

Final Draft 07-28-09

Fannin County Outdoor Sign Ordinance

An ordinance to regulate the utilization of outdoor signs, advertising and / or billboards within the unincorporated areas of Fannin County, a political subdivision of the State of Georgia. Said ordinance shall be sited as the Fannin County Outdoor Sign Ordinance."

Whereas, the Board of Commissioners of Fannin County, Georgia, a political subdivision of the State of Georgia, is charged with preserving and maintaining the resources of Fannin County; and

Whereas, the natural resources, environment, and natural vistas of Fannin County, Georgia, are one of the most beneficial resources of the County; and

Whereas, the ability to travel unobstructed is a requirement for the safety of the traveling public;

Whereas, in order to preserve and protect said natural resources, including the ability to view the heavens in the night sky, environment and natural vistas of Fannin County, Georgia and to further ensure the safety of the traveling public, the Board of Commissioners of Fannin County, Georgia, do hereby enact and adopt this Ordinance for the purpose of regulating the utilization of outdoor signs, advertising and / or billboards within the unincorporated areas of Fannin County, Georgia.

ARTICLE 1-1 Signs

Section 1-1-1 Purpose and Findings.

1. The Board of Commissioners of Fannin County, a political subdivision of the State of Georgia are enacting this ordinance to ensure that noncommercial messages are authorized with restriction only as to the size of such signage and to establish reasonable regulations for signage containing commercial messages.
2. The Board of Commissioners of Fannin County, a political subdivision of the State of Georgia finds that signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left completely unregulated, signs can become a threat to public safety as a traffic hazard, a detriment to property values, and adversely effect the natural beauty of the Fannin County, Georgia, area and thereby negatively impact on the travel and tourism industry of Fannin County, Georgia, which is the largest industry in Fannin County, Georgia, and can adversely impact the overall public welfare as an aesthetic nuisance.
3. By enacting this Ordinance, the members of the Board of Commissioners of Fannin County, Georgia, intend to:
 - a. Balance the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Protect the public health, safety, and welfare;
 - c. Reduce traffic and pedestrian hazards;
 - d. Maintain the aesthetic beauty of the County through the reduction and control of light pollution;
 - e. Protect property values by minimizing the possible adverse effects and visual blight caused by signs;
 - f. Avoid the harmful aspects of the unrestricted proliferation of signs;
 - g. **Conserve Energy** through the responsible control of lighting,
 - h. Promote economic development; and
 - i. Ensure the fair and consistent enforcement of sign regulations.

Section 1-1-2 Definitions.

1. For the purposes of the Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular, the word "shall" is mandatory and not directory, the word "person" includes a firm, organization, partnership, trust and corporation, and the word "county" shall mean Fannin County, a political subdivision of the State of Georgia.
As used in this Ordinance, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:
 - *"Advertising devise"* means any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.
 - *"Animated sign,"* means a sign with action, motion, or changing colors which requires electrical energy. This definition does not include signs which indicate time, temperature, or date.
 - *"Arcade, directory, mall sign"* means a serial sign, which identifies the names of businesses, offices, professionals, industries, or other entities located within a planned center.
 - *"Area of sign"* means the area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The sign area of painted or affixed wall signs when composed of letters only is the sum of the areas of the smallest contiguous rectangles each capable of containing one such letter. For double-faced signs, except for commercial off-premises signs, only the largest display face shall be measured in computing the sign area.
 - *"Banner"* means a sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind with only such material for a backing.
 - *"Business sign"* means any notice or advertisement, pictorial or otherwise, which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.
 - *"Clock sign"* means any timepiece erected outside of any building for the purpose of advertising the business on the premises on which it is located.
 - *"Commercial sign"* means a sign which identifies, advertises, or directs attention to a business, or is intended to induce the purchase of goods, property, or service, including without limitation, any sign naming a brand of goods or service and real estate signs.
 - *"Construction sign"* means a sign erected and maintained on premises announcing the proposed or existing construction of a building(s) or project.
 - *"Double-faced or multi-faced sign"* means a sign which has two (2) or more display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction or that mechanically rotates so that only one face is visible at a time but multiple faces are to be displayed.
 - *"Flashing sign"* means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects. Illuminated signs that indicate only the time, temperature, or date shall not be considered as flashing signs.
 - *"Frontage, building"* means the width in linear feet of the front exterior wall of a particular establishment.

- *"Fully Shielded"* means that the fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, shall be protected below a horizontal plane running through the lowest point of the fixture where light is emitted.
- *"Frontage, road"* means the width in linear feet of each lot where it abuts the right-of-way of any public street.
- "Glare" means intense and blinding light. A cause for visual discomfort or disability.
- *"Ground sign,"* means a permanently affixed sign, which is wholly independent of a building for support.
- *"Height of sign"* means the distance in vertical feet from the ground to the highest point of the sign face.
- *"Illuminated sign, direct",* means a sign illuminated by an internal light source.
- *"Illuminated sign, indirect",* means a sign illuminated by an external light source directed primarily toward such sign.
- "Landscape Lighting" means luminaries mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape lighting, rather than building or area lighting.
- "LED or face illuminated signs" means a sign or billboard that is more than 50% lit by internal bulbs, fiber optics or LED bulbs so that the sign display or image is lit from within. These may also include computer animated, satellite or controlled message signs.
- *"Licensee"* means the person and/or entity erecting the sign on property of owner and/or permittee.
- "Luminaries" means a complete light fixture consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any) and any other component, pole or accessories.
- *"Marquee"* means a roofed structure and attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.
- *"Marquee sign"* means a business sign painted on, attached to, or hung from a marquee.
- *"Monument sign"* means any sign, which has a brick or stone base, and frame within which advertising panels are contained.
- *"Nonconforming sign"* means any sign, which does not conform to the provisions of this Ordinance.
- *"Nonconforming use"* means a structure or land lawfully occupied by an existing use, which does not conform to the permitted uses.
- "Obtrusive Light" means trespass light that causes glare, annoyance, discomfort or loss of visual ability. Light pollution.
- *"Off-premises signs."*
 - (a) *"Off-premises advertising sign",* means a sign, which is not located upon the premises of the business or entity indicated or advertised by said sign. This includes products advertised in conjunction with a business entity.

- (b) *"Off-premises directional sign"* means a sign not located upon the premises of the business or entity indicated on the sign and only for the purpose of directing traffic to business establishments, real estate developments, public and private clubs, schools and other such facilities. The advertising of products and/or services shall not be allowed on the sign structure.
- *"Outdoor Light Fixture"* means outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.
 - *"Partially Shielded"* means that fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the center line of the lamp reducing light above the horizontal.
 - *"Permittee"* means the person and/or entity owning the land (landowner) on which the sign is erected.
 - *"Planned center, office, commercial, or industrial,"* means a group of retail stores, service establishments, offices, industries, or any other businesses planned to serve the public, which is in common ownership or condominium ownership.
 - *"Political sign"* means sign identifying or urging voter support for a particular election issue, political party, or candidate for public office.
 - *"Portable sign"* means sign, which is not permanently affixed, including but not limited to signs mounted or painted on vehicles, which are parked in such a manner as to serve the purpose of an advertising device.
 - *"Pylon sign"* means a freestanding sign, which rests upon a pylon or pole.
 - *"Real estate sign"* means a temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease, or for sale.
 - *"Roof sign"* means a sign projecting over the coping of a flat roof, or over the ridge of a gable, hip, or gambrel roof, and supported by or attached to said roof.
 - *"Sidewalk or sandwich sign"* means a movable sign not secured or attached to the ground or surface upon which it is located.
 - *"Sign"* means a device or representation for visual communication, which is used for the purpose of bringing the subject thereof to the attention of others.
 - *"Sign face"* means that part of a sign that is or can be used for advertising purposes.
 - *"Swinging or projecting sign"* means a sign projecting more than six (6) inches from the outside wall or walls of any building upon which it is located.
 - *"Temporary sign"* means a sign of a nonpermanent nature. All such signs shall be removed with ten (10) days after the purpose of which the sign is intended to advertise has been accomplished.
 - *"Trailer sign"* means any sign mounted on wheels and that may be moved from one location to another.
 - *"Wall sign"* means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than six (6) inches from the outside wall of such building or structure. The total lettering on one (1) side of a building or structure shall constitute one (1) wall sign.

- *"Window sign"* means a sign installed inside a window and intended to be viewed from the outside.

Section 1-1-3 Permit – Required.

1. Except as specifically excluded from the provisions of this Ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the County without first having obtained a sign permit.

Section 1-1-4 Permit – Application.

1. Application for sign permits required in section 3-1-3 shall be filed by the sign owner or an agent in the office of the Land Development Office upon forms furnished by said office. The application shall describe and set forth the following:
 - (a) The type and purpose of the sign as defined in this Ordinance.
 - (b) The value of the sign.
 - (c) The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the Land Development Office shall be used.
 - (d) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face.
 - (e) The name(s) and address (es) of the owner(s) of the real property upon which the subject sign is to be located.
 - (f) Consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign.
 - (g) The Land Development Officer will require a sketch or print drawn to scale showing pertinent information such as wind pressure requirements and display materials in accordance with the International Building Code. The Land Development Officer may require additional information of such print or sketch to insure compliance with this Ordinance.
 - (h) Name, address and phone number of the sign contractor.
2. All applicants for electrical signs must obtain a power only permit.

Section 1-1-5 Permit – Expiration date.

1. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six (6) months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Section 1-1-6 Permit – Fees.

1. No permit shall be issued until the appropriate application has been filed with the Land Development Officer and fees have been paid as provided below:

(a)	1 to 32 square feet	\$ 100.00
(b)	33 to 64 square feet	200.00
(c)	65 to 100 square feet	300.00
(d)	Temporary permits (10 days)	25.00
(e)	Off-premises signs	50.00

A Renewal fee per sign shall be due on January first of each year equal to ¼ the original permit fee.

Section 1-1-7 Identification labels.

1. With each permit the Land Development Officer or a designee shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or an agent to affix such sticker to the sign in the lower right hand area so it will be easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the provisions of this Ordinance. Stickers may be color-coded.
2. The Land Development Officer or a designee shall inspect all existing signs and advertising devices in the County to determine if such signs or devices conform to the provisions of this Ordinance. Identification stickers shall be provided for all signs in order to identify existing conforming and nonconforming signs.

Section 1-1-8 Nonconforming signs.

1. Repairs and maintenance of existing nonconforming signs, including off premises signs shall be permitted.
2. Structural repairs, changes in shape, or design shall be permitted.
3. No existing nonconforming sign shall be increased as to height or size.
4. No new nonconforming off premises signs shall be permitted, suffered, or allowed subsequent to the adoption of this ordinance.

Section 1-1-9 Noncommercial speech.

1. Noncommercial speech shall be regulated by this Ordinance only as to the size and style of signage containing such speech. Any sign or structure used solely for the purpose of displaying a noncommercial message or noncommercial speech is exempt from all other aspects of this Ordinance.
2. Any sign or structure erected for the purpose of displaying noncommercial speech or a noncommercial message shall not be used for display of a commercial message unless such sign or structure is erected in conformance with all requirements of this Ordinance and has received a sign permit as required hereunder.
3. For the purpose of this Ordinance, noncommercial speech or noncommercial messages on signs shall mean any speech or message, which does not meet the definition of a "commercial sign" (Section 1-1-2).

Section 1-1-10 Public liability insurance required.

1. It shall be unlawful for any person to engage in the business of erecting or maintaining commercial or business signs within the County, unless and until such entity shall have obtained a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of twenty-five thousand dollars (\$25,000.00) for property damage for any one (1) claim and public liability insurance in an amount not less than two hundred fifty thousand dollars (\$250,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier will notify the County thirty (30) days in advance of any termination and/or restriction of the coverage.

Section 1-1-11 Prohibited signs

1. The following types of signs or advertising devices are prohibited in all unincorporated areas of the County:
 - a. Road Signs,
 - b. Portable signs,
 - c. Pylon signs unless installed prior to the adoption of this Ordinance,
 - d. Swinging or projecting signs,

- e. Rotating or animated signs (not including multi-faced signs) involving motion or sound.
- e1. Off-premises signs.
 - i. Off-premises signs, except as set forth elsewhere in this ordinance.
 - ii. Off-premises directional signs, except as set forth elsewhere in this ordinance.
 - f. Flashing, blinking, or varying light intensity signs except time, temperature, and date.
 - g. Signs on public rights-of-way except signs exempt under section 3-1-12(c).
 - h. Signs which contain or are imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words, except construction signs and barricades and when the words are incorporated in the permanent name of a business.
 - i. Trashcans and similar devices on which advertising can be displayed.
 - j. Trailer signs.
 - k. Window signs exceeding thirty (30) percent of window area.
 - l. Any sign(s) advertising (flashing, neon or non-flashing) beer, booze, spirits, liquor(s), any brand(s) of beer / wine, wine or any such beverage that is visible from the exterior of the establishment to the public.
2. The following number of ground signs shall be permitted:
- a. Only one (1) ground sign per road frontage shall be allowed.
 - b. Any ground sign permitted shall be used and located in such manner where the principal advertising is oriented toward the road frontage authorizing such ground signs.
 - c. No permit for a ground sign shall be authorized where such ground sign is more oriented to a different road frontage than the road frontage for which the sign was authorized.
 - d. The Land Development Officer or a designee shall determine, in all instances where double frontage lots allow ground signs to be permitted, where each sign's predominant advertising is directed.
 - e. Any appeal of a determination made by the Land Development Officer of this section shall be made directly to the Board of Commissioners. The Board of Commissioners may vary this section where they find the requested variance is warranted.

Section 1-1-12 Temporary signs.

- 1. The following types of signs or advertising devices shall be permitted only by issue of a special permit allowing usage of this type advertising for a period not exceeding ten (10) consecutive days. No such special permit shall be issued for the same premises at less than four-month intervals. All signs or advertising devices must be set back at least ten (10) feet from road surface or out of the right-of-way, whichever is greater. A fee of fifteen dollars (\$15.00) shall be charged for each special permit the following types:
 - a. Air- or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.
 - b. Streamers or pennants.
 - c. Flags or banners, maximum size of thirty-two (32) square feet, except official flags of the United States, State of Georgia, Confederate States of America, not to exceed three (3) in quantity.
 - d. Searchlights and similar devices.
- 2. On-premises temporary signs relating to the initial opening or final closing of a business or service provided such signs shall not exceed thirty-two (32) square feet each and shall not be closer than ten (10) feet to the pavement of any street or on any public right-

of-way. The Land Development Officer or his designee shall approve such signs for a maximum period of two (2) weeks for initial opening signs and four (4) weeks for final closing signs, after which they shall be removed.

Section 1-1-13 Exemptions.

1. The following types of signs are exempt from sections 1-1-3, 1-1-4, 1-1-17, and 1-1-18 of this Ordinance:

(a) Temporary non-illuminated real estate or construction signs.

(b) Temporary signs not exceeding four (4) square feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations provided such signs are posted not more than fourteen (14) days before said event and removed five (5) days after the event.

(c) Signs of a noncommercial nature and in the public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety sign, danger signs, trespassing signs, traffic and street signs, memorial plaques, signs of historical interest, and the like.

(d) Signs on private property directing traffic movement, each not exceeding three (3) square feet in area, and not advertising any business, service, or product. Such signs shall not be allowed on any public right-of-way.

(e) On-premises credit card identification signs up to three (3) square feet in area per sign. Such signs shall be at least ten (10) feet from the pavement of any street or out of the right-of-way, whichever is greater.

(f) Any sign not visible from a public road or street.

(g) Real Estate Signs – One (1) non-illuminated, temporary real estate sign per street frontage and provided as follows:

(1) Maximum sign area shall be limited to six (6) square feet with a maximum height of four (4) feet in all residential districts and a maximum height of eight (8) feet in all non-residential districts;

(2) Multiple listing strips, sale pending and sold signs may be allowed when attached two (2) square feet in area with a maximum height of four (4) feet, may be allowed in addition to the above requirements;

(3) One (1) on-premise open house or open for inspection sign, not exceeding two (2) square feet in area with a maximum height of four (4) feet, may be allowed in addition to the above requirements;

(4) All temporary real estate signs shall be removed when ownership or occupancy has changed

(h) A sign installed inside a window for purposes of viewing from outside the premises. However, such signs shall not exceed thirty (30) percent of the window area.

(i) Off-premises non-illuminated school, hospital, or other quasi-public signs not exceeding four (4) square feet in area. However, no such sign shall be allowed on any public right-of-way.

(j) On-premises model home, model apartment, sales office signs, etc., within a residential development, provided such signs do not exceed thirty-two (32) square feet in area and are set back at least (10) feet from the pavement of any street. Such signs shall

be limited to one (1) per sales office, model, etc.

(k) On-premises no trespassing, no hunting, and similar public notice type signs less than six (6) square feet in area, provided no such signs shall be allowed on any public right-of-way.

(l) On-premises signs attached to the outside wall of any business establishment, which are designed to identify services rendered, products sold, or activities conducted on the premises, provided not more than two (2) such signs shall be affixed to any wall on the business establishment and further provided the total area of such signs shall not exceed one (1) percent of the total area of the wall on which they are affixed.

(m) Signs or advertisement placed by a business, church, civic organization or individual in sponsorship of a recreation activity, school activity, and sport activity or similar such event are hereby exempt as to this ordinance.

2. Nothing in this article shall apply to navigational signs / lighting systems at airports.
3. All outdoor signs / lighting used in an emergency by police, firefighters, correctional personnel or medical personnel and that is operated in operation as long as the emergency exists.
4. All outdoor signs / lighting used for temporary programs, projects or improvements of a city or town relating to the construction, reconstruction, improvement or maintenance of a street or highway.
5. All outdoor signs / lighting used for construction or major renovation of municipal buildings, structures and facilities of a town or city.
6. Street signs / lights are exempt from these requirements if shielding is not available from the manufacturer.
7. Signs / lighting of Swimming Pools and other water features governed by Article 680 of the National Electric Code.
8. Exit Signs and other illumination requirements required by building codes.
9. Signs / lighting for stairs and ramps, as required by building codes.
10. Holiday and temporary signs / lighting (less than thirty days use in any one year).
11. Football, Baseball, Softball or any sport field signs / lighting, but only with permit from the authority recognizing that steps have been taken to minimize glare and light trespass, and utilize sensible curfews and automatic shut-offs. Must be fully-shielded.
12. Low-voltage landscape signs / lighting, but such signs / lighting should be shielded in such a way as to eliminate glare and light trespass.

Section 1-1-14 Misleading advertising; discontinued businesses.

1. It shall be unlawful for a person to display false or misleading statements upon signs or other public places calculated to mislead the public as to anything sold, services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language sufficient to mislead a reasonable or prudent person shall be prima facie evidence of a violation of this section by the persons displaying such sign, or permitting same to be displayed at their residence, establishment, or place of business.
2. When a business or service using an identification or business sign is discontinued, all signs and sign structures relating to this business or service shall be removed within twenty (20) days from the date of discontinuance.
3. Enforcement shall be the responsibility of the Board of Commissioners, Local Law Enforcement Authorities and / or County Land Development Officials.

Section 1-1-15 Maintenance.

1. All signs shall be maintained in good condition as to present a neat and orderly appearance. The Land Development Officer may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated, or if the ground area around it is not well

maintained.

2. The Land Development Officer or his designee will give the owner ten (10) days written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the Land Development Officer or his designee will have the sign removed at the expense of the owner.
3. Ground signs located within one hundred (100) feet of a public right-of-way shall display the street address of the property. Within a commercial center where multiple addresses exist, the highest and lowest street address numbers shall be identified. This section shall not apply to any ground sign where the sign is located on property which has more than one street frontage and the property address is assigned from a street other than the street frontage whereupon the ground sign is erected.
4. Street address numbers shall be of contrasting colors against the background. Numbers shall be a minimum of eight (8) inches in height. Numbers shall be visible from both directions of travel along the street.
5. All non-compliant signs existing prior to the adoption of this Ordinance shall be brought into compliance with this Ordinance when the cost of any repairs, improvements or replacement is estimated, by the Land Development Officer or a designee, to be 50% or greater than the current value of the existing sign.

Section 1-1-16 **Illumination.**

1. The light from any illuminated sign shall not be of an intensity or brightness, which will interfere with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties.
2. No sign shall have blinking, flashing or fluctuating lights or other illuminating devices which have a changing light intensity, brightness or color except those depicting only time, temperature or date.
3. No colored lights shall be used at any location or any manner so as to be confused with or construed as traffic control devices.
4. Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles.
5. All sign lighting shall be installed in a manner to comply with (a) thru (d) above or from the interior of the sign.
6. All existing signs with lighting that exist prior to the adoption of this Ordinance shall be brought into compliance with this Ordinance when the cost of any repairs, improvements or replacement is estimated, by the Land Development Officer or a designee, to be 50% or greater than the current value of the existing sign.
 7. All lighting on newly erected signs must conform with (a) through (f) above and must point downward (top mounted) and comply with all requirements of this section and Ordinance.
8. All illuminated (externally) lighted signs must be turned off by 11:00 PM EST and remain off until 6:00 AM EST by automatic shut-off devices or timer. The only exception to this lighting limit is for the advertising of establishments that remain open to the public 24-hours a day.
 1. No new mercury vapor outdoor sign light fixtures shall be installed after the effective date of this ordinance. No replacement equipment other than bulbs for mercury vapor lighting fixtures shall be used.
 2. Sign lighting attached to single-family home structures should not exceed the height of the eave.
 3. Residential sign lighting pole height restrictions may be considered to control light trespass on adjacent properties.

4. All outdoor sign lighting fixtures (luminaries) shall be installed in conformance with this regulation and with the provisions of the Building Code, the Electrical Code and this Sign Ordinance, as applicable and under permit and inspection, as is required.
5. All sign lighting installations shall be designed and installed to be fully shielded (full cut-off), except as listed in the exceptions, and shall have a maximum lamp wattage of 250 watts for commercial lighting, 150 watts (incandescent) / 26 watts (compact florescent) for residential. In residential areas, sign lighting shall be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

Section 1-1-17 Signs permitted in the unincorporated areas.

1. *Generally.* If not otherwise stated, any sign not specifically permitted as provided under this section shall be prohibited, except as otherwise provided for under this Ordinance.
2. The following types of signs shall be permitted and regulated within the County:
 - (a) Permanent signs identifying only the name of a residential development.
 - (b) Church bulletins, signs identifying schools, recreation facilities, churches, public buildings, and facilities.
 - (c) Signs identifying farm products, which are produced and sold on the premises.
 - (d) Off-premises directional signs, subject to requirements set forth in table 1-1-18 (2).
 - (e) Signs containing noncommercial speech not exceeding 128 square feet.
 - (f) Nursery school and kindergarten signs.
 - (g) Club or lodge signs.
 - (h) Business signs for retail stores and service establishments in approved community unit development.
 - (i) Arcade, mall, or directory signs for planned office and/or commercial centers.

Section 1-1-18 Maximum heights, maximum sizes, setback requirements, and number allowances.

1. The following tables provide information regarding restrictions on signs as permitted in the County. Ground signs, wall signs, and marquee signs are examples of the type signs that shall be permitted and regulated in accordance with the requirements of this Ordinance.
2. All signs within the County of Fannin shall be a maximum of ten feet in height subject to the following limited exceptions:

(a) Multi-tenant sites (shopping centers and/or office parks) can utilize 15-foot height with a 50% reduction of the total area of the sign subject to approval by the Fannin County Land Development Office.

(b) Sites situated below road grade may, where necessary to achieve adequate visibility, and with approval of the Fannin County Land Development Office approval, increase sign height. In no event shall such sign exceed 10 feet above the grade of the road.

**TABLE 1-1-18(1). NON PRIMARY ROADS – ALL SIGNS
(All Roads within the unincorporated areas of Fannin County
with the exception of Ga. State Highway No. 5 and
the Appalachian Development Highway No. 515)**

<i>Type of Sign (Purpose or Use)</i>	<i>Maximum Height *</i>	<i>Maximum Size</i>	<i>Ground Signs Setbacks from Pavement**</i>	<i>Number Allowance</i>
(1) Temporary real estate or construction signs in excess	10 ft.	10 sq. ft.	15 ft.	1 per road frontage

<i>Type of Sign (Purpose or Use)</i>	<i>Maximum Height *</i>	<i>Maximum Size</i>	<i>Ground Signs Setbacks from Pavement**</i>	<i>Number Allowance</i>
of 6 square feet				
(2) Temporary signs pertaining to the sale or lease of lots or buildings within a residential development	10 ft.	10 sq. ft. per sign	15 ft.	1 per entrance
(3) Permanent sign identifying only the name of a residential development	10 ft.	32 sq. ft. per sign ¹	10½ ft.	1 per entrance
(4) Church bulletins, signs identifying public recreation facilities, public buildings, etc.	10 ft.	32 sq. ft.	15 ft.	1 per road frontage
(5) Off-premises directional signs.	10 ft.	4 sq. ft. per sponsor; 9 sq. ft. total (Maximum of 3 sponsors)	20 ft.	1 per road frontage (ground sign only)
(6) Clubs and lodges	10 ft.	32 sq. ft.	20 ft.	2 per club or lodge (1 ground sign)
(7) Accessory announcement signs for public and noncommercial uses	10 ft.	9 sq. ft.	15 ft.	1 per lot
(8) Boarding houses, rooming houses, and nursing homes	10 ft.	32 sq. ft.	20 ft.	1
(9) Signs for restricted parking lots for businesses, offices, etc.	10 ft.	32 sq. ft.	20 ft.	1 per entrance
(10) Business signs	20 ft.	2 sq. ft. of sign allowance per linear foot of building frontage. No one sign shall exceed 50 sq. ft.	30 ft.	1 per establishment
(11) Kindergartens and nurseries	10 ft.	32 sq. ft.	20 ft.	2 per establishment (1 ground sign)
(12) Signs identifying farm products which are produced and sold on the premises	20 ft.	32 sq. ft.	20 ft.	2 per lot
(13) Signs containing noncommercial speech	20 ft.	100 sq. ft.		

1 In case a person desires to place a double-faced sign within a median at the entrance of a

residential development, there will be no setback requirement if the Land Development Officer determines such sign will not constitute a traffic hazard. However, if this option is taken, only one (1) sign per entrance will be allowed.

* Measured from the top of the sign to the ground.

** Measured from the nearest edge of the sign to the nearest edge of the road (gravel or pavement)

**TABLE 1-1-18(2). PRIMARY ROADS --OFF PREMISES DIRECTIONAL SIGNS,
(Primary Roads being Georgia State Highway No. 5, Highway 60, Spur Highway 60 and
the Appalachian Development Highway No. 515
within the unincorporated areas of Fannin County, Georgia)**

Type sign: Off-premises directional signs, as defined in section 1-1-2. The following conditions shall apply to all such signs:

(1) The premises or thing sought to be advertised must be located within the County limits.

(2) Maximum height: 20 feet (from the top of the sign to the ground).

(3) Setback from pavement: 20 feet or to edge of right-of-way, whichever is greater.

(4) 10 square feet.

(5) Construction: Signs shall be mounted between 2 posts at least 4 inches by 4 inches in dimension, which are made of metal, steel or concrete, or on a size appropriate single pole which is made of metal, steel or concrete.

Billboard type signs are to only be allowed along Federal or State Owned Roads (i.e., Hwy. 515, Hwy. 5, and Hwy. 60 and Spur 60.

Billboards type signs shall not be erected within 100 feet of any residence, church, school, or similar institution, nor within 1000 feet of another billboard (new or existing), measured on the same side of the street of the public R/W to which such signage is directed.

Such Billboard type signs, if used, shall count as one of the permanent allowed signs for the establishment or vacant lot upon which erected and shall conform to the setback and height limits for any building on that property.

Such Billboard type signs, designated as a double-faced sign, are counted as one sign, but stacked or v-shaped are counted as two (2) signs.

If a Billboard type sign is initially erected on a vacant / undeveloped lot, which then becomes developed with a commercial or similar business use, the billboard type sign is then counted as one of the allowed signs of that establishment and must then conform to the building site requirements.

A current Billboard type sign may be relocated to another placement upon the same property that the existing Billboard type sign was originally constructed upon, and under the following conditions:

The Billboard type sign is merely to be placed upon another location on the tract or parcel of land as to which it was originally constructed;

All signs and Billboards on all State roads must conform to Georgia Department of Transportation regulations and any other applicable requirement by a jurisdiction of authority.

All other requirements of this Ordinance must still be met;

The granting of the relocation is necessary for the preservation and enjoyment of the property owner's property rights in the Billboard type sign, and is not merely to serve as a

convenience to the property owner;

The authorizing of the relocation of the Billboard type sign will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas, or impair in any other respect the health, safety, comfort, morals, or general welfare of the inhabitants of the County, and must be for some objective reason other than the mere convenience of the property owner.

Erection of additional or new Billboard type signs after the adoption of this Ordinance shall not be allowed within the unincorporated areas of Fannin County except as allowed along designated Highways. Relocation of a currently existing Billboard type sign, as provided hereinabove, shall not be deemed to be the erection of a new Billboard type sign.

If a digital, computer controlled or light-emitting diode Billboard type sign is desired by an existing Billboard type sign advertising company or owner, it shall only be allowed if it meets all the requirements of this Ordinance and with the agreement to remove at least four (4) of their own existing sign panels (and the structures and infrastructure supporting these) in exchange for each one (1) digital or light-emitting diode Billboard type sign panel.

No digital, computer controlled or light-emitting diode sign, Billboard type or any other type, shall be permitted within 2000 feet from a currently designated existing "dark sky" areas (blue) as per current map published by the International Dark-sky Association.

Setback requirements for digital, computer controlled or light-emitting diode signs, Billboard type or any other type, shall be 500 feet from a residence, shall not exceed fifty (50) feet in height, shall be regulated for brightness, shall not have movement or flashing on any part of the sign and shall not be located within two thousand five hundred (2,500) feet of another similar electronic sign.

(6) Printed material: Each sponsor's sign shall contain only the logo or name of the sponsor and an arrow indicating direction.

(7) As to any variance sought, a variance may be granted only in an individual case of unusual hardship and where there exist extraordinary and exceptional conditions to the property in question. Provided further, that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties, and further provided that granting of the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties.

**TABLE 1-1-18(3). PRIMARY ROADS -- OFF-PREMISES ADVERTISING SIGNS
(Primary Roads being Georgia State Highway No. 5, Highway 60, Spur Highway 60 and
the Appalachian Development Highway No. 515
within the unincorporated areas of Fannin County, Georgia)**

Type sign: Off-premises advertising signs, as defined in section 1-1-2. The following conditions shall apply to all (such) signs:

(1) Location and spacing:

(A) No off-premises sign shall be placed within 500 feet of a residence, church, school, park, or cemetery.

(B) No off-premises sign shall be located within 1,000 feet of another off-premises sign on either side of the road or street as measured along the right-of-way of the road or streets on which these signs are located.

(2) Height: The height of an off-premises advertising sign at its highest point shall not exceed 20 feet. (Measured from the top of the sign to the ground.)

(3) Size: The size of the off-premises advertising sign shall not exceed 100 square feet (in area), inclusive of any border and trim but excluding the base, apron, supports and other structural members.

(4) Faces: No off-premises advertising sign shall contain more than 2 faces, not to exceed more than 100 square feet on each side. Double-faced signs, which advertise 2 products, businesses, or carry different noncommercial messages, shall be considered as 2 different signs for fee collection and annual renewal fees shall be doubled the rate for such signs. Renewal fees shall be due on January first of each year.

(4) The fee is \$30.00 per sign per year.

(5) All other signs located on a primary road shall comply with the requirements set forth in Table 1-1-18 (1).

Section 1-1-20 Issuance of permits.

1. The County shall process all sign permit applications within 30 business days of the County's actual receipt of an application and a sign permit fee. The Land Development Officer or a designee shall give notice to the applicant of his decision by hand delivery or by mailing a notice, by Certified Mail, Return Receipt Requested, to the address on the permit application on or before the 30th day after the County's receipt of the application. If mailed, notice shall be deemed to have been given upon the date of mailing in conformity with this section.
2. The Land Development Officer shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of original submission.
3. Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the Land Development Officer shall revoke said application and the subject sign shall be removed. A revocation pursuant to this section shall be appeal able pursuant to this ordinance.

Section 1-1-21 Land Development Office — Assumption of powers and duties.

1. The Fannin County Land Development Office is hereby empowered and authorized to enforce this ordinance. These powers and duties are in addition to the power and duties authorized by the Board of Commissioners pursuant to other ordinances.
2. No action will be taken on the erection of the sign by the owner of the property, the lessee, the sign owner, and/or any of their contractors, agents, or employees until the sign has been approved by the Land Development Officer or the Magistrate Court if such matter is appealed.

Section 1-1-22 Fannin County Board of Commissioners — Powers and duties enumerated.

1. The Fannin County Board of Commissioners shall have the following powers and duties:

(a) *Administrative review.* To hear and decide whether there is an error in any order, requirement, decision, or determination made by the County Land Development Officer in the enforcement of this Ordinance.

(b) *Variations.* To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, when due to special conditions a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unusual hardship, so the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of unusual hardship upon a finding by the review board that the following conditions exist:

- (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area.

(2) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties.

(3) Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties.

(4) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

(5) The special circumstances are not the result of actions of the applicant.

(6) The variance requested is the minimum variance which will make possible the logical use of the land, building or structure.

(7) The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning district involved.

(c) *Appeal.* If the applicant is not satisfied with the ruling of the Fannin County Board of Commissioners, he or she may seek judicial review of the decision of the Fannin County Board of Commissioners to the Superior Court for Fannin County, by filing for a writ of certiorari in the Superior Court of Fannin County within 30 days of the decision of Board of Commissioners of Fannin County, Georgia.

(d) *Petitions for variance.* All petitions for review of variance requests shall be in written form and filed with the office of the Land Development Office for delivery to the Office of the Board of Commissioners of Fannin County, Georgia. The Board of Commissioners shall hear all such petitions within thirty (30) days of receipt by the office of the Land Development Office and shall act upon all such petitions within fifteen (15) days of the hearing.

(e) *Off-premises advertising or off-premises directional signs.* The Board of Commissioners will approve and/or disapprove all requests for off-premises signs. The permittee will submit with each request for an off-premises sign the following information:

(1) The street address of the property on which the sign will be located and the zoning district in which such property is located.

(2) A plat of the property on which the sign will be located which shows where thereon the sign will be located and the distance from the property lines and the paved street.

(3) A design of the sign which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign.

(4) A copy of the lease or other document from the owner of the sign which authorized the erection thereof.

(5) The cost of the sign and/or estimated cost if such is not known at the time the permit is requested which will be changed to actual cost as soon as such is known.

(f) *Variations as to size and message.* The Fannin County Board of Commissioners shall have the power to grant any variance as to the maximum size of signs. Furthermore, neither the Fannin County Land Development Office nor the Fannin County Board of Commissioners shall regulate, in any manner, the message of signs.

Section 1-1-23 **Suspension, revocation of permit, license.**

1. Violation of any provision of this Ordinance will be grounds for terminating the permit granted by the County to the owner and/or the license of the person or entity erecting the sign. No permit and/or license shall be suspended, revoked, or canceled except for due cause as hereinafter defined, and the permittee and/or licensee is granted a public hearing before the

Fannin County Board of Commissioners. The permittee and/or licensee will be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the suspension, revocation or canceling of such permit and/or license. "Due cause" is the willful and/or continued violation of the provisions of this Ordinance. The termination of the permit and/or license does not in any way preclude the person or persons alleged to have violated the provisions of this Ordinance from being tried under this Ordinance, or preclude the County from taking any other action authorized by this Code, and/or any action authorized by law.

Section 1-1-24 Enforcement.

1. This Ordinance shall be administered and enforced by the Land Development Officer or a designee.

Section 1-1-25 Penalty.

1. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) and not more than two hundred fifty (\$250.00) for each offense. Each day and each sign face that such violation continues shall constitute a separate offense.
2. Any citation and subsequent hearing shall be returnable to and heard in the Magistrate Court for Fannin County, Georgia.

Section 3-1-26 Additional enforcement options.

1. In case any sign, advertising device, or other device covered by this Ordinance is or is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this Ordinance, the Land Development Officer may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of the County code requiring the presence of the violator in the recorder's court; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.

ARTICLE 2-2 Handbill distribution.

Section 2-2-1 Purpose.

1. This section of the code will set out guidelines for distribution of unsolicited handbills.

Section 2-2-2 Definitions.

1. For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein:
 - (a) "*Handbill*" means any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, flyer or any other printed or otherwise reproduced original or copies of any matter of literature which:
 - (1) Advertises for sale any merchandise, product, commodity, service, business, opportunity or thing;
 - (2) Directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 - (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged or a collection is taken; or
 - (4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as

advertiser or distributor.

(b) "*Private premises*" means any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

(c) "*Public place*" means any street, sidewalk, boulevard, alley or other public way and any public park, square, space, ground or building.

(d) "*Vehicle*" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

Section 3-2-3 Scattering prohibited; manner of depositing handbills.

1. Unless inhabited private premises are posted or unless requested by anyone upon such premises not to do so, the person distributing the handbills may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is placed or deposited in a manner reasonably designed to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

Section 2-2-4 Prohibitions; public places; vacant premises; vehicles; exemptions.

1. No person shall throw, post or deposit any handbill in or upon any sidewalk, street or other public place within the County, nor shall any person hand out or distribute or sell any handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the County for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to receive it.
2. No person shall throw post or deposit any handbill in or upon any private premises which are vacant and which could be reasonably ascertained to be vacant.
3. No person shall throw, post or deposit any handbill in or upon any vehicle; provided, however that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receivers thereof, a handbill to any occupant of a vehicle who is willing to accept it.
4. Handbills for political, charitable, and other nonprofit purposes are exempt from this Ordinance.

Section 2-2-5 Lampposts, public utility poles, trees, public structures.

1. No person shall post or affix any handbill, notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, and tree or upon any public structure or building, except as may be authorized or required by law.

Section 2-2-6 Violation.

1. If any handbill is found on any public or private premises or vehicle in violation of this Ordinance, it shall be a rebuttable presumption that the person or persons whose name(s), address(es) or telephone number(s) appear thereon has violated this Ordinance.

2. The person who throws or deposits such handbills may also be charged with a violation of this Ordinance.

Section 2-2-7 Penalties.

1. Anyone convicted of violating this Ordinance shall be guilty of a misdemeanor and subject to a penalty of not more than \$1,000.00 upon conviction.
2. Any continuing violation of this Ordinance resulting in the unlawful littering of the streets or sidewalks of the County of Fannin shall be deemed a nuisance and on conviction thereof by the Magistrate Court of Fannin, a fine as set forth herein may be imposed.
3. Each day a violation occurs shall constitute a separate offense. Each location at which a violation occurs shall constitute a separate offense.
4. All citations issued under the provisions of this Section of the Ordinance shall be returnable to the Magistrate Court for Fannin County, Georgia.
5. This Ordinance shall be administered and enforced by the Land Development Officer or a designee.

ARTICLE 3 POLITICAL SIGNS

3-1-1 Political Signs

1. Political signs shall be permitted within the unincorporated areas of Fannin County, subject to the following restrictions and allowances:
 - (a) Before the placement of any political sign, the candidate, his or her committee or a political party or organization shall tender a deposit of \$300.00 to Fannin County, Georgia. This deposit shall be paid to the Clerk of the Board of Commissioners of Fannin County, Georgia. A receipt shall be given to each such candidate, committee, party or organization.
 - (b) A political sign or any structure that is intended solely for the support of a political party or election shall not be erected more than 30 days prior to the election in which the sign is intended to influence and shall be removed within 10 days after the final election, including any runoffs for which the sign is intended to influence.
 - (c) All political signs shall be supported by independent means and shall not be placed on any utility pole, on any street sign, or on any sign directing or controlling traffic, on any pole or post supporting such signs; nor on any tree.
 - (d) Before any political sign is erected, the permission of the owner and/or agent of the property upon which the sign is proposed to be erected shall be obtained.
 - (e) No political signs shall be allowed on any public right-of-way.
 - (f) Each candidate or political party who places a political sign within the unincorporated areas of Fannin County, Georgia acknowledges that it is familiar with these sign regulations and agrees to abide by them.
 - (g) Fannin County is empowered to remove, or cause to be removed, all political signs not conforming to the provisions of this article without notice to the candidate whose sign is nonconforming.
 - (h) All political signs which are not removed within seven (7) days after the election and/or runoff for which such signs are placed may be removed by Fannin County, and the deposit tendered by the candidate, committee, party or organization shall be retained by the County.

(i) Political Signs that are displayed prior to the primary, general election or referendum it concerns shall be located entirely on private property. No Political sign shall be placed on any public lands or public right-of-way and shall not be attached to any other sign, utility pole, tree, rock or other form of vegetation or natural feature. No political sign shall exceed thirty two (32) square feet in area, per side.

(j) Political signs shall be removed within ten (10) days after the election or referendum is held unless the candidate continues in the runoff. The Owner of the property, sign placer and / or the candidate are responsible for removing the said sign and shall be jointly fined if not removed within the time specified. Without exception, all political signs shall be removed no later than seven (7) days after the final result of the most recent election.

(k) Political candidates can begin displaying election signs as soon as they are a qualified candidate, all fees are paid and as governed the State of Georgia Election Board.

(l) No new or responsive political sign(s) shall be allowed by any party, candidate or entity after an election, run-off or election result.

ARTICLE 4 Severability

1. In the event that any part of the within Ordinance is deemed to be invalid by a Court of appropriate jurisdiction, all other aspects of the Ordinance shall be and will remain valid.

ARTICLE 5 Effective date

1. All new and proposed signs shall be subject to the Ordinance as of the date this Ordinance is enacted.
2. This Ordinance having been duly published and considered by the Fannin County Board of Commissioners on the _____ day of _____, 2009, the _____ day of _____, 2009, and on the _____ day of _____, 2009, the same is hereby adopted on this the _____ day of _____, 2009.

Mr. Bill Simonds, Chairman
Fannin County Board of Commissioners

SEAL

Mr. Garnett Webb, Post One Commissioner
Fannin County Board of Commissioners

SEAL

Steve Morris, Post Two Commissioner
Fannin County Board of Commissioners

SEAL

Attest: _____
County Clerk

SEAL