

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BRISTOL, INDIANA AMENDING CHAPTER 152 OF THE CODE OF ORDINANCES FOR THE TOWN OF BRISTOL, INDIANA CODE OF ORDINANCES

WHEREAS, the Town of Bristol, Indiana (the “Town”) is a duly formed municipal corporation within the State of Indiana governed by its duly elected Town Council (the “Council”); and

WHEREAS, Chapter 152. Sign and Billboard Regulations of Title XV: Land Usage of the Code of Ordinances for the Town (the “Code”) concerns the regulation of signs and billboards within the geographic boundaries of the Town; and

WHEREAS, the Council is desirous of adopting this Ordinance so as to amend Chapter 152 of the Code to clean up certain references concerning the regulation of signs and billboards.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bristol, Indiana, meeting in regular session, as follows:

- Section 1. The foregoing Recitals are fully incorporated herein by this reference.
- Section 2. As of the effective date of this Ordinance, Section 152.01 of the Code entitled “PURPOSE.” is hereby deleted and replaced in its entirety by new Section 152.01 entitled “PURPOSE.” as set forth on Exhibit A attached hereto and incorporated herein.
- Section 3. As of the effective date of this Ordinance, Section 152.02 of the Code entitled “DEFINITIONS.” is hereby deleted and replaced in its entirety by new Section 152.02 entitled “DEFINITIONS.” as set forth on Exhibit A attached hereto and incorporated herein.
- Section 4. As of the effective date of this Ordinance, Section 152.03 of the Code entitled “EXEMPTIONS.” is hereby deleted and replaced in its entirety by new Section 152.03 entitled “EXEMPTIONS.” as set forth on Exhibit A attached hereto and incorporated herein.
- Section 5. As of the effective date of this Ordinance, new Section 152.04 PROHIBITED SIGNS is added as set forth on Exhibit A attached hereto and incorporated herein.
- Section 6. As of the effective date of this Ordinance, Section 152.04 is renumbered as Section 152.05 as set forth on Exhibit A attached hereto and incorporated herein.
- Section 7. As of the effective date of this Ordinance, Section 152.05 of the Code entitled “OUTDOOR SIGN OR ADVERTISING APPLICATION.” is

hereby deleted and replaced in its entirety by new Section 152.06 entitled “SIGN OR DISPLAY APPLICATION.” as set forth on Exhibit A attached hereto and incorporated herein.

Section 8. As of the effective date of this Ordinance, Section 152.20 of the Code entitled “LOCATION.” is hereby deleted and replaced in its entirety by new Section 152.20 entitled “LOCATION.” as set forth on Exhibit A attached hereto and incorporated herein.

Section 9. As of the effective date of this Ordinance, Section 152.21 of the Code entitled “SIZE.” is hereby deleted and replaced in its entirety by new Section 152.21 entitled “SIZE.” as set forth on Exhibit A attached hereto and incorporated herein.

Section 10. As of the effective date of this Ordinance, Section 152.25 of the Code entitled “SETBACK REQUIREMENTS.” is hereby deleted and replaced in its entirety by new Section 152.25 entitled “SETBACK REQUIREMENTS.” as set forth on Exhibit A attached hereto and incorporated herein.

Section 11. As of the effective date of this Ordinance, Section 152.30 of the Code entitled “VARIANCE.” is hereby deleted and replaced in its entirety by new Section 152.30 entitled “VARIANCE.” as set forth on Exhibit A attached hereto and incorporated herein.

Section 12. As of the effective date of this Ordinance, the APPENDIX of the Code entitled “OUTDOOR SIGN OR ADVERTISING APPLICATION AND PERMIT” is hereby deleted and replaced in its entirety by new APPENDIX entitled “SIGN OR DISPLAY APPLICATION AND PERMIT” as set forth in Exhibit A attached hereto and incorporated herein.

Section 13. The remaining portions of Chapter 152 of the Code are not affected by this Ordinance and shall remain in full force and effect.

Section 14. All ordinances and parts of ordinances, and all Titles, Chapters and/or Sections of the Code that conflict with the provisions contained herein are hereby specifically repealed as of the effective date of this Ordinance.

Section 15. If any portion on this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.

Section 16. This Ordinance shall be in full force and effect from and after its adoption in accordance with Indiana Law, and upon passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All acts pursuant to the adoption of this Ordinance are hereby ratified.

* * * * *

ADOPTED THIS ____ DAY OF _____, 202__.

TOWN COUNCIL OF THE
TOWN OF BRISTOL, INDIANA

Jeff Beachy, President

Cathy Burke

Dean Rentfrow

Gregg Tuholski

Doug DeSmith

ATTEST:

Cathy Antonelli, Clerk-Treasurer

152.01 PURPOSE.

Outdoor advertising displays and signs (hereinafter referred to as “signs” and/or “displays”) are regulated in the interest of promoting traffic safety, safeguarding public health and preventing adverse community appearance and the over-crowding of land and protecting the character of the area in which they are located. The regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. It is recognized that, unlike on premises signs which are in actuality a part of a business, outdoor advertising can be a separate and distinct business. Both, however, can affect the character of the area where they are located and the appearance of the community and both are the subject of this chapter. In general, it is intended that displays on premises or otherwise are to be located away from residential areas, and that displays be regulated to permit standard sizes to protect the character of an area wherein displays are located and to conserve property values. Signs physically attached and supported by buildings located on business premises in areas zoned B-1, M-1 and M-2 are not intended to be regulated by this chapter.

152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall not limit the exemptions contained in the exemption section of this statute.

BUILDING INSPECTOR. The Town Maintenance Superintendent.

~~**ON-PREMISES SIGNS.** Signs and outdoor advertising displays located on real estate upon which a business is located advertising the products or services sold or distributed by the business on the real estate.~~

ON-PREMISES SIGNS: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to a person, business, commodity, service, organization, institution, profession, entertainment, facilities, activity, business, project, or event on or within that same building, structure or piece of land. This limitation does not apply to the content of noncommercial messages.

OFF-PREMISES SIGNS: A sign which directs attention to a person, business, commodity, service, organization, institution, profession, entertainment, facilities, activity, business, project, or event conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This limitation does not apply to the content of noncommercial messages. This includes billboard and other outdoor advertising and directional signs located on private property.

SIGNS and ~~OUTDOOR ADVERTISING~~ DISPLAYS. Any identification, description, display or illustration which is affixed to or painted or represented directly or indirectly on an

outdoor object, surface or parcel of land and which directs attention to an object, product, place, activity, business, person, service or interest.

152.03 EXEMPTIONS.

The following displays are exempt from the requirements of this chapter:

(A) Signs not exceeding ~~one~~ four (4) square ~~foot~~ feet in area ~~bearing only property numbers, address numbers, names of occupants of the premises and their business or profession;~~

(B) Temporary signs ~~in connection with special events~~, provided temporary signs may not be used for a period to exceed 30 days in any one calendar year on any real estate;

(C) ~~Real estate signs advertising the sale of real estate upon which they are located~~ Property numbers and address numbers are not considered signs or displays unless the number is part of the business/tenant name;

(D) Signs physically and permanently attached to and supported by a building advertising the business, products or services provided by the business contained in the building, as long as the building is located on real estate zoned B-1, M-1 or M-2 as established by the ~~Elkhart County Board of Zoning~~ Town of Bristol in cooperation with the Elkhart County Area Plan Commission, provided the display does not interfere or endanger pedestrian traffic.

(E) Notwithstanding the exemption provided under division (B) of this section for temporary signs, any user, displayer, organization, entity or individual intending to use or display any temporary sign shall first complete and file with the Clerk-Treasurer a “temporary sign permit form.” Blank forms shall be obtained from the Clerk-Treasurer.

152.04 PROHIBITED SIGNS

Off-Premises Signs shall be prohibited within the Town’s jurisdiction.

~~152.04~~

152.05 PERMIT PROCEDURES.

(A) Permits. After the effective date of this chapter, and except as otherwise provided, no person shall erect any display without first obtaining a permit therefor from the Clerk-Treasurer.

(B) Fees. Fees are set forth in § 110.003 of this code.

(C) Written application. Application for sign permits shall be made in writing in duplicate and shall contain the following information:

- (1) Name, address and telephone number of applicant;
- (2) Location of building structure or land to which the display is to be erected;
- (3) A detailed drawing or blueprint showing a description of the construction details of the display and showing the lettering composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any land; and its position in relation to nearby buildings or structures and to any private or public street or roadway;
- (4) Written consent of the owner of the land to which or on which the display is to be erected in the event the applicant is not the owner thereof.

~~152.05~~

152.06 ~~OUTDOOR~~ SIGN OR ~~ADVERTISING~~ DISPLAY APPLICATION.

The permit required in § ~~152.04~~ 152.05 shall be issued upon the satisfactory completion of the application set forth in the Appendix to this chapter.

152.20 LOCATION.

Displays ~~which advertise products or businesses~~ shall be permitted only on property which is zoned B-1, M-1 and M-2 as established by Elkhart County zoning ordinances.

152.21 SIZE.

The maximum size per face of a display shall not exceed 120 square feet, excluding structural supports and trim. The faces of display structures constructed in the form of a “V” shall not exceed an interior angle of 45°. Displays may be placed back-to-back or in a V-type construction. Not more than one face is allowed on each side of the display.

152.22 HEIGHT RESTRICTIONS.

The maximum height of a display shall not exceed 12 feet measured from either the grade at its base or from the adjacent roadway grade, whichever is lower, to the top of the display.

152.23 SPECIFICATIONS.

Where the structural support is visible from the road from which its in intended to be viewed, the display shall be constructed on a single steel pole. When a structure is constructed so as to have

copy material facing in a single direction, the exposed rear of the display and the structural members shall be finished and maintained to a degree equal to that of the copy side of the sign.

152.24 SPACING.

(A) Distance between displays. No display may be closer to any other display on the same side of the street or highway facing traffic heading in the same direction than:

- (1) One-hundred feet on any city street; and
- (2) Three-hundred feet on any state highway;

however, this provision does not prevent erecting back-to-back or V-type displays with a maximum of one display per facing.

(B) On premises signs for businesses having frontage less than 300 or 100 feet. In the event a property owner's property upon which a display needs to be erected has less than 100 feet frontage on a city street, or less than 300 feet frontage on a highway, and in the event the real property owner or his or her licensee operates a business on the premises and has no interest in adjoining real estate, he or she may erect a display on the real estate. Provided, however, the display may be no closer to other displays on the same side of the street or highway facing traffic heading in the same direction than a distance equal to one-half the measurement in feet of his or her real property frontage on the street or highway.

(C) From residential, park or school. The minimum distance from property zoned "R" for residential uses, a park or a school shall conform to building setback requirements, or in the absence thereof a distance of 50 feet.

(D) Visual barriers or obstructions. The above spacing does not apply to displays separated by buildings or other visual barriers or obstructions, natural or man-made.

152.25 SETBACK REQUIREMENTS.

Each display shall be set back [How far?] beyond the road or street right-of-way, measured from the closest edge of the display.

152.26 MAINTENANCE.

All displays shall be maintained in a state of good repair. The backs and supporting structures of all outdoor advertising displays shall be kept painted in a neutral color to blend with the natural environment. The Building Inspector or his or her designated agent is authorized to inspect every display at least once annually to determine that it meets the requirements set forth in this section. Whenever it shall appear to the Building Inspector that any display has been constructed or is being

maintained in violation of this section, the display shall be made to conform with all regulations herein or shall be removed at the expense of the owner within ten days after written notification thereof by the Building Inspector.

152.27 NONCONFORMING DISPLAYS.

(A) It shall be unlawful for any person to erect or place any display which does not conform to the requirements of this chapter. However, any displays existing at the time of the enactment of this chapter and not conforming to its provisions, but which did conform when erected shall be regarded as legal, nonconforming displays and may be continued if properly repaired and maintained in accordance with the provisions of this chapter.

(B) A nonconforming display shall not be replaced by another nonconforming display except that the substitution or interchange of poster panels, painted panels or demountable material on nonconforming displays shall be permitted.

(C) Repairs and maintenance of nonconforming displays shall be permitted. However, no changes in the size or construction of the display shall be permitted except to make the display comply with the requirements of this chapter.

152.28 LIGHTING.

Displays may be illuminated, subject to the following conditions:

(A) Displays which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited;

(B) Displays which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the public street or roadway and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited; and

(C) No display shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

152.29 PERMISSION REQUIRED.

No display shall be placed on private or public property without the written consent of the owner or agent thereof.

152.30 VARIANCE.

A variance to these provisions may be sought according to state statute governing variances and the provisions of this subsection.

(A) Approval. A Variance from the requirements of this Chapter may be approved by the Plan Commission upon a determination that the Findings of Fact demonstrate:

(1) That the location and placement of the display will not endanger or distract motorists or pedestrians; and

(2) That the display will not cover or blanket any prominent view of a structure or facade of historical or architectural significance; and

(3) That the display will not obstruct views of users of adjacent buildings; and

(4) That the display will not interfere with the visual quality of public open space; and

(5) That the display is compatible with building heights of the existing skyline; and

(6) That the display does not impose a foreign element to an existing skyline; and,

(7) That the display's illumination, lighting or digital character will not distract motorists or pedestrians nor contribute to hazardous or unsafe driving conditions for motorists; and

(8) That the display size (e.g. height, width, distance between grade and sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions are consistent with the time, place and manner conditions imposed by the Elkhart County Development Ordinance.

(B) Denial. The Plan Commission shall deny a variance from this Chapter if, after a public hearing, the Plan Commission makes written Findings of Fact:

(1) That the location and placement of the display will endanger or distract motorists or pedestrians; or

(2) That the display will cover or blanket a prominent view of a structure or facade of historical or architectural significance; or

(3) That the display will obstruct views of users of adjacent buildings; or

(4) That the display will interfere with the visual quality of public open space; or

(5) That the display is not compatible with building heights of the existing skyline; or

(6) That the display imposes a foreign element to an existing skyline; or

(7) That the sign's illumination, lighting or digital character will distract motorists or pedestrians or contribute to hazardous or unsafe driving conditions for motorists; or

(8) That the display alters size (e.g. height, width, distance between grade and sign, copy size), composition (e.g. materials, posts, poles), lighting or location conditions so that it is not consistent with the time, place or manner conditions imposed by the Elkhart County Development Ordinance.

APPENDIX
OUTDOOR SIGN OR **ADVERTISING** DISPLAY APPLICATION AND PERMIT

Name Phone # Address

- 1. (a) Applicant or Sign Owner
- 1. (b) Person or Company in Charge of Sign Maintenance
- 1. (c) Building or Land Owner Where Sign to be Located
- 2. (a) Measurement (dimensions of sign face or faces if double-sided).
- 2. (b) Maximum height of sign measured from finish grade of land around sign or adjacent roadway grade, whichever is highest, to the top of the sign.

Note: A drawing or blueprint showing above dimensions and location plan is required by ordinance and must be submitted with application.

- 2. (c) Distance from closest roadway measured from street right-of-way to closest edge of sign.
- 2. (d) If sign is "V" type, construction degree of angle between sign faces.
- 3. Zoning of land for building of proposed sign location.

Terms of Issuance (a) Fee shall be \$1/sq. ft. of sign face. Total fee for this application is \$
(b) Applicant and/or property owner state that they have reviewed Bristol Town Ordinance No. 8-14-86 and any amendments thereto, and represent the sign or advertisement to be constructed will comply therewith. The issuance of this permit does not evidence approval or compliance. Responsibility for compliance with any state or federal law, or any Town Ordinance shall remain the responsibility of the sign and property owner. The permit and application are for record keeping purposes only.

(Applicant)

(Signature of Land or Building
Evidencing Consent)

Owner
Fee and Permit Issued the _____ day of _____, 20 ____ .

Clerk-Treasurer