

**CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26**

SIGN ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF PASS CHRISTIAN, MISSISSIPPI, AMENDING ORDINANCE NO. _____ (THE ZONING ORDINANCE) TO REPEAL AND ADD CERTAIN PROVISIONS REGULATING SIGNAGE IN THE CITY.

WHEREAS, the Mayor and Board of Aldermen of the City of Pass Christian, Mississippi, have previously adopted Ordinance No. 351, which contains provisions therein in Section 406 and other relevant sections pertaining to the regulation of signs within the City Limits; and

WHEREAS, the governing authorities find and adjudicate that a material and substantial change has occurred in the conditions concerning the regulation of signs since Ordinance No. 351 was originally enacted; and

WHEREAS, the governing authorities find and adjudicate that it is in the best interests of the citizens of Pass Christian to amend the Sign Ordinance to safeguard and enhance property values; to protect public and private investment in real property values; to protect public and private investment in real property and improvements; to preserve and improve the aesthetic qualities and features of the City; to reduce public safety hazards; to enhance and promote the development of business and industry within the City; and to generally promote the health, safety and welfare of the general public.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PASS CHRISTIAN, MISSISSIPPI, AS FOLLOWS:

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

I.
DEFINITIONS

The following definitions contained in Ordinance of NO. 351 are repealed to the extent they are inconsistent with the following definitions.

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

II.
SIGN COMMITTEE

A. The Sign Committee of the City of Pass Christian, Mississippi, is hereby established under the terms of the instant Ordinance. The Sign Committee is authorized assist the City of Pass Christian to further develop a policy and plan concerning signage; assist the Zoning Enforcement Officer concerning the permit process; to advise the Mayor and Board of Aldermen as to the compliance, enforcement and administration of this Ordinance; and to perform such other functions as may be provided by law or requested by the Mayor and Board of Aldermen. The Zoning Enforcement Officer shall refer all applications for signs to the Chairman of the Sign Committee, who shall determine whether or not the application shall be reviewed by the Committee at its next regular or special meeting.

B. The Sign Committee shall consist of three members who shall be appointed by the Mayor and Board of Aldermen. Each member must be resident of the City of Pass Christian. These members will serve for a three-year term and at the will and pleasure of the Mayor and Board of Aldermen. Any member of the Committee may serve consecutive terms, if reappointed by the governing authority. In addition to the three members, the governing authority may appoint other non-voting persons to advise

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

or assist the Committee, who may reside within or without the municipal limits of Pass Christian.

C. When a vacancy occurs in the membership of the Committee due to death, resignation, or otherwise, the Mayor shall appoint a new member for the remainder of the unexpired term. All such appointments shall be subject to approval and confirmation by the Board of Aldermen in the same manner as are full term appointments.

D. The Committee shall annually elect a Chairman, and a Secretary, from its Membership.

E. The Sign Committee shall adopt such Rules, Regulations, Guidelines, or Procedures as may be necessary for the conduct of its business. A majority of the appointed membership of the Committee shall constitute a quorum for the purpose of conducting business. Official action may be only taken by the Committee upon a concurring vote of the majority of the members present at a meeting at which a quorum is present. The Sign Committee shall meet at least monthly, unless the Chairman notifies all members in writing that there is no business to come before the Committee.

Meeting place, date and time shall be determined by the Committee and all meetings will take place within the City limits of Pass Christian. Official notice of such meeting shall be posted at the City Hall and in a prominent place available to examination and inspection by the general public in the building where the Committee normally meets within one (1) hour after such meeting is called, if practical, and not less than fourteen (14) days prior to the meeting, unless such meeting is held at a time and place regularly established for Committee meetings upon its Minutes as provided by law. A copy of the Notice shall be made a part of the Minutes or other permanent official

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

records of the Committee. Special meetings may be called as needed by the Chairman or by a majority of the appointed members, without the necessity of posting the fourteen (14) day notice provided above. However, written notice of special meetings and all business to be transacted at such meetings shall be issued to all appointed members of the Committee and posted at City Hall and in a prominent place in the building where the Committee normally meets at least twenty-four (24) hours in advance of such meetings and within one (1) hour after such meeting is called, if practical. A copy of the Notice shall be made a part of the Minutes or other permanent official records of the Committee. Notwithstanding, the members may waive Written Notice at any special meeting by acknowledging same upon the record and duly spread upon the minutes. Only the business provided in such special meeting notices may be transacted at such special meetings. All meetings shall be subject to the provisions of the open meeting laws of the State of Mississippi.

The Secretary shall keep and maintain records of all Sign Committee meetings, actions and findings, and all such records shall be available for inspection and copying by the members of the general public as provided in the Open Records Law of the State of Mississippi.

- F. It shall be the duty and responsibility of the Sign Committee to:
1. Make reports and recommendations to the Mayor and Board of Aldermen from time to time with respect to all matters under its jurisdiction.
 2. Consult with the Mayor and Board of Aldermen relative to the Further development of a signage policy and plan for enforcement of same.
 3. Recommend any amendment to this Ordinance.

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

4. Consult with all interested persons, boards, commissions, civic and governmental bodies on matters concerning the Committee in the City of Pass Christian.
5. Consult with experts concerning issues regarding signs.
6. Notwithstanding anything contained herein, it is not the purpose of the Committee to perform any function or purpose previously assigned exclusively to the Planning Commission, Zoning Board of Adjustments or Code Enforcement Officer of the City of Pass Christian, Mississippi.

III.
GENERAL DUTIES OF SIGN OWNERS

Abandoned signs which are found to be in violation of this Ordinance shall be removed by the owner of the sign or owner or tenant of the premises immediately upon written notice by the Code Enforcement Officer that the sign does not comply with the terms of this Ordinance. Any such signs not removed within thirty (30) days from this written notice may be removed by the City and all costs charged to the owner, agent or person having the beneficial interest in the building or premises upon which such signs are located, or in the sign itself.

Signs and components thereof shall be maintained in a safe, neat, clean, attractive and structurally sound condition and not adversely effect or impair public safety. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. Land adjacent shall be kept free of weeds and trash and shall be the responsibility of the owner.

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

Persons receiving permits under this Amendment shall execute hold-harmless agreements in favor of the City.

The Mayor and Board of Aldermen, any, in its discretion, approve variances from the provisions of this Amendment when the interests of the City are not adversely affected, and when the approval of such variance would not conflict with the other requirements of the Zoning Ordinance.

IV.
PUBLIC INFORMATION SIGNS

REQUIRED SIGNS, BY STATUE OR ORDINANCE:

a. Signs identifying streets shall be the responsibility of the City to specify and erect. No permit or fee required.

b. Signs displaying assigned address numbers, as required by the applicable Building Code, on all buildings to assist emergency and postal authorities are the responsibility of the owner or tenant. Numbers to be readable from the street.

Residential signs may also include name, personal "design", and name of the house with The size to be limited to one (1) square feet. No permit or fee required.

OPTIONAL SIGNS:

a. Directional Signs, limited to standard white on "highway green", may be Erected as a Special Exception with the approval of the Sign Committee and Mayor and Board of Aldermen. No permit or fee required.

b. Publicly owned-places or Non-Commercial places of General Public Interest signs do not require permits or fees.

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

(1) Signs identifying Publicly owned property, the Governmental Entity will consult with the Zoning Enforcement Officer and erect at its own expense signs of appropriate size and design previously approved by the Sign Committee and Mayor and Board of Aldermen.

(2) Signs identifying Non-Commercial Buildings of General Public Interest (Churches, hospitals, private schools, etc.) – The party desiring the erection as such a sign will consult with the Zoning Enforcement Officer and erect at its own expense signs of appropriate size and design previously approved by the Sign Committee and Mayor and Board of Aldermen.

c. State Historical Markers: Standard Historical Markers erected by Official State authority shall be considered public information signs as defined by the Signage Amendment. No permit or fee required.

d. Real Estate Signs: One temporary sign, not to exceed twelve months, of four square feet or less plus one smaller “hang on” sign, not to exceed one square foot, may be erected on the street frontages or residential property, and one sign of fourteen square feet may be erected on commercial property during the listing period and for fourteen (14) days after closing. No permit or fee required. Any person may apply to extend the term to display such sign for good cause shown without any fee being required.

e. Contractor/Architectural signs: up to two (2) temporary signs – the first sign of fourteen square feet or less – and the second sign of eight square feet or less, may be erected during the building or renovation period and for ten (10) days thereafter. No permit or fee required.

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

f. Political signs: Signs may be erected after the last date for qualification of candidates. Signs must be removed within seven (7) days after the last election in which the candidate participates; failure to do so will entitle the City to remove them and bill the candidate for the cost of removal and destruction. No permit or fee required.

g. Signs, Banners and Flags supporting Civic and charitable events: Signs covering such events of community interest not exceeding thirty-two square feet may be erected. Signs may not be erected more than fourteen (14) days in advance of the scheduled event and must be removed within three days after the event, weather permitting. Failure to do so will entitle the City to remove the signs and bill the sponsor of the event. No permit or fee required.

h. Personal flags and insignia may be displayed at residence and private and public clubs.

V.
BUSINESS SIGNS

FORMULA TO DETERMINE SIGN SIZE

FORMULA: "ONE SQUARE FOOT OF SIGNAGE FOR EACH LINEAR FOOT TO THE FIRST FIFTY (50) LINEAR FEET OF A FAÇADE FACING A STREET AND FOUR-TENTHS (4/10TH) OF ONE SQUARE FOOT OF SIGNAGE FOR EACH ADDITIONAL LINEAR FOOT UP TO 120 LINEAR FEET IN TOTAL LENGTH."

WHERE PERMITTED: Business signs are permitted on the immediate premises of businesses on property zoned Commercial. "Immediate premises" shall include property abutting or adjoining a parcel of land, although separated by a public

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

right-of-way, which is owned or leased by written agreement by the owner of the business. Off premises signs are subject to be approved by the Sign Committee and the Mayor and Board of Aldermen.

CORNER VISIBILITY: On a corner lot in any commercial zone, when the building is so constructed, no sign shall be erected, placed or allowed in such a manner as materially to impede visibility across the corner between a height of two and one-half (1 ½) feet and ten (10) feet above the center line grades of the interesting streets and within twenty (20) feet of the corner as measured at the property line.

GRAPHIC DESIGN AND CONTENT: Content may include only name of associated business and generic description of products, services offered, and logo identifying the type of business. Product name may not be used if the product constitutes less than 25% of the volume of the business.

ILLUMINATION (Optional): This is permitted only as a means of assisting the public in locating the business in darkness. Type of sign normally permitted will be internally or externally illuminated by electricity. No flashing lights or moving parts will be allowed to distract motorists or pedestrians.

KINDS OF SIGN NOT PERMITTED: Bench signs, cloth, paper, and plastic advertising signs; signs affixed to utility poles, trees, fences; signs on vehicles used primarily for advertising and not transportation; movable letter signs; portable signs; rooftop signs; and signs using rotating or flashing lights.

g. Canopy: Canopy and anything hanging from it must be a minimum of eight (8) feet above the sidewalk.

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

h. Awning: Must be at least eight (8) feet above walkway and writing must be restricted to not more than 25% of the area.

COMPLEX SIGNAGE (MASTER) SIGNAGE PLAN – Number and Size:

One (1) or two (2) signs facing a street, the maximum signage area determined by the application of the signage area formula to each façade. Also necessary informational and directional signs without advertising of not more than two (2) SQUARE FEET IN EACH AREA. “OPEN” and “MENU” signs if desired. These smaller signs are not subject to the formula.

One or more of the types permitted as provided above.

Graphic and Design constraints as provided above.

Illumination Option as described above, except that neon may be used only upon approval of the Sign Committee and the Mayor and Board of Alderman.

VI.
OTHER SPECIFIC SITUATIONS PLAN

(1) Service Stations abutting Beach Boulevard: One brand identification sign not higher overall than fifteen (15) feet. The Signage area atop the pole is restricted to a maximum of twenty (20) square feet. Design can include only brand name, logo and prices of principle types of fuel sold. Sign may be illuminated from within. No sign shall be closer than twelve (12) feet from curb.

There may be one (1) non-illuminated price sign at each pump, two (2) non-illuminated self-service and full-service signs per pump island, and necessary instructions for assistance of customers.

Any glass areas of the station may carry credit card information, and temporary promotional material not to exceed in size 25% of the glass area.

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

External banners, promotional signs, or neon signs will not be permitted except with the approval of the Sign Committee and Mayor and Board of Aldermen.

Combination of Fuel and Food operations may have Food Information Sign rather than fuel prices on a ground mounted sign.

(2) Service stations not abutting Beach Boulevard shall comply with the SIMPLE OR COMPLEX provisions.

(3) Multiple-Occupancy Professional Buildings with a common entrance: The building shall be allowed wall identification or ground-mounted sign identifying the name and address, and if appropriate, a Directory, the total Signage area determined by the Signage Size Formula.

(4) Multiple-Occupancy Buildings with Multiple entrances: Each unit to comply with the "Simple/Complex Signage Plan".

(5) Shopping Centers: One (1) ground-mounted sign bearing the name of Center and logo, a maximum of fifteen feet in height and surface area to be determined by the Signage Formula plus other signs upon approval by the Sign Committee and Mayor and Board of Aldermen. A Directory appropriately sized, may also be approved.

(6) Subdivision Signs: One permanent ground-mounted sign not to exceed fifteen feet in height and thirty-two (32) square feet in area may be located at each subdivision entrance, the sign to contain only the name of the subdivision and motto/logo. No promotional matter may be shown.

(7) Multiple-Family Residential Development as Condominiums, Town Houses, Apartments, or Mobile Home Parks: One permanent ground-mounted sign not to exceed six feet in height and thirty-two (32) square feet in area allowed on each thoroughfare

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

abutting the development. Signs may contain only the name, motto, logo, and a brief description of the complex and its address. One hand-on sign announcing availability of units with Sales Agency address and telephone number is permitted. Additional small directional signs of not more than two (2) square feet each will be permitted.

VII.
ADVERTISING SIGNS

On the date of the adoption of this Ordinance, all existing outdoor advertising signs, as defined herein, will be classified non-conforming. However, nothing in this Section shall be construed to permit the violation of the sections of the Signage Amendment concerning abandoned signs or signs which lose their non-conforming status as defined in the Zoning Ordinance. All such signs must be maintained in a good state of repair.

New Advertising Signs will be allowed only in two (2) areas:

1. Privately owned Advertising Signs in Industrial Zones.
2. The City of its agent will design and erect one (1) more Commercial Sign Boards at suitable locations for providers of goods and services whose place of business is in the Pass Christian area. Advertisers may arrange for the display of uniform advertising panels affixed to the Sign Boards upon payment of the necessary fees for the permit, preparation and placement of panels.

VIII.
THE PERMIT PROCESS

The Permit Process is intended to ensure that signs in the city, where they are allowed, meet conditions prescribed by this Ordinance before permits are issued.

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

Signage Applications and Decisions: The form and the content of the Signage Application Forms shall be adopted by the Sign Committee.

New Signs: Applicants for Signage shall apply to the Zoning Enforcement Officer and complete the appropriate application form. Work on new signs shall not be Initiated until permits have been issued.

The Zoning Enforcement Officer shall examine all applications and approve those that clearly meet the requirements of the Ordinance, and issue permits for conforming signs after receiving the requisite fee set forth.

The Zoning Enforcement Officer will also forward all applications that are deemed not to meet the provisions of this Ordinance to the Mayor and Board of Aldermen with a recommendation by the Sign Committee.

The Sign Committee will consider and decide within thirty (30) days whether the applications will be approved, returned for revision or disapproved, and also if the approved applications are conforming or non-conforming. If approval of the application is doubtful, then the applicant will be given reasonable notice and provided the opportunity to attend the meeting wherein his or her application will be considered.

When such applications are approved, the Zoning Enforcement Officer will issue permits upon payment of the proper fees.

Appeals: Appeals under this Signage Amendment shall be to the Mayor and Board of Aldermen in the same manner and time as appeals from the Planning Commission.

Permit Fees: The Mayor and Board of Aldermen shall establish a schedule of fees, charges and expenses, and a collection procedure for Sign Permits, Appeals,

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

Applications for Special Exceptions and Variances and other matters pertaining to this Ordinance. This Schedule of Fees shall be posted in the Office of the Zoning Enforcement Officer, and may be altered or amended only by the Mayor and Board Aldermen.

No Permit, Certificate, Special Exception, or Variance shall be issued unless or until such cost, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings until preliminary charges and fees have been paid in full.

Determining Sign Ownership: Ownership of any sign will be determined by the content of the message displayed, or if not related to an identifiable business or product, by the ownership of the property on which the sign is erected, unless information is provided otherwise.

Illegal Signs: The Zoning Enforcement Officer shall give notice by Certified Mail to the owners of record of Illegal Signs and provide with the opportunity to be heard concerning the signs' status as legal or illegal. If the owner cannot be found, or fails to respond to notice, then the Zoning Enforcement Officer shall order the Public Works Department to remove the illegal sign and take it to the City Barn, giving notice to the Owner – if possible – that the owner may reclaim such sign within sixty (60) days. Failure to make such reclamation will result in the destruction of the illegal sign.

In the event that the owner controverts the status, whether legal or illegal, of the sign in question, and Sign Committee finds such sign to be illegal, and then the owner shall either remove the sign or file his notice of appeal within the time specified. In the event the owner fails to either remove the sign or file notice of appeal, the Zoning Enforcement

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

Officer may then file appropriate charges in Municipal Court. Upon the final conviction of the sign owner, the Zoning Enforcement Officer may then order the Public Works Department to remove such sign if the owner has not removed it within seven (7) calendar days following the final conviction.

Continuing Enforcement: The Zoning Enforcement Officer or a designated representative will frequently inspect, take notice of unauthorized signs, signs erected outside of permit conditions, abandoned signs and signs in disrepair and take appropriate action.

Penalties: Any person failing to remove or repair an illegal sign after having been directed to do so by the Zoning Enforcement Officer shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in the Zoning Ordinance.

Effect of Appeals: The timely filing of a proper notice of appeal of the decision of the Mayor and Board of Aldermen shall stay any criminal prosecution under the terms of this Amendment.

IX.

All regulations concerning non-conforming existing structures in Section 402 of the Zoning Ordinance shall apply to non-conforming signs, which exist as of the date of the adoption of this Ordinance.

The Zoning Enforcement Officer is directed to compile an inventory of all existing signs, which are or will be affected by this Ordinance, with each such being classified pursuant to this Ordinance and as conforming or non-conforming. Photographs or drawings of all signs included in the inventory should be place on file. All existing

CITY OF PASS CHRISTIAN, MISSISSIPPI
MINUTE BOOK 26

sign owners should be notified by the Zoning Enforcement Officer or Sign Committee to ensure their signs are included in the inventory.

X.

All Ordinance or parts thereof presently existing, which are inconsistent with this Ordinance, are hereby repealed to the extent of such inconsistency. The sections of this Ordinance and the provisions hereunder are deemed separate and independent of each other; and if any section, sub-section, clause, phrase or portion of this Ordinance, or the application thereof shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect the remaining portions of this Ordinance.

XI.

This Ordinance shall be in full force and effect one month after its passage and this Ordinance shall be enrolled and published in the manner required by law.