

Exhibit A

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1377.01. Statement of purpose.

The purpose of this Title Nine-Sign Code is to establish standards for the fabrication, erection and use of signs, symbols, markings and/or advertising devices within the City. These standards are designed to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public.

This Code authorizes the use of signs provided they are:

- (a) Compatible with their surroundings, pursuant to the objectives of proper design and zoning amenities;
- (b) Designed, installed and maintained to meet the sign user's needs while at the same time promoting the amenable environment desired by the general public;
- (c) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
- (d) Legible, readable and visible in the circumstances in which they are used;
- (e) Respectful of the reasonable rights of other advertisers whose messages are displayed.

(1952 Code § 43-1-1)

1377.02. Short title.

Title Nine of Part Thirteen-Building Code shall be known as the "Sign Code" of Toledo, Ohio, or may be so cited and pleaded and shall be referred to herein as the Code.

(1952 Code § 43-1-2)

1377.03. Conflict; higher standard to prevail.

If any portion of this Code is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance of the City of Toledo, the provision which establishes the higher standard shall prevail.

(1952 Code § 43-14A)

1379.01. Definitions.

(1) "**Abandoned sign - on premise**" means a sign which no longer correctly directs or exhorts any persons or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

(2) "**Abandoned sign - off premise**" means a sign which advertises goods, products, services or facilities incorrectly or which are no longer available to the public or which directs persons to a different location where such goods, products, services or facilities are not available.

(3) "**Accessory sign.**" See "On-premise sign."

(1952 Code § 43-2)

(4) "**Administrator**" means the Commissioner of Building Inspection or his designated representative.

(Ord. 683-91. Passed 9-3-91.)

(5) "**Advertising message**" means that copy on a sign describing products or services being offered to the public.

(1952 Code § 43-2)

(6) (a) "**Animated sign**" means any sign which includes action or motion, or the illusion of action or motion produced by changes in illumination. For purposes of this Code, "animated sign" does not refer to flashing or indexing, which are separately defined, nor does "animated sign" refer to changing signs on which individual characters and graphics do not show action or motion. (See "Animated changing sign").

(b) "**Animated changing sign (automatic)**" means any sign which includes alpha-numeric characters and graphics which show action by means of sequential illumination, that is, cartoon-like images appearing in motion or action.

(Ord. 774-90. Passed 7-31-90.)

(7) "**Architectural projection**" means any projection not intended for occupancy which extends beyond the property line, not including signs, canopies or marquees.

(8) "**Architectural blade**" means a roof sign or projecting sign with no visible legs or braces designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

(9) "**Area identification sign**" means a sign, free standing or affixed to a wall or fence which identifies a neighborhood, a residential subdivision, a multiple residential complex or a commercial or industrial complex.

(10) "**Area of off-premise sign**" means where poster panels or bulletins are installed back to back, one face only is considered as area. If there is a difference, the larger face shall be counted.

(11) "**Area of sign**" means the area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas shall be totalled.

(12) "**Awning**" means a movable or fixed shelter supported entirely from the exterior wall of a building and composed of rigid or non-rigid materials except for the supporting framework.

(13) "**Background area**" means the entire area of a sign on which copy could be placed, as opposed to the copy area, when referred to in connection with fascia or painted wall signs.

(14) "**Banner**" means a long, narrow flag hung over a street, entrance, etc.

(15) "**Banner sign**" means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

(16) "**Billboard.**" See "Off-premise sign," or "Outdoor advertising."

(17) "**Building face or wall**" means all window and wall area of a building in one plane or elevation.

(18) "**Building frontage**" means the linear width of a building facing the right of way or the linear length of the right of way facing the building, whichever is smaller.

(19) "**Building sign**" means a sign lettered to give the name of a building itself, as opposed to the name of occupants or services.

(20) "**Bulletin.**" See "Off-premise sign" or "outdoor advertising."

(21) "**Canopy**" or "**marquee**" means a permanent roof-like shelter extending from part or all of a building face over a public right of way and constructed of some durable material such as metal, glass or plastic.

(22) "**Canopy sign**" or "**marquee sign**" means any sign attached to or constructed in or on a canopy or marquee.

(23) "**Changeable copy sign (manual)**" means a sign on which copy or sign panels are changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

(1952 Code § 43-2)

(24) "**Changing sign (automatic)**" means any sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard where different copy and graphic changes are shown on the same lamp or disc bank. "Changing sign (automatic)" may not include signs with the appearance of motion by means of scrolling, fading in and out, blinking or other change in copy or graphics that appear or disappear or change location on the sign. Electronic Message Centers are subject to the standards of TMC 1389.06.

(Ord. 466-17. Passed 10-31-17.)

(25) "**City**" means the City of Toledo, Ohio.

(26) "**Comprehensive design plan**" means building design and signs integrated into one architectural plan, the comprehensive plan being complete in all other building, structural and electrical requirements.

(27) "**Construction sign**" means a temporary sign identifying a building or construction site and the architects, engineers, financial institutions, contractors and/or supplies involved at the site.

(28) "**Copy (permanent and temporary)**" means the wording on a sign surface either in permanent or removable letter form.

(29) "**Copy area**" means the area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. For fascia signs, the copy area limits refer to the message, not to the illuminated background.

(30) "**Council**" means the City Council of Toledo, Ohio.

(31) "**Detached sign.**" See "Free-standing sign."

(32) "**Directional sign**" means any sign which serves solely to designate the location or direction of any place or area.

(33) "**Directly illuminated sign**" means any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

(34) "**Electrical sign**" means any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

(34A) "**Electronic Message Centers**" See "Changing sign (automatic)."

(Ord. 466-17. Passed 10-31-17.)

(35) "**Embellishment**" means:

(a) Letters, figures, characters or representations in cutouts or irregular forms or similar ornaments attached to or superimposed upon the sign.

(b) A purely decorative embellishment on a free standing sign.

(36) "**Erected**" means attached, altered, built, constructed, reconstructed, enlarged or moved, and includes the painting of wall signs, but does not include copy changes on any sign.

(37) "**Exempt signs**" means exempted from normal permit requirements.

(38) "**Facelift**" means the remodeling of a building's frontage which is visible from a public right of way, so that the building material, door frames, window frames and signs are designed in harmony with each other.

(39) "**Face of sign**" means the entire area of sign on which copy could be placed.

(40) "**Facia sign**" or "**wall sign**" means a sign attached to or erected against a wall of a building, with the face parallel to the building wall and extending not more than one foot therefrom.

(41) "**Field fabricated sign**" means a sign of such magnitude that it cannot be completely constructed in the factory.

(42) "**Flag**" means a piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one edge to a staff or cord and which may be imprinted with an advertising message or design, or be of bright colors to attract attention. Not included are those flags, emblems or insignia of any nation, political subdivision or corporation.

(a) "Feather flag" means a vertically elongated piece of cloth or other flexible material typically attached to a curved plastic or metal shaft and secured to the ground without a permanent foundation.

(Ord. 182-83. Passed 3-8-83; Ord. 16-18. Passed 1-16-18.)

(43) "**Flashing sign**" means any sign which contains an intermittent or flashing light source, or an externally-mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers as classed as "changing signs (automatic)," not "flashing signs."

(Ord. 744-90. Passed 7-31-90.)

(44) "**Free-standing signs**" means a sign erected on a free-standing frame, mast or pole and not attached to any building.

(45) "**Freeway**" or "**controlled access highway**" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands, or in respect of which such owners have only limited or restricted right or easement of access and which is declared to be a freeway as provided by the highway authority.

(46) "**Freeway-oriented sign**" ("**controlled access highway sign**") means any sign identifying premises where food, lodging or places of business are located that engage in supplying goods and services essential to normal operation of motor vehicles, and where such businesses are directly dependent upon the adjacent freeway for business.

(47) "**Frontage**" means the length of the property line of any one premises parallel to and along each public right of way it borders.

(48) "**Future development sign**" means a temporary sign indicating the future construction or development of a building or area but not fitting under the definition of "construction sign."

(49) "**Ground level**" means street grade.

(50) "**Ground sign.**" See "Free-standing sign."

(51) "**Height of sign**" means the vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of such sign.

(52) "**Identification facia sign**" means a sign which is limited to the name of the building or institution on which the sign is erected.

(53) "**Identification sign**" means a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

(54) "**Illuminated sign**" means any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

(55) "**Incidental sign**" means a secondary sign not referring directly to goods, products, services or facilities which are available on the premises where the sign is located; i.e., credit cards accepted, official notices required by law, trade affiliations.

(56) "**Indexing**" means the turning and stopping action of the polygonal sections of a multi-prism sign designed to show several messages in the same area.

(57) "**Indirectly illuminated sign**" means any sign which reflects light from a source intentionally directed upon it; for example, by means of flood lights, gooseneck reflectors or externally mounted fluorescent light fixtures.

(58) "**Individual letter sign**" means any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of or below a marquee.

(59) "**Institutional bulletin board**" means a sign which primarily displays the name of the organization and/or upcoming events of that organization.

(60) "**Interior property line**" means property lines other than those fronting on a street, road or highway.

(61) "**Lintel**" means in this context, the line above the display windows and below transom windows (if any) on a store, usually approximately nine feet zero inches from grade.

(62) "**Lot**" means a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces required. Such lots shall have frontage on an improved public street, or on an approved private street and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record; or
- (c) A combination of single lots and/or portions of lots of record.

(63) "**Low profile sign**" means a free-standing sign erected near ground level and limited to identifying the name of the building or institution on the premises.

(64) "**Maintain**" means to permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

(65) "**Mansard roof**" means a sloping roof where the angle of the roof is no more than thirty degrees from perpendicular. Signs on these roofs shall be considered facia signs. (See also "sloping roof")

(66) "**Marquee (or canopy)**" means a permanent roof-like shelter extending from part or all of the building face over a public right of way and constructed of some durable material such as metal, glass or plastic.

(67) "**Marquee sign or canopy sign**" means any sign attached to or constructed in or on a canopy or marquee.

(68) "**Message**" means the wording or copy on a sign.

(69) "**Multi-prism sign**" means a sign made with a series of polygonal sections that turn and stop, or index, to show several pictures or messages in the same area.

(70) "**Nameplate**" means a non-electric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises include more than one occupant, "nameplate" refers to all names and occupations or professions as well as the name of the building and directional information.

(71) "**Non-accessory sign.**" See "Off-premise sign."

(72) "**Non-electrical sign**" means any sign that does not contain electrical wiring or is not attached to or intended to be attached to an electrical energy source.

(73) "**Non-conforming sign (legal)**" means any advertising structure or sign which was erected and maintained prior to such time as it came within the preview of this Code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this Code, or a non-conforming sign for which a special permit has been issued.

(Ord. 130-79)

(74) "**Off-premise sign**" ("**off-site sign**") means a third party sign which does not constitute advertisement for the primary functions of the premises on which the sign is located. It is a sign that advertises goods, products, services or facilities not necessarily sold on the premises on which the sign is installed or which directs persons to a different location from where the sign is installed. Listed below are three main types:

(a) Poster panels or bulletins normally mounted on a building wall, roof or free-standing structure with advertising copy in the form of pasted paper.

(b) Multi-prism signs - same as above, and alternating advertising messages on the one displayed area.

(c) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted, roof or free-standing display area.

(Ord. 42-80)

(75) "**On-premise sign**" ("**on-site sign**") means any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

(76) "**Outdoor advertising sign**" ("**off-site sign**") (EDITOR'S NOTE: This subsection was repealed by Ordinance 42-80)

(77) "**Owner**" means a person recorded as such on official records and including a duly authorized agent or notary, a purchaser, devisee, judiciary; any person having a vested or contingent interest in the property in question.

(78) "**Painted wall sign**" means a sign painted directly on the exterior wall of a building.

(79) "**Parapet**" or "**parapet wall**" means that portion of a building wall that rises above the roof level.

(80) "**Pennant**" means a long, tapering flag.

(81) "**Penthouse**" means a structure on top of a building roof such as houses an elevator shaft or similar form.

(82) "**Person**" means any individual, corporation, association, firm, partnership and the like, singular or plural.

(83) "**Pole sign.**" See "Free-standing sign."

(84) "**Portable sign**" means any sign not permanently attached to the ground or a building.

(85) "**Premises**" means an area of land with its appurtenances and buildings which, because of its unity of use or ownership, may for the purposes of sign regulation be regarded by the City as the smallest regulable unit of real estate.

(86) "**Projecting signs**" means a sign, other than a wall sign, which is attached to and projects from a structure or building face. The area of a double-faced projecting sign is calculated on one face of the sign only.

(87) "**Public right-of-way width**" means the particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the Commissioner of Transportation.

(88) "**Public service information sign**" means any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

(89) "**Real estate sign**" or "**property for sale, rent or lease sign**" means any sign pertaining to the sale, lease or rental of land or buildings.

(90) "**Roof line**" means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

(91) "**Roof sign**" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

(92) "**Rotating sign**" means any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

(93) "**Seasonal sign**" or "**holiday sign**" means signs such as Christmas decorations or those used for an historic holiday, and installed for a limited period of time.

(94) "**Sign**" means any identification, description, illustration, symbol, statute or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, flag, pennant, placard, or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location with the exception of window displays and national flags. For the purpose of removal, "signs" shall also include all sign structures.

(Ord. 182-83. Passed 3-8-83; Ord. 104-94. Passed 3-14-94.)

(95) "**Sign face**" means the entire area of sign on which copy could be placed.

(96) "**Sign legend.**" See "Copy."

(97) "**Sign sticker**" means a sticker affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designated servicing company for purpose of identification by City officials or others.

(98) "**Sign structure**" means any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

(99) "**Sloping roof**" means a roof that slopes up to sixty degrees from the horizontal. For greater slopes, see "Mansard roof."

(1952 Code § 43-2)

(100) "**Space-frame sign**" means a rigid, fireproof, space-frame structure with an internal metal frame and a translucent, flexible vinyl covering which sign is attached to a building facia between the opening or lintel bar and the parapet in a one-story building or between the opening or lintel bar and the window sills on the floor above in a multistory building, and which is designed in awning form, projecting form or wall sign form, whose principal purpose and use is signage. Such signs are internally illuminated by fluorescent or other light sources in fixtures approved under national and local electrical codes. Such signs do not extend above the parapet.

A. "Space-frame awning form sign" means a space-frame sign, which overhangs a window by not less than eighteen inches, an entrance door by not less than three feet or a pedestrian walkway by not less than four feet, with the sign face and principal copy approximately parallel to the building wall. Such sign does not extend more than forty-two inches above the opening or bottom of the facia, for a window or door installation, or more than forty-eight inches above the opening or bottom of the facia over a continuous walkway to a principal customer entrance.

B. "Space-frame projecting form sign" means a space-frame sign other than a space-frame awning sign, which is not more than two feet wide, and which extends more than one foot from the facia wall but not more than two feet, except over a principal customer entrance in the building wall, facing the street, where it may be up to ten feet wide and extend not more than six and one-half feet from the wall.

C. "Space-frame facia - wall form sign" means a space-frame sign with the principal sign face approximately parallel to and not more than one foot from the wall.

(Ord. 893-87. Passed 11-3-87.)

(101) "**Special purpose sign**" means any sign other than a business, non-accessory, identification sign, including but not limited to traffic signs.

(102) "**Street**" means a public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

(103) "**Swinging sign**" means a hinged sign installed on an arm or spar, which sign is not, in addition, permanently fastened to an adjacent wall or upright pole.

(104) "**Temporary sign**" means a sign which is not permanently affixed and includes all devices such as banners, pennants, flag (not intended to include flags of any nation), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas-filled figures.

(105) "**Temporary window or building sign**" means a sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct

attention to persons outside the building to a sale of merchandise or a change in the status of the business.

(106) **"Under canopy or marquee sign"** means a sign suspended below the ceiling or roof of a canopy or marquee.

(107) **"Unlawful sign"** means a sign which contravenes this Code or which the Administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous Code was not obtained.

(108) **"Use"** means the purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

(109) **"Wall sign."** See "facia sign."

(110) **"Window sign"** means a sign installed inside a window for purposes of viewing from outside the premises. This term shall not include merchandise located in window. Signage that qualifies as an Electronic Message Center is prohibited.

(Ord. 466-17. Passed 10-31-17.)

(111) **"Underwriters' Laboratories (48)"** means a non-profit organization which establishes standards for electrical and mechanical equipment and materials and is commonly referred to as "UL." The electrical section is known as "Underwriters' Laboratories (48)."

(1952 Code § 43-2)

1381.01. Sign Administrator.

The Administrator is hereby authorized and directed to enforce and carry out all provisions of this Sign Code, both in letter and spirit, with vigilance and with all due speed. The Administrator is authorized to promulgate regulations and procedures consistent with the purpose of this Code, toward that end. The Administrator is further empowered to delegate the duties and powers granted to and imposed upon him under this Code. As used in this Code, "Administrator" shall include his authorized representative.

(1952 Code § 43-11-1)

1381.02. Inspection by Administrator.

The Administrator is hereby empowered to enter or inspect any building, structure or premises in the City upon which, or in connection with which a sign, as defined by this Code, is located, for the purpose of inspection of the sign, its structural and electrical connections and to insure compliance with the provisions of this Code. Such inspections shall be carried out during business hours, unless an emergency exists.

(1952 Code § 43-11-2)

1381.03. Code violations and enforcement.

(a) The remedies provided in this chapter for violations of or failure to comply with provisions of this Code shall be cumulative and shall be in addition to any other remedy provided by law.

(b) Except as otherwise provided in this Code, any sign which is not in compliance with all of the provisions of this Code shall be referred to herein as an "unlawful" sign.

(1952 Code § 43-11-3)

1381.04. Assurance of discontinuance.

As an additional means of enforcing this Code, the Administrator may accept an assurance of discontinuance of any act or practice deemed in violation of this Code or of any rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in such act or practice, Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the forms of any such assurance shall constitute prima facie proof of a violation of this Code or any rule or regulation adopted pursuant hereto or order issued pursuant thereto, which makes the alleged act or practice unlawful for the purpose of securing any injunctive relief from a court of competent jurisdiction.

(1952 Code § 43-11-5)

1381.05. Board of Appeals.

The Administrative Board of Zoning Appeals as set out in Chapter Section [1112.0200](#) of the Planning and Zoning Code shall have the power and duty to:

(a) Hear and decide appeals by the sign permit applicant from a decision of the Administrator denying, or failing to grant a sign permit within thirty days of application;

(b) Hear and decide appeals of a determination by the Administrator that a sign must be removed for noncompliance with this Code; or

(c) Hear and decide appeals with petition for variance as set forth in this Code.

(d) Hear and decide appeals of Notice of Liability violations.

(Ord. 457-17. Passed 10-31-17.)

1381.06. Appeals.

(a) **Appeals Without Petition For Variance.** In appeals to the Board from decisions of the Administrator denying a sign permit in connection with which no petition for variance has been filed, the Board's scope of review shall be limited to determining whether or not the Administrator's decision is in accordance with the requirements of this Code and accordingly, affirm or reverse his decision. If the Administrator's decision is reversed the Board shall direct the Administrator to issue the permit within five days in accordance with its decision.

In appeals from failure of the Administrator to grant a permit within thirty days of application, the Board shall determine whether the sign and the application meet the

requirements of this Code. If so, the Board shall approve the permit; if not, the Board shall deny the permit.

(b) **Appeals with Petition for Variance.** Appeals with petition for variance shall be heard by the Administrative Board of Zoning Appeals under the procedure set out in Section [1111.1600](#) of the Planning and Zoning Code.

(1952 Code § 43-12-2; Ord. 170-04. Passed 3-23-04.)

1381.07. Amendment.

(a) Council may after public notice and hearing as provided in this section and after report by the City Plan Commission to be made within sixty days after referral to the Commission, amend, supplement or change the text of this Sign Code.

Failure of the Plan Commission to report within sixty days, as required above, shall be construed as approval of the proposed amendment or change.

(b) A public hearing shall be held by Council on all proposed amendments to the Sign Code.

(c) A notice of such hearing shall be given at least thirty days prior thereto of the time and place thereof in the Toledo City Journal or other newspaper of general circulation in the municipal corporation.

(d) The Plan Commission, upon its own initiative, may recommend amendments, supplement or change to the text of this Sign Code. Such recommendations shall be subject to the above sections of this chapter.

(1952 Code § 43-13-1)

1381.99. Penalty.

Whoever violates or fails to comply with any provision of this Code or the owner or user of an unlawful sign or the owner of property upon which an unlawful sign is located shall for each and every violation or non-compliance be deemed guilty of a minor misdemeanor for a first offense for any second offense within any twelve month period, such persons or organizations shall be deemed guilty of a misdemeanor of the fourth degree.

Every person concerned in the violation of or failure to comply with this Code, whether he directly commits the act or aids and abets the same, and whether present or absent, shall be proceeded against and held as a principal. Provided, however, that the owner of property on which an unlawful sign is located, who is not also the owner or user of the unlawful sign, shall be subject to such misdemeanor penalties only if demand for alteration of the unlawful sign shall have been mailed by registered mail, return receipt requested, to such owner and the demand has remained uncomplished with for more than thirty days.

(Ord. 697-04. Passed 10-5-04.)

1383.01. Permits required.

(a) **On-premise signs.**

Except as otherwise provided in this Code no person shall erect, construct, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each such sign from the Administrator as required by this Code. These directives shall not be construed to require any permit for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

(b) **Off-premise signs.**

Except as otherwise provided in this Code no person shall erect, construct or enlarge (with the exception of temporary cutouts, extensions and cutout letters which shall not exceed twenty-five percent of the total area of sign face as previously approved) any off-premise sign in the City, or cause the same to be done without first obtaining a sign permit for each such sign from the Administrator as required by this Code. These directives shall not be construed to require any permit for the change of copy on any sign, or the moving of sign panels and embellishments from one location to another, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has been previously issued.

(c) Every sign permit issued by the Administrator shall become null and void if manufacture is not commenced within 180 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 120 days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee shall be one-half the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees are complied with.

(d) In emergency situations, where there is imminent danger of personal injury or harm to property, work may be initiated and completed without first applying for a permit. However, a permit shall be applied for within forty-eight hours after the first working day when work has commenced on the sign.

(Ord. 629-04. Passed 10-5-04.)

1383.02. Sign contractor's license.

(a) No person shall perform any work or service for any person or for any government entity for compensation, in or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign in the City, or any work or service in connection with causing any such work to be done unless such person or his employer has first obtained a sign contractor's license from the Administrator and paid the license fees provided for by the City, or shall be represented by a duly licensed agent or subcontractor.

(b) Before any manufacturer can engage in the manufacturing of an electrical sign, he must demonstrate the ability to issue the Underwriters' Laboratory (48) electrical

label pertinent to electric signs, electrical sign specification or some similar electrical labeling requirement.

(c) **Application.** All prospective applicants for the sign contractor's license must first pass a test which will be offered on or about June 1 and December 1 of each year.

(1) An application for a license shall be made in writing upon blanks furnished by the Administrator which application shall contain the following:

- A. Name of such applicant;
- B. The name under which such sign shop is doing business;
- C. The name of the owner thereof,
- D. If a partnership, the names of the partners thereof,
- E. If a corporation, the names of the officers thereof,
- F. The address of such sign shop;
- G. The kind of work in which such shop is engaged; and
- H. The length of time so engaged prior to the date of application.

(2) Nothing herein shall be construed to mean that any shop shall be required to secure separate licenses for each class of work mentioned.

(3) On the filing of such application, upon passing the written examination and upon payment of the registration fee and qualifying as herein provided, the Administrator shall issue to such applicant a license which shall bear the following:

- A. A number, consecutive in order of issuance;
- B. The date of issuance and expiration thereof;
- C. The name and address of such shop or office; and
- D. The name of the owner thereof.

(d) **Expiration.**

(1) The original registration fee and its subsequent annual renewal shall be for the year of registration or any fraction thereof.

(2) Registrations issued in accordance with this chapter shall expire at 12:00 p.m., local time, on December 31, but may be renewed for the next succeeding year period by payment of the annual renewal fee on or before close of business, January 31, of the next succeeding year.

(3) If a person holding a valid registration under the provisions of this chapter in any year fails to renew such license before the annual renewal fee is due, as provided for in subsection (2) hereof, shall be considered a new applicant and must pay the original registration fee.

(4) Any such person, firm or corporation, his or its successors or assigns who are now engaged in a business in the City, which is regulated by the terms and conditions of this chapter, and certificate of registration, and has been so engaged continuously in the City in such business for a period of one year prior to the passage of this chapter, shall not be required to pay the original registration fee but shall be registered at the regular rate of the annual renewal fee.

(3) **Fees.**

Original license \$200.00

Annual renewal \$ 140.00

(Ord. 629-04. Passed 10-5-04.)

1383.03. Indemnification for sign installation and maintenance.

As a condition to the issuance of a business license as required by the Sign Code, all persons engaged in the business of installing or maintaining signs which extend higher than ten feet above grade and/or which involve, in whole or in part, the erection, alteration, relocation or maintenance of a sign or other sign work in or over or within ten feet to the public right of way or public property is used or encroached upon by the sign installer, shall agree to hold harmless and indemnify the City, its officers, agents and employees, from any and all claims of negligence resulting from the erection, alteration, relocation and maintenance of a sign or other sign work insofar as this Code has not specifically directed the placement of a sign.

(Ord. 629-04. Passed 10-5-04.)

1383.04. Insurance.

Every applicant for a license to engage in business as described in Section [1383.03](#) shall, before such license is granted, file with the City a satisfactory certificate of insurance to indemnify the City against any form of liability in accordance with the following categorization, or shall be responsible through any agent or subcontractor:

(a) **Group I.** All applicants or agents providing the service of painting signs or graphics on walls, building surfaces, building facias and windows, and/or the service of fabricating and/or erecting mounted flat surface signs and non-electrical signs, shall indemnify the City against any form of liability to a minimum of three hundred thousand dollars (\$300,000).

(b) **Group II.** All applicants or agents providing the service described in Group I and/or the service of fabricating and/or erecting any sign, other than as described in Group I, shall indemnify the City against any form of liability to a minimum of five hundred thousand dollars (\$500,000). The insurance shall be maintained in full force and effect during the term of business license and such insurance policy or certificate shall provide that the City be notified of any cancellation of the insurance ten days prior to the date of cancellation.

(Ord. 629-04. Passed 10-5-04.)

1383.05. Permission to install.

No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

(Ord. 629-04. Passed 10-5-04.)

1383.06. Application for permit.

Application for a permit, except for exempt signs as enumerated and defined in Section [1391.02](#), shall be made to the Administrator upon a form provided by the Administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City including:

- (a) Name and address of the owner of the sign.
- (b) Name and address of the owner or the person in possession of the premises where the sign is located or to be located.
- (c) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises.
- (d) Drawings showing the dimensions, construction supports, sizes, foundation, electrical wiring and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Code, as amended. If required by the Administrator, engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.

(Ord. 629-04. Passed 10-5-04.)

1383.07. Issuance; denial.

(a) The Administrator shall issue a permit for the erection, alteration or relocation of a sign within the city when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the City.

(b) The Administrator may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(Ord. 629-04. Passed 10-5-04.)

1383.08. Effect of issuance.

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(Ord. 629-04. Passed 10-5-04.)

1383.09. Permit fees.

Application for permits, except for exempt signs as enumerated and defined in Section [1391.02](#), shall be filed with the Administrator together with a permit fee for each sign as specified herein; provided, however, that the minimum fee for a permit shall be twenty-five dollars (\$25.00). The maximum total fee for any single sign shall be two hundred fifty dollars (\$250.00) permit fee for each sign.

(a) On-premise signs.

All on-premise signs visible from a public right of way and/or public street, except flags, banners and pennants, shall be calculated at a base fee of thirty-five dollars (\$35.00), plus fifty cents (\$0.50) a square foot.

(1) The calculation on a free-standing pole, ground, monument or any similar or roof sign shall be based only on one face of the sign. That calculation shall be based on the largest face of the sign.

(2) Facia or wall signs: only the copy area as calculated in this Code shall be included in the above-mentioned fee.

(3) Fees on signs painted by hand, directly on building wall, shall be calculated at one-half the above rate.

(4) Flags and banners shall have a permit fee of twenty-five dollars (\$25.00) for each flag or banner, which is displayed. The maximum fee for all flags on one site shall be eighty dollars (\$80.00) for a six-month period. The maximum total fee for all banners on one site shall be eighty dollars (\$80.00) for a six-month period. The maximum total fee per site, for sites which install flags and banners shall be one hundred dollars (\$100.00) for a six- month period.

(Ord. 16-18. Passed 1-16-2018.)

(b) Off-premise signs.

Off-premise signs shall have a base fee of thirty-five dollars (\$35.00) plus fifty cents (\$0.50) a square foot.

(c) Investigation of illegal or unauthorized work.

When any person, firm or corporation has commenced work on a project without first procuring the necessary permit therefore, the Building Official shall make a thorough investigation to determine whether all work performed prior to the subsequent issuance date of the specified permit conforms to all pertinent Building Code provisions. The charge for making an investigation prior to the issuance of the necessary permit shall be in addition to the required permit and shall be double the permit fee specifically required plus the following amounts:

First offense

\$250.00

| | |
|---------------------------------------|------------|
| Second offense within 12-month period | \$500.00 |
| Third offense within 12-month period | \$750.00 |
| Fourth offense within 12-month period | \$1,000.00 |
| Fifth offense within 12-month period | \$2,000.00 |

In no event shall the combined total of double the permit fee plus the additional charge exceed three thousand dollars (\$3,000.00) for any one offense.

(1) A fine of two hundred fifty dollars (\$250.00) shall be paid for each instance where a structure is illegally occupied in violation of this Part Thirteen-Building Code or the Ohio Building Code.

(2) The payment of the aforementioned charges shall not relieve any person, firm or corporation from full compliance with the requirements of the Building Code in the execution of the work nor from any penalty prescribed herein.

(Ord. 629-04. Passed 10-5-04.)

1383.10. Sign permit appeals.

(a) **Appeal from Failure of Administrator to Grant Permit Within Fifteen Days.** The Administrator's failure to either formally grant or deny a sign application within fifteen days of the date an application meeting the requirements of this Code is filed shall be grounds for appeal to the Administrative Board of Zoning Appeals under the terms of Sections [1381.05](#) and [1381.06](#).

(b) **Appeal from Denial of Permit.** Appeal may be taken to the Board of Zoning Appeals from the Administrator's denial of a sign permit.

(Ord. 629-04. Passed 10-5-04.)

1383.11. Notice of change of sign owner or user.

Whenever there is a change in the sign user (excluding outdoor advertising signs), owner or owner of the property on which the sign is located, the new sign user, owner or new property owners shall forthwith notify the Administrator of the change. No new sign permit is required unless the sign is altered or relocated.

(Ord. 629-04. Passed 10-5-04.)

1383.12. Inspection.

The person erecting, altering or relocating a sign shall notify the Administrator upon the start of construction and upon completion of the work for which permits are required.

(a) **Inspections.** All free-standing signs may be subject to a footing inspection. All electrical signs may be subject to a final electrical inspection by the Administrator.

(b) **Maintenance.** Every sign in the City, including exempted signs, shall be maintained in good structural condition at all times and shall be kept neatly painted, including all metal parts and supports. The Administrator shall have the authority to

order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute a physical hazard to the public safety.

(c) **Signs Declared Unlawful.** The Administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Administrator for stating that any sign owned, kept, displayed or maintained by any person within the City, the ownership keeping a display which is unlawful pursuant to the provisions of this Code, is hereby declared to be in violation of this Code. The Administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction and display or operation thereof, is unlawful under the terms of this Code.

(Ord. 629-04. Passed 10-5-04.)

1385.01. Compliance with Building Code.

All signs shall comply with the appropriate detailed provisions of the Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable Electrical Code and the additional construction standards hereinafter set forth in this chapter.

(1952 Code § 43-4-1)

1385.02. Construction of signs; auxiliary specifications.

(a) **Identification and Marking.** Each sign hereafter erected or remodeled shall bear in a permanent position thereon a clearly legible identification plate stating the name and address of the owner of the sign and the person, firm or corporation responsible for its construction, erection and the date of erection. Electrical signs shall be marked with input amperages at the full load input similar to the UL (48). The exception to the above is when sign panels or individual letters are too small for a marking to be aesthetically feasible. The Commissioner of Inspection may, where there is a problem of size, materials or aesthetics, approve an alternate plan for identification of the sign which is feasible, and consistent with the objectives of the Sign Code.

(b) **Sign Identification Tag.** Each sign shall have a two-inch by four-inch sticker placed on the sign that identifies the permit number that was originally issued by the Administrator. This sticker shall be renewed on a five year basis as provided for in this Code. The exception to the above is when sign panels or individual letters are too small for a marking to be aesthetically feasible. The Commissioner of Inspection may, where there is a problem of size, materials or aesthetics, approve an alternate plan for identification of the sign which is feasible, and consistent with the objectives of the Sign Code.

(Ord. 38-87. Passed 1-13-87.)

(c) **Obstruction to Exits.** No sign shall be erected constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(d) **Obstruction to Ventilation.** No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.

(e) **Clearance from High Voltage Power Lines.** Signs shall be located not less than eight feet horizontally or thirteen feet vertically from overhead electrical conductors which are energized in excess of 750 volts. Signs located in the vicinity of electrical conductors energized with less than 750 volts shall maintain horizontal and/or vertical clearances from all overhead electrical conductors in accordance with the specifications of the National Electrical Code. However, in no case shall a sign be installed closer than thirty-six inches horizontally or vertically from any electrical conductor or public utility guy wire.

(1952 Code § 43-4-2)

1385.03. Free-standing signs-materials.

All free-standing sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Foundations shall be designed to carry the weight and the wind load (Section [1385.09](#)) of the sign, in soil in which it is placed. Such structures or poles shall be fabricated only from painted or galvanized steel, or such other materials as may be approved by the Administrator.

(1952 Code § 43-4-3)

1385.04. Electric signs.

All electric signs shall conform to the standards of the National Electrical Code and of the Underwriters' Laboratories, Inc. The full number of illuminating elements thereof shall be kept in safe and working condition or immediately repaired or replaced, if faulty. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnect switch located in accordance with the provisions of the Building Code.

(1952 Code § 43-4-4)

1385.05. Glass.

When glass is used for sign letters or transparent or translucent panels, it shall be at least double strength thickness for sign areas up to and including 300 square inches. When glass is used for sign letters or transparent or translucent panels for sign areas in excess of 300 square inches at least one-quarter inch wire glass shall be used and the maximum span between supports shall be four feet.

(1952 Code § 43-4-5)

1385.06. Plastic.

Plastic shall be of thickness and shape necessary to withstand wind loadings in Sections [1385.09](#). Proper allowance or provision shall be made in connections to provide for thermal contraction and expansion.

(1952 Code § 43-4-6)

1385.07. Strength of parapet wall or roof.

A parapet wall or roof shall be designed for and have sufficient strength to support any sign which is attached thereto.

(1952 Code § 43-4-7)

1385.08. Supports and braces.

Metals supports or braces shall be adequate for wind loadings as provided in Section [1385.09](#). Wire or cable supports shall have a safety factor of four. All metal, wire cable supports and braces and all bolts used to attach sign to bracket or brackets and signs to the supporting building or structure shall be of galvanized or an equivalent material. All sign supports shall be an integral part of the sign design.

(1952 Code § 43-4-8)

1385.09. Wind loads.

All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows:

- (a) For solid signs, thirty pounds per square foot on one face of the sign.
- (b) For skeleton signs, thirty-six pounds per square foot of the total face area of the letters and other sign surfaces, or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

(1952 Code § 43-4-9)

1385.10. Sign anchoring.

Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action, unless specifically designed by means of bearings or other methods approved, to allow for movement.

(1952 Code § 43-4-10)

1387.01. Scope.

(a) This chapter describes signs permitted in the various zoning districts of the City. A permit must be obtained, as described in [Chapter 1383](#), for these signs. Additional permitted signs as described in [Chapter 1391](#) are exempt from permit requirements. Any of the types of signs permitted in this Code may be permitted as manual changeable copy signs.

(Ord. 466-17. Passed 10-31-17.)

(b) **Zoning Code Designations.** The zoning map designations in effect before June 6, 2004 are converted as follows:

| Sign Provision | Zoning District Map Designation | | Reference |
|--------------------------------|--|---|------------------------------|
| | Existing Districts | New Districts | |
| Residential Districts | R-A, R-B, R- 1, R-2, R-2A, R-3, R-4, R- 4A, R-5 and R-MH | RS12, RS9, RS6, RD6, RM12, RM24, RM36 and RMH | Sec. 1387.02 |
| Neighborhood Shopping District | C-1 and N- MX | CN | Sec. 1387.03 |
| Restricted Office District | C-2 and C-7 | CO | Sec. 1387.04 |
| Construction of Signs | C-3, C-5, M-1, M-2 and M-4 | CR, CD, IL and IG | Sec. 1387.05 |

(Ord. 170-04. Passed 3-23-04.)

1387.02. Residential districts.

Within RS12, RS9, RS6, RD6, RM12, RM24, RM36 and RMH Residential Districts, signs are permitted as follows:

(a) **Area Identification Sign.** Area identification signs are permitted to identify a unique subdivision or development. The sign shall be located only at the intersection of streets of the subdivision with major streets of the City. The sign shall be a part of a wall or fence, decorative in nature. It shall contain only the name of the subdivision or development. No part of the wall or fence within fifty feet of the edge of the pavement shall be of greater height than forty-two inches. The letters of identification on the sign shall be no larger than ten inches in height.

(b) For permitted non-residential uses (institutions), not more than two of the following three signs are permitted unless the institution is located at the intersection of two major streets whereupon one additional low profile or identification facia sign is permitted:

(1) **Institutional bulletin board.** One shall be permitted in the front yard but set back no less than twenty feet from property line with an area of no more than thirty-two square feet per sign face. Maximum height of sign shall be six feet.

(2) **Low profile sign.** The top of the sign shall be no higher than forty-two inches from grade, with individual letters being no larger than ten inches in height, subject to an exception when the yard grade where the sign is located is more than eighteen inches higher than the street grade. When the yard grade where the sign is located, except for landscape mounds, is more than eighteen inches above street grade and the sign is set back at least twenty-three feet from the curb, or edge of pavement on an uncurbed street, then the height of the top of the sign may be measured from the yard grade provided the top of the sign shall be no more than sixty inches above street grade. Signs on landscape mounds shall maintain the maximum forty-two inches above street or curb grade to top of sign.

(3) **Identification facia sign.** The individual letters shall be no larger than ten inches in height.

(Ord. 170-04. Passed 3-23-04.)

1387.03. Neighborhood Shopping District.

Within CN Commercial Neighborhood Districts, signs are permitted as follows:

(a) On-premise free-standing signs are permitted as described in Section [1387.05](#) (c), provided area of premises covers one acre or more.

(b) On-premise facia signs are permitted as described in Section [1387.05](#) (d).

(c) Low profile signs are permitted as described in Section [1387.01](#) (b) (2) provided such signs shall not be within ten feet of the curb line or paved roadway or on public right of way.

(Ord. 170-04. Passed 3-23-04.)

1387.04. Restricted Office District.

Within CO Commercial Office Districts, signs are permitted as follows:

(a) On-premise free-standing signs are permitted as described in Section [1387.05](#) (c), provided area of premises covers one acre or more.

(b) On-premise facia signs are permitted as described in Section [1387.05](#) (d).

(c) Low profile signs are permitted as described in Section [1387.02](#) (b) (2) provided such signs shall not be within ten feet of the curb line or paved roadway or on public right of way.

(Ord. 170-04. Passed 3-23-04.)

1387.05. Construction of signs.

Within CR and CD Commercial Districts and IL and IG Industrial Districts, signs are permitted as follows:

(a) **Future Development Signs.** One may be erected not more than one year prior to anticipated beginning of construction. Permit issued shall be valid for a period of one year; one six-month extension may be granted upon satisfactory evidence that construction will begin within the extension period. Sign must be set back from the curb, or the edge of pavement on uncurbed streets, no less than twenty-three feet and not less than five feet behind the property line, with a total area of no more than fifty square feet per sign face.

An exception to setback from the property line may be granted by the Commissioner where existing structures or lot configuration make such configuration unduly restrictive.

(b) **Area Identification Signs.** One may be erected to identify an industrial park or commercial complex. The sign shall be located at the intersection of principal streets of the development with major streets of the community. It shall contain only the name of

the development in letters no larger than twenty-four inches in height with a 100 square foot maximum area per sign face.

(c) **On-Premise Free-Standing Signs.**

(1) One free-standing sign is permitted for each premises having frontage on a public right of way. For exception see Note 1 under Table 1 on permitted heights and area.

(2) Where a premises has more than 300 feet of frontage, one additional free-standing sign may be erected for each additional whole increment of 300 feet of street frontage in excess of the first 300 feet of street frontage of the parcel. ([See Figure 1](#)).

(3) The occupant may elect to combine the allowable area of two or more free-standing signs, where permitted, into one free-standing sign with a maximum allowable area not to exceed one square foot for every one linear foot of frontage along the same right of way, up to twice the maximum established in Table 1 of this chapter. If a sign has more than one face, the total permitted area may not exceed twice the area permitted for one face.

(4) Where a premises fronts on more than one public right of way or street, excluding alleys and serviceways, the provisions of paragraph (2) hereof and Table 1 shall apply to each frontage. ([See Figure 2](#)).

(5) No free-standing sign may exceed in height the distance measured from any portion of the sign to the center of the adjoining public right of way provided, however, that the maximum height of any portion of any free-standing sign or sign structure shall be in accordance with Table 1.

(6) **Area.** The maximum permitted area of a free-standing sign, except when the area of two or more free-standing signs is combined into one sign, shall not exceed the figures shown in Table 1 for each face of a double-faced sign or for the sole face of a single-faced free-standing sign.

(7) **Residential proximity.** Where premises zoned for commercial or industrial use are within 100 feet of the nearest boundary of any premises zoned for single family or multiple-family residential use on the same public right of way, free-standing signs and roof signs erected and maintained on the commercial or industrial premises may not exceed twenty-five feet in height (Table 1 if less height is applicable) above the street grade. A free-standing sign or roof sign must be set back from the public right of way from which it is intended to be viewed the same distance as any residentially zoned property facing the same public right of way within fifty feet from the sign. This provision affects only signs on commercial and industrial premises on the same block and on the same right of way as residential premises.

(8) **Rotating signs.** Rotating free-standing signs are only permissible when a rotating sign replaces or substitutes for two other free-standing signs. Rotating signs may not rotate at a rate of more than six revolutions per minute. The maximum permitted area of a rotating free-standing sign shall be equal to the area of one of the

two stationary free-standing signs which it replaces or substitutes for two other signs. ([See Figure 3](#))

(9) **Minimum clearance.** Where a free-standing sign projects over a vehicular traffic area, such as a driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be fourteen feet. A proposal to locate a sign with less than fourteen feet of clearance may be submitted for consideration on the basis that the proposal creates no possible conflict with vehicles. Permitted vehicle barriers may include mounded landscaping, planters, concrete pads, bumper posts or tire stops provided they are permanently installed and adequate so as to satisfy the requirements of this section and are consistent with any applicable review and approval required for the parking area.

(10) **Projection over public rights of way.** Free-standing signs shall not be allowed to project over public rights of way.

(11) **Decorative embellishments.** On free-standing on-premise signs the sign structure may extend above the maximum allowable height of the sign for embellishment purpose. Under no circumstances, however, may such extension exceed twenty percent of the maximum allowable height for the sign. Further, such embellishment cupola or roof shall not include thereon any symbol, representation, logogram, insignia, illustration or other form of advertising message.

(d) **On-Premise Facia Signs and Painted Wall Signs.**

(1) **Area limits.** In all cases, all sign areas refer to the area of copy rather than the area of the background.

Note: This has been done to encourage advertisers to install comprehensive painted wall or facia signs which often cover unsightly transom windows, etc., and substantially aid in the renovation of older buildings. Permitted background area, therefore, is the total area between the lintel bar and the parapet on a one-story building, or between the lintel bar and the window sills of the floor above on a multi-storied building. Commercialism is controlled by limiting the advertising or copy area; however, copy area is bonused for advertisers who forego any other signage on the same premises. On the other hand, due consideration shall be given to restoring or maintaining the original design, detail and effect of historic buildings worthy of preservation.

A. Category 1.

Where an advertiser has no ground, roof or projecting sign on the same premises, forty-five percent of the wall sign background area may be used for copy. ([See Figure 7](#)).

B. Category 2.

Where an advertiser has a ground sign but no roof or projecting sign on the same premises, thirty percent of the wall sign background area may be used for copy. ([See Figure 8](#)).

C. Category 3.

Where an advertiser has a projecting or roof sign but no ground sign on the same premises, fifteen percent of the wall sign background area may be used for copy. ([See Figure 9](#)).

(2) Where individual mounted letters are used without a sign background, the foregoing percentages shall apply, but shall be computed on the area of the total facade between the lintel bar and the parapet on a one story building, or between the lintel bar and the window sills of the floor above on a multi-storied building.

(3) The frontage factor is relative to each side of a tenant's building.

(4) Premises fronting on more than one public right of way may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

(5) Any identification walls with non-illuminated letters up to but not exceeding three inches in height nor four square feet in area are not restricted and may be permitted in addition to regulated signage.

(e) On-Premise Roof Signs.

Roof signs are divided into the following two main categories: (See Figures 10 and 11).

(1) Category 1: Roof signs on buildings which do not exceed forty feet in height and which are designed for viewing by traffic passing by the sign installation. ([See Figure 10](#)).

The area per face is limited to 300 square feet for non freeway oriented signs and to 720 square feet for freeway oriented signs where supporting building is in a zone permitting roof signs.

NOTE: As this Sign Code requires that roof signs appear as an architectural blade with no visible structure, line of sign will reduce effective usable area as building height increases (See Table 2). Area allowances, therefore, include that which would have been seen as structural support in most former sign codes.

(2) Category 2: Roof signs on multi-storied buildings designed to be viewed from distant points.

A. In zones where roof signs are permitted, Category 2 roof signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself. (See Figures 11 and 13).

B. Category 1 roof signs shall be installed or erected in such a manner that there shall be no angle iron support structure visible from a public right of way. ([See Figure 12](#)).

C. All roof signs, except architectural blades, shall be set back a distance of at least four feet from all the outside walls of the buildings on or over which they are

located. It is the intention of this provision to provide a clear passageway around the sign.

D. Roof signs may not rotate.

E. For residential proximity, regulations set forth in Section [1387.05](#) (c) (7) shall apply.

F. No visible guy wires, braces or secondary supports shall be used. [See Figure 13](#) for permissible method.

(f) On-Premise Canopy (or Marquee) Signs.

Where canopy signs are allowed such signs shall be subject to the following conditions:

(1) Area of copy may be three square feet per linear foot of canopy front and sides. Copy area or any part of copy area allowed for one facing cannot be added to that allowed for other facings. Subject to minimum height limit of nine feet from the sidewalk, copy may be installed above, on the face of or below the canopy proper, provided that where such sign is installed above or below, copy area shall be computed on the total of the sign face and the canopy apron proper.

(2) No portion of a canopy sign may be closer than one foot to a vertical line from the curb face.

(3) On places of public entertainment such as theatres, arenas, meeting halls, etc., where one or more changeable copy signs are allowed, the copy area allowance shall be five square feet per linear foot of canopy with a maximum total height limit of no more than five feet at any point.

(4) **Under canopy signs.** Signs attached to the underside of a canopy shall have a copy area no greater than six square feet per side, with a maximum letter height of nine inches, subject to a minimum clearance of eight feet from the sidewalk and shall be mounted as nearly as possible to right angles of the building face. ([See Figure 19](#)).

(g) On-Premise Projecting and Space-Frame Projecting Form Signs.

(1) Any one tenant with frontage on a public right of way is permitted to have one projecting sign along that public street. The projecting sign may exist instead of, but not in addition to, a free-standing sign or roof sign. Where a premises is allowed two free-standing signs, the occupant may elect to substitute a projecting sign for one of the free-standing signs. If a premises has at least 300 feet of frontage along any one right of way, the occupant may have two projecting signs.

(2) Subject to absolute limits of six feet six inches from face of buildings and two feet back from the curb line, projection over public domain is limited to three inches for each linear foot of building front measured from the sign location to the nearest side line of premises. Subject to the same maximum limits, signs on corner properties installed at forty-five degree angles to the corner are permitted a twenty percent increase on the formula. (See Figures 14, 15 and 16).

Example:

50' store front with sign installed at center point $25 \times 3" = 75"$ projection. (Figure 14).

50' store front - sign installed 10' from neighbor $3 \times 10" =$ projection. (Figure 15).

Example:

Corner store with 25' shortest frontage.

$25 \times 3" = 75" + 20\% = 90"$. (Figure 16).

(3) No projecting sign may rise more than six feet above the top of a parapet.

(4) **Minimum clearance.** Projecting signs shall have a minimum clearance of ten feet between the bottom of the sign and the ground.

(5) **Installation.** All projecting signs shall be installed or erected in such a manner that there shall be no visible sign support structures above a roof, building face or wall. ([See Figure 17](#)).

(6) A cantilever support may rise twelve inches above the parapet; however, where there is a space between the edge of the sign and the building face, such cantilever support must be enclosed. ([See Figure 18](#)).

(h) **On-Premise Signs on Awnings.**

Signs consisting of one line of letters not exceeding nine inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this Code. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight square feet may be painted, placed or installed elsewhere on any awning provided that any sign, emblem, insignia or other such similar item shall comply with all other provisions of this Code. The overall copy area allowable is per Section 1387.05 (d) (1). Any awning sign copy area must be included when calculating the total allowable copy area as provided in Section [1387.05](#) (d)(1).

(i) **On-Premise Sloping Roof Signs.**

A sign may be attached to the fascia of or located on the sloping roof of a structure but may not be located so as to extend more than four feet above the upper edge of the fascia of such sloping roof but the top of the sign must be a minimum of one foot below the top roof line. (See Figures 20 and 21).

(j) **On-Premise Space-Frame Signs.**

Regulations and limitations of space-frame signs under subsections (d), (g), and (h) above, are subject to the following conditions:

(1) Minimum clearance shall be eight feet in pedestrian areas and fourteen feet in vehicular right-of-way areas. If the space-frame structure has a fringe or valance, it may hang six inches lower than the minimum clearance.

(2) For emergency personnel access on one-story buildings, space-frame structures should not occupy a four foot distance along the exterior wall at one corner of the building's street frontage and an additional four foot space along every fifty feet of such frontage. Proposals which violate the spacing guidelines shall not be approved unless reviewed and approved by the Fire Division.

(3) Letter copy area for space-frame signs is to be applied with manufacturer-approved processes. Copy on a space-frame awning form or projecting form sign shall not cover more than forty five percent (45%) of the individual space-frame sign face area. Copy area shall be within the total copy for the fascia permitted under subsection (d) hereof

(4) When a space-frame sign covers multiple storefronts, each store or tenant shall be allowed copy space no more than eighty percent (80%) of the store width, in order to maintain adequate separation between tenant spaces.

(5) Principal graphics, copy and logos, which exceed the copy type or size in subsection (j) (6) below, shall be limited to the face or street side of the structure to which the sign is attached.

(6) The ends of an illuminated awning space-frame projecting form sign may contain the street number or the name of the establishment or logo, in copy not more than nine inches high.

(7) A space-frame sign may be permitted as a combination awning form - wall form, or awning form - projecting form sign, if it meets the requirements of the classification to which each portion is subject.

(8) A nonilluminated space-frame projecting form structure which shelters a building opening by projecting out not less than eighteen inches over a window, three feet over a door or four feet over a walkway, may be reviewed as an awning under subsection (h) hereof, provided it extends no higher than forty-two inches above the opening.

(9) A space-frame fascia-wall form structure may be extended along a wall adjoining the face or street side wall of the structure, in order to extend a design theme into a parking lot or yard area, provided it faces into a customer parking lot or C-3 or M District, but not into a residential area or district within 130 feet of the fascia wall.

(10) Where a wall has an adjacent walkway, but no windows or entrance door or opening, an opening or lintel height of eight feet shall be assumed for purposes of installing a permitted space-frame awning. The fascia for purposes of installing the permitted space-frame awning shall be assumed to be an area not more than eight feet high measured below the parapet and not lower than eight feet above grade adjacent to the building.

(11) A space-frame projecting sign shall be subject to subsections (g) (1) and (2) hereof.

(12) A space-frame awning form sign may overlap the sides of the opening on each side by not more than twenty percent (20%) of the opening width or one foot,

whichever is greater or may run continuously across the space between two openings which are approximately the same height, where the width of the space is not more than the average width of the two openings. Where the awning is over a walkway leading to the principal customer entrance, it may run continuously over the walkway without regard to the space between windows and doors.

(k) Off-Premise (Outdoor Advertising) Free-Standing, Wall and Roof Signs.

Regulations and limitations of off-premise signs subject to the following conditions:

(1) Two or more off-premise signs visible to the same flow of traffic on either side of the main traveled way shall not be closer to one another than 750 feet apart. ([See Figure 4](#) for illustration of concept).

(2) The minimum distance between two off-premise signs located at the intersection of two streets and facing different flows of traffic at right angles to each other, shall be 250 feet. Back-to-back signs are permitted. ([See Figure 6](#) for illustration of concept).

(3) Measurements for purpose of paragraphs (1) and (2) of this sub-section (k) shall be linear measurements along the street, from a point on the street projected with a perpendicular line from the sign to the nearest point on the street projected with a similar perpendicular line from the other sign ([see Figure 4a](#) for illustration of concept).

(4) Off-premise signs shall be separated from property in a residentially zoned district of which the primary purpose is residential uses (not including mixed-use districts) by the following distances:

**SIGN SIZE AND REQUIRED SEPARATION
(required separation distances given in feet)**

**Required
Separation**

Property fronting on street to which sign is directed or on street nearest to sign 300

Distance from rear or side yard of property not fronting on street to which sign is directed 65

(5) Measurements for purposes of paragraph (4) of this sub-section (k) shall be the shortest distance from a point on the ground directly below the sign to the nearest point on the nearest property line of a property zoned residential ([see Figure 6a](#) for illustration of concept).

(6) Off-premise signs and sign structures in commercial and industrial districts (C-3, C-5, M-1 and M-2) shall conform to the required front, side and rear yard setbacks, shown in the table accompanying this paragraph, when adjoining a residential district. Where the required setback is less than the separation required under paragraph (4) of this sub-section (k), the greater separation distance shall apply.

FRONT YARD REQUIREMENTS FOR OFF-PREMISE SIGNS:

District Front

CR 20

CD None Required

IL 25

IG 25

See subsection 4 above for side and rear yard spacing requirements.

(7) No part of any off-premise sign structure shall be located in any required front yard.

(8) Seat benches, trash cans, telephone booths, bus shelters, vending machines and other similar devices containing off-premise advertising shall not be used in interpreting spacing requirements prescribed in paragraphs (1) and (2) hereof.

(9) Off-premise signs shall be no larger than 400 square feet of total area. Temporary embellishments, extensions and cut out letters not exceeding twenty-five percent of the total area shall be permitted in addition to the basic square footage allowable. Two off-premise signs may be permitted at a single location facing the same direction provided that they are constructed on the same supporting members and that their total combined area does not exceed 600 square feet. All existing signs consisting of more than 400 square feet shall be permitted temporary embellishments, extensions and cut out letters not exceeding twenty-five percent of the total area in addition to the existing square footage of such signs.

(10) Support structures for off-premise free-standing signs shall be of vertical, all-metal construction not to exceed two beams or poles. Where the back is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.

(11) The area around off-premise sign structures shall be kept clean and all scrub brush, tall grass, etc., shall be cleared away to a distance of at least five feet to the rear and sides of structures as well as to the front property line, and if on a corner site, to both property lines.

(12) Site directional signs shall conform to all the requirements for off-site third party signs.

(13) No free-standing or wall sign that is within 660 feet of the edge of the roadway shall be more than twenty-five feet above the grade of the nearest point of the centerline of the roadway to which the sign is oriented or fifty feet above the natural grade at the site of the sign. The measurement that is higher shall prevail as the height limit.

(14) No freestanding off-premise advertising sign shall exceed the heights showing in the following table:

SIGN HEIGHT IN RELATION TO SIGN SIZE AND PROXIMITY TO REAR OR SIDE YARD IN RESIDENTIAL ZONING DISTRICTS

(distance given in feet)

**Sign
Height**

Within 65-100 feet of residential district 30

100-200 feet from residential district 40

More than 200 feet from residential district 50

Oriented toward and within 660 feet of raised expressway but at least 500 feet from residential district
Height allowed by other cells on table or 25 feet above centerline of expressway, whichever is taller

(15) Lighting of off-premise signs shall be permitted, subject to the following condition:

All lighting shall be up-lighting in compliance with the Outdoor Advertising Association of America, Inc.'s "Plan Operation Guidelines."

(16) An off-premise sign located in or within 500 feet of any part of a designated historic district listed on the National Register of Historic Places shall be subject to the following conditions:

a. The sign shall be allowed only with a Certificate of Appropriateness;

b. For historic districts subject to the jurisdiction of a specific district commission, the determination of whether a Certificate of Appropriateness should issue will be by that commission. Signs within the district shall be subject to the review criteria applicable to that district. Signs not within the district but within 500 feet of the district shall be subject to reasonable conditions that will ensure that the installation of an off-premise sign will not interfere with the purpose or detract from the historic character of the district.

c. For historic districts not subject to the jurisdiction of a specific, district commission, the determination of whether a Certificate of Appropriateness should issue will be by the City Historic Districts Commission. Signs within the district shall be subject to the review criteria applicable to that district or subject to the U.S. Secretary of Interior's "Standards for Rehabilitation." (See following <http://www2.cr.nps.gov/tps/tax/rhb/index.htm>.) Signs not within the district but within 500 feet of the district shall be subject to reasonable conditions that will ensure that the installation of an off-premise sign will not interfere with the purpose or detract from the historic character of the district. Such conditions may include reductions in the height or size of the sign to limit or prevent visibility of the sign from the historic district; design restrictions to make it compatible with the character of the historic district; lighting limitations to protect the historic district; or any combination thereof. The conditions shall be supported by brief findings explaining the relationship between each condition and the historic character of the district.

(17) Any sign allowed herein may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this Sign Code.

(18) The Commissioner of Building Inspection may approve a reduction of the separation distances required for a new off-premise sign by paragraphs (1) and (2) of this subsection (k) by up to twenty-five percent (25%) of the required distance if, as an express condition of the permit, the applicant agrees to remove two off-premise signs in the City that were lawfully erected but that do not conform to these regulations. The Commissioner of Building Inspection may require reasonable assurance, including proof of ownership or control of the signs and a contract with surety, that the designated signs will be removed. The decision of the Commissioner may be appealed by the applicant or any person aggrieved to the City Council. The decision of the City Council shall be final. Any sign approved under this subsection shall be considered as conforming to this section in all respects.

(19) The Commissioner of Building Inspection may approve a reduction of the separation distances required for a new off-premise sign by paragraphs (1) and (2) of this subsection (k) by up to twenty-five percent (25%) of the required distance if, as an express condition of the permit, the applicant agrees to remove an existing off-premise sign of the same size (or larger) as the proposed sign, if the sign to be removed was lawfully erected but does not conform to these regulations because it is closer than 300 feet to a residential district, in violation of paragraph (4) of this subsection (k). The Commissioner of Building Inspection may require reasonable assurance, including proof of ownership or control of the sign and a contract with surety, that the designated sign will be removed. The decision of the Commissioner may be appealed by the applicant or any person aggrieved to the City Council. The decision of the City Council shall be final. Any sign approved under this subsection shall be considered as conforming to this section in all respects.

(20) Off-premise signs are prohibited within the Downtown Overlay District, the Monroe Street Corridor UNO District, Summit Street Corridor Redevelopment (SSCR) UNO District, and the Main Street/Starr Avenue UNO District.

(21) Off-premise signs shall not be permitted within 500 feet of the property line of the Toledo Zoo or the Toledo Museum of Art.

(Ord. 170-04. Passed 3-23-04; Ord. 628-04. Passed 9-21-04; Ord. 497-07. Passed 7-24-07; Ord. 38-09. Passed 1-20-09; Ord. 95-10. Passed 3-2-10.)

**TABLE 1
MAXIMUM PERMITTED HEIGHT AND AREA OF FREE-STANDING SIGNS**

| Public Right-of-Way Width | Traffic Speed Allowed | Area Each Face¹ (Square Feet) | Maximum Height From Grade of Street or Roadway to Which Sign is Oriented (feet) |
|--|--------------------------------------|---|--|
|--|--------------------------------------|---|--|

**TABLE 1
MAXIMUM PERMITTED HEIGHT AND AREA OF FREE-STANDING SIGNS**

| Public Right-of-Way Width | Traffic Speed Allowed | Area Each Face¹ (Square Feet) | Maximum Height From Grade of Street or Roadway to Which Sign is Oriented (feet) |
|--|--------------------------------------|---|--|
|--|--------------------------------------|---|--|

| | | | |
|--|---------|-----|----|
| 60 feet or less | 15 - 20 | 40 | 20 |
| | 25 - 30 | 75 | 25 |
| | 35 - 45 | 150 | 30 |
| | 50 - | 200 | 40 |
| More than 60 feet ² | 15 - 20 | 50 | 25 |
| | 25 - 30 | 150 | 30 |
| | 35 - 45 | 200 | 40 |
| | 50 - | 250 | 45 |
| Free way-oriented free standing signs ³ | | 300 | 50 |

See Section [1387.05\(c\)\(9\)](#)

¹ In square feet if more than one face, the total permitted area may not exceed twice the area permitted for one face. In the event the sign is to be located in a required front yard, no more than sixty square feet shall be permitted on each face unless there are multiple tenants in which thirty square feet shall be permitted on each face per tenant up to a maximum of 150 square feet per face.

Exception to one fee-standing sign: In the event a tenant does not have space on a sign located in a required front yard and such sign outside the required front yard. Such second sign shall contain an area on its face or faces no more than the difference between the permitted area in a required front yard and the area already used.

² Or officially designated as a major street or prime artery.

³ Located within 660 feet of the freeway right of way, and on premises within 1,500 feet of a freeway exit providing access to the premises on which the sign is located.

**TABLE 2
CATEGORY 1 ROOF SIGNS - HEIGHT LIMITATIONS**

| | Building Height (feet) | Maximum Height to Top of Sign From Top of Parapet (feet) |
|--|---|---|
| Non-freeway | 0 - 20 | 15 |
| | 21 - 30 | 20 |
| | 31 - 40 | 25 |
| Freeway-oriented where supporting building is in zone permitting roof signs. | 25 feet above grade of freeway or 50 feet above grade at ground level of supporting building. The measurement that is higher shall prevail. | |

Figures for Chapter 1387

[\[Click here to view Figures 1 through 29 in PDF format.\]](#)

Adobe Acrobat Reader Required

1387.06. Signage for Marina District.

(a) **Purpose.** The Marina District is a master planned, mixed use community that evokes a sense of style, charm and old world quality with signature development attention inherent in every detail of the architecture and landscaping. Sign and graphics have a strong visual impact on the character and quality of the community and their suitability or appropriateness helps to set the tone of this development. It is the intent of the Comprehensive Sign Plan to protect and enhance the Marina District's character through the provision of appropriate and aesthetic signage.

The purpose of the Comprehensive Sign Plan is to encourage signs which are integrated with and harmonious to the buildings and sites which they occupy, to eliminate excessive and confusing sign displays, to preserve and improve the appearance of the Marina District as a place in which to live, to work, to play and to announce a unique destination.

Further, this Comprehensive Sign Plan encourages creative and innovative approaches to quality signing; signs that are compatible, complimentary and/or appropriately contrasting with the architectural building style, characteristics and scale of the site and adjacent sites to which they are associated. The Comprehensive Sign Plan ensures that commercial signs are designed for the purpose of identifying a business, directing traffic, and informing patrons in an attractive and functional manner.

(b) **Scope.** The Marina District Comprehensive Sign Plan supercedes the Toledo Municipal Code Sections [1387.01](#) through [1387.05](#). The Comprehensive Sign Plan is incorporated herein by reference. A copy of this document is available upon request at the Toledo City Plan Commission office.

(Ord. 273-07. Passed 5-1-07.)

1389.01. Subdivision development signs.

The Administrator may issue a special permit for a temporary on-premise sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following conditions:

(a) **Time Limit.** Such permits may be issued for a period not to exceed one year. The Administrator may renew such permits for additional periods of up to one year for each permit upon written application at least thirty days prior to its expiration.

(b) **Type of Sign.** The word "signs" as used in this chapter refers to all types of signs except signs exempted under Chapter 1391, and those prohibited under Chapter 1393.

(c) **Copy and Area.** The off-site sign may contain advertising in connection with the name of the subdivision, development firm, building contractor or real estate sales firm,

and may refer to materials, appliances, supplies and building trades used in construction of the dwelling units, or services provided by the developer. The maximum area of the sign shall be sixty-four square feet in any residential district.

(d) **Location.** Any subdivision development sign shall comply with all applicable setback requirements for the zoning district in which the property is located. No such sign shall be permitted to remain in one subdivision or in one unit of a subdivision for the purpose of advertising the sale of lots or structures in another subdivision, or another unit within the same subdivision, without the express permission of the Administrator.

(1952 Code § 43-6-1)

1389.02. Signs for special events.

Temporary signs, not in excess of four square feet in area, may be erected as participation in a public parade, public event or public celebration for a period not to exceed ten days provided, however, the erection, of such sign shall be approved by the Administrator.

(1952 Code § 43-6-2)

1389.03. Non-exempt signs for direction or instruction.

Signs in excess of eight square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain, and do not contain any advertising message. In addition, the Administrator, with the approval of the Commissioner of Transportation, may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fair grounds and other public facilities.

(1952 Code § 43-6-3; Ord. 104-94. Passed 3-14-94.)

1389.04. Special sign district.

Merchants occupying sixty percent or more of the street frontage in feet of commercially zoned properties on both sides of the street and fifty percent or more of the owners or persons in the right of possession of such properties in any defined area may petition for the formation of a special sign district. This might be done for such reasons as to create an area with a particular ethnic atmosphere, to simulate a historic period, theatre or entertainment area or other similar purpose. A group of property owners or persons in the right of possession may be chosen by the merchants to represent them. The group shall not exceed ten members and shall comprise the governing body of the sign district. This body shall draw up the criteria for approval. Council shall instruct the Clerk to notify all owners or persons in the right of possession within the boundaries of such district ten days prior to the hearing, after which Council may approve the special sign district or may veto it. Such veto can only be effected by a three-quarters vote of Council. If the criteria for the special sign district are approved

and becomes effective, the City shall publish them as regulations of a sign district in the same manner as a Code of the City.

Special sign districts shall be established at the request of sixty percent of the merchants measured by property frontage. ([See Figure 29](#) in [Chapter 1387](#)).

(1952 Code § 43-6-4)

1389.05. Flags and banners.

(a) Flags and banners shall be permitted in CR and in IL, IG, and IP zoning districts, as provided in this section.

(b) **Minimum Clearance.** Where a flag or banner is attached only to a free-standing sign the minimum clearance between the bottom of the flag or banner and the ground shall be seven feet. All other installations of flags or banners shall have a minimum clearance of fourteen feet except for banners displayed flat against a building and flags on top of a building.

(c) **Number, Size and Setback.** Each business premises with one or more businesses, which has individual recorded lot frontage on arterial or major collector streets may display one banner not more than fifteen feet in length, and not more than one square foot in area for each three feet of frontage up to a maximum of thirty square feet in area.

Banners may be displayed on a legal pole or sign or flat against a building, but not abutting a residential district within the setback required from such district, or in other locations which are not within the required side or rear yard. Such signs shall be not less than ten feet from the front lot line.

Flags may be displayed not more than one on a free standing pole or a pole attached to a building provided each flag may contain a written message. Flags shall not be displayed in required side or rear yards, or nearer than ten feet to a front lot line other than on top of an existing, main building, or when flown from a light pole or flag pole installed prior to November 1, 1983. Flags shall be no larger than twelve square feet in area, and shall not overhang the right of way. One such flag may be displayed, as set out above, for each fifteen feet of frontage on an arterial street, for up to six flags. Additional flags within the arterial street frontage requirement, may be approved by the Commissioner of Inspection, with the advice of the Arts Commission or the Plan Commission staff, which he finds enhance the site aesthetically and do not contribute to an overall sign clutter in the area.

(d) No flag or banner shall be maintained which interfere with traffic signals, regulatory signs, sight distance at a street or driveway intersection or otherwise conflicts with safe driving. All proposed installation of flags or banners within the site distance triangle of an arterial street intersection or within ten feet of the right of way, shall be referred to the Commissioner of Transportation for review. The review shall consider traffic safety, sign clutter and design. Approval may be conditioned on modification of the location or arrangement of the proposed sign display. The site distance triangle, for the purposes of this section, is the triangle formed by the curb, or where there is no curb

the edge of pavement, on each intersecting street, and a straight line connecting a point on each curb or edge of pavement line. The point shall be 200 feet distant from the intersection of the curb or pavement edges.

(e) Each permit issued for a flag or banner shall be considered temporary, and is valid for a maximum of thirty consecutive days. Only one permit shall be issued per year per premise.

(f) All flags and banners shall be properly maintained so that they will not become torn, faded or otherwise mutilated and shall remain in good condition at all times or be subject to removal.

(Ord. 947-83. Passed 11-22-83; Ord. 104-94. Passed 3-14-94; Ord. 16-18. Passed 1-16-18.)

1389.06. Electronic message centers (EMCs).

The regulations contained in this section shall apply to On-Premise EMCs. All EMC signage must obtain appropriate permits from the Division of Building Inspection. Signage shall be installed and maintained in accordance with all applicable regulations. Off-Premise EMCs (Billboards) are subject to the standards contained in TMC [1387.05.K](#). for Off-Premise Signage.

(a) An EMC is allowed on any parcel with CR, CR-SO, IL, IG, or IC zoning provided the parcel is located on a major street. An EMC is allowed on any parcel with RS12, RS9, RS6, RD6, RM12, RM24, or RM36 zoning provided: the parcel is located on a major street and the structure(s) exceeds 5,000 square feet of floor area.

(1) Regardless of the underlying zoning district, an EMC shall not be installed in any Historic Overlay District (-HO), the Downtown Overlay District (-DOD), or the Maumee River Overlay (-MRO).

(2) An EMC shall not be installed in any other overlay district without review and approval by the respective architectural review committee or neighborhood group.

(b) Only one (1) EMC shall be permitted per premise. If there is an EMC on the premises, the premise shall only be allowed one other permitted sign.

(c) An EMC is only allowed as part of a solid base freestanding sign or as a fascia sign.

(1) Solid Base Freestanding Sign. For purposes of this section, a solid base freestanding sign means that the entire sign is enclosed from the ground to the top of the sign with no exposed poles. The base of the sign must be equal to or greater than the width of the sign face.

A. In any residential district, an EMC shall not exceed the maximum allowable height of 6 feet and 50% of allowable sign area of TMC [1387.02](#) up to a maximum of 16SF. Sign area restriction is for EMC copy only.

(Ord. 16-18. Passed 1-16-18.)

B. In the CR, IL, IG, and IC districts the maximum height is limited to ten (10) feet and 60% of the allowable sign area of TMC [1387.05](#) Table 1. Sign area restriction is for EMC and non-EMC copy.

(2) Fascia Sign: An EMC may be incorporated into a fascia sign, where allowed by the underlying zoning district, provided it does not exceed 40% of the allowable sign area. An EMC fascia sign cannot be used on a premise with multiple tenants. Sign area restriction is for EMC copy only.

(d) Displayed messages may change no more than one time every eight (8) seconds.

(e) Movement including animation, flashing and scrolling is prohibited at all times. Only static text or images are permitted.

(f) Any sign that uses an EMC element shall incorporate design elements for the entire sign. The EMC portion of the sign and any exposed poles must be enclosed on all sides using high quality materials as defined in TMC [1109.0501](#). The design must be compatible with the existing development in the area. Design elements will not count towards the total sign area, but cannot exceed maximum height limits.

(1) Design elements size shall be reviewed and approved in consultation with Plan Commission staff.

(2) The use of an identification panel with the address is required for any solid base freestanding sign, unless the sign would be located on a parcel with multiple frontages and on a frontage that does not correspond to the building address.

(g) EMC's shall be designed and operated with automatic dimming features that adjust illumination from daylight to night time maximums and provide the owner/operator of the EMC the ability to reduce the illumination and/or brightness to adjust to background and ambient light conditions. These controls may include an auxiliary photocell on or near the sign.

(h) The eye illuminance limit shall effectively be 0.0 foot-candles (fc); which means that the increase above ambient levels of lighting caused by switching on the sign shall not exceed 0.3 fc measured at one-hundred (100) feet from the sign standing as near as perpendicular to the sign as possible, or at the edge of the pavement no more than one-hundred (100) feet from the sign using a foot-candle meter held five (5) feet above grade.

(1) Brightness shall be verified with two measurements. The first is taken at least 30 minutes past sunset and records the ambient light while the sign is off or displaying all black copy, or with the sign's illumination blocked. The second reading is taken while the sign is on and not blocked. Measurements shall be taken at the same location, with the meter aimed toward the center of the sign.

(2) If the difference between the measurements is equal to or less than 0.3 fcs, the brightness is properly adjusted; otherwise the sign must comply with the bright standards set forth above.

(i) EMC's located within one hundred (100) feet of a residentially zoned district or use must be turned off when the use is closed or between the hours of 10:00 p.m. and 6:00 a.m., whichever is earlier.

(j) Red, yellow or green lights may be used, unless in the opinion of the Director of Public Safety, such colors would create a driving hazard. White or mostly white lighting shall be prohibited.

(k) Illumination shall be so arranged as to reflect light away from residential premises and in such a manner so as not to cast glare.

(l) Any EMC that was legally established at the time of adoption of these regulations shall comply with items (e), (g), (h), and (i) within six (6) months of the date of passage.

(m) EMC's at commercial/business establishments shall only display activities that occur on that premise and not advertise or promote off site businesses, products or services.

(Ord. 466-17. Passed 10-31-17.)

1391.01. Permit exceptions.

The following operations shall not be considered as creating a sign insofar as requiring the issuance of a sign permit, but the signs must be in conformance with all other building, structural and electrical laws and regulations of the City.

(a) Changing of the advertising copy of message on an existing approved marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or nonilluminated painted message which are all specifically designed for the use of replaceable copy.

(b) Repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation provided that it is due to a change caused by breakage and/or deterioration of the face.

(c) Changes in the content of show window displays and permitted temporary signs.

(Ord. 666-81. Passed 10-20-81.)

1391.02. Exempt signs.

(a) One construction sign per construction project not exceeding six square feet in sign area in RS12, RS9, RS6 and CO Districts, or fifty square feet in sign area in other residential or commercial or industrial districts, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued; shall be confined to the site of construction, and shall be removed five days after completion and/or prior to occupancy.

(Ord. 170-04. Passed 3-23-04.)

(b) **Directional or Instructional Signs.** Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way

advertise a business and do not exceed four square feet in area, signs identifying rest rooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs and those of similar nature.

(1952 Code § 43-7-2)

(c) **Flags.** The flags, emblems or insignia of any nation or political subdivision or corporate flags. Duplicate corporate flags, emblems or insignia are not permitted on a single lot frontage.

(Ord. 889-89. Passed 9-12-89.)

(d) **Governmental Signs.** Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

(e) **Holiday Signs.** Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs, shall be displayed for a period of not more than thirty consecutive days nor more than sixty days in any one year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back not less than ten feet from all boundary lines of the lot, provided that a clear area is maintained to a height of seventy-two inches, within fifty-five feet of the center line of the intersection of two streets, a railroad and a street and a street and driveway. Subject to the foregoing, any type of holiday decorations that partially camouflage or divert attention from traffic signals or directional signals are specifically prohibited.

(1952 Code § 43-7-2)

(f) **House Numbers and Name Plates.** House numbers and name plates for residential buildings not exceeding two square feet in area or house numbers for commercial buildings not exceeding six square feet in area unless said house number is part of a sign for which a permit is required under this Sign Code.

(Ord. 646-96. Passed 9-3-96.)

(g) **Incidental Signs.** Up to two incidental signs may be attached to a free-standing sign structure or to a building wall. Such signs are restricted to credit cards accepted, official notices of services required by law or trade affiliations. The area of each sign may not exceed five square feet; the total area of all such signs may not exceed ten square feet.

(h) **Interior Signs.** Signs located within the interior of any building or stadium, shopping center or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theatre, that are not visible from the public right of way. This does not, however, exempt such signs from the structural, electrical or material specifications as set out in this Code.

(i) **Memorial Signs.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material.

(j) **Notice Bulletin Boards.** Notice bulletin boards not over twenty-four square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of such institution and not oriented to motor vehicles in the public right of way.

(k) **No-Trespassing or No-Dumping Signs.** No-trespassing or no-dumping signs not to exceed one and one-half square feet in area per sign and not to exceed four in number per lot, except that special permission may be obtained from the Administrator for additional signs under proven special circumstances.

(l) **Occupant Signs.** One sign for each dwelling unit not to exceed two square feet in area indicating the name of the occupant, location or identification of a home professional office.

(m) **Plaques.** Plaques or nameplate signs not more than two and one-half square feet in area which are fastened directly to the building.

(1952 Code § 43-7-2)

(n) **Campaign and Political Signs.** Campaign signs for or against candidates for public office or measures on election ballots; and Political signs.

(Ord. 871-01. Passed 10-30-01.)

(o) **Public Notices.** Official notices posted by public officers or employees in the performance of their duties.

(p) **Public Signs.** Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute or ordinance under which the signs are erected.

(q) **Real Estate Signs.** One real estate sign (single or double-face) on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not illuminated, does not exceed six square feet in area per face in single-family and duplex residential districts and thirty-two square feet in area of multi-family residential or commercial or industrial districts, and is removed within seven days after the sale, rental or lease has been consummated. One additional sign, as described above, is permitted where a premises has in excess of 300 feet of frontage or where a premise fronts on two streets.

(r) **Permanent Window Signs.** For each ground floor occupancy of a building not more than two permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase or other similar facility. Such signs shall be in addition to those signs permitted under the other provisions of this code. The total copy area of such signs, however, shall not exceed a maximum of twenty-five percent of the total window area, or one square foot per lineal front foot of the premises occupied,

which ever is the lesser. Signage that qualifies as an Electronic Message Center is prohibited.

(Ord. 466-17. Passed 10-31-17.)

(s) **Signs in the Display Window.** Signs in the display window of a business, which are incorporated with a display of merchandise or a display relating to services offered which comply with subsection (q) hereof. Signage that qualifies as an Electronic Message Center is prohibited.

(Ord. 466-17. Passed 10-31-17.)

(t) **Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historical agencies or identification emblems of religious orders or historical agencies.

(Ord. 871-01. Passed 10-30-01.)

(u) **Temporary Signs.** Temporary signs pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that such signs are posted no more than thirty days before such event and are removed no more than seven days after such event.

(Ord. 871-01. Passed 10-30-01.)

(v) **Warning Signs.** Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(1952 Code § 43-7-2)

(w) **Welcome Banners for Conventions.** Welcome banners for conventions may be displayed by convention facilities in accordance with the following requirements:

(1) All welcome banners shall be affixed at all four corners at all times on the facade of the building operated by the convention facility.

(2) The welcome banner shall be displayed toward an arterial or major street only. Display of such banner toward a residential street or a neighborhood shall be prohibited.

(3) The welcome banner shall be maintained so that it does not interfere with any traffic control devices or regulatory signs, and shall not create any sight distance restrictions which would interfere with the vision of any driver entering or leaving the public right of way.

(4) All welcome banners shall be properly maintained so that they will not become torn, faded or otherwise mutilated, and shall be so maintained in good condition at all times during the authorized period of display or such signs shall be subject to immediate removal upon written notice by the Division of Inspection served to the operator of the convention facility displaying the banner.

(5) No welcome banners shall be displayed which encroach within the public right of way.

(6) The display period for welcome banners shall be limited to the period from one week before the first day of the convention, as defined in Section [1116.0214B.](#), Entertainment and Spectator Sports, advertised thereby to one week after the last day thereof.

(Ord. 170-04. Passed 3-23-04.)

(7) The number of welcome banners shall be limited to one per building facade fronting on an arterial or major street and limited in size to an area not exceeding thirty percent (30%) of the building facade.

(8) Qualifying welcome banners must be for groups directly associated with conventions appearing on the monthly listing, as amended, compiled by the Greater Toledo Office of Tourism and Conventions, Inc. (GTOTC) or its successor.

(9) All welcome banners displayed under the terms and conditions of this section shall be registered with the Greater Toledo Office of Tourism and Conventions, Inc. or its successor. The register of banners, identifying the location, period of display and contact person responsible for the banner, shall be maintained by the Greater Toledo Office of Tourism and Conventions, Inc. and shall be provided to the Division of Inspection and the Division of Transportation monthly.

(Ord. 257-91. Passed 4-2-91; Ord. 104-94. Passed 3-14-94.)

(x) **Exterior Residential Signs.** For signs not governed by any other subsection of section [1391.02](#), one exterior residential sign placed by, or with the approval of, the residential property owner or occupant provided that no fee or other compensation is paid to, or received by, the residential property owner or occupant for the placement of such sign. One additional sign, as described above, is permitted where a premises has in excess of 300 feet of frontage or where a premises fronts on two streets.

(Ord. 871-01. Passed 10-30-01.)

(y) **A-Frame Signs.** A-Frame Signs, also commonly known as "sandwich boards", are exempt in CN, CD, CR, CS and CM zoning districts when each of the following conditions is met:

(1) Number: Signs shall be limited to one per occupant;

(2) Size: Signs shall not exceed 42 inches in height, nor three (3') feet in width;

(3) Appearance: Signs must be constructed of materials that present a professional, finished appearance. Rough-cut plywood is not acceptable. Sign lettering should be painted or applied in a professional manner. Signs may not be illuminated and windblown devices, including balloons, may not be attached or otherwise made part of the sign;

(4) Placement: Signs shall be placed directly in front of the associated establishment and shall remain standing, within 5 feet of the building. Signs shall not be locked or chained or in any other way attached or secured to public property (e.g. trees, parking meters, street lights, other permanent structures). Sign placement shall maintain a clear pedestrian access area of at least five feet and shall not block street

corner, pedestrian crossings, visibility zones and Americans with Disability Act (ADA) ramps, ADA parking, bus stop zones or fire zones; and

(5) Hours: Signs shall be removed at the end of each business day and will only be displayed during regular business hours.

(Ord. 361-18. Passed 9-25-2018)

1393.01. Scope.

The signs covered in this chapter are expressly prohibited in all districts, except as otherwise provided by this Code.

(1952 Code § 43-8)

1393.02. Flashing and intensely lighted signs.

No sign shall be permitted which contains an intermittent or flashing light source, an externally mounted intermittent light source use of strobe-like lighting, blinking or travelling lights or any other means not providing constant illumination unless specifically permitted in special sign districts. Public service information signs and other electronic message centers classified as changing signs are permitted.

(Ord. 774-90. Passed 7-31-90.)

1393.03. Miscellaneous signs and posters.

The tacking, pasting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures is prohibited unless otherwise permitted by this Code.

(1952 Code § 43-8-2)

1393.04. Moving signs.

Except as otherwise provided in this Code, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a non-stationary or non-fixed condition except for the rotation of barber poles, permissible changing signs or permissible multi-prism units. Indexing multi-prism units must not exceed a speed of two complete revolutions every twenty seconds. This section is not meant to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.

(1952 Code § 43-8-3)

1393.05. Abandoned signs.

Abandoned signs are prohibited.

(1952 Code § 43-8-4)

1393.06. Advertising vehicles prohibited.

(a) No person shall operate or park any vehicle or trailer, except as provided in Section [1393.12](#), on a public right of way or public property so as to be visible from a public right of way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. (See [Figure 23](#) in [Chapter 1387](#)).

(b) This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle unless the primary purpose of such vehicle is for such advertising.

(1952 Code § 43-8-5)

1393.07. Public areas.

No sign shall be permitted which is placed on any curb, sidewalk, post, pole, electroliner, hydrant, bridge, tree or other surface located on public property or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this Code.

(1952 Code § 43-8-6)

1393.08. Temporary signs.

Pennants, search lights, twirling signs, sandwich board signs, sidewalk or curb signs, balloons, air or gas-filled figures or feather flags are prohibited, except as provided in Section 1391.02(y).

(1952 Code § 43-8-7) (Ord. 16-18. Passed 1-16-18; Ord. 361-18. Passed 9-25-18.)

1393.09. Flags.

Flags other than those of any nation, state or political subdivision or corporate flag are prohibited except as set forth in Section [1389.05](#).

(Ord. 182-83. Passed 3-8-83; Ord. 16-18. Passed 1-16-18.)

1393.10. Swinging signs.

Swinging signs are prohibited, except when constructed as described in Section [1385.10](#).

(1952 Code § 43-8-9)

1393.11. "A" frame signs.

(EDITOR'S NOTE: Former Section 1393.11 was repealed by Ordinance 361-18, passed September 25, 2018. For new provisions re: A-frame signs, see Sec. 1391.02(y).)

1393.12. Portable signs.

Portable or wheeled signs are prohibited except as provided in Section [1393.08](#) (b) for new business openings. This shall not be interpreted to prohibit identification lettering on motor vehicles or permissible advertising on buses. ([See Figure 27](#) in [Chapter 1387](#)).

(1952 Code § 43-8-11)

1393.13. Visible frames.

Visible angle iron frames or structures to support projecting signs are prohibited. ([See Figure 28](#) in [Chapter 1387](#)).

(1952 Code § 43-8-12)

1393.14. Unclassified signs.

The following signs are also prohibited, which:

(a) Bear or contain statements, words or pictures of an obscene, pornographic, immoral character or which contain advertising matter which is untruthful;

(b) Are painted on or attached to any fence (except temporary fences around construction sites which shall be considered under subsection (i) hereof) or any wall or structure (other than structures for permitted signs) which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;

(c) Operate or employ any stereopticon or motion picture projection or media in conjunction with any advertisements, or have visible moving parts or any portion of which moves, or give the illusion of motion except as permitted in this Code;

(d) Emit audible sound, odor or visible matter;

(e) Purport to be, or are an imitation of, or resemble an official traffic sign or signal;

(f) By reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle or which hide from view any traffic or street sign or signal or device;

(g) Lighting which outlines buildings or structures or ornamental features by use of exposed tubing, strings of lights or otherwise, except as otherwise permitted in this Code;

(h) Violates any provision of any Federal or State of Ohio law relative to outdoor advertising;

(1952 Code § 43-8-13; Ord. 243-07. Passed 5-1-07)

1393.15 Murals, permits required, penalty.

(a) **Definitions.**

(1) Mural is defined as any inscription, artwork, figure, wall mural, graffiti, marking or design that is marked, etched, scratched, drawn or painted on any property listed in subsection (b)(1).

(2) Owner, operator, and premises are defined under Toledo Municipal Code [1726.01\(b\)](#), [1726.01\(c\)](#) and [1726.01\(d\)](#).

(3) Property is defined as any public property or any private property, which is observable from the public right of way or from a public space.

(b) **Defacement of Property.** No person shall place artwork, mural, graffiti, write, paint or draw any inscription, figure, or mark of any type on any property listed in subsection (3) unless the express permission of the owner or operator of the property has been obtained and a permit has been issued as provided herein.

(c) **Mural Application Permit.**

(1) Any person, firm, corporation or association desiring to place on any property an inscription, figure, artwork or mark of any type shall first obtain permit from the Arts Commission of the City of Toledo. Applications for the permit issued under this Section shall include the following information:

(A) Name and address of the creator of the artwork or mural.

(B) Name and address of the owner, operator, or the person in possession of the premises where the artwork is located or to be located.

(C) Clear and legible drawings with description definitely showing location of the mural which is the subject of the permit and all other existing artwork whose construction requires permits, when such artworks are on the same premises.

(D) Drawings showing the dimensions, construction supports, sizes, foundation, electrical wiring and components, materials of the mural and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the Building Code, as amended. If required by the Arts Commission engineering data shall be supplied on plans submitted certified by a duly licensed structural engineer.

(2) Upon receipt of a completed application, the Arts Commission of Greater Toledo Mural Authority shall conduct a review within thirty (30) days. The artist or organization sponsoring the mural shall be available to the Mural Authority for an interview. The Mural Authority shall consist of eight members. Five (5) members shall be appointed by the Mayor and three (3) members shall be selected by the Arts Commission from the Art in Public Places Committee.

(3) The Mural Authority shall grant an application for mural permits that meet the Mural Authorities technical and aesthetic standards.

(4) Approval by the Mural Authority is granted for the specific design and onetime production of the mural presented. The permit is granted for an indefinite period of time provided no changes are made to the original image presented to the Authority. Any changes must be submitted to the Authority for review and determination as to whether

the changes require approval from the Authority. This permit is revocable by the Authority if it is determined at any time that the mural being installed does not comply with the information provided with the application.

(5) Unless a shorter period of time has been established by official action, this permit expires two (2) years after issuance if the approved mural has not been installed, or 180 days from issuance if the work permitted hereunder has not been commenced. This permit shall also expire if it is determined the work authorized by the permit has been suspended, discontinued or abandoned for a continuous period of 180 days.

(6) An Applicant who has been denied a permit under this section may appeal to the Board of Appeals as set forth in Section [1381.05](#) of the Municipal Code.

(d) Mural Maintenance, penalty.

(1) It shall be the responsibility of the owner or operator of property upon which a mural is placed to maintain the appearance of the mural. A mural that is permitted to remain in a condition of disrepair shall constitute a public nuisance as defined in Section [1726.01](#) of the Municipal Code.

(2) Whoever violates this section shall be guilty of a misdemeanor of the third degree.

(Ord. 243-07. Passed 5-1-07.)

1393.16 Animated signs.

Animated Signs and Animated Changing Signs (Automatic) are prohibited.

(Ord. 466-17. Passed 10-31-17.)

1395.01. Legal non-conforming signs.

(a) **Notification of non-conformity.** After the enactment of this Code, the Administrator shall as soon as practicable survey the City for signs which do not conform to the requirements of this Code. Upon determination that a sign is non-conforming, the Administrator shall use reasonable efforts to so notify either personally or in writing the user or owner of the property on which the sign is located of the following:

(1) The sign's non-conformity; and

(2) Whether the sign is eligible for characterization either as legal non-conforming or unlawful. Failing determination of the sign owner, user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

(b) **Signs eligible for characterization as legal non-conforming.** Any sign located within the City limits on the date of adoption of this Code, or located in an area annexed to the City thereafter, which does not conform with the provisions of this Code, is eligible for characterization as a legal non-conforming sign.

(c) **Loss of legal non-conforming status.** A legal non-conforming sign shall immediately lose its legal non-conforming designation if:

(1) The sign is altered in any way in structure, or copy (except for changeable copy signs and normal maintenance), which tends to or makes the sign less in compliance with the requirements of this Code than it was before the alterations; or

(2) The sign structure is relocated to a position making it less in compliance with the requirements of this Code; or

(3) Damage to a sign and/or sign structure, due to an act of God or vehicular damage, which requires repairs in excess of thirty percent of value of same; or

(4) A valid sign permit was never obtained prior to installation of said sign; or

(5) The sign and/or the sign structure is no longer maintained in accordance with the requirements of the Sign Code.

(6) On the happening of any paragraphs (1), (2), (3), (4) or (5) the sign shall be immediately brought into compliance with the Code with a new permit secured therefor, or shall be removed.

(Ord. 457-17. Passed 10-31-17.)

1395.02. Legal non-conforming sign maintenance and repair.

Nothing in this chapter shall relieve the owner or user of a legal non-conforming sign or owner of the property on which the legal non-conforming sign is located from the provisions of this Code regarding safety, maintenance and repair of signs contained in this Code provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more non-conforming or the sign may lose its legal nonconforming status.

(1952 Code § 43-9-2)

1397.01. Maintenance and repair.

(a) Every sign including but not limited to those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of such sign.

(b) The Administrator shall require compliance with all standards of this Code. If the sign is not made to comply with adequate safety and maintenance standards, the Administrator shall require its removal in accordance with this chapter.

(c) For purposes of this chapter "sign" shall include any sign structure whether or not it has a sign attached to it.

(Ord. 457-17. Passed 10-31-17.)

1397.02. Abandoned signs.

Except as otherwise provided in this Code, any on-premise sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Any off-premise sign which no longer, and for a period of three consecutive months, advertises goods, products, services or facilities available to the public or which directs persons to a different location where such goods, products, services or facilities are not for a period of three consecutive months available, shall be deemed to have been abandoned.

(1952 Code § 43-10-2)

1397.03. Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or operated by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner or operator of the premises and/or the owner of the sign.

(Ord. 457-17. Passed 10-31-17.)

1397.04. Unlawful signs.

No person shall erect or permit to be erected any sign which does not comply with the provisions of this Code.

(1952 Code § 43-10-4)

1397.05. Street improvement projects.

Any sign located in or projecting over a public right of way at the time of the effective date of this Code which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the City, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this Code if as the result of, or after completion of, a street improvement project, such sign does not or would not comply with the provisions of this Code.

(1952 Code § 43-10-5)

1397.06. Prohibitions, notice of liability.

(a) "Owner" means any of the following:

(1) Any person, corporation, partnership, limited partnership, limited liability partnership, or any shareholder, officer, trustee, partner, agent or employee of any of the above who has care, custody, control or charge of a premises or part thereof, has legal title to the premises, or has done any act to maintain or operate the premises.

A. "Maintaining or operating the premises" shall include without limitation, entering into a public utility contract, obtaining a building or demolition permit or obtaining any other permit or license relating to the premises.

(2) Any operator of a premises.

(b) "Operator" means:

(1) Any person who has charge, care of or control of a premises or a part thereof whether with or without the knowledge and consent of the owner.

(2) Any person who alone or jointly or severally with others shall have legal or equitable title to any premises with or without accompanying actual possession therefrom or shall have charge, care or control of premises as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate or as a mortgagee in possession.

(3) Any person who as a lessee, or sublessee subletting as reassigning any part or all of any premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by such lessee.

(4) The vendor or vendee under a land installment contract who has care, custody, control or the right to enter on the premises or real property.

(c) "Premises" means a lot, plot or parcel of land, including the building or structures thereon.

(d) No owner or operator shall fail to obey any order issued pursuant to Toledo Municipal Code Part Thirteen Title Nine Sign Code.

(e) No owner or operator shall cause, permit, allow, maintain or fail to abate a violation of the Sign Code.

(f) In addition to any other penalty provided for in the Sign Code, the Administrator or his or her designee may issue a Notice of Liability to the owner or operator of the premises upon which any sign code exists. Said notice shall describe the location and nature of the Sign Code violation, the time and date it was observed and the fine assessed to the owner.

(1) The Notice of Liability shall be served upon the owner by first class United States mail or by personal service.

(2) It is prima facie evidence that the owner of the premises is the person listed as such in the records of the Lucas County Auditor or Lucas County Recorder.

(3) Any owner charged with a Notice of Liability may appeal said notice as provided by Section [1381.06](#). The failure to file an appeal shall constitute a waiver of the right to contest and an admission of the Notice of Liability.

(4) A Notice of Liability for the first offense shall be seventy- five dollars (\$75.00). A second violation shall result in a fine of one hundred fifty dollars (\$150.00). A third and any subsequent violation shall result in a fine of three hundred dollars (\$300.00).

Payment of a fine under this section may be enforced by means of a civil action or any other means provided by the Ohio Revised Code.

(A) An owner may be found liable under this section regardless of whether the owner has or has not been issued orders pursuant to other provisions of this Sign Code.

(B) Each day a violation of the Sign Code exists shall constitute a separate offense.

(Ord. 457-17. Passed 10-31-17.)

1397.07. Disposal of signs; fees.

(a) A sign and/or sign structure may be removed by the Administrator pursuant to the provisions of this chapter and shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the City or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the sign's removal.

(b) When the Administrator orders the removal of a sign and/or sign structure, he shall give written notice of the removal order to the owner or operator, together with a brief written statement of the reasons for the order.

(c) When it is determined by the Administrator that such sign and/or sign structure would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the Administrator may correct the danger, all costs being assessed against the property as hereinafter provided.

(d) Signs found in the public right of way, and not otherwise permitted, may be removed by the Administrator without notice.

(Ord. 457-17. Passed 10-31-17; Ord. 16-18. Passed 1-16-18.)

1397.08. Assessment procedure.

(a) The notice given by the Administrator shall state not only the remedial action required to be taken, but shall also state that if such action is not taken within the time limits set forth in this Code, the cost of removal or correcting the unlawful feature of the sign may be assessed against the property on which the sign is located, together with the additional five percent for inspection and incidental costs and an additional ten percent penalty for the cost of collection and collected in the same manner as real estate taxes against the property.

(b) In the event that the owner of the premises, or person entitled to the possession or the owner of the sign fails, neglects or refuses to comply with the notice to repair, rehabilitate or demolish the sign to be declared to be unlawful, the owner of the sign, the owner of the premises upon which the sign is located and the person entitled to possession thereof (if other than the owner of the premises), or all or any of them, may

be prosecuted for violation of this Code. The Administrator may remove the sign declared to be unlawful.

(c) If it shall be necessary for the Administrator to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, he may sell the same at private or public sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be deposited in the General Fund of the City, and any differences between the amount so received and the cost of the removal shall be levied as an assessment against the property on which the sign is located, by Council certified to the Auditor of Lucas County, and collected as any other assessment by the City of Toledo. Should the proceeds of the sale of such salvaged material exceed the cost of such removal, the over-plus, if any, shall be paid to the owner of the premises from which such sign was removed, or to the owner of such sign, whichever land whenever proper claim therefor is established.

(d) Each such assessment shall be a lien against each lot or tract of land assessed until paid, and shall have priority over all other liens except general taxes and prior special assessments.

(e) For all purposes hereinafter the owner of the premises shall be presumed to be the owner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the Administrator.

(1952 Code § 43-10-8)