

**CITY OF SALISBURY
ORDINANCE NO. 2119**

AN ORDINANCE of the Mayor and Council of the City of Salisbury, Maryland, adding Chapter 12.40, Sidewalk Signs, to the *Salisbury Municipal Code*, to all businesses to allow portable signs in the Central Business District and other business zoned districts; providing that the provisions of this ordinance be deemed severable; and providing for this ordinance to be in full force and effect from the date of this passage, approval and publication according to law.

WHEREAS, the City Council desires to promote the economic health and vitality of the community through support of the local business community; and

WHEREAS, the City Council desires to allow for the opportunity for local businesses to advertise their goods and services; and

WHEREAS, the City Council believes that the limited use of portable signage within the Central Business District and other business zoned districts subject to limitations upon size, number, placement and other conditions will not be injurious to the public and community.

NOW THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Chapter 12.40 be added to Title 12, Streets, Sidewalks, and Public Places of the Salisbury Municipal Code.

Chapter 12.40 is added to the Salisbury Municipal Code and shall read:

12.40 Sidewalk Signs

- Sections:
- 12.40.010 Definitions
- 12.40.020 Permit Required
- 12.40.030 Sidewalk Sign Standards
- 12.40.040 Appeals

12.40.010 Definitions

A. "Sidewalk Sign" means a self-supporting, portable sign designated to be placed upon a public or private sidewalk, plaza, courtyard or other area where pedestrians walk or gather.

B. "Sidewalk Area" the area of pedestrian travel between the property line, building line and street line, including, landscape planting strips, planters, curbs and gutters. The sidewalk area shall not be less than five (5) feet in width.

12.40.020 Permit Required

A. A person shall not erect or set in place a sidewalk sign without first obtaining a sign permit as required by this chapter.

B. An application for a sidewalk sign shall be made to the Department of Building, Permitting and Inspections on forms provided by the department. The application shall be made by the person who owns the sign. The permit fee shall be established by resolution of the City Council.

12.40.030 Sidewalk Sign Standards

One sidewalk sign is permitted per business, subject to the following criteria:

A. Sidewalk signs may be placed on a sidewalk, plaza, courtyard, or other pedestrian walkway directly in front of the business premises.

B. There shall be a minimum of 10 (ten) feet between sidewalk Signs.

C. Signs shall be placed directly against the building they serve.

D. The sign shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the sidewalk sign reduce the open portion of any sidewalk area to less than five (5) feet in width.

E. Sidewalk signs shall be limited to three (3) feet in height and two(2) feet in width; with a maximum area of six (6) square feet.

F. Sidewalk signs may be allowed in the public right-of-way if the proposed location does not inhibit the free flow of pedestrian or vehicular traffic and meets the following provisions:

1. Sidewalk signs must be placed outside of required Americans with Disabilities Act (ADA) walkways, outside of any required exits and/or entrances, and outside driveways.

2. Signs shall not be placed where they interfere with any exit, fire hydrant, parking meter, bus stop, loading zone, sidewalk ramp, or similar public facility.

3. Signs shall not be attached to any tree, light pole, fire hydrant, street furniture, or similar fixed object.

4. The permit holder shall assure that its use of the sidewalk in no way interferes with or limits free and unobstructed passage of the sidewalk.

5. Sidewalk signs in the public right-of-way that do not comply with these requirements may be removed without notice.
6. For those signs to be placed on public property, an application for a permit shall include proof of Comprehensive General Liability insurance with limits of at least three hundred thousand dollars (\$300,000.00) per occurrence naming the City as an additional insured and an agreement to indemnify and hold the city harmless in any claim or cause of action against the City arising from the placement of such signs. Any violation of any provisions or conditions of this section shall be grounds for revocation of the sign permit.
7. Display of sidewalk signs shall be limited to hours the business is open.
8. Sidewalk signs shall not be counted against the aggregate area of signs otherwise available to the property under the provisions of Chapter 17.216 Sign Standards of the City Municipal Code.
9. Sidewalk signs in use as of the effective date of this section that do not conform to the above standards and conditions shall be removed and their use discontinued within sixty (60) days of the effective date of this section.
10. Sidewalk signs shall be constructed of materials that will resist adverse weather conditions and shall not include lighting or reflective materials.
11. Sidewalk signs shall be suitably anchored, weighted or designed to be resistant to the wind. Sidewalk signs shall be removed by the permittee during periods of high winds and other adverse weather conditions.

12.40.040 Appeals

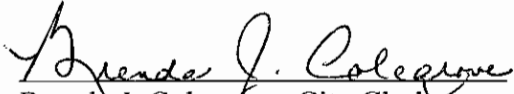
A. Any person wishing to appeal a determination of the director of the department of building, permitting and inspections regarding the provisions of this chapter shall file a written notice of appeal with the department of building, permitting and inspections within twenty-one (21) days after receipt of a notice sent pursuant to the provisions of this chapter. The notice of appeal shall contain a statement of grounds for the appeal. The notice of appeal shall be accompanied by a fee of one hundred dollars (\$100.00).

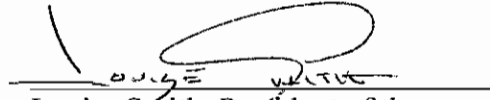
B. The director of the department of building, permitting and inspections shall refer the appeal to the housing board of adjustments and appeals for hearing pursuant to Chapter 15.24.360 through 15.24.450 of the Salisbury Municipal Code.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the changes set forth in the Ordinance shall take effect upon its final passage.

THIS ORDINANCE, was introduced and read at the 26th day in July, 2010, and having been published as required by law, in the meantime, was finally passed by the Council on the 23rd day of August, 2010.

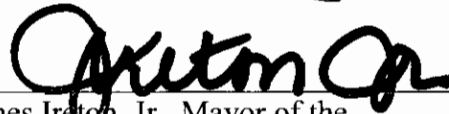
ATTEST:


Brenda J. Colegrove, City Clerk


Louise Smith, President of the
Council of the City of Salisbury

Approved by me this

24th day of August, 2010.


James Iretch, Jr., Mayor of the
City of Salisbury

Memorandum

To: John Pick
From: William T. Holland *WTH*
Date: 7/9/2010
Re: Sidewalk Sign Standards

Attached is an ordinance creating standards for sidewalk signs. During the work session of June 24th, the City Council consented to move forward with the proposed ordinance to a regular scheduled City Council meeting.

The purpose of the sidewalk sign standards is to regulate the number of signs for each business, the time period they can be displayed, to ensure adequate pedestrian access is not obstructed, and that minimum design standards are set that do not create visual clutter along city streets.

Since the work session of June 24th, two amendments were added to the proposed legislation;

- A. Adding Section 12.40.040 allowing an applicant to file an appeal to the Housing Board of Adjustments & Appeals; and
- B. Limiting the time the sidewalk sign can be displayed to the hours that the business is open.

Please contact me if anyone should have any questions.

RECEIVED
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