AN ORDINANCE TO AMEND
TITLE 15 & 17
OF THE CODE OF EMMITSBURG
ENTITLED
BUILDINGS AND CONSTRUCTION
& ZONING

****

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 15, Chapter 15.16 of the Emmitsburg Municipal Code, be, and hereby is, repealed in its entirety and replaced with Title 17, Chapter 17.38.

Chapter 17.38 - Sign Code

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17.38.010 – Applicability.

Any sign erected, altered, or maintained after the effective date of this Chapter shall conform to the following regulations.

17.38.020 – Purpose & Intent.

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this Chapter is to regulate all signs within the town to ensure that they are appropriate for their respective uses, in keeping with the

appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

A. Setting standards and providing uniform, scientifically based controls that permit reasonable use of signs and preserve the character of the town.
B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
D. Establishing a process for the review and approval of sign permit applications.
E. Ensuring sign design that builds on the traditional town image and visual environment the town seeks to promote.

17.38.030 – Definitions.

Words and terms used in this Chapter shall have the meanings given in this Chapter. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this Chapter, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

Abandoned sign: a sign that has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of off-premises signs, or at least 360 days in the case of on-premises signs.

Address sign: a sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service (also known as: nameplate sign).

Animated sign: a sign depicting action, motion, or light or color changes through electrical or mechanical means.

Awning: a cloth, plastic, or other nonstructural covering that projects from a wall for shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Awning sign: any sign painted on, or applied to, an awning.

Balloon sign: a lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

Banner: any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

Beacon lighting: any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.
Building frontage: the maximum linear width of a building measured in a single straight-line parallel, or essentially parallel, with the abutting Public Street or parking lot.

Canopy: a structure other than an awning made of fabric, metal, or other material that is supported by columns or posts affixed to the ground and may also be connected to a building.

Changeable copy sign: a sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are manual changeable copy signs and electronic changeable copy signs, which include message center signs, digital displays, and tri-vision boards.

Channel letter sign: a sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

Clearance: the distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

Commercial: any sign that advertises products, goods, businesses, services, or identifies a business located onsite or offsite from the location of the sign or which pertains primarily to the economic and commercial interests of the sign sponsor and/or the sign audience.

Digital display: the portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma displays.

Directional sign: signs designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

Festoon lighting: a type of illumination comprised of either: (a) a group of incandescent light bulbs hung or strung overhead or on a building or other structure, or (b) light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

Flag: any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners.

Flashing sign: a sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation.

Foot-candle: a unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. foot-candle or light meter. One (1) foot-candle is equal to one (1) lumen per square foot.

Foot-lambert: a unit of emitted light (from a surface) stated in lumens per square foot and measurable with an illuminance meter, a.k.a. foot-candle or light meter. One (1) foot-lambert is equal to one (1) lumen per square foot.

Freestanding sign: a sign supported by structures or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

Ground sign: a sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building (also known as monument sign).

Pole sign: a free standing sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

Gas station canopy: a freestanding, open-air structure constructed for the purpose of shielding service station islands from the elements.

Gas station canopy sign: any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this Chapter, gas station canopy signs shall be considered wall signs.

Government/regulatory sign: any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee or agent thereof, in the discharge of official duties.

Historic district: a district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

Holiday decorations: signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons (also known as seasonal decorations).

Illumination: a source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source.

External illumination: artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

Internal illumination: a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this Chapter.

Halo illumination: a sign using a 3-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect (also known as backlit illumination).

Illuminated sign: a sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by a light source aimed at its surface.

Incidental sign: a sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

Incidental window sign: signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be informational only and shall not contain a commercial message.
Inflatable sign: a sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Interactive sign: an electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

Legibility: the physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

Light trespass: light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

Limited duration sign: a non-permanent sign that is displayed on private property for more than 30 days, but less than 180 days.

Luminance: an objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft^2).

Manual changeable copy sign: a sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

Marquee: a permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

Marquee sign: any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

Mechanical movement sign: a sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

Memorial sign: a memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

Menu sign: a permanent sign for displaying the bill of fare available at a restaurant, or other use serving food, or beverages.

Message center sign: a type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.
Message sequencing: the spreading of one message across more than one sign structure.

Multi-tenant sign: a freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

Mural (or mural sign): a large picture/image (including but not limited to painted art) which is painted, constructed, or affixed directly onto a vertical building wall, which may or may not contain text, logos, and/or symbols.
Neon sign: a sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

Noncommercial: any sign which is not a Commercial Sign.

Nonconforming sign: a sign that was legally erected and maintained at the effective date of this Chapter, or amended thereto, that does not currently comply with sign regulations of the district in which it is located.

Off-premises sign: an outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted on the premises upon which the sign is located (also known as a third party sign, billboard, or outdoor advertising).

Official traffic sign: official highway route number signs, street name signs, directional signs and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

On-premises sign: a sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent sign: a sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Personal expression sign: an on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

Portable sign: a sign designed to be transported or moved and not permanently attached to the ground, a building, or other structure.

> Sandwich board sign: a type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as a-frame sign).
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> Vehicular sign: a sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle's primary purpose.

Private drive sign: a sign indicating a street or drive, which is not publicly owned, maintained, and used only for access by the occupants of the development and their guests.

Projecting sign: a building mounted double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee (also known as blade sign).

Public sign: a sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

Reflective sign: a sign containing any material or device, which has the effect of intensifying reflected light.

Revolving sign: a sign, which revolves in a circular motion; rather than remaining stationary on its supporting structure.

Roof sign: a building mounted sign erected upon, against, or over the roof of a building.

Scoreboard: a sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

Security sign: an on premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign (also known as warning sign).

Shielded: the description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of it being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

Sign: any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for communicating a message. Sign includes the sign faces as well as any sign supporting structure.

Sign area: the total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §17.38.060.D. For standards for measuring sign area.

Sign face: the part of the sign that is or can be used for the sign area. The sign area could be smaller than the sign face.

Sign height: the vertical dimension of a sign as measured using the standards in §17.38.060.D.

Sign supporting structure: poles, posts, walls, frames, brackets, or other supports holding a sign in place.

Sight triangle: a triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as signs so that people in one road can see cars approaching on the other.

Snipe sign: a sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, streetlights, or other objects, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner.(also known as bandit sign)

Storefront: the exterior façade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

Streamers: a display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.
Street: any road, highway, avenue, alley, lane, or other public way within and under the jurisdiction of the Town, Frederick County, or State of Maryland. "Street" includes a lane, parking lane, or other discrete portion of a street.

Street frontage: the side or sides of a lot abutting on a public street or right-of-way.

Street pole banner: a banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

Temporary sign: a sign that is not permanently installed or affixed to the ground or any structure or building, located on private property, and/or constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or like material that appears to be intended to be or is determined by the zoning administrator to be displayed for no more than 30 consecutive days at one time.

Town: Town of Emmitsburg

Town manager: the Town manager or the Town manager's designee.

Tri-vision boards: an outdoor unit with a slatted face that allows three different copy messages to revolve at intermittent intervals.

Vending machine sign: a sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

Wall sign: a building mounted sign, which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. (also known as: fascia sign, parallel wall sign, or band sign)

Window sign: any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

17.38.040 – Prohibited Signs.

The following signs are unlawful and prohibited:

A. Abandoned signs.
B. Marquee signs.
C. Snipe signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Chapter.
D. Vehicular signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
E. Mechanical movement signs, including revolving signs.

F. Pennant strings and streamers.
G. Animated signs, flashing signs, or signs that scroll or flash text or graphics.

H. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
I. Any signs that imitates, resembles, interferes with, or obstructs official traffic lights, signs, or signals.
J. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
K. Signs that emit smoke, visible vapors, particulate matter, sound, odor or contain open flames.
L. Reflective signs or signs containing mirrors.
M. Interactive signs.
N. Signs incorporating beacon or festoon lighting.
O. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and road.
P. Roof signs.
Q. Signs erected on private or public property without the permission of the property owner, with the exception of those authorized or required by local, state, or federal government.
R. Any sign containing information, which states or implies that a property may be used for any purpose not permitted under the provisions of the Town's zoning Chapter.
S. Signs that exhibit statements, words, or pictures of obscene or pornographic subjects as determined by the town.
T. Any sign that promotes illegal activity.
U. Any sign which is not expressly permitted under this chapter or which does not satisfy the required criteria for the sign as stated in this chapter.

17.38.050 – Signs Exempt from Permit Requirements.

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

A. Official traffic signs.
B. Government/regulatory signs.
C. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than three (3) feet from the window.
D. Holiday and seasonal decorations.
E. Personal expression signs of any type, including flags, provided that they do not exceed three (3) sq. ft. in area per side, are non-commercial in nature, and not illuminated.
F. Address signs – up to two (2) signs stating address, number and/or name of occupants of the premises and do not include any commercial advertising or other identification.
    1. Residential districts. Signs not to exceed three (3) sq. Ft. In area.
    2. Non-residential districts. Signs not to exceed five (5) sq. Ft. In area.
G. Public signs – signs erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification or directional signs for public facilities.
H. Signs or emblems of a religious, civil, philanthropic, historical or educational organization that do not exceed five (5) sq. Ft. In area.
I. Private drive signs – one (1) sign per driveway entrance, not to exceed two (2) sq. Ft. In area.
J. Security and warning signs – these limitations shall not apply to the posting of conventional "no trespassing," signs in accordance with state law.
    1. Residential districts. Signs not to exceed two (2) sq. Ft. In area.

2. Non-residential districts. Maximum of one (1) large sign per property, not to exceed five (5) sq. Ft. In area. All other posted security and warning signs may not exceed two (2) sq. ft. in area.

K. Flags:
   1. Location. Flags and flagpoles shall not be located within any right-of-way.
   2. Height. The height at which flags may be displayed may not exceed 30 ft.
   3. Number. No more than two (2) flags per lot in residential districts, no more than three (3) flags per lot in all other districts.
   4. Size. Maximum flag size is 24 sq. ft. in residential districts, 35 sq. Ft in all other districts.
   5. Flags containing commercial messages may be used as permitted freestanding or projecting signs, and, if so used, the area of the flag shall be included in, and limited by the computation of allowable area for signs on the property.
   6. Flags up to three (3) sq. ft. In area containing noncommercial messages are considered personal expression signs and are regulated in accordance with §17.38.050.E.

L. Legal notices.
M. Vending machine signs.
N. Memorial signs, public monument or historical identification sign erected by the town, including plaque signs up to twenty (20) sq. ft. in area.
O. Signs that are permanent architectural feature of a building or structure, existing at the time of adoption of this Chapter.
P. Signs advertising the variety of crop growing in a field. Such signs shall be removed after the growing season.
Q. Incidental signs, including incidental window signs.
R. Directional signs provided they do not contain any commercial messaging.
   1. Area. No single directional sign shall exceed sixteen (16) sq. ft. in area.
   2. Height. Directional signs shall have a maximum height of five (5) ft.
   3. Illumination. Directional signs shall be non-illuminated.
S. Art and murals provided such signs do not contain any commercial messaging unless the commercially-oriented material is intended to be an integral part of the art work itself.
T. Limited duration signs in accordance with section 17.38.090 – regulations by sign type: limited duration signs.
U. Temporary signs in accordance with §17.38.100 - regulations by sign type: temporary signs.
V. Portable signs in accordance with section 17.38.110 – regulations by sign type: portable signs.

17.38.060 – General Regulations.

A. Sign location.
   1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view or by interfering with official street signs or signals by virtue of position or color.
   2. No sign may occupy a sight triangle.
   3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

B. Sign materials & construction: every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
C. Sign area.
   1. The area of a sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a sign shall not include any supporting framework, bracing

or trim, which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

2. Where the sign consists of individual letters, designs, or symbols attached to a building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
3. Signs may be double-sided.
   a. On-premises signs.
      i. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
      ii. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
      iii. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
   b. Off-premises signs.
      i. Only one (1) side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than five (5) feet apart.
      ii. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than five (5) feet apart, the larger sign face shall be used as the basis for calculating sign area.
      iii. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than five (5) feet part, all sides of such sign shall be considered in calculating the sign area.
4. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
5. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
6. The permitted maximum area for all signs is determined by the sign type and the zoning district in which the sign is located (see §17.38.130, 17.38.140, 17.38.150, 17.38.160, and 17.38.170)

D. Sign height.
   1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
   2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.
   3. The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located (see §17.38.130, 17.38.140, 17.38.150, 17.38.160, and 17.38.170).
E. Sign spacing: the spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.
F. Sign illumination.
   1. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
      a. Location. The summary table below (§17.38.060.F.7.) Provides detailed information about what types of illumination are permitted in each zoning district.

b. Light sources of illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
c. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
d. Hours of operation:
   i. Signs on non-residential properties may be illuminated from 5am until 11 pm, or ½ hour past the close of business of the facility being identified or advertised, whichever is later.
   ii. Signs shall provide an automatic timer to comply with the intent of this section.
e. Brightness: message center signs and digital displays are subject to the following brightness limits:
   i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
   ii. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
   iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set here within.
f. Message duration: the length of time each message may be displayed on a message center sign, digital display, or tri-vision board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or tri-vision board signs:
   i. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
   ii. Multiply the road's posted speed limit (mph) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
   iii. Divide the visibility distance by the speed limit (feet/second).
   iv. Add an additional ten (10) percent of this number to the total.
   v. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight (8) seconds in which the minimum message duration shall be no less than eight (8).

2. Types of illumination: where permitted, illumination may be:
   a. External: externally illuminated signs, where permitted, are subject to the following regulations:
      i. Translucent covers must conceal the source of the light.
      ii. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be static in color.
   b. Internal: internally illuminated signs, where permitted, are subject to the following regulations:
      i. Internal illumination must be static in intensity and color.
      ii. Message center signs are permitted in accordance with the regulations contained in §17.38.060.f.3.
      iii. Digital displays are permitted in accordance with the regulations contained in §17.38.060.f.4.
      iv. Neon signs are permitted in accordance with the regulations contained in §17.38.060.F.5.
3. Message center signs are subject to the following regulations, in addition to all other illumination requirements established in this section.

a. Sign type: message center signs are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in §17.38.070 and 17.38.080.
b. Height: a message center sign shall have the same height limits as other permitted signs of the same type and location.
c. Area:
    i. When used as an on-premises sign, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
    ii. When used as an off-premises sign, message center signs may be used for a maximum of 50% of the sign area.
d. Maximum number. Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
e. Message display:
    i. No message center sign may contain text, which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
    ii. The content of a message center sign must transition by changing instantly (e.g., no fade-out or fade-in).
    iii. Default design: the sign shall contain a default design, which shall freeze the sign message in one position if a malfunction should occur.
f. Conversion of a permitted non-message center sign to a message center sign requires the issuance of a permit pursuant to §17.38.190 permits & applications.
g. The addition of any message center sign to a nonconforming sign is prohibited.
h. Public service announcements: the owner of every message center sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to amber alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

4. Digital display signs are subject to the following regulations in addition to all other requirements established in this section.
    a. Sign type: digital displays are permitted in the form of freestanding, monument, and wall signs, both on-premises and off-premises, in accordance with the regulations established in §17.38.070 and 17.38.080.
    b. Height: a digital display shall have the same height limits as for other permitted signs of the same type and location.
    c. Area:
        i. When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
        ii. When used as an off-premises sign, digital displays may be used for a maximum of 50% of the sign area.
    d. Maximum number per property: where permitted, one (1) digital display sign is permitted per property.
    e. Message display:
        i. Any digital display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
        ii. One message/display may be brighter than another, but each individual message/display must be static in intensity.
        iii. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).

iv. Default design: the sign shall contain a default design, which shall freeze the sign message in one position if a malfunction should occur.

f. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to §17.38.190 permits & applications.
g. The addition of any digital display to a nonconforming sign is prohibited.
h. Public service announcement: the owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to amber alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

5. Neon signs
   a. Sign type: neon signs are only permitted in the form of an on premises wall sign.
   b. Height: a neon sign shall have the same height limits as for other permitted signs of the same type and location.
   c. Area: the maximum total area for a neon sign is two (2) square feet.
   d. Maximum number: where permitted, one (1) neon sign is permitted per property.
   e. Neon signs shall be a steady and stationary light source.
6. Electrical standards.
   a. Permits for illuminated signs will not be issued without an approved building permit. Applications for building permits shall be filed after the approval of the sign permit application.
   b. All work shall be completed in full compliance with the electrical code as managed by Frederick County.
   c. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
   d. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification to the town as a condition precedent to the issuance of a sign permit.
7. Glare control: glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.
8. Illumination standards by district (see next page):

District	Illumination type				Brightness limitation for digital displays and message center signs	Hours of Illumination	Motion Limitation	Message center signs as a max % of sign area	
	Internal	Message center sign	External	Digital display			Digital displays and message center signs	Digital displays as a max % of total sign area on site	Message center signs as a max % of sign area
Neighborhood Commercial (B-1)	P	P	P	P	Daytime: 5,000 nits Nighttime: 250 nits	5am to 11pm	Determined by visibility. See §17.38.060.f.4.c	30%	50%
General Commercial (B-2)	P	P	P	P	Daytime: 5,000 nits Nighttime: 250 nits	5am to 11pm	Determined by visibility. See §17.38.060.f.4.c	30%	50%
Office, Research, & Industrial (ORI)	P	P	P	P	Daytime: 5,000 nits Nighttime: 250 nits	5am to 11pm	Determined by visibility. See §17.38.060.f.4.c	30%	50%
Industrial Park (IP)	P	P	P	P	Daytime: 5,000 nits Nighttime: 250 nits	5am to 11pm	Determined by visibility. See §17.38.060.f.4.c	30%	50%
Institutional (INST)	P	P	P	P	Daytime: 5,000 nits Nighttime: 250 nits	5am to 11pm	Determined by visibility. See §17.38.060.f.4.c	30%	50%
Village Zone (VZ)	P	NP	P	NP	N/A	5am to 11pm	N/A	N/A	N/A
Residential (R-1, R-2, & R-3)	NP	NP	P	NP	N/A	5am to 11pm	N/A	N/A	N/A
Conservation / Recreation (C-R)	NP^	NP^	NP^	NP^	Daytime: 5,000 nits Nighttime: 250 nits	5am to 11pm	N/A	N/A	N/A
Off-premises*	P	P	P	P	Daytime: 5,000 nits Nighttime: 250 nits	5am to 11pm	Determined by visibility. See §17.38.060.f.4.c	30%	50%
Temporary signs*	NP	NP	NP	NP	N/A	N/A	N/A	N/A	N/A
Portable signs*	NP	NP	NP	NP	N/A	N/A	N/A	N/A	N/A

^Excludes signs located in parks or recreational facilities NP - Not Permitted P – Permitted N/A – Not Applicable

* Off-premises, temporary, and portable signs are subject to the illumination regulations governing off-premises, temporary, and portable signs, rather than the illumination standards governing specific district where the sign is located.

17.38.070 – Regulations by Sign Type: On-Premises Signs.

A. Wall signs.
   1. No portion of a wall sign shall be mounted less than eight (8) feet above the finished grade or extend out more than twelve (12) inches from the building wall on which it is affixed. If the wall sign projects less than three (3) inches from the building wall on which it is affixed, the eight-foot height requirement need not be met.

B. Canopy or awning signs
   1. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
   2. Canopy or awning signs must be centered within or over architectural elements such as windows and doors.
   3. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.
   4. Sign placement.
      a. Letters or numerals shall be located only on the front and side vertical faces of the awning or canopy.
      b. Logos or emblems are permitted on the top or angled portion of the awning or canopy up to a maximum of three square feet. No more than one emblem or logo is permitted on any one awning or canopy.
   5. Sign height.
      a. The lowest edge of the canopy or awning sign shall be at least eight (8) feet above the finished grade.
   6. Any ground floor awning projecting into a street right-of-way must be retractable.
   7. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.
   8. Multi-tenant buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height, projection, and style across all tenants in the building.

C. Projecting signs.
   1. No portion of a projecting sign shall project more than four (4) feet from the face of the building.
   2. The outermost portion of a projecting sign shall project no closer than five (5) feet from a curb line or shoulder of a public street.
   3. Sign height. The lowest edge of a projecting sign shall be at least eight (8) feet above the finished grade.

D. Window signs.
   1. Incidental window signs displaying pertinent business information such as the business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.

E. Freestanding signs.
   1. The lowest edge of any freestanding pole sign shall be either less than four (4) feet or greater than seven (7) feet above ground.
   2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
   3. Sign placement.
      a. All freestanding signs shall be set back five (5) feet from the right-of-way, except for official traffic signs and government/regulatory signs.

b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cart way of the right-of-way or other areas required to remain unobstructed.

F. Manual changeable copy signs: manual changeable copy signs are permitted only when integrated into a freestanding, wall, or portable sign.

17.38.080 – Regulations by Sign Type: Off-Premises Signs.

A. Locations permitted.
   1. Off-premises signs are permitted in the following locations:
      a. General Commercial (B-2)
      b. Office, Research, & Industrial (ORI)
      c. Industrial Park (IP)
   2. Off-premises signs are also permitted in the Institutional (INST), Village Zone (VZ), and Neighborhood Commercial (B-1) zoning districts; however, they are subject to all of the regulations governing the specific district where the sign is located and not the regulations set forth in §17.38.080.

B. Sign size: An off-premise advertising sign is subject to the following size restrictions according to the posted speed limit of the road which the off-premises sign faces:

	Posted speed limit (mph)		
	≤ 35	36-45	46-55
Maximum sign area (sq. Ft)	60	100	150

C. Height and location of sign.
   1. Off-premises signs shall have a maximum height of 15 ft.

D. Spacing: Off-premises signs shall be:
   1. Set back from the ultimate right-of-way a distance equal to the height of the off-premises sign or 15 feet, whichever is greater.
   2. Located no closer than 25 feet from any property line.
   3. Located no closer than 50 feet from any building, structure, or on-premises sign located on the same property.
   4. Located no closer than 750 feet from another off-premises sign on either side of the road measured linearly.
   5. Located no closer than 250 feet from any intersection, or interchange (on/off-ramp).
   6. Located no closer than 250 feet from any property line abutting a public park, playground, religious institution, cemetery, school, or residential district.
   7. Not attached to the external wall or otherwise affixed to any part of any building and shall not extend over any public property or right-of-way.
   8. Not located on sewer rights-of-way, or water, electric, or petroleum pipelines.
   9. Not located on a bridge.

E. Number of signs per lot: there shall be no more than one off-premises sign per lot. Vertically or horizontally stacked signs shall not be permitted.

F. Content: off-premises signs shall not display any message or graphic of an obscene or pornographic nature as determined by the town.

G. Double-sided off-premises signs: signs may be single or double-sided, in accordance with §17.38.060.C. Sign area.

H. Message sequencing: message sequencing is prohibited.
I. Construction and maintenance.
    1. All plans for off-premises signs shall be certified by a licensed engineer registered in Maryland.
    2. All off-premises advertising signs shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All off-premises advertising signs shall be structurally sound and maintained in good condition.
    3. The rear face of a single-face, off-premises advertising sign shall be painted and maintained with a single neutral color as approved by the town.
    4. Every five (5) years, the owner of the off-premises sign shall have a structural inspection made of the sign by a licensed engineer registered in Maryland and shall provide to the town a certificate certifying that the sign is structurally sound.
J. Identification of sign owner: all off-premises signs shall be identified on the structure with the name, address, and phone number of the owner of such sign.
K. Landscaping.
    1. Landscaping shall be provided at the base of all off-premises signs. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the purpose of this section.
    2. Trees greater than four (4) inches in diameter removed for construction of the sign shall be replaced on-site at a ratio of one (1) replacement tree for each removed tree using native species no less than two (2) inches in diameter.
L. Additional regulations. All off-premises signs shall comply with any and all applicable zoning regulations of the town, and any and all local, state, and/or federal regulations. In the event any other applicable regulation is in conflict with the provisions of this section, the more strict regulation shall apply.
M. Application/plan requirements. Plans submitted for off-premises advertising signs shall show the following:
    1. The location of the proposed sign on the lot with the required sign setbacks from the property line and ultimate right-of-way.
    2. The location and species of existing trees.
    3. The distance to the nearest existing, off-premises advertising sign.
    4. The distance to the nearest right-of-way, property line, building, structure, on-premises sign, off-premises sign, intersection, interchange, safety rest area, bridge, residential district, or institutional use, sewer rights-of-way, and water, electric, or petroleum pipelines.
    5. Site plan containing all of the applicable requirements set forth in the Town's zoning code, as amended.
    6. Certification under the seal by a licensed engineer that the off-premises sign, as proposed, is designed in accordance with all federal, state, and local laws, codes, and professional standards.
N. Illumination and changeable copy of off-premises signs.
    1. Off-premises signs may incorporate manual changeable copy signs.
    2. Off-premises signs may be illuminated, provided that:
        a. All light sources are designed, shielded, arranged, and installed to confine or direct all illumination to the surface of the off-premises sign and away from adjoining properties.
        b. Light sources are not visible from any street or adjoining properties.
    3. The following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination.

a. Message center sign
b. Digital display
c. External illumination
d. Internal illumination

4. Off-premises signs may incorporate tri-vision boards.
   a. The length of time each message of the tri-vision board may be displayed before changing is based upon the visibility and posted speed limit unique to individual signs and adjacent road conditions. The message duration for tri-vision boards shall be calculated using the method described in §17.38.060.F.1.F. Message duration.

O. Safety. In applying for a variance, the applicant bears the burden of proof to establish that the proposed off-premises sign will not create a public health or safety hazard in the manner and location that is proposed and in the manner by which it is to be operated.

17.38.090 – Regulations by Sign Type: Limited Duration Signs.

A. Limited duration signs, as defined in this chapter, located on private property are subject to the regulations set forth below. Limited duration signs that comply with the requirements in this section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise stated below, the requirements listed shall apply to both commercial and non-commercial signs.

B. Size and number.
   1. Non-residential zones:
      a. Large limited duration signs: one (1) large limited duration sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large limited duration sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large limited duration signs.
         i. Type:
            a. Freestanding sign
            b. Window sign
            c. Wall sign
         ii. Area: each large limited duration sign shall have a maximum area of 16 sq. ft.
         iii. Height: large limited duration signs that are freestanding shall have a maximum height of eight (8) feet.
      b. Small limited duration signs: in addition to the large limited duration sign(s) outlined above, one (1) small limited duration sign is permitted per property in all non-residential zones. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional small sign may be permitted.
         i. Type:
            a. Freestanding sign
            b. Window sign
            c. Wall sign
         ii. Area: each small limited duration sign shall have a maximum area of six (6) sq. Ft.
         iii. Height: small limited duration signs that are freestanding shall have a maximum height of six (6) feet.

2. Residential zones:
   a. Large limited duration sign: one (1) large limited duration sign is permitted per property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.
      i. Type:
         a. Freestanding sign
         b. Window sign
         c. Wall sign
   b. Small limited duration sign: one (1) small limited duration sign is permitted per property.
      i. Type:
         a. Freestanding sign
         b. Window sign
         c. Wall sign
      ii. Area: each small limited duration sign shall have a maximum area of six (6) sq. ft.
      iii. Height: small limited duration signs that are freestanding shall have a maximum height of six (6) feet.

C. Installation and maintenance.
   1. All limited duration signs must be installed such that in the opinion of the town's zoning administrator, they do not create a safety hazard.
   2. All limited duration signs must be made of durable materials and shall be well maintained.
   3. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

D. Illumination: illumination of any limited duration sign is prohibited.

E. Summary table for limited duration signs:

	Limited Duration Signs	
	Non-Residential Districts	Residential Districts
Large Limited Duration Signs (max area 16 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. Of street frontage or has > 10,000 sq. Ft. Of floor area. Height: maximum 8 ft.	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. Of street frontage or has > 10,000 sq. Ft. Of floor area. Height: maximum 8 ft.
Small Limited Duration signs (max area 6 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. Of street frontage or has > 10,000 sq. Ft. Of floor area. Height: maximum 6 ft.	Number: 1 per property. Height: maximum 6 ft.

17.38.100 – Regulations by Sign Type: Temporary Signs.

A. Temporary signs, as defined in this chapter, located on private property, are exempt from standard permit requirements. Temporary signs that comply with the requirements in this section shall not be included in the determination of the type, number, or area of signs allowed on a property.

B. Unless otherwise stated below, the requirements listed below shall apply to both commercial and non-commercial signs.
C. Size and number.
    1. Non-residential districts:
        a. Large temporary signs: one (1) large temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area, one (1) additional large temporary sign may be permitted so long as there is a minimum spacing of 200 feet between the two (2) large temporary signs.
            i. Type:
                a. Freestanding sign
                b. Window sign
                c. Wall sign
                d. Banner
            ii. Area:
                a. Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 sq. ft.
                b. Each large temporary banner shall have a maximum area of 32 sq. ft.
            iii. Height:
                a. Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
                b. Banners shall hang at a height no greater than 24.
        b. Small temporary signs: in addition to the large temporary sign(s) outlined above, one (1) small temporary sign is permitted per property in all non-residential districts. If a property is greater than five (5) acres in size and has at least 400 feet of street frontage or has > 10,000 square feet of floor area, one (1) additional small sign may be permitted so long as there is a minimum spacing of 200 feet between both sets of small temporary signs.
            i. Type:
                a. Freestanding sign
                b. Window sign
                c. Wall sign
            ii. Area: each small temporary sign shall have a maximum area of six (6) sq. Ft.
            iii. Height: small temporary signs shall have a maximum height of six (6) feet.
    2. Residential districts:
        a. Large temporary signs: one (1) large temporary sign is permitted per residential property so long as the property is greater than five (5) acres in size and has at least 400 feet of street frontage or has more than 10,000 square feet of floor area.
            i. Type:
                a. Freestanding
                b. Window sign
                c. Wall sign
                d. Banner sign
            ii. Area:
                a. Each large temporary freestanding, window, or wall sign shall have a maximum area of 16 square feet.
                b. Each large temporary banner shall have a maximum area of 32 square feet.
            iii. Height:

a. Large temporary signs that are freestanding shall have a maximum height of eight (8) feet.
b. Banners shall hang at a height no greater than 24 feet.

b. Small temporary signs: one (1) small temporary sign is permitted per residential property.

i. Type:
a. Freestanding sign
b. Window sign
c. Wall sign
d. Banner

ii. Area: each small temporary sign shall have a maximum area of six (6) sq. ft.
iii. Height: small temporary signs shall have a maximum height of six (6) feet.

D. Duration and removal
1. Temporary signs may be displayed up to a maximum of 30 consecutive days, two (2) times per year.
2. The Town or the property owner may confiscate signs installed in violation of this Chapter. Neither the town nor the property owner is responsible for notifying sign owners of confiscation of an illegal sign.

E. Permission: the party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.

F. Municipal notification: temporary signs are exempt from the standard permit requirements but the date of erection of a temporary sign must be written in indelible ink on the lower right hand corner of the sign.

G. Installation and maintenance.
1. All temporary signs must be installed such that in the opinion of the town's zoning administrator, they do not create a safety hazard.
2. All temporary signs must be made of durable materials and shall be well-maintained.
3. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.

H. Illumination: illumination of any temporary sign is prohibited.

I. Summary table for temporary signs:

	Temporary Signs	
	Non-Residential Districts	Residential Districts
Large Temporary Signs (max area 32 sq. ft. For banner, 16 sq. Ft. For all other signs)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. Of street frontage, or has > 10,000 sq. Ft. Of floor area. Height: Ground: maximum 8 ft. Banner: maximum 24 ft.	Number: 1 per property if property is 5+ acres with 400+ ft. Of street frontage or has > 10,000 sq. Ft. Of floor area. Height: Ground: maximum 8 ft. Banner: maximum 24 ft.
Small Temporary Signs (max area 6 sq. ft.)	Number: 1 per property; 2 if property is 5+ acres with 400+ ft. Of street frontage, or has > 10,000 sq. Ft. Of floor area. Height: maximum 6 ft.	Number: 1 per property. Height: maximum 6 ft.

17.38.110 – Regulations by Sign Type: Portable Signs.

A. General provisions.
1. Illumination: illumination of any portable sign is prohibited.
2. Hours of display.
    a. Signs shall not be displayed on any premises before 6:00 am and shall be removed each day at or before 10:00 pm. However, all portable signs must be taken in during hours of non-operation of the business being advertised.
    b. All portable signs must be taken in during inclement weather.

B. Sandwich board or a-frame signs. Sandwich board signs that comply with the requirements in this section shall not be included in the determination of the type, number, or area of signs allowed on a property.
1. Number: one (1) sandwich board sign is permitted per establishment. For the purposes of this chapter, a parking garage or parking lot shall be considered an establishment.
2. Area: each sign shall have a maximum area of seven (7) sq. ft. per sign face.
3. Height: signs shall have a maximum height of three and one-half (3.5) feet.
4. Sign placement.
    a. If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
    b. Portable signs shall be weighted, temporarily secured, or strategically placed to avoid being carried away by high winds.
    c. Portable signs are prohibited on the sidewalk on street corners, disabled access curb ramps, in transit stop areas, next to disabled parking, building exits and fire escapes, any portion of the street (medians, traffic islands, parking areas, pedestrian pathways, bicycle paths, etc.).
    d. Portable signs can only be placed on the right-of-way adjacent to the property where the sign is registered or on the private property. They cannot be placed across the street or on a neighboring property.
5. Manual changeable copy.
    a. Manual changeable copy signs are permitted when integrated into a sandwich board sign.
    b. Commercial messages must advertise only goods and services available on the premises.

17.38.120 – Regulations by Sign Type: Street Pole Banners.

A. General provisions. Street pole banner signs that comply with the requirements in this chapter shall not be included in the determination of the type, number, or area of signs allowed on a property.
1. Illumination: illumination of any street pole banner is prohibited.
2. Area: each street pole banner shall have a maximum area of 12.5 sq. ft. and a maximum width of three (3) feet. Up to two (2) street pole banners are permitted per street pole.
3. Height.
    a. When the street pole banner's edge is less than 18 inches from the curb, the lowest edge of the street pole banner shall be at least 14 feet above the finished grade.
    b. When the street pole banner's edge is greater than 18 inches from the curb, the lowest edge of the street pole banner shall be at least eight (8) feet above the finished grade.
4. Location.
    a. No street pole banner shall extend beyond the curb line.

b. Street pole banners shall maintain a minimum of three (3) foot vertical clearance between any luminaries located on the pole measured from where the ballasts connect to the poles.
c. Street pole banners shall not interfere with the visibility of traffic signals or signs.
d. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.

5. Installation and maintenance.
   a. All street pole banners must be made of lightweight and durable fabrics with wind slits.
   b. Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.
6. Banners suspended across a public street or located on public property.
   a. The Town manager must approve banners proposed to be suspended across a town-owned street or public property.
   b. The Town manager will issue a permit only upon a determination that the banner will not jeopardize safety or create detrimental traffic operations.

B. Permit requirements.
   1. A permit for a street pole banner is issued for one (1) year and may be renewed annually.
   2. An application for a street pole banner permit must include the following.
      a. A diagram or map of the specific poles to be used for street pole banner installation and the streets on which the poles are located.
      b. A proof of the street pole banner design, including the banner's dimensions.
      c. If brackets are to be installed, submit specifications for the bracket installation system.
      d. Written approval of the street owner (Town, Frederick County, or State of Maryland) if suspended across a public street or located on public property.

17.38.130 – Signs in the Conservation / Recreation (C-R) District.

In addition to the exempt signs described in §17.38.050. Signs exempt from permit requirements, the following numbers and types of signs may be erected in the Conservation / Recreation (C-R) district, subject to the conditions specified here and in §17.38.070, 17.38.090, and 17.38.100.

A. Any limited duration sign as defined and regulated in §17.38.090. Regulations by sign type (limited duration signs).
B. Any temporary sign as defined and regulated in §17.38.100. Regulations by sign type (temporary signs).
C. Signs associated with a residential use or parcel within the Conservation / Recreation District shall comply with §17.38.140. Signs in residential districts.
D. Parks and open space.
   1. Freestanding signs shall be permitted subject to the following regulations:
      a. Number: one (1) sign per street access to a park or open space facility.
      b. Area: each sign shall have a maximum of 24 sq. ft. per sign face.
      c. Height: signs shall have a maximum height of ten (10) feet.
      d. Illumination: the following types shall be permitted subject to the regulations in §17.38.060.f. Sign illumination:
         i. External illumination.
   2. Signs located on the interior of the site used to identify various use areas, facility boundaries, on-site traffic direction, trail use information, the hours and rules for the use of the grounds, etc. Are exempt from permit requirements subject to the following:
      a. Area: each sign shall have a maximum area of ten (10) sq. ft.
      b. Height: signs shall have a maximum height of eight (8) feet.
      c. Illumination: these signs shall be non-illuminated.

3. Signs for recreation and sporting facilities shall be allowed provided that the following criteria is met:
   a. Signs on the interior walls or fence of an open stadium or field shall be no greater than 24 sq. ft. In size and shall be designed to be viewed from the inside of the stadium only, and non-illuminated.
   b. One (1) freestanding scoreboard, not to exceed 200 sq. ft. In area and 20 ft. In height, is permitted per playing field.
      i. Commercial messages shall not exceed 30% of the front face of the scoreboard.
      ii. The face of all scoreboards, including any attached commercial signs and panels, shall be permanently oriented toward the recreation and spectator area.
      iii. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
         a. Internal illumination
         b. External illumination
         c. Message center sign
         d. Digital display (not to exceed 30% of the total scoreboard area)

E. Freestanding signs for non-residential uses shall be permitted subject to the following regulations:
   1. Number: one (1) sign at each street access, up to a maximum of two (2) signs per lot.
   2. Area: each sign shall have a maximum area of 32 sq. ft. per sign face.
   3. Height: signs shall have a maximum height of six (6) feet.
   4. Illumination: these signs shall be non-illuminated.

F. Wall and projecting signs for non-residential uses shall be permitted subject to the following regulations:
   1. Number: one (1) sign per tenant per building frontage up to a maximum of two (2) signs per tenant.
   2. Area: each sign shall have a maximum area of 20 sq. ft. per sign face.
   3. Height: signs shall have a maximum height equal to the eave line or the bottom of the second story windowsill, whichever is lower.
   4. Illumination: these signs shall be non-illuminated.

G. Window signs for non-residential uses shall be permitted subject to the following regulations:
   1. Area: a maximum of 15% of the total window area of a single building frontage may be used for signs.
   2. Illumination: these signs shall be non-illuminated.

H. Off-premises signs [where/if permitted], are subject to the regulations found in §17.38.080. Regulations by sign type (off-premises).

I. Summary table for signs in the Conservation/Recreation District:

	Conservation / Recreation District		
	Wall & Projecting	Window	Freestanding
Maximum Number	Non-residential uses: 1 per tenant per building frontage, up to a maximum of 2 signs per tenant	N/A	Parks & open space: 1 per street access plus 1 freestanding scoreboard per playing field Non-residential uses: 1 per street access up to a maximum of 2 signs per lot.
Maximum Area (sq. Ft.)	Parks & open space: signs on the interior walls or fence of an open stadium: 24 Non-residential uses: 20	Non-residential uses: 15% of total window area	Parks and open space: 24 (entrance), 200 (scoreboard), 10 (signs interior to the site) Non-residential uses: 32
Maximum Height (feet)	Non-residential uses: the eave line or the bottom of the second story windowsill, whichever is lower.	N/A	Parks and open space: 10 feet (entrance), 20 (scoreboard), 8 (signs interior to the site) Non-residential uses: 6

17.38.140 – Signs in Residential (R-1, R-2, & R-3) Districts.

In addition to the exempt signs described in §17.38.050. Signs exempt from permit requirements, the following numbers and types of signs may be erected in the Low Density (R-1), Medium Density (R-2), and High Density (R-3) Residential Districts, subject to the conditions specified here and in §17.38.070, 17.38.090, 17.38.100, 17.38.110, and 17.38.120.

A. Any limited duration sign as defined and regulated in §17.38.090 regulations by sign type (limited duration signs).
B. Any temporary sign as defined and regulated in §17.38.100 regulations by sign type (temporary signs).
C. Home occupations.
    1. One (1) freestanding sign shall be permitted subject to the following regulations:
        a. Area: each sign shall have a maximum area of six (6) sq. ft. per sign face.
        b. Height: signs shall have a maximum height of six (6) feet.
        c. Illumination: these signs shall be non-illuminated.
    2. One (1) wall or projecting sign shall be permitted, up to two (2) sq. ft. in area.
        a. Height: signs shall have a maximum height equal to the eave line or the bottom of the second story window sill, whichever is lower.
        b. Illumination: these signs shall be non-illuminated.
D. Freestanding signs for residential developments or apartment buildings containing more than ten units shall be permitted subject to the following regulations:

1. Number: one (1) sign per street frontage.
2. Area: each sign shall have a maximum area of 15 sq. ft. per sign face.
3. Height: signs shall have a maximum height of eight (8) feet.
4. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.f. Sign illumination:
    a. External illumination.

E. Summary table for signs in residential districts:

	Residential Districts	
	Wall & projecting	Freestanding
Maximum Number	Home occupations: 1 per lot	Home occupations: 1 per lot Residential developments: 1 per lot
Maximum Area (sq. ft.)	Home occupations: 2	Home occupations: 6 Residential developments: 15
Maximum Height	The eave line or the bottom of the second story windowsill, whichever is lower.	Home occupations: 6 feet Residential developments: 8 feet

17.38.150 – Signs in the Institutional (INST) District.

In addition to the exempt signs described in §17.38.050 exempt signs, the following numbers and types of signs may be erected subject to the conditions here and in §17.38.070, 17.38.090, 17.38.100, 17.38.110, and 17.38.120:

A. Any limited duration sign as defined and regulated in §17.38.090 regulations by sign type (limited duration signs).
B. Any temporary sign as defined and regulated in §17.38.100 regulation by sign type (temporary signs).
C. Any portable sign as defined and regulated in §17.38.110 regulations by sign type (portable signs).
D. Any street pole banner as defined and regulated in §17.38.120 regulations by sign type (street pole banners).
E. Signs associated with a park or open space use in an Institutional District. Shall comply with §17.38.120.
F. Signs associated with residential use or parcel within the Institutional District shall comply with §17.38.140 signs in residential districts.
G. Freestanding signs for institutional uses, other than parks and open space, shall be permitted subject to the following regulations:
    1. Number: one (1) sign per street access, up to two (2) signs per property held in single and separate ownership.
    2. Area: each sign shall have a maximum area based on the lot size of the property as follows:
        a. On lots less than two (2) acres: 24 sq. ft.
        b. On lots of two (2) acres or more but less than five (5) acres: 40 sq. ft.
        c. On lots of five (5) acres or more: 60 sq. ft.
    3. Height: signs shall have a maximum height of ten (10) feet.

4. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
    a. Internal illumination
    b. External illumination
    c. Message center sign

H. Freestanding signs located on the interior of the site used to identify facilities, on-site traffic direction, hours of operation, and other information are exempt from permit requirements, subject to the following:
1. Area: each sign shall have a maximum area of ten (10) sq. ft.
2. Height: each sign shall have a maximum height of eight (8) feet.
3. Illumination: these signs shall be non-illuminated.

I. Building signs, including wall signs, awning or canopy signs, projecting signs, and window signs are permitted for institutional uses. The total maximum sign area of all building signs shall be based on the lot size of the property and wall area of the building as follows:
1. Area:
    a. On lots less than two (2) acres:
        i. Total sign area of all building signs shall not exceed five (5) percent of the total wall area for all walls that directly face a public street or parking lot.
        ii. No single building sign shall exceed 24 square feet.
    b. On lots of two (2) acres or more but less than five (5) acres:
        i. Total sign area of all building signs shall not exceed six (6) percent of the total wall area for all walls that directly face a public street or parking lot.
        ii. No single building sign shall exceed 36 sq. ft.
    c. On lots of five (5) acres or more:
        i. Total sign area of all building signs shall not exceed seven (7) percent of the total wall area for all walls that directly face a public street or parking lot.
        ii. No single building sign shall exceed 60 sq. ft.
2. Height: signs shall have a maximum height equal to the eave line.
3. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
    a. Internal illumination
    b. External illumination, lit from above
    c. Halo illumination or back-lit letters

J. Upper level building identification signs shall be permitted subject to the following regulations:
1. Number: two (2) signs per building.
2. Area: each sign shall have a maximum area of 100 sq. ft.
3. Height: signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eave line.
4. Location: signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
5. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination.
    a. Internal illumination

K. Summary table for signs in the Institutional District:

		Institutional District		
		Wall, awning/canopy, projecting, and window	Freestanding	Building identification
Maximum number		N/a	1 per street access, up to 2 per lot	2 per building
Maximum Area	Lots < 2 acres	5% of the total wall face area of walls that directly face a public street or parking lot. No single wall sign shall exceed 24 sq. ft.	24 sq. ft.	100 sq. ft.
	Lots ≥ 2 and < 5 acres	6% of the total wall face area of walls that directly face a public street or parking lot. No single wall sign shall exceed 36 sq. ft.	40 sq. ft.	
	Lots ≥ 5 acres	7% of the total wall face area of walls that directly face a public street or parking lot. No single wall sign shall exceed 60 sq. ft.	60 sq. ft.	
Maximum height		The eave line	10 feet	The eave line

17.38.160 – Signs in the Village Zone (V-Z) District.

In addition to the exempt signs described in §17.38.050 signs exempt from permit requirements, the following numbers and types of signs may be erected in the Village Zone District, subject to the conditions specified here and in §17.38.070, 17.38.090, 17.38.100, 17.38.110, and 17.38.120

A. Any sign permitted in residential districts, for appropriate uses, as defined and regulated in §17.38.140 signs in residential districts.
B. Any portable sign as defined and regulated in §17.38.110 regulations by sign type (portable signs).
C. Any street pole banner as defined and regulated in §17.38.120 regulations by sign type (street pole banners). Only the town is permitted to hang street pole banners in the Village Zone.
D. Installation must not damage or require removal of historic materials as outlined in the National Park Service, Maryland Historical Trust, Town's Architectural Guidelines or local historical commission, and must be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.
E. Barber poles are permitted at a licensed barbershop, and are not considered an illuminated sign.

F. The total area of all wall, awning/canopy, and projecting signs shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to maximum size limitations based on sign type.
G. Wall signs for non-residential uses shall be permitted subject to the following regulations:
    1. Number: one (1) sign per tenant per street frontage, up to two (2) signs per tenant. Where a property has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
    2. Area: each sign shall have a maximum area of 16 sq. ft. per sign face.
    3. Height: signs shall have a maximum height equal to the eave line or the bottom of the second story windowsill, whichever is lower.
    4. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
        a. External illumination lit from above
        b. Internal illumination.
H. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations:
    1. Height: signs shall have a maximum height equal to the eave line or the bottom of the second story windowsill, whichever is lower.
    2. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
        a. External illumination lit from above
I. Projecting signs for non-residential uses shall be permitted subject to the following regulations:
    1. All hangers for projecting signs shall be in the form of a bracket and made of metal.
    2. Number: one (1) sign per ground floor establishment, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
    3. Area: each sign shall have a maximum area of 12 sq. ft. per sign face.
    4. Height: signs shall have a maximum height equal to the eave line or the bottom of the second story windowsill, whichever is lower.
    5. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
        a. External illumination lit from above
        b. Internal illumination
J. Window signs for non-residential uses shall be permitted subject to the following regulations:
    1. Area: a maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or otherwise permanently affixed to the window.
    2. Illumination: these signs shall be non-illuminated.
K. Freestanding signs for non-residential uses shall be permitted subject to the following regulations:
    1. Number: one (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
    2. Area: each sign shall have a maximum area of 20 sq. ft., and an additional 5 sq. ft. per tenant, up to a maximum of 30 sq. ft.
    3. Height: freestanding signs shall have a maximum height of 5 feet.
    4. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
        a. External illumination
        b. Internal illumination
L. Summary table for signs in the Village Zone District:

	Village Zone District			
	Wall and awning/canopy	Projecting	Window	Freestanding
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	1 per street frontage, up to 2 per lot
Maximum Area (Total)	1.5 sq. ft. per linear ft. Of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type		N/A	N/A
Maximum Area (Individual)	Wall: 16 sq. ft. Awning/canopy: n/a (see §17.38.070)	12 sq. ft.	15% total window area (permanent signs); 25% total window area (all signs)	20 sq. ft. Plus 5 sq. ft. per additional tenant up to 30 sq. ft.
Maximum Height	The eave line		N/A	5 feet

17.38.170 – Signs in the Commercial (B-1 & B-2), Industrial Park (IP), and Office, Research, and Industrial (ORI) Districts.

Except as noted below, the following numbers and types of signs may be erected in any Neighborhood Commercial, General Commercial, Industrial Park, or Office, Research, and Industrial Districts subject to the conditions specified here and in §17.38.070, 17.38.080, 17.38.090, 17.38.100, 17.38.110, and 17.38.120:

A. Any sign permitted in residential districts, for the appropriate uses, as defined and regulated in §17.38.140 signs in residential districts.
B. Any portable sign as defined and regulated in §17.38.110 regulations by sign type (portable signs).
C. Any street pole banner as defined and regulated in §17.38.120 regulations by sign type (street pole banners).
D. The total area of all wall, awning/canopy, and projecting signs for non-residential uses shall be limited to one and a half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, subject to a maximum size limitations based on sign type.
E. Wall signs for non-residential uses shall be permitted subject to the following regulations:
    1. Number: one (1) sign per tenant per street frontage, up to a maximum of two (2) signs per tenant. Where a store has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
    2. Area: each sign shall have a maximum area of 32 sq. ft. per sign.
    3. Height: signs shall have a maximum height equal to the eave line.
    4. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
        a. internal illumination
        b. External illumination, lit from above
        c. Halo illumination or back-lit letters

F. Awning or canopy signs for non-residential uses shall be permitted subject to the following regulations:
    1. Height: signs shall have a maximum height equal to the eave line.
    2. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. - sign illumination:
        a. External illumination, lit from above

G. Projecting signs for non-residential uses shall be permitted subject to the following regulations:
    1. Number: one (1) sign per ground floor established, plus one (1) sign per building entrance serving one or more commercial tenants without a ground floor entrance.
    2. Area: each sign shall have a maximum area of twenty (20) sq. ft. per sign face.
    3. Height: signs shall have a maximum height equal to the eave line.
    4. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.f. Sign illumination:
        a. External illumination, lit from above

H. Window signs for non-residential uses shall be permitted subject to the following regulations:
    1. Area: a maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 35% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
    2. Illumination: these signs shall be non-illuminated.

I. In addition to building signs, freestanding signs for non-residential uses shall be permitted subject to the following regulations:
    1. Number: one (1) sign per street frontage, up to two (2) signs per property held in single and separate ownership.
        a. For permitting gas stations, one (1) additional freestanding sign per street frontage shall be permitted for the advertising of gas prices and identification of the gas station only, up to two (2) additional signs per property.
        b. For permitted drive-through establishments, one (1) additional freestanding sign shall be permitted for the advertising items for sale to users of the drive-through lane only.
    2. Area: each sign shall have a maximum area of 50 sq. ft.
    3. Height: signs shall have a maximum height of 10 feet.
    4. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination:
        a. Internal illumination
        b. Message center sign
        c. Digital display

J. Upper-level building identification signs shall be permitted subject to the following regulations:
    1. Number: one (1) sign per building.
    2. Area: each sign shall have a maximum area of 50 sq. ft.
    3. Height: signs shall have a maximum height of ten (10) feet and shall not extend vertically beyond the eave line.
    4. Location: signs shall be limited to buildings at least three (3) stories in height and shall be located only on the top floor of such buildings.
    5. Illumination: the following illumination types shall be permitted subject to the regulations in §17.38.060.F. Sign illumination.
        a. Internal illumination

K. Off-premises signs shall be permitted, subject to the regulations detailed in §17.38.080 regulations by sign type (off-premises).

L. Summary table for signs in Commercial, Industrial Park, and Office, Research, and Industrial Districts:

	Commercial, Industrial Park, & Office, Research, & Industrial Districts				
	Wall and Awning/Canopy	Projecting	Window	Freestanding	Upper-Level Building Identification
Maximum Number	Wall: 1 per tenant per street frontage (up to 2 per tenant) Awning/canopy: n/a (see §17.38.070)	1 per ground floor establishment, plus 1 per building entrance serving tenants without a ground floor entrance	N/A	1 per street frontage, up to 2 per lot (additional signs allowed for gas stations and drive-thru establishment)	1 per building (≥ 3 stories high)
Maximum Area (Total)	1.5 sq. Ft. Per linear feet of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type		N/A	N/A	N/A
Maximum Area (Individual)	Wall: 32 sq. ft. Awning/canopy: n/a (see §17.38.070)	20 sq. ft.	25% total window area (permanent signs); 35% (all signs)	50 sq. ft.	50 sq. ft.
Maximum height	The eave line		N/A	10 ft.	The eave line

17.38.180 – Removal of Unsafe, Unlawful, or Abandoned Signs.

A. Unsafe or unlawful signs
   1. Upon written notice by the town's zoning administrator, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated that it no longer serves a useful purpose of communication, or it is determined by the zoning administrator to be a nuisance, or it is deemed unsafe by the zoning administrator, or it is unlawfully erected in violation of any of the provisions of this Chapter.
   2. The town may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within thirty (30) days of the date of this notice. In the event of immediate danger, the town may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned signs
   1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 180 days of the sign becoming abandoned as defined in this chapter. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.
   2. Where the owner of the property on which an abandoned sign is located fails to remove such sign in a 180 days the town may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the town may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

17.38.190 – Permits & Applications.

A. It shall be unlawful for any person, firm, or corporation to erect, alter, repair, or relocate any sign within the town without first obtaining a sign permit, unless the sign is specifically exempt from the permit requirements as outlined in §17.38.050 exempt signs.

B. In order to apply for a sign permit, the applicant must provide the following information, in writing, to the town:
    1. Name of organization and location.
    2. Name, address, and telephone number of the property owner, and the signature of the property owner or duly authorized agent for the owner.
    3. Contact person and contact information.
    4. Description of the activities occurring on the site where the sign will be installed.
    5. Description of any existing signage that will remain on the site.
    6. Identification of the type of sign(s) to be erected by the applicant.
    7. Site plan depicting the locations of proposed signage and existing remaining signage.
    8. One copy of a plan drawn to scale depicting:
        a. lot dimensions, building frontage, and existing cart ways, right-of-ways, and driveways.
        b. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme and proposed location.
        c. Building elevations, existing and proposed facades, parapet walls, eave line and the location and size of all proposed and existing permanent signage.
        d. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
    9. A permit fee, to be established from time to time by policy, resolution, or ordinance by the town, shall be paid.

C. The town shall have ten (10) business days from the receipt of a complete application to review the application.

D. A permit shall be issued on or before the end of the ten (10)-business, day review period if the application for a new sign or renewal complies with the regulations contained herein.

E. If the town does not issue a determination within the ten (10) business day period, the sign permit is deemed approved.

F. An application for a sign permit may be denied by the town within the ten (10)-business day review period if the application fails to comply with the standards contained herein. The town shall inform the applicant of the reasons for denying the application for the sign permit by certified mail.

G. Upon denial of an application for a sign permit, the applicant has 30 days to revise and resubmit the application for review by the town. In the alternative, the applicant may also appeal the decision to the town's board of appeals within the 30-day time-period.

H. With the exception of lighting permits for digital signs, these permits shall not expire provided that such sign are not abandoned or destroyed. In the instance that substantial repair or replacement becomes necessary (i.e., repairs that cost more than 50% of the replacement cost of the damaged sign); the organization must apply for a new sign permit, and pay an additional fee, if required.

I. All illuminated signs shall require certification in order to demonstrate continued compliance with the brightness requirements set forth in §17.38.060.F. Sign illumination. This certification must be renewed every three years. This will allow the town to adjust standards as needed based on changing technology and evaluation of impacts. The town reserves the right to assess the brightness of any sign at any time to ensure compliance with illumination requirements.

17.38.200 – Nonconforming Signs

A. Signs legally in existence at the time of the adoption of this Chapter, which do not conform to the requirements of this Chapter, shall be considered nonconforming signs.

B. All permanent signs and sign structures shall be brought into conformance with the sign regulations when and if one or more of the following occurs:
    1. The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
    2. If more than 50% of the sign area is damaged, it shall be repaired to conform to this Chapter.
    3. An alteration in the structure of a sign support.
    4. A change in the mechanical facilities or type of illumination.
    5. A change in the material of the sign face.
    6. The property on which the nonconforming sign is located submits a subdivision or land development application requiring municipal review and approval.
    7. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use and occupancy permit or a change of use and occupancy permit by the town.
C. To determine the legal status of existing signs in each of the cases listed in §17.38.200.B., the applicant shall submit the following information to the town's zoning administrator:
    1. Type(s) of existing sign(s) located on the property.
    2. The area and height of all signs.
    3. For freestanding signs, the distance between the curb line or shoulder and the nearest portion of the sign.
    4. Type of sign illumination.
    5. The material of which the sign is constructed.
    6. The building frontage.
    7. If an off-premises sign, the applicant shall also submit the plan requirements listed in §17.38.080.M.
D. Prior to the events listed in §17.38.200.B., nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign, the sign copy may be changed, and sign faces may be replaced provided that these actions do not increase the dimensions of the existing sign, and do not in any way increase the extent of the sign's non-conformity.
E. Nonconforming signs shall be exempt from the provisions of §17.38.200.B., under the following conditions:
    1. The nonconforming sign possesses documented historic value.
    2. The nonconforming sign is a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Maryland Historical Trust, Town's Architectural Guidelines, or local historical commission.
    3. When a nonconforming sign is required to be moved because of public right-of-way improvements.
F. All nonconforming temporary signs, portable signs, and banners must be permanently removed within 90 days of the effective date of this Chapter, unless specified approval is granted as provided herein.

17.38.210 – Signs on the Premises of Legally Nonconforming Uses.

A. Signs on the premises of legally nonconforming uses (such as an office in a residential area) may remain until the existing use of the premises is discontinued.
B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on that property at the time this Chapter was adopted.

17.38.220 – Substitution Clause.

Notwithstanding any provision of this Chapter to the contrary, to the extent that this Chapter allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, providing that the sign is not prohibited and the sign continues to comply with all requirements of this Chapter.

17.38.230 – Violations.

The placement of a sign that requires a sign permit without a sign permit shall be a municipal infraction. Violations of this Chapter shall be treated as strict liability offices regardless of intent. Failure to comply with this Chapter or any order or requirement imposed under this Chapter is punishable by a fine not to exceed one thousand dollars ($1,000.00). Each day a violation continues is a separate municipal infraction.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this 5th day of August, 2019

by a vote of 3 for, 2 against, Ø absent, and Ø abstain.

ATTEST:

Madeline Shaw, Town Clerk

EMMITSBURG BOARD OF COMMISSIONERS:

Clifford E. Sweeney, President

MAYOR

✓ APPROVED _____ VETOED

this 5th day of August, 2019

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date: 8/6/2019