

ORDINANCE 2021-02
BY
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AN ORDINANCE REPEALING AND ADOPTING CHAPTER 152 SECTION SIGNS AND BILLBOARD REGULATIONS AMENDING § 152.205 THROUGH § 152.221 AND § 152.999 OF THE MUNICIPAL CODE OF ORDINANCES OF THE VILLAGE OF NEW LEBANON, OHIO.

WHEREAS, it is desirous to repeal the existing code and adopt the amended code of the New Lebanon Code of Ordinances; and

WHEREAS, the adopting of these sections will help maintain property levels and possibly increase their value, and at the same time promote the health, safety, and welfare of the residents of the Municipality of New Lebanon

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of New Lebanon, Ohio as follows.

SIGN REGULATIONS

Purpose and Intent

The purpose of this chapter is to establish regulations governing the size, character and location of signs within the Village and to regulate the erection, remodeling, enlarging, moving, operation, use and maintenance of signs in the interest of protecting the public health, safety, and general welfare of its citizens and the property within its boundaries in a content neutral manner, while also:

- (A) Enhancing and protecting the physical appearance of the community;
- (B) Promoting and maintaining visually attractive, residential, retail, commercial, and industrial districts;
- (C) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;
- (D) Preventing the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways;
- (E) Preventing the erection of poorly constructed and unsafely located, posted, or painted signs;
- (F) Regulating the proper construction, maintenance, safety, and structural soundness, as well as the appearance and attractiveness of signs;
- (G) Prohibiting all signs not expressly permitted by this Chapter;

§ 152.205 Sign Code Definitions

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English. In making interpretations of the meaning of words or phrases, any person or board responsible for interpreting the code may refer to definitions in the applicable fire code, State building code, state statutes, as well as any reports or dictionaries available through the American Planning Association (APA), the Urban Land Institute (ULI), the

Institute of Traffic Engineers (ITE), and similar professional organizations related to the term that requires interpretation.

- (A) **Commercial Message** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity. A message intended to direct attention to a political candidate, election issue, political, social, religious, community or public service issued or idea, aim, viewpoint, aspiration, or purpose and not intended to produce any commercial benefit or term to encourage a commercial transaction shall not be deemed a Commercial Message.
- (B) **Erect** To build, construct, attach, hang, place, suspend or affix, and includes the painting of wall and/or window signs.
- (C) **Event** Something that happens or is regarded as happening; an occurrence, especially one of some importance. the outcome, issue, or result of anything: Something that occurs in a certain place during a particular interval of time.
- (D) **Façade** The exterior walls of a building or building face exposed to public view; the exterior face of a building which gives it a distinctive character.
 - 1) **Façade, Front** The façade of a building that contains the primary entrance of the building.
 - 2) **Façade, Secondary** The secondary facades are all facades that are not determined to be the primary façade.
- (E) **Flag** A flat piece of cloth or similar material, with distinct, patterns or symbols used to represent a country or group, having one end of the cloth attached to a vertical staff (directly or by rope and pulley mechanism) and all other ends free-flowing under natural movement of wind. Flags and flagpoles shall not be located within any right-of-way.
- (F) **Height of Sign** The height of a sign which shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: existing graded prior to construction; or the new established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.
- (G) **Marquee** A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
- (H) **Parapet or Parapet Wall** A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof mounted equipment.
- (I) **Raceway** An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.
- (J) **Sign** Any object, device, fixture, placard, painted surface, awning, banner, or balloon, display or structure or part thereof using graphics, lights, symbols and/or written copy design, used for the purpose of advertising, informing, identifying, attracting attention to, or promoting

the interest of any person, institution, business, event, product, goods or services; provided that the same is visible from a street, way, sidewalk, or parking area. Types of Signs:

- 1) **Sign, Abandoned** A sign that no longer identifies or advertises a bona fide business, lessor, service, owner, project or activity.
- 2) **Sign, A-Frame Sidewalk** A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of "sign, T-frame sidewalk".
- 3) **Sign, Air-Activated** A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
- 4) **Sign, Animated or Moving** Movement or the appearance of movement of a sign display through the use of patterns of lights, changes in color or light intensity, computerized special effects, video display, or through any other method; except for the scrolling or traveling of a static message or scene onto or off a sign board in one direction per message. Scrolling is the vertical movement of a static message or display on an electronic sign.
- 5) **Sign, Awning** A sign painted on, printed on or attached flat against the surface of an awning.
- 6) **Sign, Balloon** A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for "air-activated sign".
- 7) **Sign, Banner** A temporary sign composed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be attached to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary "yard sign."
- 8) **Sign, Billboard** A permanent structure which is used for the display of off-site commercial messages, which means not on the same site where the product, business, or services are sold/provided. Billboard is usually leased or rented space with an advertising message.
- 9) **Sign, Building** Any sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

- 10) **Sign, Canopy** A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also definition of “awning.”
- 11) **Sign, Changeable Copy** A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as reader-boards. See also the definition of “electronic message center.”
- 12) **Sign, Commercial** A sign that contains a commercial message. See Definition for “Commercial Message”.
- 13) **Sign, Deteriorated** A sign showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn, or missing faces, or loose materials, or other evidence of disrepair.
- 14) **Sign, Directional** A sign directing vehicular or pedestrian movement onto and off the premises upon which such sign is located or within a premise upon which such sign is located.
- 15) **Sign, Drive-Through** Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive through lane.
- 16) **Sign, Driveway** A small permanent sign located near driveway access points and/or at the intersection of internal access drives.
- 17) **Sign, Electronic Copy** Any sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including but not limited to television screens, plasma screens, digital screens, LED screens, video boards, holographic displays and similar media with letters or illustrations that can be changed or rearranged automatically on a lamp bank or through mechanical means (e.g. electronic or digital signs).
- 18) **Signs, Exempt** Signs exempted from permit requirements and not subject to the provisions of this Zoning Code.
- 19) **Sign, Flag** A flat piece of cloth or similar material, with distinct, patterns or symbols used to represent a country or group, having one end of the cloth attached to a vertical staff (directly or by rope and pulley mechanism) and all other ends free-flowing under natural movement of wind. Flags and flagpoles shall not be located within any right-of-way.

- 20) Sign, Flashing** A sign which contains an intermittent or sequential flashing light source, used primarily to attract attention, where such intermittent or sequential flashing occurs less than every five minutes.
- 21) Sign, Freestanding** Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of “monument sign” and “pole sign.”
- 22) Sign, Government/Community Sign** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation and such signs that are approved by the Village as part of an annual holiday event or Village activity.
- 23) Sign, Ground** Any permanent or temporary sign six (6) feet in height or less placed upon the ground or attached to a supporting structure not attached to any building.
- 24) Sign, Hanging** A sign that is affixed underneath and hanging, or suspended, from a marquee, awning, canopy, or ceiling of a building or structure.
- 25) Sign, Human** A sign held by or attached to a human being who stands or walks on the ground at a business or other location. A human sign includes a person dressed in a costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product.
- 26) Sign, Illegal** Any sign which is contrary to the requirements of the Zoning Code and which does not satisfy the nonconforming specifications stated in the Zoning Code.
- 27) Sign, Illuminated** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- 28) Sign, Marquee** A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.
- 29) Sign, Monument** A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.
- 30) Sign, Nonconforming** Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

- 31) **Sign, On-Premise** A sign used to identify, advertise or promote persons, products or services available on the lot on which it is located.
- 32) **Sign, Pennants** triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.
- 33) **Sign, Permanent** A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.
- 34) **Sign, Pole** A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
- 35) **Sign, Political** A sign constructed of plywood, paper products, plastic or canvas and is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and is intended to be displayed for a limited period of time. Also referenced as “yard sign”. Campaign signage in Ohio is required to include a **disclaimer** that states “**Paid for by**” and includes the **name and address** of the person or group responsible for the sign (ORC 3517.20). If a group, such as a business, political party, or political action committee funds the sign, the disclaimer should include the **name of the chairperson or treasurer** of the responsible entity. If the sign is not expressly approved by the candidate that it promotes, the sign must also state that it is not authorized by the candidate or his/her committee (ORC 3517.105). Ohio law (ORC 5516.06) also provides that temporary signage (including political signs) may not be placed within 660 feet of the edge of the right-of-way for state primary highways. Signs may not be displayed in the 100 foot area surrounding a polling location on the day of an election.
- 36) **Sign, Portable** A sign intended to be movable and not permanently affixed to a building, structure, vehicle, or the ground. Any sign with provisions for attaching devices, such as, wheels for movement or transportation; any sign over six (6) square feet made of materials other than wood, cardboard, canvas, or paper products. This definition shall not include “sign, A-frame sidewalk” or “sign, T-frame sidewalk.”
- 37) **Sign, Projecting** A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.
- 38) **Signs, Pylon** A permanent sign that is mounted on a freestanding pole or support in which the sign exceeds six (6) feet in height.
- 39) **Sign, Temporary** A sign constructed of plywood, paper products, plastic or canvas and is neither permanently anchored to the ground, nor permanently affixed to a structure,

nor mounted on a chassis, and is intended to be displayed for a limited period of time. Also referenced as "yard sign".

40) **Sign, T-Frame Sidewalk** A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for "sign, A-frame sidewalk".

41) **Sign, Wall** A sign attached directly to an exterior wall of a building and which does not extend more than fifteen (15) inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section as are projecting signs.

42) **Sign, Window** Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

43) **Sign, Yard** A sign constructed of plywood, paper products, plastic or canvas and is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and is intended to be displayed for a limited period of time. A Yard sign is always considered temporary in nature.

(K) **Sign Area** The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) which shall be computed by means of the smallest square, circle rectangle, triangle or combination thereof that shall encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets this Zoning Code regulations and is clearly incidental to the display itself. For the purpose of this Chapter, a sign is the square foot measurement of one (1) face. If the sign is multi-sided (more than two (2) or solid in nature as in two (2) sides of a building, the allowing square foot area shall be determined by adding all the area of all sides and dividing by two (2) but not to exceed the allowable sign area of that district.

(L) **Sign Copy** Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

(M) **Sign Face** The surface of the sign upon, against or through which the message of the sign is exhibited.

- (N) **Static/Instant Message Change On electronic message centers**, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

§ 152.206 Permits

Permits shall be obtained for erection, construction, or modification of any permanent or temporary sign in all zoning districts, as regulated by municipal regulations and this code.

(A) Required

- 1) No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocate, expanded, modified, maintained, or otherwise altered unless all provisions of this code have been met. To ensure compliance with these regulations, a sign permit shall be required to be issued unless specifically exempted in the chapter.
- 2) A sign permit is reviewed in the same manner as a zoning certificate.
- 3) The repainting, changing of parts and preventative maintenance of signs, and a change in the message on a changeable or electronic copy sign shall not be deemed alterations requiring a sign permit.
- 4) Any sign permit for a permanent sign shall expire if the sign for which the permit has been issued, is not fully constructed within 12 months from the date of issuance of the permit but may be renewed before the end of the original 12-month completion period by making an additional payment of one-half of the original fee. Work authorized by a renewed permit must be completed within a three-month period.
- 5) Nothing in this section shall exempt a sign from necessity of building permit approval if an electrical or building permit is required by the County Building Code.
- 6) All temporary signs may require a permit unless listed as permit exempt sign.

(B) Exemptions The following signs are exempt from the permit requirements;

- 1) For the purpose of safety services locating a property, a sign denoting the number and street address of the premises is permitted provided such sign complies with the requirements of the currently adopted fire code.
- 2) Any sign located inside a building that is not visible from outside of the building.
- 3) Interior signs within a stadium, open-air theater, parks, arena, or other similar use, which are not visible from a public right-of-way or adjacent property and can be viewed only by persons within such stadium, open-air theater, parks, arena, or other similar use.
- 4) Flags for Federal, State, and local governments, and meet the size requirements.
- 5) Any sign located on umbrellas or similarly related private patio furniture or seating provided it is located outside of the right-of-way and complies with any other applicable standards of this code.
- 6) Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation or vehicle signage required by the State or Federal government;

- 7) Signs installed or required by the Village, Montgomery County, approved transit agency, or any agency of the State of Ohio or federal government;
- 8) Any signs located on fuel pumps, or vending machines;
- 9) Any warning signs or traffic safety signs required by public utility providers;
- 10) Any lighting, signs or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which do not contain a commercial message;
- 11) Governmental signs for the control of traffic and other purposes, including street signs and warning signs, and signs erected by the Village for government purposes;
- 12) Commemorative plaques placed by recognized historical agencies;
- 13) Temporary signs for sale of real estate and/or construction work.
- 14) Holiday, seasonal or school spirit-oriented decorations or signs.
- 15) Private drive signs – One sign per driveway entrance, not to exceed two (2) sq. ft. in area.

§ 152.207 GENERAL PROVISIONS.

The following general provision is applicable to all signs unless modified by the general requirements or standards of a specific zoning district:

- (A) All signs shall be set back a minimum of one foot behind the edge of the right-of-way and a minimum of 3 feet from the sidewalk, when possible. No sign shall be located where, by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "Stop", "Look", "Danger", or other word, phrase, or symbol in such manner as to interfere with, mislead or confuse.
- (B) No sign or signs shall block more than 50% of the total area of all windows on any building side. The 50% shall be measured against all window area per building side.
- (C) Flags: On residential district property no more than two (2) flags per lot and no larger than 24 sq. ft per flag and flag pole shall have a maximum height of 25 ft. In other districts, no more than three (3) flags per lot and no larger than 32 sq. ft per flag and flag pole shall have a maximum height of 30 ft.
- (D) Flags must be flown in proper order and no flag may be flown above the United States Flag.
- (E) Electronic signs with changeable messages shall not rotate copy at a speed greater than 6 seconds.
- (F) No sign shall be located in the right of way at any time.

§ 152.208 EXEMPTED SIGNS.

The following signs are not subject to the provisions of this chapter:

- (A) Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety;

- (B) Flags, emblems, and insignia of any governmental agency on government property or property owned by a village, township, city, state, or school;
- (C) Commemorative plaques placed by recognized historical agencies;
- (D) Signs within a school stadium, and
- (E) Directional signs on private property no larger than two (2) square feet.

§ 152.209 SIGN RESPONSIBILITY.

- (A) The building owner shall be held responsible for the removal and disposal of all abandoned signs including the complete blocking out of painted wall signs.
- (B) The owner of the sign shall be held responsible for the maintenance, repair, and upkeep of the sign.
- (C) If any sign reaches a state of disrepair and is deemed unsightly or unsafe by the Zoning Inspector, and is not properly renovated, it shall be condemned and an order issued for removal immediately at the expense of the sign owner, building owner, or property owner.

§ 152.210 MAINTENANCE AND REMOVAL OF SIGNS.

- (A) All signs and sign structures shall be kept in repair and in a proper state of preservation.
- (B) Signs which are no longer functional, or are abandoned, shall be removed or relocated in compliance with the provisions of this chapter within 30 days following such malfunction.

§ 152.211 NONCONFORMING SIGNS.

- (A) Any sign erected prior to the enactment of this chapter and not conforming to the provisions of this chapter shall be deemed to be nonconforming. This shall not prohibit the posting or maintaining in a safe condition of any sign which is nonconforming, but if the sign is damaged to more than 1/2 of its replacement value then it shall be removed and shall not be repaired or replaced, except to become conforming.
- (B) Pre-existing, nonconforming businesses in any residential district may repair a nonconforming sign with a permit maintaining the current integrity of the sign.
- (C) Pre-existing, nonconforming businesses in any residential district shall not replace a nonconforming sign without meeting the code requirements for the zoning. Additionally, the quantity of new signs shall not exceed the quantity of previously existing signs.
- (D) Any nonconforming sign which is altered, relocated, or replaced shall comply with all provisions of this chapter.

§ 152.212 PROHIBITED SIGNS.

- (A) No signs shall be attached or otherwise applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way.
- (B) No sign shall have spinning devices or strings of spinning devices or similar type devices.
- (C) No projecting sign shall extend above the wall or parapet of a building to which it is affixed.
- (D) All blinking, flashing, or intermittent lighting shall be prohibited.
- (E) Any sign not defined or permitted by this chapter.

§ 152.213 MARQUEE SIGNS.

Signs or sign structures located on a marquee shall:

- (A) Be affixed to the face or top thereof;
- (B) Not be greater than four feet in vertical measurement above the marquee;
- (C) Not extend vertically below the marquee;
- (D) Not extend horizontally more than 18 inches beyond the marquee limit; and
- (E) Any illumination except backlit illumination is prohibited.

§ 152.214 BILLBOARD SIGNS

- (A) Billboards shall be no taller than 30 feet measured from ground to top of the billboard.
- (B) Sign area of a billboard shall be no larger than 400 square feet.

§ 152.215 PROJECTING SIGNS.

- (A) The bottom of a projecting sign may not be less than ten feet above grade.
- (B) Projecting signs erected at the corners of buildings or properties may be set so as to bisect the angle between the intersecting walls or property line.
- (C) A projecting sign extending not more than three feet from the face of the building shall not be restricted as to the angle it makes with the face of the building wall.
- (D) A projecting sign is prohibited in Residential and agricultural zoned areas.

§ 152.216 WALL SIGNS.

- (A) Wall signs shall not extend more than 15 inches from the wall of the structure on which they are mounted.
- (B) Wall signs may be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall around projections of ornamental features, provided that no part of such signs, except the thickness thereof, shall extend beyond the lines of these projections in any direction.
- (C) Wall signs shall not extend above the top of the wall, nor extend beyond the ends of the wall to which they are attached.
- (D) Except where indicated wall signs may not be more than 75 square feet per building wall and may not exceed 125 square feet in total area per building.
- (E) Wall signs consisting of painting directly on the side of the exterior of a building must meet code.
- (F) Wall signs are permitted for business and industrial districts only and must meet all code requirements.
- (G) For a Residential home business, a wall sign shall not exceed two (2) square feet.

§ 152.217 GROUND SIGNS IN BUSINESS DISTRICT

- (A) Monument Signs shall not exceed 75 square feet in area.
- (B) Monument type ground sign shall not have a height exceeding 6 feet measured from the ground.
- (C) Pole or pylon signs exceed a height of 6 feet but shall not have a height greater than 20 feet from the ground to top of sign.
- (D) Pole or pylon sign shall not exceed 100 square feet in area.
- (E) Signs may be illuminated.

§ 152.218 SIGNS IN RESIDENTIAL ZONING DISTRICTS

General requirements. Unless defined in other section of code.

- (A) The following functional types of signs are permitted in residential districts:
 - 1) Bulletin boards;
 - 2) Construction signs;
 - 3) Directional signs, day of event, hours to be daylight to dark;
 - 4) Identification signs;
 - 5) Real estate signs;
 - 6) Warning signs.
- (B) No sign shall project beyond the limits of the setback line.
- (C) Directional signs are permitted as needed, provided that they do not exceed two square foot in sign area per face.
- (D) Construction signs. Construction signs:
 - 1) Shall be considered as temporary signs;
 - 2) Shall be limited in sign area to four square feet per contractor;
 - 3) Shall not exceed 12 square feet in total area; and
 - 4) Shall not be illuminated.
- (E) Real estate signs. Real estate signs:
 - 1) Shall be considered temporary signs;
 - 2) Shall be limited in total sign area to 12 square feet;
 - 3) Shall not be illuminated;
 - 4) Shall only be located on the premises to which the sign pertains; and
 - 5) Shall be set back at least 12 feet from all property lines when not attached flat against a building.
- (F) Identification signs and bulletin boards for the following uses shall not exceed 32 square feet per face with total sign area limited to 64 square feet per sign:
 - 1) Cemeteries;
 - 2) Places of worship;
- (G) Ground Identification Sign for single-family subdivisions and for multiple-family developments or groupings under one ownership containing 12 or more dwelling units:
 - 1) Shall be located on the premises to which the sign pertains;
 - 2) Shall be monument type sign;
 - 3) (b) Shall not exceed 75 square feet of total sign area per sign;
 - 4) (c) May be illuminated; and
 - 5) (d) May be considered permanent sign.
- (H) Bulletin board signs may be allowed only in community sub-divisions in a common area, for places of worship, publicly-owned and operated buildings and facilities, primary, intermediate or secondary school or community organizations.

§ 152.219 SIGNS NEAR RESIDENTIAL ZONING DISTRICTS.

- (A) No sign shall be located in a business or industrial zoning district within 100 feet of any residential zoning district in such a manner as to be primarily viewed from the residentially zoned property or from any street or alley within a residential district.
- (B) Any sign, the face of which is parallel to a street property line and lies for its entire width opposite a business or industrial zoning district, shall be deemed prima facie not to be primarily viewed from a residential zoning district.

§ 152.220 TEMPORARY SIGNS.

- (A) Temporary signs and support structures, may be used for up to a maximum of 30 consecutive days within any one 90-day period for any one property from the date of issued permit. The 30-day time limitation shall not be subdivided into small increments to permit the placement of a temporary sign on a property, or segment of such property, more than one time within any 90-day period. Temporary signs erected for more than 30 consecutive days are considered permanent signs and subject to the regulations for permanent signs.
- (B) Each temporary sign must have a permit issued prior to placement on property and must meet all code requirements.
- (C) Temporary signs may not be permanently attached to the ground, buildings, or other structures.
- (D) Banners and non-exempted flags: only one banner or non-exempted flag is allowed per property and may not exceed 24 square feet.
- (E) Temporary signs may not be placed or extend into the right-of-way.
- (F) Total of all temporary signs per property shall not be more than 50 square feet of signage.
- (G) Temporary signs in residential districts shall not be illuminated.
- (H) Portable/promotional signs, shall not exceed the 50 square feet in size temporary sign limit and only one portable/promotional sign shall be permitted for any one property.
- (I) Temporary yard signs shall not exceed 6 feet in height.

§ 152.221 TRAFFIC HAZARDS.

- (A) No sign shall be erected at or near any intersection of any streets, or any railway and any street, in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or which makes use of the words stop, look, danger, or other word, phrase, or symbol in such manner as to interfere with, mislead, or confuse traffic.
- (B) Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic.
- (C) No rotation beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display; nor shall any illuminated device designed to attract attention of users of the street be permitted unless it is an integral part of the sign as herein defined.

§ 152.999 PENALTY.

- (A) Any violation or continuing violation of the provisions Ordinances 152.205 through 152.221 shall be subject to the following provisions:
 - 1) A first violation and notice shall be deemed a warning. The offender will be given an appropriate time-frame.

- 2) A second offense of the same Section of this Chapter, occurring within the same calendar year after the occurrence of the first offense, shall be deemed as a Violation. The Village shall impose upon the offender a fine of \$100.00 and assessed a Re-inspection fee of \$25.00.
 - 3) A third offense of the same Section of this Chapter occurring within the same calendar year of the second offense shall be deemed a Violation II. The Village shall impose upon the offender a fine of \$250.00 and assessed re-inspection fee of \$25.00.
 - 4) A fourth or subsequent offense of the same Section of this Chapter occurring within the same calendar year after the occurrence of the third offense shall be deemed a Violation III. The Village shall impose upon the offender a fine of \$1,000.00 and assess a reinspection fee of \$25.00.
- (B) If the owner of the property or person designated as the “offender” fails to Comply with the Notice or Order within the time prescribed and fails to pay the assessed fines and re-inspection fees within thirty (30) days after the mailing of the bill for the fine and reinspection fees, then such amount shall be entered upon the tax duplicate and shall constitute a lien upon such lands from the date of the Entry and shall be collected as other taxes and returned to the Village’s General Fund.
- (C) Any fines and/or re-inspection fees assessed upon an offender or property owner, if not paid within thirty (30) days of the Notice of the charges assessed shall be Certified by the Council to the Montgomery County Auditor for collection in the same manner as other taxes and assessments to be collected.
- (D) **Vandalism of water supply.** A violation of the provisions of § 152.266 shall constitute a minor misdemeanor.

SECTION 1: This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 16th day of March, 2021.

First Reading: February 16, 2021

Second Reading: March 2, 2021

Third Reading: March 16, 2021

Effective Date: April 5, 2021

APPROVED:



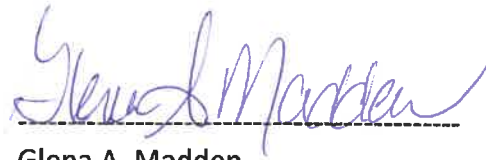
Raymond Arriola
Mayor

ATTEST:



Sandra F. Wright
Clerk of Council

APPROVED:



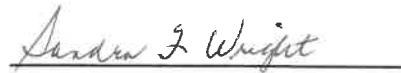
Glenna A. Madden
Municipal Manager

Dated:

March 16, 2021

CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2021-02 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.



Sandra F. Wright
Clerk of Council