

ORDINANCE NO. 562

AN ORDINANCE TO IMPLEMENT A COMPREHENSIVE AND CONSISTENT REGULATORY AUTHORITY REGARDING THE SUBJECT OF SIGNS AND SIGNAGE WITHIN THE CITY OF POLSON:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

WHEREAS, For reasons of health, safety, and welfare of the residents of the City of Polson, the City of Polson desires to implement a comprehensive and consistent ordinance providing regulatory authority and guidance on the subject of signs and signage within the City of Polson; and,

WHEREAS, the City of Polson has taken extensive public input, and in particular from interested parties including the Polson Chamber of Commerce; and,

WHEREAS, the Chamber of Commerce reviewed and commented upon initial drafts of sign regulation by providing the City of Polson with a revised draft sign ordinance, which the City of Polson received favorably with some amendments; and,

WHEREAS, interested parties having been heard and a final proposed sign ordinance having been drawn, attached hereto as Exhibit A and by this reference made a part hereof as if fully set forth in this place; and,

WHEREAS, the City of Polson desires to adopt the terms of Exhibit A as the City of Polson Sign Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON:

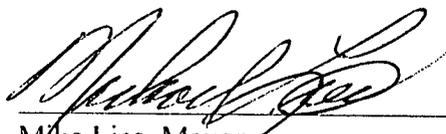
- 1. Recitals: The foregoing recitals are not recitals but are a part of this Ordinance.
- 2. Adoption. Exhibit A, attached hereto, is adopted as the Sign Ordinance of the City of Polson and its terms by this ordinance mandatory upon the persons therein addressed.
- 3. Repealing Clause. All other ordinances or parts of ordinances inconsistent or in conflict herewith are to that extent repealed.

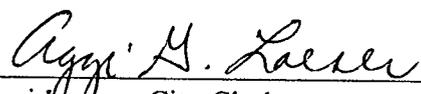
REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: June 7, 1999
SECOND READING: June 21, 1999

NOW THEREFORE, it is resolved that the subject Ordinance shall become effective on the 21st day of July, 1999.

PASSED AND ADOPTED THIS 21st day of June, 1999.

CITY OF POLSON

Mike Lies, Mayor

ATTEST:

Aggi Loeser, City Clerk

City of Polson Sign Regulations

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**SECTION ONE --
PURPOSE AND SCOPE**

SEC. 1.01 - PURPOSE

The purpose of this Ordinance is to promote and protect the health, safety, morals, and the general welfare of the community; to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law. The use is regulated according to zone.

SEC. 1.02 - SCOPE

This Ordinance shall not relate to building design. Nor shall the Ordinance regulate official traffic or government signs; the copy of message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays (i.e. - newspaper dispensers); scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way. This Ordinance shall supercede any existing sign ordinance governing commercial signage.

**SECTION TWO --
DEFINITIONS**

Certain terms are defined for the purpose of this Ordinance as follows:

Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. This definition also applies to any/all portion(s) of the sign structure not required for maintaining the structural integrity and not part of an architectural embellishment for a legal permitted sign [compare "Seasonal Business Sign"].

Administrator: The City of Polson or its designated representative or employee.

Animated Sign: Any sign that uses movement or change of lighting to depict action or to create a special effect or scene [compare "Flashing Sign," "Changeable copy sign (automatic)"].

Area: [see "Sign, Area of"]

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid or rigid materials on a supporting framework [compare "Marquee"].

Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign: A sign made of fabric or any non-rigid material with no enclosing framework. [Compare "Wall Sign"]

Billboard: Off-Premise sign with a surface area of any one side exceeding 64 square feet in area. This type of sign is not permitted. [Compare "Off-Premise Sign"]

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Changeable Copy Sign (Automatic): A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable Copy Sign (Manual): A sign, on which copy is changed manually in the field, e.g., reader boards with changeable letters.

City: Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Polson and its extra-jurisdictional area.

Clearance (of a Sign): The smallest vertical distance between the existing grade at the base of the sign and the lowest point of such sign, including framework and embellishments, extending over that grade.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy: The wording, design or lighting on a sign surface in either permanent or removable form. It is intended that "lighting" in this definition be limited to the lighting on the sign itself.

Directional/Informational Sign: An on-premise sign giving directions, instructions, or facility information, e.g., parking or exits and entrance signs.

Double Faced Sign: A sign with two faces. If the thickness between the two faces of the sign(s) exceed 36" the area of the sign face(s) will be calculated separately.

Electrical sign: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic Message Center: [see "Changeable Copy Sign, Automatic"]

Facade: The entire building front including the parapet.

Face of Sign: The area of a sign on which the copy is placed, this includes any design or lighting on such face.

Festoons: A string of ribbons, tinsel, small flags, or pinwheels.

Flashing Sign: A sign that contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light [compare "Animated Sign," "Changeable Copy Sign"].

Freestanding Sign: A sign supported upon the ground by poles or braces and not attached to any building.

Frontage: The length of the property line of any one premise along a public right-of-way on which it borders.

Frontage, Building: The length of an outside building wall fronting on a public right-of-way.

Government Sign: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Ground Mounted Sign (Monument): Any sign attached to or supported directly on the surface below by masonry, wood, or similar materials.

Height (of a sign): The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower [compare "Clearance"].

Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign: A sign that does not meet the requirements of this Ordinance exclusive of legal-nonconforming signs.

Illuminated Sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Legal Nonconforming Sign: A sign that does not conform to the specific provisions of this ordinance but may be designated "legal nonconforming" pursuant to Section 5.01.

Lot: A parcel of land legally defined on a subdivision plat recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey.

Maintenance: For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign.

Mansard: A sloped roof or roof-like façade architecturally comparable to a building wall.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building [compare "Awning"].

Marquee Sign: Any sign attached to the front or side of a marquee structure.

Nameplate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign: A sign that was installed or erected in violation of this Ordinance exclusive of legal nonconforming signs.

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Premise Sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located. Such signage is limited to a maximum area of 64 square feet per face with minimum spacing between signs of 500 lineal feet.

On-Premise Sign: A sign that pertains to the use of the premises on which it is located.

Owner: A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company or constructed by a renter.

Painted Wall sign: Any sign that is applied with paint or similar substance on the face of a wall.

Parapet: The extension of a false front or wall above a roofline.

Person: For the purpose of this Ordinance, any individual, corporation, association, firms, partnership, or similar defined interest.

Point of Purchase Display: Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

Pole Cover: Covers enclosing or decorating poles or other structural supports of a sign.

Political Sign: For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Premises: A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate within a specific zoning district.

Projecting Sign: A sign which is attached to, suspended from, or supported by a building and which projects more than sixteen (16) inches from the building.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign: Any sign erected upon or above any portion of a roof or parapet wall of a building and which is wholly or partially supported by said building [compare "Mansard," "Wall Sign"].

Rotating Sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Seasonal Business Signage: A sign that is used to advertise a business that is operated on a seasonal basis for less than eight months in one calendar year.

Sign: Any device, structure, fixture, enclosure, or placard using graphics, symbols, lighting, and/or written copy designed specifically for the purpose of advertising, identifying, or attracting attention to any establishment, product, goods, or services [compare Sec. 1.02].

Sign, Area of:

- (1) **Projecting, Freestanding or monument sign:** The area of a projecting, freestanding or monument sign shall have only one face [the largest one] of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:
 - (a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy, design, or lighting on such embellishments.
 - (b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all sign cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy, design, or lighting.
- (2) **Wall Signs:** The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising copy, design, and lighting. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Snipe Sign: A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign: A sign not constructed or intended for long-term use.

Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use: The purpose for which a building, lot, signs, or structure is intended, designed, occupied, or maintained.

Wall Sign: A sign attached parallel to and extending not more than 16 inches from the wall of a building. This definition includes painted, individual letter, cabinet signs, and signs on a mansard. Banners with a rigid enclosed framework or attached to a solid support on three sides may be considered a wall sign.

Window Sign: A sign installed inside or outside a window and intended to be viewed from the outside.

SECTION THREE -- GENERAL PROVISIONS

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Polson except in accordance with the provisions of this Ordinance.

SEC. 3.01 - SIGNS PROHIBITED

The following types of signs or attractive devices are prohibited in all districts:

- (a) Any sign which identifies or advertises an activity, business, product, service or special event no longer produced, conducted, performed or sold on the premises where the sign is located. [see "seasonal business signage"]
- (b) Signs imitating or resembling official traffic or government signs or signals.
- (c) Any sign attached to a utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench or other location on public property except as otherwise provided. This prohibition is not intended to include any tags, signs or other informational signs required by utility companies.
- (d) Any sign placed in any public right-of-way except for signs, pennants, banners, etc. erected by the City or other authorized entity.
- (e) Signs which have been unlawfully or illegally erected and/or maintained.
- (f) Roof signs on pitched roofs shall not extend above the roofline. Roof signs on essentially flat roofs shall not extend more the 6 feet above the highest point of the roofline excluding cupolas, pylons, chimneys, antennas, or minor projections.
- (g) Any strobe lights or searchlights.
- (h) Billboards

SEC. 3.02 - SIGN PERMITS REQUIRED

Unless otherwise provided by this Ordinance, all new signs after adoption of this Ordinance shall require permits and payment of fees as described in Section Seven of this Ordinance. No permit is required for the maintenance of a sign, for a change of copy on painted, printed, or changeable copy signs or for legal non-conforming signs under Sec 5.01.

SEC. 3.03 – SIGNS NOT REQUIRING PERMITS

The following types of signs are exempt from permit requirements **but must be in conformance with all other requirements of this Ordinance:**

- (a) Signs used by churches, synagogues, or civic organizations;
- (b) Construction signs;
- (c) Directional/Information signs less than 4 feet in overall height and maximum of 12 square feet in area per face;
- (d) Holiday decorations and signs, and seasonal banners and pennants erected by authorized entities;
- (e) Nameplates;
- (f) Political signs not exceeding 10 square feet in residential areas or 32 square feet in other areas. Such signs shall not be erected more than 45 consecutive days prior to the pertinent election or referendum and shall be removed within 14 days following such election or referendum unless federal or state laws would require an earlier removal. Political signs may be placed only on private property and only with the permission of the property owner;
- (g) Public or government signs or notices, or any sign relating to an emergency;
- (h) Real estate signs which do not exceed 10 square feet for residential properties and 32 square feet for all other structures or properties for sale, lease or rent;
- (i) Window signs, displays, and painted/vinyl or other substance window lettering;
- (j) Incidental signs;
- (k) Signs that can not be read from the public right-of-way. (i.e. – menu board at drive thru);
- (l) Banners, pennants, festoons, balloons, tethered objects, strings of flags, streamers, inflated objects or any device intended as an attractant that is affected by the movement of the air; such signs shall be maintained in a undamaged, clean condition;
- (m) Portable signs including but not limited to portable readerboard, sandwich boards, A-frame, tire or tire rim, costumed character, stuffed animal, strings of lights arranged in the shape of a product, arrow or commercial message;
- (n) Holiday decorations and community signs, banners and pennants as otherwise provided;
- (o) Signs for events of city-wide, civic, or public benefit as authorized by the City Council or Mayor which must be removed within seven days after conclusion of the event;

SEC. 3.04 – MAINTENANCE

All signs shall be properly maintained.

SEC. 3.05 – LIGHTING

Unless otherwise specified by this Ordinance, all signs may be illuminated. However, no sign regulated by this Ordinance shall create a public nuisance or utilize an exposed incandescent lamp without an external reflector, screen or comparable diffusion.

SEC. 3.06 – CHANGEABLE COPY

Unless otherwise specified by this Ordinance, any sign herein allowed may use manual or automatic changeable copy.

SEC. 3.07 - INDEMNIFICATION AND INSURANCE

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work or placement.

**SECTION FOUR ---
REGULATION OF ON-PREMISE
SIGNS BY ZONE****SEC. 4.01 - GENERAL REGULATIONS**

The following are general regulations that apply to all signs in all districts. Specific standards are contained in each of the zoning districts and may have restrictions beyond what is required by these general regulations.

- (a) **Total Number of Signs:** Commercial, special use and other non-residential uses are allowed: one freestanding or monument sign per premises unless restricted elsewhere in this ordinance. A combination of any of the permitted signs is allowed provided they do not exceed the total square footage allowed under the zoning district in which the property is located.
- (b) **Freestanding & Monument Signs:** Freestanding and/or monument signs shall be permitted according to the size and height standards of the sign district in which the property is located.
- A freestanding or monument sign may consist of more than one sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.
 - The outermost edge on any freestanding or monument sign shall be set back so that such sign will not obstruct traffic visibility thereby creating a traffic hazard.
- (c) **Building Mounted Signs:** Building mounted signs include signs that are flush mounted on a building and signs which are attached to the building in some other manner. Building mounted signs are allowed in all zoning districts. The zoning district in which the property is located determines the allowable square footage. Building Mounted Signs would include, but not be limited to, Projecting Signs, Awning/Marquee Signs, Wall Signs and Under Canopy Signs, etc.

Streetward projection of such signs shall be determined as follows: 1) in diagonal parking areas, streetward sign projection shall not extend beyond the vertical curb plane, 2) in parallel parking areas, streetward projection shall not extend beyond the vertical plane 2 feet inward from curb, 3) along federal, state, or county highways or roadways, the applicable federal, state, or county regulations shall apply.

(d) **Multiple Occupants on a Premise:** Multiple occupants on a premise will be required to share the permitted area allowed for freestanding and non-freestanding signs in that zoning district.

(e) **Alley Entrance and Signs:** Businesses shall be permitted one flush mounted sign each.

(f) **Businesses without Frontage On a Public Street or Road:** Businesses shall be permitted one flush mounted sign each.

SEC. 4.03 – SIGNS PERMITTED IN PRODUCTIVE LANDS, HIGHWAY COMMERCIAL, & COMMERCIAL/INDUSTRIAL ZONING DISTRICTS (PLZD, HCZD, & CIZD)

Signs are allowed as follows in PLZD, HCZD, & CIZD

(a) All signs in compliance with Sec. 3.03

(b) Freestanding Signs

One Freestanding or monument sign per premises as follows:

Within the zoning districts listed above, the computed area of freestanding signs shall be the calculated average of the following not to exceed the Maximum Sign Area SF.

Maximum Height		14 Ft	20Ft
Max Sign Area SF		210	150
% Ground Floor Area of Principal Building		1%	1%
SF of Sign per lineal FT of Street Frontage		1	1

Example 1.		14 Ft	20Ft
Ground Floor Area	14000	140	140
Street Frontage	120	120	120
Maximum SF, from above		210	150
Average		157	137
Maximum Freestanding Sign Size		157	137
Actual Present Freestanding Signage	0		

Example 2.		14 Ft	20Ft
Ground Floor Area	3760	37.6	37.6
Street Frontage	200	200	200
Maximum SF, from above		210	150
Average		149	129
Maximum Freestanding Sign Size		149	129

(c) Non-Freestanding Signs

Within the Ordinance area, Non-Freestanding Signs in PLZD, HCZD, & CIZD, Non-Freestanding signs (Projecting Signs, Awning Signs and Wall Signs) shall have as their limit, 35% of the visible building surface area not to exceed 35% of two sides of the building structure.

(d) For home occupations:

- One freestanding or monument sign per premises, not to exceed 32 square feet per sign face, a maximum of 4 feet in overall height, and externally lighted only.
- For home occupations, day care centers, and others within the area zoned PLZD, HCZD, & CIZD, Non-Freestanding signs shall have as their limit, 15% of street visible building surface area not to exceed 15% of the surface area of two sides of a building structure.

(e) Incidental signs not to exceed 2 square foot in aggregate sign area per occupancy.

(f) All freestanding or ground mounted signs shall be set back pursuant to 4.01b.

SEC. 4.04- SIGNS PERMITTED IN THE CENTRAL BUSINESS DISTRICT AND RESORT ZONES (CBZD, RZD)

Signs are allowed as follows in CBZD and RZD

(a) All signs in compliance with sec. 3.03

(b) Freestanding Signs

One freestanding or monument sign per premises as follows:

Within the Ordinance area zoned CBZD and RZD, the computed area of freestanding signs shall be the calculated average of the following not to exceed the Maximum Sign Area SF.

Maximum Height	14 Ft	20Ft
Max Sign Area SF	160	115
% Ground Floor Area of Principal Building	1%	1%
SF of Sign per lineal FT of Street Frontage	1	1

Example 1.		14 Ft	20Ft
Ground Floor Area	14000	140	140
Street Frontage	120	120	120
Maximum SF, from above		160	115
Average		140	125
Maximum Freestanding Sign Size		140	115
Actual Present Freestanding Signage	0		

Example 2.		14 Ft	20Ft
Ground Floor Area	3760	37.6	37.6
Street Frontage	200	200	200
Maximum SF, from above		160	115
Average		133	118
Maximum Freestanding Sign Size		133	129
Actual Present Freestanding Signage	328		

(c) Non-Freestanding Signs:

Within the Ordinance area, Non-Freestanding signs in CBZD and RZD (Projecting signs, awning signs, and wall signs) shall have as their limit, 35% of the visible building surface area not to exceed 35% of the surface area of two sides of the building structure.

(d) For home occupations:

- One freestanding or monument sign per premises, not to exceed 32 square feet per sign face, a maximum of 4 feet in overall height, and externally lighted only.
- For home occupations; day care centers, and others within the Ordinance area zoned CBZD and RZD, Non-Freestanding signs (Projecting signs, awning signs and wall signs) shall have as their limit, 15% of street visible building surface area not to exceed 15% of the surface area of two sides of a building structure.

(e) One subdivision identification sign per neighborhood, subdivision, or development, not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.

(f) One identification sign per apartment or condominium complex, or mobile home park not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.

(g) Incidental signs not to exceed 2 square feet in aggregate sign area per occupancy.

(h) All freestanding or ground mounted signs shall be set back pursuant to Sec. 4.01b.

SEC. 4.05 - SIGNS PERMITTED IN RESIDENTIAL ZONES

Signs are allowed as follows in RRZD, LRZD, and MRZD:

- (a) All signs in compliance with Sec. 3.03 with the exception of subsection (l) & (m), which are permitted for special events such as grand openings, garage sales, reunions, etc. for a time frame of 48 hours from the start of the event.
- (b) One subdivision identification sign per neighborhood, subdivision, or development, not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.
- (c) One identification sign per apartment or condominium complex, or mobile home park not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.
- (d) For permitted special uses; including churches and synagogues, schools, nursing homes and hospitals:
 - One freestanding or monument sign, not to exceed the commercial standard in 4.03.
 - One wall sign, not to exceed 24 square feet in total sign area and external lighting
- (e) For home occupations, day care centers, and others:
 - One wall sign, not to exceed 16 square feet in total sign area and external lighting
- (f) All freestanding or ground mounted signs shall be setback pursuant to 4.01b.

SEC. 4.10 - SIGNS PROPOSED AS PART OF A VARIANCE APPROVAL

- (a) All signs in compliance with Sec. 3.03
- (b) All other sign proposals shall conform to the regulations for permitted uses for that sign district with which it most approximately resembles. The applicant must keep in mind the use has been approved through the variance procedure and therefore has no specific regulations addressing that particular use within the sign district. Where an agreement cannot be reached, the City Council will have the final decision making authority.

**SECTION FIVE --
NONCONFORMING SIGNS**

SEC 5.01 - DETERMINATION OF LEGAL NONCONFORMITY

- (a) A sign, which was in existence prior to adoption of this Ordinance, shall be considered a legal non-conforming sign if it is not altered in any way that increases its non-compliance. (Refer to Sec. 3.02)
- (b) Signs located in areas annexed by the City after the adoption of this Ordinance shall be considered legal non-conforming signs.
- (c) All non-conforming signs shall be brought into compliance within ninety (90) calendar days of notice from the City if:
 - 1) The use advertised is suspended for ninety (90) calendar days, or
 - 2) The use or ownership changes, or
 - 3) The sign is altered in any way except for ordinary maintenance, or
 - 4) The sign is relocated.
- (d) Any roof sign extending higher than the ridge-line of the roof or parapet wall, or any billboard in existence prior to adoption of the Ordinance shall be considered a legal non-conforming sign if they are not altered in any way that increases their non-compliance.

**SECTION SIX --
CONSTRUCTION SPECIFICATIONS**

SEC. 6.01 - COMPLIANCE WITH BUILDING AND ELECTRICAL CODES

All signs shall be constructed in accordance with the requirements of the local building code and state electrical code.

SEC. 6.02 - COMPLIANCE WITH MONTANA DEPARTMENT OF TRANSPORTATION

All signs shall be permitted and constructed in accordance with the requirements of the Montana Department of Transportation when applicable. This will address most freestanding or monument signage fronting on Highway 93 & 35 within the City.

SEC. 6.03 - SIGNS IN THE PUBLIC RIGHT-OF-WAY

No sign shall create a public hazard in the public right-of-way. Signage is permitted within the City right-of-way in the Central Business District only. Such signage requires additional permit requirements, please call for information concerning such signage.

SEC. 6.04 - ANCHORING

All signs shall be anchored as appropriate for their design.

SEC. 6.05 - ADDITIONAL CONSTRUCTION SPECIFICATIONS

- (a) No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- (b) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and cover windows when not in violation of the provisions of the local building or fire prevention codes.

**SECTION SEVEN --
ADMINISTRATION AND ENFORCEMENT****SEC. 7.01 - CODE ADMINISTRATOR**

The Administrator shall be appointed by the City Council and is authorized to process applications for permits, and enforce and carry out all provisions of this Ordinance. The Administrator is empowered to inspect new sign construction for compliance with all applicable codes and ordinances. Such inspections shall be carried out, by appointment, during business hours unless an emergency exists.

SEC. 7.02 - APPLICATION FOR PERMITS

Application for a permit for the erection, alteration, or relocation of a sign shall be submitted to the Administrator upon a form provided by the Administrator and shall include the following information:

- (a) Name and address of the owner of the sign.
- (b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (c) The number and type of sign(s) or sign structure as defined in these regulations and the sign district in which it is located.
- (d) A site plan showing the dimensions of the property, building location, driveways and other relevant features including the proposed location of the sign(s) on the site and/or on the building and existing signs on the site.
- (e) Specifications and scale drawings showing the materials, design, dimensions, structural supports, lighting, and total square footage of each sign.

SEC. 7.03 - PERMIT FEES

All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign according to the following schedule:

- (a) On-Premise Signs (new permit):
 - \$20.00 plus \$ 0.25 for each square foot of sign area.
- (b) "Legal Nonconforming" sign (continuation):
 - No Charge, No Permit Required.
- (c) Off-Premise Signs (new permit):
 - \$20.00 plus \$0.25 for each square foot of sign area.

SEC. 7.04 - ISSUANCE, DENIAL AND APPEAL

The Administrator shall issue a permit for the erection, alteration, or relocation of a sign within 14 days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the City of Polson. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When the Administrator denies a permit, he/she shall give a written notice to the applicant along with a brief statement of the reasons for denial and instructions on the process to obtain a variance. Sign applicant shall have right of appeal to the Polson Board of Adjustment and any other legal/judicial forum appropriate. The Administrator may suspend or revoke an issued permit for any false statement or material misrepresentation of fact in the application.

SEC. 7.05 - PERMIT CONDITIONS, REFUNDS, AND PENALTIES

If a permit is denied, the permit fee will be refunded to the applicant within 14 days.

If no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for the base fee may be refunded to the applicant upon request, provided that the permit and permit sticker are returned to the Administrator within 7 days of issuance.

A permit issued by the Administrator becomes null and void if work is not commenced within 180 days of issuance, unless the permittee encounters unforeseen difficulties and notifies the administrator.

SEC. 7.06 - INSPECTION UPON COMPLETION

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator shall make a final inspection within 7 working days of receiving notice of completion of work. If no inspection is conducted within those 7 working days the signage shall be deemed satisfactory if meeting all requirements of this sign ordinance for such permit.

SEC. 7.07 - VIOLATIONS

If a violation of the code exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the code of which the individual may be in

violation and shall state that the individual has 15 days from the date of the order in which to respond to City regarding the alleged violation.

If, upon inspection, the Administrator finds that a sign or any portion of the sign structure is abandoned or structurally or materially defective the Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to respond to the order within 15 days of receipt of the order. In no event shall respondent have less than 30 working days to make any repairs that may be necessary.

In cases of emergency, the Administrator may cause the removal of a dangerous or defective sign. Signs removed in this manner must present a hazard to public safety.

SEC. 7.08 - REMOVAL OF ABANDONED, HAZARDOUS OR ILLEGAL SIGNS

No sign shall be removed without the specific authorization of the Mayor. After removal or demolition of any sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and requiring payment of the costs as certified by the Administrator.

The owner of the business upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and any portion of a sign or sign structure no longer necessary to provide structural support.

SEC. 7.09 - PENALTIES

Any person who fails to comply with the provisions of this Ordinance may, after exhausting the normal response and appeal process, be subject to a fine of up to a maximum of \$500 or six months in jail.

SECTION EIGHT -- CONFLICT, SEVERABILITY, AND EFFECTIVE DATE

SEC. 8.01 - CONFLICT

If any portion of this code is found to be in conflict with any other provision or ordinance of the City of Polson, the provision that establishes the higher standard shall prevail.

SEC. 8.02 - SEVERABILITY

If any Section, subsection, sentence, clause, or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this code, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

SEC. 8.03 - EFFECTIVE DATE

This code shall take effect and be in force on July 21, 1999.

Approved by the City Council this 21st day of June, 1999 and
signed in authentication of its passage this 21st day of June, 1999.