

**Title 14**

**SIGNS**

**Chapters:**

**14.04 Regulations**

**Chapter 14.04****REGULATIONS<sup>1</sup>**

## Sections:

- 14.04.010 Purpose.
- 14.04.020 Definitions.
- 14.04.030 Applicability.
- 14.04.040 Permits – Application procedures.
- 14.04.050 New construction sign review process.
- 14.04.060 General requirements.
- 14.04.070 Sign requirements – Nonresidential zones.
- 14.04.080 Sign requirements – Residential zones.
- 14.04.090 Prohibited signs.
- 14.04.100 Exemptions.
- 14.04.110 Liability.
- 14.04.120 Maintenance.
- 14.04.130 Variance procedures.
- 14.04.140 Violation and enforcement.

**14.04.010 Purpose.**

The purpose of this chapter is to improve the quality of living and the business environment in the town; to promote and protect the public welfare, health, safety, and aesthetics by regulating existing and proposed advertising signs; to enhance and preserve the natural scenic beauty of the town; to create a more attractive economic and business climate, and encourage installation of pleasing advertising signs that harmonize with buildings, natural settings, neighborhoods, and other signs. This chapter is also intended to reduce signs or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over the public rights-of-way, relieve visual pollution, and provide more open space. This chapter is further intended to preserve the distinct historic character and small town quality now enjoyed by both the community and visitors alike. And last, this chapter is intended

to encourage creativity, imagination, diversity, and signs that are both compatible with and in scale with the character of the business and residential areas they serve. (Ord. 1218 § 1, 2003)

**14.04.020 Definitions.**

For the purposes of this chapter, the terms set out in this section shall have the meanings indicated:

1. “Advertising copy” means any letters, figures, symbols, logos, trademarks or similar devices which identify or promote the sign user or any product or service; or which provides information about the sign user, the premises, the building, or the products or services available.

2. “Awning, fixed” means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall, and is held in place with rigid frames and covered with a flexible material.

3. “Awning, retractable” means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall and that is collapsible, retractable, or capable of being folded against the face of the supporting building.

4. “Banner sign” means a sign made of fabric or a nonrigid material and mounted against a solid structure, so that there is no substantial movement or noise due to weather.

5. “Canopy” means a freestanding permanent structure providing protection from the elements, such as a service station gas pump island.

6. “Change” means a change of a sign which consists of relocating the sign, or replacing 25 percent or more of the advertising and structural material in the sign. Normal maintenance is not a change which requires a permit.

6a. “Community event sign” means a sign that displays information concerning a non-commercial community event such as: county fair, blood bank, art and street festivals, benefit meals, etc.

7. “Directional sign” means a sign which serves solely to designate the direction to or location of any place, area, or business.

1. Prior legislation: Ords. 579, 723, 760 and 765.  
Code reviser’s note: Chapter 14.04 FHMC was previously codified in Chapter 15.12 FHMC.

8. “Display sign” means a case or cabinet or other device having a window of transparent material and which is either freestanding or mounted on the exterior of a building structure.

9. "Electrical sign" means a sign or sign fixture in which electrical wiring and connections for fixtures are used as part of the sign.

10. "Existing sign" means a sign in existence prior to the enactment of this chapter.

11. "Exterior/wall sign" means a sign attached to and supported by a wall of a building or structure, with the exposed face of the sign parallel to the wall. Any sign placed behind glass, or affixed to a window of a building and located in such a manner as to have an obvious intent to capture interest of persons outside the building, shall be considered a wall sign and shall be treated in the same manner.

12. "Facade" means the entire building front or the street side wall of a building from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

13. "Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, or that are required by state or federal regulations, and shall be exempt from these regulations.

14. "Flashing sign" means an illuminated sign which changes intensity of lighting and/or switches on and off in a constant pattern or in which lighting is not maintained stationary and constant intensity and color.

15. "Freestanding sign" means an exterior sign which is self-supported by use of poles, uprights, or braces in a fixed location, and in or on the ground, and is not attached to a building.

16. "Frontage, primary" means as follows:

a. In a building containing only one business, primary frontage shall be the width, as defined below, of that side of the building which contains the main public entrance to that business.

b. In a building containing more than one business, all of which businesses have their main public entrances on the same side, primary frontage shall be the width, as defined below, of that side of the building which contains those public entrances.

c. In a building containing more than one business, where those businesses have their main public entrances on more than one

side of the building, each such side shall constitute a primary frontage. Each primary frontage shall be the width, as defined below, of that frontage.

17. "Frontage, secondary" means as follows: In a building containing one or more businesses, and having all main public entrances on one side, one secondary frontage may be designated by the building owner. That frontage shall be the width, as defined below, of that side of the building so designated.

18. "Gas station price sign" means a sign advertising the price of fuel and containing no other business advertising.

19. "Grade" means the elevation as measured at relative level in the immediate vicinity of the sign.

20. "Hanging sign" means a sign suspended from an awning, canopy, or marquee.

21. "Identification sign" means a sign limited to the name, address, and number of a building, institution, or person or activity carried on in the building.

22. "Illuminated sign" means a sign that is illuminated by either interior or exterior illumination.

23. "Illuminated vending machine" means a machine located outside of a business or premises which stores and dispenses soft drinks, foodstuffs, and other commercial products and whose products are advertised on the exterior machine by advertising copy which is lighted from within and visible at night.

24. "Incidental sign" means a small information sign indicating goods, services, products, credit cards, hours of operation, or facilities which are available on the premises and is primarily intended for the convenience of the public.

25. "Joint use sign" means a sign which is designed and constructed to be used by more than one business.

26. "Lighted signature accent sign" means any internally illuminated feature placed on or about the exterior of a building or structure or natural feature to call attention to advertising or a product sold on the premises. Light bars, stripes, outlining, and similar displays shall be considered lighted signature accent signs, except for those noncommercial lighting dis-

plays associated with recognized holiday seasons, and maintained only during that season.

27. "Marquee" means a permanent roof or hood structure attached to, supported by, and projecting from a building over the public right-of-way or public place. It provides protection from weather elements, but does not include a projecting roof.

28. "Murals or painted wall designs" shall be considered signs for the purpose of determining size, location, content, and other applicable regulations.

29. "Neon sign" means a symbol, logo, or message made of illuminated neon tubing which is used for advertising.

30. "Nonconforming sign" means a sign which does not meet or conform to requirements of this chapter.

31. "Obsolete sign" means a sign advertising a business no longer conducted or product no longer sold.

32. "Off-premises or remote sign" means a sign which is not located on the property where the business depicted by the sign is located, and which is not directly related to the use or activity operated on the site of the sign.

33. "Parapet" means the portion of a building wall that rises above the roof level.

34. "Pole sign" means an exterior sign which is self-supported by use of a single supporting structure or single pole, in a fixed location, and in or on the ground, and is not attached to a building.

35. "Projecting sign" means a two-sided sign projecting more than 15 inches from a structure or building which is supported by a wall of the structure.

36. "Reader board" means a sign that has changeable copy so that its message may be easily changed by manual or mechanical means without reworking, repainting, or otherwise altering the physical composition of the sign.

37. "Sandwich board" means two connected sign boards that are not permanently attached to the ground or a structure.

38. "Sign" means any communication device, structure, fixture, illuminated or non-illuminated which is visible from any public place, and containing advertising, or where the

intent or effect is to direct attention to and to promote the sale of products, goods, services, or events.

39. "Sign area" means the entire area of the structure on which advertising copy is to be placed. It shall include the total height and width of the structure. Sign supporting structures which are part of the sign display shall be included in the area rectangle. Architectural embellishments and decorative features which contain no written or advertising copy shall be included in determining the sign area. Where a sign affixed to or otherwise displayed on a structure which is not in itself a sign, such as a wall, marquee, canopy, or awning, the sign area shall be a rectangle formed by the greatest height and width of the advertising copy.

40. "Sign package review" means a process by which building design, commercial development design, and signs are integrated into one architectural set of plans that are submitted for planning review and/or building permits.

41. "Special event sign" means a sign that displays information concerning a noncommercial special event occurring on San Juan Island no more often than once every 12 months.

41a. "Storefront displays" means any products or advertising that is in an area behind glass that is open to the business from the inside. This is not considered a sign; however, no display items that are illuminated will be allowed to be on after business hours. Overhead and spot lighting of display is exempt.

42. "Thematic flag" means flags, banners, or pennants relating to or constituting an artistic representation of a noncommercial event, subject, or topic of discourse.

43. "Width" means the horizontal distance measured in a straight line between any two corners of a building, exclusive of corners having an angle of greater than 90 degrees.

44. "Window sign" means a sign affixed to a window for advertising purposes. (Ord. 1275 § 2, 2005; Ord. 1218 § 2, 2003)

#### **14.04.030 Applicability.**

A. No new sign or signs shall be erected or displayed within the town until a permit has been issued for each individual sign, except for

those signs which are declared to be exempt under FHMC 14.04.100. It is intended that a separate permit be issued for every sign located within the town.

B. Existing signs for which no permit has been issued shall be removed.

C. No sign shall be relocated or altered until a new sign permit has been issued for the relocation or alteration.

D. If the advertising copy on a permanent sign is to be changed the owner shall first notify the town in writing.

E. The ownership of a sign shall not be transferred until a new permit has been issued to the new owner(s), and the person to whom the existing permit was issued shall remain responsible and liable for the sign until a new permit has been issued to the new owner(s).

F. The nonrefundable sign permit application fee shall be reviewed annually by the town council who shall direct the town clerk to adjust the fee appropriately and post said permit application fee in a conspicuous place within Town Hall and make such list available to the public upon request. If the permit is required solely because of a change in advertising copy, the fee for a new permit shall be waived. (Ord. 1218 § 3, 2003)

#### **14.04.040 Permits – Application procedures.**

A. Applications for a sign permit shall be submitted to the land use administrator who shall determine if the provisions of this chapter have been met. Applications for a sign permit shall include such information as the administrator shall reasonably require, including, but not necessarily limited to:

1. A scaled drawing for each proposed sign showing size, type, and any advertising copy; and
2. A scaled site plan showing proposed location and elevations of the sign relative to the building on the property, and the property lines.

B. All applications shall be signed by both the owner of the business which will display the sign and the owner of the property upon which the sign will be located.

C. All applications for signs to be located within the historic preservation overlay district, as designated in FHMC Title 17, shall be reviewed by the historic preservation review board for consistency with the goals and policies of the historic and cultural resources section of the land use element of the comprehensive plan. (Ord. 1218 § 4, 2003)

#### **14.04.050 New construction sign review process.**

On every application for a building permit to authorize new construction within nonresidential zones the applicant shall include a sign package proposal, clearly and specifically designating the type, location, number, and size of all signs to be placed on the development. No building permit shall be issued until the land use administrator has reviewed the sign package proposal and determined that the proposed signage will comply with the provisions of this chapter. Every such building permit shall include a condition that future applications for signs to be located on the approved development shall be consistent with the approved sign package proposal. Approval of a sign package proposal shall not constitute exemption from the requirement for a permit under FHMC 14.04.030(A) prior to any sign being erected or displayed. (Ord. 1218 § 5, 2003)

#### **14.04.060 General requirements.**

A. Sign standards and conditions shall be as follows:

1. The structure and installation of all signs shall comply with the latest adopted edition of the International Building Code, and with all applicable state, county, and town building and fire codes.
2. Awnings, bulletin boards, canopies, display cases, and marquees shall be subject to standards outlined in the latest adopted edition of the International Building Code, and shall require, in addition to a sign permit, a building permit and inspection by the town building official.
3. All electrically illuminated signs shall have electrical components, connections, and installations that conform to Underwriters'

Laboratories specifications, and any and all federal, state, and local regulations.

4. All signs, including all of their supports, braces, guys, and anchors, shall be maintained in good repair and in a safe, neat, clean, and attractive manner.

**B. Illumination.**

1. No sign shall be illuminated unless the enterprise is open for business and then it may remain illuminated only as long as the business is open.

2. The light directed on, or internal to, any sign shall be shaded, shielded, or directed so that its brightness or glare does not adversely affect the safe vision of drivers or pedestrians to an unreasonable degree. Lighted signs visible from nearby residences shall have a reasonably soft illumination or be shielded in such a way to prevent undue brightness or glare. (Ord. 1275 § 3, 2005; Ord. 1218 § 6, 2003)

**14.04.070 Sign requirements – Nonresidential zones.**

**A. Size.**

1. The maximum sign area for any side of a building which is a primary frontage shall be calculated at one square foot of sign area for each lineal foot of that building frontage.

2. The maximum sign area for that side of any building designated as secondary frontage shall be calculated at one-half square foot of sign area for each lineal foot of that building frontage.

3. In any building occupied by more than one business, the maximum sign area on each primary frontage shall be shared equally by those businesses whose main public entrance is along that frontage. Where applicable, the sign allowed on the secondary frontage shall be a joint use sign.

4. The maximum sign area per primary frontage may be divided between projecting, exterior/wall, freestanding, and first floor window signs. The total sign area per frontage shall be determined by adding together the area for all types of signs.

5. Window signs above the first floor are not included in the maximum sign area of a site, providing the business located above the

first floor has no other advertising signs on the premises. The business shall be allowed a maximum area of one square foot of sign area for each lineal foot of the width of the window.

**B. Number.**

1. In no event may a business display more than two signs per primary frontage.

2. In no event shall there be more than one sign on a secondary frontage.

3. In no event may a business display more than a total of three signs.

4. Each business shall be allowed one painted window sign in addition to the maximum number of signs and square footage allowed by this chapter for the limited purpose of identifying the business owner, business name, and hours of operation. The sign shall not cover more than six square feet of window area where it is located.

**C. Location.** Signs shall not be located on or along any side of a building other than a primary frontage, or where applicable, the designated secondary frontage.

**D. Freestanding and Pole Signs.**

1. Identical advertising copy must appear on both sides, except for any side of a freestanding or pole sign which is not visible from a public street.

2. The total square foot area of a freestanding sign or pole sign shall not exceed 32 square feet.

3. A freestanding or pole sign shall not exceed eight feet in height above ground level. A maximum width of eight feet is allowed from four feet above finished grade to the eight-foot limit. There is no width restrictions below the four-foot level.

4. On any corner lot there shall be allowed only one freestanding or pole sign. The placement of this sign shall be subject to approval by the land use administrator who shall review the location for compliance with subsection (D)(5) of this section.

5. The placement of freestanding signs or pole signs shall be in such a fashion and location as to not unreasonably obstruct the safe vision of motorists and pedestrians, nor unreasonably obstruct the view of signs of adjacent property owners.

6. If a projecting sign is used, no free-standing or pole sign shall be permitted on the property.

7. Each freestanding or pole sign shall have a landscaped area twice the size of the sign area at the base of the sign.

8. If more than one business in an area where businesses share the use of a parking lot, structure, parcel, or facility has need of a free-standing or pole sign, all signs shall be located together on the same joint use sign.

9. Businesses choosing to erect a free-standing or pole sign shall forfeit the use of the allowed secondary frontage for advertising signs, and consequently shall be allowed only the maximum sign area for the primary frontage.

10. Sandwich board or A-frame signs are allowed if they are included in the total sign area of an approved sign permit and are on the private property of the location of the business and are only erected during the hours the enterprise is open for business.

#### E. Awnings and Canopies.

1. Awnings and canopies which are covered with translucent material and internally illuminated shall not be allowed.

2. Except as provided in subsections (E)(1) and (E)(2) of this section, awnings and canopies shall not be considered signs, except that the area of any awning or canopy which displays advertising copy shall be considered a sign, in which event:

a. The sign area shall be determined in accordance with FHMC 14.04.020(39).

b. Advertising copy which appears on any side of an awning or canopy which most nearly parallels the side of the building shall be treated as an exterior/wall sign, and shall be subject to all the requirements of this chapter which apply to exterior/wall signs affixed directly to a building, except for the provisions of subsection H of this section.

c. Advertising copy which appears on any side of an awning or canopy which is generally perpendicular to the side of the building shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which apply to projecting signs affixed directly to a building. In the event

advertising copy appears on two sides of an awning or canopy which are perpendicular to the same wall, those sides shall be considered one projecting sign except that the provisions of subsection (F)(3) of this section shall not apply.

#### F. Projecting Signs.

1. The total square foot area of a projecting sign shall not exceed 18 square feet.

2. Identical advertising copy must appear on both sides.

3. The distance between the principal faces of any projecting sign shall not exceed 24 inches.

4. The horizontal clearance between a projecting sign and the curbline shall not be less than two feet.

5. All projecting signs shall be at least eight feet above sidewalks and walkways.

G. Hanging Signs. Hanging signs shall be treated as exterior/wall signs with the provision that they shall be at least eight feet above sidewalks and walkways.

H. Exterior/Wall Signs. The rear of the sign shall be located not more than six inches from the wall to which it is attached.

#### I. Marquees.

1. Advertising copy which appears on any side of a marquee which most nearly parallels the side of the building shall be treated as an exterior/wall sign, and shall be subject to all the requirements of this chapter which apply to exterior/wall signs affixed directly to a building, except for the provisions of subsection H of this section.

2. Advertising copy which appears on any side of a marquee which is generally perpendicular to the side of the building shall be treated as a projecting sign, and shall be subject to all of the requirements of this chapter which apply to projecting signs affixed directly to a building. In the event advertising copy appears on two sides of a marquee which are perpendicular to the same wall, those sides shall be considered one projecting sign, except that the provisions of subsection (F)(3) of this section shall not apply.

J. Murals or painted wall designs are allowed if they are within the total allowed size and have an approved sign permit. Any mural

that will exceed the total size allowed for signs associated with that structure must apply for and receive an approved conditional use permit.

K. Community event signs are allowed under the following criteria:

1. All organizations must fill out a no fee permit application once a year with the community development department listing dates and locations of signs. Only one sign is allowed at any location each day. First-come, first-served on locations.

2. No more than six events per year for each organization. No event can be more than five days in duration.

3. Only events that are located in town or the county fairgrounds are allowed.

4. Freestanding or sandwich board signs are allowed under the following conditions:

a. Maximum size of six square feet per side.

b. Maximum of six signs per event are allowed.

c. Signs shall not, in the town's opinion, block sidewalks, paths, roadways, or impair sightlines.

d. Signs can only be placed on the day of events and must be removed each night after event closes. (Ord. 1275 § 4, 2005; Ord. 1224 §§ 2, 3, 2003; Ord. 1218 § 7, 2003)

**14.04.080 Sign requirements – Residential zones.**

Within any single-family or multifamily zone, signs or nameplates are permitted as follows:

A. For each single-family home or duplex house, one nameplate not exceeding a combined area of two square feet for each occupancy shall be allowed. Nameplates shall not be subject to the permit requirements of this chapter.

B. For multifamily uses, bed and breakfast establishments and other nonresidential uses, one identification sign shall be allowed. The sign shall not exceed 16 square feet in area.

C. Signs identifying businesses located in residential zones shall not be illuminated.

D. All signs in said zones shall be placed flat against a building or designed as part of the architectural feature thereof unless they are freestanding or pole signs, in which case they shall not exceed a height of six feet nor project over public property or more than 10 feet beyond the legal setback line. (Ord. 1218 § 8, 2003)

**14.04.090 Prohibited signs.**

Any sign not specifically listed as permitted shall be prohibited. The following signs are specifically prohibited in all zones:

A. Signs that are, or include such items as, banners that are different than FHMC 14.04.020(4), ribbons, balloons, kites, flags, pennants, streamers, strings of lights except as exempted in FHMC 14.04.100(L), or similar devices. These devices, when not part of any sign, are also prohibited;

B. Thematic flags;

C. Signs which flash, blink, move, oscillate or revolve, with the exception that barber poles shall be permitted to revolve;

D. Illuminated vending machines;

E. All signs which project above the roof or parapet;

F. Signs with lighting that may be hazardous to pedestrians or motorists;

G. Signs which obscure designated view corridors, vista of landscape, or vision of motorists entering or leaving a street;

H. Signs obstructing the vision of public access to a road, street or alley;

I. Signs which by coloring, shape, wording or location resemble or conflict with traffic-control signs or devices;

J. Signs placed on or affixed to light poles, telephone poles, natural features, or on lighting or traffic standards;

K. All portable reader board signs;

L. Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Buses and taxis are exempt from this provision;

M. Lighted signature accent signs;

N. Neon signs except for those displayed on the interior;

O. Remote or off-premises signs. (Ord. 1218 § 9, 2003)

**14.04.100 Exemptions.**

The following signs are allowed as long as they meet all the other requirements of this chapter, however they are exempt from permitting requirements:

A. A sign announcing that a product is being offered for sale at a reduced price for a limited period; provided, that the sign is located within the building where the product is sold, to include the interior surface of windows and doors.

B. Special event signs; provided, that all of the following conditions are met:

1. The promoter of the event shall have first met with the land use administrator to obtain a determination that the proposed sign falls within the definition of a special event sign;

2. No such sign shall include moving parts or flashing lights;

3. No such sign shall be erected or displayed more than 10 days before the special event it announces; and

4. All such signs shall be removed within three days after the conclusion of the event.

C. The changing of copy or message on a sign specifically designed for use of change-

able copy, such as a theater marquee or bulletin board or display, shall be allowed without a permit.

D. Temporary signs to indicate that the premises are for sale or rent. Such signs use terms as quitting business, open for business, for sale, inquire within, for rent, open house, sold, and may include a telephone number and insignia. These signs shall not exceed two square feet.

E. Signs erected by a public official in the performance of his/her duty on property under the jurisdiction of that official shall be allowed without a permit.

F. Campaign political signs are permissible providing the sign copy is limited to information about a candidate, political party or public issue in a current election campaign. They shall be removed within five days after the applicable election.

G. Signs of a public, noncommercial nature including, but not limited to, safety, direction, danger, and no trespassing.

H. Traffic signs, traffic-control devices, traffic signals and markings installed by the town.

I. Temporary decorations of a design generally recognized as customary for a particular established holiday, if erected entirely on private property and not displayed for a period of more than 10 days (40 days for the Christmas/New Year holiday) coinciding with that holiday.

J. Wall graphics are permissible provided they do not constitute advertising of a business or product normally subject to the provisions for painted signs.

K. One temporary construction sign.

L. Strings of low wattage (seven watts or less) white light bulbs; provided, that such strings are randomly arrayed in natural trees or on building outline. Lights shall not blink or oscillate and said strings shall be maintained in good repair by the owner.

M. Gas stations may install one fuel price sign on a pump island. Fuel price signs shall have no other advertising than type of fuel and price, and shall comply with all other provisions of this chapter.

N. Advertising copy included by the manufacturer on vending machines if nonilluminated.

O. Signage which is affixed to the interior surface of fences at the Hartman Diamond Baseball Field, located at the corner of Spring Street and Marguerite Place, providing that the management of the facility obtains an annual license for said signage which shall be subject to the following special conditions:

1. Sign areas displayed may be in addition to the maximum size area allowed under FHMC 14.04.070(A), Size;

2. Signs so displayed may be in addition to the number of signs allowed under FHMC 14.04.070(B), Number;

3. Signs so displayed shall be exempt from FHMC 14.04.070(C), Location;

4. Signs so displayed shall be exempt from FHMC 14.04.090(O), Remote or off-premises signs;

5. No portion of any sign/panel shall extend more than five feet above the average grade level;

6. Sign/panels shall not be illuminated;

7. Sign/panels shall be mounted on designated fences with all advertising facing toward the ball field and with the reverse side of all sign/panels painted a common color and to be void of any advertising;

8. There shall be a maximum of 1,728 square feet of sign/panels;

9. Criteria for advertising material to be displayed on the sign/panels shall be the responsibility of the management of the facility;

10. The management of the facility shall be responsible for the maintenance, repair, and liability of all of the sign/panels; and

11. All other requirements of this chapter shall remain applicable. (Ord. 1218 § 10, 2003)

#### **14.04.110 Liability.**

No permit shall be issued pursuant to final approval of any application until such time as the applicant has executed an indemnity agreement, in a form to be approved by the town council. The substance of the agreement shall hold the town harmless from any and all dam-

age, injury, loss, or liability whatsoever, which might otherwise result from the issuance of said permit and which agreement shall further obligate the applicant to wholly defend the town against any such claim, lawsuit, or judgment which may be filed against the town as a result of the issuance of said permit. (Ord. 1218 § 11, 2003)

#### **14.04.120 Maintenance.**

Signs shall be kept current and in good repair. If the town finds that any such sign regulated by this chapter is obsolete, unsafe, or insecure, the owner shall be given written notice of violation.

A. If the sign owner fails to remove or alter the sign within 30 days after such notice, that sign shall be removed at the expense of the sign owner and the permit for the sign shall be canceled.

B. Any sign which is an immediate peril to persons or property may be removed summarily and without notice.

C. The ultimate liability and responsibility for all signs rests with the following three parties: the property owner, the applicant and/or business owner, and the sign installer. These three parties shall be responsible to see that signs are in compliance with this chapter and have received a valid sign permit. (Ord. 1218 § 12, 2003)

#### **14.04.130 Variance procedures.**

A. Application for a variance from the provisions of this chapter shall be submitted to the land use administrator, who shall have authority to approve or deny the same. Such authority shall include the right to approve the application with changes or conditions.

B. Application for a variance shall be submitted to the land use administrator on forms provided.

C. The nonrefundable sign permit variance application fee shall be reviewed annually by the town council who shall direct the town clerk to adjust the fee appropriately and post said permit variance application fee in a conspicuous place within Town Hall and make such list available to the public upon request.

D. The administrator shall accept or approve any variance application if the applicant demonstrates, on the basis of evidence submitted, that:

1. The proposed variance will be consistent with all of the purposes set forth in FHMC 14.04.010; and

2. The granting of the variance will not be injurious to property improvements in the vicinity and zone or detrimental to the public welfare; and

3. Literal or strict interpretation and application of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by others, as a result of some unique or unusual feature or circumstance over which the applicant has no control.

E. Any person aggrieved by the decision of the administrator on a variance application shall have the right to appeal that decision to the town council; provided, that a written notice of appeal is filed with the town administrator within seven days of the decision of the land use administrator. (Ord. 1218 § 13, 2003)

#### **14.04.140 Violation and enforcement.**

A. Violations.

1. Except as provided below, the first violation of any provision of this chapter shall be a Class 4 civil infraction.

2. The second violation of any provision of this chapter by the same person within a one-year period shall be a Class 3 civil infraction.

3. A third or subsequent violation of any provision of this chapter by the same person within a one-year period shall constitute a Class 1 civil infraction.

B. Penalties. The penalties for committing a civil infraction under this chapter are set forth in Chapter 1.18 FHMC, as it may be amended from time to time. (Ord. 1275 § 5, 2005; Ord. 1218 § 14, 2003)