pollution, the following regulations apply to Electronic Signs generally:

- (a) No more than one Electronic Sign shall be allowed per business.**
- (b) All Electronic Signs shall be freestanding.**
- (c) All Electronic Signs shall be required to hold a static image for a minimum duration of 8 seconds. Faster rates are prohibited.**
- (d) Transition times shall be no more than one (1) second facing the same travelled way.**
- (e) All Electronic Signs shall have an automatic light adjustment feature to regulate brightness.**
- (f) Any Electronic Sign shall be oriented away from residential properties so as to avoid light spillage.**
- (g) Video, flashing, strobe effects, "storybook" advertising, consecutive messages, or similar effects are prohibited.**

(h) Electronic Signs may not be used as off-premises, directional, location, temporary, portable, or general advertising signs.

(i) Electronic Signs displaying the current time or date shall be kept accurate. If this requirement is not complied with, the sign in question shall be promptly repaired or removed.

(j) For lots or parcels with less than 75 feet along their principal street frontage, electronic signs shall not exceed 24 square feet. For all other lots or parcels, electronic signs shall not exceed 60 square feet.

(Code 1969, § 24A-24)

Secs. 66-78—66-100. - Reserved.

DIVISION 5. - TEMPORARY SIGNS

Sec. 66-162. - Materials and area.

No temporary sign ~~of combustible material shall exceed four feet in one of its dimensions or 100~~ **twenty-four (24)** square feet in area; ~~provided, however, that such signs in excess of 60 square feet shall be made of rigid materials, that is, of wallboard or other light materials with frames.~~

(Code 1969, § 24A-35)

ARTICLE IV. - PERMITTED SIGNS BY USE AND DISTRICT

Sec. 66-254. - RMF Residential Multi-Family District; RB Residential Business District.

Signs permitted in RMF Residential Multi-Family District and RB Residential Business District shall be as follows:

(1) Business signs, subject to the following:

a. Only one ~~such~~ sign per separately identifiable place of business shall be displayed.

c. For lots or parcels with two or more separately identifiable places of business, one freestanding business sign up to ~~24~~ **16** square feet may also be erected, provided there are no other freestanding business signs on such lots or parcels. If such businesses are located on more than one street frontage or alley access, additional freestanding business signs may be erected as provided in subsection (1)d. of this section.

e. No freestanding sign shall exceed ~~25~~ **10** feet in height.

f. Monument sign not exceeding 6 feet in height.

Sec. 66-256. - TBD Transitional Business District.

Signs permitted in TBD Transitional Business District shall be as follows:

(1) Business signs only on the premises, subject to the following:

h. Restaurants may have **up to two** menu boards no more than 24 square feet in area each, provided the total combined business sign surface area for the lot or parcel, including the square footage of the menu boards, does not exceed total square footage permissible under this article, and provided further, such boards are located at least 75 feet from any residential district.

(3) Portable signs only on the premises, subject to the following:

a. Such sign shall not exceed ~~32~~ **24** square feet.

b. No portable sign shall be an electronic sign.

d. Such sign shall not be displayed for more than 30 consecutive days during a **three** ~~six~~-month calendar period. A sign permit as provided for by this article shall be required for each portable sign, which specifies the beginning and ending dates of the permitted display period. Only one 30-day permit shall be issued to each separately identifiable place of business or use during each **three** ~~six~~-month calendar period. For purposes of this section, the 30-day display period shall be based upon such permitted display dates unless the building official receives written notification from the applicant which requests amendment of the permitted display period prior to its commencement, and so approves the applicant's request. Each business or use eligible for a sign permit for a portable sign shall be granted no more than ~~two~~ **four** such permits per calendar year.

Sec. 66-258. - HBD Highway Business District; BCD Business Commerce District; LM Light Manufacturing District; HM Heavy Manufacturing District.

Signs permitted in HBD Highway Business District; BCD Business Commerce District; LM Light Manufacturing District; and HM Heavy Manufacturing District shall be as follows:

(5) Electronic Signs as provided in subsection 66-77.

Sec. 66-259. - Prohibited signs.

The following devices and locations shall be specifically prohibited:

1. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
2. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way. No *sign* shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
3. Signs which blink flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
4. Portable signs except as provided in subsection 66-256(3).
5. Any *sign* attached to, or placed on a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - a. The primary purpose of such a vehicle or trailer is not the display of signs.
 - b. The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
 - c. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate.
6. Vehicles and trailers that are used primarily as static displays, advertising a product or service, or utilized as storage, shelter or distribution points for commercial products or services for the general public.
7. Balloons, streamers, inflatables, flags (governmental flags excluded), pinwheels, and like displays, except as provided in subsection 66-161.
8. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

9. No general advertising sign shall be located within the corporate limits of the city.
10. **No existing grandfathered general advertising sign shall be converted to an Electronic Sign or billboard.**

(Code 1969, § 24A-66)

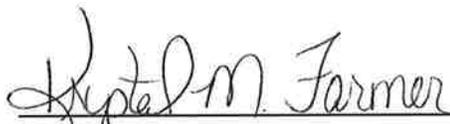
Upon a call for an aye and a nay vote, the same stood as follows:

Lisa D. Garst – Aye
William D. Jones – Aye
Jane W. Johnson – Aye
John C. Givens – Aye
Byron Randolph Foley – Aye

Passed: May 28, 2013
Effective: June 7, 2013

/s/ Byron Randolph Foley
Mayor

ATTEST:



Krystal M. Farmer
Deputy Clerk of Council
City of Salem, Virginia