

2. Acts in bad faith with an apparent intent to undermine the purposes of this ordinance; or
 3. Within the past two (2) years has been the subject of a prior enforcement action under this ordinance.
- C. Each day a violation continues under subsections (a) or (b) shall constitute a separate violation.
- ii. Commencement of an action in Superior Court seeking any remedies at law or equity, including injunctive relief, or other penalties as prescribed by law.
 - iii. In any action brought to enforce the provisions of this ordinance, the City shall be entitled to reimbursement of costs and reasonable attorneys' fees.

§1362. Appeals of Building Inspector Actions

Any vacant building owner aggrieved by an act or decision of the Building Inspector may appeal as applicable under law.

§1363. Vacant Building Remediation Fund

- a) A Vacant Building Remediation Fund is hereby created to further the objectives of this ordinance.
- b) All fines or penalties collected in connection with administering or enforcing the provisions of this ordinance shall be deposited into this fund.

TITLE 10 SIGNS

CHAPTER 1

Sign Ordinance (Amended 1/9/2014)

Section

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§ 1401. Purpose.

The purpose of this ordinance is to control existing and proposed outdoor signs of all types; promoting public safety and welfare by reducing distractions and obstructions to motorists which may contribute to traffic accidents and by reducing hazards that may be caused by signs overhanging public rights-of-way; enhancing and protecting the aesthetic environment and values of the City of Rutland and its residents; meeting the public's concern for the free flow of information, creating a more attractive economic business environment and protecting property values to the greatest extent possible, and to augment the provisions of 10 V.S.A. Chapter 21.

§ 1402. Definitions.

Unless otherwise stated expressly, the following words and expressions where used in this ordinance, shall have their usual and ordinary meaning.

(a) Awning - An awning is a roof-type structure made of canvas or similar material over a window or door that may contain the proprietor's logo, the name of the business, or the type of business.

(b) Free-standing sign - A sign erected on a free-standing frame, mast or pole permanently affixed to the property and not attached to any building.

(c) Rutland downtown redevelopment area - An area legally designated for redevelopment by the Rutland Redevelopment Authority. Nonconforming sign: A sign existing as of January 1, 2014 which could not be built under the terms of this Ordinance [other sections re-lettered accordingly].

(d) Sign - Any name, identification, description, illustration, symbol, pictorial matter, sculpture, device, material, flag, balloon, blimp, illustration or illumination that may contain colors, letters, numbers or symbols, which are affixed to or painted, represented or otherwise installed on any part of the exterior of a building or structure or otherwise placed outside on the property in which the business is located in view of the general public, such illustration directing attention to or otherwise advertising or announcing or acting as an attention-directing device with relation to a person, institution, organization, activity, place, object, product or business.

(e) Sign area - The surface area measurement of a sign installation shall include the background area of the sign when computed by standard mathematical formulas for known or common shapes. Irregular shapes, independent letters, numbers, symbols, devices or illustrations shall be determined by measuring the smallest polygon which encloses all of said shapes, letters, numbers, symbols, devices or illustrations as they are intended to be displayed.

(f) Temporary or interim sign. A sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations), search lights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas-filled figures.

§ 1403. Permit required.

No outdoor sign, as defined herein, shall be erected, constructed, enlarged, moved, connected, altered or installed upon any structure or upon any land, nor shall any existing outdoor sign be changed, moved, enlarged or altered until a sign permit has been obtained from the Building Inspector. Issuance of a sign permit shall be conditioned upon conformance with all applicable provisions of this chapter and the payment to the Building Inspector of a permit fee as authorized by Section 3-1(47) of the Charter in an amount set by the Board of Aldermen.

§ 1404. Requirements/standards.

(a) A permit application shall be filed with the Building Inspector accompanied by the permit fee, which shall include a sketch of the proposed sign with dimensions, height, location, description of support and landscaping plans on a form provided by or in a manner approved by the Building Inspector.

(b) Before any permit is granted for the erection of a sign, a written consent from the owner of the premises upon which the sign is to be erected shall be filed with the Building Inspector.

(c) Except as otherwise provided in these ordinances, no sign shall visually impair vehicular traffic exiting, entering or passing the area in which the sign is located.

(d) Affiliation signs or similar national rating signs, including credit card signs, (but specifically not signs advertising particular products) are acceptable so long as they are physically appended to an otherwise acceptable sign or signpost or the building.

(e) Notwithstanding the foregoing, overhanging structural projections required for gas stations may be constructed in addition to signs allowed pursuant to this ordinance.

(f) An awning shall be in proportion to the door or window area that it covers and shall be attached to the building.

(g) Any structure, sign, or awning overhanging the City of Rutland right-of-way shall require liability insurance with the City of Rutland as an additional named insured or as prime insured protecting the City of Rutland's interest in an amount as determined by the Building Inspector.

§ 1405. Size, number and standards for on-premise free-standing signs.

A free-standing sign shall meet the following standards for size, number of signs and construction requirements;

(a) No one individual sign shall exceed one and one-half square foot per linear foot of frontage upon the public right-of-way up to a maximum of two hundred fifty (250) square feet cumulatively in size.

(b) A business may not have more than two (2) signs per business. If there is more than one sign allowed per business, those signs cumulatively in area shall not exceed the maximum square footage allowed per linear foot of road frontage as provided in Section 1405 (a).

(c) Sign support posts may be of metal, concrete, or wood, or other like material and shall be self-supporting structures placed upon a foundation designed to carry weight and wind load of the sign for the soil in which it is placed.

§ 1406. Size, number and standards of signs attached to buildings.

For a sign that is attached to a building, the total signage shall not exceed one square foot per linear foot of building frontage as facing a single public right-of-way.

§ 1407. Shopping plaza signs.

(a) Multiple businesses located on a single property shall group their signs as a common sign on a common set of supports so as to have the appearance of a shopping plaza sign. The requirements and the square footage allowed shall be computed pursuant to section 1405 (a) and (b) and in addition:

1) Seventy five (75) square feet for two businesses.

2) One hundred five (105) square feet for three businesses.

3) One hundred twenty (120) square feet for four or more businesses.

(b) In addition, each business shall be permitted an eight square foot sign for identification at its entrance or on its storefront.

(c) A shopping plaza shall have no more than two (2) temporary signs pursuant to §1408 of this title.

§ 1408. Temporary or interim signs.

(a) No temporary signs or interim signs may be allowed except as provided herein:

1) Temporary signs may not exceed thirty-two (32) square feet, with no one side exceeding eight (8) linear feet.

2) A temporary sign may be double-sided.

3) Upon approval of the Building Inspector special inflatable, promotional signs may be utilized in a size in excess of that provided herein, but in no event for a period more than fourteen (14) days

4) No more than two temporary signs may be displayed by any one business at any one time.

5) Construction of temporary signs may be of wood, plastic, canvas, or metal or other like material.

6) No permit is required for a temporary sign that complies with this section.

7) If more temporary signs are requested than allowed pursuant to 6) above, a variance is required to be applied for pursuant to §1413(d) of this title.

(b) Banners.

1) Each business shall be allowed no more than two (2) 4' x 10' banners for special events such as a sale, special product offer or special rate.

2) Any business requesting a banner larger than 4' x 10' must apply for a variance through the building inspector pursuant to §1413(d) of this title.*

§ 1409. Rutland downtown redevelopment area.

The requirements for signage for businesses within the Rutland Downtown Redevelopment area are different than those within the remainder of the City of Rutland. In addition to any appropriate provisions of this ordinance that would be applied to signs within the Rutland Downtown Redevelopment area, the following shall apply to signs within the Rutland Downtown Redevelopment area:

(a) Signs shall comply with the architectural guidelines set forth in the Rutland Downtown Redevelopment Plan.

(b) The Building Inspector shall have the authority to review proposed designs of signs to determine if they comply with the architectural guidelines.

(c) Temporary signs will be allowed within the Rutland Downtown Redevelopment area subject to the following terms and conditions:

1) temporary signs may be placed in front of a commercial establishment as long as said sign does not unreasonably obstruct pedestrian traffic or the views of vehicular traffic.

2) if said sign is placed upon the City right-of-way, said sign must comply with the requirements for insurance as set forth in this ordinance.

3) temporary signs placed in front of commercial establishments are to be no more than four feet (4') in height and thirty inches (30") in width. These signs may be single or double sided.

4) temporary signs may only be displayed during hours when the sign owner is open for regular business. At all times when the business is closed, the sign must be removed from its location within the public right-of-way.

5) before any temporary sign is allowed, the business must have on file with the Building Inspector a completed registration form and the business must pay a fee established by the Board of Aldermen. A new registration form shall be required yearly.

6) Removed. 8-3-2011

(d) decorative banners may only be placed on street light poles or utility poles in conjunction with adopted streetscape plans of the Downtown Redevelopment Area.

(e) The Rutland Redevelopment Authority or its designee shall coordinate the location, raising and scheduling of temporary banners extending over the public right of way in the Rutland Downtown Redevelopment area. All requests for the placement of such banners shall be reviewed and processed the Rutland redevelopment Authority or its designee. The placement of banners shall be subject to the following criteria:

(1) They shall be no larger than four feet high and a length appropriate to fit the width of the street.

(2) They shall be made either or mesh material or have sufficient wind cuts;

- (3) They shall be attached to anchor devices adequate to properly contain them;
- (4) They shall be subject to insurance requirements as required in their ordinance;
- (5) They will only be allowed at existing anchoring points on Center Street. Merchants Row and Washington Street;
- (6) They shall remain in place for no longer than two weeks;
- (7) They shall only be erected after applicant has remitted a fee as set by the Board of Aldermen;
- (8) They may not be placed to advertise a for-profit business;
- (9) They may not contain pornographic or obscene material;
- (10) They may not be placed for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election.

If a request for placement of a temporary banner is denied by the Rutland Redevelopment Authority or its designee, the applicant may appeal such decision to the Rutland City Building Inspector. Such appeal shall be brought within ten days of the denial being issued.

§ 1410. Fee.

Every applicant for a sign permit, before being granted such permit, shall pay to the Building Inspector a fee as listed in the fee schedule adopted by the Rutland City Board of Aldermen.

§ 1411. Exemptions.

The provisions of this Title shall not apply to the following classes of signs:

(a) Signs of or required by duly constituted governmental bodies and their agencies, where such signs are established in the interest of the safety, convenience of welfare of the general public; this shall include traffic signs, legal notices and warnings at railroad crossings. The number and location of such signs shall be as directed by the governmental agency having jurisdiction. However, signs which are utilized to advertise the office or business location of duly constituted governmental bodies shall be subject to the size and structural standards as provided herein and will require a permit.

(b) Flags of the national, state, county or town government; and banners and emblems of name and meeting-place signs of civic, philanthropic, educational or religious organizations or institutions.

(c) Temporary signs pertaining to and displayed during campaigns, drives or events of civic, philanthropic, educational or religious organizations or institutions not exceeding ten (10) square feet.

(d) Memorial plaques, cornerstones, historical tablets and the like.

(e) Signs required to be maintained or posted by law or governmental order, rule or regulation, unless specifically prohibited, limited or restricted.

(f) Small, nonilluminated signs, none exceeding one and one-half (1-1/2) square feet in area, displayed strictly for the direction, safety or convenience of the public, including signs which identify rest rooms and other similar facilities or conveniences, parking area entrances or exits and freight entrances, or for purposes of indicating the location or restricting the use of off-street parking areas when these are provided by the owner or occupant of the building.

(g) Name and address signs, not more than one (1) for each street frontage of each principal use on a lot and not exceeding one (1) square foot in area, showing only the name of the occupant and/or the numerical address designations of the premises on which they are situated.

(h) Temporary construction signs, not exceeding twelve (12) square feet in area, either affixed to the wall of the building to which they pertain or to a post, identifying the project under construction, participating designers, contractors or developers, etc. Such a sign shall be permitted only during the construction period of the project and shall conform in all respects to the provisions of §1404 of this Title.

(i) Signs not visible from the public right-of-way.

(j) Temporary signs for tag or garage sales, provided that such signs contain the name of the seller and date of the sale, are displayed only two (2) days prior to the sale and are removed the day after the sale.

(k) "No-trespassing" signs.

(l) Real estate for sale sign (single or double face) on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not illuminated, is not in excess of six (6) square feet, and is removed within seven (7) days after the sale, rental, or lease of the property has been consummated. One additional sign, as described above is permitted where a parcel has an excess of three hundred (300) feet of frontage or fronts on two (2) streets.

(m) Signs not to exceed four (4) square feet in area when used for a Customary Home Occupation pursuant to Rutland City Zoning Regulations as it may be amended from time to time.

§ 1412. Prohibited signs

The use, erection or installation of the following sign types is strictly prohibited:

(a) Flashing or intermittently illuminated signs. A sign which exhibits changing light or color effects, even though the intensity of light may be relatively constant, shall be deemed a flashing sign. Flashing signs shall not include signs using LED bulbs which display a message for at least 15 seconds before changing.

(b) Moving or rotating sign.

(c) Portable signs, with or without wheels, type, A-frame or other. Any sign not permanently affixed to a building or the ground.

§ 1413. Nonconforming Signs; variance procedure.

(a) Every sign which would be nonconforming by this chapter and which existed as nonconforming prior to January 1, 2014, will become a "legal nonconforming sign". A legal nonconforming sign shall immediately lose its legal non-conforming designation if:

(1) the sign is altered in any way in structure, which tends to or makes the sign less in compliance with the requirement of this code than it was before the alteration; or

(2) the sign structure is relocated to a position making it less in compliance with the requirements of this code; or

(3) the sign is replaced.

On the happening on any one of 1, 2 or 3 above, the sign shall immediately be brought into compliance with this code with a new permit secured therefore or shall be removed.

(b) Temporary or Interim signs that do not conform must be discontinued, removed or varied by February 1, 2014

(c) A variance may be granted for a permit for a sign which does not conform with the provisions of this code upon a determination by the building inspector that the variance will not change the character of the surroundings, will not result in danger to public safety and welfare, and that a variance is warranted for the property and the sign as submitted.

§ 1414. Notice of change of sign owner or user.

Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign user, owner or new property owner shall forthwith notify the Building Inspector of this change of ownership. A new sign permit will not be required unless the sign is altered or relocated. If the alteration to the sign only includes a relettering of the sign, permit must be made but fee will be waived.

§ 1415. Inspection.

The person erecting, altering or relocating a sign shall notify the Building Inspector upon start of construction and on completion of the work for which permits are required, provide a picture of the completed sign to the Building Inspector, and a sworn statement that the sign conforms to the requirements of the permit that was issued.

§ 1416. Abandonment.

If the building becomes vacant, or the user, owner of premises, or owner of business fails to continue with the business usage that utilizes the sign and such continuance is for a period of six (6) months, then that sign must be removed immediately.

§ 1417. Enforcement; penalties.

(a) When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Title, the owner thereof or the person or firm maintaining the same, upon written notice of the building official shall make such sign conform to the provisions of this Title or shall remove it.

(b) Failure to obtain a permit, comply with the terms of the permit or otherwise violate any of the terms of this ordinance shall result in a civil penalty of an amount for the first offense not to exceed Fifty Dollars (\$50.00). A second offense of this ordinance will result in a minimum civil penalty of One Hundred Fifty Dollars (\$150.00) and a third offense will result in a minimum civil penalty of Five Hundred Dollars (\$500.00). Each and every day of noncompliance will be another day of violation and can result in an additional civil penalty of an equal amount.

§ 1418. Severability clause

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this ordinance are declared to be severable.