

ORDINANCE NO. 2008

AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY, TO AMEND THE PROVISIONS RELATING TO SIGNS AND TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY TO AMEND THE PROVISIONS FOR FEES FOR PERMITS FOR SIGNS, as amended.

WHEREAS, pursuant to the provisions of Title 9, Chapters 68 and 69, Delaware Code, the Sussex County government has the power and authority to regulate the use of land; and

WHEREAS, pursuant to the Code of Sussex County, as amended, the Sussex County government has undertaken to regulate the use of land; and

WHEREAS, it has been determined in order to promote and protect the health, safety, convenience, orderly growth and welfare of the inhabitants of Sussex County, and to assist in the proper development of land, it may be necessary to alter and amend the sign regulations in order to update and reorganize said regulations; and

WHEREAS, it has been determined that Chapter 115 of the Code of Sussex County needs to be revised to incorporate all of the sign regulations into one Article as opposed to the present format which include the sign regulations for each zoning district and category where said regulations are applicable; and

WHEREAS, material that is to be deleted herein will be enclosed in brackets [] and material to be added will be underlined.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

SECTION 1. The Code of Sussex County, Chapter 115, Article IV, Section 115-24, Permitted Signs (Amended 10-03-1989 by Ord. No. 610; 09-11-1990 by Ord. No. 719) is hereby amended by striking the following:

[A. Signs permitted in the AR-1 and AR-2 Districts shall be as follows:

(1) All signs permitted by § 115-159

(2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any side or facing for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total of 32 square feet on any side or facing is not exceeded by both the bulletin board and the on-premises sign. A sign shall contain no more than two sides or facings, back to back, and shall have a minimum setback of five feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street and a minimum setback of 15 feet from all adjacent property lines.

(3) One nonilluminated on-premises sign, not to exceed six square feet on any side or facing, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. A sign shall contain no more than two sides or facings, back to back, and shall conform to the setbacks referenced in Subsection A (2) above.

(4) Nonilluminated on premises signs, not to exceed three signs, of which each sign shall not exceed 32 square feet on any side or facing, identifying any truck garden, orchard, nursery, commercial greenhouse, produce stand and public stable permitted on the same premises. All signs shall contain no more than two sides or facings, back to back, and shall conform to the setbacks referenced in Subsection A (2) above.

B. No off-premises signs shall be permitted, except as provided by Subsection C hereafter.

- C. Directional signs shall be permitted, provided that:
- (1) They are located a minimum of 300 feet from any dwelling, church or school.
 - (2) They are nonilluminated or indirectly illuminated.
 - (3) They shall not exceed six square feet per side or facing, or two sides or facings, back to back, or 15 feet in height.
 - (4) They shall conform to the setbacks referenced in Subsection A (2).
- D. Permitted sign locations are ground, marquee and wall.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1A for signs permitted in the AR-1 and AR-2 Districts and other regulations relating to signs.

SECTION 2. The Code of Sussex County, Chapter 115, Article V, Section 115-33, Permitted Signs (Amended 10-03-1989 by Ord. No. 619; 09-11-1990 by Ord. No. 719) is hereby amended by striking the following:

[A. Signs permitted in the MR District shall be as follows:

- (1) All signs permitted by § 115-159.
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any side or facing for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total of 32 square feet on any side or facing is not exceeded by both the bulletin board and the on-premises sign. A sign shall contain no more than two sides or facings, back to back, and shall have a minimum setback of five feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street and a minimum setback of 15 feet from all adjacent property lines.
- (3) One nonilluminated on-premises sign, not to exceed six square feet on any side or facing, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. A sign shall contain no more than two sides or facings, back to back, and shall conform to the setbacks referenced in Subsection A (2) above.

B. Permitted sign locations shall be ground or marquee.

C. No off-premises signs shall be permitted.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1B for signs permitted in the MR District and other regulations relating to signs.

SECTION 3. The Code of Sussex County, Chapter 115, Article VI, Section 115-41, Permitted Signs (Amended 10-03-1989 by Ord. No. 619) is hereby amended by striking the following:

[Signs permitted in the GR District shall be as follows:

A. All signs permitted by § 115-159.

B. All signs permitted and regulated in the Agricultural Residential Districts pursuant to § 115-24 of this chapter.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1A for signs permitted in the GR District and other regulations relating to signs.

SECTION 4. The Code of Sussex County, Chapter 115, Article VII, Section 115-49, Permitted Signs (Amended 10-03-1989 by Ord. No. 619; 09-11-1990 by Ord. No. 719) is hereby amended by striking the following:

[A. Signs permitted in the HR-1 and HR-2 Districts shall be as follows:

- (1) All signs permitted in § 115-159.**
- (2) One illuminated on-premises sign, not to exceed 10 square feet on any side or facing, identifying the name and/or address of management of a multifamily dwelling or group of multifamily dwellings. One sign shall be permitted at each public entrance, with a minimum setback of five feet from the front lot line. A sign shall not contain more than two sides or facings, back to back.**
- (3) One nonilluminated on-premises sign, not to exceed 32 square feet on any side or facing, identifying any motel, hotel, multifamily dwelling structure or townhouse project of eight or more units. A sign shall contain no more than two sides or facings, back to back, and shall have a minimum setback of five feet from the front lot line.**

B. Permitted sign locations are marquee, protecting, wall and/or ground.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1C for signs permitted in the HR-1 and HR-2 Districts and other regulations relating to signs.

SECTION 5. The Code of Sussex County, Chapter 115, Article VIII, Section 115-57, Permitted Signs (Amended 10-03-1989 by Ord. No. 619) is hereby amended by striking the following:

[A. Signs permitted in the UR District shall be as follows:

- (1) All signs permitted in § 115-159.**
- (2) All signs permitted and/or regulated by § 115-33 for the MR District.**

B. No off-premises signs shall be permitted.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1B for signs permitted in the UR District and other regulations relating to signs.

SECTION 6. The Code of Sussex County, Chapter 115, Article IX, Section 115-65, Permitted Signs (Amended 10-03-1989 by Ord. No. 619; 09-11-1990 by Ord. No. 719) is hereby amended by striking the following:

[A. Permitted signs are as follows:

- (1) All signs permitted by § 115-159.**
- (2) All signs permitted and/or regulated by § 115-33 for the MR District, except for a minimum setback of five feet.**
- (3) One on-premises ground sign per street or road frontage per parcel, not to exceed 150 square feet on any side or facing. In addition, each store, office or similar unit shall be permitted one on-premises illuminated awning, marquee, projecting or wall sign not exceeding 100 square feet.**

B. All ground signs shall have a minimum front setback of five feet, shall not be erected within 100 feet of a dwelling, church, school or public lands, shall have a minimum setback of 20 feet from each side property line, shall have a minimum setback of 25 feet from the right-of-way line of an intersection with another street and shall contain no more than two sides or facings, back to back.

C. No off-premises signs shall be permitted.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1D for signs permitted in the UB District and other regulations relating to signs.

SECTION 7. The Code of Sussex County, Chapter 115, Article X, Section 115-73, Permitted Signs (Amended 10-03-1989 by Ord. No. 619; 09-11-1990 by Ord. No. 719) is hereby amended by striking the following:

[A. Permitted signs are as follows:

- (1) All signs permitted by § 115-159.
- (2) All signs permitted and/or regulated by § 115-33 for the MR District, except with a minimum setback of five feet.
- (3) One on-premises ground sign per street or road frontage per parcel, not to exceed 150 square feet on any side or facing. In addition, each store, shop, office or similar unit shall be permitted one on-premises illuminated awning, marquee, projecting or wall sign not exceeding 100 square feet.

B. All ground signs shall have a minimum front setback of five feet, shall not be erected within 100 feet of a dwelling, church, school or public lands, shall have a minimum setback of 20 feet from each side property line, shall have a minimum setback of 25 feet from the right-of-way line of an intersection with another street and shall contain no more than two sides or facings, back to back.

C. No off-premises signs shall be permitted.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1D for signs permitted in the B-1 District and other regulations relating to signs.

SECTION 8. The Code of Sussex County, Chapter 115, Article XI, Section 115-81, Permitted Signs (Amended 10-03-1989 by Ord. No. 619) is hereby amended by striking the following:

[A. Permitted signs are as follows:

- (1) Signs as permitted and/or regulated in the B-1 District under § 115-73 or Articles IV through XX.
- (2) Off-premises signs, after obtaining a special use exception, pursuant to § 115-80C, not exceeding 600 square feet total, and provided that: (Amended 12-14-1993 by Ord. No. 945)
 - (a) All off-premises signs not exceeding 200 square feet have a minimum front yard setback of 25 feet and a minimum side yard setback of 20 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.
 - (b) All off-premises signs exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard of 50 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.
 - (c) A single off-premises sign structure shall support no more than two signs. No off-premises sign structure shall display more than one three-hundred-square foot maximum sign on any side or facing. Total square footage of the sign area shall not exceed 600 square feet.
 - (d) See § 115-160C for signs exceeding 32 square feet.

B. No off-premises sign structure shall exceed 25 feet in height from ground level.

C. Permitted sign locations are marquee, projecting wall and/or ground.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1E for signs permitted in the C-1 District and other regulations relating to signs.

SECTION 9. The Code of Sussex County, Chapter 115, Article XIA, Section 115-83.7, Permitted Signs, is hereby amended by striking the following:

[A. Permitted signs are as follows:

- (1) Signs as permitted and/or regulated in the B-1 District under § 115-73 or Articles IV through XX.
- (2) Off-premises signs, after obtaining a special use exception, pursuant to § 115-80C, not exceeding 600 square feet total, and provided that:
 - (a) All off-premises signs not exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 20 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.
 - (b) All off-premises signs exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 50 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.
 - (c) A single off-premises sign structure shall support no more than two signs. No off-premises sign structure shall display more than one three-hundred-square-foot-maximum sign on any side or facing. Total square footage of the sign area shall not exceed 600 square feet.
 - (d) See § 115-160C for signs exceeding 32 square feet.

B. No off-premises sign structure shall exceed 25 feet in height from ground level.

C. Permitted sign locations are marquee, projecting, wall and/or ground.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1E for signs permitted in the CR-1 District and other regulations relating to signs.

SECTION 10. The Code of Sussex County, Chapter 115, Article XII, Section 115-89, Permitted Signs, is hereby amended by striking the following:

[A. Permitted signs are as follows:

- (1) On-premises signs as permitted and regulated under § 115-73 for the B-1 District.

B. No off-premises sign is to be permitted in the M District.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1D for signs permitted in the M Marine District and other regulations relating to signs.

SECTION 11. The Code of Sussex County, Chapter 115, Article XIII, Section 115-98, Permitted Signs, is hereby amended by striking the following:

[Permitted signs shall be as follows:

- A. Signs as permitted and/or regulated in the B-1 District pursuant to § 115-73 of this chapter.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1E, for signs permitted in the LI-1 Limited Industrial District and other regulations relating to signs.

SECTION 12. The Code of Sussex County, Chapter 115, Article XIV, Section 115-106, Permitted Signs, is hereby amended by striking the following:

[Permitted signs shall be as follows:

- A. Signs as permitted and/or regulated in the C-1 District pursuant to § 115-81 of this chapter.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1E, for signs permitted in the LI-2 Light Industrial District and other regulations relating to signs.

SECTION 13. The Code of Sussex County, Chapter 115, Article XIV, Section 115-115, Permitted Signs, is hereby amended by striking the following:

[Permitted signs shall be as follows:

- A. Signs as permitted and/or regulated in the C-1 District pursuant to § 115-81 of this chapter.]

And by inserting in lieu thereof:

See Article XXI, Section 115-159-1E, for signs permitted in the HI-1 Heavy Industrial District and other regulations relating to signs.

SECTION 14. The Code of Sussex County, Chapter 115, Article XXI SIGNS (Amended 10-3-1989 by Ord. No. 619) is hereby amended by striking Sections 115-157 through 115-161 in its entirety, as follows:

[§ 115-157. Definitions.

For the purpose of this Article, certain terms and words pertaining to signs are hereby defined as follows. Nothing herein contained may be construed to permit the erection of signs otherwise prohibited by federal or state law.

A. General.

ANIMATED SIGN — A mechanical or electronically illuminated or nonilluminated sign which displays letters, words, characters or symbols which are not stationary.

FLASHING SIGN — An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color. Any sign which revolves or moves, whether illuminated or not, shall be considered a "flashing sign."

INDIRECTLY ILLUMINATED SIGN — A sign whose illumination is derived from an external artificial source, which source is so arranged that no direct rays of light are projected into residential districts or public streets.

MULTIFACED SIGN — A sign with two or more facings.

SETBACK — An open space on the same premises with a sign or signs, which open space lies between the nearest edge of the sign or signs and the nearest street line or property line.

*** Closing bracket appears on page 12.**

SIGN — A structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description or direction.

SIGN AREA — The total "area" of a sign shall include all sides or area of display of a single or multifaced sign, together with all moldings, battens, cappings, nailing strips and latticing which are attached and are part of the sign proper and/or incidental to its decoration. Structural elements, such as aprons or skirting, which serve to shade, deflect or block light generated by a sign and which do not display advertising on their surfaces shall not be included in the total "area" of a sign. For the purpose of this Article, signs which are composed of letters, words or representations only and which follow no square or rectangular pattern shall be considered to include in "sign area" a square or rectangle as drawn at the outer limits of the letters, words or representations.

STREET LINE — A dividing line between a lot, premises or tract of land and/or a street, road, highway, court, place, square, lane or way set aside and/or used as a right-of-way for common street or ingress or egress purposes. For the purposes of this Article, street frontage shall be measured along the "street line."

B. Type.

BULLETIN BOARD — A sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with or events conducted upon or products or services offered upon the premises upon which such a sign is maintained.

DIRECTIONAL SIGN — A sign displaying only the name, nature and location of establishments located in Sussex County offering accommodations, merchandise and/or services or real estate developments, industries, churches, schools, parks or other features or institutions of note located in Sussex County.

INSTRUCTIONAL SIGN — A sign conveying instructions with respect to the premises on which it is maintained, such as "entrance," "exit," "no trespassing," "danger" and similar signs, the total sign area not to exceed eight square feet.

OFF-PREMISES SIGN — A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

ON-PREMISES SIGN — A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

PORTABLE SIGN — A movable sign not to exceed 32 square feet in area.

TEMPORARY SIGN — A sign which is erected for a time limit not to exceed six months. [Amended 9-11-1990 by Ord. No. 719]

C. Location.

GROUND SIGN — A detached sign which shall include any sign supported by uprights or braces placed upon or in or supported by the ground and not attached to any building.

ILLUMINATED AWNING SIGN — Any sign which is a part of an illuminated awning. Only the copy area of an "illuminated awning sign" shall be considered in any square-foot limitations. When an "illuminated awning sign" covers multiple store fronts, each store shall be permitted one copy area width not to exceed 80% of the individual store front.

MARQUEE SIGN — A sign attached to or hung from a marquee. For the purpose of this Article, a "marquee" is a covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather. "Marquee signs" are subject to the following:

- (1) They shall not project more than 18 inches beyond the marquee faces or edges.
- (2) They shall in no instance be lower than eight and one-half (8 1/2) feet above the walkway or thoroughfare or sidewalk.
- (3) They shall in no instance exceed 32 square feet in area.

PROJECTING SIGN — Includes any sign which is attached to a building and extends beyond the wall of the building to which it is attached or within the setback required for a building. "Projecting signs" are subject to the following:

- (1) No "projecting sign" shall project or extend more than 10 feet into or beyond a required building setback line.
- (2) No "projecting sign" shall be permitted which obstructs or interferes or in any way becomes a hazard to the orderly movement of pedestrian and/or vehicular traffic.
- (3) No "projecting sign" shall exceed in thickness 18 inches as measured between the principal faces of any projecting sign.
- (4) No "projecting sign" or part thereof shall be placed closer than eight and one-half (8 1/2) feet above the walkway, thoroughfare or sidewalk over which it is erected, nor shall any such sign or part thereof extend more than six feet above the wall to which it is attached at the point of attachment.

WALL SIGN — Any sign attached to and erected parallel to the face of or painted on the outside wall or roof of a building and supported throughout its length by such wall or building. A "wall sign" may not extend beyond the ends of the wall on which it is located.

§ 115-158. Signs prohibited in all districts.

Signs prohibited in all districts shall be as follows:

- A. Flashing signs, except time-and-temperature indicators.
- B. Animated signs.
- C. Signs which produce noise or sounds or emit visible smoke, vapor, particles or odor.
- D. Signs with intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger or such as are customarily used by police, fire or ambulance vehicles or for navigation purposes.
- E. Signs located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching position of a vehicle at a distance of 25 to 300 feet.
- F. Signs in any location which obstruct a motorist's vision of traffic control signals or of other vehicular traffic.
- G. Signs attached to trees or utility poles.
- H. Signs attached to any vehicle parked primarily for display purposes.
- I. Signs located within 25 feet of any right-of-way line of an intersection with another street. [Amended 9-11-1990 by Ord. No. 719]
- J. Portable signs which do not meet the requirements and/or regulations of ground signs.

§ 115-159. Signs permitted in all districts.

Signs permitted in all districts shall be as follows:

- A. Signs erected by any governmental agency for purposes of direction, safety or convenience of the general public.
- B. Instructional signs, nonilluminated.
- C. Signs in conjunction with doorbells or mailboxes, not exceeding 12 square inches in area.
- D. Name and address signs, not more than one for each principal building or use on premises and not exceeding two square feet in area.
- E. Signs which are attached or which are an integral part of gasoline pumps or other dispensing or servicing devices, provided that such signs do not extend beyond the area of the pump, dispensing or servicing device to which they are attached, and provided that such activities or services are legally established uses.
- F. No more than two subdivision-identifying signs, not exceeding 75 square feet in area per face, maintained on private property. The minimum setback from the front lot line shall be a minimum of 25 feet.
- G. A temporary real estate sign indicating sale, rental or lease of the premises on which it is located, with a maximum area of 10 square feet per side of facing, nonilluminated, and one sign for each street frontage on which the premises abuts. Each sign shall contain no more than two sides or facings, back to back. [Amended 9-11-1990 by Ord. No. 719]
- H. A temporary development sign advertising sale or rental of the structure under construction upon the land under development. The maximum area shall not exceed 128 square feet; the maximum height shall not exceed 15 feet; the minimum front yard setback shall be five feet for signs 32 square feet or less and the minimum front yard setback shall be 25 feet for signs 32 square feet to 128 square feet, nonilluminated or indirectly illuminated; and there shall be only one sign for each street entrance.
- I. Temporary construction signs identifying those engaged in construction. The maximum area shall not exceed 128 square feet; the maximum height shall not exceed 15 feet; the minimum front yard setback shall be five feet for signs 32 square feet or less and the minimum front yard setback shall be 25 feet for signs 32 square feet to 128 square feet, nonilluminated or indirectly illuminated; there shall be only one sign for each street frontage on which the premises abuts; and they shall be permitted only while construction is actually in progress.
- J. Signs displayed on shelters at school bus stops, limited to two signs per shelter, and the sign area shall not exceed 32 square feet per sign. The shelter shall have a minimum setback of five feet from the street line. No shelter shall be erected within 25 feet of the right-of-way line of an intersection with another street. Shelter locations shall be approved by the Director and the State Department of Instruction through the school district in which the shelter is to be located. Should the State Department of Instruction, through the school district in which a shelter is located, determine that there is no longer a need for a shelter at its present location, the shelter shall be removed. [Amended 9-11-1990 by Ord. No. 719]
- K. Portable signs which are adapted to meet the requirements and/or regulations of ground signs.

§ 115-160. General regulations for all districts.

- A. No sign, unless herein excepted, shall be erected, constructed, structurally altered or relocated, except as provided in this Article and in these regulations, until a permit has been issued by the Director.
 - (1) Before any permit is issued, an application provided by the Director shall be filed, together with two sets of drawings and/or specifications, to fully advise and acquaint the Director with the location, construction, materials, manner of illuminating and/or securing or fastening and number of signs applied for.

- (2) All signs shall be erected on or before the expiration of six months from the date of issuance of the permit; otherwise, the permit shall become null and void, and a new permit shall be required.
 - (3) Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises.
 - (4) Fees.
 - (a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.
 - (b) A construction permit shall be charged at a rate of \$0.50 per square foot, with a minimum charge of \$25 per sign for signs 32 square feet or larger.
- B. The following signs may be erected or constructed without a permit but in accordance with structural and safety requirements:
 - (1) Signs erected by or required to be erected by any governmental agency.
 - (2) Changing of the copy on a bulletin board, display encasement, poster board or marquee.
 - (3) Temporary nonilluminated signs, not exceeding 10 square feet per side or facing, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings. back to back, one such sign for each street frontage. [Amended 9-11-1990 by Ord. No. 719]
 - (4) Temporary nonilluminated signs not exceeding 10 square feet per side or facing erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, one such sign for each street frontage with no more than two sides or facings, back to back. [Amended 9-11-1990 by Ord. No. 719]
 - (5) Instructional signs, nonilluminated.
 - (6) Nonilluminated signs, not exceeding eight square feet in area with letters not exceeding one foot in height, painted, stamped, perforated or stitched on the surface area of an awning, canopy, roller curtain or umbrella.
 - (7) Temporary nonilluminated portable signs, not exceeding six square feet per side or facing and not exceeding two sides or facings, back to back, in a commercial or industrial district, one sign for each 50 feet of street frontage. [Amended 9-11-1990 by Ord. No. 719]
 - (8) Signs on a truck, bus or other vehicle while in use in the normal course of business. This section should not be interpreted to permit parking primarily for display purposes of a vehicle to which signs are attached.
 - (9) Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental or charitable organization.
 - (10) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes.
 - (11) Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet per side or facing and shall contain no more than two sides or facings, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum and removed within 30 days after the election or referendum date. [Added 9-11-1990 by Ord. No. 719]

- C. An application for any sign exceeding 32 square feet in any district must also be made to the State of Delaware Outdoor Advertising, Department of Highways and Transportation. This Department, under authority of Title 17 of the Delaware Code, will also govern all signs exceeding 32 square feet in Sussex County in conjunction with the zoning authority of Sussex County pursuant to this chapter.
- D. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Director to the Board of Adjustment for the purpose of interpretation by the Board and recommendation for action on the application by the Director.
- E. Permitted on-premises signs for any nonconforming business, commercial or industrial use in a residential district or any conditional use or special use exception of a business, commercial or industrial character shall consist of those signs permitted in a B-1 District.
- F. Except as otherwise specifically provided in these regulations, all signs shall be subject to the provisions of Article XXVI governing nonconforming uses.
- G. The owner of the premises shall be responsible for any violation of these regulations.
- H. All signs shall be maintained in good condition and appearance. After due notice has been given as provided below, the Director may cause to be removed, at the owner's expense, any sign which shows gross neglect or becomes dilapidated.
- I. In accordance with the implementation schedule contained in Section 2 hereof, the Director shall remove or cause to be removed, at the owner's expense, any sign erected or maintained in conflict with these regulations. Removal of a sign by the Director or his designee shall not affect any legal proceeding instituted against the violator prior to removal of such sign. This Ordinance shall take effect immediately upon its adoption by majority vote of members of the County Council of Sussex County, provided, however, that enforcement of the Ordinance shall be implemented over a period of 180 days, as follows:
 - A. During the first 30 days following enactment, violators and persons whose businesses are being advertised by the illegal signs will, to the extent the County is able to determine their current mailing addresses, receive a letter from the County, enclosing a copy of this Ordinance and advising them of the penalties for placing or authorizing the placement of illegal signs within areas where the County has zoning jurisdictions. The public at large will be notified of the enactment of this Ordinance by its placement on the County website and by a press release explaining the adoption of the Ordinance and encouraging voluntary compliance with its terms and conditions:
 - B. During the 150 days following the 30 day period described in Subsection A, illegal signs will be removed and retained for retrieval by violators and/or persons whose businesses are being advertised by such signs, but no removal fees will be levied. During the 150 day period, signs may be retrieved from the County Constable's Office by the payment of a retrieval fee of Fifteen Dollars (\$15.00) payable to Sussex County.
 - C. Beginning 180 days following enactment, the County will be free to dispose of all removed illegal signs and shall not be held liable for doing so. Sussex County will collect a removal fee of Twenty-Five Dollars (\$25.00) per sign from the owner of an illegal sign or from the owner of the real property from which an illegal sign has been removed, if the owner gave permission for the placement of the illegal sign, or from the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign.
(Amended 2-26-2008 by Ord. No. 1953)

No sign which is not an integral part of the building design shall be placed on the roof of a building, and no projecting sign shall extend over or above the roofline or parapet wall of a building.

- K. No sign shall exceed 25 feet in height above grade.

- L. Nothing contained within the provisions of this Article shall be construed to prohibit banner signs towed by airplanes or any type of sign towed by boats.

§ 115-161. Construction and lighting.

- A. Construction of signs. All newly erected, rebuilt or replaced sign structures shall be constructed to withstand a minimum wind pressure of 25 pounds per square foot.

B. Lighting of signs.

- (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of any roadway or residential area and which are of such intensity or brilliance as to cause glare or to impair the vision of any resident or the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
- (2) No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
- (3) All lighting shall be subject to provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State of Delaware.]

And by inserting in lieu thereof, the following:

ARTICLE XXI
SIGNS
Amended 10-3-1989 by Ord. No. 619

§115-157. Definitions.

For the purpose of this Article, certain terms and words pertaining to signs are hereby defined as follows. Nothing herein contained may be construed to permit the erection of signs otherwise prohibited by federal or state law.

A. General.

ANIMATED SIGN — A mechanical or electronically illuminated or non-illuminated sign which displays letters, words, characters or symbols which are not stationary.

INDIRECTLY ILLUMINATED SIGN — A sign whose illumination is derived from an external artificial source, which source is so arranged that no direct rays of light are projected into residential districts or public streets.

MULTIFACED SIGN — A sign with two or more facings.

SETBACK — An open space on the same premises with a sign or signs, which open space lies between the nearest edge of the sign or signs and the nearest street line or property line.

SIGN — A structure, display or device that is arranged, intended, designed or used as an advertisement, announcement, identification, description or direction.

SIGN AREA — The total "area" of a sign shall include all sides or area of display of a single or multifaced sign, together with all moldings, battens, cappings, nailing strips and laticing which are attached and are part of the sign proper and/or incidental to its decoration. Structural elements, such as aprons or skirting, which serve to shade, deflect or block light generated by a sign and which do not display advertising on their surfaces shall not be included in the total "area" of a sign. For the purpose of this Article, signs which are composed of letters, words or representations only and which follow no square or rectangular pattern shall be considered to include in "sign area" a square or rectangle as drawn at the outer limits of the letters, words or representations.

STREET LINE — A dividing line between a lot, premises or tract of land and/or a

street, road, highway, court, place, square, lane or way set aside and/or used as a right-of-way for common street or ingress or egress purposes. For the purposes of this Article, street frontage shall be measured along the "street line."

B. Type.

BULLETIN BOARD — A sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with or events conducted upon or products or services offered upon the premises upon which such a sign is maintained.

DIRECTIONAL SIGN — A sign displaying only the name, nature and location of establishments located in Sussex County offering accommodations, merchandise and/or services or real estate developments, industries, churches, schools, parks or other features or institutions of note located in Sussex County.

ELECTRONIC MESSAGE DISPLAY – A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. Changes relating to Electronic Message Display include:

- (1) DISSOLVE** – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
- (2) FADE** – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
- (3) FRAME** – a complete stationary display screen on an Electronic Message Display.
- (4) FRAME EFFECT** – a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.
- (5) SCROLL** – a mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.
- (6) TRANSITION** – a visual effect used on an Electronic Message Display to change from one message to another.
- (7) TRAVEL** – a mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

INSTRUCTIONAL SIGN — A sign conveying instructions with respect to the premises on which it is maintained, such as "entrance," "exit," "no trespassing," "danger" and similar signs, the total sign area not to exceed eight square feet.

OFF-PREMISES SIGN — A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained.

ON-PREMISES SIGN — A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

PORTABLE SIGN — A movable sign not to exceed 32 square feet in area.

TEMPORARY SIGN — A sign which is erected for a time limit not to exceed six months. [Amended 9-11-1990 by Ord. No. 719]

C. Location.

GROUND SIGN — A detached sign which shall include any sign supported by uprights or braces placed upon or in or supported by the ground and not attached to any building.

ILLUMINATED AWNING SIGN — Any sign which is a part of an illuminated awning. Only the copy area of an "illuminated awning sign" shall be considered in any square-foot limitations. When an "illuminated awning sign" covers multiple store fronts, each store shall be permitted one copy area width not to exceed 80% of the individual store front.

MARQUEE SIGN — A sign attached to or hung from a marquee. For the purpose of this Article, a "marquee" is a covered structure projecting from and supported by the building with independent roof and drainage provisions and which is erected over a doorway or doorways as protection against the weather. "Marquee signs" are subject to the following:

- (1) They shall not project more than 18 inches beyond the marquee faces or edges.**
- (2) They shall in no instance be lower than eight and one-half (8 1/2) feet above the walkway or thoroughfare or sidewalk.**
- (3) They shall in no instance exceed 32 square feet in area.**

PROJECTING SIGN — Includes any sign which is attached to a building and extends beyond the wall of the building to which it is attached or within the setback required for a building. "Projecting signs" are subject to the following:

- (1) No "projecting sign" shall project or extend more than 10 feet into or beyond a required building setback line.**
- (2) No "projecting sign" shall be permitted which obstructs or interferes or in any way becomes a hazard to the orderly movement of pedestrian and/or vehicular traffic.**
- (3) No "projecting sign" shall exceed in thickness of 18 inches as measured between the principal faces of any projecting sign.**
- (4) No "projecting sign" or part thereof shall be placed closer than eight and one-half (8 1/2) feet above the walkway, thoroughfare or sidewalk over which it is erected, nor shall any such sign or part thereof extend more than six feet above the wall to which it is attached at the point of attachment.**

WALL SIGN – Any sign attached to and erected parallel to the face of or painted on the outside wall of a building and supported throughout its length by such wall or building. A "wall sign" may not extend beyond the ends of the wall on which it is located.

§ 115-158. Signs prohibited in all districts.

Signs prohibited in all districts shall be as follows:

- A. Signs which produce noise or sounds or emit visible smoke, vapor, particles or odor.**
- B. Signs with intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger signals or such as are customarily used by police, fire or ambulance vehicles or for navigation purposes.**
- C. Signs located and so illuminated as to provide a background of colored lights blending with traffic signal lights to the extent of confusing a motorist when viewed from normal approaching position of a vehicle at a distance of 25 to 300 feet.**

- D. Signs in any location which obstruct a motorist's vision of traffic control signals or of other vehicular traffic.
- E. Signs attached to trees or utility poles.
- F. Signs attached to any vehicle parked primarily for display purposes.
- G. Signs located within 25 feet of any right-of-way line of an intersection with another street. [Amended 9-11-1990 by Ord. No. 719]
- H. Portable signs which do not meet the requirements and/or regulations of ground signs.

§ 115-159. Signs permitted in all districts.

Signs permitted in all districts shall be as follows:

- A. Signs erected by any governmental agency for purposes of direction, safety or convenience of the general public.
- B. Instructional signs, non-illuminated.
- C. Signs in conjunction with doorbells or mailboxes, not exceeding 12 square inches in area.
- D. Name and address signs, not more than one for each principal building or use on premises and not exceeding two square feet in area.
- E. Signs which are attached or which are an integral part of gasoline pumps or other dispensing or servicing devices, provided that such signs do not extend beyond the area of the pump, dispensing or servicing device to which they are attached, and provided that such activities or services are legally established uses.
- F. No more than two subdivision-identifying signs, not exceeding 75 square feet in area per face, maintained on private property. The minimum setback from the front lot line shall be a minimum of 5 feet for signs 32 square feet or less and a minimum of 25 feet for signs from 32 square feet to 75 square feet.
- G. A temporary real estate sign indicating sale, rental or lease of the premises on which it is located, with a maximum area of 10 square feet per side of facing, non-illuminated, and one sign for each street frontage on which the premises abuts. Each sign shall contain no more than two sides or facings, back to back. [Amended 9-11-1990 by Ord. No. 719]
- H. A temporary development sign advertising sale or rental of the structure under construction upon the land under development. The maximum area shall not exceed 128 square feet; the maximum height shall not exceed 15 feet; the minimum front yard setback shall be five feet for signs 32 square feet or less and the minimum front yard setback shall be 25 feet for signs 32 square feet to 128 square feet, non-illuminated or indirectly illuminated; and there shall be only one sign for each street entrance.
- I. Temporary construction signs identifying those engaged in construction. The maximum area shall not exceed 128 square feet; the maximum height shall not exceed 15 feet; the minimum front yard setback shall be five feet for signs 32 square feet or less and the minimum front yard setback shall be 25 feet for signs 32 square feet to 128 square feet, non-illuminated or indirectly illuminated; there shall be only one sign for each street frontage on which the premises abuts; and they shall be permitted only while construction is actually in progress.
- J. Signs displayed on shelters at school bus stops, limited to two signs per shelter, and the sign area shall not exceed 32 square feet per sign. The shelter shall have a minimum setback of five feet from the street line. No shelter shall be erected within 25 feet of the right-of-way line of an intersection with another street. Shelter locations shall be approved by the Director and the State Department of Instruction through the school district in which the shelter is to be located. Should the State Department of Instruction, through the school district in which a shelter is located, determine that

there is no longer a need for a shelter at its present location, the shelter shall be removed. [Amended 9-11-1990 by Ord. No. 719]

K. Portable signs which are adapted to meet the requirements and/or regulations of ground signs.

§ 115-159-1A. Signs permitted in AR-1 and AR-2 Agricultural Residential Districts and GR General Residential Districts

A. Signs permitted shall be as follows:

- (1) Signs permitted in all Districts as referenced by § 115-159.**
- (2) One (1) indirectly illuminated on-premises sign, not to exceed 32 square feet on any side or facing for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such signs shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total of 32 square feet on any side or facing is not exceeded by both the bulletin board and the on-premises sign. A sign shall contain no more than 2 sides or facings, back to back, and shall have a minimum setback of 5 feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street or road, and a minimum setback of 15 feet from all adjacent property lines.**
- (3) One (1) non-illuminated on-premises sign not to exceed 6 square feet on any side or facing, identifying a permitted home occupation on the premises or a permitted use on a farm of 5 acres or more. A sign shall contain no more than 2 sides or facings, back to back, and shall conform to the setbacks referenced in Subsection (2) above.**
- (4) Non-illuminated on-premises signs not to exceed 3 signs, of which each sign shall not exceed 32 square feet on any side or facing, identifying any truck garden, orchard, nursery, commercial greenhouse, produce sale or public stable permitted on the same premises. All signs shall contain no more than 2 sides or facings, back to back, and shall conform to the setbacks referenced in Subsection (2) above.**

B. No off-premises signs shall be permitted.

C. Permitted sign locations are ground, marquee and wall.

§ 115-159-1B – Signs permitted in MR Medium Density Residential and the UR Urban Residential Districts

A. Signs permitted shall be as follows:

- (1) Signs permitted in all districts as referenced by §115-159.**
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any side or facing for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total of 32 square feet on any side or facing is not exceeded by both the bulletin board and the on-premises sign. A sign shall contain no more than two sides or facings, back to back, and shall have a minimum setback of 5 feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street and a minimum setback of 15 feet from all adjacent property lines.**
- (3) One non-illuminated on-premises sign, not to exceed 6 square feet on any side or facing, identifying a permitted home occupation on the premises or a**

permitted use on a farm of five acres or more. A sign shall contain no more than 2 sides or facings, back to back, and shall conform to the setbacks referenced in Subsection (2) above.

B. Permitted sign locations shall be ground and marquee.

C. No off-premises signs shall be permitted.

§ 115-159-1C – Signs permitted in HR-1 and HR-2 High-Density Residential Districts

A. Signs permitted shall be as follows:

(1) Signs permitted in all Districts as referenced by § 115-159.

(2) One illuminated on-premises sign, not to exceed 10 square feet on any side or facing, identifying the name and/or address of management of a multi-family dwelling or group of multi-family dwellings. One sign shall be permitted at each public entrance, with a minimum setback of 5 feet from the front lot line. A sign shall not contain more than 2 sides or facings, back to back.

(3) One non-illuminated on-premises sign, not to exceed 32 square feet on any side or facing, identifying any motel, hotel, multi-family dwelling structure or townhouse project of 8 or more units. A sign shall contain no more than 2 sides or facings, back to back, and shall have a minimum setback of 5 feet from the front lot line.

B. Permitted sign locations are marquee, projecting, wall and/or ground.

C. No off-premises signs shall be permitted.

§ 115-159-1D – Signs permitted in B-1 Neighborhood Business Districts, M Marine Districts and UB Urban Business Districts

A. Signs permitted shall be as follows:

(1) Signs permitted in all Districts as referenced in § 115-159.

(2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any side or facing for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet on any side or facing is not exceeded by both the bulletin board and the on-premises sign. A sign shall contain no more than 2 sides or facings, back to back, and shall have a minimum setback of 5 feet from the front lot line, a minimum setback of 25 feet from the right-of-way line of an intersection with another street and a minimum setback of 15 feet from all adjacent property lines.

(3) One non-illuminated on-premises sign, not to exceed 6 square feet on any side or facing, identifying a permitted home occupation on the premises or a permitted use on a farm of 5 acres or more. A sign shall contain no more than 2 sides or facings, back to back, and shall conform to the setbacks referenced in Subsection (2) above.

(4) One on-premises ground sign per street or road frontage per parcel, not to exceed 200 square feet on any side or facing. Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign must be displayed for a minimum of 8 seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc. count. When a message is changed, it shall be accomplished in one (1) second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs

shall contain a default design that will freeze the sign in one (1) position if a malfunction occurs or in the alternative shut down.

- (5) In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awning, marquee, projecting, wall sign or electric message display not exceeding a combinations of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15 percent of total square footage of wall area where a wall exceeds 1,000 square feet.
- (6) All ground signs shall have a minimum front setback of 5 feet, shall not be erected within 100 feet of a dwelling, church, school or public lands, shall have a minimum setback of 20 feet from each side property line, shall have a minimum setback of 25 feet from the right-of-way of an intersection with another street and shall contain no more than 2 sides or facings, back to back.

B. Permitted sign locations shall be ground or marquee.

C. No off-premise signs shall be permitted.

§ 115-159-1E – Signs permitted in C-1 General Commercial, CR-1 Commercial Residential, LI-1 Limited Industrial, LI-2 Light Industrial and HI-1 Heavy Industrial Districts.

A. Signs permitted shall be as follows:

- (1) Signs permitted in all Districts as referenced in § 1115-159.
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any side or facing for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet on any side or facing is not exceeded by both the bulletin board and the on-premises sign. A sign shall contain no more than 2 sides or facings, back to back, and shall have a minimum setback of 5 feet from the front lot line, a minimum setback of 5 feet from the right-of-way line of an intersection with another street and a minimum setback of 15 feet from all adjacent property lines.
- (3) One non-illuminated on-premises sign, not to exceed 6 square feet on any side or facing, identifying a permitted home occupation on the premises or a permitted use on a farm of 5 acres or more. A sign shall contain no more than 2 sides or facings, back to back, and shall conform to the setbacks referenced in Subsection (2) above.
- (4) One on-premises ground sign per street or road frontage per parcel, not to exceed 200 square feet on any side or facing. Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign must be displayed for a minimum of 8 seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc. count. When a message is changed, it shall be accomplished in one (1) second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will freeze the sign in one (1) position if a malfunction occurs or in the alternative shut down.
- (5) In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awning, marquee, projecting, wall sign or electric message display not exceeding a combination of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15 percent of total square footage of wall area where a wall exceeds 1,000 square feet.
- (6) All ground signs shall have a minimum front setback of 5 feet, shall not be erected within 100 feet of a dwelling, church, school or public lands, shall have a minimum setback of 20 feet from each side property line, shall have a minimum

setback of 25 feet from the right-of-way of an intersection with another street and shall contain no more than 2 sides or facings, back to back.

B. Off-premises signs, after obtaining a special use exception, pursuant to and § 115-80C, not exceeding 600 square feet total, and provided that: [Amended 12-14-1993 by Ord. No. 945]

(1) All off-premises signs not exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 20 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.

(2) All off-premises signs exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 50 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.

(3) A single off-premises sign structure shall support no more than one sign. No off-premises sign structure shall display more than one (1) 300 square foot maximum sign on a side or facing. The total square footage of the sign shall not exceed 600 square feet.

(4) See the General Regulations for all Districts for signs exceeding 32 square feet.

C. No off-premises sign structure shall exceed 25 feet in height from ground level.

D. Permitted sign locations are marquee, projecting, wall and/or ground.

§ 115-160. General Regulations for all Districts.

A. No sign, unless herein excepted, shall be erected, constructed, structurally altered or relocated, except as provided in this Article and in these regulations, until a permit has been issued by the Director.

(1) Before any permit is issued, an application provided by the Director shall be filed, together with a set of drawings and/or specifications, to fully advise and acquaint the Director with the location, construction, materials, manner of illuminating and/or securing or fastening and number of signs applied for.

(2) All signs shall be erected on or before the expiration of six months from the date of issuance of the permit; otherwise, the permit shall become null and void, and a new permit shall be required.

(3) Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises.

(4) Fees.

(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.

(b) A construction permit shall be charged at a rate of \$0.50 per square foot, with a minimum charge of \$25.00 per sign for signs larger than 32 square feet.

(c) Annual fees shall be charged at a rate of \$0.25 per square foot, with a minimum charge of \$25.00 per sign for signs larger than 32 square feet. A one-time fee of \$7.50 will be charged for signs 32 square feet or smaller.

B. The following signs may be erected or constructed without a permit but in accordance with structural and safety requirements:

(1) Signs erected by or required to be erected by any governmental agency.

- (2) Changing of the copy on a bulletin board, display encasement, poster board or marquee.
- (3) Temporary non-illuminated signs, not exceeding 10 square feet per side or facing, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, back to back, with one such sign for each street frontage. [Amended 9-11-1990 by Ord. No. 719]
- (4) Temporary non-illuminated signs not exceeding 10 square feet per side or facing erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two sides or facings, back to back. [Amended 9-11-1990 by Ord. No. 719]
- (5) Instructional signs, non-illuminated.
- (6) Non-illuminated signs, not exceeding 8 square feet in area with letters not exceeding one (1) foot in height, painted, stamped, perforated or stitched on the surface area of an awning, canopy, roller curtain or umbrella.
- (7) Temporary non-illuminated portable signs, not exceeding six square feet per side or facing and not exceeding two sides or facings, back to back, in a commercial or industrial district, with one (1) sign for each 50 feet of street frontage. [Amended 9-11-1990 by Ord. No. 719]
- (8) Signs on a truck, bus or other vehicle while in use in the normal course of business. This section should not be interpreted to permit parking of a vehicle, which has signs attached, primarily for advertising display purposes.
- (9) Signs advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental or charitable organization.
- (10) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes.
- (11) Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet per side or facing and shall contain no more than two sides or facings, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum and removed within 30 days after the election or referendum date. [Added 9-11-1990 by Ord. No. 719]
- C. An application for any sign exceeding 32 square feet in any district must also be made to the State of Delaware Outdoor Advertising, Department of Highways and Transportation. This Department, under authority of Title 17 of the Delaware Code, will also govern all signs exceeding 32 square feet in Sussex County in conjunction with the zoning authority of Sussex County pursuant to this chapter.
- D. Applications for unusual signs or displays which give rise to questions of interpretation of these regulations may be referred by the Director to the Board of Adjustment for the purpose of interpretation by the Board and recommendation for action on the application by the Director.
- E. Permitted on-premises signs for any nonconforming business, commercial or industrial use in a residential district or any conditional use or special use exception of a business, commercial or industrial character shall consist of those signs permitted in a B-1 District.
- F. Except as otherwise specifically provided in these regulations, all signs shall be subject to the provisions of Article XXVI governing nonconforming uses.
- G. The owner of the premises shall be responsible for any violation of these regulations.

- H. All signs shall be maintained in good condition and appearance. After due notice has been given as provided below, the Director may cause to be removed, at the owner's expense, any sign which shows gross neglect or becomes dilapidated.
- I. The Director shall remove or cause to be removed, at the owner's expense, any sign erected or maintained in conflict with these regulations. Removal of a sign by the Director or his designee shall not affect any legal proceeding instituted against the violator prior to removal of such sign, as follows:
- (1) The County will be free to dispose of all removed illegal signs and shall not be held liable for doing so. Sussex County will collect a removal fee of Twenty-Five Dollars (\$25.00) per sign from the owner of an illegal sign or from the owner of the real property from which an illegal sign has been removed, if the owner gave permission for the placement of the illegal sign, or from the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign. [Amended 2-26-2008 by Ord. No. 1953]
- J. No sign which is not an integral part of the building design shall be placed on the roof of a building, and no projecting sign shall extend over or above the roofline or parapet wall of a building.
- K. No sign shall exceed 25 feet in height above grade.
- L. Nothing contained within the provisions of this Article shall be construed to prohibit banner signs towed by airplanes or any type of sign towed by boats.

§ 115-161. Construction and lighting.

- A. Construction of signs. All newly erected, rebuilt or replaced sign structures shall be constructed to withstand a minimum wind pressure of 25 pounds per square foot.
- B. Lighting of signs.
- (1) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of any roadway or residential area and which are of such intensity or brilliance as to cause glare or to impair the vision of any resident or the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
- (2) No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.
- (3) All lighting shall be subject to provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State of Delaware.

SECTION 15. The Code of Sussex County, Chapter 62, Article III, Section 62-7, Fees for permits and applications. [Amended 4-7-1992 by Ord. No. 822; 3-21-1995 by Ord. No. 1016; 11-9-2005 by Ord. No. 1804] is hereby amended by striking the following:

[C. Sign Permits: \$7.50.]

And by inserting in lieu thereof:

C. Sign Permits:

- (1) A construction permit shall be charged at a rate of \$0.50 per square foot, with a minimum charge of \$25.00 per sign for signs larger than 32 square feet.
- (2) Annual fees shall be charged at a rate of \$0.25 per square foot, with a minimum charge of \$25.00 per sign for signs larger than 32 square feet. A one-time fee of \$7.50 will be charged for signs 32 square feet or smaller.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
COPY OF ORDINANCE NO. 2008 ADOPTED BY THE SUSSEX COUNTY COUNCIL
ON THE 2ND DAY OF DECEMBER 2008.**

A handwritten signature in black ink, appearing to read "Re Griffith", with a stylized flourish at the end.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**