

## ORDINANCE NO. 429

## OFF-PREMISE AND BILLBOARD SIGN ORDINANCE

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, ESTABLISHING REGULATIONS GOVERNING THE CONSTRUCTION, PLACEMENT, OPERATION AND MAINTENANCE OF OFF-PREMISE SIGNS IN SAID CITY, ESTABLISHING PERMIT FEES THEREFOR, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF THIS ORDINANCE, AND FOR RELATED PURPOSES.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. Short Title.

This Ordinance shall be known, and may be cited, as "The Long Beach Off-Premise Sign Ordinance of 1993".

SECTION 2. Purpose.

(a) The purpose of this Ordinance is to protect the public investment in public streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty, to enhance the public health, safety and welfare by the control of the permits, erection, use operation, maintenance, repair and removal of off-premise and billboard signs within the City of Long Beach, Mississippi, and to provide regulations and the enforcement thereof for such purposes.

(b) Signs which by their reason, size, location, construction or manner of display, endanger the public health, safety and morals shall not be permitted within the corporate limits of the City of Long Beach, Mississippi. Signs shall be purposeful and constructed in a manner as to support and compliment land use objective.

SECTION 3. Definitions.

(a) In addition to the words and terms elsewhere defined in this Ordinance the following words and terms shall have the following meaning unless some other meaning is plainly intended:

Abandoned Sign: An off-premise sign or Billboard which no longer serves a useful purpose, owner cannot be identified, or is not being maintained.

Billboard: An outdoor advertising sign erected and maintained by an advertising business or service, upon which advertising matter may be displayed and which generally advertises firms and organizations that, along with their goods and services, are not located on the same premises as the sign, and which surface is sold, rented or leased for the display of advertising material.

Building Inspector: The Building Inspector or his designated representative.

Electrical Sign: Any off-premise sign or Billboard containing electrical wiring which is attached or extended to be attached to any electrical energy source.

Erected: This term shall mean attached, altered, built, constructed, reconstructed, enlarged, or moved, and shall include the painting of wall signs, but does not include copy changes on any sign.

Ground Sign: An off-premise sign or Billboard erected on a free-standing frame, mast or pole and not attached to any building.

Illuminated Sign: Any off-premise sign or Billboard which emanates light either by means of exposed tubing or lamps on its surface by means of illumination transmitted through the sign faces or lights directed on the sign face.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the records of the Chancery Clerk of Harrison County, or a lot described by metes and bounds, the description of which has been so recorded.

Maintain: To permit a sign, structure, or any part of each to continue or to repair or refurbish a sign, structure, or any part of either.

Off-premises: A sign relating, in its subject matter, to commodities, accommodations, services, or activities offered on premises of property other than the property upon which such sign is located.

Owner: A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary, any person having a vested or contingent interest in the property in question.

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

Planning Commission: A board consisting of members appointed by the Mayor and Board of Aldermen to hear and decide appeals, special exceptions and variances.

Premises: An area of land with its appurtenances and buildings which, because of its units of use, may be regarded as the smallest conveyable unit of real estate.

Public Right-of-Way Width: The particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the City Engineer.

Sign: Any identification, description, illustration or device illuminated or not-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business of solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, or temporary sign designed to advertise, identify, or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

Street: A public highway, road, or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

Unlawful: A sign which violates this ordinance or which the Building Inspector may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or

abandonment or a non-conforming sign.

SECTION 4. Licensing, Permits, Fees, Inspections and Indemnification.

No off-premise sign or Billboard shall be erected within the City of Long Beach, Mississippi, except without first compliance with the terms and provisions of this section pertaining to licensing, payment of fees, application for permits, inspection and indemnification as hereinafter set forth.

(a) Permit Required. Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, or move any off-premises sign or billboard in the City of Long Beach, Mississippi, or cause the same to be done, without first obtaining an off-premise sign or Billboard permit for each such off-premise sign or Billboard from the Building Inspector as required by this ordinance. These directives shall not require a permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure. No new permit is required for off-premises signs or billboards which have permits and which conform with the requirements of this ordinance on the date of its adoption unless and until the sign is altered or relocated.

(b) Sign Contractor's License.

(1) No person shall perform any work or service for any other person or for any government entity for compensation, in and about, or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any off-premises sign or billboard in the City of Long Beach, Mississippi, or any work to be done and performed, unless such person first has obtained a contractor's license and registered with the City.

(2) This section is not intended to limit the erection, construction, enlargement, alteration, repair, movement, improvement, maintenance, or conversion of an off-premises sign or billboard by the owner of said sign.

(c) Indemnification. All persons engaged in the business of installing or maintaining signs which involves, in whole or part, the erection, alteration, relocation, or maintenance of a sign or other sign work in or over or immediately adjacent to a public right-of-way or public property is used or encroached upon by the sign installer, shall agree to hold harmless and indemnify the City of Long Beach, Mississippi, its officers, agents, and employees, from any and all claims, costs, expenses, compensation and/or liability of any kind whatsoever arising out of, or resulting from and/or in connection with the erection, alteration, relocation, or maintenance of a sign or other sign work insofar as this ordinance has not specifically directed the placement of the sign or sign structure.

(d) Application for Permit. Application for a permit shall be made to the City of Long Beach upon a form provided by the Building Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City of Long Beach, Mississippi, including:

(1) Name and address of owner of the off-premises sign or billboard;

(2) Name and address of owner or the person in possession of the premises where the off-premises sign or billboard is located or to be located. In the case of a leasehold agreement, a copy of the lease agreement must be attached to the permit application.

(3) Clear and legible drawings with descriptions and nominal dimensions, showing location of the off-premises sign or billboard which is the subject of the permit and all other existing off-premises signs or billboards, the construction of which requires permits, when such signs are on the same premises, and any other information as may be required by the Building Inspector as will aid in the compliance with the requirements of this Ordinance relating to its stated purpose in Section 2 above.

(e) Issuance of Permit Denial. The Building Inspector shall issue a permit for the erection, alteration, or relocation of an off-premises sign or billboard with the City of Long Beach, Mississippi, when the permit application is properly made and all required information has been provided and all appropriate fees have been paid as outlined below in sub-section (f). The Building Inspector may, in writing, suspend or revoke a permit issued under provisions of this Section whenever the permit is issued on the basis of a misrepresentation of fact or fraud, or for any violation of the provisions of this ordinance. When a sign permit is denied by the Building Inspector, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(f) Effect of Issuance of Permit. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful or dangerous sign.

(g) Permit Fees. Application for permits shall be filed with the Building Inspector, together with a permit fee as specified by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi. Said permit fee shall be exclusive of any permit costs for electrical components. In addition, when any off-premises sign or billboard is hereafter erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this Section, the fees specified hereunder shall be doubled but the payment of such double fees shall not relieve any person from complying with other provisions of this Section or from penalties prescribed in this Ordinance.

(h) Inspection. The person erecting, altering or relocating an off-premises sign or billboard shall notify the Building Inspector upon completion of the work for which permits are required.

(1) All free-standing signs shall be subject to a footing inspection and all signs to a final inspection by the appropriate Inspector.

(2) The Building Inspector may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Building Inspector for stating that the sign constitutes a safety hazard to the general public.

SECTION 5. Permitted Signs According to Zoning Use District

Signs permitted according to Zoning Use Districts as classified according to Ordinance No. 344, the Zoning Ordinance of the City of Long Beach, Mississippi, as now or hereafter amended, are as hereinafter in this section set forth.

(a) Signs permitted in C-1 and I Districts.

(1) Off-premises

(2) Billboards

(b) Off-premise and Billboard signs are permitted subject to the following requirements:

(1) All off-premises signs or billboards shall be situated in either C-1 or I districts, and shall be oriented toward the roadway or street and away from any adjacent District zoned other than C-1 or I;

(2) Not more than one (1) off-premises sign or billboard shall be placed per site. The sign may be double-faced.

(3) No billboards or off-premise signs shall be spaced less than seven hundred fifty (750) feet apart on the same side of the street facing in the same direction. Street shall mean any State, County and City street, public road or highway.

(4) The minimum distance between off-premises signs and/or billboards shall be measured along the nearest edge of the pavement between points directly opposite the off-premises signs and/or billboards along each side of the street or highway.

(5) Billboards or off-premises signs shall not exceed the height limitation for the zoning district in which the off-premises sign or billboard is placed.

(6) Billboards or off-premise signs shall not be placed within fifteen (15) feet of any street right-of-way or rear property line.

(7) Billboards or off-premise signs shall not extend beyond the side property line or an interior lot line.

(8) Billboards or off-premise signs shall not be located within fifty (50) feet of any R-1, R-2, R-3, R-4, R-O, C-2, C-3 or W-F zoning district.

(c) No billboard or off-premises sign shall be allowed on any property adjacent to Highway 90 and/or within 300 ft. of said highway.

SECTION 6. Prohibited Signs.

It shall be unlawful to erect, alter or maintain any sign within the City of Long Beach, Mississippi, which:

(a) Does not meet all requirements of the provisions of this ordinance including, but not limited to, the issuance of a sign permit therefor; or

(b) Contains obscene, indecent or immoral matter prohibited by laws of the State of Mississippi; or

- (c) Is placed in any public place or right-of-way; or
- (d) Does not meet or exceed design specifications of the Building Code of the City of Long Beach, Mississippi, if not covered in this ordinance; or
- (e) Which obstructs the vision of motorists at vehicular intersections.
- (f) Which is prohibited by the provisions of MCA §49-23-1, et seq.

SECTION 7. Off-Premises Sign and Billboard Construction.

Where applicable, the construction of off-premises signs and billboards shall conform to the following requirements:

- (a) All construction erection, and placement of any sign shall be on private property and construction, erection and placement shall be in a manner not to obstruct the visibility of motorists or pedestrians.
- (b) Any electrical wiring either used in construction of an off-premises sign or billboard or for supply line to an off-premises sign or billboard must be U.L. approved and meet all standards specified by the National Electrical Code as adopted by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi. No drops (extension) cords supplying district power to any off-premises signs or billboards shall be allowed. An electrical permit must be obtained and inspections by the electrical inspector shall be required.
- (c) No off-premise sign or billboard shall be erected, constructed or maintained which does not conform to the use regulations and other provisions of this ordinance.

SECTION 8. Maintenance, Repair and Removal of Signs.

Every sign including but not limited to those signs for which permits or for which no permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts and other acts required for the maintenance of said sign. The Building Inspector shall require compliance with all standards of this Ordinance. If the sign is not made to comply with adequate safety standards, the Building Inspector shall require its removal.

SECTION 9. Special Exception-Variance.

The intent of this ordinance is to allow certain provisions of this ordinance to be modified by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, where such modification will encourage excellence in the planning and design of signs.

- (a) Applications for special exceptions uses or variance in the erection and/or maintenance of off-premises signs or billboards other than as permitted in this Ordinance may be made by any interested party to the combined Planning Commission and Zoning Board of Appeals to be filed and processed as provided by Ordinance No. 344, The Zoning Ordinance of the City of Long Beach, Mississippi, subject to hearing and final approval by the Mayor and Board of Aldermen of the City of Long Beach, Mississippi.

SECTION 10. Penalties.

The penalties for any person or persons violating any of the provisions of this ordinance shall be governed by the same penalties for violating the Building Code as adopted by the City of Long Beach, Mississippi.

SECTION 11. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance, or the application thereof, be held by any Court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

SECTION 12. EFFECTIVE DATE.

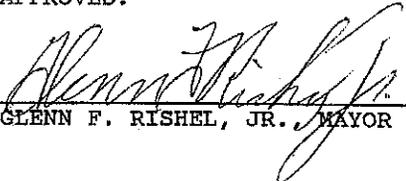
This Ordinance shall take effect and be in force from and after one month after its adoption and after publication as by law required.

The above and foregoing Ordinance No. 429 was introduced in writing by Alderman Collins, who moved its adoption. Alderman Maxwell seconded the motion to adopt the foregoing ordinance, and the question being put to a roll call vote by the Mayor, the result was as follows:

Alderman Ken Collins	voted	<u>Aye</u>
Alderman Sal Giuffria	voted	<u>Absent</u> , not voting
Alderman Miriam Graves	voted	<u>Absent</u> , not voting
Alderman Donnie Hammons	voted	<u>Aye</u>
Alderman Donald Logan	voted	<u>Absent</u> , not voting
Alderman Pat Maxwell	voted	<u>Aye</u>
Alderman Wayne O'Neal	voted	<u>Aye</u>

The question having received the affirmative vote of the majority of all the aldermen present and voting, the Mayor declared the motion carried and the Ordinance adopted and approved this 4th day of February, 1993.

APPROVED:

  
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 GLENN F. RISHEL, JR., MAYOR

ATTEST:

  
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 REBECCA E. SCHRUFF, CITY CLERK

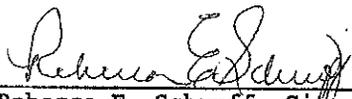
C E R T I F I C A T E

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance Number 429 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a special meeting duly convened and held on Thursday, February 4, 1993, as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 5th day of February, 1993.

(SEAL)

  
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Rebecca E. Schruff, City Clerk