

Chapter 5

BUILDING, CONSTRUCTION AND RELATED ACTIVITIES*

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CHAPTER 5, ARTICLE XVI, SIGN REGULATIONS;

Section 5-500 Findings.

After extensive research, study and deliberation the city council has determined:

(1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly and safely designed business environment, the protection of property values and the promotion of tourism in this unique community;

(2) An improperly regulated sign environment poses health and safety hazards to the public;

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(3) The result of effective sign regulation will be to lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs which compete for the attention of pedestrian and vehicular traffic;

(4) Through proper regulation of signs, the attractiveness and economic well being of the city will be enhanced as a place to live, work, and conduct business;

(5) The City of Thomasville derives substantial revenue from tourism centered around the historic character of the City and its surrounding plantations; preservation of the City's historic character is necessary to protect and foster future tourism;

(6) The 10 historic districts established and recognized by the city pose special consideration in the regulation of signage, requiring signage within said districts and within a reasonable distance of any such district to reflect the character of the district and not detract from or be inconsistent with the historic aspects or character of that district;

(7) The following sources, in particular, comprise appropriate background for the regulation of signage within the City of Thomasville:

a. Signs, Billboards and Your Community, a Citizen's Manual for Improving the Roadway Environment by Effective Control of Billboards and Outdoor Advertising, by the Pennsylvania Resources Council Inc and Society Created to Reduce Urban Blight;

b. Information provided by Scenic America with respect to sign control;

c. Toronto Staff Report, dated February 6, 2001, reflecting staff input on proposal to install two electronic animation signs;

d. Billboard Regulation in Portland, A Report Adopted by the City Club of Portland Oregon on September 6, 1996;

e. Electronic Billboards and Highway Safety, prepared for the Bureau of Highway Operations, Division of Transportation Infrastructure Development, by CTC and Associates LLC June 10, 2003;

f. Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Final Report, September 11, 2001, from Human Centered Systems Team, Office of Safety Research and Development, Federal Highway Administration;

g. Materials related to a billboard collapse in Snellville Georgia, resulting in the death of three workers;

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h. Driving Performance and Digital Billboards, a Study by Virginia Tech Transportation Institute;

i. A Critical, Comprehensive Review of Two Studies Recently Released by the Outdoor Advertising Association of America, prepared for the Maryland State Highway Administration by Jerry Wachtel, dated October 18, 2007;

j. The Milwaukee County Stadium Variable Message Sign Study, dated December 1994;
and

k. The Impact of Driver Inattention on Near Crash/Cash Risk: An Analysis Using the 100 Car Naturalistic Driving Study Data prepared by National Highway Traffic Safety Administration, US Department of Transportation, dated April 2006.

(8) Specific study of US 319 and US 84 corridors was performed for the City of Thomasville by the Florida Planning and Development Lab of Florida State University, Department of Urban and Regional Planning, dated September 2007. The study found that additional restrictions were needed on signage in the US 319 and US 84 urban corridors;

(9) Some signage has a single targeted function and identification of signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of providing addresses, which is a benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purposes of either visitation or responding to emergency calls. While such signage may be referenced based upon the function it serves within the context of this article, the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Section 5-501 Purpose and Intent.

(a) The purpose and intent of this article is to establish standards for the fabrication, erection, use, maintenance and alteration of signs, symbols and markings within the city. These standards are designed to protect and promote the health, safety, and welfare of persons within the city by providing regulations which allow and encourage creativity, effectiveness, and flexibility in the design and use of such devices while promoting traffic safety and avoiding an environment that encourages visual blight.

(b) It is also the purpose of this article to prohibit the future erection, placement, or location of portable and certain other types of signs determined to be detrimental to the aesthetic sense, historic character and public health, safety, and general welfare of the citizens of the city both generally and as it particularly affects tourism.

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(c) A determination has been made by the city council that the regulations contained in this article are the minimum amount of regulations necessary to achieve the purposes set out above.

Section 5-502 Compliance with Standards Required.

All signs within the city shall be erected, constructed or maintained in accordance with the provisions of this article and applicable sections of the city's building and electrical codes.

Section 5-503 Definitions.

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

Advertising Device. See Sign.

Animated Sign. Means a sign that has moving parts or includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays such as an LED (Light Emitting Diode) screen or any other type of video display, even if the message is stationary.

Area of Sign Face. Means the area, in square feet, within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of the support structure shall not be included in calculating area of sign face.

Banner. Means a sign, with or without characters, letters, illustrations, or ornamentations, applied to cloth, paper, plastic or fabric of any kind with only such material for a backing. Flags within the limitations of Section 5-505 shall not be considered banners.

Billboard. Means a freestanding sign with a sign face of more than 182 square feet on multi-lane divided highways or more than 150 square feet on other streets and highways or a wall sign with a sign face of more than 300 square feet.

Building Inspector. Means a building inspector of the city.

Changeable Copy Sign. Means a sign that is capable of changing the position or format of word messages or other displays on the sign face or of changing the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, moveable discs, moveable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Tri-vision Signs and LED Signs are specifically excluded from the definition of Changeable Copy Sign.

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Double-Faced Sign. Means a sign which has two display areas opposite each other or where the interior angle formed by the display area is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Flag. Means a sign consisting of any fabric containing distinctive colors, patterns, logos or symbols, used as a symbol of a government or any other entity or organization.

Flashing Sign. Means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Flashing Signs are considered animated signs.

Freestanding Sign. Means a sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be permanently and firmly set in and below the ground surface and be wholly independent of a building for support.

Frontage. Means the distance for which property abuts one side of a street, road or highway, or other public way measured along the dividing line between the property and such road, or highway, or other public way.

Frontage, Building. Means the area in square feet of the front exterior wall of a particular establishment.

Ground Clearance. Means the distance in vertical feet from the ground, sidewalk or other surface to the lowest point of the sign face or sign structure, whichever is lower.

Height of Sign. Means the vertical distance in feet from the ground, sidewalk or other surface to the highest point of the sign face or sign structure, whichever is higher.

Historic impact area. Means the entire area designated by ordinance as a historic district as well as a buffer area 750 feet in depth completely surrounding each such historic district and measured from the district's exterior boundary.

Illuminated Sign. Means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Illuminated Sign, Direct. Means a sign illuminated by an internal light source.

Illuminated Sign, Indirect. Means a sign illuminated by an external light source directed primarily toward such sign.

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Incidental Sign. Means a sign of no more than two (2) square feet that serves the purpose of guiding safe traffic movements onto, from or on property, and without which there is an increased risk of incompatible traffic movements or obstructions. Examples of incidental signs include but are not limited to, “Stop,” “No Parking,” “Entrance,” “Loading Zone” and other similar traffic related directives.

LED Sign. Means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitted polymer (LEP), organic electro polymer (OEL), or any other similar technology. For the purpose of this article, LED signs are not considered changeable copy signs.

Lot. Means a unit of land as defined in a single deed recorded in the Superior Court Deed Records of Thomas County, Georgia. The description as specified in each recorded deed shall constitute a lot for the purpose of this article. Provided further, that two (2) or more adjoining lots in common ownership and which are physically unified by the existence of a common structure or development located thereon shall constitute and be considered as one (1) lot for the purpose of this article.

Lot, Corner. Means a lot which abuts on two (2) or more streets, or roads or both, at their intersection, or upon a curved street, provided that the two (2) sides of the lot, or the tangent to the curve of the street line at its starting points at or within the sidelines of the lot, intersect to form an interior angle of not more than 135 degrees.

Lot, Through. Means a lot other than a corner lot having frontage on more than one (1) street.

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

Marquee Sign. Means a sign suspended from the ceiling of a marquee.

Monument Sign. Means a freestanding sign which forms a solid structure from the ground to the top of the sign, and the width of which is constant from the ground to the top.

Multi Lane Divided Highway. Means a highway consisting of four (4) or more lanes with two (2) or more lanes each in opposing directions separated by a grassed or barrier median.

Non-conforming Sign. Means a sign, legally existing at the time of erection, but which does not conform to the provisions of this article.

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Non-conforming Use. Means any use of a building or land which was legal at the time of inception but which does not conform to this article for the zoning district in which it is situated.

Owner. Means the person who has the legal right or exclusive title to the sign.

Permittee. Means the person who secures a permit from the city to erect, install, attach or paint a sign.

Planned Center, Office, Commercial, or Industrial. Means a group of two (2) or more retail stores, service establishments, offices, industries, or any other businesses planned to serve the public, which is in common ownership or condominium ownership.

Pole Sign. Means a freestanding sign that is mounted on a pole or other vertical support such that the bottom of the sign face is more than six (6) feet above the ground and there is no visual obstruction other than the vertical support between the ground and the bottom of the sign face. Pole signs may also be mounted between two poles or vertical supports provided they otherwise meet the standards of this definition.

Portable Sign. Means a sign, whether on its own trailer, wheels or otherwise, which was designed and manufactured so that it can be transported from one place to another, and sidewalk and A-frame signs as further defined and regulated in this article.

Projecting Sign. Means any sign that is affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted.

Roof Sign. Means a sign mounted upon or above any portion of the roof of a building or structure including the upper slopes of a gambrell or mansard roof or any variations of such roofs. Signs mounted on the lower slope of a gambrell or mansard roof shall be considered wall signs.

Setback. Means the distance from the property line to the nearest plane of the applicable building, structure, or sign, measured perpendicularly to the property line.

Serial Sign. Means a sign which contains individual panels arranged vertically or horizontally, or both, in rows between two vertical supports, each panel utilized by a separate entity. Serial signs are designed to share signage among multiple tenants on a lot. Serial signs may be wall or freestanding signs. Freestanding signs shall have a minimum of two (2) vertical supports.

Shopping Center. See definition for Planned Center.

Sidewalk and A-Frame Signs. Means a portable sign the support structure of which is not imbedded in the ground. Such signs are constructed in such a manner that they stand on their own but are not permanently installed.

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Sign. Means a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others.

Sign Face. Means the part of a sign that is or can be used to communicate its message.

Standard Informational Sign. Means a sign with an area not greater than four and one-half (4.5) square feet, with a sign face for short term use, containing no reflective elements, flags, or projections, and which, when erected, stands at a height of not greater than two and one-half (2.5) feet and is mounted on a wooden stake or metal frame with a thickness or diameter not greater than one and one-half (1.5) inches.

Swinging Freestanding Sign. Means a freestanding sign suspended from a horizontal structural support supported by vertical structural steel columns or wooden posts.

Swinging or Projecting Wall Sign. Means a sign projecting more than eight (8) inches from the outside wall of any building upon which it is located and suspended from supports of any kind.

Temporary Sign. Means a sign of a non permanent nature.

Tri-Vision Sign. Means a sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three (3) different sign messages in rotation. For purposes of this article, a tri-vision sign is not a changeable copy sign.

Wall Sign. Means a sign painted on, applied to or mounted to the wall or surface of a building or structure, the sign display surface of which does not project more than eight (8) inches from the outside wall of such building or structure provided that channel letters mounted to a raceway may not project more than twelve (12) inches. The total lettering on one wall of a building or structure shall constitute one wall sign. Signs shall not project above the top edge of a wall or above or below the front wall, edge or face of a marquee.

Window Sign. Means any sign placed inside or upon a window in such a manner as to be viewable and/or readable from the exterior of the building.

Zoning Administrator. Means the Zoning Administrator of the City.

Section 5-504 Permit Required; Procedures.

(a) Unless specifically exempted from obtaining a permit under the provisions of this article, no person shall erect, construct, replace, relocate or structurally alter any sign within the city without first obtaining a sign permit from the city.

(b) Applications for permits shall be made upon forms provided by the city and shall contain or have attached thereto the following information:

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- (1) Name, address and telephone number of the applicant.
 - (2) Tax lot ID and address of building, structure or lot to which or upon which the sign is to be attached or erected.
 - (3) Two (2) accurate drawings showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features (survey not required).
 - (4) One (1) accurate drawing to scale of the plans, specifications and method of construction and attachment of the sign to the building or ground. The drawing shall specifically include the size of the sign area, overall height of the sign, location of the sign installation and its relation to existing rights-of-way and all driveways, a sight distance diagram, and any protective devices or landscaping around the base of the sign. For all signs over 35 square feet in sign area, the drawings shall be an engineered structural drawing designed to the International Building Code.
 - (5) Name, address, telephone number and business license number of the number of the person erecting the sign.
 - (6) Written consent of the owner of the lot to which or upon which the sign is to be erected with respect to freestanding signs and written consent of the owner of the lot and tenant of the improved space upon which a wall sign is to be erected.
 - (7) The location and size of all other signs on the lot upon which the sign is to be erected.
 - (8) The distance in feet to the nearest existing freestanding sign.
 - (9) The distance in feet from the location of the proposed sign to the nearest residentially zoned lot.
 - (10) The distance in feet from the location of the proposed sign to the edge of the nearest registered historic district, such distance to be measured as the crow flies from the site of the proposed installation to the nearest border of the historic district.
 - (11) The size of the lot upon which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented.
 - (12) If the sign is to be lighted, an application for electrical permit meeting all standards of the city's electrical code.
 - (13) The value of the sign.
 - (14) Comprehensive photographs of the lot showing all buildings, structures, existing signage and driveways.
 - (15) Such other information as the city shall require to show full compliance with this and other ordinances of the city.
 - (16) All applications for serial sign permits must be signed by the owner of the property upon which the sign is to be erected.
- (c) No review of the specific content of any proposed sign shall be made or required.
- (d) Sign permits shall be issued only to the owner of the lot or to tenants of improved and fully enclosed space for which the sign is to be erected. For all signs, the sign face of which does not exceed 32 square feet and the height of which does not exceed six (6) feet, permits may be issued to the owner of the lot or tenant of the improved space without designation of a licensed contractor. Any sign exceeding those dimensional requirements, with the exception of wall signs painted on an exterior wall, shall require designation of a licensed contractor to perform the sign fabrication and installation. Sign

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permits are authorizations granted to a specific applicant and are nontransferable. The sign permit holder shall remain responsible at all times for the erection, maintenance and condition of the sign. Once signs have been erected pursuant to valid permits, the sign permits are transferable only to a new owner or tenant who succeeds to the legal interest of the former sign permit holder; no transfer of a sign permit shall be complete without application to and approval by the City.

(e) For serial signs the property owner shall secure a permit for the sign structure as well as for removal of individual sign panels reserved for uses which no longer exist within the building or buildings covered by the serial sign. In addition to the permit required for a serial sign structure, a separate permit shall be required for each entity utilizing any portion of the serial sign.

(f) Each application for permit shall be accompanied by the applicable permit fees. Fees for permits shall be fixed from time to time by the city council.

(g) Upon the filing of an application for a permit the zoning administrator shall review all information supplied, all plans and specifications submitted and the premises upon which the sign is proposed to be erected. Such review shall be completed within 14 calendar days of submission of a sign application. If, based on review of the permit application and inspection of the site, the proposed sign is in compliance with the requirements of this article and all other laws and ordinances of the city, the zoning administrator shall issue a permit upon payment of fees no later than 14 calendar days from the receipt of the application package. Application packages submitted in an incomplete form shall be returned to the applicant no later than 14 days from the date of submission with denial based upon incompleteness of the application. If no decision is made within 14 calendar days, the permit will be deemed approved, provided that any sign erected must comply with all size, height, location and other physical requirements of this article, and no vesting of rights for a sign in violation of these standards shall occur.

(h) The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this article, are incomplete, or contain any materially false statements. Violation of any provision of this article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this article, the zoning administrator shall revoke the permit. Should the zoning administrator deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before the 30th calendar day after the city received the application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within 30 calendar days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of on the date of original submission. Actions to revoke a permit shall be in writing, shall document the basis for the revocation, and shall be served in the same manner as a notice of denial.

(i) A sign permit shall become null and void if the sign for which the permit was issued has not been erected, installed or affixed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later a sign is desired to be erected at the same location, a new application for the sign must be processed and another fee paid in accordance with

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the fee schedule applicable at such time.

(j) An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the city planner, provided such appellant files a written notice of appeal with the city clerk within 10 business days of the zoning administrator's notice. Such appeals shall be considered by the city planner in a hearing held within 30 days of the notice of appeal being filed. The city planner shall issue a written decision to the applicant no later than 10 days following the close of the appeal hearing. If no decision is made within 40 days of appeal filing, the appeal will be deemed denied. Decisions of the city planner to affirm the decision of the zoning administrator or to overrule the decision of the zoning administrator and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation.

(k) In the event an applicant whose permit has been denied or permit holder whose permit has been revoked is dissatisfied with the decision of the city planner, such applicant or permit holder may petition for writ of certiorari to the Superior Court of Thomas County as provided by law.

(l) Any person commencing work on a sign before securing the necessary permit from the zoning administrator shall be subject to double permit fees under the permit fees schedule.

Section 5-505 Signs Exempt From Permit Requirement.

The permit requirements of this article shall not apply to the following, provided that signs erected or placed are located on property of the person who erects such signs, and provided further that all signs exempted from the permit requirements shall nevertheless be maintained in accordance with the other remaining provisions of this code.

(1) Traffic control devices and other public safety signs on public streets and highways conforming to the Uniform Manual for Traffic Control Devices;

(2) Signs required to be posted by law in accordance with requirements of governing statutes;

(3) Warning signs and no trespassing signs not exceeding four and one-half (4.5) square feet in size;

(4) Signs established by governmental agencies;

(5) Incidental signs, limited to two (2) per driveway, and erected to a height of no more than two (2) feet;

(6) Standard informational signs meeting the standards of this article;

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(7) Signs not visible from public thoroughfares;

(8) Signs within enclosed businesses, offices, malls or other enclosed areas and not visible from public rights of way;

(9) Signs painted on or applied to the window or door of a building and not obscuring more than 30 percent of the window area of such window or door;

(10) Flags, provided that

a. No flag shall exceed 24 square feet in area in any residential zone or 60 square feet in area in any commercial, industrial or institutional zone and shall not be flown from a pole, the top of which is higher than 25 feet in any residential zone or 40 feet in height in any commercial or industrial zone.

b. The number of flags allowed without permits shall not exceed two (2) per lot.

Any flag not meeting any one (1) or more of these standards shall be considered a banner.

(11) Standard informational signs, provided that:

a. The signs are located entirely on private property;

b. The aggregate sign area of all signs on the lot does not exceed 12 square feet for single family residential zones and the aggregate sign area of all standard informational signs on other lots does not exceed nine (9) square feet.

(12) Repainting or changing the lettering of an existing conforming sign with like style elements.

(13) Address numerals not exceeding four (4) inches in residential districts or eight (8) inches in non residential districts.

Section 5-506 Prohibited Signs.

(a) The following types of signs are prohibited in all zoning districts of the city:

(1) Roof signs;

(2) Sidewalk and A-Frame signs;

(3) Portable signs, with the exception of banners as allowed by section 5-524;

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- (4) Swinging or projecting wall signs in excess of two (2) square feet in area;
- (5) Animated signs;
- (6) LED signs;
- (7) Tri-vision signs;
- (8) Signs on public rights-of-way except signs erected by the jurisdiction controlling said right-of-way.

(b) Prohibited signs shall be removed within 48 hours of notice of violation of this section, provided that where permanent signs are installed, the 48 hour period may be extended for up to two (2) weeks by the zoning administrator where removal requires engagement of a sign contractor or other specialized expertise.

Section 5-507 Interference with Traffic Safety Prohibited.

No sign shall be erected or continued that:

- (1) Obstructs the sight distance along a public right-of-way;
- (2) Would tend by its location, color, illumination, or nature, to be confused with or obstruct the view of traffic signs and signals or to be confused with a flashing light of an emergency vehicle;
- (3) Would by its nature tend to confuse motorists or create any potential hazard to motorists; or
- (4) Uses admonitions such as “stop,” “go,” “slow,” “danger,” etc, in such a manner as to cause potential confusion with official traffic control signals and devices.

Section 5-508 Prohibited Attachments.

No sign shall be attached to or painted on any telephone pole, light pole, telegraph pole, or any tree, rock, or other natural object. Except in the downtown C-2 zoning district where building walls abut public rights-of-way, no signs other than those signs erected by a public governmental agencies or signs required by law, shall be placed on or overhang any portion of public rights-of-way or other public properties.

Section 5-509 Illumination.

(a) Sign illumination devices such as, but not limited to, flood or spotlights shall be so placed and so shielded as to prevent the rays or illumination therefrom from being cast into neighboring dwellings or approaching vehicles. No sign shall have blinking, flashing, scrolling, fading, or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color or form. No signs shall mechanically or electronically change the content shown on the sign face more often than once in any 24 hour period. No revolving or rotating beam or beacon of light shall be

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permitted as part of any sign. No LED lighting is permitted as part of a sign. Direct illumination of signs shall be permitted only on the following roadways: Highway 19, Highway 319 from its intersection with Pinetree Boulevard in the Northeast portion of the city and running in a Northeasterly direction to the city limits; Highway 319 from its intersection with Pinetree Boulevard in the Southwestern portion of the city and running Southwesterly to the city limits; and the Bypass.

(b) The illumination of any sign within a historic impact area of the city shall be limited to indirect illumination only and shall be of such intensity or brightness that the illumination shall not interfere with the character of the historic district influenced by such historic impact area.

Section 5-510 False Advertising on Signs; Nuisances.

(a) No persons shall display false statements upon signs in such a manner as to mislead the public as to anything sold, services to be performed or information disseminated.

(b) When a business or service utilizing a sign is discontinued, all signs related to that business or service shall be removed or neutralized within 10 days from the date of notification by the zoning administrator. Sign cabinets or structures to which another sign face may ultimately be attached can conform to this requirement by painting over the existing sign with a color that harmonizes with the business building or by removing sign pan faces and replacing them with blank panels.

(c) No persons shall display any advertising material on any sign which constitutes a nuisance as defined in OCGA § 41-1-1. Any sign determined to be a nuisance by the zoning administrator is subject to notice and removal pursuant to the city's removal standards.

Section 5-511 Public Liability Insurance; Business Occupation Tax and Contractors Licenses Required.

No person shall engage in the business of erecting, painting or maintaining signs within the city, unless and until such person shall have paid a city occupation tax and obtained an applicable contractor's license. No permit for a sign which extends over a public right-of-way shall be issued until the owner or person in control of such sign shall have obtained liability insurance in the sum of \$1,000,000 for property damage for any one (1) claim and public liability insurance in an amount not less than \$1,000,000 for injuries, including accidental death to one (1) person, insuring the municipality against all loss, costs, damage, personal injury or expense incurred or sustained by or recovered against the city by reason of the construction or maintenance of such sign. The certificate of insurance shall state that the city is an additional insured and that the insurance carrier will notify the city 30 days in advance of any termination or restriction of coverage. The provisions of this section shall not apply to signs not requiring a permit under this article.

Section 5-512 Standards for Billboards.

- (a) Billboards shall be allowed only in the following areas:
- (1) Highway 19;
 - (2) Jackson Street and Highway 319 from Jackson Street's intersection with Pinetree Boulevard in the Northwest area of the city, moving in a Northwesterly direction from that intersection to the city limits;
 - (3) Jackson Street from its intersection in the Southwest portion of the city with

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Pinetree Boulevard, moving in a Southwesterly direction from that intersection to the city limits;

(4) Highway 84, excluding Business 84.

(b) Billboard Requirements:

(1) The maximum area of sign face shall be 300 square feet for freestanding signs and 350 square feet for wall signs.

(2) Only one (1) sign may be erected per supporting structure, which may be either a single faced or double faced.

(3) Maximum height, 25 feet.

(4) Minimum ground clearance, six (6) feet.

(5) Minimum setback, no closer to the roadway than any right-of-way line and no closer than 35 feet of an intersection point measured at any angle from the point of intersection.

(6) Minimum spacing, 750 feet from any other billboard, measured in a straight line from any angle.

(c) Billboards shall not be established at any location having principle frontage on any street within 100 feet of any church, school, cemetery, public park, public playground, railroad intersection or the nearest point of any residential zoning district.

(d) No billboard shall be erected in a historic impact area.

(e) Billboards shall not interfere with traffic safety

(f) The illumination of billboards shall comply with Section 5-509.

Section 5-513 Nonconforming Signs.

(a) Signs that on the effective date of this article were approved and legally erected under previous sign restrictions and that became or have become nonconforming with respect to the requirements of this article, may continue in existence subject to the following provisions of this section.

(1) No increase in the size of a nonconforming sign shall be permitted.

(2) Existing signs which were legally created and which have become nonconforming and do not meet the setback requirements of this article due to road widening may be

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moved to meet the setback requirement of this article, but shall not be increased in size, shape or changed in any manner, except as to become conforming.

(3) In all zoning districts the following nonconforming signs shall be prohibited and shall be removed by the owner:

a. Signs illegally erected or maintained with respect to prior ordinances.

b. Signs made of paper, cloth or non-durable materials (except standard informational signs).

c. Signs located in the public rights-of-way (except as permitted by the owners of said rights-of-way).

(b) Upon failure to comply with any requirement of this section, the zoning administrator may cause the removal of such sign at the expense of the owner.

(c) Any attempt to add a LED or Tri-vision sign face to a nonconforming sign shall negate its nonconforming status and require removal of the sign structure in its entirety.

(d) Minor repairs and maintenance of nonconforming signs such as electrical repairs or lettering repairs shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article; provided the signs damaged by fire or act of God may be restored to their original condition.

(e) Each nonconforming sign shall be identified by the city and each sign owner shall be notified by the city within 180 days of the enactment of this article.

(f) The provisions of this section shall be enforced by the zoning administrator, with the aid of the police department and other city agencies.

(g) New signs related to legally established nonconforming uses of property may be erected, provided the signs comply with the applicable provisions of this article.

(h) No new signs shall be erected upon an old foundation which is located on a public right-of-way or which would cause any part of the sign to overhang a public right-of-way.

(i) If a nonconforming sign is installed on or overhangs any portion of a public right-of-way, the sign and its foundation shall be removed once the business to which the sign is attached ceases.

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Section 5-514 Maintenance, Appearance and Inspection of Signs.

(a) All signs shall be maintained in good condition so as to present a neat and orderly appearance. The zoning administrator shall periodically inspect each sign in an attempt to ascertain whether the same is secure or insecure and whether it is in compliance with the requirements of this article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.

(b) The zoning administrator may institute removal procedures after due notice for any sign which shows gross neglect, becomes dilapidated, or is otherwise in violation of this article.

Section 5-515 Removal Procedures.

(a) The zoning administrator shall caused to be removed any sign that endangers the public safety, such as an abandoned, dangerous or materially, electrically or structurally defective sign or a sign for which no permit has been issued or which is otherwise in violation of this article. The zoning administrator shall prepare a written notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation corrected within 30 days, the sign shall be removed in accordance with the provisions of this section.

(b) All notices mailed by the zoning administrator shall be sent by certified mail and first class mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail or if the first class mail is not returned, after three (3) days of mailing. Alternatively, notice may be personally hand delivered to the sign owner, and notice shall be effective on such date of hand delivery.

(c) The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign if different than the property owner, and the occupant of the property. If any of such persons is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

(d) Any person having an interest in the sign or the property may appeal the determination of the zoning administrator ordering removal or compliance by filing a written notice of appeal within 10 days after receipt of notice.

(e) Notwithstanding the above, in cases of emergency, the zoning administrator may cause the immediate removal of a dangerous or defective sign without notice.

(f) Any sign removed by the zoning administrator pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removal shall include any and all incidental expenses incurred by the city in connection with the sign's removal.

(g) When it is determined by the zoning administrator that the sign would cause imminent danger to the public safety, and contact cannot be made with the sign owner or building owner, no written notice will have to be served. In this emergency situation, the zoning administrator shall document the imminent danger and his or her attempts to contact the sign owner, and may correct the danger, all costs being charged to the sign owner and property owner.

(h) If it shall be necessary for the zoning administrator to remove a sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, he may sell the same at private or public sale at the best price obtainable, and shall keep an

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account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Where the proceeds derived from such a sale are less than the cost of removal, such deficiencies shall constitute a lien against the property on which the sign is located, such lien to be collectible in the same manner as city property taxes.

Section 5-516 Labels Required on Signs.

(a) With each permit, the zoning administrator may issue a label bearing the same number as the permit with which it is issued. It shall be the duty of the permittee to affix such label to the sign in the lower right hand area of the sign so it will be easily seen. The absence of a proper label shall be prima facie evidence that the sign has been or is being erected or operated in violation of the provisions of this article. Labels may be color coded in the discretion of the city.

(b) The zoning administrator may inspect all existing signs in the city to determine if such signs conform to the provision of this article. Identification labels may be fixed to all signs which would have required a permit in order to identify existing conforming and nonconforming signs and to indicate the date of inspection.

Section 5-517 Variances.

No variances shall be allowed from any time or dimensional requirements, including but not limited to, maximum height, maximum size in square feet, minimum ground clearance, or any distance or setback requirement, set forth in this article, any table thereto and any addition thereto, except that as to any dimensional requirement the zoning administrator may allow a variance of up to ten (10) percent of any one dimensional requirement only. Such variance shall be limited to actual hardship, provided such hardship is not a self created hardship of the owner. There shall be no appeal from the decision of the zoning administrator in this regard.

Section 5-518 Remedies.

In case any sign covered by this article is proposed to be erected, constructed, altered, converted or used in violation of any provision of this article, the zoning administrator shall, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of this article, requiring the presence of the violator in the municipal court. The zoning administrator may also institute action for injunctive relief or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion or use or to correct or abate such violation.

Section 5-519 Standards for signs erected on single-family residential lots.

(a) All signs erected on single-family residential zoned lots in the City that are used as a personal residence and not for commercial purposes shall comply with the following provisions:

(1) The aggregate sign area of all signs on any lot shall not exceed twelve (12) square feet; provided that during the period of time commencing with opening of qualifying for elections and concluding with the final determination of all contests and issues resolved by that election, an unlimited number of standard informational signs may be erected on such lots.

(2) No sign shall be erected to a height greater than four (4) feet.

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(3) Freestanding signs not exceeding six (6) square feet are allowed, subject to the limitation of one (1) per lot.

(4) Lots may contain standard informational signs, subject to the aggregate sign area allowance, without permit or fee, placed so that they are located entirely on private property.

(5) In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then such property may contain no more than one monument sign per entrance, not exceeding twenty-four (24) square feet, which may be indirectly lighted only.

(6) All signs erected shall be supported by independent means by use of a wooden stake or metal frame inserted directly into the ground. No banners, signs hung with string, or signs attached to walls shall be allowed.

(7) No sign erected on a single-family residential lot used for private residence may be illuminated, except as permitted by paragraph (5) above.

(b) On single-family residential zoned lots in the City that are used for commercial purposes, such as but not limited to, restaurants, bed and breakfasts, and other complementary legal uses in the district, one (1) monument sign or one (1) swinging freestanding sign may be erected on the lot, provided:

(1) The sign face does not exceed twenty-four (24) square feet;

(2) The sign is not erected to a height exceeding six (6) feet;

(3) Any illumination is indirect only and meets the standards of section 5-509.

(4) No other signage for which a permit would be required is permitted on the lot.

Section 5-520 Standards for Freestanding Signs.

(a) Quantity Per Location. When a freestanding sign is used it shall be considered the primary sign for the lot. Only one (1) freestanding sign per lot is permitted; provided that where billboards are otherwise permitted, the billboard shall not count against the one sign per lot allowance. If the location is a planned center, then only one (1) serial sign shall be used as the freestanding sign on the lot. All serial signs shall be owned and maintained by the owner of the property upon which this sign is erected. If the location is a through lot, an additional freestanding sign is permitted on the second street frontage, provided that the total sign face area of both signs does not exceed that as permitted in subsection (b) of this section. If the lot is a corner lot, one (1) additional freestanding sign is permitted but such second sign must be erected on the second street frontage; and provided further that the total sign face area of both signs does not exceed that permitted in subsection (b) of this section and both signs are

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separated by a distance of at least 100 feet, measured in a straight line at any angle.

(b) Maximum Size in Square Feet.

(1) In residential zoning districts not covered by section 5-519 the maximum size of any freestanding sign is 40 square feet, the sign shall not exceed 10 feet in width and the sign dimensions shall not exceed a ratio of two and one-half (2.5) to one (1) feet. Freestanding signs in such districts are limited to swinging freestanding signs and monument signs.

(2) In any portion of a historic impact area not covered by section 5-519, the maximum size of freestanding signs shall not exceed thirty (30) square feet. Freestanding signs in such areas are limited to swinging freestanding signs and monument signs.

(3) Along Highway 19; Jackson Street and Highway 319 from Jackson Street's intersection with Pinetree Boulevard in the Northwest area of the city, moving in a Northwesterly direction from that intersection to the city limits; Jackson Street from its intersection in the Southwest portion of the city with Pinetree Boulevard, moving in a Southwesterly direction from that intersection to the city limits; and Highway 84, excluding Business 84, the maximum size of any freestanding signs shall be 150 square feet, including changeable copy portions of the signs, except on multi lane divided highways where freestanding signs may be 182 square feet, including changeable copy portions of the sign. Freestanding signs may include monument signs, pole signs, and swinging freestanding signs.

(4) The maximum size of any freestanding signs in other remaining districts and on other streets of the City shall be sixty (60) square feet in sign area. Freestanding signs may include monument signs, pole signs, and swinging freestanding signs.

(c) Maximum Height.

(1) The maximum height of pole signs, where permitted, shall be 20 feet on all streets, except on multi lane divided highways where the maximum height of pole signs is 25 feet.

(2) The maximum height of monument signs and swinging freestanding signs in districts other than single family residential districts and outside historic impact areas shall be ten (10) feet.

(d) Minimum Ground Clearance. Pole signs, where permitted by subsection (b), shall maintain a minimum ground clearance of six (6) feet, provided that the zoning administrator may specify an additional minimum ground clearance in consideration of setbacks, motorist visibility, and pedestrian safety.

(e) Setbacks. Pole signs may be installed within zero (0) setback from the property line, provided that visual clearance for traffic safety is maintained and provided further that no part of the sign overhangs the property line and no part of the sign is within eight (8) feet of electric power lines. Freestanding signs erected as monument signs or swinging freestanding signs and maintaining limited or no minimum ground clearance shall be set back from the paved portion of the right-of-way a minimum of eight (8) feet, provided no such sign shall be erected off the owner's property.

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Section 5-521 Standards for Marquee Signs.

(a) Quantity Per Location. One (1) marquee sign is allowed per business in addition to, or in lieu of, a freestanding sign. If a marquee sign is used, a swinging/projecting wall sign cannot be used unless it is attached to the wall above the marquee. A wall sign may also be used in addition to a marquee sign.

(b) Maximum Size. The maximum size of any marquee sign is two (2) square feet.

(c) Maximum Height. Not applicable.

(d) Minimum Ground Clearance. The minimum ground clearance of any marquee sign is seven and one-half (7.5) feet above the sidewalk.

(e) Setback. Not applicable.

Section 5-522 Standards for Swinging/Projecting Wall Signs.

(a) Quantity Per Location. One (1) swinging/projecting wall sign per business is allowed in addition to, or in lieu of, a freestanding sign. If a swinging/projecting wall sign is used, a marquee sign cannot be used unless the swinging/projecting wall sign is attached to the wall above the marquee. A wall sign may also be used.

(b) Maximum Size. The maximum size of any swinging/projecting wall sign is two (2) square feet.

(c) Maximum Height. The maximum height of any swinging/projecting wall sign is the top of the wall.

(d) Minimum Ground Clearance. The minimum ground clearance for any swinging/projecting wall sign is seven and one-half (7.5) feet above the sidewalk.

(e) Setback. Swinging or projecting wall signs mounted to the wall of buildings in the downtown C-2 zoning district may overhang the right-of-way (sidewalk), provided all other provisions of swinging or projecting wall signs are met and provided further that no part of the sign is within eight (8) feet of electric power lines.

Section 5-523 Standards for Wall Signs.

(a) Quantity Per Location. One wall sign per business building wall is allowed in addition to, or in lieu of, a freestanding sign. A marquee and or swinging/projecting wall sign may be used in accordance with the provisions of Section 5-522.

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(b) Maximum Size. The total sign face area of a wall sign shall not exceed 20 percent of the total area of the wall on which it is painted or affixed or 300 square feet, whichever is less; if in a planned center 20 percent of the wall area of each business or 300 square feet, whichever is less, is the maximum size for a wall sign. The area of the lower slope of a gambrell or mansard roof shall be counted as wall area when the sign is mounted on the lower slope of such roofs.

(c) Maximum Height. The maximum height of a wall sign is the top of a wall.

(d) Minimum Ground Clearance. Not applicable.

(d) Setback. Wall signs may be installed with zero (0) setback from a property line, provided that no part of the sign overhangs the property line and that no part of the sign is within eight (8) feet of electric power lines. Signs mounted to the wall of buildings in the downtown C-2 zoning district may overhang the right-of-way (sidewalk) provided that all other provisions of swinging or projecting wall sign standards are met.

Section 5-524 Banners.

Banners may be displaced in certain circumstances, subject to the following terms and conditions:

(1) Every business, service organization, entity, nonprofit or other organization located in the City shall be permitted to display one (1) banner for a fourteen (14) day period, three (3) times per year, or alternatively, one (1) time per year for a period for six (6) consecutive weeks.

(2) The maximum size of any such banner shall be no more than fifty (50) square feet.

(3) Each banner displayed shall be made from vinyl or canvas with a minimum weight of eight (8) ounces. Each banner shall have metal grommets placed fifteen (15) inches on centers and in the corners for attachment. All edges of each banner shall be hemmed and reinforced by adding reinforcing material such as rope or nylon tape to the edges.

(4) Each banner shall be mounted on a building or similar solid structure. A banner displayed pursuant to this subsection shall not be mounted on poles, wires or other such devices.

(5) Each time a banner is displayed pursuant to the provisions of this section, there shall be charged a permitting fee as established from time to time by the Mayor and Council. Application for permit and payment of the permit fee shall be made to the office of the zoning administrator in the same manner and shall be handled as other sign permits. No banner shall be displayed until the permit has been issued by the City and the permit fee has been paid.

(6) Within 48 hours after notification of violation of this section, prohibited banners shall be removed.

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Section 5-525 Conflicting provisions.

In the event two or more provisions of this Article conflict, or provisions of this Article are in conflict with any other City ordinance, the most restrictive provision shall control.

Section 5-526 Severability.

In the event a court of competent jurisdiction finds that any section, sentence, clause or phrase of this Article is void, such invalidity shall not affect the remaining sections, sentences, clauses or phrases of this Article. The offending provisions shall be severed from the Article and the remainder of the Article shall continue in full force and effect.

(Ord of 4-09-11 – Sec.5-500-526, Ord. of 2-13-12)

Section 5-527 through 5-545 Reserved