

CANDLER COUNTY SIGN ORDINANCE

Section 1. Title.

This Ordinance shall be known as the “Candler County Sign Ordinance”.

Section 2. Purpose and Intent.

It is the purpose of the Board of Commissioners of Candler County in enacting this Ordinance to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of this Section to encourage an aesthetically attractive environment, while allowing sufficient opportunities for communications to serve business and comply with the Federal and State Constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location, construction and illumination. Signs can detract from the beauty of the neighborhood and lower property values. In seeking to comply with Federal and state law, the Board has determined the following: large billboards are, as the U.S. Supreme Court has recognized, an aesthetic harm; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment. These holdings show that the County’s ordinance is within the law and constitutional, which is a goal of the County.

Many signs can also be a hazard and negatively impact traffic safety by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this Ordinance to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction.

Section 3. Definitions.

“Administrator” shall mean the County Administrator of Candler County or the Administrator’s designee.

“Animated sign” shall mean a sign with action, motion, or changing colors which requires electrical energy. This definition does not include signs which indicate time, temperature, or date.

“Area of a sign/Sign area” shall mean the smallest square, rectangle, triangle, circle or combination thereof, which encompasses the entire sign, excluding architectural trim and structural support. For the purpose of computing sign area, only one side of a double-faced billboard sign shall be considered.

“Billboard sign” shall mean a freestanding sign with a sign area greater than one hundred fifty (150) square feet that is supported by structures or supports permanently affixed to or anchored in the ground and not attached to any building or secondary structure.

“Double-faced sign” shall mean a sign which has two (2) display areas placed back to back 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 screened from one direction and the other face from another direction.

“Governing authority” shall mean the Candler County Board of Commissioners.

“Illuminated sign” shall mean a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

“Non-conforming sign” shall mean any sign which does not conform to the provisions of this article.

“Normal grade” shall be that elevation at the centerline of the nearest roadway.

“Parcel” shall mean a separate tax unit of real property on Candler County real estate records.

“Roof sign” shall mean a sign attached to or supported by the roof of a building which extends above the immediately adjacent roof line of the building.

“Sign” shall mean a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others, such as a billboard sign.

“Wall sign” shall mean a sign fastened, placed or painted upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure.

Section 4. Applicability.

The provisions of this Ordinance shall apply to all unincorporated areas of Candler County except the governing authority’s property, facilities, and structures.

Section 5. Billboard Sign Permits.

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 billboard sign without first having obtained a billboard sign permit.

Section 6. Application Information for Billboard Sign Permits.

Applications for billboard sign permits required by this Ordinance shall be filed by the

sign owner or the owner's agent with the Candler County Administrator or his/her designee. The application shall describe and set forth the following:

- (a) The name, address, and telephone number of the applicant.
- (b) The street address of the property upon which the billboard sign is to be located and a plat map of the property which bears an indication of the proposed location of the sign.
- (c) A detailed illustration of the dimensions, design, structure, and location of said sign which illustration shall include the area of the billboard sign, its height, its shape, and an explanation of how the billboard sign is to be mounted or erected.
- (d) The name(s) and address(es) of the owner(s) of the real property upon which the subject billboard sign is to be located.
- (e) Consent of the owner, or the owner's agent, granting permission for placement of the billboard sign.
- (f) The distance of the billboard sign to the closest adjacent billboard sign in either direction.

Section 7. Time for Consideration of Billboard Sign Permit Applications.

The County Administrator shall process all billboard sign permit applications within forty-five (45) business days of the County's actual receipt of a completed application and a billboard sign permit fee. The billboard sign permit fee shall be charged in accordance with the fee schedule of the governing authority. The County Administrator shall give notice to the applicant of the decision of the County by hand delivery or by mailing a notice, by certified mail, return receipt requested, to the address on the permit application. If mailed, notice shall be deemed to have been given upon the date of mailing.

Section 8. Denial and Revocation of Billboard Sign Permits.

- (a) Procedure

The County shall deny permits to applicants that submit applications for billboard signs that do not comply with the provisions of this Ordinance, incomplete applications, and applications containing any false materials. Violation of any provision of this Ordinance will be grounds for terminating a permit granted by the County for erection of a billboard sign. Should it be determined that a billboard sign permit was issued pursuant to an incomplete application or an application containing a false material statement or that a permit has been erroneously issued in violation of this Ordinance, the County Administrator shall revoke the permit. Should the County deny a permit, the reasons for denial are to be stated in writing and mailed by certified mail, return receipt requested, to

the address on the permit application on or before the 45th business day after receipt of the application.

(b) Appeal

An applicant whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the County Administrator to the governing authority provided that they file written notice of an appeal with the County Administrator within ten (10) business days of the Administrator's decision. Such appeal shall be considered by the governing authority at the next Board of Commissioner's meeting held after the Administrator's receipt of the written notice of appeal, provided that notice of appeal is received a minimum of five (5) business days before the meeting.

(c) Writ of Certiorari to Superior Court

In the event an applicant whose permit has been denied or revoked is dissatisfied with the decision of the governing authority, the applicant may petition for writ of certiorari to the Superior Court as provided by law.

Section 9. Billboard Sign Permit Expiration.

A billboard sign permit shall become null and void if the billboard sign for which the permit was issued has not been completed and installed within six (6) months after the date of issuance. If the applicant demonstrates a good faith effort towards completion and installation, the County Administrator shall have the authority to extend the time period for completion and installation. No refunds will be made for permit fees paid for permits that expired due to failure to erect a permitted billboard sign. If later an applicant desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Section 10. Prohibited Signs.

The following types of signs are prohibited throughout the County:

- (a) Animated signs;
- (b) Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view for more than one week;
- (c) Signs on public rights of way other than publicly owned and maintained billboard signs.
- (d) Signs which contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80;

- (e) Signs which contain words, pictures, or statements which depict sexual conduct or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3;
- (f) Signs which contain words, pictures, or statements which advertise any illegal activity;
- (g) Signs which simulate any official traffic control or warning sign or hides from view any traffic or street sign, signal or public service sign;
- (h) Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic; and
- (i) Signs erected by nailing, fastening, or affixing the sign in any manner to any tree, post, curve, utility pole, or other structure except as herein stated.
- (j) Signs on railroad rights of way other than railroad safety signs. Candler County shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs.

Section 11. Billboard Sign Standards.

- (a) The following standards shall apply to billboard signs:
 - (1) No billboard sign shall be located on property belonging to another person or entity without the consent of the owner, and as permitted under the provisions of this Ordinance.
 - (2) No single billboard sign shall exceed three hundred seventy-eight (378) square feet in sign area, excluding architectural trim and structural support, unless such sign is adjacent to the right-of-way of and visible from Interstate 16, in which case the sign shall not exceed six hundred seventy-two (672) square feet in sign area.
 - (3) Billboard signs shall be a minimum of ten (10) feet above normal grade, measuring from the bottom of the sign. Billboard signs adjacent to and visible from Interstate 16 shall not exceed seventy (70) feet in total height. Billboard signs adjacent to and visible from all other roads shall not exceed forty-five (45) feet in total height.
 - (4) All billboard sign structures must be designed to withstand a minimum twenty-five (25) psf wind load (100 mph). Certification from an engineer licensed in the state of Georgia that the proposed sign will meet this requirement must be submitted with the permit application. Billboard signs adjacent to the right-of-way and visible from Interstate 16 shall be

erected on and permanently attached to a concrete foundation and no wood poles shall be utilized.

- (5) Except as otherwise permitted in this Ordinance, no billboard sign shall be permitted to be erected within five hundred (500) feet of another billboard sign on the same side of the road as measured along a line parallel to such road.
 - (6) Billboard signs adjacent to the right-of-way and visible from Interstate 16 shall not be located within five hundred (500) feet from the point where the pavement commences or ceases to widen at exists from or entrances to the main traveled way, as measured to accommodate the longest entrance or exit ramp.
 - (7) Except as otherwise provided in this Ordinance, the edge of billboard sign structures shall be set back no less than twenty five (25) feet from any public right-of-way and shall maintain a minimum of fifteen (15) feet of clearance from any power lines.
 - (8) Unless the owner(s) of the affected residence submits an affidavit that the owner(s) has no objection to the proposed billboard sign, no billboard sign shall be located within 500 feet of any residence. No billboard sign shall be located within one thousand (1000) feet of the property line of any public or private schools, public parks, playgrounds or recreation areas, cemeteries, public forests, public buildings, or historical sites listed in the state or national register.
 - (9) All illuminated billboard signs shall use base-mounted fluorescent or mercury vapor lights and shall be activated by photo-electric cells. Additional lighting including, but not limited to, neon, animation and running lights is prohibited. Illumination from billboard signs shall not cast light on adjoining property or shine in such a manner as to cause traffic interference.
- (b) Distances, when required by this Ordinance, shall be established by a survey performed by a surveyor licensed in the State of Georgia. Said survey shall be submitted as part of the application for a sign permit. In the alternative, the applicant may submit an affidavit attesting to the distance. The Administrator shall have fifteen days to review the affidavit for conformity with the distance requirements of the Ordinance. If after review the Administrator deems a survey necessary to ensure compliance with the distance requirements of the Ordinance, the Administrator may require the applicant to obtain a survey. If a survey is required, the application shall not be deemed complete until the survey is submitted as part of the application for a sign permit.

Section 12. Regulation of Specific Types of Signs.

- (a) Signs of work under construction. One non-illuminated sign not exceeding forty (40) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, the financial, selling and development agencies is permitted upon the premises of any work under the construction alteration, or removal. Such signs shall be removed upon completion of construction.
- (b) Temporary subdivision signs. Temporary signs, not less than 16 square feet and not exceeding forty (40) square feet in area, advertising a land development on the premises of the development. Such signs shall be spaced not less than 300 feet apart. They shall be removed when seventy-five (75) percent of the development is completed.
- (c) Private directional signs. Signs advertising the location of and direction to premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected and maintained, provided:
 - (1) The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and
 - (2) Not more than one (1) such sign is erected on each five hundred (500) feet of right of way frontage.
- (d) Roof signs. Not more than one roof sign structure may be erected on the roof of any one building. No roof sign structure shall extend more than twenty-five (25) feet above the elevation of the roof.
- (e) Wall signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
 - (1) Signs on the front surface of a building. The total area of signs on the exterior front surface of a building shall not exceed twenty-five (25) percent of the front surface of the building.
 - (2) Signs on the side and rear surface of a building. The total area of signs on a side or rear surface of building shall not exceed fifty (50) percent of the exterior side or rear surface of the building respectively.
 - (3) Projecting signs. Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall.
 - (4) Signs attached at an angle to a wall. Signs attached at an angle to a wall may extend outward from the wall of a building not more than five (5) feet.

- (f) Illuminated signs. Illumination devices shall be so placed and so shielded that light from the sign itself will not be directly cast into any residence or sleeping room or the eyes of an automobile or vehicular driver.

Section 13. Nonconforming Signs.

- (a) Nonconforming signs, which met all legal requirements when erected, may stay in place. Nonconforming signs shall be permitted until one of the following conditions occurs:
 - (1) The deterioration of the sign or damage to the billboard sign makes it a hazard or unsightly;
 - (2) The sign has been damaged to the extent that more than minor repairs are required to restore the sign.
- (b) No structural repairs, change in shape, size or design, shall be permitted except to make a nonconforming sign comply with all requirements of this Ordinance.
- (c) A nonconforming sign may not be replaced by another nonconforming sign.

Section 14. Variances.

Where a literal application of the terms of this Ordinance, due to special circumstances, would result in an unusual hardship in an individual case, a variance may be granted where all the following conditions exist:

- (a) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area.
- (b) The applicant would be deprived of rights that are commonly enjoyed by others similarly situated.
- (c) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated.
- (d) The exceptional circumstances are not the result of action by the applicant.
- (e) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated.
- (f) Granting of the variance would not violate more than one standard of this Ordinance.

- (g) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

Section 15. Enforcement and Penalties.

- (a) All signs shall be maintained in good condition as to present a neat and orderly appearance. Any commercial business or enterprise which ceases to operate or departs for any reason shall remove any and all signs related thereto on the date operations cease and/or the date of departure. The County may, after due notice, issue a citation for any sign which shows gross neglect, becomes dilapidated, or is abandoned. Such due notice shall be in writing, shall specify the sign and location, and shall state that the billboard sign has not been properly maintained. The County shall give the violator ten (10) days to rectify the condition or remove the dilapidated sign before issuing a citation.
- (b) The County may issue a citation for violation of this Ordinance by any sign erected, altered, converted, or used in violation of this Ordinance.
- (c) If the sign owner continues in violation of this Ordinance, the County may issue a citation for violation of this Ordinance against the property owner(s) where the subject sign is located.
- (d) Any person or entity violating any provision of this Ordinance shall be guilty of an offense and upon conviction, shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) for each offense. Each day shall constitute a separate offense.
- (e) In addition to other remedies, the county may also seek injunctive, mandamus, or other appropriate relief to prevent violations.

Section 16. Legal Status Provisions.

- (a) The regulations expressed in this Ordinance shall be considered as the minimum provisions for the protection of the health, safety, economy, good order, appearance, convenience and welfare of the general public.
- (b) Whenever the requirements made under authority of this Ordinance impose higher standards than are required in any other statute or local ordinance or regulation, provisions of this Ordinance shall govern.
- (c) Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such a declaration shall not affect the Ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.

- (d) All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed. The Candler County Interstate Sign Ordinance is hereby repealed.
- (e) This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the county or its governing authority except as shall be expressly provided for in this Ordinance.

Section 17. Effective Date.

This Ordinance shall take effect and be in full force on and after the date that it is enacted by the governing authority.

Adopted, approved and enacted this 4th day of April 2005 at the Regular Meeting of the Board of Commissioners of Candler County.

CANDLER COUNTY BOARD OF COMMISSIONERS

By: Kent Campbell
Kent Campbell, Chairman

Attest: Doris Strickland
Doris Strickland, Clerk