

CHAPTER 158: SIGN CODE

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GENERAL PROVISIONS

§ 158.01 PURPOSE AND TITLE OF CHAPTER.

The purpose of this chapter is to encourage the effective use of signs as a means of communication in the town; to maintain the town's aesthetic environment by ensuring compatibility of signs with the area surrounding them; to encourage the use of signs appropriate to residential and commercial activities; to ensure the safety of vehicular and pedestrian traffic; and to encourage economic development within the town. This chapter shall hereafter be known as the Sign Code of the Town of Fishers.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Director of the Department of Development or the Planning/Zoning Administrator or their designee who administers and enforces the provisions of this chapter.

ADVERTISE. To inform, to notify, to announce, to attract public attention by emphasizing desirable qualities in order to arouse a desire to purchase or invest.

BANNER. Any hanging sign possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. This classification shall not include plastic or fabric signs which are permanently attached within a rigid frame which are intended to be used as a permanent sign. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

BUILDING FRONTAGE. The length of an outside building wall on a dedicated public street or private through street.

BOARD. The Town Board of Zoning Appeals.

CHURCH. A building set apart and/or consecrated for religious purposes and public worship.

CLEARANCE (OF A SIGN). The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

COMMISSION. The Town Advisory Plan Commission.

COPY. The wording on a sign surface in either permanent or removable letter form.

CORNER VISION CLEARANCE. The triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection, or 35 feet from the edge of the pavement, whichever is greater. In center medians, the corner vision clearance is 25 feet.

DISTRICT. A section of the territory within the town limits of Fishers, Hamilton County, for which uniform regulations govern the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, as established by the Zoning Code.

GRACE PERIOD. Extension of time granted for correction, termination or cessation of a civil violation of this chapter.

HEIGHT (OF A SIGN). The vertical distance measured from the highest point of the sign face to the grade of the adjacent street or the surface beneath the sign.

HOLIDAY DECORATIONS. Posters which represent a holiday but do not advertise a particular company or product.

INTERSECTION. An area within a 100-foot radius of the intersecting centerlines of two cross streets.

JURISDICTION OF THE COMMISSION. The territory for planning and zoning within the town or any other jurisdiction which it may exercise pursuant to the laws of the state.

MARQUEE. A fixed or temporary canopy or structure projecting from and attached to a building.

MASTER PLAN. The complete plan or any of its parts for the development of the town and other land in the town prepared by the Town Plan Commission and adopted in accordance with IC 36-7-4-200 and following, General Assembly of Indiana, as is now or may hereafter be in effect, as amended.

NAMEPLATE. A non-electric on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

NOT FOR PROFIT CORPORATION. An organization or activity which provides a public service not intending or intended to earn a profit, such as tax exempt 501c3 charitable and/or public benefit organization.

NOTICE OF VIOLATION. Notice issued by the Department of Development.

OCCUPANCY. The portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

OWNER. A person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

PERSON. Any individual, corporation, association, firm, partnership and the like, singular or plural.

PRIVATE THROUGH STREET. A paved surface consisting of a roadway, driveway, parking lot or the like which carries two-way vehicular traffic from a dedicated public street to a dedicated public street.

REPEATED CIVIL VIOLATION. A recurring violation at the same location or a similar violation at a different location by the same responsible party.

RESPONSIBLE PARTY. Any person, firm or corporation who (which) uses property in violation of this chapter or knowingly permits another person, firm or corporation to do so.

ROOF LINE. This shall mean either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

SHOPPING CENTER, BUSINESS PARK, OFFICE PARK, INDUSTRIAL PARK or OTHER GROUPING. A project of one or more buildings that has been planned as an integrated unit or cluster on property under unified control of ownership at the time that zoning was approved by the town.

SIGN. Any identification, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface or parcel of land, and which directs attention to an object, product, place, activity, business, person, service or interest.

SIGN AREA. the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign or any object which attracts attention to be drawn towards the sign. Signs which are made of individual letters shall be

calculated by measuring the total vertical distance by total horizontal distance of such letters. Structural supports shall not be included in the sign area calculation provided that the structural support is not an integral portion of the sign.

SIGN LOCATION. A lot, premises, building, wall or any place whatsoever upon which a sign is located.

SIGN ORDINANCE. Sign ordinance of the town codified in [Chapter 158](#).

SIGN PERMIT. A permit signed by the Administrator stating that a proposed sign has met with the general provisions of this chapter.

SIGN SURFACE. The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. In the case of a sign with two visible surfaces, the gross surface area shall be the total area of one side of the sign.

SIGN, ABANDONED. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

SIGN, AWNING or CANOPY. A sign that is painted, stamped, perforated, stitched or otherwise applied on the surface of an awning. The awning sign area shall be calculated the same as other signs except internally or backlit awning signs shall be calculated as the entire awning surface which is allowing light to pass through that portion of the awning or canopy.

SIGN, BILLBOARD. Any structure affixed to the surface of the land or to any building, tower or other structures designed, arranged, used or intended to be used for outdoor advertising, or where display space is purchased or rented for general advertising purposes.

SIGN, CHANGEABLE COPY. Any poster board, bulletin board, neon sign, screen, surface or wall, with characters, letters or illustrations affixed thereto or thereon, by any method or means whatsoever, that can be changed, rearranged, or altered without changing the face of the poster board, bulletin board, neon sign, screen, surface or wall.

SIGN, CONSTRUCTION. Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

SIGN, DEVELOPMENT. A sign which, by symbol or name, identifies a development. It may also provide an index of uses (tenants) included in the development.

SIGN, DOUBLE-FACED. A sign having two display surfaces, not necessarily displaying the same copy, which are usually parallel and back to back and not more than 24 inches apart. When the display surfaces of a double-faced sign are not parallel, the interior angle created by said surfaces shall not exceed 60 degrees and the two surfaces shall not be more than 24 inches apart at the apex of said angle.

SIGN, FACE. The area of a sign on which the copy is placed or that draws attention to the sign.

SIGN, GOVERNMENT. Any temporary or permanent sign erected and maintained by the town, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

SIGN, GROUND OR MONUMENT. A sign which is supported by one or more uprights or braces in the ground.

SIGN, IDENTIFICATION. A sign whose copy is limited to the name and address of a building, institution or person and/or to the activity or occupation being identified.

SIGN, ILLEGAL. A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

SIGN, ILLUMINATED. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

SIGN, INDIRECTLY-ILLUMINATED. A sign illuminated with a light directed primarily toward such sign, including back lighted signs, and so shielded that no direct rays from the light are visible.

SIGN, INTERNALLY-ILLUMINATED. A light source which is enclosed within the sign and viewed through a translucent panel. This type of illumination is often referred to as direct.

SIGN, MANSARD. A mansard sign shall mean any sign attached to or erected against a mansard of a building, with the face horizontally parallel to the building wall. Since said sign is to be mounted parallel to and within the limitations of the building wall on which same is to be mounted, the same is deemed to be a wall sign and not a roof sign.

SIGN, NONCONFORMING.

(1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(2) A sign which does not conform to the sign code requirements but for which a special permit has been issued.

SIGN, OFF-PREMISE. A sign which directs attention to any business, product, activity or service conducted, sold or offered at a location other than that of the sign.

SIGN, ON-PREMISE. A sign which pertains to the use of the premises on which it is located.

SIGN, OPEN HOUSE. A real estate sign which relates the date and time a structure is open for tours.

SIGN, PAINTED WALL. Any sign which is applied with paint or similar substance on the face of a wall.

SIGN, PERMANENT. A sign permanently affixed to a building or the ground.

SIGN, POLE OR PYLON. A sign which is supported by one or more uprights or braces in the ground with the sign surface located at a minimum height of ten feet above grade level.

SIGN, POLITICAL. A sign identifying and urging voter support for or opposition to a particular issue, political party or candidate for public office.

SIGN, PORTABLE. Any sign, whether on its own wheels, or otherwise, which is designed to be transported from one place or another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols.

SIGN, PROJECTING. Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

SIGN, PUBLIC SERVICE. A sign designed to render a public service such as but not limited to time and temperature signs and flashing news signs.

SIGN, REAL ESTATE. A temporary sign which advertises the sale, rental or development of the premises upon which it is located.

SIGN, SUBDIVISION. A sign showing location and general information of the project.

SIGN, SUBDIVISION DIRECTIONAL. A sign defining any writing, pictorial representation, decoration, form, emblem, trademark, or any other figure of similar character that has the purpose of directing persons to a subdivision or other land or building development.

SIGN, TEMPORARY. A sign or advertising display intended to be displayed for a designated period of time. Included in this category are banner signs, construction signs,

real estate signs, temporary subdivision signs, political campaign signs, directional signs, miscellaneous private purpose signs and other signs as determined by the Administrator.

SIGN, VEHICLE. A sign on a vehicle of any kind, provided the sign is painted or attached directly to the body of the vehicle and does not project or extend beyond 15 inches from the original body proper of the vehicle.

SIGN, WALL. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points.

SUBDIVISION CONTROL ORDINANCE. An ordinance relating to subdivision control regulations codified in [Chapter 153](#).

TENANT SPACE. An area of a building intended for the use of a single business with a completely separate external entrance.

TOWN COUNCIL. The legislative-executive body of the town.

ZONING OFFICIAL. The Development Director or his/her designee.

ZONING ORDINANCE. Zoning ordinance of the town codified as [Chapter 151](#).

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 011096D, passed 7-24-96)

§ 158.03 EXEMPTIONS.

The following types of signs are exempted from the permit requirements of this chapter.

(A) **Public Signs.** Signs of a noncommercial nature and in the public interest, erected by or on the order of an official of the town, county or state acting in the performance of his duty, such as safety signs, danger signs, trespassing signs, traffic signs and memorial plaques.

(B) **Institutional Directional.** Signs setting forth the name or any simple announcement for any public or private educational or religious institution located entirely within the premises of that institution, up to an area of 24 square feet and not illuminated. If building mounted, these signs shall be flat wall signs and shall not project above the roof line. If ground mounted, the top shall be no more than six feet above ground level.

(C) **Integral.** Names of buildings not to exceed 20 square feet, dates of erection, monumental citations or commemorative tablets not to exceed nine square feet, and the

like, when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

(D) Private traffic directional. Signs directing traffic movement onto a premise or within a premise shall not exceed four square feet in area for each sign, with a maximum height of three feet. Illumination of these signs shall be permitted in accordance with the provisions contained herein. Horizontal directional signs on and flush with paved area are exempt from these standards.

(E) Residential nameplate. A nameplate which shall not exceed one square foot in area is permitted for each dwelling unit of a single family or row structure; such nameplate shall indicate nothing other than name and/or address of the occupant.

(F) Holiday decorations and special events. Decorations which directly relate to an individual achievement, specifically noncommercial in nature, such as birthday, anniversary, birth announcement, or recognized holidays.

(G) Flags. Government and non-profit institutional flags are exempted provided there are no more than one each per site. One corporate flag may be flown in conjunction with a government flag(s).

(H) Interior window signs.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

GENERAL REQUIREMENTS AND RESTRICTIONS

§ 158.10 COMPLIANCE WITH CODE REGULATIONS.

All signs shall comply with the general rules, regulations, and requirements governing their placement, type, number, and size as outlined and contained in the provisions of this chapter.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.11 OBSTRUCTION OF TRAFFIC SIGNS; MISLEADING OR CONFUSING SIGNS.

No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency lights shall be used in connection with any sign display, nor shall any sign make use of the words "Stop," "Look," "Danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. No sign shall emit any form of sound or sounds.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.12 OBSTRUCTION OF VISIBILITY.

No sign or sign structure shall be located or constructed in such a manner as to materially impede the view of any street or highway intersection, or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad crossing. No sign shall be designed and placed so as to confuse traffic information for pedestrians or drivers of motor vehicles. The determination of the reasonableness of the location of a sign or sign structure taking into account the above shall be made by the Administrator whose decision shall be subject to appeal as provided herein to the Board of Zoning Appeals.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.13 ILLUMINATED SIGNS.

(A) The light from an illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable as determined by the Administrator considering those affected thereby.

(B) No exposed bulbs, no exposed fluorescent tubes, and no exposed neon tube shall be used on the exterior surface of any sign so as to directly expose the face of the bulb, light or tube to any public street or adjacent property.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.14 PROHIBITED SIGNS.

(A) No sign or other advertising device with visible moving parts or with flashing animated or intermittent illumination shall be erected except signs indicating the time, date or weather conditions provided this area does not exceed 10% of the permitted sign area and may not flash, blink or have moving illumination and no sign shall contain any fluorescent paint or device, including mirrors, which has the effect of intensifying reflected light.

(B) No sign of a permanent or temporary nature shall be affixed to any fence or tree located in the public right-of-way nor any utility structure.

(C) Ribbons, pennants, streamers, strings of light bulbs, spinners, or the like are not permitted.

(D) No moving signs:

(1) No sign shall move in any manner or have a major moving part.

(2) No sign may swing or otherwise noticeably move as a result of wind pressure in order to attract attention to the sign.

(E) No sign shall obstruct any window, door, fire escape, stairway or any opening intended to provide air, egress or ingress for any building or structure.

(F) No signs other than those permitted uses may be permitted in any single-family residential or multi-family residential zoning district unless expressly allowed in this chapter.

(G) No sign shall be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot in a residential district.

(H) No sign shall be placed within the right-of-way of any public street without the approval of the town council.

(I) No signs shall be placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs. This does not apply to permitted portable signs or to signs or lettering on buses, taxis or vehicles operating during the normal course of business.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96; Am. Ord. 041502A, passed 8-20-02)

§ 158.15 DIRECTIONAL AND WELCOME SIGNS FOR CHURCHES AND NOT FOR PROFIT ORGANIZATIONS ON PUBLIC RIGHTS-OF-WAY.

(A) Directional signs for churches and not for profit organizations shall be 6 inches by 24 inches, single faced with message in four inch and two inch white letters on a blue background of such materials as the town shall designate. The number of characters on a single sign shall be limited to approximately 30. No advertising material, other than name, location and route to the church or not for profit organization shall be permitted. The sign to be erected upon public street right-of-way shall be affixed to a single, galvanized, U-channeled post or street name sign post.

(1) Sign installation shall be obtained by making application to the Department of Development on a form supplied by the town.

(2) Signs shall be ordered and installed by the town. An applicant may request a particular location for the sign but the final location will remain at the discretion of the Department of Public Works.

(3) Each church or not for profit organization as defined herein shall be limited to two directional signs.

(4) Each church or not for profit organization as defined herein shall be responsible for the cost of maintenance and replacement if their sign(s) must be replaced for any reason.

(B) Welcome signs shall have an overall dimension of 5 feet by 10 feet providing space for 12 individual signs, not to exceed 18 inches high by 24 inches wide, of reflective material.

(1) Signs shall be ordered and installed by the town.

(2) Welcome signs shall be located in close proximity to the town identification sign.

(3) Each church or not for profit organization as defined herein shall be responsible for the cost and maintenance and replacement if their sign(s) must be replaced for any reason.

(4) Each church or not for profit organization as defined herein may make application for as many signs as the town erects; however, the location, quantity and placement of the signs shall remain at the discretion of the Department of Public Works in order to assure representation throughout the community.

(Ord. 040793, passed 5-26-93; Am. Ord. 040793, passed 11-17-93; Am. Ord. 011096D, passed 7-24-96) Penalty, see [§ 158.99](#)

PERMITS, APPLICATION, FEES

§ 158.30 PERMIT REQUIRED.

(A) No sign shall be erected, altered or relocated without a permit issued by the Administrator except as otherwise provided herein.

(B) When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Administrator.

(C) A sign permit shall not be issued before an Improvement Location Permit is issued for the primary structure.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.31 PERMIT APPLICATIONS.

To obtain a permit for the purpose of erecting, constructing, altering or relocating a sign under the provisions of this chapter, an application shall be submitted to the

Administrator which shall set forth in writing a complete description of the proposed sign including:

(A) The names and addresses of the contractor or other persons responsible for the placement of the sign.

(B) Two detailed site plan drawings indicating the placement, location, landscaping and address of the sign.

(C) Two scaled elevation drawings indicating the size of the sign and sign structure.

(D) Signature of the owner of the subject property or an affidavit of agency signed by the owner if a sign company is securing a permit.

(E) Upon completion of work, a color photograph of the established sign, preferably no larger in format four inches by six inches shall be submitted for permanent signs. If a photograph is not submitted, the Development Department will take a photograph at the owner's expense.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.32 PERMIT DURATION.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and erected within a period of six months after the date of issuance. However, the Administrator may grant an extension for cause of an additional six months.

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 011096D, passed 7-24-96)

§ 158.33 STICKER REQUIRED.

Every sign or sign structure erected pursuant to the provisions of this chapter shall have affixed to its surface in a place visible to the public at large a sticker to be provided by the town which shall bear a number which for all purposes identifies said sign.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.34 FEES.

Fees for sign permits shall be fixed by ordinance by the Town Council and amended from time to time as necessary.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

Cross-references:

Sign permit fees, see § [156.12\(A\)\(10\)](#)

§ 158.35 EXCEPTIONS.

The following operations shall not be considered as creating a sign, and, therefore, shall not require a sign permit:

(A) Replacing copy. The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

(B) Maintenance-painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

STANDARDS FOR SIGNS IN ZONING DISTRICTS

§ 158.40 RESIDENTIAL DISTRICTS.

(A) No signs are permitted other than those specified as being exempt in § 158.03, or as temporary in §§ 158.45 through 158.53 or as permanent as provided herein.

(B) Permanent subdivision identification signs are permitted for all residential, multi-family developments, and all other permitted uses, subject to the following guidelines:

(1) The maximum size of a permanent subdivision identification sign shall be 32 square feet per sign face.

(2) The maximum height of a permanent subdivision identification sign shall be six feet from grade.

(3) The location of a permanent subdivision identification sign shall be at least five feet from the property line and must be located at the entrance to the development and on the property which it identifies.

(4) Permanent subdivision signs shall not be placed so as to interfere with the corner vision clearance.

(5) The maximum number of signs and sign facings at each entrance shall be either:

- (a) One sign with two facings; or
- (b) Two signs with one facing each.

Such signs may be incorporated into stone, brick, or other similar monumentation defining the entrance to the subdivision or development.

(6) Permanent subdivision identification signs may be located within a landscaped median designated as common area within the street entering the subdivision or development with a minimum setback of 25 feet from the intersecting right-of-way.

(7) Permanent subdivision signs may have external illumination only.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.41 COMMERCIAL AND INDUSTRIAL DISTRICTS.

(A) Ground signs.

(1) In all commercial and industrial districts one ground sign with two sign faces, as defined herein, is permitted for business identification purposes for each site. Lots with less than 500 feet of frontage and two or more frontages on public or private through streets may be permitted one additional ground sign not exceeding 32 square feet in lieu of a permitted wall sign. Lots with more than 500 feet of frontage on the same public or private through street may have two ground signs on one frontage not exceeding 32 square feet each, provided that there is 250 feet of separation between signs. In no instance shall any one lot contain more than three ground signs.

(2) A ground sign shall not exceed the following dimensions unless otherwise noted:

(a) Five feet in height including the base, and shall not exceed 32 square feet per sign face for lots with 200 feet of frontage or less.

(b) Six feet in height including the base, and shall not exceed 60 square feet per sign face for lots with over 200 feet of frontage.

(3) A ground sign shall be located not closer than five feet from the street right-of-way, and shall be located on the property for which it identifies or promotes and so as not to block or interfere with site identification or traffic recognition.

(4) Permanent commercial and industrial ground signs shall not be placed so as to interfere with the corner vision clearance.

(5) Landscaping shall be provided around the ground sign equal to the square footage of one sign face. The landscaping shall be at least 50% evergreen. Landscaping plans shall be included with the permit application.

(B) Wall signs.

(1) In commercial and industrial districts one wall sign, as defined herein, is permitted for business identification purposes for each building. A building with more than one frontage on a public or private through street is permitted one wall sign per frontage, and may be placed on any building frontage not directly facing a residential district.

(2) The maximum size of a wall sign shall be determined as follows:

(a) Building or tenant space frontages of 50 lineal feet or less are allowed two square feet of sign for every one lineal foot of building or tenant frontage;

(b) Building or tenant space frontages of 51 lineal feet or more are allowed two square feet of sign for every one lineal foot of building or tenant frontage (up to 50 lineal feet); PLUS one square foot of sign for every one additional lineal foot of building or tenant frontage over 50 feet. Maximum allowable sign area shall be 300 square feet.

(3) Multi-story buildings are permitted one wall sign per building frontage at the size of two square feet of sign for every one lineal foot of building frontage, up to 100 square feet.

(4) Wall signs may be painted or mounted directly onto the surface of a building or affixed to permanent or retractable awnings, canopies or marquees.

(C) Pole signs.

(1) In commercial districts adjacent to an interstate highway interchange one pole sign, as defined herein, is permitted for business identification purposes for each parcel as they exist at the date of this passage as provided herein:

(a) Pole signs shall be permitted in special districts encompassing the Interstate 69 highway interchange within a radius of 1500 feet from the geographical center of the interchange. At the 116th Street interchange pole signs are permitted within a 1000 foot radius from its geographical center.

(b) A pole sign must be located so that no portion of the sign or pole lies within 20 feet of the property line or the right-of-way of a public or private street.

(c) The maximum size of a pole sign shall not exceed 420 square feet per sign face, nor 85 feet in height.

(d) All signs must be approved by the appropriate government agencies.

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 122892C, passed 12-28-92; Am. Ord. 011096D, passed 7-24-96)

§ 158.42 POND SAFETY SIGNAGE (ALL DISTRICTS).

(A) Safety signage for ponds within all land use districts shall be a minimum size of one square foot and a minimum of four square feet. Signs shall be no more than 500 feet apart, with no less than four signs per pond. A sign must be placed at all public access and entrance areas to the pond. Temporary signage shall be installed around the perimeter of the pond during the construction phase, after soil erosion is in place and the pond contains water. Temporary signs shall be single faced with message in red letters on a yellow background of such material as the town shall designate. The safety warning shall prohibit trespassing, swimming, wading and other recreational activities that would involve a person entering the pond. Graphics shall be used, such as the following:



(B) A permanent sign shall replace the temporary sign when the structure(s) in that section have been issued occupancy permits.

(1) Sign installation shall be obtained by making application to the Department of Development on a form supplied by the town.

(2) Each developer of the construction area shall be responsible for the cost of maintenance and replacement if their temporary pond safety sign(s) must be replaced for any reason.

(3) Each homeowners association as defined herein shall be responsible for the cost of maintenance and replacement if their permanent pond safety sign(s) must be replaced for any reason.

(Ord. 080601E, passed 8-20-01)

TEMPORARY SIGNS

§ 158.45 PERMIT REQUIRED.

The following signs shall be permitted anywhere within the town and shall be required to have a permit for a temporary sign unless otherwise specified in this subchapter.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.46 CONSTRUCTION SIGNS.

One construction sign which may include the future tenant, architect, engineer, contractor, lending institution and other individuals or firms involved with the construction of a specific building or project shall be permitted. The following guidelines shall apply:

(A) Construction signs are permitted in commercial and industrial districts with a maximum size of 64 square feet per sign face, not to exceed 10 feet in height from grade.

(1) The minimum setback for a construction sign shall be no less than five feet from the property line.

(2) The construction sign shall be located on the site of the construction activity which it identifies and shall be promptly removed within 10 days of the conclusion of the construction activity.

(3) Temporary construction signs shall not be placed so as to interfere with the corner vision clearance.

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 011096D, passed 7-24-96)

§ 158.47 YARD SALE SIGNS.

Yard or garage sale signs will be permitted at the entrance of the subdivision in which the property having the sale is located, not to exceed eight square feet in size. However, the Administrator shall permit not more than three such signs at the entrance to any subdivision at any one time. Signs shall be placed not less than ten feet off the road base, and are not permitted within any center medians. One sign will also be permitted on the site of the sale and one additional off-premises sign somewhere else within the subdivision which is the site of the sale. The on-premises sign must conform to the setback and size requirements as stated under on-premises Residential Real Estate Sign guidelines in § 158.48. All yard or garage sale signs may be erected three days before the sale and must be removed at the conclusion of the sale. A permit must be obtained from the Administrator but no fee will be assessed. Nothing in this chapter shall be construed to grant a license to place a sign on private property not owned by the applicant. A limited license to place signs within the right-of-way subject to the setback is granted herewith.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96; Am. Ord. 090298E, passed 11-18-98)

§ 158.48 REAL ESTATE SIGNS.

(A) Residential districts.

(1) On-premise real estate signs advertising the sale, rental or lease of property shall be permitted without a sign permit as follows:

- (a) Shall not exceed eight square feet in size.
- (b) Shall not exceed four feet in height.
- (c) Shall be removed within 14 days of the sale, lease or rental of the property.
- (d) Shall be located on the property which is to be sold, leased or rented.
- (e) Shall only be located on the yards with road frontage.
- (f) Shall not be placed so as to interfere with the corner vision clearance.
- (g) May not be located within center medians.

(2) Off-premise real estate signs such as open house signs shall be permitted without a sign permit as follows:

- (a) Shall not exceed eight square feet in size.
- (b) Shall not exceed four feet in height.
- (c) Shall only be displayed on Saturday and Sunday.
- (d) Shall be located at the entrance of the subdivision where the open house is taking place, not less than 10 feet from the street pavement.
- (e) A maximum of three open house signs may be displayed for each open house within a subdivision. One sign may be placed at the subdivision entrance, one sign may be placed within the subdivision for directional purposes and one sign may be placed on the subject property.
- (f) Shall not be placed so as to interfere with the corner vision clearance.

(B) Commercial districts and undeveloped vacant residential parcels greater than one acre.

(1) On-premise real estate signs within commercial and industrial and residential districts shall be permitted without a sign permit so as to advertise the sale, rental or lease of commercial property as follows:

- (a) Shall not exceed 32 square feet in size.
- (b) Shall not exceed six feet in height.
- (c) Shall not be located closer than five feet from the property line, or 10 feet from the pavement edge.
- (d) Shall be removed within 14 days of the closing of the sale of the property.
- (e) Shall be located on the property which is to be sold, leased or rented.
- (f) Shall not be placed so as to interfere with the corner vision clearance.

(2) On-premise real estate signs within commercial and industrial districts along SR 37, I-69 or SR 238 shall be permitted without a sign permit so as to advertise the sale, rental or lease of commercial property as follows:

- (a) Shall not exceed 64 square feet in size.
- (b) Shall not exceed 16 feet in height.
- (c) Shall not be located closer than five feet from the property line.
- (d) Shall be removed within 14 days of the closing of the sale of the property.
- (e) Shall be located on the property which is to be sold, leased or rented.
- (f) Shall not be placed so as to interfere with the corner vision clearance.

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 011096D, passed 7-24-96; Am. Ord. 090298E, passed 11-18-98)

§ 158.49 SUBDIVISION SIGNS.

(A) Temporary Subdivision Signs.

(1) Residential subdivisions that have received primary plat approval from the Plan Commission, or are already under construction may erect one temporary sign for identification purposes for a period of two years. Extensions may be granted for one year if deemed necessary by the Administrator.

(2) Individual subdivisions with more than one entrance may erect one temporary subdivision sign at each major entrance thereto.

(3) The minimum setback for a temporary subdivision sign shall be no less than five feet from the street right-of-way or property line.

- (4) The maximum height of a temporary subdivision sign shall be 10 feet.
- (5) The maximum size of a temporary subdivision sign shall be 64 square feet.
- (6) Placement of the sign shall not interfere with the corner vision clearance.

(B) **Weekend Directional Subdivision Signs.** In all residential, commercial and industrial districts weekend directional subdivision signs shall be permitted under the following guidelines:

(1) Shall not be placed or displayed before sunrise on Saturday and removed no later than sunset on Sunday, at which time all poles and stakes must be completely removed. No permit is required.

(2) Shall be free-standing and not exceed four square feet in size, nor four feet in height.

(3) Shall be located no less than 10 feet from the street pavement and so as not to interfere or obstruct a motorist's view of traffic.

(4) Placement of the signs on private property is expressly prohibited without permission of the owner.

(5) The maximum number of signs to be placed or displayed for any one subdivision within the town limits shall not exceed six.

(6) No such signs shall be attached to any existing utility structure, tree, fence or any public or private sign standard.

(7) Shall not be placed so as to interfere with the corner vision clearance.

(8) Shall not identify property located outside the town.

(9) May not be located within any center medians.

(C) **Temporary Model Home Signs.**

(1) Residential subdivisions that have model homes may erect the following signs for a period not to exceed 30 months with a valid temporary use permit.

(a) Each individual builder may have one temporary model home sales office sign. The temporary model home sales office sign shall meet the following criteria:

1. Be a minimum of five feet from the right-of-way and/or any property line;

2. Be limited to eight feet in height; and
 3. Be no greater than 32 square feet.
- (2) Temporary model home signs shall have the following restrictions:
- (a) No signs shall be in conflict with § [158.14](#), Prohibited Signs.
 - (b) No illuminated signs shall be in conflict with § [158.13](#), Illuminated Signs.

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 011096D, passed 7-24-96; Am. Ord. 090298E, passed 11-18-98; Am. Ord. 021803H, passed 4-21-03)

§ 158.50 POLITICAL SIGNS.

Political campaign signs announcing the candidates seeking public offices and other data pertinent thereto, up to a total area of eight square feet for each premise, are not required to have a permit. All signs larger than eight square feet will be required to obtain a permit. Signs of this nature shall not exceed either 32 square feet in size, nor eight feet in height. These signs shall be confined within private property and not within the street right-of-way. No signs shall be attached to utility poles, fences, trees, or any public or private sign standards.

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 011096D, passed 7-24-96; Am. Ord. 092004, passed 9-20-04)

§ 158.51 BANNERS.

One banner may be permitted under the following guidelines:

(A) Banners advertising public, church, or service organization entertainment or events may be approved by the Administrator during and for 30 days. Such signs shall be exempt from a permit fee.

(B) Banners for commercial uses require approval of the Administrator and shall be required to pay permit fees. Permits may be granted for a 30-day period and may be renewed for one consecutive 30-day period. After another 30-day period, during which the banner is not displayed, the applicant may apply for another permit.

- (1) Banners shall be no greater than 50% of the permanent sign area.
- (2) Banners shall be attached to the building for which it identifies.

(Ord. 071890C, passed 8-22-90; Am. Ord. 092392A, passed 11-4-92; Am. Ord. 011096D, passed 7-24-96)

§ 158.52 REPAIR-REMODEL CONTRACTOR SIGNS.

One sign is permitted which identifies the contractor repairing or remodeling a structure: a maximum of eight square feet, only during time of such repair or remodeling. No sign permit is required.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.53 PORTABLE SIGNS.

Portable signs with message boards advertising special products or prizes or otherwise promoting business, industry or individuals are not permitted, except as follows:

(A) The Administrator may issue a special seven-day permit for a portable sign to be established at an approved location as a temporary portable sign upon an application stating that such request is for a special event (e.g. grand opening).

(B) Under no circumstances shall more than two such permits be issued to any one applicant in any calendar year.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

NONCONFORMING USES AND SIGNS

§ 158.60 COMPLIANCE WITH REGULATIONS.

Any building or land use not conforming to the zoning code provisions for the district in which it is located shall comply with all the provisions of this sign code.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.61 NONCONFORMING SIGNS.

All signs existing at the time of the enactment of this chapter shall be classified as pre-existing nonconforming signs. If at any time such pre-existing nonconforming signs are moved, replaced or destroyed, at no fault of the owner/applicant, then owner/applicant shall be allowed to install and maintain a replacement sign which will be considered a pre-existing, nonconforming sign. If at any time the owner/applicant voluntarily chooses to move, replace or destroy the pre-existing nonconforming sign, or if the owner/applicant abandons usage of such pre-existing, nonconforming sign then any replacement sign shall be subject to the sign code provisions contained herein.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

ADMINISTRATION AND ENFORCEMENT

§ 158.65 AUTHORITY TO ENFORCE.

The Administrator is hereby authorized and directed to enforce all of the provisions of this chapter. Upon presentation of proper credentials, the Administrator or his duly authorized representative may enter at reasonable times any building, structure or premises in the town to perform any duty imposed upon him by this chapter.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.66 MAINTENANCE AND REPAIR OF SIGNS REQUIRED.

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. Failure to comply will automatically revoke the permit after such noncompliance has been determined by the Administrator and upon notice from the Office of the Administrator.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.67 PERIODIC INSPECTION OF SIGNS REQUIRED.

Signs for which a permit is required shall be inspected periodically by the Administrator for compliance with this and other related codes.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.68 REMOVAL OF SIGNS UPON VIOLATION.

(A) The Administrator may order the removal of any sign erected or maintained in violation of this chapter. He shall give at least three days notice in writing to the owner of such sign or of the building, structure or premises on which such sign is located, to remove the sign, establish a grace period or to bring it into compliance.

(B) The Administrator or any employee or agent of the town acting under his direction, may remove a sign immediately and without notice if, in his opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public.

(C) All signs shall be of sound structural quality, be maintained in good repair, have a clean and neat appearance and land adjacent shall be kept free from debris, weeds and trash. If signs are not being maintained as described and the Administrator deems them a public safety hazard or nuisance, such signs shall be removed.

(D) All signs unlawfully placed within a public right-of-way may be removed by the Administrator or his designee with notice to the owner.

(E) Signs in an easement may be removed by the corresponding utility company at the sign owner's expense.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.69 REMOVAL OF ABANDONED SIGNS.

(A) A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Administrator shall give the owner ten days written notice to remove it. Upon failure to comply with this notice, the Administrator or his duly authorized representative may remove the sign at the cost of the owner.

(B) Where a successor to a defunct business agrees to maintain the sign structure as provided in this chapter, this removal requirement shall not apply.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.70 INDEMNIFICATION AND INSURANCE.

(A) All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the town, its officers, agents and employees, against any and all claims of negligence resulting from such work insofar as this chapter has not specifically directed the placement of a sign.

(B) All persons involved in the maintenance, installation, alteration or relocation of signs shall maintain all required insurance and shall file with the town a satisfactory certificate of insurance to indemnify the town against any form of liability to a minimum of \$10,000.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.71 INTERPRETATION.

Where there is any ambiguity or dispute concerning the interpretation of this chapter, the decision of the Administrator shall prevail subject to appeal as provided herein.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.72 RIGHT OF APPEAL.

Any person aggrieved by any decision or order of the Administrator may appeal to the Board of Zoning Appeals. The Administrator shall take no further action on the matter

pending the Board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this chapter.

(Ord. 071890C, passed 8-22-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.73 AMENDMENTS.

All amendments to this chapter shall be in conformance with the laws of the state as found in I.C. Title 36 and all Acts amendatory thereto.

(Ord. 03-09-90, passed 4-4-90; Am. Ord. 011096D, passed 7-24-96)

§ 158.99 PENALTY.

(A) Criminal penalty. Any person or persons, firm or corporation whether as principal, agent, employee or otherwise, who violates any of the provisions of this chapter may be prosecuted pursuant to IC 36-7-4-1000 et seq. or as set forth in division (B) below. Violation of this chapter is a Class C infraction.

(B) Civil penalty. The town shall impose civil monetary fines or penalties for violations of this chapter which may be enforced by the designated enforcement entity in accordance with the procedures outlined in division (4) below.

(1) Civil violations; exceptions. Any person, firm or corporation who (which) uses property in violation of this chapter or knowingly permits another person, firm or corporation to do so shall upon citation by the designated enforcement entity be deemed to have committed a civil violation and shall pay to the town a civil monetary fine in the amount prescribed in division (2) below.

(2) Schedule of monetary fines.

(a) The civil monetary fine for each civil violation shall be no more than \$50 except as provided in division (b) below.

(b) For a repeated civil violation by the same violator, the following fines shall apply:

Second violation	\$100
Third violation	\$150
Fourth violation	\$200
Each Violation in excess of four	\$500

(c) These civil violation fines do not preclude the civil violator from responsibility of payment of costs incurred by the town if it is a necessity for the town to enter onto a property to correct, terminate or cease a violation in accordance with procedures outlined in this chapter.

(3) Citation for civil violations.

(a) The Development Director, Planning/Zoning Administrator or his/her duly authorized designees, upon verification of a civil violation, may issue a civil citation to any responsible parties who commit a civil violation. The citation may be served by personal service or by certified mail or by placement in a conspicuous place on the property where the civil violation occurs. If personal service of a civil violation is made by a Development Director, Planning/Zoning Administrator or his/her designees, said official will:

1. In a conspicuous manner, wear on his person identification from the town; and
2. In a conspicuous manner, wear on his person identification of his employment with the Department.

The citation shall serve as notice to the responsible parties that said party has committed a civil violation.

(b) No citation shall be issued unless the violator has been issued a notice of violation with a minimum of one and a maximum of ten days before the issuance of the citation in order to allow the violator the opportunity to correct the violation and to come into compliance with the prescribed section of the pertinent ordinance.

(c) The notice of violation shall include:

1. The date of issuance;
2. The name and address of the person charged;
3. The section number of the pertinent ordinance which has been violated;
4. The nature of the civil violation;
5. The place and time at which the civil violation occurred.
6. The range of fines which could be assessed upon continued noncompliance activity;
7. The specific time allowed in which to bring the civil violation into compliance;

8. The name, business address and telephone number of the official issuing the notice of violation; and

9. The date and time of the notice and the number of days given on the notice.

(d) The citation shall be on a form adopted by the Department and shall include:

1. The date of issuance;

2. The name and address of the person charged;

3. The section number of the pertinent ordinance which has been violated;

4. The nature of the civil violation;

5. The place and time at which the civil violation occurred;

6. The schedule of monetary fines to be assessed;

7. The name, business address and telephone number of the official issuing the citation; and

8. The date and title of notice given and the number of days given on notice.

(e) The date, time and location of the court in which the civil violation shall be adjudicated shall be determined by the court which will send notification thereof to the violator and the Development Director, Planning/Zoning Administrator or his/her designee.

(4) Trial for civil violation.

(a) Upon the issuance of a citation, the Zoning Official shall forward a copy of the citation to the designated enforcement entity and the Hamilton County Court, Noblesville, Indiana shall schedule the case for trial.

1. The Town Attorney, his/her designee or the Department is responsible for the enforcement of chapter.

2. All procedures will be in compliance with the Indiana Rules for Civil Procedure and will adopt court cost recovery for infractions according to the State of Indiana.

(b) In proceedings before the court for a civil violation:

1. By a preponderance of the evidence presented at the trial, the designated enforcement entity has the burden of proving the civil zoning violation and that the violator committed the infraction;

2. The violator may question all witnesses who appear for the designated enforcement entity and may also produce evidence or witnesses on the violator's behalf.

(c) A person found guilty of a civil violation is liable for the fine, court costs and fees. No costs may be assessed against the designated enforcement entity in any such action.

(d) Seeking a civil penalty as authorized in this section does not preclude the designated enforcement entity from alternative relief from the court in the same action or from seeking injunctive relief which is available under the law of the State of Indiana or any other remedy in a separate action for the enforcement of the pertinent ordinance.

(e) When a violator has been found guilty of a civil violation, the court may impose additional civil penalties and grant appropriate relief to abate or halt the violation, and the court may direct that payment of the civil monetary fine or additional civil penalties be suspended or deferred under conditions established by the court. If a violator fails to pay the civil penalty or violates the terms of any other order imposed by the court, the failure is contempt; and a change of venue from the Hamilton County Court shall not be granted in such case.

(Ord. 062090D, passed 8-22-90; Am. Ord. 120590A, passed 12-5-96; Am. Ord. 011096D, passed 7-24-96)