

Ordinance #114

Section 11.44.010

TITLE, SCOPE AND ENFORCEMENT

Title

Sec. 101. These regulations shall be known as the "Town of Ennis Sign Ordinance." May be cited as such, and will be referred to herein as this "ordinance."

Scope and Purpose

Sec. 102. The purpose of this ordinance is to provide guidelines for sign design, sign location, material type, size and all other relative factors pertaining to signs within the Town of Ennis.

The most effective way to monitor sign development is through sign permission and regulation process. This process is intended to allow such signs that will not by their size, location, design, construction or manner of display endanger the public health and safety of individuals, confuse or obstruct the view of or interfere with official traffic devices, signs, signals, or otherwise endanger public health, safety, etc. Ennis's mountain location and western style theme have been recognized as a viable method of promoting economic stability. These assets, theme and location enhance a high level of tourism and related economic activity. Therefore, it is imperative that signs, in the Town of Ennis, compliment the western theme in the Zoning Districts of the Town of Ennis.

(A) APPLICATION: All new or remodeled signs within residential and commercial zones shall be permitted, provided that they meet all standards and provisions of this ordinance. The permitting

process may be administrative or if necessary, reviewed by a hearing body.

- (B) BASIS FOR DESIGN: The basis for design shall be the Western Architectural Theme.

- (C) TERMINOLOGY: The word "Town" shall mean the Town of Ennis, Montana. The words "Town Council" shall mean the Town Council of Ennis, Montana. The words "Zoning Administrator", "Planning Director" and "Building Inspector" shall mean the Mayor, Zoning Administrator and Building Inspector respective of the Town of Ennis. The words "Architectural Board" shall mean the Town of Ennis Architectural Design Review Board.

Enforcement

Sec. 103.

- (A) AUTHORITY: The zoning administrator, mayor or their appointed official is hereby authorized and directed to enforce the provisions of this ordinance. For these purposes the zoning administrator, mayor or appointed official shall have the power of a law enforcement officer.

- (B) RIGHT OF ENTRY: When necessary to make an inspection to enforce the provisions of the ordinance, or whenever the zoning administrator or an authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition or ordinance violation which makes the sign or premises unsafe, dangerous or hazardous, the zoning

administrator or an authorized representative may enter the premises at reasonable times to inspect the same or to perform the duties imposed upon the zoning administrator by this ordinance. If the building or premises are occupied, the zoning administrator shall first present proper credentials and request entry. If the building or premises is unoccupied, the zoning administrator shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the zoning administrator or the authorized representative shall have recourse to the remedies provided by law to secure entry.

- (C) BOARD OF APPEALS: In order to provide for reasonable interpretation of the provisions of this ordinance there is hereby established a board as provided in Section _____ of the Town of Ennis Zoning Ordinance.
- (D) VARIANCES: Granted by the Town of Ennis Architectural Design Review Board.
- (E) VIOLATIONS: It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain a sign or sign structure in this jurisdiction, or cause or permit the same to be done, contrary to or in violation of the provisions of this ordinance.
- (F) PENALTIES FOR VIOLATIONS: Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or

causing the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than \$100.00. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every week during any portion of which any violation of this ordinance is committed or continued by such a person, firm or corporation and shall be punishable as herein provided.

- (G) INJUNCTIVE RELIEF: The foregoing sanctions shall not be exclusive, and where the public health, safety, morals or general welfare will be better served there by, the Town Council may institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Montana. In the enforcement of provision prohibiting nuisances caused by odor, sound, vibration and the like, the Town Council may seek an injunction against the specific device, activity, or practice causing the nuisance.

Town of Ennis shall not be responsible for the condition or storage of the component parts of, or personal property situated within, the structure following abatement by the Town of Ennis or the County. The remedy of abatement shall be in addition to and not in lieu of the other remedies prescribed.

- (H) BUILDING OWNER RESPONSIBILITY: The owner of a building in which a business or businesses are conducted, subject to the provisions

of this section shall be responsible for tenants' compliance with this ordinance.

(4) EXISTING, NON-CONFORMING, ILLEGAL AND ABANDONED SIGNS:

1. Non-conforming signs are signs which do not meet with the physical criteria stated herein, or in other ways are in violation of this ordinance. [§] Compliance shall be made at such time signage is repaired, replaced or the building is remodeled or structures added, ^{or within ninety days of sale of business} Existing signage compliance shall be reviewed by the Zoning Administrator upon sale of said business.

2. Special requirements for a non-conforming sign which is structurally altered, relocated or replaced shall immediately conform to the requirements of this ordinance except that:
 - a. A sign may be removed from its sign structure for the purpose of repair or maintenance.
 - b. Signs may be structurally altered where such alteration is necessary for public safety.
 - c. Such sign may be reinstalled if they are moved for construction or repairs of public works or public facilities and such reinstallation is completed within one (1) year.
 - d. Such signs may be installed if they are damaged by an act of God or an accident, provided such damage does not

exceed fifty (50) percent of the cost of reconstruction of the entire sign and provided that such sign is reconstructed within one hundred eighty (180) days of the date the sign is damaged.

3. Abandoned signs shall be removed within thirty (30) days by the owner or lessee of the premises upon which the sign is located when the advertised business is no longer conducted on the premises, or signage which is in disrepair or deterioration or unsafe state. Abandoned signs may be removed and cost may be collected as provided in part (4) (Non-conforming) of this ordinance. Signs must be removed thirty (30) days from time of formal notice.
4. Non-conforming signs which are erected in violation of this ordinance may be removed by the Town of Ennis following notice to the property owner. The property owner will be assessed the cost of the sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the Town exercises its authority under this provision.

Section 11.44.020

DEFINITIONS AND ABBREVIATIONS

Definitions

Sec. 201. For the purpose of this ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter, or as specified in the sign ordinance. Where terms are not defined, they shall have their ordinarily accepted meaning

within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing the ordinarily accepted meanings. Words in the singular include the plural and the plural, the singular. Words used in the masculine gender include the feminine and the feminine the masculine. Words used in the present tense include the future, the word "shall" is mandatory and the word "building" includes structures other than sign structures.

Specific Definitions

Sec. 202. The following words and phrases used in this article have the meanings given to them in this section.

- (A) Awning: A structure made of cloth, metal or similar material with metal frames attached to a building, projecting over a thoroughfare or entrance.
- (B) Banner: A flag, bunting or other flexible sign characteristically hung on a building, or otherwise suspended down or along its face or across any public street of the town. The banner may or may not include copy or other graphic symbols.
- (D) Bench Sign: Any sign painted on or otherwise attached to a bench or other seat.
- (D) Billboard: A sign structure erected for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premises on which the billboard is located.
- (E) Business: All of the activities carried on by the same legal entity on the same premises and shall include but not be limited

to, service, commercial and industrial uses and fraternal, benevolent, educational, governmental and social obligations.

(F) Business Complex: One property ownership with the property owner and one (1) or more business tenants as occupants or two (2) or more business tenants as occupants of the property. In a business complex, business tenants include retail shops, executive or administrative services including medical clinics and accessory pharmacies, professional offices and personal service establishments which perform personal services on their premises and similar uses.

(G) Canopy: A permanent roofed structure which may be freestanding or partially attached to a building for the purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean a completely enclosed structure.

(H) Display Surface: The area made available by the sign structure for the purpose of displaying a message thereon.

(I) Eaves: Lowest horizontal line of any roof.

(J) Erect: To construct, paint, place, affix or otherwise bring into being.

(K) Facade: Any face of a building.

1. DOMINANT - the principal facade of the building where its principal entrance is located and which may or may not face the street upon which its legal address is located.
2. SUBORDINATE - the sides or rear of a building; facades other than the dominant facade.

(L) Frontage Building: That facade of building which faces and is

- parallel to, or most nearly parallel to, the public street which provides the primary direct vehicular access to the building.
- (M) Frontage Street: A lot line fronting a public street, unless the premises has only one such frontage, the width along such lot line must be at least fifty feet (50') to qualify as a "frontage."
- (O) Maintain: To allow to exist or continue.
- (P) Person: An individual, corporation, partnership, association, joint venture or other legal entity.
- (Q) Roof Line: The line which marks the highest point of the vertical front of a building in the case of a false front, or the line where the roof is joined to the vertical front wall of the building in other cases.
- (R) Shopping Center: A premise planned and developed as a unit with an undivided, non-segregated parking area and is advertised as a center or mall and has multiple occupancy by businesses.
- (S) Sign: A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location. Signs do not include the following:
1. Flags of nations or an organization of nations, states, and cities, fraternal, religious and civic organizations.
 2. Merchandise, pictures, models, products or services in a window display.
 3. Time and temperature devices not related to a product.
 4. National, state, religious, fraternal, professional and civic symbols or crests.

5. Works of art which in no way identify a product or imply a service.

(T) Zone: A zoning district established pursuant to the Town of Ennis Zoning Ordinance.

Sign Types

Sec. 203. Sign types include the following:

- (A) Building Directory Sign: A sign giving the name, address, number or location of the occupants of a building or buildings.
- (B) Directional Sign: An on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, motor vehicle route, telephone or similar place, service or route.
- (C) Flexible Sign: A windsock, flag, pennant, streamer or banner or similar sign
- (D) Free-Standing Sign: A sign supported by one or more uprights or braces not attached or incidentally attached to any building or structure but does not include ground mounted signs.
- (E) Ground-Mounted Sign: A permanently mounted sign which is not attached to any structure or building.
- (F) Internally Illuminated Sign: A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
- (G) Non-Conforming Sign: A sign erected that does not comply with the provisions contained herein.
- (H) Off Site Sign: Any sign off the main business premises.
- (I) Outdoor Advertising Sign: A sign which advertises goods, products

- or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
- (J) Portable Sign: Any sign or other graphic which is designed to be or is capable of being transported from one place to another.
- (K) Projecting Sign: A sign which extends perpendicularly or nearly perpendicularly from the building face to which it is attached.
- (L) Roof Sign: A sign located on or above the roof of any building, not including a false mansard roof or other fascia.
- (M) Temporary Sign: A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wall board, sheet metal, plywood or similar materials and intended to be displayed for a limited period of time.
- (N) Wall Sign: A sign painted or otherwise affixed to the face of a building, roof overhang, facade or gable end in a plane parallel to such face.

Section 11.44.030

PERMITS, FEES AND INSPECTIONS

Permits Required

Sec. 301. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this ordinance and after a permit has been issued by the Zoning Administrator. A separate permit shall be required for a sign or signs for each business entity.

Application for Permit

Sec. 302. Applications for a sign permit shall be made in writing or as needed upon forms furnished by the Zoning Administrator. The application shall contain the location by street, lot, block and subdivision of the proposed sign and/or sign structure, as well as the name and address of the owner and the sign contractor or erector. Such applications shall include a scaled drawing of the sign including dimensions, height, materials, color and showing its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. A plot plan drawn to scale shall be submitted which indicates the location of proposed signing relative to street and property lines.

Prior to the issuance of the sign permit, the Zoning Administrator may review the construction aspects of the proposed sign. The Zoning Administrator or Zoning Board may require other pertinent information when in their opinion such information is necessary to determine compliance with the provisions of this ordinance.

Approval

Sec. 303. The Zoning Administrator shall issue a permit for a sign covered by applications duly made unless the sign is in violation of the provisions of this ordinance.

The sign permit identification shall be permanently attached to the sign. Sign to be installed within six (6) months of permit issuance.

Revoking of Permit

Sec. 304. The Zoning Administrator may revoke a sign permit if it is found that there was a material and misleading false statement of fact in the application for the permit.

Fees

Sec. 305. A sign permit fee shall be paid in accordance with the schedule established by the Ennis Town Council.

Maintenance

Sec. 306. All signs together with all their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained as applicable. No person shall scatter, dab or leave any paint, paste or glue or other substance used for painting or affixing a message to the display surface of any sign, or throw or permit to be scattered or thrown any bills, waste matter, paper, cloth or materials of any kind removed from a sign on any public street, sidewalk or private property.

Inspections

Sec. 307. Signs for which a permit is required shall be subject to inspection by the Zoning Administrator.

Section 11.44.040

DESIGN, CONSTRUCTION AND SAFETY STANDARDS

Design

Sec. 401. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural

frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of the earth super-imposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

Wind loads and seismic loads on signs shall be designed and constructed to withstand wind load and seismic forces as specified in Chapter 23 of the Uniform Building Codes. Wind and seismic loads need not be combined in the design of signs and only that load producing the larger stresses need be used. Vertical design loads, except roof line loads, shall be assumed to be acting simultaneously with the wind and seismic load.

The design of wood, wrought iron and concrete members shall conform to the requirements of Chapters 25, 26, 27, and 28 of the Uniform Building Codes. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the Uniform Building Codes.

The working stresses of wire rope and its fastenings shall not exceed twenty-five (25%) percent of the ultimate strength of the rope or fasteners.

Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed safe values. Braced ground signs shall be

anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull out amounting to a force of twenty-five (25%) percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than the frost line.

Construction:

Sec. 402. Supports for signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this ordinance. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion c/screws of sufficient size and anchorage to support safely the loads applied.

Unless a wall is designed in accordance with the requirements specified in Chapter 23 of the Uniform Building Code, no anchor or support of any sign or wall facade for signs shall be connected to or supported by an unbraced parapet wall.

Safety

Sec. 403. Signs shall be located not less than eight (8') feet horizontally and twelve (12') feet vertically from overhead electrical conductors which are energized in excess of standard service loads as determined by the utility company providing the service. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground except

such conductors as are enclosed in the iron pipe or other material covering of equal strength.

All electrical equipment used in connection with such signs shall be installed in accordance with the Uniform Electrical Code. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or stairs.

Projection and Clearance

Section 404. The outermost portion of an overhanging sign, device or structure should be no more than four (4') feet beyond the face of the building and the lowest portion of an overhanging sign, device or structure should be at least ten (10') feet above the top of the curb, sidewalk or roadway shoulder elevation.

Sign Measurement

Sec. 405.

(A) Area or area of a sign is the area within any perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign with no such perimeter or the area of a sign with irregular shape shall be computed by enclosing the surface area within a known geometric size or shape. The area of all signs in existence at the time of the enactment of this ordinance, whether conforming or non-conforming, shall be counted in establishing the permitted sign and of all new signs to be allowed for an individual business or premises. Where a sign is of three dimensional or round or irregular size shape, the largest

cross section shall be as though it were a flat surface to determine area.

- (B) When the area of the front building facade is used to determine sign area, said area shall be computed by multiplying the width of the building frontage or portion thereof by the height of the building or portion thereof which is devoted to the particular business. "False fronts" and mansard roof may be included when calculating the area of the building facade.

PERMITTED MATERIALS

Sec. 406. Materials for construction of signs and sign structures shall be the quality and grade as specified for building in the Uniform Building Code. In all sign and sign structures, the material and detail of construction shall, in absence of specified requirements should be constructed of wood or iron only. Use of materials other than those permitted may be approved by the Architectural Design Review Board, providing the materials are not inconsistent with the Western Theme.

SIGNING TECHNIQUES

Sec. 407. Signing techniques shall be in conformance with the Western Architectural Theme and permitted as follows:

- (A) Painting the sign directly on the facade of the building.
- (B) Painting of a sign on a finished material or sign board which is subsequently affixed to the building subject to Section 11.44.050, WALL SIGNS.

(C) Affixing raised block letters directly on the facade of the building.

LETTERING TECHNIQUES

Sec. 408. Lettering techniques shall be in conformance with the Western Architectural Theme and permitted as follows:

- (A) Ornamental Lettering, as provided in Exhibit A-1.
- (B) Shaded block or shaded ornamental lettering painted on contrasting colors on flat surfaces as provided in Exhibit A-1.
- (C) Raised or routed block letters.

LOGOS

Sec. 409. Logos which are registered or filed with a state or federal agency may be used as part of a sign but such logo shall comply with Sec. 406 PERMITTED MATERIALS and Sec. 407 SIGNING TECHNIQUES.

ILLUMINATION LIGHTS

Sec. 410. No sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting and hazardous condition to a motorist, pedestrian or the general public.

- (A) No exposed reflective type bulb or incandescent lamp shall be exposed to direct view from a public street or highway but may be used for indirect light illumination of the display surface of a sign.

- (B) No neon tubing sign or decoration shall be allowed, except as otherwise provided in this ordinance. Signs shall not be internally illuminated.
- (C) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (D) No sign may be erected or maintained if it contains, includes or is illuminated by any flashing intermittent, revolving, rotating or moving light(s), or which moves or which has any animated or moving parts. Strings of lights permitted only between November 15th and January 15th.
- (E) Signs may be indirectly illuminated by flood lights or other lighting approved by the Architectural Design Review Board, located on the ground, wall or roof area adjacent to the sign intended to be illuminated.
- (F) No indirect illumination devices shall be allowed to exceed the building height requirements of the Zoning District.

SIGN COLORS

Sec. 411. "Neon" and "Fluorescent" colors are to be approved by the Architectural Design Review Board.

Section 11.44.050

SIGN REGULATIONS

Sign Regulation by Class

Sec. 501. Wall Signs: The following criteria shall be applicable for a Wall Sign.

- (A) "Painted On" wall signs or cut out letters pinned away from the building.
- (B) Wall signs may not stand more than twelve (12") inches away from the wall.
- (C) Total wall signage shall not exceed twenty percent (20%) of the wall area in square feet of each facade. A wall sign shall not exceed one hundred (100) square feet in area.

Sec. 502. Projecting and Hanging Sign: The following criteria shall be applicable for both projecting and hanging signs.

- (A) The sign area of both projecting and hanging signs may not exceed six (6) square feet in area per face.
- (B) Projecting and hanging signs must clear sidewalks by at least ten (10) feet and may project from the face of the building no more than four (4) feet.

Sec. 503. Flexible Signs and Banners: A flexible sign must clear sidewalks and by at least ten (10') feet and shall not interfere with public use of the sidewalk, street or right-of-way, or obstruct or restrict clear vision for traffic or pedestrian safety.

Banners are permitted only for commercial, institutional or civic activities and may be located only in areas approved by the Zoning Administrator.

- (A) Banners across state highways require the written approval of the Montana State Department of Transportation.
- (B) The lowest point must not be below the legal limit for wires crossing the street, eighteen (18') feet.

(C) All types of banners on buildings or other support structures shall be considered temporary and will be allowed to remain up for seven (7) days or less, and shall be subject to the same height restrictions as flexible signs.

Sec. 504. Ground Mounted Sign: The following criteria shall be applicable for ground mounted signs.

- (A) A ground mounted sign shall not be located within ten (10') feet of any other sign within any street right-of-way (stop sign, etc.) or within an area which requires clear vision for traffic or pedestrian safety.
- (B) No more than one (1) ground mounted sign shall be permitted for each street frontage in all zones with the exception of the C3 zone where two (2) ground mounted signs are allowed for each street frontage providing they are three hundred (300') feet apart.
- (C) Sign height shall not exceed fifteen (15') feet from ground level.
- (D) Ground mounted signs shall not exceed thirty-two (32) square feet. Width shall not exceed ten (10) feet.
- (E) Sign supports shall be compatible with the design requirements and intent of the Architectural Design Theme.

Sec. 505. Awning Signs: Shall be permitted subject to the following requirements:

- (A) No advertising shall be placed on an awning or canopy, except the name or logo of the owner, business or industry conducted within the premises, address of the building or the building name.

- (B) The area of a sign on an awning or canopy shall be deducted from the wall sign area permitted.
- (C) Supports, posts or columns beyond the property line will not be permitted.
- (D) Lettering shall be painted or otherwise permanently placed.
- (E) The lowest point of the awning must be at least eight (8') feet above the sidewalk.

Sec. 506. Billboards: Are not allowed within the zoning district boundaries of the Town of Ennis.

Sec. 507. Off Site Sign: Any business identification sign occupying space on private property which is not the property occupied by the business shall be subject to the following provisions:

- (A) Such signs may only occupy space along or fronting highways under the jurisdiction of the State of Montana.
- (B) All such signs must comply with any applicable rules and regulations of the State of Montana. In addition, the following restrictions shall apply:
 - 1. The business or activity identified on the sign must be located within one thousand (1000') feet of the sign.
- (C) All signs shall comply with the design criteria specified in this ordinance.

Sec. 508. Permanent Window Sign: The area of a permanent window sign, is to be considered part of the total area requirement of wall sign regulations in Sec. 501.

Sec. 509. Temporary Exterior Window Sign: Are those which are left in place for no more than four (4) weeks in any three (3) month period. They are permitted in all activities. They may not exceed thirty (30%) percent of the window area in which they are displayed.

Sec. 510. Neon Window Sign: Two (2) neon window signs per business are allowed, provided the maximum size is two hundred eighty (280) square inches per sign.

Sec. 511. Real Estate Sign: Shall have up to a total area of twelve (12) square feet. Such signs shall be removed no later than seven (7) days after the sale or lease of, or expiration of the listing for such property.

Sec. 512. Political Campaign Signs: Such signs shall be removed no later than seven (7) days after the closing of the polls.

Sec. 513. Garage, Yard or Patio Sale Signs: Or other similar sale signs of a temporary nature. Such signs shall be removed no later than forty-eight (48) hours after the related activity ceases.

Sec. 514. Service Signs: Such as those identifying bank or credit cards shall not be attached to an approved sign. If such services are to be advertised, the sign shall be integrated into the overall sign design and are subject to all requirements of this ordinance.

Sec. 515. Construction Signs: Which identify the architects, engineers, contractors and other individuals or firms involved in the construction (but not including any advertisement of any product) and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, to a maximum area of sixteen (16) square feet for each firm. The sign shall be confined to the construction site and shall be removed not later than seven (7) days after the completion of the project.

Sec. 516. Traffic Directing Signs: A sign directing traffic movement onto or within premises, not exceeding three (3) square feet per sign.

Sec. 517. Residential Signs: In residential zones, must be in compliance with the provisions of this ordinance. The total area of a residential sign shall not exceed two (2) square feet. Commercial signs in residential areas are limited to wall mount signs only.

Sec. 518. Roof Signs: Roof signs are permitted subject to the following requirements:

- (A) One (1) roof sign shall be permitted for a building as long as it is architecturally incorporated into the whole scheme of the building.
- (B) Roof signage shall not exceed twenty (20%) percent of the wall area in square feet on each facade. The total area of a roof sign and a wall sign combined shall not exceed twenty (20%) percent of the wall area in square feet, on each facade.

- (C) Roof signs may not exceed six (6) feet above the roof or twenty-five (25') feet from the curb line.
- (D) All supports, bracing, angle iron, guy wires, etc. shall appear to be an architectural and integral part of the building.

Section 11.44.060

ARCHITECTURAL DESIGN REVIEW EXEMPTIONS

Exemptions

Sec. 601. The following are not subject to the design review provisions of this ordinance, But must meet size, area and length of time requirements.

- (A) Repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a Design Review approval has been given, so long as the sign design, color, material, content, etc. is not modified in such a way as to conflict with the intent of this ordinance.
- (B) The changing of the advertising copy or message on an awning or canopy.
- (C) Construction, Real Estate, Political Campaign, Garage, Yard, Patio or other similar sale signs of a temporary nature.
- (D) Temporary window signs.
- (E) Signs directing traffic movement onto or within premises.
- (F) Governmental or official notices, flags, emblems or insignia.
- (G) Religious or holiday decorations.
- (H) Internally lit soda machines and telephone booths.
- (I) Any other signs that are state or federally regulated and are not required to comply with local sign requirements.

(J) Bronze dedication or historical plaques.

(K) Temporary, non-profit organizations special events.

Section 11.44.070

JOINT OCCUPANCY OR MULTIPLE USE

Sec. 701. The size restrictions set forth in this ordinance apply to each building. Where a building is occupied by a single occupant who carries on more than one activity within the building, the occupant must allocate the available ground or wall sign area in any manner between the various activities, but the total area so allocated may not exceed the maximum area available to that occupant where he is carrying on only a single activity.

In like manner, where a building is occupied by more than one tenant, the owner may allocate available ground or wall sign area among the various tenants, but the total area so allocated may not exceed the maximum area available to a single tenant occupying the entire building.

Section 11.44.080

PROHIBITED SIGNS

Sec. 801. The following signs are prohibited:

(A) Signs that are placed on, affixed to or painted on a motor vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance. Signs on vehicles used in the normal course of business shall not be subject to this provision.

- (B) Signs or sign structures that create a hazard by obstructing a clear view of pedestrian and vehicular traffic.
- (C) Pornographic signs or any language on a sign that could be considered offensive.
- (D) Signs painted on or attached to benches, street fixtures or other street objects.
- (E) Sandwich Boards are prohibited.

Section 11.44.090

GENERAL PROVISIONS

Sec. 901 The following provisions shall be applicable in this ordinance:

- (A) No sign or other graphic display other than a Town or other public agency sign shall be allowed to be erected, installed, replaced or maintained in, over or on any public property, including parkways, except as provided in this ordinance.
- (B) Any sign or other graphic display which is supported by more than one means and, therefore, cannot be clearly defined as ground, wall, roof, projecting or other sign shall be administratively assigned to the sign category most logically applicable and the appropriate standards applied.
- (C) Signing shall be in proportion with and visually related to the architectural character of the building, restrained in the size and be in conformance with generally accepted principles of good design and architecture.

- (D) Signing for a business within a commercial or industrial center, shall be in harmony with the signing of the entire complex. The signing for any new or remodeled commercial or industrial center shall be approved concurrent with the architectural review of the project in the form of a signing program. The sign permit must be obtained and the permit fee paid prior to the actual erection of the approved sign.
- (E) This ordinance outlines maximum requirements; however, signs must be appropriate to the nature of the activity to which they pertain and compatible with their surroundings.
- (F) This ordinance supersedes any other ordinance which pertains to signage.

CHAPTER 11.44.000

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PASSED, ADOPTED AND APPROVED by the Town Council of the Town
of Ennis, Montana this 13th day of January, 1994,
and effective thirty (30) days after said date.



RICHARD W. BARR, Mayor

ATTEST:



PAMELA M. ALLISON
Town Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA }
County of Madison } SS.

Daryl L. Tihen

being duly sworn says that he is publisher and printer of The Madisonian, a weekly newspaper published in the City of Virginia City, County of Madison, State of Montana; that the annexed notice is a true copy which was published in said newspaper for a period of 2

successive weeks, commencing on the 23rd

day of December, 1993,

and ending on the 30th day of

December, 1993

Daryl L. Tihen

Publisher and Printer.

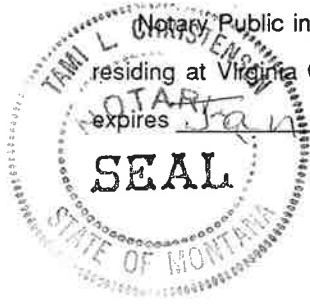
Subscribed and sworn to before me this 3rd

day of January, 1994

Tami L. Christensen

Notary Public in and for the State of Montana,
residing at Virginia City, Montana. My commission

expires Jan 31, 1996.



COUNCIL ORDINANCE #114

An ordinance of the Town Council of the Town of Ennis, Montana, providing for regulation of signage within the zoning district of the Town of Ennis.

Town of Ennis
State of Montana
County of Madison

I, Pamela M. Allison, Town Clerk of the Town of Ennis, Montana, do hereby certify that the foregoing is the true and correct title and number of Council Ordinance #114, passed and adopted at a regular session thereof held on the 9th day of December, 1993.

Dated this 10th day of December, 1993.

Pamela M. Allison
Town Clerk
(Pub. Dec. 23, 30, 1993) et