

WORKSHOP
CITY OF GRIFFIN BOARD OF COMMISSIONERS
September 22, 2015
W. Elmer George Municipal Hall

9:00 AM

Discuss acquisition of certain current airport surplus property. *City Manager Kenny Smith will address.*

On June 18, 2015, the U.S. Supreme Court handed down its decision in REED v. TOWN OF GILBERT, a case involving the constitutionality of a municipal sign ordinance in the Town of Gilbert, Arizona. The Town's ordinance was very similar to sign ordinances found in cities and counties across the country, including ours in the City of Griffin. The Court declared the ordinance violative of the First and Fourteenth Amendments to the U.S. Constitution and formulated a new test of judicial scrutiny for ordinances with First Amendment implications. *City Attorney Drew Whalen will address.*

AGENDA ITEM SUMMARY

ITEM SUMMARY:

Discuss acquisition of certain current airport surplus property. *City Manager Kenny Smith will address.*

SPECIAL CONSIDERATIONS OR CONCERNS:

After the recent survey of the current airport it was determined that approximately 4.3 acres of airport property encroaches onto the municipal golf course on Hole 14. In order to remedy this situation, the City must purchase this property from the Airport Authority. A survey and appraisal will be needed to determine the exact boundaries and price. Additional properties may be purchased at fair market value. This was discussed in the April 28, 2015 workshop with instructions to discuss further at a later workshop after the walking track and sheriff's hangar properties were appraised. Attached are work authorizations showing the cost of surveys, environmental, appraisals and fees for land release assistance from Michael Baker, Inc. (LPA). Also attached are cover sheets of the appraisals for the Walking Track and Sheriff's Hangar.

STAFF RECOMMENDATION:

N/A

FINANCIAL IMPACT:

Land Release Assistance cost are proposed as follows:

Golf Course Tract - 4 acres - \$15,160

City Signage Tract - .5 acre - \$12,410

City "Sports Park" tract (bike trail) - 50 acres - \$11,640

ATTACHMENTS:

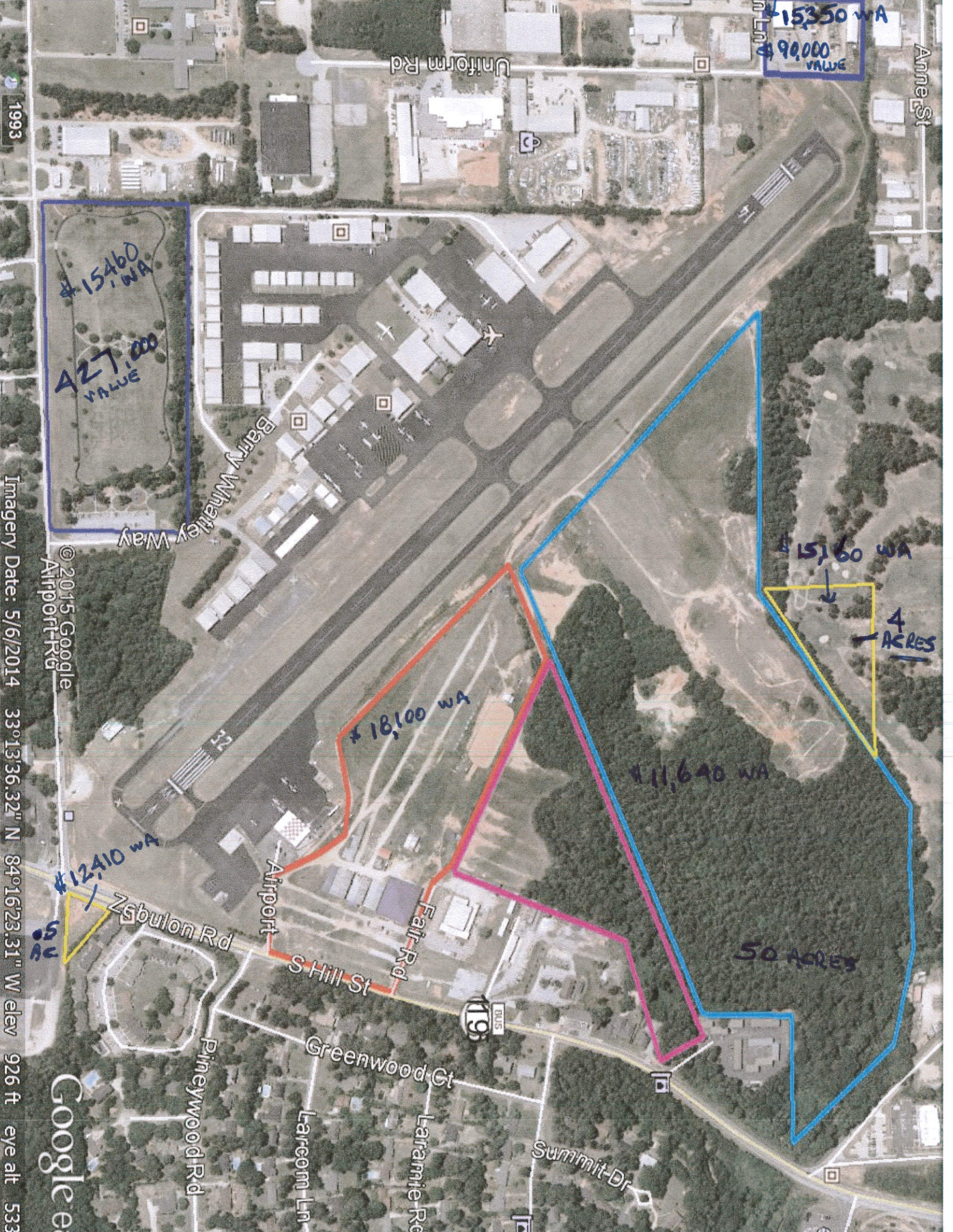
File Name	Description
☐ Maps_for_Airport_property_release_9_17_2015.pdf	Maps for Airport Property Release
☐ Work_Authorization_for_Airport_Land_release_9_17_2015.pdf	Work Authorization for Airport Land Release
☐ Walking_Track_Appraisal_9_17_2015.pdf	Walking Track Appraisal
☐ Sheriff_s_Hangar_Appraisal_9_17_2015.pdf	Sheriff's Hangar Appraisal

Submitted by: **Meeting**
Date:

K. L. Smith 9/22/2015

Reviewed by:

K. L. Smith



W 05551 A
00006 VALUE

\$15460 WA
A 27.00
VALUE

\$15,60 WA
4 ACRES

\$18,100 WA

\$11,640 WA

50 ACRES

\$12,410 WA
0.5 AC

© 2015 Google
Airport Rd
Imagery Date: 5/6/2014 33°13'36.32" N 84°16'23.31" W elev 926 ft eye alt 533

Google e

WORK AUTHORIZATION FORM

THE CITY OF GRIFFIN (Georgia) and SPALDING COUNTY (Georgia)

Work Authorization for Professional Services At Griffin-Spalding County Airport

To Be Assigned by Airport Authority

(Project Identification No.)

Twenty-one (21)

(Work Authorization No.)

Airport Land Release Assistance Services – Phase 2

(Project Title)

It is agreed to undertake the following work in accordance with the provisions of our Master Agreement for Professional Services, dated March 19, 2007.

Description of Assignment:

The scope of work includes the Professional Services as outlined in Exhibit A, Section I, of the Prime Agreement for the following project at the Griffin-Spalding County Airport:

Airport Land Release Assistance Services – Phase 2

This project will address the performance of professional services associated with the release of surplus airport property at the Griffin-Spalding County Airport in compliance with the applicable FAA guidelines. This second phase of release of airport property shall address 3 tracts of land, more commonly known as the City Golf Course Tract (approx. 4 acres), the City Signage Tract (approx. 0.5 acres), and the City Sports Park Tract (approx. 50 acres).

Basic Services

None anticipated for this Work Authorization.

Special Services

- A. In order to satisfy the objective of this assignment, the following professional services are proposed:

These services shall include assisting the Airport Authority with the preparation of their written requests to the GDOT-Aviation Programs Office to facilitate the release of the identified 3 tracts of surplus property. The written request is assumed to include the following pieces of information: 1) identification of the airport's obligating agreements; 2) legal description of the property; 3) Exhibit "A"/property map depicting the property, 4) current appraised value of land and improvements; 5) kind of release requested; 6) justification for the release; 7) explanation of how this request is consistent with the approved ALP; 8) proposed use of the land; 9) commitment from the airport owner to use the

proceeds from the release (and sale) of property exclusively for the airport; 10) list of federal obligations from which the subject land must be released; and 11) environmental analysis when required by Order 5050.4B.

Throughout the land release process, general coordination and advisory services between the Airport Authority, City, County, GDOT, FAA, and LPA will be necessary to monitor and document the various process milestones and overall progress/status of the land release effort.

Period of Services:

- A. These professional services will be initiated immediately after OWNER approval of the Work Authorization and receipt of a Notice-To-Proceed from the OWNER. Receipt of the executed Work Authorization shall serve as the OWNER's Notice-to-Proceed, unless preceded by another form of documentation. The following are estimated time frames for this project:

Land Release Tasks	Est. Task Duration (per Tract)
Notice-to-Proceed (Estimated)	
Perform Start-up Activities with Sub-Consultants	1 Week
Conduct Initial Meeting with Property Owner (by others)	TBD
Perform Title Search (by others)	TBD
Perform Boundary Survey	2 Weeks
Perform Phase 1 Site Assessment	3 Weeks
Perform Appraisal	5 Weeks
Prepare & Present Offer; Conduct Negotiations (by others)	TBD
Prepare & Distribute Written Land Release Package to GDOT	2 Weeks

- B. Services required beyond the above estimated time frames due to the delays in obtaining agency approvals, extension of construction time, defective work by the contractor, or to other causes beyond the CONSULTANT'S control may require additional compensation with an amendment to this WORK AUTHORIZATION.

Basis of Compensation:

Basic Services:

None anticipated for this Work Authorization.

Special Services:

The OWNER shall compensate the CONSULTANT for Special Services in the following amounts:

As compensation for providing Airport Land Release Assistance Services – Phase 2 (City Golf Course Tract), the OWNER shall pay the CONSULTANT on a lump sum basis in the amount of Fifteen Thousand One Hundred Sixty and no/100 Dollars (\$15,160.00).

As compensation for providing Airport Land Release Assistance Services – Phase 2 (City Signage Tract), the OWNER shall pay the CONSULTANT on a lump sum basis in the amount of Twelve Thousand Four Hundred Ten and no/100 Dollars (\$12,410.00).

As compensation for providing Airport Land Release Assistance Services – Phase 2 (City Sports Park Tract), the OWNER shall pay the CONSULTANT on a lump sum basis in the amount of Eleven Thousand Six Hundred Forty and no/100 Dollars (\$11,640.00).

The total value of this Work Authorization equals Thirty-nine Thousand Two Hundred Ten and no/100 Dollars (\$39,210.00).

Agreed as to description of assignment, basis of compensation, and period of services: *

**GRIFFIN-SPALDING AIRPORT
AUTHORITY**

MICHAEL BAKER JR., INC.
(FORMERLY THE LPA GROUP INCORPORATED)

BY: _____
Chairman: Dick Morrow

BY: _____

DATE: _____

DATE: _____

ATTEST: _____
Secretary: Joanne Todd

ATTEST: _____

* Basis of compensation will not be exceeded without a Supplemental Work Authorization.

Attachments:

Attachment A – Professional Services Cost Breakdown (Pages A-1 through A-6)

ATTACHMENT A

COST BREAKDOWN
FOR
GRIFFIN-SPALDING COUNTY AIRPORT
WORK AUTHORIZATION NO. 21

AIRPORT LAND RELEASE ASSISTANCE SERVICES - PHASE 2
(City Golf Course Parcel)

Item / Task Description	Project Manager	Senior Engineer	Engineer	Designer	Technician	Technical Assistant
Coordination with City, Airport Authority, & GDOT	4	0	0	0	0	2
Initial Coordination with Current Lessee / Future Property Owner	(Task to be handled by others)					
Prepare for & Attendance at Project Kick-off Meeting / Site Visit (1 combined meeting assumed)	2	0	0	0	0	0
Continued Coordination with Attorney, Surveyor, Appraisers, etc.	3	0	0	0	0	3
Procure & Process Title Search	(Task to be handled by others)					
Procure & Process Boundary Surveys & Legal Descriptions	1	0	0	0	0	1
Procure & Process Phase 1 Env. Site Assessments	1	0	0	0	0	1
Procure & Process Appraisals	1	0	0	0	0	1
Prepare for & Attendance at Tract-specific Pre-Offer Progress Meeting (1 meeting assumed)	6	0	0	1	0	0
Present Offer / Conduct Negotiations	(Task to be handled by others)					
Assist Airport Authority with Narrative for Written Request Submittal Package	1	4	1	0	0	0
Prepare Exhibits for Written Request Submittal Package	0	0	0	1	0	0
Revise & Submit Updated Exhibit "A" Airport Property Inventory Map to GDOT for approval, upon Completion of Property Transaction	1	0	2	2	0	0
Totals	20	4	3	4	0	8

ATTACHMENT A

COST BREAKDOWN

FOR

GRIFFIN-SPALDING COUNTY AIRPORT

WORK AUTHORIZATION NO. 21

AIRPORT LAND RELEASE ASSISTANCE SERVICES - PHASE 2

(City Golf Course Parcel)

DIRECT LABOR COSTS

<u>Personnel</u>	<u>Est. Hours</u>	<u>Rate/Hour</u>	<u>Cost</u>	<u>Totals</u>
Project Manager	20	\$176.00	\$3,520.00	
Senior Engineer	4	\$160.00	\$640.00	
Engineer	3	\$133.00	\$399.00	
Designer	4	\$102.00	\$408.00	
Technician	0	\$75.00	\$0.00	
Technical Assistant	8	\$70.00	\$560.00	
Total Direct Labor	39		\$5,527.00	\$5,527.00

DIRECT EXPENSES

Reproduction	\$25.00	
Postage	\$28.00	
Travel	\$120.00	
Total Direct Expenses	\$173.00	\$173.00

SUB-CONSULTANTS

Survey & Legal Description - Paragon	\$2,000.00	
Phase 1 Env. Site Assessment - Scanlon	\$2,600.00	
Property Appraisal - RE Appraisal Group	\$4,000.00	
Administrative Fee on Subs (10%)	\$860.00	
Total Sub-Consultants	\$9,460.00	\$9,460.00
Total Cost		\$15,160.00

ATTACHMENT A

COST BREAKDOWN
FOR
GRIFFIN-SPALDING COUNTY AIRPORT
WORK AUTHORIZATION NO. 21

AIRPORT LAND RELEASE ASSISTANCE SERVICES - PHASE 2
(City Signage Parcel)

Item / Task Description	Project Manager	Senior Engineer	Engineer	Designer	Technician	Technical Assistant
Coordination with City, Airport Authority, & GDOT	4	0	0	0	0	2
Initial Coordination with Current Lessee / Future Property Owner	(Task to be handled by others)					
Prepare for & Attendance at Project Kick-off Meeting / Site Visit (1 combined meeting assumed)	2	0	0	0	0	0
Continued Coordination with Attorney, Surveyor, Appraisers, etc.	3	0	0	0	0	3
Procure & Process Title Search	(Task to be handled by others)					
Procure & Process Boundary Surveys & Legal Descriptions	1	0	0	0	0	1
Procure & Process Phase 1 Env. Site Assessments	1	0	0	0	0	1
Procure & Process Appraisals	1	0	0	0	0	1
Prepare for & Attendance at Tract-specific Pre-Offer Progress Meeting (1 meeting assumed)	6	0	0	1	0	0
Present Offer / Conduct Negotiations	(Task to be handled by others)					
Assist Airport Authority with Narrative for Written Request Submittal Package	1	4	1	0	0	0
Prepare Exhibits for Written Request Submittal Package	0	0	0	1	0	0
Revise & Submit Updated Exhibit "A" Airport Property Inventory Map to GDOT for approval, upon Completion of Property Transaction	1	0	2	2	0	0
Totals	20	4	3	4	0	8

ATTACHMENT A

COST BREAKDOWN

FOR

GRIFFIN-SPALDING COUNTY AIRPORT

WORK AUTHORIZATION NO. 21

AIRPORT LAND RELEASE ASSISTANCE SERVICES - PHASE 2

(City Signage Parcel)

DIRECT LABOR COSTS

<u>Personnel</u>	<u>Est. Hours</u>	<u>Rate/Hour</u>	<u>Cost</u>	<u>Totals</u>
Project Manager	20	\$176.00	\$3,520.00	
Senior Engineer	4	\$160.00	\$640.00	
Engineer	3	\$133.00	\$399.00	
Designer	4	\$102.00	\$408.00	
Technician	0	\$75.00	\$0.00	
Technical Assistant	8	\$70.00	\$560.00	
Total Direct Labor	39		\$5,527.00	\$5,527.00

DIRECT EXPENSES

Reproduction	\$25.00	
Postage	\$28.00	
Travel	\$120.00	
Total Direct Expenses	\$173.00	\$173.00

SUB-CONSULTANTS

Survey & Legal Description - Paragon	\$1,500.00	
Phase 1 Env. Site Assessment - Scanlon	\$2,100.00	
Property Appraisal - RE Appraisal Group	\$2,500.00	
Administrative Fee on Subs (10%)	\$610.00	
Total Sub-Consultants	\$6,710.00	\$6,710.00

Total Cost	\$12,410.00
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ATTACHMENT A

COST BREAKDOWN
FOR
GRIFFIN-SPALDING COUNTY AIRPORT
WORK AUTHORIZATION NO. 21

AIRPORT LAND RELEASE ASSISTANCE SERVICES - PHASE 2
(City Sports Park Parcel)

Item / Task Description	Project Manager	Senior Engineer	Engineer	Designer	Technician	Technical Assistant
Coordination with City, Airport Authority, & GDOT	4	0	0	0	0	2
Initial Coordination with Current Lessee / Future Property Owner	(Task to be handled by others)					
Prepare for & Attendance at Project Kick-off Meeting / Site Visit (1 combined meeting assumed)	2	0	0	0	0	0
Continued Coordination with Attorney, Surveyor, Appraisers, etc.	3	0	0	0	0	3
Procure & Process Title Search	(Task to be handled by others)					
Procure & Process Boundary Surveys & Legal Descriptions	1	0	0	0	0	1
Procure & Process Phase 1 Env. Site Assessments	1	0	0	0	0	1
Procure & Process Appraisals	1	0	0	0	0	1
Prepare for & Attendance at Tract-specific Pre-Offer Progress Meeting (1 meeting assumed)	6	0	0	1	0	0
Present Offer / Conduct Negotiations	(Task to be handled by others)					
Assist Airport Authority with Narrative for Written Request Submittal Package	1	4	1	0	0	0
Prepare Exhibits for Written Request Submittal Package	0	0	0	1	0	0
Revise & Submit Updated Exhibit "A" Airport Property Inventory Map to GDOT for approval, upon Completion of Property Transaction	1	0	2	2	0	0
Totals	20	4	3	4	0	8

ATTACHMENT A

COST BREAKDOWN

FOR

GRIFFIN-SPALDING COUNTY AIRPORT

WORK AUTHORIZATION NO. 21

AIRPORT LAND RELEASE ASSISTANCE SERVICES - PHASE 2

(City Sports Park Parcel)

DIRECT LABOR COSTS

<u>Personnel</u>	<u>Est. Hours</u>	<u>Rate/Hour</u>	<u>Cost</u>	<u>Totals</u>
Project Manager	20	\$176.00	\$3,520.00	
Senior Engineer	4	\$160.00	\$640.00	
Engineer	3	\$133.00	\$399.00	
Designer	4	\$102.00	\$408.00	
Technician	0	\$75.00	\$0.00	
Technical Assistant	8	\$70.00	\$560.00	
Total Direct Labor	39		\$5,527.00	\$5,527.00

DIRECT EXPENSES

Reproduction	\$25.00	
Postage	\$28.00	
Travel	\$120.00	
Total Direct Expenses	\$173.00	\$173.00

SUB-CONSULTANTS

Survey & Legal Description - Paragon	\$3,000.00	
Phase 1 Env. Site Assessment - Scanlon	\$2,400.00	
Property Appraisal - RE Appraisal Group	\$0.00 **	
Administrative Fee on Subs (10%)	\$540.00	
Total Sub-Consultants	\$5,940.00	\$5,940.00

Total Cost	\$11,640.00
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** Cost of Appraisal is incidental to the Golf Course Tract of Land per Appraiser's Fee Proposal.

CHILDERS ASSOCIATES

REAL ESTATE CONSULTANTS AND APPRAISERS

321 FOURTEENTH STREET, N.W.

ATLANTA, GEORGIA 30318

TELEPHONE: (404) 876-5100

FAX: (404) 876-8863

RICHARD S. CHILDERS, MAI

DAVID W. CHILDERS, MAI

August 14, 2015



Mr. Michael J. Reiter, P.E.
Assistant Vice President
Michael Baker Jr, Inc.
3595 Engineering Drive
Norcross, Georgia 30092

Re: Appraisal of Airport Park
Spalding County Walking Trail
Airport Road
Spalding County, Georgia 30224
Childers Associates File No. 026-15

Dear Mr. Reiter:

In accordance with your request, we have inspected the above referenced property for the purpose of estimating the market value of the fee simple interest of the land. The land is proposed for acquisition by Spalding County. The proposed acquisition is part of an agreement between Spalding County and the Griffin-Spalding Airport Authority in which the county has agreed to purchase the appraised land referenced above. The improvements are already owned in fee by Spalding County and are therefore not appraised. Attached is our report summarizing the data and analysis used for this assignment. The date of valuation is the date of our most recent inspection, July 29, 2015. Based on the analysis presented herein, our estimated market value of the subject land is:

FOUR HUNDRED TWENTY SEVEN THOUSAND DOLLARS
(\$427,000.00)

\$ 31,055 / AC

EXECUTIVE SUMMARY

Property Owner:	Griffin-Spalding Airport Authority
Tax Parcel Number:	Portion of 047A01 002
Inspection Date:	July 29, 2015
Report Date:	August 10, 2015
Effective Date:	July 29, 2015
Current Zoning:	INST; Institutional with the City of Griffin
Current Use:	Recreational
Land Size:	599,347 square feet or 13.7591 acres
Improvement Description:	The subject is improved with a half-mile walking track with supporting site improvements including decorative landscaping, a children's playscape, a small utility building for restrooms, and asphalt surface parking. The improvements were constructed in 1995 and appear in good physical condition for their age.
Highest and Best Use:	As vacant: Speculative holding in anticipation of future industrial use As improved: Speculative holding in anticipation of future redevelopment as an industrial tract
Property Rights:	The land is leased to Spalding County on a net basis; the lease originated in November 1994 and most recently renewed on July 1, 2011. The current lease term is 30 years and will expire June 30, 2041. At the request of our client, we are estimating the fee simple interest in the underlying land only and will not allocate the estimated value between the leased fee and leasehold interests.
Land Value Conclusion:	\$427,000

CHILDERS ASSOCIATES

REAL ESTATE CONSULTANTS AND APPRAISERS

321 FOURTEENTH STREET, N.W.

ATLANTA, GEORGIA 30318

TELEPHONE: (404) 876-5100

FAX: (404) 876-8863

RICHARD S. CHILDERS, MAI
DAVID W. CHILDERS, MAI

August 18, 2015



Mr. Michael J. Reiter, P.E.
Assistant Vice President
Michael Baker Jr, Inc.
3595 Engineering Drive
Norcross, Georgia 30092

Re: Appraisal of Sheriff's Hangar
1121 Cain Street
Spalding County, Georgia 30224
Childers Associates File No. 027-15

Dear Mr. Reiter:

In accordance with your request, we have inspected the above referenced property for the purpose of estimating the market value of the fee simple interest of the land. The land is proposed for acquisition by Spalding County. The proposed acquisition is part of an agreement between Spalding County and the Griffin-Spalding Airport Authority in which the County has agreed to purchase the appraised land referenced above. The improvements are already owned in fee by Spalding County and are therefore not appraised. Attached is our report summarizing the data and analysis used for this assignment. The date of valuation is the date of our most recent inspection, July 29, 2015. Based on the analysis presented herein, our estimated market value of the subject land is:

NINETY THOUSAND DOLLARS
(\$90,000.00)

\$ 28,125 / AC

EXECUTIVE SUMMARY

Property Owner:	Griffin-Spalding Airport Authority
Tax Parcel Number:	Portion of 047 01 012
Inspection Date:	July 29, 2015
Report Date:	August 18, 2015
Effective Date:	July 29, 2015
Current Zoning:	INST; Institutional with the City of Griffin
Current Use:	Industrial; the property is improved with a helicopter hangar and office building used by the Spalding County Sheriff's Department
Land Size:	139,595 square feet or 3.20466 acres
Improvement Description:	The subject is improved with a 6,942-square foot prefabricated metal warehouse building constructed in 2000 by the Spalding County Sheriff's Department. The building was specially designed as a helicopter hangar and headquarters for the Drug Enforcement Division. The building is two stories with first and second floor office space, the, single story, main hangar, and dual locker rooms for men and women. The improvements are well maintained and in good physical condition.
Highest and Best Use:	As vacant: Speculative holding in anticipation of future industrial use As improved: Continued use as a special purpose industrial building

AGENDA ITEM SUMMARY

ITEM SUMMARY:

On June 18, 2015, the U.S. Supreme Court handed down its decision in REED v. TOWN OF GILBERT, a case involving the constitutionality of a municipal sign ordinance in the Town of Gilbert, Arizona. The Town's ordinance was very similar to sign ordinances found in cities and counties across the country, including ours in the City of Griffin. The Court declared the ordinance violative of the First and Fourteenth Amendments to the U.S. Constitution and formulated a new test of judicial scrutiny for ordinances with First Amendment implications. *City Attorney Drew Whalen will address.*

SPECIAL CONSIDERATIONS OR CONCERNS:

Attached is a proposed revision of the City of Griffin's Sign ordinance, which has been rewritten to remove content-based regulations, but retaining the format of the existing Chapter 12 of the Unified Development Code of the City.

STAFF RECOMMENDATION:

N/A

FINANCIAL IMPACT:

No adverse financial impact is anticipated. The change in the law necessitates the current sign regulations be revisited.

ATTACHMENTS:

File Name	Description
❏ Sign_Regulation_after_REED_091415.pptx	PowerPoint Presentation on REED
❏ Ordinance_091515.pdf	Proposed Sign Ordinance revision

Submitted by:

Meeting Date:

City Attorney Andrew J. Whalen, III 9/22/2015

Reviewed by:

Kenny L. Smith

REGULATION OF SIGNS & OTHER FIRST AMENDMENT --- EXPRESSION OR ACTIVITIES

After REED v. TOWN OF GILBERT, AZ
___ U.S. ___ (June 18, 2015)

1st & 14th Amendments to U.S. Constitution

- “Congress shall make no law...abridging the freedom of speech.” First Amendment to U.S. Constitution.
- While written as a directive to Congress, the First Amendment has been applied to the States and local governments through a series of cases, to-wit:
- *LOVELL v. CITY OF GRIFFIN, GA.*, 303 U.S. 444 (1938), holding: “Said ordinance is also contrary to and in violation of the Fourteenth Amendment to the U.S. Constitution, which had the effect of making the said First Amendment applicable to the States.”

Parameters of Protection:

- At the core of the right to freedom of speech is the notion that a person's message will be protected regardless of whether it is popular. Courts have made it clear that protection means not only the ability to express the message, but also the right to have unpopular speech treated in an identical manner as popular speech.
- Where the government's regulation is influenced by the message of the speaker, it is deemed "content-based".
- Where the government regulation is applied uniformly to speakers of all messages, it is deemed "content-neutral".

How REED changes the law:

- Up until now the Courts have generally held that a law or ordinance is content-neutral if it makes no distinction based upon the content of the expression.
- In REED, the SCOTUS unanimously concluded the government's purpose for issuing a regulation is not the sole determinant. A law lacking adverse animus and/or having some innocuous justification, no matter how benign, that appears "neutral" on its face, is content-based if it can be enforced in such a manner to suppress freedom of expression.

The law after REED:

- Thus, laws or ordinances that are content-based on their face, i.e. those that limit or prohibit particular speech because of the topic discussed or the idea or message conveyed, and those that appear content-neutral on their face, but which may one day be enforced to suppress disfavored speech, are unconstitutional unless such law can pass STRICT SCRUTINY in which the government has the burden of demonstrating a COMPELLING governmental interest AND shows the imposition adopted is the LEAST RESTRICTIVE measure available.
- A sign ordinance is content-based on its face if the government has to read its message in order to regulate it.

Town of Gilbert's sign ordinance

- The Town of Gilbert, Arizona, had a sign ordinance that was typical of most in this country. It was a comprehensive set of regulations for all types of signs on PRIVATE property; in addition to regulating the size, number, placement, duration, and materials, the ordinance classified signs by purpose or function, distinguishing between “on-premise” and “off-premise”. While most signs required an application, fee, and permit, exception was made for signs that did not require permitting, such as political signs, ideological signs, realtor signs, workman signs, and temporary event signs.

The Ordinance (continued):

- Altogether, the ordinance exempted 23 types of signs, banners, flags and similar devices from permitting, but generally limited the size and duration, depending on the purpose or function. For example, a temporary event sign could not exceed 4 sq. ft., could not be put out more than 24 hours prior to the event advertised, had to be removed within 1 hour of the time the event ended, and was limited to 2 per private property. In contrast, a political sign could not exceed 20 sq. ft., could be put out in unlimited numbers from the time of qualifying until 15 days following the election; an ideological sign could be up to 32 sq. ft. with no limit on number or duration.

The Ordinance (continued):

- The petitioner is Rev. Clyde Reed, pastor of the Good News Community Church. This church has no sanctuary and meets in various locations around the community. Each Saturday, prior to Sunday services, the church put out temporary event signs designating where the services would be held. It often took 2 to 3 days to have the signs picked up.
- Rev. Reed was cited by the Town's Code Enforcement Officer for failure to timely pick up the signs. The first time he was given a Warning by the Court, but fined for a second citation; on the third citation, the Court fined Reed, but threatened him with jail time if cited again.

The Ordinance (continued):

- Following the third citation, Reed filed suit in U.S. District Court against the Town and its Code Enforcement Officer alleging violation of First and Fourteenth amendment rights. The District Court dismissed the case, finding the ordinance to be “content-neutral” on its face; appeal was taken to the Ninth Circuit, which affirmed. A petition for Writ of Certiorari to the U.S. Supreme Court was filed and granted.
- SCOTUS now holds the ordinance to be content-based on its face. The Town offered 2 governmental interests in support of its comprehensive regulatory scheme: aesthetics and traffic safety.

The Ordinance (continued):

- “Assuming for the sake of argument that these are compelling governmental interests, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further either compelling governmental interest. The Sign Code fails strict scrutiny.” Thus, the Court declares the ordinance unconstitutional and unenforceable.
- Keep in mind that, generally, local governments are empowered to enact reasonable ordinances so long as they may demonstrate a governmental interest to support their adoption. For such ordinances, intermediate scrutiny is all that is required.

How far might REED reach?

- REED involves sign regulations, but how far is REED likely to reach into other subject areas with First Amendment implications?
- Zoning ordinances?
- Parade and Assembly ordinances?
- Adult Entertainment ordinances?
- Election-related ordinances?
- Panhandling – The 7th Circuit has already applied the “compelling interest” / “least intrusive” test of REED to invalidate an ordinance in Springfield, IL on 8/7/15.
- The REED test will make it tough for local governments

Does REED go too far?

- REED was a unanimous decision by SCOTUS, but there were concurring opinions by 4 of the 9 Justices:
- J. Alito: “Our decision today should not prevent governments from enacting effective sign ordinances.” He then lists several “rules”, which in his opinion, do not require analysis of content:
 - Size of signs
 - Location of signs
 - Distinguishing between lighted and unlighted signs
 - Distinguishing between on-premise and off-premise signs
 - Restricting the number of signs
 - Prohibiting signs on public property

Does REED go too far? (continued)

- 3 Justices: Kagan, Breyer & Ginsburg, while concurring in the result, question the breadth of the opinion over time.
“Given the Court’s analysis, many sign ordinances are now in jeopardy...The bar we set today is high; to clear that bar the government must show a content-based regulation is justified by a compelling governmental interest and has been narrowly drawn to achieve that interest...We have placed local governments in an unenviable bind...Have we subjected our local communities to resulting clutter?”
- “Common sense will be required to administer the test we pronounce today; otherwise, this Court will become the Supreme Board of Sign Review.”

After-thoughts...

- The 11th Circuit U.S. Court of Appeals has recently reviewed 2 City of Atlanta ordinances with First Amendment implications, one involving closing hours at public parks and the other involving buffers from protests at abortion clinics. In these cases, that Court found the City's interests to be "significant" justification for the ordinances, which left open "ample opportunities" for communication of the speakers' messages.
- Would these cases have been decided differently under REED? Probably so!!!

Did the Georgia Constitution already offer more protection before REED?

- Art. I, Sec. I, Par. V of the 1983 Constitution of Georgia also guarantees freedom of speech. It was established in an adult entertainment case several years ago that the protections of the Georgia Constitution in this area were broader than under the First Amendment. The Georgia Supreme Court formulated this test: “(1) Does the law further an important governmental interest? (2) Is that interest unrelated to the interest of speech? (3) Is the law an incidental restriction of speech no greater than essential to further the important governmental interest?” *GOLDRUSH II v. CITY OF MARIETTA*, 267 Ga. 683 (1997). Sounds familiar, doesn’t it?

Summary

- REED may have subtle implications for local governments for many years to come. It is, after all, now the law of the land. Lower courts will have no discretion but to follow its mandate, which in many cases will likely result in traditional ordinances and codes being declared invalid.
- What REED changes is how a court will determine if a law is “content-based” or “content-neutral” by applying a more subjective analysis than formerly used. EFFECT again takes precedence over INTENT.
- Justice Kagan, in her concurrence, surmised that most local governments cannot afford to litigate a challenge to the U.S. Supreme Court. She is correct.

AN ORDINANCE

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF GRIFFIN, GEORGIA, BY REPEALING PRESENT ARTICLE 12, SIGNS, IN ITS ENTIRETY AND ADOPTING IN LIEU THEREOF A NEW COMPREHENSIVE SET OF SIGN REGULATIONS AND STANDARDS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE UNIFIED DEVELOPMENT CODE OF GRIFFIN, GEORGIA, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF GRIFFIN, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Unified Development Code of Griffin, Georgia is hereby amended by repealing present Article 12, SIGNS, in its entirety and adopting in lieu thereof a new comprehensive set of sign regulations and standards, to-wit:

“ARTICLE 12. - SIGNS

1201. - FINDINGS AND PURPOSE.

1201 A.

The City of Griffin finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

1201 B.

Regulation of the size, height, number, and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens. To the extent regulation of signs affects speech protected by the First

Amendment to the U.S. Constitution and Art. 1, Sec. 1, Par. 5 of the 1983 Constitution of Georgia, the regulation should be content-neutral on its face; otherwise, the need to regulate must be justified by a compelling government interest and narrowly tailored to be the least intrusive imposition on free speech.

1201 C.

The city further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected on public rights of way for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public.

1201 D.

Government regulation of speech is content-based on its face if it applies to particular speech because of the topic discussed or the idea or message expressed. Content-based regulations are presumptively unconstitutional and therefore are subject to strict scrutiny. The city finds, however, that some signage has a single targeted function and that regulation of such signage is impossible without identification of such function or purpose. For instance, address numerals on buildings are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. This governmental interest is so compelling that our Code requires placement of address numerals on all buildings and structures within the city.

1202. – LEGAL AUTHORITY.

This article is enacted pursuant to Article IX, Section II, Paragraph IV of the 1983 Georgia Constitution, express powers in the Charter of the City of Griffin (2004 Ga. Laws, p 4232 *et seq.*), the general police powers of Georgia municipal corporations, and other authority provided by federal, state or local laws applicable hereto.

1203. - DEFINITIONS.

As used in this article, the following terms shall have the meanings respectively ascribed to them.

***A-frame sign* or *easel sign*:** A portable sign consisting of two sign faces placed back to back and hinged together at the top in such a manner that each

sign face leans toward the other, connecting at the top and forming a self-supporting structure.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Banner: A sign other than a flag, made of paper, cloth, thin plastic, or similar lightweight material and usually containing a message or logo.

Billboard: An outdoor advertising sign or structure which is designed, intended, and used to advertise or inform. Generally, billboards are distinguishable from freestanding signs by their size, placement, and purpose.

Building sign: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window or door of a building. This includes lettering, pictures or other attention-getting devices attached or affixed to windows.

Building official: The officer or other designated authority charged with the administration and enforcement of this Code, or duly authorized representative.

Business premises: A building, suite, office or other unit used for nonresidential purposes. In the case of businesses licensed by the city, the area occupied by a single business license holder shall be deemed as one business premises. In the case of professionals paying individual taxes to the city, each professional corporation, partnership or other entity in which the professional participates shall be considered the occupant and all area occupied by that occupant shall be the business premises. For the purpose of this article, business premises shall include nonresidential space occupied by charitable organizations, political organizations, institutions or other noncommercial entities.

Business day: Any weekday (Monday through Friday) except for City of Griffin holidays or when the Offices of the City of Griffin are closed due to a weather or other emergency.

Canopy: A roof-like structure supported by columns or projecting from a building and open on at least three sides.

Changeable copy sign: A sign that is capable of changing the position, format, words, numbers, or pictures displayed on the sign face manually or mechanically, or which changes the display of words, numbers, symbols, or graphics by electronic means, including the streaming of a video over the Internet; such manual or mechanically-controlled signs also being known as "reader boards", and such electronic signs also being known as "multiple message signs.

Directional sign: A sign used to give direction or specific instruction to the public, such as, but not limited to, "enter," "exit," "no parking," "drive through," "rest room," etc. Such signs shall contain only instructional information.

Easel sign: See "A-frame sign."

Feather banner: A banner made from lightweight material and attached to a pole and designed to wave in the wind.

Flag: A sign consisting of any fabric containing distinctive colors, patterns, logos, or symbols, such as a symbol of a government or any other entity or organization.

Freestanding sign: A sign which is supported by one or more columns, uprights, or braces, in or upon the ground, is not attached to a building, and is not mobile or temporary; a billboard or outdoor advertising sign or structure shall not be deemed a freestanding sign for purposes of this article. The term "freestanding sign" includes but is not limited to the following:

- a. **Pole sign.** A sign that is mounted on a freestanding pole or similar support such that the bottom of the sign face is at least six feet above the ground.
- b. **Ground sign.** A freestanding sign, other than a pole sign, in which the bottom of the sign face is less than six feet above the ground but not directly in contact with the ground.
- c. **Monument sign:** A freestanding sign in which the entire bottom of the sign face is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign upon which background the sign face is mounted.

Frontage or street frontage: The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Fronts or fronting on a street: A business "fronts" on a street when the lot line on the property on which the business is located also forms the line marking the edge of a publicly dedicated right-of-way.

Illuminated signs:

- a. **Internally-illuminated sign.** Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.
- b. **Externally-illuminated sign.** Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Industrial or Commercial Activity: Those properties on which activities commonly or generally recognized as commercial (includes office and non-profit uses) or industrial, and vacant land under common ownership adjoining such property, except that none of the following shall be considered commercial or industrial:

- (a) Outdoor advertising structures;
- (b) Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to wayside fresh produce stands;

- (c) Transient or temporary uses;
- (d) Activities of a primary residential nature; and
- (e) Railroad tracks and sidings.

Official Signs and Notices: Signs and notices erected, generally within the public right of way or on other public property, by public officers or public agencies and in accordance with direction or authorization contained in federal, state, or local law for the purpose of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local agencies or non-profit historical societies shall be considered official signs.

Parcel: The unit identified on county tax maps as a single lot for purposes of ad valorem taxation; provided, that two or more adjoining lots owned by one person or entity shall be deemed to be one parcel for the purpose of these provisions.

Permanent subdivision sign: Signs that advertise residential, commercial and industrial sites developed as one project.

Portable sign:

- a. Any sign:
 - 1. That is capable of being moved or intended to be moved from one location to another; or
 - 2. That is considered a portable sign in the normal course of commerce, even though the sign may be temporarily affixed to the ground; or
 - 3. That the design of which indicates it is capable of being moved or intended to be moved from one location to another; or
 - 4. That is not permanently affixed to a building or the ground; or
 - 5. That is used in such a manner as to be portable.
- b. Signs meeting the standards of the following categories shall not be considered portable signs:
 - 1. Freestanding signs;
 - 2. Building signs;
 - 3. Monument signs;
 - 4. Billboards;
 - 5. Changeable copy sign;
 - 6. Standard informational sign; and
 - 7. Temporary sign.
- c. Removal of wheels, chassis or frame from a portable sign shall not result in a change of its classification.

- d. Vehicles regularly used in the course of business or that are driven to and from a place of business may contain information identifying the business on the vehicle and may be parked in lots serving the identified business, provided that such vehicle is regularly used for transportation. Vehicles parked in commercial lots or on property located in the city for indefinite periods of time and not regularly used in the course of business that contain identifying information about a business shall be considered portable signs.

Roof sign: A sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall also constitute any signage placed upon sloped building fascia intended to appear as or actually be roof elements of the building.

Shared sign: A sign that serves as common or collective use for a group of persons or businesses operating on the same parcel, such as, but not limited to, a shopping center or business park. Ownership of and responsibility for a shared sign shall remain with the owner of the building or buildings served by the sign.

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement or illumination.

Sign area (for freestanding signs and billboards):

- a. The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and forming an integral part of the sign face. Portions of the sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature are not included in the computation of sign area.
- b. Any open space contained within the limits of the rectangle delimiting the sign face or sign face modules shall be included in the computation of the area of such sign face or sign face module.
- c. For multi-faced signs, when the sign face surfaces are parallel (back-to-back), or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

Sign area (for building signs):

- a. The area of a sign shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign face module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

- b. The computation of the area of a sign face shall not include the structure, supports or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the rectangle that delimits the sign face or a sign face module.
- c. For any sign on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

Sign area (for monument signs): The computation of the sign area of a monument sign shall include only the surface area upon which any word, letters, figures, symbols, logos, fixtures, colors or other design elements occur as measured from the top to bottom and side to side (sign face).

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign height: The vertical distance to the highest point of a sign structure. The height is measured from the surface of the nearest adjacent street at a point on the roadway centerline nearest the sign.

Sign plaza: A kiosk placed by the city or its agent on the right-of-way at major intersections of the municipal street system to direct the traveling public to subdivision entrances.

Special event sign: A temporary sign utilized in conjunction with and for the same time period as a valid special event permit.

Spectacular sign or device: Spectacular sign or device includes, but is not limited to, (i) any piece or strip of cloth, paper, canvas, plastic or similar material, including banners, but excluding flags, on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped for the purpose of advertising or drawing public attention; (ii) any advertising display, sign or copy that is animated; (iii) balloons, air and gas filled devices; (iv) streamers; or (v) other similar attention-getting devices.

Standard informational sign: A sign with an area not more than 16 square feet, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 48 inches, and with a thickness or diameter not greater than one and one-half inches.

Temporary sign: A sign with an area not greater than three square feet made for short-term use, containing no reflective elements, flags or projections, and which, when erected, stands at a height not greater than 30 inches, and is mounted on a stake or metal frame with a thickness or diameter not greater than one-half inch.

1204. - APPLICABILITY.

1204 A.

The requirements of this article shall apply to all private properties in the City of Griffin.

1204 B.

The requirements of this article shall apply to all signs that are visible from a street, public right-of-way, or property in public ownership.

1205. - PROHIBITED SIGNS.

1205 A.

The following types of signs are prohibited:

1. Signs imitating warning signals; signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles; signs using words, slogans, dimensional shape or size, or colors of governmental traffic signs in such a manner as to be confused with official traffic signs.
2. Signs with lights flashing in series, lines, or rows, or otherwise animated; other than fixed changeable copy sign permitted by this article.
3. Beacons, flashing, blinking, or fluctuating signs; other than fixed changeable copy sign permitted by this article.
4. Signs attached to trees or utility poles or boxes; signs painted on or otherwise attached to rocks or other natural objects; signs, other than those placed by a local, state or federal government or utility company located within the public street right-of-way or within five feet of the curb or closest edge of the pavement of any public street; signs placed on fences.
5. Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing.

6. Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape.
7. Signs which obstruct the sight of motorists or pedestrians so as to create safety hazards.
8. Banners, feather banners, fringe, pennants, twirling, A-frame, easel, sandwich-type, sidewalk or curb-type signs, balloons, tethered balloons, streamers, portable signs (as defined herein), air or gas filled figures, awning/canopy signs, trailer signs, and other similar signs and devices, except as expressly permitted by this article.
9. Roof signs.
10. Signs displaying any statement, word, character or illustration of an obscene nature, as defined by O.C.G.A. §16-12-80.
11. Illuminated signs from or to which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.
12. Portable changeable copy signs which are designed to display messages that can be changed electronically (LED) or manually.
13. Any sign placed on public property other than Official Signs and Notices, as defined herein.

1205 B.

No sign shall be installed within a building in such a manner that is intentionally visible from the public right-of-way. For purposes of this section, any sign erected inside a building within ten (10) feet of a window, door, or other opening so as to allow the inside of such building to be visible, shall be presumed to have been intentionally placed.

1206. - PERMITS; PROCEDURES.

1206 A.

Unless specifically exempted from obtaining a permit under provisions of this article, no person shall erect, construct, replace, relocate or structurally alter any sign within the city without first obtaining a sign permit from the building official. No permit shall be required to repaint or change the lettering of an existing conforming sign, provided that no change of ownership of the entity displaying the message thereon has been made.

1206 B.

Applications for permits shall be made upon forms provided by the city and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Address of building, structure, or lot to which or upon which the sign is to be attached or erected.
3. One accurate drawing showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features (survey not required).
4. One accurate drawing of the plans, specifications and method of construction and attachment of the sign to the building or ground. Such drawings shall include the size of the sign area, overall height of the sign, location of the sign installation and its relation to existing rights-of-way and all driveways, and, if a freestanding or monument sign, any protective devices or landscaping around the base of the sign.
5. Name, address and telephone numbers of person erecting the sign.
6. Written consent of the owner, manager, leasing agent or lessee of the building or land to which or upon which the sign is to be erected.
7. The location and size of all other signs on the parcel upon which the sign is to be erected.
8. The size of the parcel on which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented.
9. If the sign is to be lighted, an application for electrical permit meeting all standards of the city's electrical code.
10. Such other information as the city shall require, showing full compliance with this and other requirements of the city.

1206 C.

For signs shared by more than one person or entity, the property owner or sign contractor shall secure a permit for the sign structure and the property owner shall be responsible for the maintenance of the structure as well as for removal of individual sign panels identifying users which no longer exist within the building or buildings covered by the shared sign. In addition to the permit required for a shared sign structure, a separate permit shall be required for each panel, which shall be obtained by the owner, his tenant, an authorized agent, or the sign contractor.

1206 D.

Fees for permits shall be as fixed from time to time by resolution of the Board of Commissioners.

1206 E.

Upon the filing of an application for a permit and the payment of all necessary fees, the building official shall examine all plans and specifications submitted, including electrical wiring and connections, and the premises upon which the sign is proposed to be erected. Such review shall be completed within 30 business days of submission of a completed sign application, unless specific circumstances arise requiring additional time to process the application. If such additional time is needed by the building official, the person or entity submitting the application will be notified in writing of the reason for the delay and the anticipated processing date. If it appears from review of the permit application and the site that the proposed sign is in compliance with the requirements of this article and all other codes of the city, the building official shall issue a permit no later than 30 business days from receipt of the completed application.

1206 F.

The city shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this article, are incomplete, or contain any material false statements. Violation of any provision of this article will be grounds for terminating a permit granted by the city for the erection of a sign. Should it be determined that a 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 article, the building official shall revoke the permit. Should the building official deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before 30 business days after the city received the application. Alternatively, the city may personally serve the sign applicant with a copy of the written notice of denial within 30 business days after the city's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.

1206 G.

No properly issued permit shall be revoked except for due cause as hereinafter defined, and after the applicant is given ten business days written notice containing a statement of the reasons for the revocation of a permit. "Due cause" is the violation of any provision of this article or other applicable codes and regulations, state or federal law.

1206 H.

An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the Board of Commissioners, provided such appellant files a written notice of appeal with the city manager within ten business days of the building official's notice. Such appeal shall be

considered by the commission at the next commission meeting held after the city's receipt of the written notice of appeal, provided that such notice of appeal is received a minimum of five business days before the next meeting. Appeal notices received less than five business days prior to a scheduled commission meeting shall be heard at the next available meeting more than five business days following receipt of appeal. The board of commissioners shall issue a written decision to the applicant no later than 30 calendar days following the close of the appeal hearing. Decisions of the board of commissioners to affirm the decision of the building official or to overrule the decision of the building official and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation. Such decision shall constitute a final determination by the City of Griffin.

1206 I.

Any person commencing work on a sign before securing the necessary permit from the building official shall be subject to double permit fees under the permit fee schedule.

1207. - PERMIT EXPIRATION.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within three months after the date of issuance. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted sign; provided that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign but the fabrication has not yet been completed, one 90-day extension may be granted by the building official on the duration of the permit. Where a permit has expired for failure to erect the sign, if an individual later 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 in effect at the time of resubmission.

1208. - DISPLAY OF PERMIT.

The owner of the sign shall be responsible for maintaining the permit for every sign constructed, erected or maintained for which a permit is required by this article. Such permit shall be kept on the premises served by the sign and shall be exhibited promptly upon request of city officers and employees.

1209. - COMPLIANCE WITH TECHNICAL CODES; ZONING.

All signs hereafter erected, replaced, reconstructed, altered, relocated or modified within the city shall conform with all applicable requirements of the statewide

minimum construction codes and any permissive building codes adopted by the city. Where the provisions of the Code of Griffin, Georgia, other articles of the Unified Development Code of Griffin, Georgia (including zoning), and this article conflict or overlap, the requirements of this article shall prevail and be controlling.

1210. - REGULATION OF SIGNS BY LAND USE: DEVELOPED RESIDENTIAL PROPERTY.

1210 A.

This section governs any developed residential property other than residential property developed for multi-family.

1210 B.

Owners of property governed by this section may post only such signs as are authorized by this section and shall comply with the following requirements:

1. *Standard informational sign.* Such property may contain one (1) standard informational sign, located entirely on private property and no closer than five feet from the back of the right of way. Signs shall not project over property lines.
2. *Temporary signs.* Developed residential properties may have no more than three (3) temporary signs, without obtaining a permit or payment of any fees, located completely upon private property. Temporary signs should be removed when they become weathered or the function or event advertised has ended.
3. *Permanent subdivision signs.* In addition to any other signs authorized by this section, if such property is located at the entrance to any residential subdivision, then said subdivision may contain no more than two monument signs per entrance; such signs shall conform to the specifications in Sec. 1211 D.

1211. - REGULATION OF SIGNS BY LAND USE: OTHER DEVELOPED PROPERTY.

This section governs properties which are developed for multi-family residential, and other properties which are developed for commercial, office or industrial use, other than properties located within the Downtown Commercial Historic District or on an Emerging Commercial Corridor. All such properties may post only such signs as are authorized by this section. All signs not expressly

authorized by this section are prohibited on such properties. Authorized signs shall comply with the following requirements:

1211 A. - Freestanding signs.

Such property may contain one or more freestanding signs in accordance with the following:

1. No freestanding signs shall be constructed, erected or maintained closer than five feet from back of the right of way and shall be installed completely on private property. No free standing sign shall be erected within ten feet of the nearest point of the public right-of-way at the intersection of two or more streets.
2. Where signs are erected at the same elevation as electrical power lines, the minimal horizontal distance from such power lines to the sign shall be ten feet.
3. Only one freestanding sign per platted lot shall be allowed along the right-of-way, provided that for business premises fronting on more than one street, one freestanding sign shall be allowed along no more than two right-of-way frontages.
4. All freestanding signs shall be surrounded by protective concrete curbing if in a paved area or shall be placed in a landscaped area. No freestanding sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards of the zoning article for off-street parking.
5. Freestanding signs shall be erected to a height of no more than 24 feet, provided that planned centers (including both shopping centers and business parks) covering ten acres or more may erect one freestanding sign to a height of 30 feet. All sign heights shall be measured from the grade level of the nearest adjacent street from which the sign is visible. The level of the ground shall not be altered in any way so as to provide additional sign height. All freestanding signs shall have an unobstructed visual clearance exclusive of supports of not less than eight feet.
6. The maximum sign area of any sign, inclusive of any border and trim but excluding the base, apron, supports and other structural members shall be:
 - a. Freestanding signs, including shared signs, on parcels of ten acres or more in size, 240 square feet in sign area.
 - b. Shared freestanding signs on parcels of three acres or more but less than ten acres, 200 square feet in sign area.
 - c. Shared freestanding signs on parcels less than three acres, 160 square feet in sign area.

- d. Freestanding signs for single business premises on parcels of three acres or more but less than ten acres in size, 140 square feet in sign area.
 - e. Freestanding signs for single business premises on parcels of less than three acres in size, 80 square feet in sign area, which may be increased to 120 square feet on divided highways.
7. *Exceptions-* Exceptions to the size restrictions for shared signs may be made by the city manager upon petition by the property owner where it is determined that the number of tenants to be served by the sign are such that individual sign panels would measure less than four and one-half square feet each. Exception to the size limits shall be limited to the maximum relief necessary to allow such individual sign panels at a size of four and one-half square feet.
 8. Drive thru menu boards. In addition to any other freestanding signs authorized by this section, if such property contains a business premises where materials are delivered at a drive thru delivery point other than on the front side of the building, then one additional freestanding sign per delivery point shall be allowed to be located on the property in the side or rear yard; no such sign shall exceed 32 square feet in sign area nor eight feet in height at the highest point.

1211 B. - Building signs.

Fifteen percent of the square footage of the business premises façade (including signage on glass windows and doors) may have building signs affixed thereto, provided that any business premises may erect one building sign of at least six square feet. Business premises may use a combination of signs as building signs. No individual building sign or combination of building signs shall exceed 220 square feet per business premises. Projecting signs attached to a building may extend over pedestrian portions of a public right-of-way not more than 18 inches from the surface of the building; provided that such signs shall not extend over paved portions of the roadway.

1211 C. - Changeable copy signs.

Changeable copy signs are permitted as an integral part of freestanding and wall signs in commercial, office-institutional, and industrial zoning districts, subject to the following:

1. The changeable copy portion of the sign shall not exceed thirty (30%) percent of the overall area of the sign of which it is an integral part. Total Sign Area shall be governed by the maximum size limitations of this Article. It is not the intent of the City to regulate the content of signs, but only to regulate by reasonable limitations as to size, height, location and placement.

2. Manual or mechanically-changeable signs may apply for a variance from the Board of Commissioners to increase the Total Sign Area by no more

than thirty (30%) percent, for a total of 130% of the maximum size and height limitations established by this Article. There is no distance requirement imposed on freestanding or wall signs with manual or mechanically-changeable copy portions.

3. No electronic multiple message sign may be placed or located closer than 100 feet from an existing electronic multiple message sign on same side of the street or highway; provided, however, such sign may be located within 100 feet of another electronic multiple message sign when the signs are separated by buildings or other obstructions so that only one sign is visible from the street or highway at any one time. The message displayed on each multiple message sign shall remain fixed for at least ten (10.0) seconds, with a transition between messages not to exceed two (2.0) seconds. All electronic multiple message signs shall be programmed with a default design that will freeze the message displayed on the sign in one position if a malfunction occurs.

4. Electronic multiple message signs may incorporate movement and animation, including changing colors, provided that if the Building Official finds an electronic sign or any display or effect thereon causes excessive glare or impairs the vision of the driver of any motor vehicle, or otherwise serves to distract or interfere with the safe operation of a motor vehicle, then, upon the Building Official's written notification of his or her finding, the owner of the sign shall promptly and not within more than 48 hours of receipt of such notice reduce the intensity of the sign to a level acceptable to the Building Official.

1211 D. - Monument signs.

Monument signs may be erected in lieu of freestanding signs at the option of the property owner. Such monument signs shall conform to all setback requirements for freestanding signs. The maximum sign area of any monument sign, inclusive of any border and trim but excluding the base, apron, supports and other structural members shall be:

1. Shared monument signs as part of a planned center (including both shopping centers and business parks) on parcels ten acres or more in size, 125 square feet in sign area, 15 feet in height.
2. Shared monument signs on parcels three acres or more but less than ten acres, 100 square feet in sign area, 12 feet in height.
3. Shared monument signs on parcels less than three acres, 90 square feet in sign area, ten feet in height.
4. Monument signs for single business premises on parcels of three acres or more, 80 square feet in sign area, ten feet in height.
5. Monument signs for single business premises on parcels of less than three acres in size, 60 square feet in sign area, eight feet in height.

6. Monument sign structures shall not exceed one and one-half times the sign area for all monument signs.

1211 E. - Standard informational signs.

In addition to any other sign authorized by this section, such property may contain no more than two (2) standard informational signs, without a permit or fee, located so that the sign is located completely on private property and the support is no closer than five feet from the back of right of way.

1211 F. - Permanent development signs.

In addition to any other signs authorized by this section, at the entrance to any development, such as a shopping center, business park, or mixed use subdivision, that parcel may contain not more than two permanent development signs at each entrance.

1211 G. - Billboards.

In lieu of any freestanding signs authorized by this Code, such property may contain one billboard which complies with the following:

1. Billboards are allowed on parcels fronting federal or state highways on properties on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 504 square feet in sign area with dimensions not exceeding 12 feet in height or 42 feet in width.
2. Billboards are allowed on parcels fronting municipal streets other than federal or state highways, on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 300 square feet in sign area per face, with dimensions not exceeding 12 feet in height and 25 feet in width.
3. Billboards shall be erected to a height of no more than 50 feet when located adjacent to state and federal highways and no more than 30 feet when located adjacent to other streets.
4. All portions of a sign face and support members of any billboard shall be setback from all buildings, structures and property lines at least 75 feet.
5. Illumination. All illuminated billboards shall use base mounted fluorescent or mercury vapor lights and shall be activated by photoelectric cells. Additional lighting, including but not limited to, neon, animation and running lights, is prohibited.
6. Extrusions prohibited. Extrusions beyond the face of any billboard, excluding aprons, are prohibited.
7. Location and number of signs. Only one billboard shall be allowed per platted lot. Billboards shall be no less than 1,000 feet apart, measuring from the two closest existing billboards. Only one sign face shall be

allowed to face the same direction per location; back to back or "V" formation signs are allowed, but two sign faces side by side or over and under, facing the same direction are prohibited.

1212. - REGULATION OF SIGNS BY LAND USE: VACANT AND UNDEVELOPED PROPERTY OUTSIDE THE DOWNTOWN COMMERCIAL HISTORIC DISTRICT.

Any property located outside the Downtown Commercial Historic District, which is vacant and not developed with improvements, even if in common ownership with and attached to developed property, may contain only those signs authorized by this section:

1212 A. - Standard informational signs.

Such property may contain one (1) standard informational sign, without a permit or fee, located so that the signs are erected entirely on private property and are not closer than five feet from the back of right of way.

1212 B. - Billboards.

Such property may contain one billboard which complies with the following:

1. Billboards are allowed on parcels fronting federal or state highways on properties on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 504 square feet in sign area with dimensions not exceeding 12 feet in height or 42 feet in width.
2. Billboards are allowed on parcels fronting municipal streets other than federal or state highways, on which industrial or commercial activities are conducted, as defined herein. Such billboards are limited to 300 square feet in sign area per face, with dimensions not exceeding 12 feet in height and 25 feet in width.
3. Billboards shall be erected to a height of no more than 50 feet when located adjacent to state and federal highways and no more than 30 feet when located adjacent to other streets.
4. All portions of a sign face and support members of any billboard shall be setback from all buildings, structures and property lines at least 75 feet.
5. Illumination. All illuminated billboards shall use base mounted fluorescent or mercury vapor lights and shall be activated by photoelectric cells. Additional lighting, including but not limited to, neon, animation and running lights, is prohibited.
6. Extrusions prohibited. Extrusions beyond the face of any billboard, excluding aprons, are prohibited.

7. Location and number of signs. Only one billboard shall be allowed per platted lot. Billboards shall be no less than 1,000 feet apart, measuring from the two closest existing billboards. Only one sign face shall be allowed to face the same direction per location; back to back or "V" formation signs are allowed, but two sign faces side by side or over and under, facing the same direction are prohibited.

1213. - REGULATION OF SIGNS BY LAND USE: DOWNTOWN COMMERCIAL HISTORIC DISTRICT.

1213 A.

The Downtown Commercial Historic District is identified as that area designated on the National Register of Historic Places and bounded on the north by Broad Street, on the east by Sixth Street, on the south by Poplar Street, and on the west by Eighth Street.

1213 B. - Signs authorized.

Any property located in the Downtown Commercial Historic District may post only such signs as are authorized by this section:

1. *Historic pole signs.* Such property may contain one or more historic pole signs in accordance with the following.
 - a. *Number of signs; sign area.* One historic pole sign limited to 16 square feet of sign area or one square foot per linear foot of lot frontage, whichever is less, shall be allowed for each street frontage only to the extent that such property includes sufficient land that the freestanding sign can be erected free and clear of the public right-of-way and no closer than ten feet to said right-of-way. Any planned commercial center may have one freestanding sign limited to 100 square feet of sign area for each street frontage. No separate freestanding sign other than that permitted in this subsection will be allowed for an individual business in a planned commercial center. No freestanding sign shall be closer than 250 feet to any other freestanding sign on any property, as measured from the closest point of each side. Provided however, that an unlimited number of freestanding signs with signs faces of 20 square feet or less and six feet in height or shorter are allowed during an election cycle and no permit shall be required for the same.
 - b. *Encroachment, required setbacks.* Freestanding signs may encroach into front and side yards provided that they are located entirely on private property and are located no closer than ten feet from the back of the curb or from the edge of the pavement of a street with no curbing. Signs shall not project over property lines.

- c. *Height restrictions.* The height of all freestanding signs at their highest point shall not exceed 22 feet above the grade of the adjacent street.
2. *Building signs.* In addition to any other signs authorized by this section, such property may contain no more than two building signs per building façade for each occupancy, provided that the total area for all building signs on any building façade shall not exceed 25 percent of the total area of the wall on that frontage. Such property may contain not more than one wall sign that includes a reader board of not more than six square feet in area. No wall sign may project more than four inches from the wall adjacent to a public sidewalk. No protruding wall sign shall be placed closer than 12 inches to any other protruding wall sign.
3. *Standard informational signs.* In addition to any other sign authorized by this section, such property may contain one (1) standard informational sign, without a permit or fee, so long as the sign area is less than 16 square feet, and located so that the sign is at least five feet from back of the right of way and entirely on private property.
4. *Canopy signs.* In lieu of other building signs authorized by this article, any such property may contain no more than one canopy sign. No canopy sign shall be greater than 16 square feet in sign area. No canopy sign shall hang lower than seven feet or 84 inches from the ground at its lowest point. No canopy sign shall be installed without adequate mounting and assembly approved by the building official. All canopy signs shall be required to meet the standards of ANSI and ADA.
5. *A-frame or easel signs.* Any such property that is not served by a freestanding sign may utilize not more than one A-frame or easel sign per street frontage, each face of which shall have an area of not more than ten square feet. No A-frame or easel sign shall be placed on any public sidewalk so as to leave less than five feet of clearance for pedestrians. No A-frame or easel sign shall remain on any public sidewalk adjacent to any premises at any time when the premises are closed to the public. All A-frame and easel signs shall be adequately weighted or anchored to prevent accidental movement of the sign and obstruction of any public street.
6. *Historic character signs.*

The following signs have historically been associated with the downtown area and are in keeping with its character as an historic district:

- i. Barber poles;
- ii. Time and temperature displays;
- iii. Chalkboard;
- iv. Historic preservation plaques.

7. *Prohibited signs.* The following signs are prohibited within the Downtown Commercial Historic District, unless specifically permitted as a temporary sign:

- a. Billboards.
- b. Drive-thru menu boards.
- c. Permanent subdivision or development signs.
- d. Banners, pennants and streamers along or across road rights-of-way, except banners erected by a governmental authority.
- e. Folding signs, portable display signs or similar moveable signs other than A-frame or easel signs as permitted in subsection 7. above.
- f. Signs erected on or located on any street or public right-of-way, curbs, curbstone, hydrant, lamp post, trees, barricade, temporary walk, or public utility poles, except signs erected by or at the direction of a governmental authority.
- g. Signs with revolving or rotating beams of light.
- h. Rotating signs.
- i. Signs placed upon a structure in any manner so as to disfigure or conceal any window opening, door or significant architectural feature or detail of any building.

1213 C. Any property located within the Downtown Commercial Historic District, which is vacant and not developed with improvements, even if in common ownership with and attached to developed property, may contain one (1) standard informational sign, without a permit or fee, located so that the signs are erected entirely on private property and are not closer than five feet from the back of right of way.

1214. - REGULATION OF SIGNS BY LAND USE: EMERGING COMMERCIAL CORRIDORS.

1214 A.

The City of Griffin contains a number of Emerging Commercial Corridors. Most of the structures along these streets were once occupied as residential properties but are in the process of conversion to office or professional use. Due to the proximity of these nonresidential structures to existing residential areas and the residential character of their original construction, as well as the potential for pockets of blight (as defined by O.C.G.A. § 36-61-2) to develop if signage is not strictly controlled, unique regulation of signage is appropriate for protection of remaining residential properties.

1214 B.

The Emerging Commercial Corridors are defined as follows:

1. Solomon Street, from 18th Street in the west to 1st Street in the east;
2. Poplar Street, from 18th Street in the west to 3rd Street in the east;
3. College Street, from 12th Street in the west to 5th Street in the east;
4. South 8th Street, from Taylor Street in the north to South Hill Street in the south;
5. North Hill Street, from Georgia Avenue in the north to East Broadway Street in the south;
6. South Hill Street, from Taylor Street in the north to Oak Street in the south.

1214 C. - Signs authorized.

Any property located in an Emerging Commercial Corridor may post only such signs as are authorized by this section and shall comply with the following requirements:

1. *Ground signs only.* Each property may contain one ground sign in accordance with the following:
 - a. *Number of signs, sign area.* One ground sign limited to 12 square feet of sign area shall be allowed for each street frontage only to the extent that such property includes sufficient land that the freestanding sign can be erected free and clear of the public right-of-way. If a commercial structure is constructed or existing and is 5,000 square feet or larger then, reference Article 1211A or 1211D.
 - b. *Encroachment, required setbacks.* Ground signs may encroach into front and side yards provided that they are located entirely on private property and are located no closer than five feet from the back of the right of way. Signs shall not project over property lines.
 - c. *Height restrictions.* The height of all ground signs at their highest point shall not exceed six feet above the grade of the adjacent street.
2. *Building signs.* In addition to any other signs authorized by this section, such property may contain no more than one building signs per building façade, limited to no more than six square feet in sign area. No reader boards shall be permitted. No wall sign may project more than four inches from the wall. If a commercial structure is constructed or existing and is 5,000 square feet or larger then, reference Article 1211B.
3. *Standard informational signs.* In addition to any other sign authorized by this Section, such property may contain one (1) standard information sign, without a permit or fee, located so that the sign is located entirely

on private property and no sign is closer than five feet to the back of right of way.

4. *Prohibited signs.* The following signs are prohibited within the Emerging Commercial Corridors:
 - a. Billboards.
 - b. Drive-thru menu boards.
 - c. Permanent subdivision signs.
 - d. Banners, pennants and streamers along or across road rights-of-way, except banners erected by governmental authority.
 - e. Folding signs, portable display signs or similar moveable signs.
 - f. Signs erected on or located on any street or public right-of-way, curbs, curbstone, hydrant, lamp post, trees, barricade, temporary walk, or public utility poles, except signs erected by or at the direction of the governmental authority.
 - g. Signs with revolving or rotating beams of light.
 - h. Rotating signs.
 - i. Signs placed upon a structure in any manner so as to disfigure or conceal any window opening, door or significant architectural feature or detail or any building.

1215. - SPECIAL EVENT SIGNS.

Properties in the Downtown Historic, Emerging Commercial Corridors, or used for Commercial and Industrial activities may erect window signs and spectacular signs and devices inside the building housing the premises without first obtaining a permit; provided that when such sign or device is erected inside a window visible from outside the building, the display area of the sign shall not exceed 30 percent of the total window surface, and the sign shall not remain in place longer than 30 days.

All other special event signage, including portable signs (as defined by this article) and spectacular signs and devices shall be displayed only by permit under the following conditions and requirements:

1215 A.

Prior to display of a special event sign, an application for a permit shall be filed with the building official. One permit shall be issued to cover all signs and devices during the period of permit coverage. Handling of permit requests shall conform to section 1206. All signs and devices to be covered by the permit shall be specifically described as to their construction and/or composition and location on the business premises.

1215 B.

The maximum size allowed for the total of all window signs to be displayed under the permit shall be 150 square feet.

The maximum size allowed for the total of all banners to be displayed under the permit shall be 70 square feet. The maximum size allowed for the total of all spectacular signs and devices shall be 300 square feet.

1215 C.

Spectacular signs may be attached to the exterior wall or walls of the building or securely attached to the roof, but shall not be placed on or located so as to obstruct the public right-of-way. Portable signs may be located within parking areas of the business premises (but not upon the right-of-way), provided the minimum number of spaces for all off-street parking are maintained.

1215 D.

The maximum number of special event sign permits to be issued to a single premises shall be four per year for a period of time not to exceed 30 days for each permit issued. No more than one special event permit shall be issued per calendar quarter per business premises.

1215 E.

Except as modified by this section all special event signs or devices must comply with all other applicable regulations and conditions set forth in this article governing their usage.

1216. - ERECTING SIGNS WITHOUT PROPER CONSENT.

1216 A.

No person shall place, print, nail, tack or otherwise fasten any sign, card, banner, hand built sign, poster, advertisement or notice of any kind, or cause the same to be done, on public right-of-way, or on any private property without first obtaining the written consent of the owner of such property or its lawfully designated agent.

1216 B.

No person shall willfully or intentionally construct, erect, operate, use or maintain any sign within the city in violation of this article. A violation of this section, upon conviction before the Municipal Court, shall be punished by a fine not to exceed \$500.00.

1217. – OTHER EXCEPTIONS TO PERMIT PROVISIONS.

The permit requirements of this article shall not apply to the following, provided that the signs or devices erected or placed are located on property of the person who erects such signs or on property whose owner has given written permission for such placement.

1217 A.

Flags of a size not exceeding four feet by six feet attached to a pole mounted directly onto a residence, business or commercial structure, not to exceed three per premises, or three flags not exceeding 48 square feet mounted on an independent flagpole installed directly into the ground.

1217 B.

Any sign erected or permitted by or at the direction of any government entity on public property that it owns, controls or maintains.

1217 C.

Seasonal, religious, political, ideological, or holiday decorations erected on either public or private property.

1217 D.

Identification plates for doors not exceeding four inches by 18 inches in size.

1217 E.

Building numerals designating property numbering of a building or premises, as required by Code of Griffin, Georgia, Sec. 22-113; provided, such numerals not to exceed a height of six inches on residential property or a height not exceeding 12 inches on commercial, office or industrial property.

1218. - NON-CONFORMING SIGNS.

Signs that were approved and legally erected under previous sign restrictions, and that became or have become non-conforming with respect to the requirements of this article, may continue in existence subject to the remaining provisions of this section.

1218 A.

No increase in size of the non-conforming sign shall be permitted.

1218 B.

Existing signs which were legally erected but which have become non-conforming and which do not meet the setback requirements of this article due to road widening should be moved to meet the setback requirement of this article but shall not be increased in size, shape or changed in any manner except as to become conforming.

1218 C.

On all properties, signs shall be removed which:

1. Were illegally erected or maintained with respect to this article or other Code provisions;.
2. Are made of paper, cloth or non-durable materials (except standard informational signs); or
3. Are located in the public right-of-way, except as permitted by this article.

It shall be the duty of the property owner to remove any signs illegally erected upon or improperly maintained upon its property in violation of this article. Continued maintenance of an illegal or improperly maintained sign shall constitute a nuisance and be subject to abatement in accordance with the provisions of Code of Griffin, Georgia, Chapter 42, Article II. Upon failure to comply with any requirement of an Order entered by the Municipal Court, the building official or his authorized agent may cause the removal of such sign at the expense of the owner.

4. A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or de-mountable material on non-conforming signs shall be permitted.
5. Minor repairs and maintenance of non-conforming signs such as electrical repairs or lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this

article. However, signs damaged by fire or act of God must be comply with the city's current signage article at the time of rebuilding unless compliance would prevent the sign from being rebuilt, in which case the sign may be restored to its original condition.

6. Each non-conforming sign shall be registered within 90 days of the enactment of this article by the sign owner, and if it is determined that such non-conforming sign was legally erected under a prior article, then a sign permit shall be issued to the sign owner without charge and the sign shall be marked with a permit decal. Should the owner of a non-conforming sign fail to register such sign within 90 days from the enactment of this article, such failure to register shall be deemed a violation of this article, and such person shall be subject to citation in Municipal Court. For purposes of this subsection, publication of an announcement of the enactment of this article as a legal advertisement in The Griffin Daily News shall be deemed sufficient notice to property owners of this requirement.
7. Existing signs on the property of newly annexed territory that were legally erected under the county article which would become non-conforming under this article upon annexation by the city shall be allowed to remain, provided such sign shall be registered with the city within 90 days of annexation.

1219. - INSPECTIONS.

The building official shall periodically inspect each permanent and temporary conforming and non-conforming sign in an attempt to ascertain whether the same is secure or insecure, and whether it is in compliance with the requirements of this article or in need of repair. Responsibility for the safety of signs and security of their attachment or erection remains at all times with the sign owner.

1220. - SIGNS REQUIRING REMOVAL.

1220 A. - Traffic hazards.

Any sign constituting a traffic hazard or a menace to the motoring public or pedestrians, as determined by the building official in consultation with the chief of police, shall be removed as provided in Section 1221.

1220 B. - General maintenance.

Every sign, including those signs for which permits are required and those for which no permits or permit fees are required shall be maintained in a safe, presentable and good structural condition at all times. The sign owner shall be responsible for repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not

made to comply with adequate safety and maintenance standards, the building official shall require its removal in accordance with Section 1221.

1220 C. - Abandoned signs.

Except as otherwise provided in this article, any sign that is located on property that becomes vacant and unoccupied for a period of six months or longer, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Sign panels from abandoned signs shall be removed by the owner of the premises on which the sign is located within the time frame specified in this subsection. The supporting structure of an abandoned sign shall be subject to the non-conforming use provisions of Section 1218.

1220 D. - Dangerous or defective signs.

No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the building official shall proceed as described in Section 1221.

1220 E. - Unlawful signs.

No person shall erect or permit to be erected any sign that does not comply with the provisions of this article.

1221. - REMOVAL PROCEDURE.

1221 A.

The building official shall cause to be removed any sign that he determines endangers the public safety, such as an abandoned, dangerous, or electrically or structurally defective sign or a sign for which no permit has been issued or which is otherwise in violation of this article. The building official shall prepare a written notice that shall describe the sign and specify the violation involved. The notice shall state that if the sign is not removed or the violation is not corrected within 20 calendar days, the sign shall be removed in accordance with the provisions of this section.

1221 B.

All notices by the building official shall be personally served or sent by certified mail, return receipt requested. Any time periods provided in this section shall be deemed to commence on the date of service as contemplated by O.C.G.A. § 9-11-4.

1221 C.

The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign, if known, and the occupant of the property, if any. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

1221 D.

Any person having a financial interest in the sign or the property may appeal the determination of the building official ordering removal or compliance by filing a written notice of appeal with the board of commissioners within 20 calendar days after receipt of the notice. Appeals will be handled as provided in Section 1206.

1221 E.

If the person to whom notice is directed pursuant to subsection (b) above fails to take corrective action within the time period prescribed, or if on appeal the board of commissioners affirms the decision of the building official and the person fails to take corrective action or remove the offending sign within the time period prescribed, then the building official shall proceed to have the sign removed or corrected to bring such sign into compliance with this article or to remove any unsafe condition.

1221 F.

When it is determined by the building official that the sign would cause imminent danger to the public safety and contact cannot be made with the sign owner or building owner, no written notice shall have to be served prior to removal. In such emergency situation, the building official shall document the unsafe condition and may correct the danger, with all costs being charged to the sign owner or the property owner.

1221 G.

If it shall be necessary for the building official to remove the sign pursuant to the provisions of this section, and it should be practicable to sell or salvage any material derived in the removal, the building official may sell or salvage any material derived in the removal. He may sell the same at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds, if any, shall be use to offset the cost of removal to be charged to the sign

owner or property owner. Any proceeds in excess of the cost of removal shall be returned to the sign owner, if known, or if unknown, shall be deposited in the city treasury and maintained for benefit of the owner for a period of three years. At the end of three years, all unclaimed proceeds shall become the property the city. Where the proceeds derived from such sale are less than the costs of removal, such deficiency shall constitute a lien against the property on which the sign is located. Such lien shall be collectable in the same manner as city property taxes.

1221 H.

Any sign removed by the building official pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal of the sign by the city shall constitute a lien against the property and shall be recoverable in the same manner as city property taxes. The cost of removable shall include any and all incidental expenses incurred by the city in connection with the sign removal.

1222. - VARIANCES.

1222 A.

Variances from the regulations of this article shall be limited to the following hardship situations:

1. Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
2. Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
 - a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
 - b. Such visibility obstruction was not created by the owner of the subject property; and
 - c. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

1222 B.

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

1222 C.

Relief from the application of the provisions of this article by use of variances granted by the board of commissioners shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed using this same time frames and notice requirements as for variances from zoning decisions. “

Section 2. All ordinances and Code sections, or parts thereof, in conflict with the foregoing are expressly repealed.

Section 3. Should any provision of this ordinance be rendered invalid by any court of law, the remaining provisions shall continue in force and effect until amended or repealed by action of the municipal governing authority.

Section 4. Except as modified herein, The Unified Development Code of Griffin, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter.

Section 5. This ordinance shall become effective immediately upon adoption on second and final reading.

Public Hearing & First Reading: October 13, 2015

Second Reading: October 27, 2015