

## Ordinance 2015- 0810

To amend the *Whitfield County Code of Ordinances* by creating a new Chapter 16 thereof, entitled "Sign Regulations" and by adding new sections 16-1 through 16-5, in numerical order and including sub-parts, which shall generally provide regulations for signage within unincorporated Whitfield County the types and manner of inspections required for all newly erected manufactured homes in the unincorporated areas of Whitfield County, and by striking existing Section 5-127 in its entirety and replacing therewith a new Section 5-127, which shall further define the requirements for installation and set-up of manufactured homes; and for other purposes.

**BE IT ORDAINED** by the Board of Commissioners of Whitfield County and by the authority of same, **IT IS HEREBY ORDAINED** as follows:

1. Amend the *Whitfield County Code of Ordinances* by creating a new Chapter 16 thereof, entitled "Sign Regulations."
2. Amend the Whitfield County Code of Ordinances by adding new sections 16-1 through 16-5, inclusive, by adopting the Sign Regulations set forth herein below in its entirety:

### CHAPTER 16 -- SIGN REGULATIONS

**16-1 Standards and Purposes.** This Ordinance sets forth the standards which shall control the number, type, and placement of signs within the unincorporated portion of Whitfield County, upon individual lots, parcels, structures, or accessory structures. The purposes of such standards set forth in this Ordinance include the following:

- 16-1-1 To maintain and to enhance the aesthetic environment and natural beauty of Whitfield County, while balancing those interests with support for positive economic development of Whitfield County;
- 16-1-2 To maintain and to improve traffic safety;
- 16-1-3 To minimize potential confusion created as a result of size, location, construction, or manner of display of signs;
- 16-1-4 To minimize potential adverse effects of signs upon neighboring properties;
- 16-1-5 To maintain and to enhance the tranquility and compatibility of uses within low density residential areas, while balancing those interests with the rights of such homeowners to communicate freely; and
- 16-1-6 To encourage the necessary and proper use of signs as a means of effective and Constitutionally protected communication.

**16-2 Definitions.** For purposes of this Ordinance, the following terms shall be defined as follows:

**Abandoned Sign:** A sign which previously served a business or operation which is dilapidated or in such condition as to create a hazard, a nuisance, or to be unsafe, as determined by the Whitfield County Engineer or his or her designee.

**Awning:** A roof-like cover which projects from the wall of a structure for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the structure.

**Awning or Canopy Sign:** See Building Sign.

**Banner:** A sign, other than an official flag, made of paper, cloth, thin plastic, or similar lightweight material and usually containing a message or logo.

**Billboard:** A multi-faced pole sign, with total sign face area with outside measurements of no more than fourteen (14) feet in height by forty-eight (48) feet in length, with or without trim, which is visible or is intended to be visible from vehicular traffic upon Interstate I-75 or Georgia DOT State Routes (SR 2, 3, 52, 71, 201, and 286). Billboards are permitted only along the Interstate I-75 corridor and Georgia DOT State Routes (SR 2, 3, 52, 71, 201, and 286,) as set forth hereinafter. Billboards may also be referred to as Outdoor Advertising Signs or Off-premises Advertising synonymously as set forth in the Georgia Outdoor Advertising Act, *OCGA § 32-6-70 et seq.*

**Building Sign:** A sign which, in any manner, is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes, but is not limited to, the following:

- (a) **Awning or Canopy Sign:** A sign imposed or painted upon or suspended beneath any awning or canopy.
- (b) **Facade or Wall Sign:** A sign which is fastened directly to or is placed or painted directly upon the exterior wall of a building and extends from the surface of the wall no more than eighteen (18) inches.
- (c) **Incidental Sign:** An announcement or other display providing information about the occupancy or conduct of business permitted at a location, such as logos of credit cards accepted on the premises, hours of operation, a "closed" or "open" sign, emergency contact person name and telephone number, street address, "help wanted," "no loitering or solicitations," security system notices, notices required by law, and similar information.

- (d) **Projecting Sign:** A sign which is attached perpendicular to a building and extends at least twelve (12) inches or more horizontally from the plane of the building wall not more than five (5) feet.
- (e) **Roof Sign:** A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.
- (f) **Window Sign:** A sign that is placed on or behind a window pane and intended to be viewed from outside the building.

**Construction Sign:** A sign identifying the contractors, engineers, architects, or financial institutions involved in the building, construction, or development of a lot or parcel.

**Electronic Message Board:** A type of sign which presents its message through illumination of flashing, intermittent, or moving lights forming the letter, numbers, or symbols of the message, whether or not the message appears to move across the sign face.

**Façade Sign:** See Building Sign.

**Freestanding Sign:** A sign permanently attached to the ground which is wholly independent of any other structure. The term freestanding sign shall not include a billboard. The term freestanding sign shall include, but is not limited to, the following:

- (a) **Pole Sign (also referred to synonymously as Pylon Sign):** A sign mounted on a freestanding pole or similar support such that the bottom of the sign face is at least ten (10) feet. The maximum height for pole signs shall be seventy (70) feet.
- (b) **Ground Sign:** A sign, other than a pole sign, for which the bottom of the sign face is not more than three (3) feet above ground.
- (c) **Inflatable Sign:** A sign which is intended to be expanded by air or other gas for its proper display or support.

**Ground Sign:** See Freestanding Sign

**Holiday Decorations:** Signs and/or displays erected on a seasonal basis in observance of religious, national, state, or local holidays, and which are not intended to be permanent in nature.

**Incidental Sign:** See Building Sign.

**Inflatable Sign:** See Freestanding Sign.

**Multi-Faced Sign:** A sign structure which contains two (2) or more sign face surfaces located on different sides of the structure and are separated from each other at their nearest point by an angle not greater than forty-five (45) degrees. No side-by-side sign faces are permitted hereunder.

**Official Signs:** Signs placed by a governmental body, governmental agency, or public authority having jurisdiction to do so, such as traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs of historical interest; signs designating special events or areas of architectural or historic significance. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority.

**Pennant:** Any lightweight plastic, fabric, or similar material suspended from a rope, wire, or string, designed to move in the wind. The term pennant shall not include a banner or an official or personal flag, as regulated herein below.

**Pole Sign:** See Freestanding Sign.

**Portable Sign:** Any sign designed and conceived to be easily moveable by not more than two (2) persons from location to location, including, but not limited to, "A-frame" signs, "T-shaped" signs, and signs on wheels.

**Principal Use:** The primary and/or predominant reason for which a lot or parcel is occupied and/or used.

**Projecting Sign:** See Building Sign.

**Property Address Sign:** A sign limited in content to the owner=s name, road name, and address number of the lot or parcel to which it is affixed, provided that such sign shall consist of lettering not larger than four (4) inches in height on a building or two (2) inches on a mailbox.

**Roof Sign:** See Building Sign.

**Shopping Center:** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, and including provision for goods delivery separated from customer access.

**Sign:** The term "sign" shall mean any structure, display, or device used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service.

**Sign Face:** That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements, including, but

not limited to, trim or borders, are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two (2) or more modules on the same surface which are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature. No side-by-side sign faces shall be permitted.

**Sign Face Module:** Each portion or unit of a sign face which is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

**Sign Height:** The vertical distance to the highest point of a sign structure, as measured from the average grade at the base of the structure or directly below a projecting structure. If the base of the sign is below the grade of the nearest adjacent roadway, the sign height shall be measured from the grade of the nearest adjacent roadway.

**Sound or Smoke Emitting Sign:** A sign that emits or utilizes in any manner any sound capable of being detected on any public road way by a person with normal hearing; or a sign which emits smoke, vapor, particles, or odors.

**Streamer:** See Pennant.

**Structure:** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site built buildings, industrialized buildings, manufactured homes, mobile homes, billboards, swimming pools, advertising signs, fall-out shelters, stadiums, reviewing stands, platforms, staging, observation towers, radio and television towers, trestles, and open sheds, garages, carports, and shelters, any of which have a gross floor area over one hundred forty-four (144) square feet.

**Subdivision Entrance Sign:** A sign located at a discernible entrance into a particular residential subdivision, apartment or condominium development, or other multi-family residential development.

**Tenant:** One who possesses or occupies land or buildings by title, pursuant to a lease, or through payment of rent; or, an occupant, inhabitant, or dweller of a place.

**Wall Sign:** See Building Sign.

**Window Sign:** See Building Sign.

## 16-3 General Provisions

16-3-1 Signs Regulated by this Ordinance:

- (a) The regulations and requirements of this Ordinance shall apply to all signs which are intended to be viewed from any public right-of-way or which are intended to be viewed from outdoor areas of public property.
- (b) Such signs are allowed to be erected or maintained only in conformance with this Ordinance, or as otherwise provided for nonconforming uses pursuant to the *Unified Zoning Ordinance*.
- (c) The location of all signs hereunder shall be in conformance with all applicable state and/or federal laws, regulations, or ordinances. (*See, e.g., OCGA §32-1-21; 32-6-78; 32-50-51; 21-1-1, et seq.*)
- (d) All signs shall be erected upon private property with the express permission of the owner thereof, except as otherwise provided by state and/or federal law.
- (e) Except as otherwise provided herein, no sign or sign structure [above a height of three (3) feet] shall be maintained within ten (10) feet of a public right-of-way, or within fifteen (15) feet of the intersection of the rights-of-way of two roads, or an intersection of a road with a railroad right-of-way.

**16-3-2 Prohibited Signs and Activities Regarding Signage.** The following types of signs and activities shall be prohibited:

- (a) No sign shall be erected or maintained where, by reason of its position, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.
- (b) No sign, except an Electronic Message Board, shall flash in any manner.
- (c) No sign shall contain any imitation of any official governmental traffic control sign, signal, or emergency vehicle device.
- (d) No part of any sign shall be located in, over, or project into a public right-of-way.
- (e) No sign shall be erected, located, or maintained in such a manner as to interfere with safe and free ingress and egress of any door, fire escape, emergency exit, driveway, street, or roadway.
- (f) No sign shall interfere with governmental utilities, such as water

lines, mains, hydrants, electricity, and communications equipment or lines, nor interfere with natural or man-made storm water drainage facilities, if any.

- (g) No sign shall be painted on or attached to any tree, utility pole, utility post, retaining wall, rock, or other natural or similar man-made feature.
- (h) No sign shall be erected upon any lot or parcel without the express permission of the owner to do so.
- (i) No internally illuminated freestanding sign shall be erected within two hundred (200) feet of any dwelling located within any residential zoning district, as set forth in the *Unified Zoning Ordinance*.
- (j) No sign shall be erected which advertises or promotes any unlawful activity or product.
- (k) No electronic message board shall be erected within any residential zoning district, as set forth in the *Unified Zoning Ordinance*.
- (l) Abandoned Signs are prohibited.
- (m) Signs within three hundred (300) feet of any officially designated historical site or monument, except signs pertaining to that particular site or monument, are prohibited.
- (n) Pennants or Streamers are prohibited.
- (o) Sound or Smoke Emitting Signs are prohibited.

**16-3-3 Exempt Signs.** The following types of signs shall be exempt from the restrictions imposed by this Ordinance:

- (a) Official Signs.
- (b) Property Address Signs.
- (c) Holiday Decorations.
- (d) Signs upon private property which prohibit trespassing, hunting, and/or fishing; which provide warnings to employees; or which prohibit smoking.
- (e) Subdivision Entrance Signs are exempt only within any residential zoning district, as set forth in the *Unified Zoning Ordinance*.

#### **16-3-4 Permitting Requirements**

- (a) A permit, per sign, shall be required prior to the installation or placement of any freestanding sign having a sign face area of forty (40) square feet or greater or any building sign having a sign face area of forty (40) square feet or greater.
- (b) All signs for which a permit is required shall be constructed and maintained in conformance with all applicable requirements of the *Whitfield County Building Ordinance* and of any other applicable federal, state, or local law or ordinance.
- (c) If site plans are required for the issuance of a permit for a sign, the plans shall be certified as to conformance with all applicable structural and wind-load resistance standards by a structural engineer registered in the State of Georgia, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the *Whitfield County Building Ordinance*.
- (d) All signs involving internal lighting or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriters Laboratories, Inc. No electric sign may be installed which is not approved by Underwriters Laboratories, Inc. Each sign manufacturer's UL # of each individual sign shall be provided as a part of the application for a permit unless waived by the Whitfield County Engineer or his or her designee.

**16-3-5 Sign Maintenance.** All signs, together with all supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

**16-3-6 Computation of Sign Area.** In order to determine compliance with the maximum allowable sign areas permitted under this Ordinance, the area of a sign shall be considered the area of the sign face, which shall be computed as follows:

- (a) The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign face module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- (b) The computation of the area of a sign face shall not include the



structure, supports or uprights on which the sign face is placed or any portions of a sign structure which are not intended to contain any message or idea and are purely structural or decorative in nature.

- (c) For any sign on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- (d) For multi-faced signs, when the sign face surfaces are parallel (back-to-back), or where the interior angle formed by the faces is forty-five (45) degrees or less, the area of the sign shall be taken as the area on the larger side. For all other multi-faced signs, the area of the sign shall be the total area on all sides which may be viewed at one (1) time from any angle.

**16-3-7 Variances from Sign Regulations.** Variances from the restrictions upon signage for a specific lot or parcel shall be considered by the Board of Zoning Appeals, pursuant to procedures set forth in the *Unified Zoning Ordinance*.

**16-3-8 Signs Not to Extend into Buffer Area.** No sign, sign face, nor sign structure shall extend into or over any buffer required by the *Unified Zoning Ordinance*.

**16-4 Permitted Signs.** The following types of signs shall be permitted, pursuant to the restrictions set forth hereunder:

**16-4-1** Freestanding Signs shall be permitted, subject to the following:

General Restrictions upon all Freestanding Signs:

- (a) Freestanding signs shall be located at least ten (10) feet from a side or rear lot line.
- (b) Freestanding sign bases shall be located at least ten (10) feet from any right-of-way line.
- (c) No sign face less than ten (10) feet above the grade of the nearest publicly maintained roadway may abut the right-of-way line.

- (d) Within any residential zoning district, as set forth in the *Unified Zoning Ordinance*, upon which there exists a structure which is the principal use thereon, the following additional restrictions shall apply:
  - (1) The sign face area of any freestanding sign within such zoning districts shall not exceed forty (40) square feet. However, nothing herein shall restrict or limit the sign face area of a subdivision entrance sign.
  - (2) The maximum height of any freestanding sign within such zoning districts shall not exceed six (6) feet.
  - (3) Only one (1) freestanding sign per lot or parcel within such zoning districts shall be allowed.
- (e) Within the C-1 zoning district upon which there exists at least one (1) structure which is the principal use thereon, the following additional restrictions shall apply:
  - (1) The sign face area of any freestanding sign within such zoning district shall not exceed 200 square feet.
  - (2) The maximum height of any freestanding sign within such zoning district shall not exceed 30 feet.
  - (3) Only one (1) freestanding sign per lot or parcel within such zoning district shall be allowed to these maximum size and height restrictions.
  - (4) Not more than a total of three (3) additional signs, including, but not limited to, freestanding signs, each no greater than six (6) square feet in area and three (3) feet in height, are allowed upon any lot or parcel within such zoning district.
- (f) Within the C-2, M-1, or M-2 zoning districts, **except for billboards**, the following additional restrictions shall apply:
  - (1) The sign face area of any freestanding sign within such zoning districts shall not exceed a total of two-hundred eighty-eight (288) square feet.
  - (2) The maximum height of any freestanding sign within such zoning districts shall not exceed forty (40) feet.
  - (3) Only one (1) principal freestanding sign per lot or

parcel within such zoning districts shall be allowed to the maximum size and height restrictions. Each business upon a lot or parcel shall be permitted to advertise upon the one (1) principal freestanding sign per lot or parcel.

- (4) No more than a total of three (3) additional signs, including, but not limited to, freestanding signs, each not greater than forty (40) square feet in area and three (3) feet in height, are allowed upon any lot or parcel within such zoning district.

16-4-2 Billboards (Outdoor Advertising Signs) are permitted only along the Interstate I-75 corridor and Georgia DOT State Routes (SR 2, 3, 52, 71, 201, and 286,) pursuant to the following conditions:

- (a) Billboards on Interstate I-75 shall be restricted to an area in each entrance/exit quadrant one thousand two hundred (1,200) feet long beginning five hundred (500) feet beyond the point where the pavement begins to widen upon the main travel way of the roadway to accommodate the longest exit or entrance ramp for that particular interchange.
- (b) Billboards shall be constructed no more than two hundred (200) feet from the edge of the right-of-way for Interstate I-75 and no more than sixty (60) feet from the edge of the right-of-way for any Georgia State Routes (SR 2, 3, 52, 71, 201, and 286.)
- (c) No more than three (3) billboards may be located in each quadrant of an Interstate I-75 interchange.
- (d) Billboards shall be located upon a lot or parcel only in the C-2, M-1, or M-2 zoning districts.
- (e) Billboards shall fully comply with all requirements of the State of Georgia and shall obtain a Department of Transportation (DOT) permit prior to seeking a building permit.
- (f) Billboards shall not exceed seventy (70) feet in height. If the elevation of the location upon the real property upon which the sign structure is placed is below the grade of Interstate I-75 or Georgia DOT State Routes (SR 2, 3, 52, 71, 201, and 286,) such height shall be measured from the grade of Interstate I-75 or Georgia DOT State Routes (SR 2, 3, 52, 71, 201, and 286.)
- (g) All portions of billboards shall be located in accordance with all applicable setback requirements.

- (h) Billboards shall not be located within five hundred (500) feet of any other billboard on the same side of Interstate I-75 within the same quadrant or on Georgia DOT State Routes (SR 2, 3, 52, 71, 201, and 286.) Distance measurements shall be made horizontally in all directions from the nearest edge of the sign face.
- (i) Except on I-75, only two sign faces upon each side of a billboard are permitted. Back-to-back, "V" formation signs at an angle of no greater than forty-five (45) degrees, and stacked billboards are permitted. Side-by-side signs are not permitted.
- (j) Billboards shall not be located upon or over any structure, except a sign structure.

**16-4-3 Building Signs.** Within the C-1, C-2, M-1, or M-2 zoning districts, the total display area of a building sign shall not exceed the total area of the wall upon which the sign is located.

**16-4-4 Banners** shall be allowed only as wall or window signs and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as canopy signs, flown as flags, or used as any other form of sign.

**16-4-5 Real estate signs.** One (1) real estate sign per lot or parcel or per five hundred (500) linear feet of total road frontage (whether a corner lot or not), whichever is greater, may be placed upon a lot or parcel until the property or premises to which the sign refers is sold or leased. Real estate signs shall not exceed six (6) square feet in area in the GA, SA, R-1, R-2, R-3, R-4 or R-5 zoning districts, shall not exceed forty (40) square feet in area in the R-6, R-7, C-1, or C-2 zoning districts, and shall not exceed sixty-four (64) square feet in area in the M-1 or M-2 zoning districts.

**16-4-6 Political signs** are generally allowed in all zoning districts, in addition to freestanding signs which may be allowed, subject to the following:

- (a) Political signs which are solely intended to influence a particular election or which promote a particular candidate during the pendency of an election season may be placed upon a lot or parcel as of the date of qualification of such candidate(s), and should be (but are not required to be) removed when the election is concluded.
- (b) Political signs which are intended to convey a general political message not specifically related to a particular election may be placed and maintained upon any lot or parcel for as long as the owner thereof desires to express such message; however, such signs remain subject to the size limitations set forth herein.

- (c) Political signs shall not exceed six (6) square feet in area in the GA, SA, R-1, R-2, R-3, R-4 or R-5 zoning districts, shall not exceed forty (40) square feet in area in the R-6, R-7, C-1, or C-2 zoning districts, and shall not exceed sixty-four (64) square feet in area in the M-1, or M-2 zoning districts.
- (d) All political signs in the GA, SA, R-1, R-2, R-3, R-4 or R-5 zoning districts shall be ground signs.

**16-4-7 Construction signs.** One (1) non-illuminated construction sign per road frontage may be placed upon a lot or parcel upon the commencement of construction and shall be removed upon substantial completion of the construction or development project to which it refers. Construction signs shall not exceed sixteen (16) square feet in area in the GA, SA, R-1, R-2, R-3, R-4 or R-5 zoning districts, shall not exceed forty (40) square feet in area in the R-6, R-7, C-1, or C-2 zoning districts, and shall not exceed sixty-four (64) square feet in area in the M-1 or M-2 zoning districts.

**16-4-8 Temporary event or special outdoor event signs.** An additional sign may be located upon a lot or parcel related to a special outdoor event or a temporary event, subject to the following:

- (a) Temporary signs announcing a temporary event or special outdoor event as defined and permitted hereunder, may be placed for a period of no more than thirty (30) consecutive days. Temporary signs for the same business or organization shall not be placed on a property more often than three (3) times per calendar year, nor within thirty (30) days of when the last temporary sign was placed upon the property.
- (b) Each temporary sign, except an inflatable sign, shall not exceed six (6) square feet in area in a GA, SA, R-1, R-2, R-3, R-4 or R-5 zoning district or forty (40) square feet in an R-6, or R-7 zoning district and shall be limited to one (1) such sign per road frontage per temporary event.
- (c) A temporary event or a special outdoor event may utilize one (1) inflatable sign upon the lot or parcel of the event, provided that the inflatable sign shall be installed in conformance with all requirements of the Building Code.

**16-4-9 Official or personal flag.** Any cloth, nylon, paper, thin plastic, or similar material which is displayed by hanging or flying, representing in whole the officially adopted symbol or emblem of a government, political subdivision, institution, organization, or corporation; or, a flag adopted or flown by a person as a symbol or statement, is permitted. However, any

flagpole to which such flag is attached must otherwise conform herewith.

**16-4-10 Semi-public use directional sign.** A sign erected by a governmental unit or by a private entity which conveys directions to a specific use owned or operated by a non-profit, religious or other institution for the purpose of providing educational, cultural, recreational, religious or social services to the general public is permitted provided that there be no more than four (4) such signs for each such use, that such signs not be illuminated, and that such shall not exceed a maximum size of forty (40) square feet in area and six (6) feet in height. All such signs may be erected upon a lot or parcel only with the express permission of the owner of the lot or parcel.

**16-4-11 Garage Sale Sign.** A sign advertising a garage sale (or yard sale) may be erected no more than two (2) days prior to such sale, shall be removed no later than the day after the last day of the sale, and shall not exceed four (4) square feet in area.

**16-4-12 Portable Sign.** A sign which is portable is permitted only in the C-2, M-1, or M-2 zoning districts and only if there is no freestanding sign placed upon such lot or parcel. Such signs shall not be allowed to be placed within one hundred (100) yards of any road which has been designated as a "State Designated Scenic By-Way". If such sign shall remain upon the same lot or parcel for more than ten (10) consecutive days, a permanent power source shall be provided.

**16-4-13 Home Occupation Sign.** One (1) non-illuminated sign not exceeding four (4) square feet in area may be placed upon a lot parcel located within the GA, SA, R-1, R-2, R-3, R-4, R-5, R-6 or R-71 zoning district upon which a Home Occupation is located, as set forth in the Unified Zoning Ordinance. If a home occupation is located upon a lot or parcel located within any other zoning district, then any sign otherwise allowable hereunder is permitted. All applicable setbacks shall be observed.

## **16-5 Removal of Abandoned and Illegal Signs; Non-Conforming Signs; Enforcement**

### **16-5-1 Abandoned Signs.**

- (a) Any sign which provides notice of a special event or of any other temporary purpose which has since occurred shall be deemed to have been abandoned and may be removed by Whitfield County.
- (b) Any sign which fails to meet the maintenance requirements of this Ordinance shall be deemed to be abandoned and subject to removal if such deficiencies are not corrected within thirty (30) days after a written notice from the Whitfield County Engineer or his or her designee to the owner or tenant with regard to said deficiencies.

**16-5-2 Removal of Abandoned Signs.** Signs which are deemed to be abandoned or otherwise determined to be in violation of this Ordinance shall be removed by the owner of the sign or owner of the premises within thirty (30) days from the written notice by the Whitfield County Engineer or his or her designee. Any such signs not removed within thirty (30) days from the written notice may be removed by Whitfield County and all costs charged to the owner of the lot or parcel upon which such sign was located or the owner of the sign itself.

**16-5-3 Unsafe Sign or Sign Structure.** Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Whitfield County Engineer, the owner or person or firm maintaining the sign shall, upon written notice, within twenty (20) days, remove such sign or secure it in a manner approved by the Whitfield County Engineer. Any such sign not removed or secured within twenty (20) days from such written notice may be removed by Whitfield County and all costs charged to the owner, agent, or person having beneficial interest of the structure or lot or parcel upon which such sign was located, or in the sign itself.

**16-5-4 Removal of Signs in Violation of this Ordinance.** If any sign is installed, erected, or constructed in violation of this Ordinance, the owner or person or firm maintaining the sign shall, upon written notice from the Whitfield County Engineer or his or her designee, within twenty (20) days, remove such sign or bring it into compliance with this Ordinance. Any such sign not removed or properly altered within twenty (20) days from the written notice may be removed by Whitfield County and all costs charged to the owner, agent, or person having beneficial interest of the structure or lot or parcel upon which such sign was located, or in the sign itself.

**16-5-5 Non-Conforming Signs.** Any sign legally established at the time of enactment or subsequent amendment of this Ordinance, which would not be permitted hereunder may be continued pursuant to compliance with all of the following limitations:

- (a) A non-conforming sign may not be re-established after abandonment.
- (b) A non-conforming sign may not be enlarged beyond its size or height at the time it shall become non-conforming.

## **16-6 Administration**

**16-6-1 Administration by Zoning Administrator's Office.** The provisions of this Ordinance shall be administered by the Zoning Administrator, who is hereby given the authority to perform such functions and/or to

designate such other persons as he or she shall deem necessary to administer and to enforce the requirements of this Ordinance, including, but not limited to, the issuance of stop work orders, the issuance of citations (in any appropriate form) to the Whitfield County Magistrate Court for violation hereof, and the seeking of injunctive relief in the Whitfield County Superior Court.

**16-6-2 Fees.** A schedule of permit, application, and/or use fees, as adopted from time to time by the Governing Authority, shall be attached hereto as **Appendix "A."**

**16-6-3 Permit.** It shall be unlawful to commence the excavation or filling of any lot for the construction of any structure which requires a permit to build or to commence construction of any structure which requires a permit to build or to commence the moving or alteration of any structure which requires a permit to build or to commence the development or improvement of land for a use not requiring a structure until a permit has issued for all such work.

**16-6-4 Enforcement.** The Zoning Administrator, any Code Enforcement Officer, or any duly authorized Whitfield County Sheriff's, or the lawful designee of any such person, shall have the authority to issue citations for violations of this Ordinance. Any such person shall investigate every written complaint received which shall charge that a specific lot or parcel is not in compliance herewith.

**16-6-5 Owner, Occupant, or Tenant May be Cited.** An owner, as shown by the records of the Whitfield County Tax Assessor's Office, or any occupant, tenant, or other person in lawful possession of any lot, parcel, or premises determined to be in violation hereof may be cited therefor.

**16-6-6 Continuing Violation.** Any violation of this Ordinance shall be considered a continuing violation, subject to separate citation each day in which such violation remains.

**16-6-7 Penalties for Violation.** Pursuant to **OCCA §36-1-20(b,)** any person convicted of violating this Ordinance or any provision thereof shall be sentenced to a maximum fine of one-thousand dollars (**\$1,000.00**) or imprisonment for a term of sixty (60) days, or both. Every day a violation continues shall be subject to a separate penalty.

**16-6-8 Remedies - Injunctive Relief.** When any structure or accessory structure which is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any structure, accessory structure, land use, or land condition violates any portion of this Ordinance, the Zoning Administrator or his or her designee may seek injunctive or other equitable relief in any court of competent jurisdiction. Such remedy shall



be in addition to, and not in lieu of, any similar remedy which adjacent or neighboring property holders may already have pursuant to the laws of Georgia and shall have no effect thereon.

16-6-9 **Conflict with Other Laws.** Whenever the regulations of this Ordinance require a greater width or size of yards, building, or smaller number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other more restrictive standards than are required in or pursuant to any other statute, law, rule, or regulation, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

16-6-10 **Separability.** Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

16-6-11 **Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances in conflict herewith are repealed.

3. These amendments shall become effective immediately following enactment by the Board of Commissioners of Whitfield County, Georgia, the public health, safety, and welfare requiring it.
4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. It is hereby declared to be the intention of the Board of Commissioners of Whitfield County that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ORDAINED, this 10<sup>th</sup> day of August, 2015.

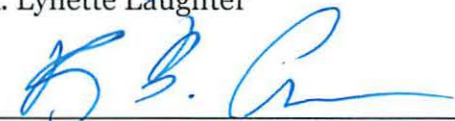


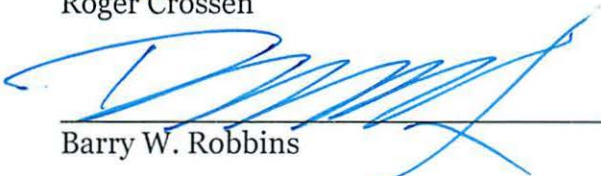
Mike Babb, Chairman



Harold Brooker, Vice Chairman

  
\_\_\_\_\_  
R. Lynette Laughter

  
\_\_\_\_\_  
Roger Crossen

  
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Barry W. Robbins

Attest:  
  
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Blanca Cardona, Whitfield County Clerk

