

Athena Ordinances

ORDINANCE NO. 910

AN ORDINANCE RELATING TO SIGNS, SIGNBOARDS, BILLBOARDS AND OTHER STRUCTURES OF SIMILAR NATURE WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENA. THIS SHALL BE KNOWN AS THE “SIGN ORDINANCE” AND MAY BE SO CITED AND PLEADED AND SHALL BE CITED HEREIN AS “THIS ORDINANCE.”

The city of Athena, Oregon ordains as follows:

SECTION 1. DEFINITIONS: As used in this ordinance, unless the context requires otherwise.

- (A) “Abandoned Sign” means a sign associated with a business, product, use or activity, which has ceased to exist or is no longer conducted or available.
- (B) “Area” means the area contained within the lines drawn between the outermost points of a sign, but does not include essential sign structure, foundations or supports. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face.
- (C) “Awing” is a temporary shelter supported entirely from the exterior wall of a building.
- (D) “Bulletin Board” is a board for public use in posting notices.
- (E) “Canopy” is a structure other than an awning made of cloth or metal with frames attached to a building and carried by a frame supported by the ground or sidewalk.
- (F) “Director” is the Public Works Director of the City of Athena, or a designee of the director.
- (G) “Erect” is to build, construct, attach, hang, place, suspend, or affix, and the painting of wall signs.
- (H) “Facing or surface” is the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (I) “Ground Sign – Permanent” is a sign supported by one or more uprights or braces permanently affixed, attached to or implanted in the ground, and not attached to any building.
- (J) “Ground Sign – Temporary” is a temporary sign supported by one or more uprights, braces or sides which is supported directly by the ground but is not permanently affixed, attached to or implanted in the ground, such as A-Board or A-’Frame signs.
- (K) “Historical Signs” is any sign with a connection to Athena’s historical past, which shows the age or the historical purpose of a building. Must be over 30 years old.
- (L) “Illuminated Sign” is any sign that has characters, letters, figures or designs illuminated by electric lights or luminous tubes as a part of the sign proper.
- (M) “Incombustible Material” is a material, which will not ignite at or below a temperature of one thousand two hundred degrees Fahrenheit and will not continue to burn or glow at that temperature.
- (N) “Marquee” is a permanent roofed structure attached to and supported by the building and projected over public property.
- (O) “Notice” is a notice in writing sent both regular and certified mail to the Permit Holder, property owner, or lessee of property, or all three of the above.

Athena Ordinance

- (P) “On Premise Sign” is a sign, which identifies, is associated with or gives directions to a use or activity and which sign is located on the premises where the activity of use is located and which is not a temporary sign.
- (Q) “Obscene Sign” is a sign which contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.
- (R) “Portable Merchandise Display” is an outside display of merchandise, which is not permanently attached or affixed to the ground or a building.
- (S) “Projecting Sign” is any sign, which is attached, perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or 12 inches or more beyond the surface of that portion of the building or structure to which it is attached.
- (T) “Roof Sign” is a sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof or the structure.
- (U) “Sign” is any written message, light, other than a light used primarily to illuminate a building or premises, time-temperature display, street clock, emblem, painting, drawing, portable merchandise display, or any device, structure or fixture which:
- (1) Is designed, used or intended for advertising purposes or to inform or to attract the attention of the public; and
 - (2) Is viewable from a public street, public right-of-way or private area open to public vehicular traffic; and
 - (3) Is not a national flag or a flag of a political subdivision.
- (A sign includes the sign structure, display surface and all other parts of the sign.)
- (V) “Temporary Sign” is a sign constructed of cloth, canvas, light fabric, cardboard, plywood, wood, wall board, plastic, sheet metal or other similar light material, with or without frames, which is not permanently erected or permanently affixed to any sign structure, sign tower, or building and which is not an electric sign or an internally illuminated sign and which is to be displayed only for a five (5) day period of time.
- (W) “Wall Façade for Signs” is a sign structure erected upon the top of a wall or the face of a wall of a building in the same general plane as the wall of the building, which sign structure is intended for the placement of principal or secondary signs.
- (X) “Wall Sign” is all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or other surface or which is parallel to the supporting surfaces and which does not extend more than 12 inches beyond the building line and is not attached to a wall at a height of less than 9 feet above the sidewalk or ground.

DIVISION I – GENERAL REQUIREMENTS:**(I) PERMITS.****SECTION 1: PERMITS REQUIRED, INFORMATION REQUIRED IN APPLICATION.**

It shall be unlawful for any reason to erect, repair, alter or relocate within the city any sign without first obtaining any required sign permit from the director and paying any fee required by Section 5 hereof or to erect a sign not specifically authorized by this ordinance. Applications for sign permits shall be made upon forms provided by the director. The director may require the filing of sufficient information to determine compliance with the sign ordinance and the zoning ordinance.

SECTION 2: PERMIT ISSUANCE.

It shall be the duty of the director, upon filing of an application for a sign permit, to examine the plans and specifications and other data and the premises upon which the sign will be erected and if it shall appear that the proposed sign is in compliance with all the requirements of this ordinance and all other laws and ordinances of the city, the sign permit shall then be issued.

SECTION 3: PERMIT – VOID IF SIGN NOT ERECTED IN SIX MONTHS.

If the work authorized under a sign permit has not been completed within six months after date of issuance, the permit shall become null and void.

SECTION 4: EXEMPTIONS FOR CERTAIN SIGNS.

The following signs shall be constructed, located, erected, displayed, and maintained so as to comply with all provisions and regulations of this ordinance, provided, however, that no fee and no permit or application will be required for such signs:

- (A) Temporary Signs.
- (B) Professional name plates not exceeding one square foot in area.
- (C) On premise bulletin boards not over ten square feet.
- (D) A sign denoting the architect, engineer, or contractor engaged upon a project under construction when placed upon the job site and not exceeding thirty-two (32) square feet in area. Such signs shall be removed within five (5) days after completion of the project.
- (E) Occupational signs denoting only the name and profession of the occupant in a commercial building, public institutional building or dwelling house, and not exceeding two (2) square feet in area.
- (F) Memorial signs or tablets, names and dates of buildings when cut into any masonry surface or when constructed of incombustible materials.
- (G) Traffic or other governmental signs, legal notices, railroad crossing signs, danger signs, and such temporary emergency signs as may be approved by the director.

Athena Ordinances

SECTION 5: PERMIT FEES.

Every applicant before being granted a permit hereunder shall pay to the city the following permit fee for each sign for which a permit fee is required by this ordinance.

(A) For the erection of a new sign:

- (1) For ground signs and projecting signs, see the fee schedule.
- (2) For a repair permit, (to remove an existing sign from its structure for repair and to replace the sign on the sign structure without making structural alterations), one-half (1/2) of the fee that would be charged if the sign was being erected as a new sign.
- (3) For alteration of nonconforming signs, the same fee that would be charged if the sign was being erected as a new sign.

SECTION 6: PERMIT – REVOCABLE AT WILL.

All rights and privileges acquired under the provisions of this ordinance or any amendment thereto are mere permits revocable at any time by the City Council.

SECTION 7: REVOCATION OF PERMITS.

The director is hereby authorized and empowered to revoke any permit issued under this ordinance upon failure of the holder thereof to comply with any provision of this ordinance or conditions of the permit.

(II) MAINTENANCE.**SECTION 1: SIGNS MUST BE MAINTAINED.**

All signs, together with all of their supports, braces, guys and anchors, will be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration. Any sign structure or supports that are no longer in use shall be removed within thirty (30) days of notification by the director. The property owner and sign owner shall be responsible for maintaining the sign.

**SECTION 2: UNSAFE OR ILLEGAL SIGNS TO BE REMOVED OR REPAIRED:
PROCEDURE FOR REMOVAL BY CITY:**

If the director shall find that any sign regulated herein is unsafe or insecure or has been constructed or erected or is being maintained in violation of the provisions of this ordinance, written notice shall be given to the permit holder and the owner of the property, both by regular and by certified mail. If the permit holder fails to remove or alter the sign so as to comply with the standards herein set forth within thirty (30) days after such notice, such sign is hereby declared a nuisance and may be removed, altered or repaired by the director at the expense of the permit holder and the owner of the property upon which the sign is located. The director may cause any sign that imminently endangers human life or property to be removed summarily and without notice. Should the permit holder or owner of the property fail to remove or alter the sign as directed, they shall be subject to the penalties under the PENALTY SECTION of this ordinance.

Athena Ordinances

SECTION 3: ABANDONED AND DAMAGED SIGNS TO BE REMOVED OR REPAIRED.

Any abandoned sign, with the exception of signs that have been declared “Historical Signs” by the City Council, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure or property upon which the sign is located, or the sign permit holder, within thirty (30) days after written notification from the director. Upon failure to comply with such notice within the time specified in such order, the director is hereby authorized to cause the removal of such sign and any expense incident thereto shall be paid by the owner of the property on which the sign is located and the sign permit holder. Any sign or supporting structure which is torn, damaged, defaced or destroyed shall be repaired, replaced or removed within thirty (30) days of said casualty. The director shall give written notice to the property owner and sign permit holder that the sign requires repair or removal within thirty (30) days. In the event said owner or permittee does not remove or repair the sign pursuant to said notice, the director is authorized to cause the removal of the sign and any expense incident thereto shall be paid by the property owner and the sign permittee.

III. PROHIBITED SIGNS.**SECTION 1: CERTAIN SIGNS PROHIBITED.**

It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display or maintenance of any sign falling within any of the following descriptions.

- (A) Animated sign: Except for time-temperature displays, no sign shall be wholly or partially illuminated by an internal light source that is flashing or intermittent. Signs may rotate at a speed not to exceed 4 rpm’s. No other forms of animation by electric, mechanical or kinetic means shall be permitted. Rotary beacon lights, flashing lights, strobe lights, or similar devices shall not be attached to, nor be incorporated in, any sign nor shall they be erected or maintained.
- (B) Roof signs.
- (C) Signs in the public right-of-way, unless permission from the city is first obtained.
- (D) Obscene signs.
- (E) Signs attached to or located on a stationary trailer which is visible from a public right-of-way, and infrequently moved or moved primarily for display of the sign.

IV. NONCONFORMING SIGNS.**SECTION 1: COMPLIANCE WITH ORDINANCE UPON ALTERATION.**

Any sign which was lawfully erected but which does not comply with this ordinance may remain in its lifetime, with the exception of abandoned signs. However, if the sign is structurally altered, relocated, or replaced, it shall immediately comply with all provisions of this ordinance except that:

Athena Ordinances

- (A) Such signs may be repaired and maintained and may have the advertising copy thereon changed including the change of the name of the business or owner thereof. A sign may be removed from its sign structure for the purpose or repair and maintenance under this subsection if a sign and repair permit has been obtained.
- (B) Signs may be structurally altered where such alteration is necessary for structural safety.
- (C) Such signs may be reconstructed if they are moved for construction or repair of public works or public utilities and such reconstruction is complete within one (1) year.
- (D) Such signs may be reconstructed if they are damaged by an act of God or an accident, provided that such damage does not exceed 50 percent of the cost of reconstruction of the entire sign and provided that such sign is reconstructed within six (6) months of the date the sign was damaged.

SECTION 2: NONCONFORMING SIGNS ON LANDS ANNEXED TO THE CITY.

All signs on lands annexed to the city shall comply with all provisions of this ordinance within thirty (30) days of the effective date of the annexation unless a longer period for compliance is approved by the City Council.

V. SIGNS WITHIN SETBACKS.**SECTION 1: AGREEMENT TO REMOVE REQUIRED.**

Where the supporting member of any sign is to be erected within a special setback area established pursuant to the Athena Zoning Ordinance, no permit shall be issued for the sign until the person who will own the sign, and the owner of the premises upon which the sign will be erected, enter into a written agreement with the City providing for removal of such supporting member when necessary. The agreement shall provide that the sign owner and the owner of the premises, their administrator, executors, heirs, successors and assigns shall be jointly and severally liable for removal of the sign after sixty (60) days written notice from the director.

SECTION 2: REMOVAL AFTER NOTICE.

Notice to remove the sign shall be given only when a public agency is to widen the street into the setback area. The agreement shall further provide that if the persons responsible for removal of the supporting member do not remove it, the City of Athena may do so at the expense of such person and that the cost or expense shall be a lien against such land or premise and may be collected or foreclosed in the same manner as liens entered in the docket of the city.

SECTION 3: NO COMPENSATION FOR REMOVAL OF SIGN.

The agreement shall also provide that the owner of the affected premises and the owner of the sign shall not be entitled to any damages or compensation on account of moving or removing the supporting member or portion thereof. This provision shall not be construed as denying the owner of such property the right to compensation for any land taken for the widening of any street.

Athena Ordinances

SECTION 4: SIGNING AND RECORDING OF AGREEMENT.

The agreement shall be acknowledged and the City Recorder shall have the agreement recorded at the Umatilla County Clerk's office.

DIVISION II – UNIFORM CONSTRUCTION STANDARDS**I. GENERALLY.****SECTION 1: SIGNS NOT TO OBSTRUCT DOORS, FIRE ESCAPES, ETC.**

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

SECTION 2: SIGNS MUST BE WATER REPELLANT.

All exposed parts of a sign shall be constructed of such materials or treated in such a manner that normal rainfall or other moisture shall not harm, deface or otherwise affect the sign.

SECTION 3: SPOTLIGHTS ON SIGNS EXTENDING OVER PUBLIC PROPERTY.

It shall be unlawful for any person to maintain any sign that extends over public property which is wholly or partly illuminated by flood lights or spotlights which reflect into or upon any street or alley.

SECTION 4: SIGN CLOSE TO STREET LINES MUST BE SMOOTH AND WITHOUT PROJECTIONS; EXCEPTION.

All signs which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface, and no nails, tacks, or wires shall be permitted to protrude therefrom except electrical reflectors and devices which may extend over the top and in front of the sign.

SECTION 5: VISUAL CLEARANCE AND TRAFFIC HAZARD PROHIBITED.

No sign shall be erected, project or extend into a visual clearance area, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other words, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.

SECTION 6: GOOSENECK REFLECTORS PERMITTED.

Goose-neck reflectors and lights shall be permitted on ground signs and wall signs; provided however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

Athena Ordinances

SECTION 7: SIGNS PERMITTED FOR SECOND STORY BUSINESSES.

Businesses maintained on the second floor of a two-story building, except businesses which also occupy all or a portion of the first floor, shall be entitled to fifty (50) percent of the dimensions and distances set forth in this ordinance; except that no projecting signs shall be permitted for such second-floor businesses, nor shall any separate sign be permitted above the second story of the building unless otherwise provided in this ordinance.

SECTION 8: ATTACHMENTS OF LETTERS.

All letters, figures, characters or representations maintained in conjunction with, attached to or super-imposed upon any sign shall be safely and securely build or attached to the sign structure.

II. ILLUMINATED AND ELECTRIC SIGNS.**SECTION 1: INFORMATION AS TO PERMIT NUMBER, VOLTAGE, ETC., REQUIRED ON SIGNS.**

Every electric sign shall have placed within easy view the following information, which shall be of sufficient size and contrast to be readable from a reasonable distance:

- (A) The name of the sign erector,
- (B) Date of erection.
- (C) Underwriters' Laboratory Label.

SECTION 2: ILLUMINATED SIGNS TO CONFORM TO ELECTRICAL CODES.

All illuminated signs shall be subject to the provisions of all state requirements for electrical hookups and permit fees required thereunder.

SECTION 3: INTERNALLY ILLUMINATED SIGNS.

All internally illuminated signs shall be constructed with incombustible material except that the trim display surface and cutouts may be constructed with combustible material.

SECTION 4: ILLUMINATED SIGNS TO BE APPROVED BY ELECTRICAL INSPECTOR.

The application for a permit for erection of a sign in which electrical wiring and connections are to be used shall be submitted to the state electrical inspector. The state electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with all state requirements for electrical hookups and the permit shall be approved if the plans and specifications do comply with such requirements. This action of the state electrical inspector shall be taken prior to submission of the application to the director for final approval or disapproval of the sign permit. No sign permit shall be issued until all required state electrical permits have been issued and proof thereof has been furnished to the director.

SECTION 5: OUTLINE ILLUMINATION.

In commercial zones only, buildings or parts thereof may be outlined with white or clear electric lights, which can be flashing lights provided the lights used do not exceed 7.5 watts. No permit or fee shall be required for such outline illumination. No other outline illumination shall be permitted.

Athena Ordinance

III. SIGNS IN RESIDENTIAL AREAS.

Except as provided in Division II-III, no sign shall be permitted in any residential zone.

SECTION 1: LIMITATIONS ON LIGHTING AND ANIMATION.

All lights shall be directed away from and not reflect upon adjacent premises. No illumination of any sign shall be permitted between midnight and 7:00 AM. Ground signs shall not be internally illuminated nor be illuminated by neon tubing. No permitted sign shall be animated, shall rotate, or shall contain moving parts.

SECTION 2: LIMITATIONS ON LOCATION.

Where a building fronts on two or more streets, the permitted sign shall be erected and maintained on or in front of the principal side of the building. No ground sign shall be erected or maintained within two (2) feet of a street front property line.

SECTION 3: PERMITTED SIGNS.

Only wall, ground, and those signs described in this ordinance are permitted.

SECTION 4: LIMITATIONS ON NUMBER AND SIZE.

In addition to any other applicable requirements of this ordinance, the following restrictions shall apply to signs in residential zones:

- (A) One permanent sign for a building housing a main use, other than a dwelling, which may be one ground sign not exceeding 32 square feet in area with a maximum height of five feet and length of eight feet or one wall sign not exceeding 32 square feet.
- (B) One permanent sign not exceeding eight square feet in area for each subdivision or planned unit development. Such sign shall denote only the name of the subdivision or planned unit development. It shall be located only at the principal entrance to the subdivision or planned unit development.
- (C) One permanent sign for apartment houses and rest homes which may be one ground sign not exceeding 32 square feet in area with a maximum height of five feet and length of eight feet or one wall sign not exceeding 32 square feet in area.

DIVISION III – SPECIFIC SIGNS**(i) PROJECTING SIGNS****SECTION 1: LIMITATION ON LOCATION.**

Off premise projecting signs are not permitted.

Athena Ordinances

SECTION 2: MAXIMUM PROJECTION.

The maximum projection of signs over public property is as follows:

- (A) Distance: Except for barber poles which may project up to eighteen (18) inches, the minimum clearance from the grade or sidewalk below to the lowest portion of the sign shall be nine (9) feet.
- (B) Height: The maximum height shall be not more than three feet above the top of the parapet wall or the roof line at the wall, whichever is higher.
- (C) Projection: The maximum projection may be four feet over public property. No projecting sign shall exceed twenty-four (24) square feet in area. The spacing between the first erected and any later erected projecting sign, measured opposite the traffic direction in the nearest adjacent traffic lane, shall either be:
 - (1) Six feet between the signs for each foot of reduction of the later erected sign; or
 - (2) Eight feet between signs for each foot of reduction in height above the grade of the bottom of the later erected sign below the level of the top of the first erected sign, as measured using the grade below the first erected sign.

SECTION 3: "A-FRAME" SUPPORTS PROHIBITED.

Except as provided in this section, no projecting sign shall be supported by a frame, commonly known as an "A-Frame", or other visible frame located on the roof of a building. Where the director finds that such a frame is required for safe erection and maintenance of a projecting sign and that there is no other safe and feasible method of supporting such sign and further finds that such sign is of reasonable size and conforms to all the other applicable provisions of this ordinance, the director may permit the use of such frame. The director shall limit and restrict the visible supporting members of such frame to those absolutely necessary for the safe erection and maintenance of the sign.

(II) GROUND SIGNS.**SECTION 1: PROJECTION OVER PRIVATE PROPERTY.**

The physical limitations or projection of signs over private property, as given above, shall also apply to signs projecting above areas of private property in which the public is invited to enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, etc., except where the projecting sign is located over a parking or loading area or a service driveway. The minimum clearance from the grade below the sign to the lowest portion of the sign shall be 14 feet.

SECTION 2: HEIGHT LIMITATION.

Thirty feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.

SECTION 3: PROJECTING LIMITATIONS.

No ground sign shall project over public property unless the consent of the City Council is first obtained.

SECTION 4: SIZE LIMITS FOR ON PREMISE GROUND SIGNS IN COMMERCIAL OR INDUSTRIAL ZONES.

(A) One hundred (100) square feet maximum area.

(B) Maximum height of sign including supporting structure shall be thirty (30) feet or eighty percent of the street frontage of the property on which the sign is located, whichever is the lesser.

SECTION 5: BRACING, ANCHORAGE AND SUPPORTS.

All ground signs shall be securely built and be constructed and erected upon posts or foundation supports in or upon the ground. Nothing in this subsection prohibits the use of standardized outdoor advertising signs and stringers customarily used for the support of sections or the display surface.

SECTION 6: SUPPORTS TO BE TREATED.

All posts, anchors and bracing of wood shall be treated to protect them from moisture when they rest upon or enter into the ground.

SECTION 7: PREMISES TO BE KEPT CLEAN.**(III) WALL SIGNS.****SECTION 1: LIMITATION ON PLACEMENT.**

No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.

SECTION 2: PROJECTION ABOVE SIDEWALKS AND SETBACK LINE.

No wall sign shall be permitted to extend more than twelve (12) inches beyond the building line and shall not be attached to a wall at a height of less than nine (9) feet above the sidewalk or ground.

SECTION 3: NUMBER OF SIGNS PERMITTED.

One sign displayed or painted on or applied or attached to each wall of a building or storefront facing on a public street.

SECTION 4: SIZE LIMITS FOR SIGNS IN COMMERCIAL OR INDUSTRIAL ZONES.

(A) On a building wall or store front having a street frontage of twenty-five (25) feet or less, a maximum area of forty (40) square feet.

(B) On a building wall or store front having a street frontage of more than twenty-five (25) feet, a maximum area of fifty (50) square feet or 10 percent of the gross face area of that portion of the building occupied by the business, whichever is greater.

Athena Ordinances

SECTION 5: LIMITATION ON ILLUMINATION.

No wall sign shall be illuminated unless the wall of the building or store on which such sign is displayed or painted, or to which such sign is applied or attached, faces upon a street where the property on the opposite side thereof is in a commercial or industrial zone or unless a written waiver is obtained from all residents and property owners within 100 feet line-sight distance who may view such illuminated sign from their premises or unless a time clock is installed so that the sign is not illuminated between the hours of midnight and 7:00AM. No wall sign shall be so placed or illuminated as to be hazardous to pedestrians or traffic or in any manner tend to create a nuisance to the occupants of any other building or premises.

(IV) WALL FACADES**SECTION 1: LENGTH AND HEIGHT.**

Wall facades for a sign may extend the full length of the wall to which they are attached but shall not exceed a height above the roofline of the wall or the top of the parapet greater than four (4) feet.

SECTION 2: SUPPORTING STRUCTURE.

The supporting structure for any wall façade for a sign shall be completely enclosed so as not to be visible from any public street, alley or adjacent property.

(V) TEMPORARY SIGNS**SECTION 1: PERMIT NOT REQUIRED.**

No permit or fee is required for a temporary sign.

SECTION 2: TEMPORARY POLITICAL SIGNS.

Temporary political signs may be erected on private property for a period of sixty (60) days prior to the election in which such candidates or issues are to be voted upon. The signs shall be removed not later than the fourth day following the election.

SECTION 3: TEMPORARY “FOR SALE” AND “OPEN HOUSE” SIGNS.

One temporary “For Sale” sign not exceeding six (6) square feet in area or a maximum dimension of four (4) feet may be erected on private property, provided that it advertises the sale, lease or rental of only the property upon which it is erected. “Open House” signs, subject to the same size limitations as “For Sale” signs, are permitted, provided the consent of the owner of the property where the sign will be located is first obtained. A “For Sale” sign shall be removed immediately after the property is no longer for sale. “Open House” signs shall be removed immediately after the conclusion of the open house.

SECTION 4: TEMPORARY WINDOW SIGNS.

Temporary window signs are permitted outright.

Athena Ordinances

SECTION 5: GARAGE SALE SIGNS.

One sign on the premises from which the garage sale is to be held is allowed and no other signs shall be posted on the premises or at any other public or private place advertising the sale. The sign shall be removed immediately upon the conclusion of the garage sale.

DIVISION IV – APPEALS AND VARIANCES**SECTION 1: DUTIES OF THE CITY COUNCIL.**

The City Council will receive, hear and rule upon appeals front denials of permits, requests for off-premise signs, time-temperature display permits and requests for variances.

SECTION 2: GROUNDS FOR VARIANCE – GENERALLY.

A variance to the provisions of this ordinance shall be approved only if the applicant demonstrates that the architectural design of the building, or the location of the building upon a building site, is so unusual or unique that a hardship will be created which will deny the applicant the same opportunity to erect a sign as other persons not burdened with such unusual or unique architectural design or building site would have.

SECTION 3: FILING DEADLINE AND FILING FEES.

- (A) An appeal from the denial of a permit or request for a variance shall be made by filing written notice thereof with the City Recorder within thirty (30) days from the date of the director's decision denying a permit.
- (B) At the time an appeal from the denial of a permit or a request for a variance is filed, the applicant shall pay a filing fee according to the fee schedule.

SECTION 4: HEARINGS.

The City Council shall hold a Public Hearing on an appeal or a request for a variance within thirty (30) days of the filing thereof. Public notice shall be published in a newspaper of general circulation within the city at least seven (7) days prior to the date of the hearing. The City Council may continue its hearing on an appeal or variance from time to time, but in no event longer than thirty (30) days from its first hearing date. The decision of the City Council shall be communicated to the applicant within ten (10) days of the final hearing.

**DIVISION V – CONSTRUCTION, REPEAL OF CONFLICTING ORDINANCES,
PENALTIES.****SECTION 1: CONSTRUCTION.**

Any finding by any court of competent jurisdiction that any portion of this ordinance is unconstitutional or invalid shall not invalidate any other portion of this ordinance.

SECTION 2: REPEAL OF CONFLICTING ORDINANCES.

Ordinance No. 171 and all amendments thereto of the City of Athena are hereby repealed.

Athena Ordinances

SECTION 3: PENALTIES.

A violation of this ordinance is punishable by a fine imposed according to the fee schedule.. Each day a violation continues shall constitute a separate offense.

Passed by the Council and approved by the Mayor November 8, 1995.

Passed by the council and approved by the mayor November 15, 2007.