



come to tomorrow
MORROW, GEORGIA

Regular Council Meeting

May 24, 2016

Public Package

CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL

Mayor Jeffrey DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

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CITY OF MORROW

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Work Session Agenda



CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL MEMBERS

Mayor Jeffrey A. DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

May 24, 2016

Work Session

6:30 pm

General Discussions

1. Budget Meeting- Saturday, May 28, 2016 8:30am- 2:30pm
2. Planning & Zoning Board Meeting Recap
3. CCMA Upcoming Dates
August 18, 2016
December 15, 2016
4. ASCAP Licensing Agreement

Discussion of Business Item on the Agenda

OLD BUSINESS:

1. Second Reading of Ordinance 2016-04 (Signs)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY REPEALING CHAPTER 5 (SIGNS) OF TITLE 8 (PLANNING AND DEVELOPMENT) IN ITS ENTIRETY AND BY ENACTING ARTICLE XIX (SIGNS) IN APPENDIX A (ZONING ORDINANCE); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

(Presented by Eugene Smith, Associate Attorney)

Attorney Invoices for Review



-
1. Attorney Invoice for Fuel Tax- Fincher Denmark & Minnifield invoice # 2947 dated March 11, 2016 in the amount of \$2,708.78 for period February 1, 2016- February 29, 2016
 2. Attorney Invoice for Fuel Tax- Fincher Denmark & Minnifield invoice # 3003 dated April 18, 2016 in the amount of \$2,647.77 for period March 1, 2016- March 31, 2016
 3. Attorney Invoice for Fuel Tax- Fincher Denmark & Minnifield invoice # 3014 dated May 6, 2016 in the amount of \$2,887.55 for period April 1, 2016- April 30, 2016
 4. Attorney Invoice - Fincher Denmark & Minnifield invoice # 3039 dated May 16, 2016 in the amount of \$24,535.09 for period April 1, 2016- April 30, 2016



CITY OF MORROW

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Budget Meeting Agenda



**CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL MEMBERS**

**Mayor Jeffrey A. DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills**

Budget Meeting

May 28, 2016 **Agenda** **8:30 am**

CALL TO ORDER:	Mayor Jeffrey A. DeTar
PLEDGE OF ALLEGIANCE:	All
MOMENT OF SILENCE:	Mayor Jeffrey A. DeTar

1. ROLL CALL:

2. MEETING AGENDA:

1. Approval of May 28, 2016 Meeting Agenda

3. DEPARTMENT BUDGET PRESENTATIONS:

1. Public Works- 8:30am
(Presented by Anou Sothsavath, Public Works Director)

2. Administration- 9:00am
(Presented by Essie, West, Court Clerk)

3. Fire Department- 9:30am
(Presented by Elton Poss, Battalion Chief)

4. Police Department- 10:00am
(Presented by Greg Tatroe, Interim Police Chief)

5. Administration Support- 10:30am
(Presented by Emory McHugh, Accounting Manager)

4. ADJOURNMENT:



CITY OF MORROW

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Planning & Zoning Board Meeting Action Minutes

CITY OF MORROW
Planning & Zoning Board Meeting
1500 Morrow Road - Morrow, GA 30260
Minutes

May 17, 2016

6:00 pm

CALL TO ORDER: Vice Chair Jack Bell
PLEDGE OF ALLEGIANCE: All
MOMENT OF SILENCE: Vice Chair Jack Bell

1. ROLL CALL

Vice Chair	Jack Bell
Member	Joyce Bean
Member	Tamara Patridge
Member	Aaron Mauldin
Secretary	Marti Tracy

2. APPROVAL OF MEETING AGENDA:

MOTION AND VOTE: Tamara Patridge made a motion to approve the agenda, seconded by Joyce Bean. The motion passed unanimously.

3. CONSENT AGENDA:

Approval of March 15, 2016 Meeting Minutes.

MOTION AND VOTE: Joyce Bean made a motion to approve the Consent Agenda, seconded by Tamara Patridge, the motion passed unanimously.

4. New Business:

MOTION AND VOTE: Joyce Bean made a motion to change the start time of future regular P&Z Board meetings to 6:30pm and schedule Work Sessions to begin at 6:00pm on an “as needed” basis only. The motion was seconded by Aaron Mauldin. The motion passed unanimously.

5. PUBLIC HEARING:

Attorney Eugene Smith presented an overview of the recommended changes to the City’s sign ordinance. The changes target ordinances that regulate sign content and are intended to ensure our sign code does not conflict with First Amendment rights. Because signs are actually a “land use regulation”, the code will be moved from the Code of Ordinances and placed under the City’s Zoning Ordinance. Aaron Mauldin questioned how we can regulate the use of obscenity in signage. Joyce Bean requested the ordinance define an “abandoned sign” as a sign condition separate from a “dilapidated sign” so that such signs may be removed when a business is no longer licensed and operating within the city. It was agreed by Attorney Smith and City Manager Redic that the definition will be

added to the ordinance revision. Aaron Mauldin made the motion to recommend to Council that the sign code revision be approved with the added definition as requested. Joyce Bean seconded the motion. The motion passed unanimously.

6. GENERAL Discussion:

1. Recap of May 12th P&Z training event
2. Board Secretary Marti Tracy suggested that future agenda packets be delivered to Board members electronically, via email, rather than hard copy delivery to their homes. All members were in agreement to the new method.
3. Jack Bell will be retiring from the Board in late summer. Board is already one member short. Awaiting Mayor and Council appointment.
4. City Manager Sylvia Redic provided information regarding storage facilities and retail fireworks businesses that have shown an interest in Morrow.

7. General Comments

Citizen Dorothy Dean
Chairman Jack Bell
Vice Chairman Joyce Bean

8. ADJOURNMENT

MOTION AND VOTE: Aaron Mauldin made a motion to adjourn the meeting, seconded by Tamara Patridge, the motion passed unanimously. The meeting was adjourned at 6:54pm.

Approved this 21st day of June 2016.

Attest:

Chairman

Secretary



CITY OF MORROW

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CCMA Upcoming Meeting Dates

CLAYTON COUNTY
MUNICIPAL ASSOCIATION
UPCOMING MEETING
DATES

Thursday, August 18, 2016 at 6:30pm
Location: TBD

Thursday, December 15, 2016 at 6:30pm
Location: Morrow Center



CITY OF MORROW

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ASCAP Licensing Agreement

LICENSE AGREEMENT - LOCAL GOVERNMENTAL ENTITIES**Agreement**

between American Society of Composers, Authors and Publishers ("SOCIETY"), located at
2 Music Square West, Nashville, TN 37203

and City Of Morrow, GA

("LICENSEE"), located at

Mbta 6475 Jonesboro Road Morrow GA 30260

as follows:

1. Grant and Term of License

(a) ASCAP grants and LICENSEE accepts a license to perform publicly on the "Premises" and at "Events" and "Functions," and not elsewhere or otherwise, non-dramatic renditions of the separate musical compositions in the "ASCAP repertory." The performances licensed under this Agreement may be by means of "Live Entertainment" or "Mechanical Music". For purposes of this Agreement,

- (i) "LICENSEE" shall include the named entity and any of its constituent bodies, departments, agencies or leagues.
- (ii) "Mechanical Music" means music which is performed at the Premises by means other than by live musicians who are performing at the Premises, including, but not limited to (A) compact disc, audio record or audio tape players (but not including "jukeboxes"), (B) videotape, videodisc or DVD players; (C) the reception and communication at the premises of radio or television transmissions which originate outside the Premises; and which are not exempt under the Copyright Law; or (D) a music-on-hold telephone system operated by LICENSEE at the Premises.
- (iii) "Live Entertainment" means music that is performed at the Premises by musicians, singers or other performers.
- (iv) "Premises" means buildings, hospitals, airports, zoos, museums, athletic facilities, and recreational facilities, including, but not limited to, community centers, parks, swimming pools, and skating rinks owned or operated by LICENSEE and any site which has been engaged by LICENSEE for use by LICENSEE.
- (v) "ASCAP repertory" means all copyrighted musical compositions written or published by ASCAP members or members of affiliated foreign performing rights societies, including compositions written or published during the term of this Agreement and of which ASCAP has the right to license non-dramatic public performances.
- (vi) "Events" and "Functions" means any activity conducted, sponsored, or presented by or under the auspices of LICENSEE. Except as set forth in paragraph 2.(d) below, "Events" and "Functions" shall include, but are not limited to, aerobics and exercise classes, athletic events, dances and other social events, concerts, festivals, arts and crafts fairs, and parades held under the auspices of or sponsored or promoted by LICENSEE on the Premises.
- (vii) "Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000 (as defined in paragraph 4.(d) below).

(b) This Agreement shall be for an initial term of one year, commencing November 1, 2015, which shall be considered the effective date of this Agreement, and continuing thereafter for additional terms of one year each. Either party may give notice of termination to the other no later than thirty (30) days prior to the end of the initial or any renewal term. If such notice is given, the agreement shall terminate on the last day of the term in which notice is given.

2. Limitations On License

(a) This license is not assignable or transferable by operation of law or otherwise. This license does not authorize LICENSEE to grant to others any right to perform publicly in any manner any of the musical compositions licensed under this agreement, nor does it authorize any public performances at any of the Premises in any manner except as expressly herein provided.

(b) This license does not authorize (i) the broadcasting, telecasting or transmission or retransmission by wire, Internet, website or otherwise, of renditions of musical compositions in ASCAP's repertory to persons outside of the Premises, other than by means of a music-on-hold telephone system operated by LICENSEE at the Premises; and (ii) performances by means of background music (such as *Muzak*) or other services delivered to the Premises. Nothing in this paragraph shall be deemed to limit LICENSEE's right to transmit renditions of musical compositions in the ASCAP repertory to those who attend Events or Functions on the Premises by means of teleconferencing, videoconferencing or similar technology.

(c) This license is limited to non-dramatic performances, and does not authorize any dramatic performances. For purposes of this agreement, a dramatic performance shall include, but not be limited to, the following:

- (i) performance of a "dramatico-musical work" (as hereinafter defined) in its entirety;
- (ii) performance of one or more musical compositions from a "dramatico-musical work (as hereinafter defined) accompanied by dialogue, pantomime, dance, stage action, or visual representation of the work from which the music is taken;

- (iii) performance of one or more musical compositions as part of a story or plot, whether accompanied or unaccompanied by dialogue, pantomime, dance, stage action, or visual representation;
- (iv) performance of a concert version of a “dramatico-musical work” (as hereinafter defined).
The term “dramatico-musical work” as used in this Agreement, shall include, but not be limited to, a musical comedy, opera, play with music, revue, or ballet.
- (d) This license does not authorize performances:
 - (i) at any convention, exposition, trade show, conference, congress, industrial show or similar activity presented by LICENSEE or on the Premises unless it is presented or sponsored solely by and under the auspices of LICENSEE, is presented entirely on LICENSEE'S Premises, and is not open to the general public;
 - (ii) by or at colleges and universities;
 - (iii) at any professional sports event or game played on the Premises;
 - (iv) at any permanently situated theme or amusement park owned or operated by LICENSEE;
 - (v) by any symphony or community orchestra;
 - (vi) by means of a coin operated phonorecord player (jukebox) for which a license is otherwise available from the Jukebox License Office.

3. License Fee

- (a) In consideration of the license granted herein, LICENSEE agrees to pay ASCAP a license fee which includes the total of the “Base License Fee” and any applicable “Special Events License Fees”, all of which shall be calculated in accordance with the Rate Schedule attached to and made part of this Agreement. For purposes of this Agreement,
 - (i) “Base License Fee” means the annual fee due in accordance with Schedule A of the Rate Schedule and based on LICENSEE’s population as established in the most recent published U.S. Census data. It does not include any fees due for Special Events.
 - (ii) “Special Events License Fees” mean the amount due in accordance with Schedule B of the Rate Schedule when Special Events are presented by or on behalf of LICENSEE. It does not include any Base License Fees due.
 - (iii) LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be required to pay only the fee under Schedule C of the Rate Schedule. Such leagues or associations are not subject to Schedule A or Schedule B of the Rate Schedule. Fees paid by such leagues or associations do not cover performances of the municipality, county or other local government entity represented by the league or association. Schedule C fees are not applicable to municipal, county or other local government entities.

Unless otherwise limited by law, LICENSEE shall pay a finance charge of 1.5% per month from the due date, or the maximum amount permitted by law, whichever is less, on any required payment that it is not made within thirty days of its due date.

4. Reports and Payments

- (a) Upon the execution of this Agreement, LICENSEE shall submit:
 - (i) a report stating LICENSEE’s population based on the most recent published U.S. Census data. The population set forth in the report shall be used to calculate the Base License Fee under this Agreement; and (ii) a report containing the information set forth in paragraph 4.(d) below for all Special Events that were presented between the effective date of this Agreement and the execution of this Agreement.
- (b) The Base License Fee for the first year of this Agreement and any license fees due for Special Events that were presented between the effective date of this Agreement and the execution of this Agreement shall be payable upon the execution of this Agreement.
- (c) Base License Fees for subsequent years shall be due and payable within 30 days of the renewal date of this Agreement and shall be accompanied by a statement confirming whether any Special Events were presented during the previous calendar year.
- (d) Ninety days after the conclusion of each Special Event, LICENSEE shall submit to ASCAP payment for such Special Event and a report in printed or computer readable form stating:
 - (i) the date presented;
 - (ii) the name of the attraction(s) appearing;
 - (iii) the “Gross Revenue” of the event. “Gross Revenue” means all monies received by LICENSEE or on LICENSEE’S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, “Gross Revenue” shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event;
 - (iv) the license fee due for each Special Event.
- (e) If LICENSEE presents, sponsors or promotes a Special Event that is reportable under Rate Schedule B with another person or entity licensed under an ASCAP License Agreement, LICENSEE shall indicate the name, address, phone number and ASCAP account number of the other person(s) or entity(ies) and the party responsible for payment for such Special Event. If the other party is not licensed by ASCAP, LICENSEE shall pay the license fee due hereunder, notwithstanding any agreement to the contrary between LICENSEE and the other party.

(f) LICENSEE agrees to furnish to ASCAP, where available, copies of all programs of musical works performed, which are prepared for distribution to the audience or for the use or information of LICENSEE or any department thereof. The programs shall include all encores to the extent possible. LICENSEE shall be under no obligation to furnish programs when they have not been otherwise prepared.

(g) ASCAP shall have the right to examine LICENSEE'S books and records at LICENSEE's place of business during normal business hours to such extent as may be necessary to verify the reports required by paragraph 4.(d) above. ASCAP shall have the right to adjust LICENSEE's Base License Fee based upon the most recently available revised population figures and Population Estimates Program provided by the U.S. Census Department.

5. Breach or Default

Upon any breach or default by LICENSEE of any term or condition herein contained, ASCAP may terminate this license by giving LICENSEE thirty days notice to cure such breach or default, and in the event that such breach or default has not been cured within said thirty days, this license shall terminate on the expiration of such thirty-day period without further notice from ASCAP. In the event of such termination, ASCAP shall refund on a pro-rata basis to LICENSEE any unearned license fees paid in advance.

6. Interference in Operations

ASCAP shall have the right to terminate this license upon thirty days written notice if there is any major interference with, or substantial increase in the cost of, ASCAP's operations as the result of any law in the state, territory, dependency, possession or political subdivision in which LICENSEE is located which is applicable to the licensing of performing rights. In the event of such termination, ASCAP shall refund to LICENSEE on a pro-rata basis any unearned license fees paid in advance.

7. Non-Discrimination

LICENSEE recognizes that ASCAP must license all similarly situated users on a non-discriminatory basis. LICENSEE agrees that any modifications to this Agreement by ASCAP, which are required by local, state or federal law for other municipalities, counties and other governmental entities shall not constitute discrimination between similarly situated users. Examples of such modifications are statements of equal employment opportunity or nondiscrimination on the basis of race, creed, color, sex or national origin.

8. Notices

ASCAP or LICENSEE may give any notice required by this Agreement by sending it by certified United States Mail, by generally recognized same-day or overnight delivery service or by electronic transmission (i.e., Mailgram, facsimile or similar transmission) to the appropriate person/office as listed herein. Each party agrees to notify the other of any change in contact information, such as change of address, change of person/office responsible, etc. within 30 days of such change.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS

LICENSEE City Of Morrow, GA

By _____

By _____

TITLE _____

(Fill in capacity in which signed: (a) If corporation, state corporate office held; (b) If partnership, write word "partner" under signature of signing partner; (c) If individual owner, write "individual owner" under signature.)



LOCAL GOVERNMENT ENTITIES

2016 Rate Schedule

SCHEDULE A: Base License Fee

Population Size			Base License Fee
1	to	50,000	\$336.00
50,001	to	75,000	\$669.00
75,001	to	100,000	\$805.00
100,001	to	125,000	\$1,073.00
125,001	to	150,000	\$1,341.00
150,001	to	200,000	\$1,743.00
200,001	to	250,000	\$2,145.00
250,001	to	300,000	\$2,548.00
300,001	to	350,000	\$2,951.00
350,001	to	400,000	\$3,353.00
400,001	to	450,000	\$3,753.00
450,001	to	500,000	\$4,158.00
500,001	and over		*** \$5,095.00

*** \$5,095.00 plus \$500 for each 100,000 of population above 500,000 to a maximum fee of \$67,043.00

SCHEDULE B: Special Events

The rate for Special Events shall be 1% of Gross Revenue.

"Special Events" means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Event exceeds \$25,000.

"Gross Revenue" means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from sponsors or other payments received by LICENSEE for each Special Event.

SCHEDULE C: State Municipal and/or County Leagues or State Associations of Attorneys

The annual license fee for LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be \$336.00.

License Fee for Year 2017 and Thereafter

For each calendar year commencing 2017, all dollar figures set forth in Schedules A, B and C above (except for \$500 add-on for populations of 500,001 or more) shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October. Any additional license fees due resulting from the CPI adjustment shall be payable upon billing by ASCAP.

ASCAP

Toll Free: 1-800-505-4052 Fax: 615-691-7795

Payment Websites: <http://www.ascap.com/mylicense> or <http://www.ascap.com>



City Of Morrow, GA
Mbita 6475 Jonesboro Road 500662607
Morrow, GA 30260

May 16, 2016

Re: City Of Morrow, GA
Mbita 6475 Jonesboro Road
Morrow, GA 30260

Billing Period: November 1, 2015 Thru October 31, 2016
Annual Rate: \$335.00
Amount Due: \$335.00

TO PAY VIA CREDIT CARD, PLEASE CONTACT at

PLEASE MAIL YOUR CHECK TO: ASCAP, PO Box 331608, Nashville, TN 37203-7515

Payment Amount: \$ _____

*Check No: _____

***Please note:** "When you provide a check as payment, you authorize ASCAP to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution. However the transaction will appear on your bank statement. If we cannot post the transaction electronically, we may present a copy of your check for payment."

ASCAP License fees are due and payable in advance. Retain bottom portion for your records.

City Of Morrow, GA
Mbita 6475 Jonesboro Road
Morrow, GA 30260

Billing Period: November 1, 2015 Thru October 31, 2016
Annual Rate: \$335.00
Amount Due: \$335.00



CITY OF MORROW

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Meeting Agenda



CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL MEMBERS

Mayor Jeffrey A. DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

Regular Meeting

May 24, 2016

Agenda

7:30 pm

CALL TO ORDER: Mayor Jeffrey A. DeTar
PLEDGE OF ALLEGIANCE: All
MOMENT OF SILENCE: Mayor Jeffrey A. DeTar

1. ROLL CALL:

2. CONSENT AGENDA:

1. Approval of May 10, 2016, Regular Meeting Minutes
2. Approval of May 10, 2016, Work Session Minutes
3. Approval of May 10, 2016, Executive Session Minutes during Work Session
4. Approval of May 10, 2016, Executive Session Minutes during Regular Meeting
5. Approval of May 18, 2016, Special Called Meeting Minutes

3. MEETING AGENDA:

1. Approval of May 24, 2016 Meeting Agenda

4. PUBLIC COMMENTS ON AGENDA ITEMS:

Public Comments on Agenda Items are limited to only the discussion of new business items on tonight's Agenda. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.

5. PRESENTATION:

1. **Proclamation:** from Morrow Mayor and Council to Dr. Abner G. Moore, D.D.S. in recognition of his long standing business.
(Presented by: Mayor Jeffrey DeTar)



2. Marketing Project Presentation
(Presented by Robb Miltner, Georgia State University Student)

6. AWARDS AND RECOGNITION:

1. James Weeks- 10 years of service in the Morrow Fire Department
2. Jon Williams- 35 years of service in the Morrow Fire Department
(Presented by Battalion Chief, Elton Poss)
3. James Callaway- 10 years of service in the Morrow Police Department
(Presented by Interim Police Chief Greg Tatroe)
4. Adam Webb- 10 years of service in the Public Works Department
5. Jack Sims- 5 years of service in the Public Works Department
(Presented by Public Works Director Anou Sothsavath)

Life Saving Award

1. Angeline NeSmith
2. Donald Harry
3. Gary Mosely
4. Brian Murtaugh
5. Jon Williams
6. Robert (Bob) Wright
(Presented by Battalion Chief, Elton Poss)

7. PUBLIC HEARING:

1. A Public Hearing for the City of Morrow to considering proposed amendments to the text of Appendix A - Zoning Ordinance in its Code of Ordinances regarding signs.
2. A Public Hearing for the City of Morrow on FY-17 City Budget

8. OLD BUSINESS:

1. Second Reading of Ordinance 2016-04 (Signs)

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY REPEALING CHAPTER 5 (SIGNS) OF TITLE 8 (PLANNING AND DEVELOPMENT) IN ITS ENTIRETY AND BY ENACTING ARTICLE XIX (SIGNS) IN APPENDIX A (ZONING ORDINANCE); TO PROVIDE FOR SEVERABILITY; TO REPEAL



CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER
LAWFUL PURPOSES.

(Presented by Eugene Smith, Associate Attorney)

9. GENERAL COMMENTS:

General Comments are any comment that you want to make during Council Meeting. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.

10. EXECUTIVE SESSION:

To discuss personnel matters

11. ADJOURNMENT:



CITY OF MORROW

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Previous Meeting Minutes



CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCILMEMBERS

Mayor Jeffrey DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

Regular Meeting

May 10, 2016

Minutes

7:36 pm

Mayor Jeffrey DeTar called the Regular Council Meeting of the Morrow City Council to order at 7:36pm on May 10, 2016. The meeting took place in the Council Chambers of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

Mayor Jeffrey DeTar asked everyone to stand for the Pledge of Allegiance followed by a moment of silent reflection.

ROLL CALL:

Mayor Jeffrey DeTar asked **Interim City Clerk Yasmin Julio** to call the roll.

Interim City Clerk Yasmin Julio called the roll and those present were **Mayor Jeffrey DeTar, Mayor Pro Tem Jeanell Bridges, Councilman Christopher Mills, Councilman Larry Ferguson, and Councilwoman Hang Tran**. She stated there was a quorum present.

CONSENT AGENDA:

Mayor Jeffrey DeTar called for a motion to approve the consent agenda.

1. Approval of April 26, 2016, Regular Meeting Minutes
2. Approval of April 26, 2016, Work Session Minutes

MOTION AND VOTE: **Councilman Chris Mills** made the motion to approve the consent agenda, seconded by **Mayor Pro Tem Jeanell Bridges**. The motion passed unanimously.

MEETING AGENDA:

Mayor Jeffrey DeTar called for a motion to approve May 10, 2016 Meeting Agenda.



MOTION AND VOTE: Councilman Larry Ferguson made the motion, seconded by Mayor Pro Tem Jeanell Bridges. The motion passed unanimously.

PUBLIC COMMENTS ON AGENDA ITEMS:

There were no public comments on agenda items.

AWARDS AND RECOGNITION:

1. Georgia Association of Chiefs of Police Certification Manager Award
Officer Amanda Young

Life Saving Award
Officer Eli Skelton
Kasey Jordan- Security Sergeant, Universal Protection Services Southlake Mall

Investigator Award
Detective Sgt. Gregory Preusser
Detective Quinn Lumpkin
(Presented by Interim Police Chief Greg Tatroe)

PUBLIC HEARING:

1. A Public Hearing for the City of Morrow to considering proposed amendments to the text of Appendix A - Zoning Ordinance in its Code of Ordinances regarding signs.
(Presented by Eugene Smith, Associate Attorney)

No public comments were made

NEW BUSINESS:

1. First Reading of Ordinance

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY REPEALING CHAPTER 5 (SIGNS) OF TITLE 8 (PLANNING AND DEVELOPMENT) IN ITS ENTIRETY AND BY ENACTING ARTICLE XIX (SIGNS) IN APPENDIX A (ZONING ORDINANCE); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

(Presented by Eugene Smith, Associate Attorney)

GENERAL COMMENTS:



Citizen Comments:

Dorothy Dean

Staff Comments:

City Manager Sylvia Redic
Battalion Chief Elton Poss

Council members Comments:

Councilwoman Hang Tran
Councilman Christopher Mills
Councilman Larry Ferguson
Mayor Pro Tem Jeanell Bridges
Mayor Jeffrey DeTar

EXECUTIVE SESSION:

Mayor Jeffrey DeTar called for a motion to recess the **May 10, 2016 Regular Meeting** and convene into **Executive Session** to discuss personnel matters.

MOTION AND VOTE: Mayor Pro Tem Jeanell Bridges made the motion, seconded by **Councilman Larry Ferguson**. The motion passed unanimously.

The Executive Session began at 8:10pm

Mayor Jeffrey DeTar called for a motion to reconvene the May 10, 2016 Regular Meeting and adjourn the Executive Session.

MOTION AND VOTE: Councilman Chris Mills made a motion, seconded by **Mayor Pro Tem Jeanell Bridges**. The motion passed unanimously.

The Executive Session ended at 8:41pm.

ADJOURNMENT:

Mayor Jeffrey DeTar called for a motion to adjourn the May 10, 2016 Regular Council Meeting.

MOTION AND VOTE: Councilman Chris Mills made a motion, seconded by **Councilman Larry Ferguson**. The motion passed unanimously.



The Regular Council Meeting was adjourned at 8:42pm.

Approved this 24th day of May, 2016.

Attest

Yasmin Julio, Interim City Clerk

CITY OF MORROW, GEORGIA

Jeffrey A. DeTar, Mayor

Seal



CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCIL MEMBERS

Mayor Jeffrey A. DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

May 10, 2016

Work Session Minutes

5:41 pm

Mayor Jeffrey DeTar called the Work Session to order at 5:41 pm on May 10, 2016. The meeting took place in the Council Chambers of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

Those present were **Mayor Jeffrey DeTar, Mayor Pro Tem Jeanell Bridges, Councilman Larry Ferguson, Councilman Christopher Mills and Councilwoman Hang Tran.**

General Discussions of Items

1. Budget Update

(Presented by: Emory McHugh, Accounting Manager)

Budget Timeline was introduced to Mayor and Council

Reminder that if budget is not passed by end of June, will revert back to FY16 budget

Budget meeting scheduled for Saturday, May 28, 2016 at 8:30am, possibly lasting 6 hours

Council will decide which department heads need to be present during budget meeting

2. Monthly Financial Report

(Presented by: Emory McHugh, Accounting Manager)

There will be a continuous decrease in ad valorem in future years

Morrow Center employee cost not listed in P&L

Supplemental appropriations

3. Sign Moratorium

(Presented by: Eugene Smith, Associate Attorney)

Moving sign code to zoning code

Due to Supreme court ruling require changes to content regulation

Inserting severability clause

Adjusting findings and facts section



4. Job Fair

(Presented by: Councilwoman Hang Tran)

19 businesses sign up thus far

Lawmakers Meet and Greet Breakfast cancelled

Job Fair to be held May 14, 2016 11am-2pm inside Southlake Mall

5. E-911

(Presented by: Sylvia Redic, City Manager)

Awaiting response from Mr. Woods from Riverdale

Riverdale cost could potentially exceed Clayton County

6. Billboard Agreement (CCCVB)

(Presented by: Sylvia Redic, City Manager)

Expecting a vote tonight from CCCVB board

John Hancock will communicate with Mayor DeTar

7. Films in Morrow (Permits, Fees, Interest, Ordinances)

(Presented by: Sylvia Redic, City Manager)

Consensus would like to see Morrow property used in productions as long as daily operations are not disrupted

Policy and process examples should be looked at from cities like Senoia, Covington, Social Circle, etc.

8. Police & Fire SOP

(Presented by: Sylvia Redic, City Manager)

Take home car policy established within SOP

Copy of SOP for both Fire and Police distributed by email

Councilman Ferguson requested a hard copy

9. Health Fair

(Presented by: Councilwoman Hang Tran)

Councilwoman Tran suggested combining the Fire Department Health Fair with the BPSOS

Would like to hold the Health Fair on Saturday, October 1, 2016 in the Morrow Center

10. Southern Most Billboard

Billboard design was installed over a month ago

Possible breach of contract, question about contract language southern most billboard

Council request for Attorney Fincher to review this contract for potential breach



Discussion of Business Items on the Agenda

PUBLIC HEARING:

1. A Public Hearing for the City of Morrow to considering proposed amendments to the text of Appendix A - Zoning Ordinance in its Code of Ordinances regarding signs.

(Presented by Eugene Smith, Associate Attorney)

NEW BUSINESS:

1. First Reading of Appendix A- Zoning Ordinances (Signs)

EXECUTIVE SESSION:

Mayor Jeffrey DeTar called for a motion to recess the **Work Session** and convene into **Executive Session** to discuss legal and personnel matters.

MOTION AND VOTE: Councilman Larry Ferguson made the motion, seconded by **Mayor Pro Tem Jeanell Bridges**. The motion passed unanimously.

The Executive Session began at 6:51pm.

ADJOURNMENT:

Mayor Jeffrey DeTar called for a motion to adjourn both the May 10, 2016 Work Session and Executive Session.

MOTION AND VOTE: Mayor Pro Tem Jeanell Bridges made a motion, seconded by **Councilman Larry Ferguson**. The motion passed unanimously.

The Work Session and Executive Session ended at 7:36pm.

Approved this 24th day of May, 2016.

Attest

CITY OF MORROW, GEORGIA

Yasmin Julio, Interim City Clerk

Jeffrey A. DeTar, Mayor



CITY OF MORROW, GEORGIA
MAYOR AND CITY COUNCILMEMBERS

Mayor Jeffrey DeTar
Mayor Pro Tem Jeanell Bridges
Councilwoman Hang Tran
Councilman Larry Ferguson
Councilman Christopher Mills

Regular Meeting

May 18, 2016

Minutes

7:47 pm

Mayor Jeffrey DeTar called the Special Called Meeting of the Morrow City Council to order at 7:47pm on May 18, 2016. The meeting took place at the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

PRESENT: Mayor Jeffrey DeTar
Mayor Pro Tem Jeanell Bridges
Councilman Larry Ferguson

ABSENT: Councilwoman Hang Tran
Councilman Christopher Mills

Mayor Jeffrey DeTar stated that there was no quorum present and therefore no actions can be taken.

General Discussion:

Mayor Jeffrey DeTar, May Pro Tem Jeanell Bridges, and Councilman Larry Ferguson conducted Interviews/General Discussion with Greg Tatroe, Keo Sengkhampong, and Jimmy Callaway.

ADJOURNMENT:

Mayor Jeffrey DeTar adjourned the meeting at 8:35.

Approved this 24th day of May, 2016.

Attest

Yasmin Julio, Interim City Clerk

CITY OF MORROW, GEORGIA

Jeffrey A. DeTar, Mayor

Seal



CITY OF MORROW

8

Proclamation for Dr. Abner Moore, D.D.S.

PROCLAMATION

HONORING DR. ABNER MOORE, DDS

- WHEREAS: Forty-nine years ago, a young graduate of the Emory School of Dentistry opened a dental practice right here in the City of Morrow; and
- WHEREAS: A then twenty-four-year-old native of North Carolina, Abner Moore, began serving our community as a dentist at 5918 Jonesboro Road; and
- WHEREAS: Still at the same address, Dr. Moore continues to serve because it is what he loves; and
- WHEREAS: Building a practice in Morrow over these last 49 years has given Dr. Moore the opportunity to serve grandparents, parents, children, and grandchildren, he is a Doctor for generations of families in and around our city.

NOW, THEREFORE, I, JEFFREY A. DETAR, Mayor of the City of Morrow proclaim my appreciation to Dr. Abner Moore for his continued commitment to the City of Morrow.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Morrow to be affixed this 24th day of May, 2016.

Jeffrey A. DeTar, Mayor



CITY OF MORROW

9

Sign Ordinance

2016-04

STATE OF GEORGIA

CITY OF MORROW

ORDINANCE NO. 2016-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY REPEALING CHAPTER 5 (SIGNS) OF TITLE 8 (PLANNING AND DEVELOPMENT) IN ITS ENTIRETY AND BY ENACTING ARTICLE XIX (SIGNS) IN APPENDIX A (ZONING ORDINANCE); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Morrow, Georgia (the “City”) is the Mayor and Council thereof; and

WHEREAS, the City has the power to regulate the display of outdoor signage within its limits pursuant to its exclusive zoning and planning authority granted by the 1983 Constitution of the State of Georgia, including but not limited to Article IX, Section II, Paragraph IV and Article IX, Section II, Paragraph III; the authority granted by the General Assembly of the State of Georgia, including but limited to O.C.G.A. § 36-70-3; the authority granted under the Charter of the City of Morrow, including but not limited to Sections 1.12(b)(3), 1.12(b)(23) and 1.12(b)(32); as well as the general police powers of the City and other authority provided by federal, state, and local laws applicable hereto; and

WHEREAS, the City previously exercised such power, having adopted a comprehensive code governing the manner in which people may display outdoor signs that presently is codified in Chapter 5 of Title 8 in its Code of Ordinances; and

WHEREAS, the United States Supreme Court’s recent opinion in *Reed v. Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015), clarified the meaning of content neutrality as a central requirement of the First Amendment’s protection of free speech with respect to the regulation of certain types of signs; and

WHEREAS, the *Gilbert* opinion reaffirmed that ordinances which regulate certain signs by category according to the type of information conveyed are content-based and subject to strict scrutiny analysis, the most exacting form of judicial review and one that is exceptionally hard to satisfy; and

WHEREAS, the *Gilbert* opinion also makes clear that regulations which apply to all signs and use content-neutral standards, such as size, material composition, lighting, moving parts, and portability, would not be subject to strict scrutiny review under the First Amendment and, therefore, would likely to be upheld if challenged; and

WHEREAS, the City desires to revise its sign regulations in light of the *Gilbert* opinion by repealing, in its entirety, Chapter 5 (Signs) of Title 8 (Planning and Development) of its Code of Ordinances and enacting Article XIX (Signs) in Appendix A (Zoning Ordinance); and

WHEREAS, the public health, safety, and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW, and by the authority thereof:

Section 1. The Code of Ordinances of the City of Morrow, Georgia is hereby amended by repealing, in its entirety, Chapter 5 (Signs) of Title 8 (Planning and Development) and by enacting Article XIX (Signs) in Appendix A (Zoning Ordinance), which is more particularly set forth in Exhibit “A” attached hereto and made a part hereof by reference.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 24th day of May, 2016.

CITY OF MORROW, GEORGIA

Jeffrey A. DeTar, Mayor

ATTEST:

Yasmin Julio, Interim City Clerk

APPROVED BY:

Steven M. Fincher, City Attorney

EXHIBIT A

[See Attached]

ARTICLE XIX. – SIGNS

Sec. 1901. - Findings of fact and purpose.

- (a) The City of Morrow finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owner's original purpose of presenting a clear message of its idea or identification of its premises.
- (b) Regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.
- (c) As a result of the city's regulation of signs beginning in 1974, commercial areas of the city present an aesthetically pleasing environment which supports and promotes robust business activity within the city as well as providing a zone for traffic substantially free of unsafe diversions.
- (d) The city's intention in enacting sign legislation has never been directed at nor enforced against the content of the signs, but has rather focused on the physical characteristics of the sign structures.
- (e) The purposes of this article are to encourage the effective use of signs as a means of communication within the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of this article.
- (f) In considering the appropriate level of sign regulation for the city, the mayor and council has considered planning studies, reports, news articles and related information from a variety of sources. The city finds that advances in technology utilizing LED components results in signs brighter in appearance for LED Signs than for signs not utilizing LED technology. While exact measurements have not been determined, some of the explanation for the additional brightness by LED Signs is that the field of light projection is diametrically opposed to that of standard Billboards. Standard Billboard lighting, whether ground mounted or platform mounted, is directed at the Billboard itself, leaving very little light emission elsewhere; whereas, the LED Sign faces the road system providing a brighter, more readable sign. Studies, particularly during non-daylight hours, demonstrate that attention given by drivers to such signs is longer than attention given to non-LED Signs. The new direction of light emanating from new LED technology, and its effect on driver observation, was not reported. These findings have been reported by such diverse agencies

as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Dept. of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies in billboard research and information, a compilation of 16 studies and reports, the city has determined that use of LED technology on outdoor signage in the city requires differing levels of regulation on differing types of roadways as a result of potential driver distractions and competing traffic interferences. For instance, traffic congestion along Highway 54 coupled with numerous driveway entrances constitute a source of pre-existing distractions not generally present on the interstate highway. Regulations developed in this article are designed to find an appropriate balance between allowance of such new technologies and protection of the public interest.

- (g) Signs provide an important medium through which individuals, organizations, institutions, and businesses may exercise their right to freedom of speech and expression and convey a variety of constitutionally protected messages.
- (h) The provisions in this article which regulate signs on the basis of size, height, shape, design, spacing, placement, and distance, but not on the content of any constitutionally protected message conveyed therein, provide an appropriate balance between the right of freedom of speech and expression via the sign medium and the protection of the substantial governmental purposes stated above.

Sec. 1902. - Definitions.

- (a) For the purpose of this article, the following definitions shall apply:
 - (1) Abandoned Sign. Any sign for which the sign permit has lapsed.
 - (2) Awning. A roof-like cover extending over or before a place as a shelter and supported entirely by and from the building.
 - (3) Banner. A Temporary Sign made of a piece or strip of cloth, paper, canvas, plastic, or similar material, and upon which a message, slogan, or emblem is painted, drawn, or otherwise projected, colored or shaped. Banner includes, but is not limited to such things as trash receptacle covers, tire covers, rack covers, changeable and/or removable paper, cardboard, cloth, canvas, or plastic displays. Flags are specifically excluded from the definition of "Banner."
 - (4) Billboard. A Freestanding Sign larger than 200 square feet in sign area.
 - (5) Changeable Copy Sign. A sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. Spectacular Signs are not included within the definition of "Changeable Copy Sign."
 - (6) Dilapidated Sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative

illumination or mechanical devices or which is otherwise dilapidated, unsightly or unkept.

- (7) Flag. A sign consisting of fabric or similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.
- (8) Freestanding Sign. A sign securely affixed to an independent support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or Stanchion Signs.
- (9) Illuminated Sign. A sign designed to give forth artificial light directly or through translucent material from a source of light within such sign or a sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the Lot where said illumination occurs.
- (10) Instructional Sign. A sign used to give direction to the public.
- (11) Interstate Sign. A Stanchion Sign not exceeding 100 feet in height or 200 square feet in sign area located adjacent to the right-of-way of any interstate highway.
- (12) LED Sign. Any electronically controlled sign utilizing light-emitting diode technology to form some or all of the sign message, whether that message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. For purposes of this article, a LED Sign meeting the standards of this article is permitted as a Changeable Copy Sign.
- (13) Lot. A designated parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed, or built upon and meeting all standards of the zoning district in which it is located.
- (14) Mobile Sign. A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promotion, or conveying an advertising message.
- (15) Monument Sign. A Freestanding Sign mounted directly upon the ground and not attached to or a part of or supported by a building and designed in such a manner that the base of the sign face is flush with the supporting solid base which is flush with the ground. The base shall be at least as wide as the sign.
- (16) Nonconforming Sign. Any sign which was legal at the time of erection, but which does not conform to the requirements of this article.
- (17) Person. Any individual, association, corporation, firm, organization, partnership, trust, or any other entity.
- (18) Portable Sign. A sign that is constructed of any material that may be moved from one location to another, whether or not it is fastened to an object, building or staked to the ground in any manner at any given time.

- (19) Roof Sign. A sign:
- a. Erected upon or above a roof structure;
 - b. Wholly supported by the roof structure;
 - c. A structure placed upon the roof; or
 - d. Any signage placed upon sloped building fascia intended to appear or actually be roof elements of a building.
- (20) Sign. A sign is a device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others and which is placed out of doors in view of the general public or, when near the inside surface of a window, placed in such a manner as to be in the view of the general public outside the building.
- (21) Special Event. Any planned occurrence designed as a celebration or an irregular occurrence to attract business or raise money. The term "Special Event" includes, but is not limited to, grand openings, seasonal sales, liquidations, going-out-of business sales, vehicle shows or displays, craft shows, rummage sales, bake sales, festivals, or holiday celebrations.
- (22) Spectacular Sign. A sign that is animated, flashing, scrolling or otherwise suggesting movement of sign message, constructed of metal or other material, wired for lights or luminous tubing, or both, or utilizing copy controlled action.
- (23) Stanchion Sign. A Freestanding Sign mounted on one or more steel poles set in the ground and of sufficient strength and size to support the message portion of such structure which rests upon or is supported by such poles.
- (24) Standard Informational Sign. A sign with an area not greater than 480 square inches, with a placard made for short term use, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 30 inches and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.
- (25) Temporary Signs. Any sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or any structure which is permanently installed in the ground.
- (26) Tri-vision Sign. A sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.
- (27) Wall Sign. Any sign attached parallel to and flush with a wall, painted on the wall surface or erected and confined with the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.
- (28) Window Sign. A sign that is placed on or behind a windowpane and intended to be viewed from outside the building.

- (b) Any term not specifically defined by this section shall be defined as provided in the city zoning ordinance or in lieu of such definition, shall be defined as provided in the general rules of construction in the City Code of Ordinances.

Sec. 1903. – Non-commercial messages protected.

Any sign within the city limits of Morrow which is allowable under the dimensional requirements of this article may include, wholly or partially, any non-commercial message, at the discretion of the sign owner, provided such message is not obscene.

Sec. 1904. - Prohibited signs.

Except as otherwise provided by this article in limited instances, the following types of signs are prohibited:

- (1) Roof Signs are prohibited. Exception: Roof Signs may be permitted on the mansard facing or mansard style roofs as an exception to this prohibition where no other space is available for mounting of Wall Signs.
- (2) Mobile Signs.
- (3) Portable Signs.
- (4) Banners, except as provided in section 1917(b).
- (5) Spectacular Signs.
- (6) Rotating or moving signs.
- (7) Signs that emit sound.
- (8) Abandoned Signs.
- (9) Any sign that due to its color, shape, size, height, lighting, location, position and/or design appears to be in imitation of, or may be confused by motorists and pedestrians, to be an official traffic control Sign or signal.
- (10) Any Sign that obstructs the view of an official traffic control Sign or signal or obstructs the sight of motorists and pedestrians so as to create a traffic safety hazard.
- (11) Any Sign that is erected or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, any emergency exit, or any fire escape.

Sec. 1905. - Computation of sign area.

- (a) Except as otherwise provided in subsections (b) and (c) of this section, the area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or

decorative fence or wall when such fence or wall otherwise meets other regulations of the city and is clearly incidental to the display itself.

- (b) The sign area of signs with more than one sign face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces are parallel, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of the larger of the two faces.
- (c) The computation of the sign area of a Monument Sign shall include the entire monument structure, as measured from the top to ground and side to side, upon which any words, letters, figures, symbols, logos, fixtures, colors or other design elements occur.

Sec. 1906. - Permits.

- (a) Unless exempt from obtaining a permit by the express terms of this article, no Person shall erect, construct, enlarge, alter, repair, move, improve, or convert any sign or sign structure in the city without first obtaining a permit for such sign or sign structure from the city manager or his representative.
- (b) Each application shall be accompanied by:
 - (1) A fee as established from time to time by resolution of the mayor and council.
 - (2) A design and stress diagram or plan containing the necessary information to enable the building official to determine that such sign complies with all regulations of the building and electrical codes of the city.
 - (3) A sketch or drawing, to scale, of the proposed sign, showing size, dimensions, type, height and other information as required by the city to establish compliance with this article.
 - (4) A sketch or drawing, to scale, of the proposed location showing proposed height of installation and distances from all other signs and structures on the Lot and public rights-of-way.
- (c) The city manager or his representative shall review all applications for a permit and accompanying documents within thirty (30) business days of receipt of a completed application. Time for review shall not begin to run until a fully complete application with all required documentation has been submitted to the city, along with payment of the permit fee.
 - (1) At or before the conclusion of this 30-day review period, the city manager or his representative shall either grant or deny the permit.
 - (2) Should a decision not be made on a fully complete application prior the expiration of this 30-day review period, the applicant shall be permitted to erect and maintain the sign that is the subject of the application under this provision unless and until such time as the city manager or his representative notifies the applicant of denial of the application and states the reason(s) for such denial. No Person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such sign, and should the

city manager or his representative subsequently deny the application, the sign must be brought into compliance with this article.

- (d) Where an application and accompanying documents show that the desired sign will conform to all requirements of this article and other pertinent laws and ordinances regulating signage, the permit shall be issued.
- (e) Where an application and accompanying documents describe work which does not conform to the requirements of this article or other applicable laws and ordinances regulating signage, the permit shall be denied. The reasons for denial shall be set out in writing and mailed by certified mail, return receipt requested, to the address of the permit applicant or hand delivered to the applicant on or before the 30th business day after the city is in receipt of a completed application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this article, any other law or ordinance regulating signage, the submission of an incomplete application, or submission of an application containing false material statements.
- (f) A permit issued shall be construed as a license to proceed with the work, but shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this article, nor shall such issuance prevent the city manager or his representative from thereafter requiring a correction of errors in plans or in construction or of other violation of this article.
- (g) Every sign erected, constructed or maintained, for which a permit is required shall be plainly marked with the name of the Person erecting and maintaining such sign and shall have affixed on the front thereof the permit number issued for said sign by the city. In case of window displays, the permit number will suffice where the display is maintained by the store licensee.
- (h) Every permit issued shall become invalid unless the work authorized by the permit is commenced within six (6) months after the time the permit is issued; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed, and such extensions shall be in writing by the city manager or his representative.
- (i) In the event the city determines that an existing sign has been erected or exists in violation of the standards of this article or other laws and ordinances regulating signage, or has been issued on the basis of an incomplete application or an application containing false material statements, the city manager or his representative shall provide notice of revocation to the permit holder in the same manner as a notice of denial. The notice shall provide a time, not sooner than ten (10) business days nor later than thirty (30) business days of the notice, for the applicant to appear before the city manager or his representative and provide evidence as to why the permit should not be denied. A decision by the city manager or his representative upholding the revocation or withdrawing that action shall be reduced to writing and served on the permit holder no later than ten days from the date of hearing.

Sec. 1907. – Appeals.

Notwithstanding the provisions regarding appeals in Article XIV of this ordinance, in the event that the city manager or his representative denies an application submitted under Section 1906(a), revokes a permit under Section 1906(i), or denies a request to erect a Temporary Sign under Section 1917(b), the applicant or the permittee may appeal such decision by filing a written notice of appeal with the city clerk no later than ten (10) business days after such denial. The mayor and council shall hear the appeal at their next regularly scheduled meeting that is at least six days after the notice of appeal is received. A final decision on an appeal shall be rendered by the mayor and council no more than thirty (30) days from the date such appeal was heard.

- (a) Should the mayor and council fail to render a decision on a properly and timely filed appeal from the denial of a permit application submitted under Section 1906(a) or Section 1917(b)(1) prior to the expiration of the 30-day period, the applicant shall be allowed to erect and maintain the sign that is the subject of the application under this provision unless and until such time as the mayor and council makes a decision on such appeal. No Person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such sign, and should the mayor and council affirm the denial of the application, the sign must be brought into compliance with this article.
- (b) Any appeal of the decision of the mayor and council rendered under this section shall be taken to the superior court by a petition for a writ of certiorari as provided by law.

Sec. 1908. – Exemptions from permit requirements.

The following signs are exempt from the permitting requirements of this article but, notwithstanding, are subject to all other provisions of this article:

- (1) Standard Information Signs, subject to the number limitations provided by this article; provided the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing.
- (2) One Flag not exceeding 24 square feet in single family residential districts or 60 square feet in non-residential district, mounted on either a mast arm or vertically mounted flagpole not exceeding 25 feet in height in single family residential districts or 50 feet in height in non-residential districts. Such Flags do not count toward allowable sign limitations.

Sec. 1909. - Wall and Awning signs.

- (a) Wall and Awning signs shall be securely fastened to the building surface. Such signs may not project above the parapet wall.
- (b) Wall Signs shall not project beyond the building face by more than two feet. Awning signs may not project beyond the building face by more than four feet.

- (c) Maximum sign area for Wall Signs:
 - (1) Premises with a wall face of 2,000 square feet or less, 90 square feet;
 - (2) Premises with a wall face over 2,000 square feet (except as provided in subsection (c)(3), five percent of the wall face or 150 square feet, whichever is less;
 - (3) Shopping centers having a gross floor area of 1,000,000 square feet or more, five percent of the wall face or 200 square feet, whichever is less, on each street facing wall, provided further that individual tenants in such shopping centers must have a gross floor area exceeding 100,000 square feet in order to post a Wall Sign for that tenancy.
- (d) Maximum sign letter height on Wall Signs:
 - (1) Premises with a wall face of 2,000 square feet or less, three feet;
 - (2) Premises with a wall face over 2,000 square feet, the three-foot letter height may be increased by three inches per additional 100 square feet of wall face, but not exceeding a letter height of five feet in any case;
 - (3) Shopping centers having 1,000,000 square feet or more, six feet; the six-foot limitation also pertains to any tenant with a gross floor area exceeding 100,000 square feet.
- (e) On all Wall Signs larger than 90 square feet placed above an entrance to a building, there must be a minimum of 24 inches of clear vertical space between the top of the building entrance and the bottom of the Wall Sign, and there must be a minimum of 24 inches of clear vertical space between the top of the Wall Sign and the top of the building.
- (f) Projecting signs shall be mounted a minimum of eight feet from grade level above pedestrian areas and 14 feet above vehicular areas.
- (g) Direct painting of murals, or any hand painting, etchings or drawings, painted directly upon the exterior wall surface of a building shall conform to all standards of this article, including permit application and issuance.

Sec. 1910. - Window Signs.

- (a) Window Signs are limited to being part of the allowance for Wall Signs, or, as window displays, shall not exceed 25 percent of the window area or building face in commercial and industrial zones. Window displays shall coordinate with existing signage on the premises, shall be in compliance with the standards of this article and are included in allowable size limitations.
- (b) Where the wall of a building located in a commercial or industrial zoning district is such that the installation of a Wall Sign is impracticable due to lack of space to which such sign may be attached, Window Signs may be designed as a permanent sign to serve the premises. In such case, all other standards concerning size limitations shall be applicable to the Window Sign.

Sec. 1911. - Freestanding Signs.

- (a) Freestanding Signs may be either Monument Signs or Stanchion Signs. Such signs shall be securely affixed to a substantial support structure which is permanently attached to the ground, and wholly independent of any building for support. In the case of Monument Signs, the primary structural material shall compliment the primary building material of the structure served by the sign so as to achieve similarities and consistency of building materials on the site.
- (b) Freestanding Signs shall be mounted perpendicular to the fronting street, except that one sign, upon submission and approval of installation, may be used in place of two separate signs on corner Lots. Stanchion Signs and Monument Signs shall be centered 15 feet behind the property line and shall be fully contained within the property lines with the edge of the sign being at least five feet off the right-of-way. Monument Signs shall be centered within the landscape buffer area perpendicular to the fronting street and shall be fully contained within the property lines. No Freestanding Sign shall be located within 30 feet of an existing Freestanding Sign, provided this restriction shall not apply to properly installed Instructional Signs.
- (c) Freestanding Signs utilized by multi-tenant occupancies shall comply with the following additional requirements:
 - (1) Each such sign, whether a monument or Stanchion Sign, shall have a decorative base sufficient to house all sign supports within a single structure. Such base shall utilize construction materials that match the construction materials of the multi-tenant development.
 - (2) Stanchion Signs utilized by multi-tenant occupancies shall include decorative pole covers covering the upright supports which shall be comprised of square casings of no less than 18 inches in any one horizontal direction.
 - (3) The exterior color of the sign cabinet (i.e., structural or architectural supports, framing and sign face) shall be compatible with the colors of the multi-tenant development.
 - (4) Landscaping shall be required at the base of all such signs in accordance with the following standards:
 - a. Plantings shall be at a height of at least 12 inches but no more than 18 inches measured from the adjoining grade. Use of a berm with low plantings may be utilized to meet the height requirements for landscaping.
 - b. Plantings shall be designed to provide a decorative foundation for the sign and shall utilize a mixture of greenery and/or flowering plants to create a solid landscaped appearance.
 - c. All plantings shall be maintained free of weeds, with sufficient water and fertilizer. Plantings shall be maintained in a healthy state.
 - d. A landscape plan meeting the requirements of this section shall be submitted for approval to the director of public works or his designee.
 - (5) Address numbers eight inches in height shall be applied to the base of the sign in a contrasting color for emergency identification. No structural supporting members shall be visible for such address numbers.

- (d) Interstate Signs shall be allowed for commercial zoned properties located on land owned or leased and physically occupied by the entity erecting such a sign where such property contains no less than a 50-foot frontage contiguous to an interstate highway right-of-way. No Interstate Sign shall be allowed to any owner, whether or not its land lies contiguous to an interstate highway, that does not own at least one acre of land, one side of which is lying immediately contiguous by no less than 50 feet to the right-of-way of said interstate. Further, no Interstate Sign shall be permitted to a land owner or lessee where there is insufficient footage between the proposed Interstate Sign location and that of property owners to either of its sides.
- (e) Height limits.
 - (1) Stanchion Signs erected along major thoroughfares, except those signs classified as Interstate Signs, shall be erected to a height of 22 feet.
 - (2) Interstate Signs shall not exceed 100 feet in height.
 - (3) Monument Signs shall not exceed six feet in height.
 - (4) All sign heights shall be measured from the grade level of the adjacent street to which the business has access. The level of the ground shall not be altered in such a way as to provide additional sign height.
- (f) Size requirements.
 - (1) Interstate Signs. Interstate Signs shall not exceed 200 square feet of sign area.
 - (2) Stanchion Signs.
 - a. Stanchion Signs for multiple business parcels exceeding three acres shall not exceed 150 square feet.
 - b. Stanchion Signs for single business parcels exceeding three acres shall not exceed 120 square feet of sign area.
 - c. Stanchion Signs for parcels less than three acres shall not exceed 90 square feet in size.
 - d. Stanchion Signs for parcels less than 30,000 square feet in size shall not exceed 70 square feet.
 - (3) Monument Signs. Monument Signs shall not exceed 60 square feet of total area of the Monument Sign which shall include signage and structure.
- (g) No Freestanding Sign may be located within 30 feet of the intersection of street right-of-way lines extended or at a location that would cause an obstruction to vision to vehicular traffic.
- (h) Billboards. Billboards are allowed only along the frontage of I-75 in accordance with the following standards:
 - (1) Billboard sign faces shall not exceed 14 feet in height or 48 feet in length for a limitation of 672 square feet in sign area.
 - (2) No Billboard may be erected to a height in excess of 75 feet.

- (3) Tri-vision technology may be utilized on Billboards along I-75 provided it meets or exceeds standards of state law.
- (4) No Billboard shall be erected within 500 feet of an existing Billboard.
- (5) No Billboard shall be erected within 500 feet of any public park, public playground, public green space, public recreation area or residentially zoned property.
- (6) LED technology shall be permitted on Billboards only in accordance with the lighting standards of section 1913.
- (7) Only one sign face shall face the lane of travel in each direction. No stacking of sign faces or side by side placement of such faces shall be allowed.
- (8) Billboards shall be oriented only toward travelers on I-75.
- (9) All other standards of this article, including but not limited to, lighting, maintenance, landscaping, and permitting, shall apply to Billboards.

Sec. 1912. - Location restrictions generally.

- (a) No sign shall interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or pedestrians.
- (b) No sign shall be located on any building, fence or other property belonging to another Person without the consent of the owner, and as permitted under the provisions of this article.
- (c) No sign or sign structure shall be located on utility poles or within the right-of-way of any street or public right-of-way.
- (d) No sign shall be erected or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, any emergency exit, or any fire escape.

Sec. 1913. - Lighting.

- (a) No sign shall give off light which glares, blinds, or has any other such adverse effect on traffic. The light from all Illuminated Signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- (b) No Illuminated Sign shall be constructed or maintained within 75 feet of the property line of any single-family dwelling for non-LED Signs or within 250 feet for signs containing LED components. Signs with flashing, intermittent or animated illumination or effect, as well as signs simulating motion through the arrangement and/or timing of lighting, or lighting that fades in and out are prohibited; provided, however, that warning and official regulatory signs meeting standards of the Manual of Uniform Traffic Control Devices are exempt from this restriction.
- (c) No series, lines or rows of electric lights shall be allowed, nor shall the city permit any bare bulb illumination, flashing or moving lights which are not covered with translucent material.

Neon signs and lighting shall be permitted only in accordance with the provisions of subsections (d) and (f) below.

- (d) One neon or other type of Illuminated Sign may be used in the interior window of a store front. Such signs shall not exceed an overall area of two square feet.
- (e) LED technology utilized on signs shall display only static images and shall show no movement, simulated movement, flashing, border variations, background fluctuations, special effects, or other dynamics beyond a static picture. Change of image utilizing LED technology shall be accomplished by instantaneously changing the entire image, without fade-in and fade-outs or changes replicating a page turn. Light intensity shall be set, utilizing available technology, for varying conditions, such as sunny daylight, cloudy daylight and nighttime operations, so as to reduce the distractibility of such signs to the motoring public during nighttime hours and overcast days. Each LED display shall maintain a static image for a minimum of ten seconds before changing to another image. No sign utilizing LED components shall be erected closer than 2,500 feet to another sign already utilizing LED components.
- (f) Sign lighting not meeting the standards of this article is prohibited.
- (g) All components of an Illuminated Sign shall be U.L. listed, or the equivalent thereof, with an identification label that shows the manufacturer of such sign.

Sec. 1914. - Special requirements.

- (a) No sign shall be erected which simulates an official traffic control or warning sign or hides from view any traffic or street sign, signal or public service sign.
- (b) No sign shall contain statements, words or pictures of an obscene nature.
- (c) No sign shall advertise any activity, service, or product prohibited by the laws or regulations of the United States or the State of Georgia or by the ordinances or resolutions of the city.
- (d) No sign shall emit or utilize in any manner any sound capable of being detected on any travelled road or highway by a Person with normal hearing.
- (e) No sign shall be erected on the inside of a curve or in any other manner that may prevent Persons using the roadway from obtaining an unobstructed view of approaching vehicles.
- (f) For businesses located in buildings for which attachment of a building-mounted sign is not possible due to design of the structure, a sign may be permanently painted on a window surface; provided the sign does not exceed the size and height requirements of this article and is subject to all permit application and issuance requirements of this article.
- (g) No sign shall be erected in such a manner so as to prevent ingress or egress through any door or window of any such building, nor in such a manner as to obstruct or be attached to a fire escape.
- (h) No sign shall be painted on, mounted on, or otherwise attached to a vehicle, board or object which, if left stationary, tends to circumvent the intent of this Code and the limitations of the sign regulations prescribed herein.

- (i) Banners and Flags exceeding the standards exempted from permit requirements and promotional tents are permitted only with permission of the city manager or his designee in accordance with the standards and regulations of section 1917(b). No inflatable devices will be permitted under any provision of the sign code.
- (j) No sign shall be erected by nailing, fastening or affixing the sign in any manner to any tree, post, curve or utility pole.

Sec. 1915. - Construction and maintenance.

- (a) No sign shall be erected or maintained unless it is structurally safe, clean and in good repair.
- (b) Except as otherwise provided in this article, all signs for which a permit is required shall be constructed and maintained in conformance with the city building and electrical codes. Such signs, together with their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
- (c) Freestanding Signs with translucent sign faces shall be composed of pan molded background with embossed copy. In the case of a sign with copy less than six inches, or a sign face smaller than two feet by four feet, a pan face with flat copy may be used. In the case of a sign face larger than 100 square feet, and exceeding 40 feet in height, a flex face may be used. Existing wall or fascia signs utilizing an integrated translucent sign face shall meet the standards of this subsection. At such time as sign face panels are replaced, new wall and fascia signs erected after the effective date of this section shall not be erected with a new translucent face but shall rather meet the standards of subsection (d).
- (d) As of the effective date of this section, all Wall Signs erected on business or industrial properties within the city shall consist of individualized channelized letters or characters powered by electric strips. Where a sign applicant desires to incorporate into the sign design a logo or other figure for which an individually fabricated character is not possible, such logo or other representation may be made as an individual component fitting into a channelized letter scheme utilizing a pan face with flat copy, provided that such pan face with flat copy may not exceed 25 percent of the overall allowable signage allowance for said sign.
- (e) All signs of plastic material, including copy, facing or display surface, must be in accordance with ASTM D 65 (American Society for Testing and Materials).
- (f) All edges and backs of signs shall be fully encased in metal or other noncombustible material.
- (g) Every sign may be inspected by the building inspector from time to time, as the city manager or his representative may require, so as to determine the continuing compliance with this Code.
- (h) Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the city manager or his representative, the owner thereof, or the Person maintaining the same, shall upon written notice from the city manager or his representative, forthwith in the

case of immediate danger and in any case within ten days, secure the same in a manner to be approved by the city manager or his representative, in conformity with the provisions of this Code, or remove such sign. If such notice is not complied with within ten days, a formal citation will be issued for the violation.

Sec. 1916. - Regulations and restrictions applicable to specific business categories.

In addition to general regulations and restrictions applying to all signs, signs for specific categories of commercial uses shall comply as follows:

(1) Shopping centers and office parks.

- a. Areas designated as shopping centers or office parks shall be permitted one Freestanding Sign for each major access drive to the property from a public street or highway.
- b. In developments of 1,000,000 or more square feet, including planned out-parcels of such developments, or in developments classified as a planned center, all Lots or parcels shall maintain sign structures to a height and square footage in accordance with the criteria of the original development.
- c. Areas designated as office parks shall be allowed one sign per building as shared tenant signage and on which all tenants shall have equal space and access. Such signs shall be Monument Signs which must conform to and be in consonance with the surrounding area stylistically and shall not exceed six feet in height nor 60 square feet of total area.
- d. Individual signs qualifying as Wall Signs may be permitted for individual tenants in shopping centers and single-story office parks.
- e. In addition to the Freestanding Sign allowance for multi-story buildings, multi-story buildings shall be allowed one Wall Sign for shared use by its tenants. Individual signs mounted on the wall by individual tenants in a multi-story building shall not be permitted.

(2) Commercial Lots.

- a. Each business located within one parcel of property and fronting on only one roadway, other than a designated shopping center or office park, shall be allowed one Freestanding Sign and one building-mounted sign and Instructional Signs, except where two or more businesses are located under one roof, then only one sign of the freestanding type specified shall be allowed for all, and further provided that businesses meeting the standards of subsection (e) of this section shall be permitted one additional Freestanding Sign.
- b. Where such parcels are located with frontage along two roadways, a business will be allowed one Freestanding Sign and one building-mounted sign on each frontage plus Instructional Signs as required, provided that only one Freestanding Sign shall be permitted on each frontage where two or more businesses are located under one roof, and provided further that at no time shall any single business parcel contain more than a total of four building-mounted and Freestanding Signs, except as

provided in paragraph (e) of this subsection, and at no time shall a single business parcel contain more than five building-mounted and Freestanding Signs.

- c. Those parcels qualifying for Interstate Signs will be allowed one Interstate Sign provided that no increase is made in the total allowable number of signs per business or parcel.
 - d. No Lot or parcel shall be allowed more than two Freestanding Signs, except as provided in paragraph (e) of this subsection, and at no time shall a Lot or parcel be allowed more than three Freestanding Signs.
 - e. Two Freestanding Signs along a single roadway will be allowed for businesses which hold two or more exclusive franchises to sell products in the city provided that:
 - 1. The business must have for sale new products on the premises from at least two separate manufacturing corporations that must have a sale price that averages no less than \$10,000.00 per item;
 - 2. There must be a minimum of 375 linear feet of road frontage on the side of the parcel where the second Freestanding Sign would be placed; and
 - 3. There must be a minimum of 100 linear feet between the two Freestanding Signs and the signs must be placed at least 50 linear feet from the corner boundary line of the parcel; and
 - 4. All other provisions of the Code regarding Freestanding Signs shall apply.
 - 5. On any road frontage where there are two Freestanding Signs on a single road frontage, both such signs shall be Monument Signs.
 - 6. A minimum of 25 percent of the inventory of each new product offered for sale at a price of not less than \$10,000.00 must be maintained on the premises to qualify for the additional sign permitted under this section.
- (3) Apartments, churches, condominiums and schools. One Monument Sign not to exceed six feet in height and 60 square feet is allowed.
- (4) Standard Information Signs. In addition to any other sign authorized on commercial and industrial zoned property, such property may contain not more than one standard informational sign located so that the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, provided, however, that an unlimited number of standard informational signs are allowed during a political election between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee and no permit are required for such Standard Information Signs.

Sec. 1917. - Temporary Signs.

- (a) Vacant and undeveloped property. Any property which is not occupied on a regular basis and any property which is currently undeveloped may contain only one sign as authorized

by this subsection, except during an election period as provided herein. Vacant and undeveloped properties may house one Freestanding Sign not exceeding 12 feet in height from ground level. The size of such sign is limited as follows:

- (1) Signs for multiple business parcels exceeding three acres in size, 120 square feet;
- (2) Signs for single business parcels exceeding three acres in size, 90 square feet; and
- (3) Signs for parcels less than three acres in size, 60 square feet.

Provided, however, that an unlimited number of Freestanding Signs with sign faces of 16 square feet or less and 12 feet in height or shorter are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate, and no permit shall be required for such signs during an election period.

- (4) In addition to any other sign authorized by this subsection, such property may contain no more than one standard informational sign located so that the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, provided, however, that an unlimited number of standard informational signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee or permit is required for such Standard Information Signs. No such Standard Information Sign shall be erected on vacant or undeveloped property without the express permission of the owner of such property.

(b) Special signs.

- (1) Temporary Signs (including Banners) may be erected during the period that a Special Event occurs subject to the approval of the city manager or his representative in accordance with the following standards:
 - a. Such special signs are limited to three (3) times per year for a maximum of ten (10) days each.
 - b. Special signs are limited to no more than one (1) promotion per calendar quarter, i.e., January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.
 - c. The display of special signs must be separated by at least thirty (30) days.
 - d. The maximum sign letter height of special signs is three (3) feet.
 - e. Permission of the property owner or lessee must be obtained in writing.
 - f. No sign or Banner shall exceed forty (40) square feet in area.
- (2) Use of a single Banner to be displayed in lieu of a building mounted sign pending arrival and installation of such building mounted sign may be displayed for a maximum period of sixty (60) days from date of first display, including Saturdays, Sundays and holidays. Use of a Banner to be displayed in lieu of a building mounted sign may also

be made by businesses occupying any premises on a temporary basis for a period not to exceed sixty (60) days in any one calendar year. Display of such Banners shall be subject to all size, lettering and placement limitations of an allowable Wall Sign under section 1909 of this article for each business utilizing such a Banner. Approval for such Banners may be granted by the city manager or his designee upon presentation to him of proof that a permanent sign is on order and will be installed within sixty (60) days or, alternatively, that the business is a temporary business which will be open for no more than sixty (60) days in any one (1) calendar year. No extensions of the time limits contained in this subsection will be granted. Any Banner erected pursuant to this paragraph shall be in good condition and professionally prepared by a company that fabricates signs and/or Banners as a regular, recurring line of business.

Sec. 1918. – Non-conforming Signs.

- (a) Signs which on the effective date of this section were approved and erected under previous sign restrictions or which became non-conforming with respect to the requirements of this article, may continue in existence so long as the sign has not deteriorated or been damaged to an extent to make it a hazard or unsightly, and no structural change in the size, shape, or design of the sign structure is made. No Non-conforming Sign shall be moved in whole or in part to another portion of the Lot or parcel or shall be redesigned or expanded unless such changes result in the sign meeting the standards of this article and becoming conforming. If use of the premises served by the Non-conforming Sign ceases for any reason for a period of more than 90 days, then any such sign shall lose its nonconforming status and any subsequent sign erected for the premises shall conform with the regulations of this article; provided that this provision shall not preclude the substitution of sign panels on a sign structure which shall be allowable.
- (b) Any Temporary Sign erected in violation of this article may be removed by duly authorized employees of the city from any public property or right-of-way, and a responsible party may be cited for such violation.
- (c) A conforming sign or advertising device shall not be erected for the same establishment on the same Lot with an existing Non-conforming Sign until the Non-conforming Sign has been removed.
- (d) Where a Non-conforming Sign would otherwise be entitled to continuation under subsection (a) but is damaged by act of God, such sign may be repaired and restored to its preexisting condition prior to the damage having occurred, provided the natural life of the sign prior to such damage occurring shall not be extended.

Sec. 1919. - Erection on rights-of-way.

No sign of any kind shall be permitted to extend into or above or to be anchored or placed in any portion of the right-of-way of a state or county highway, or city street, or public sidewalk and in no case, closer than five feet to a curb line.

Sec. 1920. - Restrictions on signs in residential zoning districts.

- (a) Multi-family developments shall be accorded the signage limitations allowed for commercial property and shall not be regulated by this section.
- (b) Any residential developed property which is zoned other than multi-family residential may post only such signs as are authorized by this section and shall comply with the following requirements.
 - (1) Freestanding Signs, Wall Signs. Such property may contain no more than one Freestanding Sign or Wall Sign, the area of which shall not be greater than ten square feet. Any Freestanding Sign shall not be erected to a height greater than four feet above the grade level of the adjacent street on which the parcel fronts and shall be set back so that no portion of the sign, including support members, is located closer than ten feet from the back of the curb or from the edge of the pavement on streets with no curbing. Freestanding Signs shall not project over property lines.
 - (2) Standard Information Signs. In addition to any other sign authorized by this section, such property may contain no more than one Standard Informational Sign located that the stake is no closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing. Provided, however, that an unlimited number of Standard Informational Signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee and no permit are required for such Standard Informational Signs.
 - (3) Permanent subdivision signs. In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then such property may contain not more than one permanent subdivision sign.

Sec. 1921. - Variances.

- (a) Notwithstanding the administrative variance provisions of Article XIV of this ordinance, a variance from the literal applications of the terms of this article shall be granted by the mayor and council only upon a properly filed application for a variance and only where the following conditions exist:
 - (1) Exceptional conditions pertain to the property where the sign is to be located as a result of a property size, shape or topography which are not applicable to other lands or structures in the general vicinity.
 - (2) The applicant will be deprived of rights for signage that are commonly enjoyed by others similarly situated.
 - (3) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated.
 - (4) The exceptional circumstances are not the result of action by the applicant.

- (5) The request constitutes the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
 - (6) Granting of the variance would not violate more than one standard of this article.
 - (7) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.
- (b) Notwithstanding the administrative variance provisions of Article XIV of this ordinance, an application for variance from the provisions of this article shall be submitted to the city clerk and shall be referred to the zoning administrator for investigation and recommendation. The application for variance shall be placed on a council agenda no less than thirty (30) nor more than sixty (60) days from the date of application. Notice of all variance applications shall be made in the same manner as notice of zoning variances. The city council shall render a final decision on all variance applications within thirty (30) days of hearing the matter. Any applicant for whom variance is denied may petition for writ of certiorari from that decision to the superior court.
- (c) In the event of any conflict between the application of any other provision of Appendix A and this section as to the requirements for a variance for any sign, this section shall control.

Sec. 1922. - Removal of defective signs.

- (a) Any sign which has become damaged or dilapidated to the extent that it is unsightly or a hazard to the public shall be removed by the owner, agent or Person having the beneficial use of the building or structure upon which the sign may be found.
- (b) In the event a sign or sign face is required to be removed under the provisions of this section and the owner, agent or Person having beneficial use of the building or structure fails to do so upon his own initiative, the city manager may provide notice by certified mail, return receipt requested, or by hand delivery to the responsible Person directing that the sign be removed or otherwise brought up to standard. The notice shall provide a reasonable time within which to accomplish such removal, but generally no more than 30 days. Failure of the owner or other responsible Person to remove or repair the sign in accordance with the notice shall result in issuing of a citation to the owner and placing the case on the municipal court docket for hearing as a nuisance, provided that where a sign is dilapidated to such an extent that the safety of the public is endangered thereby, the city manager is authorized to secure or remove the sign so as to alleviate the hazard to the public. In making such an emergency repair or removal, the city manager shall attempt to contact the owner, agent or Person having beneficial use of the building or structure and shall document all such attempts as part of the public record.
- (c) Appeals from an adverse decision under this section in the municipal court shall be taken by filing for petition for a writ of certiorari as authorized by law.

Sec. 1923. – Lapse of sign permit.

- (a) A sign permit shall be deemed to lapse automatically where any of the following circumstances occur for the premises upon which the sign that is the subject of the permit is located:
- (1) The occupation tax certificate for the premises lapses, is revoked, or is not renewed; or
 - (2) The business activity on the premises at the time the permit was issued is discontinued for a period of 180 days or more and is not renewed within 30 days after notice to the last permittee, sent to the premises, that the sign permit will lapse if the activity is not renewed.
- (b) Any sign that is the subject of a sign permit that has lapsed under this section shall be taken down or removed by the owner, agent or Person having the beneficial use of the premises upon which the sign is located. Where the structure of the sign is otherwise safe and in good repair, removal of the sign face and replacement with a blank panel will be sufficient to comply with the provisions of this section.
- (c) In the event a sign or sign face is required to be removed under the provisions of this section and the owner, agent or Person having beneficial use of the building or structure fails to do so upon his own initiative, the city manager may provide notice by certified mail, return receipt requested, or by hand delivery to the responsible Person directing that the sign be removed or otherwise brought up to standard. The notice shall provide a reasonable time within which to accomplish such removal, but generally no more than 30 days. Failure of the owner or other responsible Person to remove or repair the sign in accordance with the notice shall result in issuing of a citation to the owner and placing the case on the municipal court docket for hearing as a nuisance, provided that where a sign is dilapidated to such an extent that the safety of the public is endangered thereby, the city manager is authorized to secure or remove the sign so as to alleviate the hazard to the public. In making such an emergency repair or removal, the city manager shall attempt to contact the owner, agent or Person having beneficial use of the building or structure and shall document all such attempts as part of the public record.
- (d) Appeals from an adverse decision under this section in the municipal court shall be taken by filing for petition for a writ of certiorari as authorized by law.

Sec. 1924. - Penalties.

Any Person determined to have violated the sign ordinance shall, upon conviction, be subject to a fine of \$250.00, imprisonment or labor on the public works for not more than 90 days, or by any combination thereof.

Sec. 1925. - Substitution.

The owner or the permittee of any sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any other commercial or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of

this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision in this article to the contrary.

Sec. 1926. - Severability

It is hereby declared the intention of Mayor and Council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms and words of this division are or were, upon their enactment, believed by Mayor and Council to be fully valid, enforceable and constitutional.

It is hereby declared the intention of Mayor and Council that, to the greatest extent allowed by law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term and word of this division is severable from every other part, section, subsection, paragraph, sentence, clause, phrase, term and word of this division. It is hereby further declared the intention of Mayor and Council that, to the greatest extent allowed by law, no part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this division is mutually dependent on any other part, section, subsection, paragraph, sentence, clause, phrase, term or word of this division.

In the event that any word, term, phrase, clause, sentence, paragraph, subsection, section or part of this division shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections or parts of the division and that, to the greatest extent allowed by law, all remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections and parts of the division shall remain valid, constitutional, enforceable, and of full force and effect.

CHAPTER 5 ARTICLE XIX. - SIGNS

Sec. 8-5-11901. - Findings of fact and purpose.

- (a) The City of Morrow finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owner's original purpose of presenting a clear message of its idea or identification of its premises.
- (b) Regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.
- (c) As a result of the city's regulation of signs beginning in 1974, commercial areas of the city present an aesthetically pleasing environment which supports and promotes robust business activity within the city as well as providing a zone for traffic substantially free of unsafe diversions.
- (d) The city's intention in enacting sign legislation has never been directed at nor enforced against the content of the signs, but has rather focused on the physical characteristics of the sign structures.
- (e) ~~The city further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The mayor and council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a proprietary purpose, such as identifying markings on utility poles, public utility poles are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.~~
- (f) ~~The city finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of providing addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions of major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this chapter, the provisions of this chapter are unrelated to the content of the speech provided and allow the maximum expressive potential to sign owners. The city further finds that holiday decorations are not signs, but rather seasonal ornamentation not controlled by this chapter.~~
- (g) The purposes of this chapter/article are to encourage the effective use of signs as a means of communication within the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; and to minimize the possible adverse effect of signs on nearby public and private property; to enable the fair and consistent enforcement of this chapter/article.

(hf) In considering the appropriate level of sign regulation for the city, the mayor and council has considered planning studies, reports, news articles and related information from a variety of sources. The city finds that advances in technology utilizing LED components results in signs brighter in appearance for ~~LED sign~~LED Signs than for signs not utilizing LED technology. While exact measurements have not been determined, some of the explanation for the additional brightness by ~~LED sign~~LED Signs is that the field of light projection is diametrically opposed to that of standard ~~billboard~~Billboards. Standard ~~billboard~~Billboard lighting, whether ground mounted or platform mounted, is directed at the ~~billboard~~Billboard itself, leaving very little light emission elsewhere; whereas, the ~~LED sign~~LED Sign faces the road system providing a brighter, more readable sign. Studies, particularly during non-daylight hours, demonstrate that attention given by drivers to such signs is longer than attention given to non-~~LED sign~~LED Signs. The new direction of light emanating from new LED technology, and its effect on driver observation, was not reported. These findings have been reported by such diverse agencies as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Dept. of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies in billboard research and information, a compilation of 16 studies and reports, the city has determined that use of LED technology on outdoor signage in the city requires differing levels of regulation on differing types of roadways as a result of potential driver distractions and competing traffic interferences. For instance, traffic congestion along Highway 54 coupled with numerous driveway entrances constitute a source of pre-existing distractions not generally present on the interstate highway. Regulations developed in this ~~chapter~~article are designed to find an appropriate balance between allowance of such new technologies and protection of the public interest.

(g) Signs provide an important medium through which individuals, organizations, institutions, and businesses may exercise their right to freedom of speech and expression and convey a variety of constitutionally protected messages.

(hg) The provisions in this article which regulate signs on the basis of size, height, shape, design, spacing, placement, and distance, but not on the content of any constitutionally protected message conveyed therein, provide an appropriate balance between the right of freedom of speech and expression via the sign medium and the protection of the substantial governmental purposes stated above.

Sec. ~~8-5-21902~~. - Definitions.

(a) For the purpose of this ~~chapter~~article, the following definitions shall apply:

- (1) ~~Abandoned or Dilapidated Sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or mechanical devices or which is otherwise dilapidated, unsightly or unkept. Any sign for which the sign permit has lapsed.~~
- (2) Awning. A roof-like cover extending over or before a place as a shelter and supported entirely by and from the building.
- (3) Banner. A ~~temporary sign~~Temporary Sign made of a piece or strip of cloth, paper, canvas, plastic, or similar material, and upon which a message, slogan, or emblem is painted, drawn, or otherwise projected, colored or shaped. Banner includes, but is not limited to such things as trash receptacle covers, tire covers, rack covers, changeable and/or removable paper, cardboard, cloth, canvas, or plastic displays. Flags are specifically excluded from the definition of "~~banner~~Banner."
- (4) Billboard. A ~~freestanding sign~~Freestanding Sign larger than 200 square feet in sign area.
- (5) Changeable ~~Copy~~Sign. A sign that is capable of changing the position or format of word messages or other displays on the sign face or change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels,

light apertures or other methods, provided these changes are actuated by either a control mechanism or manually on the face of the sign. ~~Spectacular sign~~Spectacular Sign are not included within the definition of "~~changeable~~Changeable copy signCopy Sign."

- (6) Dilapidated Sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, holes on or in the sign structure, broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illumination or mechanical devices or which is otherwise dilapidated, unsightly or unkept.
- (7) Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization. A sign consisting of fabric or similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.
- (78) Freestanding Ssign. A sign securely affixed to an independent support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or ~~stanchion sign~~Stanchion Sign.
- (89) Illuminated Ssign. A sign designed to give forth artificial light directly or through translucent material from a source of light within such sign or a sign illuminated by an external light directed primarily toward such sign and so shielded that no direct rays from the light are visible elsewhere than on the ~~lot~~Lot where said illumination occurs.
- (910) Instructional Ssign. A sign used to give direction ~~or specific instruction~~ to the public, ~~such as, but not limited to, "Enter," "Exit," "No Parking," "Drive Through," "Rest Room" and so forth. Instructional sign~~Instructional Signs contain only instructional information and do not contain business names, logos or other proprietary information.
- (101) Interstate Ssign. A ~~stanchion sign~~Stanchion Sign not exceeding 100 feet in height or 200 square feet in sign area located adjacent to the right-of-way of any interstate highway.
- (142) LED Ssign. Any electronically controlled sign utilizing light-emitting diode technology to form some or all of the sign message, whether that message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind, whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro polymer (OEL), or any other similar technology. For purposes of this ~~chapter~~article, a LED signLED Sign meeting the standards of this ~~chapter~~article is permitted as a ~~changeable~~Changeable copy signCopy Sign.
- (123) Lot. A designated parcel, tract or area of land legally established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed, or built upon and meeting all standards of the zoning district in which it is located.
- (134) Mobile Ssign. A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promotion, or conveying an advertising message.
- (145) Monument Ssign. A ~~freestanding sign~~Freestanding Sign mounted directly upon the ground and not attached to or a part of or supported by a building and designed in such a manner that the base of the sign face is flush with the supporting solid base which is flush with the ground. The base shall be at least as wide as the sign.
- (156) Nonconforming Ssign. Any sign which was legal at the time of erection, but which does not conform to the requirements of this ~~chapter~~article.
- (167) Person. Any individual, association, corporation, firm, organization, partnership, trust, or any other entity.
- (1678) Portable Ssign. A sign that is constructed of any material that may be moved from one location to another, whether or not it is fastened to an object, building or staked to the ground in any manner at any given time.

- (1789) Roof Ssign. A sign:
- Erected upon or above a roof structure;
 - Wholly supported by the roof structure;
 - A structure placed upon the roof; or
 - Any signage placed upon sloped building fascia intended to appear or actually be roof elements of a building.

(48920) Sign. A sign is a device, fixture, placard, structure or representation that uses any color, form, graphic, illumination, symbol or writing for visual communication which is used for the purpose of bringing the subject thereof to the attention of others and which is placed out of doors in view of the general public or, when near the inside surface of a window, placed in such a manner as to be in the view of the general public outside the building.

(201) Special Event. Any planned occurrence designed as a celebration or an irregular occurrence to attract business or raise money. The term "special eventSpecial Event" includes, but is not limited to, grand openings, seasonal sales, liquidations, going-out-of business sales, vehicle shows or displays, craft shows, rummage sales, bake sales, festivals, or holiday celebrations.

(49242) Spectacular Ssign. A sign that is animated, flashing, scrolling or otherwise suggesting movement of sign message, constructed of metal or other material, wired for lights or luminous tubing, or both, or utilizing copy controlled action.

(2023) Stanchion Ssign. A ~~freestanding sign~~Freestanding Sign mounted on one or more steel poles set in the ground and of sufficient strength and size to support the ~~advertisementmessage~~ portion of such structure which rests upon or is supported by such poles.

(2434) Standard Informational Ssign. A sign with an area not greater than 480 square inches, with a placard made for short term use, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 30 inches and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

(245) Temporary SignTemporary Signs. Any sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or any structure which is permanently installed in the ground.

(2256) Tri-vision Ssign. A sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.

(2367) Wall Ssign. Any sign attached parallel to and flush with a wall, painted on the wall surface or erected and confined with the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.

(2478) Window Ssign. A sign that is placed on or behind a windowpane and intended to be viewed from outside the building.

- (b) Any term not specifically defined by this section shall be defined as provided in the city zoning ordinance or in lieu of such definition, shall be defined as provided in the general rules of construction in the City Code of Ordinances.

Sec. ~~8-5-3~~1903. — Non-commercial messages protected.

Any sign within the city limits of Morrow which is allowable under the dimensional requirements of this ~~chapter~~article may include, wholly or partially, any non-commercial message, at the discretion of the sign owner, provided such message is not obscene.

Sec. ~~8-5-4~~1904. - Prohibited signs.

Except as otherwise provided by this [chapter/article](#) in limited instances, the following types of signs are prohibited:

- (1) ~~Roof-sign~~[Roof Signs](#) are prohibited. Exception: ~~Roof-sign~~[Roof Signs](#) may be permitted on the mansard facing or mansard style roofs as an exception to this prohibition where no other space is available for mounting of ~~wall-sign~~[Wall Signs](#).
- (2) ~~Mobile-sign~~[Mobile Signs](#).
- (3) ~~Portable-sign~~[Portable Signs](#).
- (4) Banners, except as provided in section 1917(b).
- (5) ~~Spectacular-sign~~[Spectacular Signs](#).
- (6) Rotating or moving signs.
- (7) Signs that emit sound.
- (8) Abandoned ~~S~~signs.
- (9) Any sign that due to its color, shape, size, height, lighting, location, position and/or design appears to be in imitation of, or may be confused by motorists and pedestrians, to be an official traffic control Sign or signal.
- (10) Any Sign that obstructs the view of an official traffic control Sign or signal or obstructs the sight of motorists and pedestrians so as to create a traffic safety hazard.
- (11) Any Sign that is erected or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, any emergency exit, or any fire escape.

Sec. ~~8-5-5~~[1905](#). - Computation of sign area.

- (a) Except as otherwise provided in subsections (b) and (c) of this section, the area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets other regulations of the city and is clearly incidental to the display itself.
- (b) The sign area of signs with more than one sign face shall be computed by adding together the area of all sign faces visible from any one point. When two sign faces are placed back to back, so that both faces are parallel, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of the larger of the two faces.
- (c) The computation of the sign area of a ~~monument-sign~~[Monument Sign](#) shall include the entire monument structure, as measured from the top to ground and side to side, upon which any words, letters, figures, symbols, logos, fixtures, colors or other design elements occur.

Sec. ~~8-5-6~~[1906](#). - Permits.

- (a) Unless exempted from obtaining a permit by the express terms of this [chapter/article](#), no person, ~~firm or corporation~~ shall erect, construct, enlarge, alter, repair, move, improve, or convert any sign or sign structure in the city without first obtaining a permit for such sign or sign structure from the city manager or his representative.
- (b) Each application shall be accompanied by:
 - (1) A fee as established from time to time by resolution of the mayor and council.

- (2) A design and stress diagram or plan containing the necessary information to enable the building official to determine that such sign complies with all regulations of the building and electrical codes of the city.
- (3) A sketch or drawing, to scale, of the proposed sign, showing size, dimensions, type, height and other information as required by the city to establish compliance with this [chapter article](#).
- (4) A sketch or drawing, to scale, of the proposed location showing proposed height of installation and distances from all other signs and structures on the [lot](#) and public rights-of-way.
- (c) The city manager or his representative shall review all applications for a permit and accompanying documents within [thirty \(30\)](#) business days of receipt of a completed application. Time for review shall not begin to run until a fully complete application with all required documentation has been submitted to the city, along with payment of the permit fee.
- [\(1\)](#) At or before the conclusion of ~~the~~[this](#) 30-day review period, the city manager [or his representative](#) shall either grant or deny the permit.
- [\(2\)](#) Should a decision not be made on a fully complete application prior the expiration of this 30-day review period, the applicant shall be permitted to erect and maintain the sign that is the subject of the application under this provision unless and until such time as the city manager or his representative notifies the applicant of denial of the application and states the reason(s) for such denial. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such sign, and should the city manager or his representative subsequently deny the application, the sign must be brought into compliance with this article.
- (d) Where an application and accompanying documents show that the desired sign will conform to all requirements of this [chapter article](#) and other pertinent laws and ordinances regulating signage, the permit shall be issued.
- (e) Where an application and accompanying documents describe work which does not conform to the requirements of this [chapter article](#) or other applicable laws and ordinances regulating signage, the permit shall be denied. The reasons for denial shall be set out in writing and mailed by certified mail, return receipt requested, to the address of the permit applicant or hand delivered to the applicant on or before the 30th business day after the city is in receipt of a completed application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission. No permit shall be denied or revoked, except for due cause as hereinafter defined. "Due cause" is the violation of the provisions of this [chapter article](#), any other law or ordinance regulating signage, the submission of an incomplete application, or submission of an application containing false material statements.
- (f) A permit issued shall be construed as a license to proceed with the work, but shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of this [chapter article](#), nor shall such issuance prevent the city manager or his representative from thereafter requiring a correction of errors in plans or in construction or of other violation of this [chapter article](#).
- (g) Every sign erected, constructed or maintained, for which a permit is required shall be plainly marked with the name of the person, ~~firm or corporation~~ erecting and maintaining such sign and shall have affixed on the front thereof the permit number issued for said sign by the city. In case of window displays, the permit number will suffice where the display is maintained by the store licensee.
- (h) Every permit issued shall become invalid unless the work authorized by the permit is commenced within six [\(6\)](#) months after the time the permit is issued; provided that, for cause, one or more extensions of time for periods not exceeding [ninety \(90\)](#) days each may be allowed, and such extensions shall be in writing by the city manager or his representative.
- ~~(i) In the event an application is denied by the city manager or his representative, the applicant may appeal the denial by filing a written notice of denial with the city clerk no later than ten business days after the denial. The mayor and council shall hear the appeal at their next regularly scheduled meeting that is at least six days after the notice of appeal is received. A final decision on an appeal~~

~~shall be rendered by the mayor and council no more than 30 days from the date such appeal was heard.~~

- (j) In the event the city determines that an existing sign has been erected or exists in violation of the standards of this ~~chapter~~ article or other laws and ordinances regulating signage, or has been issued on the basis of an incomplete application or an application containing false material statements, the city manager or his ~~designee~~ representative shall provide notice of revocation to the permit holder in the same manner as a notice of denial. The notice shall provide a time, not sooner than ten (10) business days nor later than thirty (30) business days of the notice, for the applicant to appear before the city manager or his representative and provide evidence as to why the permit should not be denied. A decision by the city manager or his representative upholding the revocation or withdrawing that action shall be reduced to writing and served on the permit holder no later than ten days from the date of hearing. ~~An applicant wishing to appeal a permit revocation may do so by filing a written notice with the city clerk in accordance with procedures for denial of permits. Appeals of the city manager's determination of revocation, following hearing, may be taken in the same manner as appeals from permit denials.~~

Sec. 1907. – Appeals.

~~Notwithstanding the provisions regarding appeals in Article XIV of this ordinance, in the event that the city manager or his representative denies an application submitted under Section 1906(a), revokes a permit under Section 1906(i), or denies a request to erect a Temporary Sign under Section 1917(b), the applicant or the permittee may appeal such decision by filing a written notice of appeal with the city clerk no later than ten (10) business days after such denial. The mayor and council shall hear the appeal at their next regularly scheduled meeting that is at least six days after the notice of appeal is received. A final decision on an appeal shall be rendered by the mayor and council no more than thirty (30) days from the date such appeal was heard.~~

- (a) ~~Should the mayor and council fail to render a decision on a properly and timely filed appeal from the denial of a permit application submitted under Section 1906(a) or Section 1917(b)(1) prior to the expiration of the 30-day period, the applicant shall be allowed to erect and maintain the sign that is the subject of the application under this provision unless and until such time as the mayor and council makes a decision on such appeal. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such sign, and should the mayor and council affirm the denial of the application, the sign must be brought into compliance with this article.~~
- (b) ~~Any appeal of the decision of the mayor and council rendered under this section shall be taken to the superior court by a petition for a writ of certiorari as provided by law.~~

~~Sec. 8-5-7~~ 1908. - Exemptions from permit requirements.

~~The following signs are exempted from the permit requirements of this chapter.~~ The following signs are exempt from the permitting requirements of this article but, notwithstanding, are subject to all other provisions of this article:

- (1) ~~Standard information sign~~ Standard Information Signs, subject to the number limitations provided by this ~~chapter~~ article; provided the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing.
- ~~(2) Official notices and signs posted or displayed by or under the direction of any public official or court officer in the performance of official or directed duties or by trustees under deeds of trust, deeds of assignment or other similar instruments.~~

- ~~(3) Notices of any railroad or other transportation or transmission company necessary for the direction or safety of the public.~~
- ~~(4) Signs not exceeding six square feet erected on property warning the public against hunting, fishing or trespassing.~~
- ~~(5) Signs erected by Red Cross authorities relating to Red Cross emergency stations.~~
- ~~(6) Nameplates not exceeding 24 inches by six inches.~~
- ~~(7) Address numerals not exceeding six inches in height for residential properties nor ten inches in height for nonresidential properties.~~
- (82) One ~~flag~~Flag not exceeding 24 square feet in single family residential districts or 60 square feet in non-residential district, mounted on either a mast arm or vertically mounted flagpole not exceeding 25 feet in height in single family residential districts or 50 feet in height in non-residential districts. Such ~~flag~~Flags do not count toward allowable sign limitations.

Sec. ~~8-5-81909~~. - Wall and ~~awning~~Awning signs.

- (a) Wall and ~~awning~~Awning signs shall be securely fastened to the building surface. Such signs may not project above the parapet wall.
- (b) ~~Wall sign~~Wall Sign shall not project beyond the building face by more than two feet. Awning signs may not project beyond the building face by more than four feet.
- (c) Maximum sign area for ~~wall sign~~Wall Signs:
 - (1) Premises with a wall face of 2,000 square feet or less, 90 square feet;
 - (2) Premises with a wall face over 2,000 square feet (except as provided in subsection (c)(3), five percent of the wall face ~~of~~ 150 square feet, whichever is less;
 - (3) Shopping centers having a gross floor area of 1,000,000 square feet or more, five percent of the wall face or 200 square feet, whichever is less, on each street facing wall, provided further that individual tenants in such shopping centers must have a gross floor area exceeding 100,000 square feet in order to post a ~~wall sign~~Wall Sign for that tenancy;
- (d) Maximum sign letter height on ~~wall sign~~Wall Signs:
 - (1) Premises with a wall face of 2,000 square feet or less, three feet;
 - (2) Premises with a wall face over 2,000 square feet, the three-foot letter height may be increased by three inches per additional 100 square feet of wall face, but not exceeding a letter height of five feet in any case;
 - (3) Shopping centers having 1,000,000 square feet or more, six feet; the six-foot limitation also pertains to any tenant with a gross floor area exceeding 100,000 square feet.
- (e) On all ~~wall sign~~Wall Signs larger than 90 square feet placed above an entrance to a building, there must be a minimum of 24 inches of clear vertical space between the top of the building entrance and the bottom of the ~~wall sign~~Wall Sign, and there must be a minimum of 24 inches of clear vertical space between the top of the ~~wall sign~~Wall Sign and the top of the building.
- (f) Projecting signs shall be mounted a minimum of eight feet from grade level above pedestrian areas and 14 feet above vehicular areas.
- (g) Direct painting of murals, or any hand painting, etchings or drawings, painted directly upon the exterior wall surface of a building shall conform to all standards of this ~~chapter~~article, including permit application and issuance.

Sec. ~~8-5-91910~~. - ~~Window sign~~Window Signs.

- (a) ~~Window sign~~Window Signs are limited to being part of the allowance for ~~wall sign~~Wall Signs, or, as window displays, shall not exceed 25 percent of the window area or building face in commercial and industrial zones. Window displays shall coordinate with existing signage on the premises, shall be in compliance with the standards of this ~~chapter~~article and are included in allowable size limitations.
- (b) Where the wall of a building located in a commercial or industrial zoning district is such that the installation of a ~~wall sign~~Wall Sign is impracticable due to lack of space to which such sign may be attached, ~~window sign~~Window Signs may be designed as a permanent sign to serve the premises. In such case, all other standards concerning size limitations shall be applicable to the ~~window sign~~Window Sign.

Sec. ~~8-5-10~~1911. - ~~Freestanding sign~~Freestanding Signs.

- (a) ~~Freestanding sign~~Freestanding Signs may be either ~~monument sign~~Monument Signs or ~~stanchion sign~~Stanchion Signs. Such signs shall be securely affixed to a substantial support structure which is permanently attached to the ground, and wholly independent of any building for support. In the case of ~~monument sign~~Monument Signs, the primary structural material shall compliment the primary building material of the structure served by the sign so as to achieve similarities and consistency of building materials on the site.
- (b) ~~Freestanding sign~~Freestanding Signs shall be mounted perpendicular to the fronting street, except that one sign, upon submission and approval of installation, may be used in place of two separate signs on corner ~~lot~~Lots. ~~Stanchion sign~~Stanchion Signs and ~~monument sign~~Monument Signs shall be centered 15 feet behind the property line and shall be fully contained within the property lines with the edge of the sign being at least five feet off the right-of-way. ~~Monument sign~~Monument Signs shall be centered within the landscape buffer area perpendicular to the fronting street and shall be fully contained within the property lines. No ~~freestanding sign~~Freestanding Sign shall be located within 30 feet of an existing ~~freestanding sign~~Freestanding Sign, provided this restriction shall not apply to properly installed ~~instructional sign~~Instructional Signs.
- (c) ~~Freestanding sign~~Freestanding Signs utilized by multi-tenant occupancies shall comply with the following additional requirements:
 - (1) Each such sign, whether a monument or ~~stanchion sign~~Stanchion Sign, shall have a decorative base sufficient to house all sign supports within a single structure. Such base shall utilize construction materials that match the construction materials of the multi-tenant development.
 - (2) ~~Stanchion sign~~Stanchion Signs utilized by multi-tenant occupancies shall include decorative pole covers covering the upright supports which shall be comprised of square casings of no less than 18 inches in any one horizontal direction.
 - (3) The exterior color of the sign cabinet (i.e., structural or architectural supports, framing and sign face) shall be compatible with the colors of the multi-tenant development.
 - (4) Landscaping shall be required at the base of all such signs in accordance with the following standards:
 - a. Plantings shall be at a height of at least 12 inches but no more than 18 inches measured from the adjoining grade. Use of a berm with low plantings may be utilized to meet the height requirements for landscaping.
 - b. Plantings shall be designed to provide a decorative foundation for the sign and shall utilize a mixture of greenery and/or flowering plants to create a solid landscaped appearance.
 - c. All plantings shall be maintained free of weeds, with sufficient water and fertilizer. Plantings shall be maintained in a healthy state.
 - d. A landscape plan meeting the requirements of this section shall be submitted for approval to the director of public works or his designee.

- (5) Address numbers eight inches in height shall be applied to the base of the sign in a contrasting color for emergency identification. No structural supporting members shall be visible for such address numbers.
- (d) ~~Interstate sign~~Interstate Sign shall be allowed for commercial zoned properties located on land owned or leased and physically occupied by the entity erecting such a sign where such property contains no less than a 50-foot frontage contiguous to an interstate highway right-of-way. No ~~interstate sign~~Interstate Sign shall be allowed to any owner, whether or not its land lies contiguous to an interstate highway, that does not own at least one acre of land, one side of which is lying immediately contiguous by no less than 50 feet to the right-of-way of said interstate. Further, no ~~interstate sign~~Interstate Sign shall be permitted to a land owner or lessee where there is insufficient footage between the proposed ~~interstate sign~~Interstate Sign location and that of property owners to either of its sides.
- (e) Height limits.
- (1) ~~Stanchion sign~~Stanchion Signs erected along major thoroughfares, except those signs classified as ~~interstate sign~~Interstate Signs, shall be erected to a height of 22 feet.
 - (2) ~~Interstate sign~~Interstate Signs shall not exceed 100 feet in height.
 - (3) ~~Monument sign~~Monument Signs shall not exceed six feet in height.
 - (4) All sign heights shall be measured from the grade level of the adjacent street to which the business has access. The level of the ground shall not be altered in such a way as to provide additional sign height.
- (f) Size requirements.
- (1) ~~Interstate sign~~Interstate Signs. ~~Interstate sign~~Interstate Signs shall not exceed 200 square feet of sign area.
 - (2) ~~Stanchion sign~~Stanchion Signs.
 - a. ~~Stanchion sign~~Stanchion Sign for multiple business parcels exceeding three acres shall not exceed 150 square feet.
 - b. Stanchion ~~sings~~Signs for single business parcels exceeding three acres shall not exceed 120 square feet of sign area.
 - c. ~~Stanchion sign~~Stanchion Sign for parcels less than three acres shall not exceed 90 square feet in size.
 - d. ~~Stanchion sign~~Stanchion Sign for parcels less than 30,000 square feet in size shall not exceed 70 square feet.
 - (3) ~~Monument sign~~Monument Signs. ~~Monument sign~~Monument Signs shall not exceed 60 square feet of total area of the ~~monument sign~~Monument Sign which shall include signage and structure.
- (g) No ~~freestanding sign~~Freestanding Sign may be located within 30 feet of the intersection of street right-of-way lines extended or at a location that would cause an obstruction to vision to vehicular traffic.
- (h) Billboards. Billboards are allowed only along the frontage of I-75 in accordance with the following standards:
- (1) Billboard sign faces shall not exceed 14 feet in height or 48 feet in length for a limitation of 672 square feet in sign area.
 - (2) No ~~billboard~~Billboard may be erected to a height in excess of 75 feet.
 - (3) Tri-vision technology may be utilized on ~~billboard~~Billboards along I-75 provided it meets or exceeds standards of state law.

- (4) No ~~billboard~~Billboard shall be erected within 500 feet of an existing ~~billboard~~Billboard.
- (5) No ~~billboard~~Billboard shall be erected within 500 feet of any public park, public playground, public green space, public recreation area or residentially zoned property.
- (6) LED technology shall be permitted on ~~billboard~~Billboards only in accordance with the lighting standards of section ~~8-5-12~~1913.
- (7) Only one sign face shall face the lane of travel in each direction. No stacking of sign faces or side by side placement of such faces shall be allowed.
- (8) Billboards shall be oriented only toward travelers on I-75.
- (9) All other standards of this ~~chapter~~article, including but not limited to, lighting, maintenance, landscaping, and permitting, shall apply to ~~billboard~~Billboards.

Sec. ~~8-5-11~~1912. - Location restrictions generally.

- (a) No sign shall interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or pedestrians.
- (b) No sign shall be located on any building, fence or other property belonging to another person without the consent of the owner, and as permitted under the provisions of this ~~chapter~~article.
- (c) No sign or sign structure shall be located on utility poles or within the right-of-way of any street or public right-of-way.
- (d) No sign shall be erected or maintained in such a manner as to interfere with safe and free ingress or egress of any door, any window, any emergency exit, or any fire escape.

Sec. ~~8-5-12~~1913. - Lighting.

- (a) No sign shall give off light which glares, blinds, or has any other such adverse effect on traffic. The light from all ~~illuminated sign~~illuminated Sign shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- (b) No ~~illuminated sign~~illuminated Sign shall be constructed or maintained within 75 feet of the property line of any single-family dwelling for non-~~LED sign~~LED Signs or within 250 feet for signs containing LED components. Signs with flashing, intermittent or animated illumination or effect, as well as signs simulating motion through the arrangement and/or timing of lighting, or lighting that fades in and out are prohibited; provided, however, that warning and official regulatory signs meeting standards of the Manual of Uniform Traffic Control Devices are exempt from this restriction.
- (c) No series, lines or rows of electric lights shall be allowed, nor shall the city permit any bare bulb illumination, flashing or moving lights which are not covered with translucent material. Neon signs and lighting shall be permitted only in accordance with the provisions of subsections (d) and (f) below.
- (d) One neon or other type of ~~illuminated sign~~illuminated Sign may be used in the interior window of a store front. Such signs shall not exceed an overall area of two square feet.
- (e) LED technology utilized on signs shall display only static images and shall show no movement, simulated movement, flashing, border variations, background fluctuations, special effects, or other dynamics beyond a static picture. Change of image utilizing LED technology shall be accomplished by instantaneously changing the entire image, without fade-in and fade-outs or changes replicating a page turn. Light intensity shall be set, utilizing available technology, for varying conditions, such as sunny daylight, cloudy daylight and nighttime operations, so as to reduce the distractibility of such signs to the motoring public during nighttime hours and overcast days. ~~LED technology shall not cover more than 50 percent of the allowable sign face on City thoroughfares, including state and county designated highways; provided that for billboards erected along and oriented toward I-75, the entire sign face may utilize LED technology.~~ Each LED display shall maintain a static image for a

minimum of ten seconds before changing to another image. No sign utilizing LED components shall be erected closer than 2,500 feet to another sign already utilizing LED components.

- (f) Signs lighting not meeting the standards of this [chapterarticle](#) is prohibited.
- (g) All components of an ~~illuminated sign~~[Illuminated Sign](#) shall be U.L. listed, or the equivalent thereof, with an identification label that shows the manufacturer of such sign.

Sec. ~~8-5-13~~[1914](#). - Special requirements.

- (a) No sign shall be erected which simulates an official traffic control or warning sign or hides from view any traffic or street sign, signal or public service sign.
- (b) No sign shall contain statements, words or pictures of an obscene nature.
- (c) No sign shall advertise any activity, service, or product prohibited by the laws or regulations of the United States or the State of Georgia or by the ordinances or resolutions of the city.
- (d) No sign shall emit or utilize in any manner any sound capable of being detected on any travelled road or highway by a person with normal hearing.
- (e) No sign shall be erected on the inside of a curve or in any other manner that may prevent persons using the roadway from obtaining an unobstructed view of approaching vehicles.
- (f) For businesses located in buildings for which attachment of a building-mounted sign is not possible due to design of the structure, a sign may be permanently painted on a window surface; provided the sign does not exceed the size and height requirements of this [chapterarticle](#) and is subject to all permit application and issuance requirements of this [chapterarticle](#).
- (g) No sign shall be erected in such a manner so as to prevent ingress or egress through any door or window of any such building, nor in such a manner as to obstruct or be attached to a fire escape.
- (h) No sign shall be painted on, mounted on, or otherwise attached to a vehicle, board or object which, if left stationary, tends to circumvent the intent of this Code and the limitations of the sign regulations prescribed herein.
- (i) Banners, [flag and Flags](#) exceeding the standards exempted from permit requirements and promotional tents are permitted only with permission of the city manager or his designee in accordance with the standards and regulations of section ~~8-5-17~~[1917](#)(b). No inflatable devices will be permitted under any provision of the sign code.
- (j) No sign shall be erected by nailing, fastening or affixing the sign in any manner to any tree, post, curve or utility pole.

Sec. ~~8-5-14~~[1915](#). - Construction and maintenance.

- (a) No sign shall be erected or maintained unless it is structurally safe, clean and in good repair.
- (b) Except as otherwise provided in this [chapterarticle](#), all signs for which a permit is required shall be constructed and maintained in conformance with the city building and electrical codes. Such signs, together with their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
- (c) ~~Freestanding sign~~[Freestanding Sign](#)s with translucent sign faces shall be composed of pan molded background with embossed copy. In the case of a sign with copy less than six inches, or a sign face smaller than two feet by four feet, a pan face with flat copy may be used. In the case of a sign face larger than 100 square feet, and exceeding 40 feet in height, a flex face may be used. Existing wall or fascia signs utilizing an integrated translucent sign face shall meet the standards of this subsection. At such time as sign face panels are replaced, new wall and fascia signs erected after the effective date of this section shall not be erected with a new translucent face but shall rather meet the standards of subsection (d).

- (d) As of the effective date of this section, all ~~wall-sign~~Wall Signs erected on business or industrial properties within the city shall consist of individualized channelized letters or characters powered by electric strips. Where a sign applicant desires to incorporate into the sign design a logo or other figure for which an individually fabricated character is not possible, such logo or other representation may be made as an individual component fitting into a channelized letter scheme utilizing a pan face with flat copy, provided that such pan face with flat copy may not exceed 25 percent of the overall allowable signage allowance for said sign.
- (e) All signs of plastic material, including copy, facing or display surface, must be in accordance with ASTM D 65 (American Society for Testing and Materials).
- (f) All edges and backs of signs shall be fully encased in metal or other noncombustible material.
- (g) Every sign may be inspected by the building inspector from time to time, as the city manager or his representative may require, so as to determine the continuing compliance with this Code.
- (h) Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the city manager or his representative, the owner thereof, or the person ~~or firm~~ maintaining the same, shall upon written notice from the city manager or his representative, forthwith in the case of immediate danger and in any case within ten days, secure the same in a manner to be approved by the city manager or his representative, in conformity with the provisions of this Code, or remove such sign. If such notice is not complied with within ten days, a formal citation will be issued for the violation.

Sec. ~~8-5-15~~1916. - Regulations and restrictions applicable to specific business categories.

In addition to general regulations and restrictions applying to all signs, signs for specific categories of commercial uses shall comply as follows:

- (1) Shopping centers and office parks.
 - a. Areas designated as shopping centers or office parks shall be permitted one ~~freestanding sign~~Freestanding Sign for each major access drive to the property from a public street or highway.
 - b. In developments of 1,000,000 or more square feet, including planned out-parcels of such developments, or in developments classified as a planned center, all ~~lot~~Lots or parcels shall maintain sign structures to a height and square footage in accordance with the criteria of the original development.
 - c. Areas designated as office parks shall be allowed one sign per building as shared tenant signage and on which all tenants shall have equal space and access. Such signs shall be ~~monument sign~~Monument Sign which must conform to and be in consonance with the surrounding area stylistically and shall not exceed six feet in height nor 60 square feet of total area.
 - d. Individual signs qualifying as ~~wall-sign~~Wall Signs may be permitted for individual tenants in shopping centers and single-story office parks.
 - e. In addition to the ~~freestanding sign~~Freestanding Sign allowance for multi-story buildings, multi-story buildings shall be allowed one ~~wall-sign~~Wall Sign for shared use by its tenants. Individual signs mounted on the wall by individual tenants in a multi-story building shall not be permitted.
- (2) Commercial ~~lot~~Lots.
 - a. Each business located within one parcel of property and fronting on only one roadway, other than a designated shopping center or office park, shall be allowed one ~~freestanding sign~~Freestanding Sign, and one building-mounted sign and ~~instructional sign~~Instructional Signs as necessary for proper traffic orientation, except where two or more businesses are located under one roof, then only one sign of the freestanding type specified shall be

allowed for all, and further provided that businesses meeting the standards of subsection (e) of this section shall be permitted one additional ~~freestanding sign~~ Freestanding Sign.

- b. Where such parcels are located with frontage along two roadways, a business will be allowed one ~~freestanding sign~~ Freestanding Sign and one building-mounted sign on each frontage plus ~~instructional sign~~ Instructional Signs as required, provided that only one ~~freestanding sign~~ Freestanding Sign shall be permitted on each frontage where two or more businesses are located under one roof, and provided further that at no time shall any single business parcel contain more than a total of four building-mounted and ~~freestanding sign~~ Freestanding Signs, except as provided in ~~subsection paragraph (e) hereof of this subsection~~, and at no time shall a single business parcel contain more than five building-mounted and ~~freestanding sign~~ Freestanding Signs.
- c. Those parcels qualifying for ~~interstate sign~~ Interstate Signs will be allowed one ~~interstate sign~~ Interstate Sign provided that no increase is made in the total allowable number of signs per business or parcel.
- d. No ~~lot~~ Lot or parcel shall be allowed more than two ~~freestanding sign~~ Freestanding Signs, except as provided in ~~subsection paragraph (e) of this subsection~~, and at no time shall a ~~lot~~ Lot or parcel be allowed more than three ~~freestanding sign~~ Freestanding Signs.
- e. Two ~~freestanding sign~~ Freestanding Signs along a single roadway will be allowed for businesses which hold two or more exclusive franchises to sell products in the city provided that:
 1. The business must have for sale new products on the premises from at least two separate manufacturing corporations that must have a sale price that averages no less than \$10,000.00 per item;
 2. There must be a minimum of 375 linear feet of road frontage on the side of the parcel where the second ~~freestanding sign~~ Freestanding Sign would be placed; and
 3. There must be a minimum of 100 linear feet between the two ~~freestanding sign~~ Freestanding Signs and the signs must be placed at least 50 linear feet from the corner boundary line of the parcel; and
 4. All other provisions of the Code regarding ~~freestanding sign~~ Freestanding Signs shall apply.
 5. On any road frontage where there are two ~~freestanding sign~~ Freestanding Signs on a single road frontage, both such signs shall be ~~monument sign~~ Monument Signs.
 6. A minimum of 25 percent of the inventory of each new product offered for sale at a price of not less than \$10,000.00 must be maintained on the premises to qualify for the additional sign permitted under this section.
- (3) Apartments, churches, condominiums and schools. One ~~monument sign~~ Monument Sign not to exceed six feet in height and 60 square feet is allowed.
- (4) ~~Standard information sign~~ Standard Information Signs. In addition to any other sign authorized on commercial and industrial zoned property, such property may contain not more than one standard informational sign located so that the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, provided, however, that an unlimited number of standard informational signs are allowed during a political election between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee and no permit are required for such ~~standard information sign~~ Standard Information Signs.

~~Sec. 8-5-16. Instructional sign~~ Instructional Signs.

~~(a) Instructional signInstructional Signs shall contain only instructional information and shall not be used for the purpose of business name and/or advertisement.~~

~~(b) Instructional signInstructional Signs are limited to traffic direction and services are permitted at each major access drive to the property. The signs shall be limited to a minimum number to provide adequate traffic information.~~

Sec. ~~8-5-171917~~. - ~~Temporary signTemporary Signs~~.

(a) Vacant and undeveloped property. Any property which is not occupied on a regular basis and any property which is currently undeveloped may contain only one sign as authorized by this subsection, except during an election period as provided herein. Vacant and undeveloped properties may house one ~~freestanding signFreestanding Sign~~ not exceeding 12 feet in height from ground level. The size of such sign is limited as follows:

- (1) Signs for multiple business parcels exceeding three acres in size, 120 square feet;
- (2) Signs for single business parcels exceeding three acres in size, 90 square feet; and
- (3) Signs for parcels less than three acres in size, 60 square feet.

Provided, however, that an unlimited number of ~~freestanding signFreestanding Signs~~ with sign faces of 16 square feet or less and 12 feet in height or shorter are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate, and no permit shall be required for such signs during an election period.

(4) In addition to any other sign authorized by this subsection, such property may contain no more than one standard informational sign located so that the stake is not closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing, provided, however, that an unlimited number of standard informational signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee or permit is required for such ~~standard information signStandard Information Signs~~. No such ~~standard information signStandard Information Sign~~ shall be erected on vacant or undeveloped property without the express permission of the owner of such property.

(b) Special signs.

(1) ~~Temporary signTemporary Signs (including bannerBanners)~~ may be ~~allowed for grand openings and special promotionserected during the period that a special eventSpecial Event occurs~~ subject to the approval of the city manager or his representative in accordance with the following standards:

- a. Such special signs are limited to three (3) times per year for a maximum of ten (10) days each.
- b. Special signs are limited to no more than one (1) promotion per calendar quarter, i.e., January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31.
- c. The display of special signs must be separated by at least thirty (30) days.
- d. The maximum sign letter height of special signs is three (3) feet.
- e. Permission of the property owner or lessee must be obtained in writing.
- f. No sign or ~~bannerBanner~~ shall exceed forty (40) square feet in area.

(2) Use of a single ~~special bannerBanner sign~~ to be displayed in lieu of a building mounted sign pending arrival and installation of such building mounted sign may be displayed for a maximum period of sixty (60) days from date of first display, including Saturdays, Sundays and holidays.

Use of a ~~special banner~~Banner sign to be displayed in lieu of a building mounted sign may also be made by businesses occupying ~~city~~any premises on a temporary basis for a period not to exceed ~~sixty~~ (60) days in any one calendar year. Display of such ~~special banner~~Banners signs shall be subject to all size, lettering and placement limitations of an allowable ~~wall sign~~Wall Sign under section ~~8-5-81909~~ of this ~~chapter~~article for each business utilizing such a ~~special banner~~Banner sign. Approval for such ~~special banner~~Banner signs may be granted by the city manager or his design~~ated representative~~ upon presentation to him of proof that a permanent sign is on order and will be installed within ~~sixty~~ (60) days or, alternatively, that the business is a temporary business which will be open for no more than ~~sixty~~ (60) days in any one ~~(1)~~ calendar year. ~~Positively n~~No extensions of the time limits ~~granted by~~contained in this subsection will be granted. Any ~~banner~~Banner erected pursuant to this paragraph shall be in good condition and professionally prepared by a company that fabricates signs and/or ~~banner~~Banners as a regular, recurring line of business.

Sec. ~~8-5-181918~~. - ~~Nonconforming sign~~Non-conforming Signs.

- (a) Signs which on the effective date of this section were approved and erected under previous sign restrictions or which became nonconforming with respect to the requirements of this ~~chapter~~article, may continue in existence so long as the sign has not deteriorated or been damaged to an extent to make it a hazard or unsightly, and no structural change in the size, shape, or design of the sign structure is made. No ~~nonconforming sign~~Non-conforming Sign shall be moved in whole or in part to another portion of the ~~lot~~Lot or parcel or shall be redesigned or expanded unless such changes result in the sign meeting the standards of this ~~chapter~~article and becoming conforming. If use of the premises served by the ~~nonconforming sign~~Non-conforming Sign ceases for any reason for a period of more than 90 days, then any such sign shall lose its nonconforming status and any subsequent sign erected for the premises shall conform with the regulations of this ~~chapter~~article; provided that this provision shall not preclude the substitution of sign panels on a sign structure which shall be allowable.
- (b) Any ~~temporary sign~~Temporary Sign erected in violation of this ~~chapter~~article may be removed by duly authorized employees of the city from any public property or right-of-way, and a responsible party may be cited for such violation.
- (c) A conforming sign or advertising device shall not be erected for the same establishment on the same ~~lot~~Lot with an existing ~~nonconforming sign~~Non-conforming Sign until the ~~nonconforming sign~~Nonconforming Sign has been removed.
- (d) Where a ~~nonconforming sign~~Non-conforming Sign would otherwise be entitled to continuation under subsection (a) but is damaged by act of God, such sign may be repaired and restored to its preexisting condition prior to the damage having occurred, provided the natural life of the sign prior to such damage occurring shall not be extended.

Sec. ~~8-5-191919~~. - Erection on rights-of-way.

No sign of any kind shall be permitted to extend into or above or to be anchored or placed in any portion of the right-of-way of a state or county highway, or city street, or public sidewalk (~~except official city, state and county signs~~), and in no case, closer than five feet to a curb line.

~~Sec. 8-5-20. -- False advertising.~~

~~No person shall display untrue, false or misleading statements upon signs calculated to mislead the public as to anything sold, any services to be performed or information disseminated. The fact that any sign or display shall contain words or language sufficient to mislead an ordinary person in reading it, shall be prima facie evidence of a violation of this section by persons displaying the signs or permitting them to be displayed upon their property, at their residence, establishment or place of business.~~

Sec. ~~8-5-211920~~. - Restrictions on signs in residential zoning districts.

- (a) Multi-family developments shall be accorded the signage limitations allowed for commercial property and shall not be regulated by this section.
- (b) Any residential developed property which is zoned other than multi-family residential may post only such signs as are authorized by this section and shall comply with the following requirements.
 - (1) ~~Freestanding sign~~Freestanding Signs, ~~wall sign~~Wall Signs. Such property may contain no more than one ~~freestanding sign~~Freestanding Sign or ~~wall sign~~Wall Sign, the area of which shall not be greater than ten square feet. Any ~~freestanding sign~~Freestanding Sign shall not be erected to a height greater than four feet above the grade level of the adjacent street on which the parcel fronts and shall be set back so that no portion of the sign, including support members, is located closer than ten feet from the back of the curb or from the edge of the pavement on streets with no curbing. ~~Freestanding sign~~Freestanding Signs shall not project over property lines.
 - (2) ~~Standard information sign~~Standard Information Signs. In addition to any other sign authorized by this section, such property may contain no more than one ~~s~~Standard informational ~~s~~Sign located that the stake is no closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing and no part of the placard is closer than ten feet to the back of the curb or from the edge of the pavement on streets with no curbing. Provided, however, than an unlimited number of ~~s~~Standard informational ~~s~~Signs are allowed during a political election, between the date of close of filing for qualification of candidates and final determination on each ballot issue or candidate. No fee and no permit are required for such ~~s~~Standard informational ~~s~~Signs.
 - (3) Permanent subdivision signs. In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then such property may contain not more than one permanent subdivision sign.

Sec. ~~8-5-22~~1921. - Variances.

- (a) ~~Where a literal application of the terms of this chapter, due to special circumstances, will result in an unusual hardship in an individual case, a~~Notwithstanding the administrative variance provisions of Article XIV of this ordinance, A variance ~~from the literal applications of the terms of this article may~~shall be granted by the mayor and council only upon a properly filed application for a variance and only where the following conditions exist:
 - (1) Exceptional conditions pertain to the property where the sign is to be located as a result of a property size, shape or topography which are not applicable to other lands or structures in the general vicinity.
 - (2) The applicant will be deprived of rights for signage that are commonly enjoyed by others similarly situated.
 - (3) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated.
 - (4) The exceptional circumstances are not the result of action by the applicant.
 - (5) The request constitutes the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
 - (6) Granting of the variance would not violate more than one standard of this ~~chapter~~article.
 - (7) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstructs or otherwise interferes with the safe and orderly movement of traffic.
- (b) Notwithstanding the administrative variance provisions of Article XIV of this ordinance, an application for variance from the provisions of this ~~chapter~~article shall be submitted to the city clerk and shall be referred to the zoning administrator for investigation and recommendation. The

applicant for variance shall be placed on a council agenda no less than thirty (30) nor more than sixty (60) days from the date of application. Notice of all variance applications shall be made in the same manner as notice of zoning variances. The city council shall render a final decision on all variance applications within thirty (30) days of hearing the matter. Any applicant for whom variance is denied may petition for writ of certiorari from ~~the council~~ decision to the superior court.

(c) In the event of any conflict between the application of any other provision of Appendix A and this section as to the requirements for a variance for any sign, this section shall control.

Sec. ~~8-5-23~~1922. - Removal of defective signs.

~~(a) Any sign which no longer advertises a bona fide activity, business, product or service related to the premises on which the sign is erected shall be taken down or removed by the owner, agent or person having the beneficial use of the building or structure upon which the sign may be found, provided that where a sign structure is otherwise safe and in good repair, removal of the sign face and replacement with a blank panel will be sufficient to comply with the provisions of this chapter.~~

~~(b)~~ Any sign which has become damaged or dilapidated to the extent that it is unsightly or a hazard to the public shall be removed by the owner, agent or person having the beneficial use of the building or structure upon which the sign may be found.

~~(c)~~ In the event a sign or sign face is required to be removed under the provisions of this section and the owner, agent or person having beneficial use of the building or structure fails to do so upon his own initiative, the city manager may provide notice by certified mail, return receipt requested, or by hand delivery to the responsible person directing that the sign be removed or otherwise brought up to standard. The notice shall provide a reasonable time within which to accomplish such removal, but generally no more than 30 days. Failure of the owner or other responsible person to remove or repair the sign in accordance with the notice shall result in issuing of a citation to the owner and placing the case on the municipal court docket for hearing as a nuisance, provided that where a sign is dilapidated to such an extent that the safety of the public is endangered thereby, the city manager is authorized to secure or remove the sign so as to alleviate the hazard to the public. In making such an emergency repair or removal, the city manager shall attempt to contact the owner, agent or person having beneficial use of the building or structure and shall document all such attempts as part of the public record.

~~(d)~~ Appeals from an adverse decision under this section in the municipal court shall be taken by filing for petition for a writ of certiorari as authorized by law.

Sec. 1923. – Lapse of sign permit.

(a) A sign permit shall be deemed to lapse automatically where any of the following circumstances occur for the premises upon which the sign that is the subject of the permit is located:

(1) The ~~business license~~ occupation tax certificate for the premises lapses, is revoked, or is not renewed; or

(2) The business activity on the premises at the time the permit was issued is discontinued for a period of 180 days or more and is not renewed within 30 days after notice to the last permittee, sent to the premises, that the sign permit will lapse if the activity is not renewed.

(b) Any sign that is the subject of a sign permit that has lapsed under this section shall be taken down or removed by the owner, agent or person having the beneficial use of the premises upon which the sign is located. Where the structure of the sign is otherwise safe and in good repair, removal of the sign face and replacement with a blank panel will be sufficient to comply with the provisions of this section.

- (c) In the event a sign or sign face is required to be removed under the provisions of this section and the owner, agent or person having beneficial use of the building or structure fails to do so upon his own initiative, the city manager may provide notice by certified mail, return receipt requested, or by hand delivery to the responsible person directing that the sign be removed or otherwise brought up to standard. The notice shall provide a reasonable time within which to accomplish such removal, but generally no more than 30 days. Failure of the owner or other responsible person to remove or repair the sign in accordance with the notice shall result in issuing of a citation to the owner and placing the case on the municipal court docket for hearing as a nuisance, provided that where a sign is dilapidated to such an extent that the safety of the public is endangered thereby, the city manager is authorized to secure or remove the sign so as to alleviate the hazard to the public. In making such an emergency repair or removal, the city manager shall attempt to contact the owner, agent or person having beneficial use of the building or structure and shall document all such attempts as part of the public record.
- (d) Appeals from an adverse decision under this section in the municipal court shall be taken by filing for petition for a writ of certiorari as authorized by law.

Sec. 8-5-241924. - Penalties.

Any person determined to have violated the sign ordinance shall, upon conviction, be subject to a fine of \$250.00, imprisonment or labor on the public works for not more than 90 days, or by any combination thereof.

Sec. 1925. - Substitution.

The owner or the permittee of any sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any other commercial or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision in this article to the contrary.

Sec. 1926. - Severability

It is hereby declared the intention of Mayor and Council that all parts, sections, subsections, paragraphs, sentences, clauses, phrases, terms and words of this division are or were, upon their enactment, believed by Mayor and Council to be fully valid, enforceable and constitutional.

It is hereby declared the intention of Mayor and Council that, to the greatest extent allowed by law, each and every part, section, subsection, paragraph, sentence, clause, phrase, term and word of this division is severable from every other part, section, subsection, paragraph, sentence, clause, phrase, term and word of this division. It is hereby further declared the intention of Mayor and Council that, to the greatest extent allowed by law, no part, section, subsection, paragraph, sentence, clause, phrase, term, or word of this division is mutually dependent on any other part, section, subsection, paragraph, sentence, clause, phrase, term or word of this division.

In the event that any word, term, phrase, clause, sentence, paragraph, subsection, section or part of this division shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections or parts of the division and that, to the

greatest extent allowed by law, all remaining words, terms, phrases, clauses, sentences, paragraphs, subsections, sections and parts of the division shall remain valid, constitutional, enforceable, and of full force and effect.