

TITLE IV, CHAPTER 4 SIGN ORDINANCE

Section 4-1 SCOPE

The intent of this title shall be:

1. to coordinate type, placement and physical dimensions of signs;
2. to recognize the commercial communication requirements of all sectors of the business community;
3. to prevent hazards to life and property;
4. to allow for special circumstances; and
5. to guarantee equal treatment under the law through accurate record keeping and consistent enforcement.

Section 4 – 2 DEFINITIONS: For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **AWNING.** An architectural feature or projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a light weight rigid skeleton structure over which a rigid covering is attached.
2. **CANOPY.** An architectural projection, free-standing, that provides weather protection, identity or decoration and is supported by the building to which it is attached and at the outer end by not less than two stanchions. A canopy is comprised of a rigid structure over which a rigid covering is attached.
3. **CHANGEABLE LETTER FREE STANDING SIGN.** A sign designed to be temporary and portable in nature which may or may not be illuminated with electrical lights and which has letters which may be changed to advertise events, business openings and sales, among other things.
4. **CHANGEABLE COPY SIGN.** A permanent sign which may or may not be illuminated with electrical lights and which has letters which may change to advertise events, business openings and sales, among other things.
5. **CLEAR VISION AREA** The triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of ten feet from their point of intersection.
6. **KIOSKS.** A permanent stand-alone sign used to advertise events or other on-site activities.
7. **MARQUEE SIGN.** Any sign attached to and made part of any marquee, canopy, or awning which is defined as a permanent roof-like structure projecting beyond a building wall and designed to provide protection against the weather
8. **MONUMENT SIGN.** Any sign which is supported by a base of at least 75% of the sign width and is independent from any building
9. **MULTI-TENANT SIGN.** Any sign which designates a multi-tenant development whether designated as business, retail, industrial or otherwise.

- 11. POLE SIGN.** Any sign erected on a single or multi-post or column placed in the ground.
- 12. POLITICAL SIGN.** Any sign which identifies or is indicative of any candidate seeking nomination or election to any national, state or local office.
- 13. PROJECTING SIGN.** Any on-premises sign that is wholly or partly dependent upon a building for support and projects in whole or in part a determined distance beyond the surface of the building to which the sign is attached.
- 14. PUBLIC BULLETIN BOARD.** Any sign which identifies a governmental, charitable, non-profit or religious institution and which is located on the premises of such institution.
- 15. REAL ESTATE SIGN.** Any sign which advertises the sale, rental or leasing of existing commercial or residential buildings or structures or any portion thereof and which is located on the premises being offered for sale, lease or rent.
- 16. ROOF SIGN.** Any sign erected or constructed upon the top portion of a roof and supported solely by the roof structure
- 17. SANDWICH BOARD SIGN.** A two-part sign which is hinged at the top and connected at the sides and is designed to be freestanding, portable and temporary in nature.
- 18. TABLET.** Any sign constructed of bronze, brass, stone, or other incombustible, permanent material which shall be permanently affixed or attached to the walls of a building or other structure and which bears the name of the owner, the name of the building, the date of erection of the building or contains reading matter commemorating a person or an event.
- 19. TEMPORARY NON-PROFIT EVENT SIGN.** Any sign that advertises a one-time non-profit, charitable, religious or government sponsored event.
- 20. TEMPORARY SIGN.** Any sign that has plastic film, paper, cloth or similar material and its associated message area that is designed to promote or notify of an upcoming event.
- 21. TRAFFIC SIGN.** Any sign which has been designated, established and or erected by the federal, state or local government which directs, controls or regulates the flow of vehicular or pedestrian traffic or identifies or locates, highways, streets, alleys or any other public rights-of-way.
- 22. VEHICLE SIGN.** Any sign that is attached to a vehicle.
- 23. WALL SIGN.** Any sign painted or attached parallel to the face of the building wall and confined therein and supported by such wall and displaying only one advertising surface.
- 24. WARNING SIGN.** Any sign which warns of or indicates a dangerous, perilous or hazardous condition.
- 25. WINDOW SIGN.** Any sign placed inside or upon a window facing the outside.

26. YARD SALE SIGN. Any sign advertising the temporary sales of household items. Also known as garage or moving sales.

Section 4 – 3 PROCEDURES AND PERMITS

A. It shall be unlawful for any person to erect, structurally alter or relocate any sign or sign structure without first obtaining a permit from the Building Inspector, except as provided in Section 4 – 4.

B. The application for the permit for a sign shall be made upon forms provided by the Building Inspector.

1. Fees shall be set at one hundred dollars (\$100.00) for the first sign and fifty dollars (\$50.00) for the each sign to follow pertaining to the same establishment or service. Additional signs must be permitted within a 6 month period. All applications shall be accompanied by the written consent of the owner or the designated agent of the premises upon which the sign is to be erected. Such written consent must be notarized by a WV Notary Public.

2. No application shall be accepted for review unless it is complete, accompanied by the appropriate fee and signed by the applicant. The Building Inspector may require that the location of a proposed sign be based on a survey by a registered land surveyor or engineer, at the expense of the applicant. The Building Inspector shall endeavor to complete a review of the completed application within ten working/business days.

3.

C. The Building Inspector may inspect existing signs to determine if they are detrimental to the public health, safety and welfare. If the Building Inspector determines that a sign is detrimental to the public health, safety and welfare, the Building Inspector shall notify, in writing, the owner of the property on which the sign is located and, if different, the owner of the sign. Upon receipt of notification from the Building Inspector, the property owner and/or the sign owner shall remove or repair the sign within five working/business days. At the determination of the Building Inspector, more time may be granted to repair or replace the sign if the property owner and/or sign owner can demonstrate a good faith effort of working toward compliance with this article. If a nonconforming sign is determined by the Building Inspector or owner to require repair, it must be brought into compliance with these regulations within 30 days.

SECTION 4 – 4 PERMIT EXEMPTIONS.

A permit shall not be required for the following signs and activities:

1. Servicing, repainting or cleaning an existing permitted sign, except where such activity requires structural alterations either of the sign pole or the structure supporting the sign face.
2. House number or nameplate identifying the occupant or address of a structure and not exceeding two square feet in area;
3. Real estate sign which is six square feet or less in surface area and is five feet or less in height measured from top of sign, provided that there shall be no more than one such sign for any street frontage and such sign shall not project beyond the property line. The sign shall advertise the building or property on which the sign is located, and must be located so as not to obstruct or interfere with view of drivers on public roads or those accessing the property;
4. The name of the building and date of erection, when cut into any masonry surface or tablet sign;
5. Any noncommercial flag bearing the official seal of the United States, other recognized

country or this state; decorative flags, seasonal flags, or branch of service flags.

6. Traffic or other official government sign, such as legal notice, railroad crossing, danger or other emergency sign;
7. Yard, garage or moving sale signs that are placed no more than seven days prior to the sale and removed within two days after the conclusion of the sale;
8. Traffic-control signs on private residential property which contain no commercial message of any sort;
9. Tablet signs;
10. Public warning signs for trespassing or danger area;
11. Public bulletin board;
12. Temporary signs which do not exceed 32 square feet in surface area, and only to advertise a specific event. These signs can only be displayed from 30 days prior to the event to five days after the event.
13. Construction signs which are 32 square feet in surface area and non-illuminated and placed on the building site.
14. Political signs

SECTION 4 – 5 PROHIBITED PERMANENT AND TEMPORARY SIGNS.

The following signs are prohibited in Town of Marlinton, except as otherwise noted herein:

1. Signs containing statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
2. Blinking flashing intermittent lighting or an animated sign which incorporates strobe lights or moving lights.
- 3.. Signs which constitute a traffic hazard or a detriment to public safety or which may be confused with or resemble any traffic sign or traffic-control device.
4. Signs which obstruct free ingress or egress from any door, window, fire escape or other exit-way
5. Vehicle signs which are displayed for the purpose of exhibiting commercial advertising, identifying an on-site business or supplying directional information to an off-site business, on any vehicle that is unlicensed, inoperable, or illegally parked;
6. Signs now or hereafter existing which no longer advertise a bona-fide business, activity, campaign, service or product;
7. Any sign located in a public right-of-way, except as permitted by the State Department of Transportation or the town and in compliance with all local regulations. Any sign placed in the public right-of-way in violation of this code shall be prohibited and may be seized by the enforcement official or other representative of the Town, and the person owning or placing the sign may be charged both with a violation of this article and with the cost of removing and disposing of the sign;
8. Signs attached to utility poles and State Division of Highways or town sign poles and other town property.
9. Signs or banners placed on fabric not intended to be used for such purpose.

SECTION 4 – 6 GENERAL SIGN REGULATIONS

A. The following General Regulations shall be applicable to all signs:

1. No sign shall be permitted within the clear-vision area as defined in Section 4-2(5) above;
2. The back of any permitted sign structure must be shielded from public view by a building, other structure, high planting or another sign of the same size;

3. All signs shall be maintained in good and safe structural condition;
4. No sign shall cast light directly upon any part of an adjacent residential property;
5. Lots fronting two or more streets are allowed the permitted sign size for each street frontage.

The square footage permitted for each street frontage cannot be combined and used on one frontage;

6. All signs not expressly permitted under this article or exempt from these regulations under Section 4 – 4 above are prohibited in the Town; and

7. Area limit. The aggregate area for all permanent signs erected on any one property shall be limited to one square foot per one lineal foot of street frontage with a maximum aggregate area of 100 square feet, excluding supporting or mounting frame structures. Examples: 10' x 10', 12' x 8', 6' x 16'.

B. Permitted signs. The following signs are permitted and shall be regulated as follows in regard to number, size and type.

1. Kiosks:

a. Kiosks shall be permitted for the purpose of announcing activities, information, or other events related to the property on which they are erected;

b. No more than one kiosk shall be permitted per property; and

c. The total surface area of any kiosk shall not exceed 100 sq. ft;

2. Projecting signs:

a. Projecting signs shall not extend over more than one-half of a public sidewalk nor shall the bottom of any part of a projecting sign be lower than nine feet above ground level;

b. Projecting signs may not project from the corner of a building;

c. Projecting signs shall project from the wall at an angle of 90 degrees;

d. Projecting signs shall not extend vertically beyond the window sill of the second story of any building on which they are erected, or, if the building on which they are erected does not have a second story, the top of projecting signs shall not be higher than fifteen feet from the ground; and

e. Projecting signs shall not exceed twenty square feet per side.

3. Window signs shall consist of high quality durable materials.

4. Monument signs shall be limited to a total of one per street frontage.

5. Marquee signs:

a. No more than one marquee sign shall be permitted per location;

b. No part of the sign shall extend beyond the outer edge of the marquee;

c. The roof of any marquees shall be properly guttered and connected by downspouts so that the water from them will not drip or flow onto public property; and

d. Total size of any marquee sign shall not exceed 100 sq. ft.

6. Sandwich board signs:

a. Shall be no larger than six square feet per side inclusive of all structural support. not greater than six square feet per side;

b. Shall require a permit if up more than 30 days within a calendar year.

c. Shall be taken inside daily at the end of business hours.

7. Wall signs:

a. An identification sign on an awning or canopy shall be considered a wall sign;

b. A wall sign shall not extend further than 12 inches above or from the building to which the sign is attached; and

c. Total size of a wall sign shall not exceed 100 sq. ft.

8. Pole signs:

a. No more than one pole sign shall be permitted per property unless the total linear road

frontage of the property exceeds 200 feet;

b. Pole signs shall not exceed more than 80 feet in height; and

c. The total surface area of any pole sign shall not exceed 100 sq. ft.

9. Roof signs:

a. Total size of a roof sign shall not exceed 100 sq. ft.

b. A roof sign shall not project over a wall of a building so as to extend the roof of any such building in any direction.

10. Changeable copy signs:

a. The rate of change for any image or copy shall be a minimum of eight seconds; and

b. The total surface area of any changeable copy shall not exceed 100 sq. ft.

11. Parking Areas. On premise signs for parking areas shall be regulated as follows:

a. Directional signs and pavement markings may be used to control vehicular movement in a parking area;

b. Signs shall be limited to six (6) square feet each with an overall height not to exceed four (4) feet; and

c. Parking or driveway area sign are permitted for the purpose of indicating entrances, exits, and the name of the actual business occupying the site to which such parking area is an accessory, or conditional use.. No additional advertising on such signs may be permitted.

SECTION 4 – 7 UNIQUE LAND USE

A. Hospitals. Hospitals shall be permitted one monument sign at each entrance which shall not exceed 100 square feet in area or ten feet in height. Hospitals also shall be permitted one building- mounted sign for each building entrance for the purpose of identifying a hospital function. No such sign shall exceed 50 square feet in area.

B. Gasoline stations/convenience stores. In addition to other sign regulations contained in this article, these establishments which sell gasoline may have the following signs;

1. Signs identifying only gasoline prices and/or the location of full-service and self-service areas may be located at, and secured to, each pump island and shall not be calculated in the maximum allowable aggregate sign area;

2. Temporary signs, attached to the pumps that are no larger than one square foot each, shall not be computed in the maximum allowable aggregate sign area;

3. Where the establishment provides inspection services, a state inspections sign may be erected on the property, provided that the sign does not exceed a surface area of eight square feet per side;

4. Signs informing the general public of employee certifications and the use of special brand name products used in the conduct of general daily business may be erected if placed flush against the building and shall be exempt from this regulation; and

5. Signs which may be required by local, state or federal law in the interest of public health and safety shall be exempted from this regulation. These signs may include, but not be limited to, “no smoking” and “turn off engines while fueling” signs.

C. Multi-tenant Complexes.

1. Multi-tenant complexes shall include shopping centers, and multi-tenant office buildings

2. Multi-tenant complexes are allowed one sign identifying the name of the complex within the listed regulations.

3. Each tenant in a multi-tenant complex is allowed separate signage within the listed regulations and allowable square footage.

SECTION 4 – 8 NONCONFORMING SIGNS

A. In the event a nonconforming sign is structurally damaged in any matter, it may be repaired or reconstructed and used as before, if such repair or reconstruction is complete within 30 days of the date of such damage. If the repair or reconstruction is not completed within 30 days, the entire sign and its structure shall be removed and a new sign which conforms to the requirements of this article may be erected, if otherwise permitted by this article.

B. In the event a nonconforming sign is structurally altered in any manner, the entire sign and sign structure shall be removed and a new sign which conforms to the requirements of this article may be erected, if otherwise permitted by this article.

C. Nonconforming signs or sign structures must be completely removed or replaced with signs which fully comply with the regulations of this article when one or more of the following situations occur:

1. The name or ownership of a business changes; provided however, that upon application to the Building Inspector, the Building Inspector may authorize the substitution of one name or owner for another so long as no structural alterations to the nonconforming sign are made; and/or
2. A new sign is desired by the business owner, whether or not the name of the business or use changes.

SECTION 4 – 9 MAINTENANCE AND ABANDONMENT

A. Maintenance.

1. Every sign or sign structure shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, cleaning and other acts required for the maintenance of such sign.

2. No person shall maintain or permit to be maintained on any premises any sign or sign structure which is in a dangerous or defective condition.

B. Abandonment.

1. Any sign or sign structure, including temporary signs or sign structures, that is located on property which becomes vacant and is unoccupied for a period of 30 days shall be deemed to have been abandoned.

2. Abandoned signs and sign structures are prohibited and upon abandonment, as defined above, shall be removed within 30 days by the owner or person, firm or corporation responsible for the sign or owner of the premises.

SECTION 4 – 10 REVOCATION OF REGISTRATION OR PERMIT.

The designated Building Inspector or Code Enforcement Officer is authorized and empowered to revoke any permit under this article upon failure of the holder thereof to comply with any of the provisions of this article.

SECTION 4 – 11 INSPECTION AND ENFORCEMENT

The designated Building Inspector or Code Enforcement Officer shall make an inspection of any sign or structure regulated by this article at the time of sign erection.

2. The Building Inspector or Code Enforcement Officer shall cause to be removed any sign that violates any provision of this article or a sign or structure for which no permit has been issued.

3. The owner of the property on which the sign or structure is located, and if different, the owner or person responsible for the sign or structure itself shall be notified in writing of the violation and if not altered or removed to meet the requirements of this article within 30 days, such sign or other structure shall be removed by the Building Inspector or Code Enforcement Officer and the cost of such work shall be charged to the appropriate party and collected in the manner provided by law.

4. Notwithstanding the above, in cases of emergency, or if the sign or structure is in danger of imminent collapse, is defective or poses a substantial and present risk to persons or property, the Inspector may cause the immediate removal of such sign or structure without notice.

SECTION 4 – 12 CONTINUING VIOLATIONS.

The non-abatement of a violation of the provisions of this article, after due notice, shall be considered to constitute a separate violation for each day that such violation is permitted to exist.

SECTION 4 – 13 PENALTY

Whoever violates any provision of this article shall, upon conviction be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). After providing required notice, each day of violation is a separate offense.

Authority generally – see W. Va. Code 8-12-5(31)

I, the undersigned Recorder of the Town of Marlinton, State of West Virginia, do hereby certify that the foregoing amendment to an Ordinance was duly passed and adopted by the Town Council of the Town of Marlinton, and that the proposed Ordinance was read by title at not less than three (3) meetings of the Town Council with at least one (1) week intervening between each meeting, and that the Ordinance is now in full force and effect.

First Reading

Second Reading

Third Reading

Recorder
