

*Amended by
Ord. # 60-68 12*

ORDINANCE NO. 60-66-1

AN ORDINANCE REGULATING THE LOCATION, CONSTRUCTION, SIZE AND MAINTENANCE OF SIGNS, BILLBOARDS, MARQUEES CANOPIES AND AWNINGS IN THE CITY OF ATLANTIC BEACH, DUVAL COUNTY, FLORIDA; PROVIDING FOR THE ISSUANCE OF PERMITS AND FEES THEREFOR; PROVIDING PENALTIES FOR VIOLATIONS OF PROVISIONS HEREIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEPARABILITY OF THE PROVISIONS HEREOF.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION I. SHORT TITLE

This Ordinance shall hereafter be known and cited as the "Sign Ordinance".

SECTION II. EXEMPTIONS

(A.) The following signs are expressly excluded from the operation of this Ordinance:

1. Decals affixed to or signs painted on store windows, store equipment, fuel pumps, or other type of vending equipment used for dispensing retail products.
2. Signs wholly within a building.
3. Memorial signs, tablets, or plaques, or name of building and date of erection, when the same are cut into any masonry surface or when constructed of bronze or other incombustible material.
4. Small professional name plates for physicians, surgeons, dentists, musicians, lawyers, architects, teachers and other like professional persons placed on the premises occupied by such person or persons, and not exceeding more than one square foot in area, in all areas except business or industrial zones.
5. Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building, placed flat against the exterior surface of the building and not exceeding three (3) square feet in area.
6. Not more than one real estate sign advertising sale, rental or lease of only the premises on which it is maintained. Such sign shall not be more than four square feet in area and shall conform to set back lines.

7. Signs noting the architect, engineer or contractors when placed upon work under construction, providing such sign shall be removed within fifteen (15) days of completion of construction. Such signs shall not be larger than necessary to display the names of persons or firms performing labor or supplying materials to the premises.
8. Traffic signs, legal notices, danger signs and temporary emergency or non-advertising signs, erected by the City, County, State or Federal Authorities.
9. "No trespassing" and "Private property" signs not exceeding sixty-six (66) square inches in area.
10. "Vacancy" or "No Vacancy" signs not exceeding sixty-six (66) square inches in area.
11. Directional signs of ^{any} religious, charitable, fraternal or civic organization within the City having a meeting place, club house or other situs within the City for the purpose of indicating the place where such club house, meeting place or situs is located in the City. Such directional signs shall not exceed four (4) square feet in area. All such directional signs shall be provided and erected by the organization desiring the same, under the direction and supervision of the City Manager and only at specific locations designed by the City Manager.
12. Bulletin Boards not over fifteen (15) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
13. Signs announcing the candidacy of a candidate for public office not exceeding four (4) square feet in area. Such signs shall be limited to four locations within the City for each candidate, and written authorization from the property owner for placing any such sign shall be obtained and filed with the City Manager by the candidate or his agent. The placing of such signs on public property is expressly prohibited and all permitted signs will be removed by the Candidate within seventy-two (72) hours after final election.
14. Signs erected at entrances to sub-divisions or new developments which contain not less than ten (10) houses or lots, said sign not to exceed twenty-four (24) square feet in area.

*Amended
Ord 60-68-2*

SECTION III. SIGNS PERMITTED (Other than those exempted under Section 2 hereof).

(A) Signs displayed or erected which advertise the particular building or property on which the sign is located, or some merchandise or service dispersed or rendered on the same premises on which the sign is located are hereby permitted subject to Section 3(b) and Section 4 provided herein. No other billboards, signs, marquee, canopy, or awning signs of any kind, except those signs specifically exempted in section 2 hereof, shall be displayed or erected in the City of Atlantic Beach.

(B) Descriptions and restrictions of Signs Permitted (other than those exempted under Section 2 hereof).

FLAT SIGNS

Shall mean any sign erected parallel to the face of, or on the outside of any building and supported through its length by such wall or walls, or any sign in any way applied flat against a wall. Such signs shall not in any case project more than twelve (12) inches from the face of the building, nor shall they extend above the adjoining eave line on a building with a pitched roof. No portion of any such sign which extends over City property shall be less than eight (8) feet above the sidewalk grade of any street or avenue, or fifteen (15) feet above the crown grade where such sign is located parallel to and abutting on an Alley. No flat sign shall utilize or occupy an area greater than fifteen (15) percent of the side of the building to which such sign is attached.

HORIZONTAL PROJECTING SIGNS

Shall mean any sign projecting at an angle from the outside wall or walls of any building and which has its greatest dimension in a horizontal plane. Such signs shall not have more than sixty (60) square feet of horizontally projected area, as calculated from any angle. There shall be not over twelve (12) inches of clear space adjacent to the building wall and such signs shall not extend or project from the face of the building more than ten (10) feet. No part of such sign shall extend above the top of the adjoining parapet wall on a building with a flat roof or above the adjoining eave line on a building with a pitched roof; and no part of such sign shall be closer than eight (8) feet to any sidewalk or pedestrian walkway, no closer than twelve (12) feet to any street, alley or highway where vehicular traffic may move. All such signs shall be anchored to a wall and shall in no manner be connected to or suspended from the roof of any building.

VERTICAL PROJECTING SIGNS

Shall mean any sign projecting at an angle from the outside wall or walls of any building and which has a vertical dimension equal to or exceeding the horizontal dimension. Such signs shall not have more than ninety (90) square feet of horizontally projected area, as calculated from any angle; and shall not project more than four (4) feet from the building to which they are attached, nor shall the vertical height of such sign exceed eighteen (18) feet. No part of such sign shall extend more than six (6) feet above the top of the adjoining parapet wall or a building with a flat roof, no more than six (6) feet above the adjoining eave line on a building with a pitched roof. All such signs shall be anchored to the wall and not connected to or suspended from the roof of any building.

ROOF SIGNS

Shall mean any sign erected completely over the roof of any building. Such signs shall have not more than one hundred eighty (180) square feet of horizontally projected area as calculated from any angle. The overall height above the roof shall not exceed fourteen (14) feet and such signs shall clear space immediately above the roof over not less than seventy-five (75) percent of its length. Roof signs shall be so placed that the least distance from any building line measured perpendicular to the face of the sign shall not be less than the total height above the roof. No roof sign shall extend horizontally past the building lines of the roof.

POLE SIGNS

Shall mean any sign erected on a pole or poles and which is wholly or partially independent of any building for support. Such signs shall have not more than one hundred eighty (180) square feet of horizontally projected area as calculated from any angle and shall be limited to one (1) square foot of area for each lineal foot of frontage of the lot on which such signs are placed. The height of any self-supporting sign shall not exceed thirty-five (35) feet. One such pole sign shall be allowed on the street side of each lot, provided however, that where a lot faces on more than one street, then one such sign shall be permitted on each street side of such lot.

Where a pole sign is located on property used as a shopping center, such pole sign shall be limited in area to one (1) square foot of area for each lineal foot of frontage of the lots or parcel of land upon which such shopping center is located and on which such pole signs are placed; provided, however, that no pole sign for such shopping center shall exceed three hundred (300) square feet of horizontally

projected area as calculated from any angle. For the purposes of this Ordinance, a shopping center is defined as a group of stores or businesses, two or more in number, which are housed in a building or buildings which are set back from the street or highway on which such building or buildings shall have their maximum frontage, a distance of not less than one hundred (100) feet, and on which set-back area, motor vehicle parking is permitted for customers of the business carried on on such premises.

MARQUEE OR AWNING SIGNS

Shall mean any sign placed flat along and on the edge of a marquee or an awning. Such signs shall have a minimum clearance of eight (8) feet above any area where pedestrians may walk and such signs shall not extend below the bottom edge of the marquee or awning.

SECTION IV. GENERAL PROVISIONS

(A) Permits Required:

It shall be unlawful for any person to install, alter, or relocate any sign, marquee, canopy, awning or other advertising structure as permitted under Section 3 herein without first obtaining a permit from the City Manager and making payment to the City Clerk of the fee as required by the schedule of fees established herein. All illuminated signs shall in addition, be subject to the provisions of the Electrical Code, and any permit fees required thereunder.

(B) Application For Erection Permit:

Application for erection permits shall be made upon blanks provided by the City Manager, and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Whether applicant is "owner" or "lessee", and if latter, show authority of owner.
3. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
4. Plot plan showing position of the sign or other advertising structure in relation to nearby buildings or structures.
5. A blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
6. Name of person, firm, corporation or association erecting structure.
7. Any electrical permit required and issued for said sign.

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| 3. <u>Marquee and/or Awnings:</u> | |
| Per lineal foot | \$.20 |
| Minimum fee | 3.00 |
| 4. <u>Neon Display and Outline Lighting</u> | |
| <u>Including Transformers:</u> | |
| Up to and including three (3) | |
| Transformers | \$3.00 |
| Each additional transformer | 1.00 |
| 5. <u>Painted Wall Signs on Buildings:</u> | |
| Up to and including 100 square | |
| feet | \$1.50 |
| Each additional 100 square feet, | |
| or fraction thereof | 1.50 |

(D) Signs erected or maintained in the City shall be subject to the following regulations:

1. NOT TO INTERFERE WITH PUBLIC

The sign must not create a traffic or fire hazard, or be dangerous to the general welfare or interfere with the free use of public streets or sidewalks.

2. IMMORAL NATURE

No sign shall display any statement, word or character or illustration of any obscene, indecent or immoral nature.

3. KEPT IN GOOD REPAIR

All signs must be kept in good condition, neat appearance and good state of repair. Any sign at least twenty-five percent destroyed must be immediately removed at the owner's expense and a new permit secured before the sign is replaced. If not repaired within thirty days after written notice from the City Manager, the sign shall constitute a public nuisance and shall be removed.

4. OBSTRUCTION OF DOORS, WINDOWS AND FIRE ESCAPES

No sign shall be attached to or placed against a building in such a manner as to prevent ingress or egress through any door or window of any building, nor shall any sign obstruct or be attached to a fire escape.

5. POSTING OR TACKING NOTICE AND SIGNS

No person shall paint, paste, print, nail or fasten in any manner whatsoever any banner, sign, paper, or any advertisement or notice of any kind whatsoever, or cause same to be done, on any curbstone, flagstone, pavement, or any other portion or part of any sidewalk or street or upon any tree, lamp-post, private wall, window, door, gate, fence, telephone or telegraph pole, hydrant, workshop, or tool shed or upon any structure within the limits of any streets within the City, unless otherwise permitted hereunder. Legal notices required by law to be so posted are hereby excepted.

6. PROJECTING SIGNS OVER SIDEWALKS OR STREETS

No sign of any kind shall be permitted to extend into or above or be anchored or placed in any portion of the right-of-way of a City street or public sidewalk (except official City, State and County signs) unless such sign be permanently attached to an existing building and be located more than eight feet above the sidewalks or finished grade, and extend not more than eight feet in a horizontal direction from the building to which attached, and in no case closer than one foot to curb line.

7. BLINKER, BEACON AND SPOT LIGHTS

The use of flashing, revolving or blinker-type outdoor lights of any type, within one hundred fifty feet of any right-of-way conducting vehicular traffic within the corporate limits of the City of Atlantic Beach, Florida is hereby prohibited. No spot, beacon or flood light shall be permitted except where such beacon, spot or flood light is non-revolving and in a fixed position, and shines only on the owner's premises and away from any street or roadway. All police vehicles, ambulances and other official safety vehicles are exempt from the provisions of this Section IV (D) 7.

8. SIGNS TO BE FIRMLY SECURED

All signs permitted to be erected under this Ordinance shall be firmly secured to the ground or structure upon which same are placed.

9. OTHER SIGNS AND BANNERS PROHIBITED

All other signs and banners not specifically provided for herein shall not be permitted within the corporate limits of the City.

10. PROXIMITY TO ELECTRICAL CONDUCTOR

No sign shall be erected closer than five (5) feet to any overhead electrical conductor, where the difference in potential between any two conductors or between one conductor and ground, exceed four hundred and eighty volts.

11. STATIC ELECTRICITY

No sign shall be constructed or maintained of which all or any part causes static electricity or otherwise interferes with radio or television reception.

12. BUILDING AND ELECTRIC CODES

All advertising signs must meet all setback requirements of the City building or zoning Ordinances and all neon and electric signs must meet the provisions of the Electric Code of the City and have electric permit for construction.

13. MISLEADING STATEMENTS ON SIGNS

It shall be unlawful for any person to display untrue, false or misleading statements upon signs, billboards, or other public places, calculated to mislead the public as to anything sold, any services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language sufficient to mislead an ordinary person in reading same shall be prime facie evidence of a violation of this provision by persons displaying such signs, or permitting same to be displayed at their residence, establishment or place of business. Any person violating this provision shall, upon conviction be punished as provided in Section 5.

14. SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD

No sign or other advertising structure as regulated by this Ordinance shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by

reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic, sign, signal or device; or which makes use of any word or words commonly used on traffic control signs or signals.

15. CONCEALING REAR OF SIGNS

Where the rear of any sign structure is visible from any street or from any adjoining district in the City, all exposed structural members of any such sign shall be concealed by painting, lattice work or as otherwise agreed to with the City Manager.

16. PRIMARY WIRING FOR ELECTRIC SIGNS AND NEON LIGHTING

All electrical wiring, electrical connections, and electrical appurtenances pertaining to the installation and maintenance of neon lighting and electric signs of all types must be installed by an electrician licensed by the City of Atlantic Beach, Florida.

SECTION V. PENALTY FOR VIOLATION

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof in the Municipal Court of the City, be punished by a fine of not more than one hundred dollars (\$100.00), or imprisonment in the City jail for not more than thirty (30) days, or either or both such fine and imprisonment in the discretion of the Municipal Judge.

SECTION VI. SECURITIES, BOND OR INSURANCE

(A) Bond. The owner or person in control of any sign whatsoever, suspended over or extending into any public right-of-way more than one foot beyond the property line, and the owner of any and all signs described in Section IV, paragraph B-8 hereof, shall execute a bond in the sum of ten thousand dollars (\$10,000.00), with sureties approved by the City Manager, indemnifying the City against all loss, cost, damage or expenses incurred or sustained by, or Judgments recovered against the City, or by any of its officers, employees, appointees or servants, by reason of the construction or methods of any signs whatsoever; and also conditioned to indemnify any person for any injury sustained by reason of such construction or maintenance.

(B) Insurance. In lieu of the bond required in subsection (A) above, there may be substituted therefor public liability and property damage insurance by any insurance company authorized to do business in the State of Florida, in the same amounts and with the same conditions as required by subsection (A).

SECTION VII. LICENSES REQUIRED TO ENGAGE IN BUSINESS OF INSTALLING SIGNS

No person who is engaged in the sign business, shall under the provisions of this Ordinance, construct or erect any sign within the city without first having obtained an occupational license for such occupation. This section shall not apply to those employed by a person or firm who is licensed in the City for such business.

SECTION VIII. NON-CONFORMING SIGNS

All signs within the City limits which by enactment of this Ordinance are made non-conforming must be removed by the owner within two (2) years from the effective date of this Ordinance. The City reserves the right to remove any such sign, if the owner thereof fails to comply with this requirement. Removal will be at the expense of the owner.

*Repealed
Date Ord.
60-66-13*

SECTION IX. REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

All ordinances or parts of ordinances in conflict herewith, including Chapter XXIII of the Southern Standard Building Code, are hereby repealed.

SECTION X. SEPARABILITY OF PROVISIONS

If any section, part of section, sentence, clause or phrase of this Ordinance shall be held unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect.

SECTION XI. This ordinance shall be and become effective on final reading.

Passed by the City Commission on first reading on March 28, 1966.

Passed by the City Commission on second and final reading on April 11, 1966.

Attest:

Adele S. Grage
Adele S. Grage, City Clerk

(SEAL)

This is to certify that the above ordinance # 60-66-1 was posted 4-12-66 at the City Hall following its final passage on 4-11-66.

Adele S. Grage
Adele S. Grage, City Clerk