

SECTION 3.41 - SIGNS

3.41.01 **PURPOSE:** This Ordinance is adopted for the following purposes:

- A. Assist the local business community in providing signage which directs the public to each individual business establishment.
- B. Provide for consistent and equitable signage requirements for both large and small businesses.
- C. To provide for a reasonable system of control of signs
- D. To encourage a desirable urban characteristic that has a minimum of overhead clutter.
- E. To enhance the economic value of the community and each area thereof through the regulation of such things as size, location, design, and illumination of signs.
- F. To encourage signs which are compatible with adjacent land use.
- G. To reduce possible traffic and safety hazards through sign regulation.
- H. Insure that the type and amount of signage accurately reflects the character of the City of Byram.

3.41.02 **DEFINITIONS.**

Abandoned Sign: A sign, which no longer correctly advertises a bona fide business, lessor, owner, project, or activity conducted or product available on the premises where such sign is displayed for a period of at least 3 months

Advertising Sign: See “Off Premises Sign”

Animated Sign: Any sign which moves or which appears to move by any means, including fluttering or rotating. Animated signs shall include but are not limited to pennants, flags, balloons, ribbons, streamers or propellers. For purposes of this Ordinance, this term does not refer to flashing or changing signs, all of which are separately defined.

Balloons: Any display or arrangement of inflated objects, including large inflated characters, blimps, replicas of hot air balloons, etc. which are anchored to the ground, a building or pole with the intention to attract the attention of the public to a location or business.

Banners: A temporary sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind or of other materials, with only such material for backing. Banners are furnished by a recognized manufacturer, which, with or without insignia, attracts the attention of citizenry to a location or business.

Board: Sign Appeals Board.

Building Face or Wall: All window and wall areas of a building in one plane or elevation.

Business Sign: A sign which directs the attention to a business, profession, commodity, service or entertainment conducted, sold, or offered upon the same lot where the sign is located.

Campus Environment Office Project: A multi-building commercial development consisting of buildings with uniform architecture located within a subdivision containing covenants and restrictions and arranged with common areas and similar landscaping.

Changeable Copy Sign (Manual): A sign on which copy is changed manually (i.e., reader boards with changeable copy) the area of which shall be included within the allotted face of sign square footage, and if ground mounted, enclosed under a locked and vandal proof case, at the discretion of the Building Official.

Changing Sign (Automatic): A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Civic Signs: Signs used for announcements, directing and identification by churches, schools and civic organizations. i.e. Lions Club, Rotary etc.

Construction Sign: A temporary sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.

Copy: The wording or graphics on a sign surface.

Development Sign: A temporary sign relating to the promotion of a sale or rental of a new development or subdivision being constructed on the site upon which the sign is located, or located off-site and containing information and directions to a new development or subdivision.

Directional Sign: An off premises sign denoting the name and direction to a civic organization.

Exterior Directory Sign: A sign containing the building identification and address and the name and location of each tenant, and allowed in any project where one or more tenants does not have an exterior entrance or does not qualify for an exterior sign.

Facade: The face of a building most nearly parallel with the right of way line of the street upon which the building faces.

Face of Sign: The entire area of a sign on which copy could be placed, and in the instance where a double faced sign is utilized, the area of one face shall be included to determine face square footage, if both faces include the same copy.

Flashing Sign: Any sign, which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, changes in the degree of light intensity, or any externally mounted intermittent light source.

Front Footage: The lineal width measured parallel to the street frontage of the heated and enclosed structure, not including out-building or appurtenant structures, unless said structure has no street frontage in which case the front footage shall be the structure's side width of principal entrance.

Ground Level: Immediate surrounding grade.

Ground Sign: A sign mounted at or near ground level the face of which is no more than thirty-six (36) inches and no less than twenty-four (24) inches above the centerline of the adjacent street, highway, or right of way.

Height of Sign: The vertical distance measured above the centerline of the adjacent Street, highway, or right of way to the highest point of the sign.

Interstate Viewable Sign: A sign located within the S-2 Highway Corridor zoning district that is placed within the required rear yard of the business requesting the sign and is used to identify the name of that business.

Instructional Sign: A sign conveying instructions strictly for the direction safety and convenience of the public with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a sign identifying restrooms, a trespassing sign, a danger sign and similar signs.

Mall: A shopping center in which access for tenants is provided by a roofed or enclosed common pedestrian area.

Mobile (or portable) Sign: A sign attached to, mounted, pasted, painted, or drawn on any vehicle (e.g. a trailer), whether motorized or drawn, that is placed, parked, or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising.

Multi-Family Projects: A project consisting of other than single-family dwellings, including, but not limited to, multi-family dwellings, apartments, and condominiums.

Multi-Story Office Building: An office building two (2) or more stories in height, regardless of the number of tenants or occupants.

Office Building: A building principally used by companies to conduct business, or the uses allowed in the C- I, and C-2 Zoning Districts of the City.

Office Park: A project of one or more buildings that has been planned as an integrated unit or cluster on property that is under unified control or ownership.

Off Premises Sign: A sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained, including, but not limited to, billboard signs.

On Premises Sign: See “Business Sign”.

Opening Sign: A temporary sign erected only for that limited period during which an enterprise not theretofore in operation begins its operation initially or at a new location.

Outdoor Advertising Sign: An off-premises sign commonly referred to as a billboard and supported by one or more poles.

Pole Sign: A sign erected on a free-standing frame, mast, or pole and not ‘attached to any building (Allowed in interstate zone only).

Political Sign: A temporary sign erected to publish the name of a candidate or to enlist votes in any official public election.

Portable Sign: Any sign constructed on a trailer with wheels which may or may not be detached or which is designed to be transported from place to place by any means for temporary use and is not designed to be nor is it permanently affixed to a building or lot.

Project Sign: A sign erected to display the identity of a single building, business, office, or shopping complex. The name of each tenant is to be displayed.

Real Estate Sign: A temporary sign employed to announce or display the sale or lease of real property, said sign being erected on the property for sale or lease.

Regional Retail Center: A commercial center developed as a unit, providing for the sale of goods or personal services, and comprising a minimum of forty (40) acres and 400,000 square feet of floor area.

Retail Business: A business principally engaged in the sale of commodities, services, or goods to the ultimate consumer.

Roof Line: The apex, or highest point of the roof. If there is a series of roofs, the apex of the lowest roof will be considered.

Roof Sign: A sign which is erected, constructed, or maintained on a roof. All bracing to the roof shall be concealed (not visible from road or ground) by the same material as the face of the sign.

Set Back: The minimum horizontal distance between the face of curb, the edge of pavement, or the right of way line and the sign structure as specified in a particular section of this Ordinance.

Shopping Center: A commercial area consisting of five or more retail businesses planned, constructed, and managed as a unit providing convenience goods, general merchandise, office, service, or recreational activities; providing for off-street parking adjacent to such activities.

Sign: Any device, structure, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, good or service, activity, place, person or any other item of information.

Sign Area: The surface area of a sign computed as including the entire area within a rectangle, triangle, circle, or other regular geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter displayed. Base, apron, supports, and other structural members not bearing advertising matter shall not be included in computation of surface area. Border or trim shall be included in computation of surface area.

Sign Conversion: The permanent affixation to building, pole, or lot of a portable sign.

Sign Structure: Any structure which supports, has supported, or supporting a sign including decorative cover.

Single Office Building: An office building containing four (4) or less tenants or occupants and less than three stories in height.

Street: A public thoroughfare which affords the principal means of access to abutting property.

Street Banner: A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Strip Plaza: A linear commercial development of two or more businesses or offices under one or many ownership or management providing off-street parking and consisting of a similar or compatible architectural or graphic character of theme.

Subdivision Entrance Sign: An on-site sign, masonry wall, landscaping, or similar materials or features, which separately or together form a display to identify the subdivision, provided that the legend of such sign shall consist only of the name of the subdivision.

Temporary Sign: A sign which is not permanent and is allowed for a specific time period.

Wall Sign: A sign which is fastened and parallel to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign, and which does not extend more than twelve (12) inches from such building or structure.

Window Sign: A business sign painted on or posted in a window and visible from a public right of way.

3.41.03 GENERAL SIGN REQUIREMENTS:

The following types of signs, along with Civic Signs subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized in the commercial and industrial zoning districts of the City of Byram:

In instances where a sign setback requirement from the public right of way is not physically possible, the Building Official may allow for a smaller sign setback from the right of way if in his judgment the placement of the sign will in no manner constitute a traffic hazard, create a nuisance or infringe upon the rights of an adjacent property owner. In no instance shall a sign be allowed to be placed in the public right of way. County and local government signs shall comply with the appropriate building classification.

All building signs must have a building address on them.

A. Single Business Location (One building/one or more tenants).

1. **The occupant of a single business structure** with one tenant may have one wall sign, total area of wall signage shall not exceed one square foot of sign for every foot of front footage of the applicable building, subject to the following restrictions:

(a) The maximum square footage wall sign allotment shall not exceed 150 square feet except as provided herein.

(b) Where a single business fronts on more than one street, the allowable square footage for the wall sign shall be computed by using only one wall and the allowable area can be used on any street side. The wall chosen will be the owner/applicant decision.

2. **Single business location with 2 or more tenants** may each have tenant identification on the ground sign.
3. **Refer to Appendix A, in this section, for height, size, and set-back requirements of ground signs.** The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign and maintained in accordance with any city landscaping regulations. If a single business fronts on more than one street, the allowance for a ground sign shall be determined pursuant to Appendix “A”, based upon the number of lanes for each street.
4. **If the occupant of a single business structure elects to use a wall, sign:** The wall signs shall not be higher than the roof line or fascia of the building.
5. **If the occupant elects to use changeable copy,** only one of the signs, wall or ground sign, may have changeable copy. If a changeable copy sign is used, the base of the changeable copy sign shall not be less than seven feet above the ground.

B. **Single Office Building:**

1. **Each single office building with four or less tenants** shall be allowed one ground mounted project sign per street frontage.
 - (a) Refer to Appendix A, in this section, for height, size, and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.
 - (b) The sign shall contain the name of the project and Street address and may have up to four tenants, along with the owner=s name on the building and the building name.
2. **Each business within a single office building** which has an exterior entrance shall be allowed one wall mounted sign no larger than four square feet adjacent to the entrance

C. **Strip Plaza. Office Parks and Shopping Centers:**

1. **Strip plazas, office parks, and shopping centers shall be allowed to display one ground sign per street frontage** to identify the center and tenants. Refer to Appendix A, in this section, for height, size, and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign and maintained in accordance with the landscape ordinance. The Street address shall be included on the sign.
2. **Each individual business within the strip plaza, office park, or shopping center shall be allowed to display one wall sign.** The size of the wall sign shall be computed by taking the length of the wall of the tenant=s leased area and multiplying it by 1.0 (the length of wall times 1.0 equals total allotment for sign square footage,).
3. **Private Sign Standards Required:** In the case of an office park, strip plaza, shopping center or other grouping of five or more tenants or establishments, the developer shall prepare a set of sign standards for all exterior signs to be approved by the Zoning and Planning Commission. Such standards shall run with all leases or sales of portions of the development. Zoning and Planning Commission, when reviewing these standards, shall consider the size, colors, materials, styles of lettering, appearance of any logo, type of illumination, and location. Sign permits shall not be issued until the Zoning and Planning Commission has approved the sign standards after having been assured that such standards will be enforced by the developer or owner. The sale, subdivision, or other partition of the site after development does not exempt the project or portions from complying with these regulations relative to number of signs, and the harmony and visual quality of signs to be installed. All new businesses which come under this section shall submit private sign standards within 90 days after the effective date of this Ordinance.

- D. **Regional Retail Center. Entrance Signs:** Each regional retail center shall be allowed one ground mounted sign for each entrance. The entrance sign shall not exceed 15 feet in height from the grade; shall not exceed eight feet in width; and shall be at least ten feet from the pavement edge or curb of the public street or outside of the public right of way, whichever is further.

1. **Building Sign:** An individual business establishment may have one wall sign per street frontage, with the sign surface area not exceeding fifteen percent (15%) of the surface area of the wall to which it is attached. However, an individual business establishment whose building is located in excess of 200 feet from the property line of the street on which it fronts may have a wall sign whose surface area does not exceed 25 percent of the wall on which it is located.

E. Campus Environment Office Project:

1. **Each campus environment project shall be allowed no more than two project signs per entrance.** Refer to Appendix A for height, size, and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.
2. **A campus environment project may have a ground mounted address sign for each building.** The address sign shall be out of the right of way, no higher than four feet and no wider than three feet.
3. **Exterior directories shall be allowed for each building within a campus environment project.** The purpose of the directory shall be for customer convenience, direction, and safety. There shall be one directory for each main entrance to the building. The directories shall not exceed 15 square feet per face. Directories shall be located no more than 75 feet from building entrance(s) and set back at least 5 feet from curb entrance or edge of pavement. No exterior directory shall exceed six feet in height as measured from surrounding grade. Building identification letters shall not exceed six inches and tenant identification shall not exceed four inches. Each tenant listing shall be of identical size, shape, and color. Directories may be a changeable copy sign (manual).

F. Temporary Signs and Banners :

1. **Length of time for display.** Notwithstanding other provisions of this Ordinance, a newly established, expanded in floor area, or relocated commercial business, in addition to the hereinbefore specified sign allotment, may for a period of 15 days display one temporary wall, window, or ground sign per street frontage. Each

allowed sign shall not exceed 32 square feet in face area. Ground signs shall not exceed five feet in height and shall be set back from the curb face or edge of pavement no less than ten feet. A permit fee of \$25.00 shall be charged.

2. **Temporary Banners.** A business may request from the Building Official a temporary sign permit to allow a temporary banner related to a sale or a new product. The temporary banner, which may be made of fabric, but cannot be a portable sign, shall not exceed an area of 32 square feet and shall not exceed five feet in height. Balloons may be used as part of the decoration but should be attached to the banner and not extend greater than ten feet from the banner. The sign shall be set back from the curb face or edge of pavement no less than ten feet. A temporary banner permit issued under this paragraph shall not exceed a period of 15 days. Businesses shall not be allowed more than one banner, at any given time, displayed on the exterior of the business. A permit fee of \$25.00 shall be charged. There will be no charges for non-profit organizations

NO TEMPORARY BANNERS ARE PERMITTED IN RIGHT-OF-WAY, AND NO TEMPORARY BANNERS ARE GRANDFATHERED.

G. **Construction Signs:**

During the course of physical construction under a valid building permit issued by the City of Byram, two-sided ground sign not to exceed 32 square feet in face area per side shall be permitted. Construction signs shall be no greater than eight feet in height and located on the premises no less than 15 feet from the face of curb or edge of pavement or outside of the public right of way, whichever is further. The construction sign shall be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit.

H. **Real Estate Signs :**

One ground or wall sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease, provided said sign does not exceed 32 square feet of sign area. If not attached to a building, the sign shall not exceed five feet in height and shall be set back no less than ten feet from the face of the curb or edge of pavement or outside of the public right of way, whichever is further. Real estate signs shall be removed within seven days of the closing of the sale, rental, or

lease of the premises. No more than one temporary sign shall be allowed per street frontage.

I. **Special Provisions for Service Stations and Convenience Stores :**

A service station/convenience store that is engaged in the retail distribution of petroleum and petroleum products may be allowed, in addition to the sign allotment herein provided for commercial and industrial districts, shall be entitled to the following additional signs:

1. **One non-illuminated price sign per street front**, said sign not to exceed two square feet in face area, and located upon the pump island nearest to said street or upon the face of the station building.
2. **Two non-illuminating self service or full service signs per pump island**, said signs not to exceed two square feet in sign area nor to be located at a height more than eight feet from the surrounding grade.
3. **Signs displaying the federal and state stamps, octane ratings, pump use directions**, no smoking signs, and other signs as required by federal, state, and local authorities provided that the aggregate total square footage of same shall not exceed four square feet per pump island.

J. **Multi-Story Office Building:** Each Multi-Story Office Building shall be permitted:

1. **One ground mounted project sign per street frontage.**
 - (a) Refer to Appendix A, in this section, for height, size and set-back requirements of ground signs. The base of all ground signs shall be fully landscaped with planters and shrubbery in all direction, not less than the dimensional width of the sign.
 - (b) The sign shall contain the name of the project and the street address and may contain the owner=s name.
2. **Size of allowed sign.** Each business within a Multi-Story Office Building which has an exterior entrance, shall be allowed one wall sign no larger than four square feet adjacent to the entrance, unless otherwise prohibited.

3. **Signage keyed to number of tenants.** The same signage as a single office building if said building contains four (4) or fewer tenants.
4. **An exterior directory permitted** in Campus Environment Office Projects if the building contains more than four (4) tenants.
5. **Private sign standards.** The owner of any multi-story office building may submit private sign standards which would allow additional signage in accordance with such standards. Before any additional signage may be permitted the Planning Commission must find:
 - (a) That because of unusual characteristics of a particular parcel of land and building or buildings located thereon that additional or different signage is necessary to prevent an injustice or undue hardship to any occupant of such a building; and
 - (b) That the private sign standards provide for type of signage that is permitted to another office classification, (i.e. office park, single office building, campus environment office project); and
 - (c) That the application of regulations related to another office classification would eliminate the injustice or undue hardship to any occupant of such a building; and
 - (d) That the private sign standards meet all the requirements for private sign standards otherwise provided for by this ordinance. Residential subdivision signs must be no larger than six square feet.

K. Political Signs: The maximum area of political signs is 32 square feet. They should be at least ten feet from the curb. Only one sign per candidate per parcel is permitted. No political signs are permitted on public right-of-way. No political signs are permitted 90 days prior to the election, and they must be removed within seven days after the election. No more than one temporary sign shall be allowed per street frontage.

3.41.04 CIVIC SIGNS: The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for use by churches, schools and civic organizations and political signs, whether located in commercial or residential zoning districts in the City of Byram. In

instances where a sign setback requirement from the public right of way is not physically possible, the Building Official may allow for a smaller sign setback from the right of way if in his judgment, the placement of the sign will in no manner constitute a traffic hazard, create a nuisance or infringe upon the rights of an adjacent property owner. In no instance will a sign be allowed to be placed in the public right of way. No off-premise signs are allowed.

A. Ground Signs:

Each civic organization shall be allowed one ground sign per location. This sign shall have a height no greater than eight feet, an area of no more than 48 square feet and shall be set back at least five feet from the edge of pavement or curb, or outside of the right of way, whichever is further. The area surrounding the sign shall be landscaped.

B. Wall Signs:

Each civic organization may have a wall sign of no greater than 48 square feet for each side of the building which has street frontage. The sign copy may contain the name and/or the denomination of the church or civic organization. Civic organizations may place a sign on the entrance signs of the city with approval of the Mayor and Board of Aldermen of the City of Byram, Mississippi.

C. Changeable Copy Sign (Manual):

In lieu of the ground sign set out in “A” above, the civic organization may have a ground mounted changeable copy sign (manual) which may contain the name of the institution or organization; the name or names of the persons connected with it; and greetings, announcement of events or activities occurring at the institution or similar messages.

D. Directional Sign:

Each civic organization may have two off-premises directional signs. The signs shall be no larger than six square feet, no higher than six feet. The copy of the sign can contain only the name of the organization, its logo, and the directional arrow. More than one civic organization on a street corner shall be placed on one six square foot sign.

E. Temporary Sign:

An organization may request from the Building Official a temporary conditional use permit to allow a temporary sign pertaining to campaigns, drives, or events of a civic, philanthropic, educational, or religious nature. The temporary sign, which may be made of fabric, but cannot be a portable sign, shall not exceed thirty-two square feet nor be higher than five feet. The sign shall be set back from the edge of the right of way at least ten feet. No more than one temporary sign shall be allowed per street frontage. The temporary permit shall be for no more than fifteen days and shall be allowed no more than four times per year.

3.41.05 RESIDENTIAL SIGNS :

The following types of signs, along with Civic Signs and political signs, subject to the limitations prescribed for them, shall be the only signs permitted for use within the residential zoning districts of the City of Byram.

A. Development Sign :

1. While a formerly recorded subdivision, approved on a plat of record, is under physical construction, there shall be permitted two temporary off-premises signs giving exclusively the name and directions to the subdivision. The sign face of each sign shall not exceed 32 square feet. The height of the sign shall not exceed five feet. The off-premises development sign shall require the approval of the Planning and Zoning Commission concerning location, setback, copy, lighting, and design and the request shall be made along with the site review request. The sign shall be permitted to stand no longer than the period during which construction is physically in progress under a valid building permit.
2. In addition to the off-premises development signs, one two-sided on premises construction sign shall be permitted per entrance.

B. Multi-Family Project Identification Signs:

All multi-family projects, apartment complexes and/or condominiums with four or more units shall be permitted two externally lighted ground or wall signs for identification. If the project fronts on more than one street, two additional multi-family project identification signs shall be permitted at a major entrance on the additional street frontage. Refer to Appendix "A" for height, size, and set-back requirements of ground signs. The base

of all ground signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign. Wall signs shall be subject to the same requirements as Single Business Locations.

C. Subdivisions Entrance Signs:

In single family detached residential developments which have an approved plat of record, there shall be permitted two subdivision entrance signs at the intersection of every minor and major arterial street with the subdivision. The entrance signs shall be permanent signs and shall contain only the name of the subdivision. Refer to Appendix "A" for height, size, and set-back requirements of signs, if used. The base of all signs shall be fully landscaped with planters and/or shrubbery in all directions, not less than the dimensional width of the sign.

D. Construction Signs:

A temporary construction sign shall be permitted during the course of physical construction under a valid building permit issued by the City of Byram. For a single family detached dwelling or a duplex, the sign face area shall not exceed nine square feet. For a multi-family project, the sign face area shall not exceed 32 square feet and shall conform to all other requirements set out in Section 3.41.05.B above. Construction signs for single family detached dwellings and duplexes shall be set back at least five feet behind the curb face or edge of pavement, or outside of the right of way, whichever is further, and shall not exceed five feet in height. Construction signs shall not be permitted to stand more than 90 days without the express approval of the Zoning and Planning Commission.

E. Real Estate Signs:

In all residential districts, one temporary sign advertising the sale or lease of real estate shall be permitted upon the premises of the property for sale or lease. Said signs shall not exceed the dimensions of two feet by three feet, with a total maximum sign face area of six square feet per face, with a maximum of two faces on a single plane of material. The maximum height of said signs shall be five feet, and said signs shall be set back no less than ten feet from the curb face or edge of pavement or outside of the right of way, whichever is further. Signs shall be removed within seven days of the sale or lease of the property. No more than one sign shall be allowed per street frontage.

F. Off Premises Real Estate Sign: Not permitted.

3.41.06 **EXEMPT SIGNS** : The following signs are exempt from the provisions of this Ordinance:

- A. **Official public notices** and notices posted by public officers in the performance of their duties.
- B. **Governmental signs for the control or direction of traffic** and other regulatory purposes.
- C. **Flags or emblems** of the United States or its military services, the State of Mississippi, or their political subdivisions, these flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and stripes.

EXCEPTION: In residential areas the flag shall not exceed 24 square feet in area and shall not be flown from a pole, the top of which is more than 25 feet in height.

- D. **Memorial plaques**, cornerstones, historical tablets, and the like.
- E. **Signs not visible** from the front of the lot upon which they are situated, such as drive-up menu boards at Fast Food Facilities.
- F. **Signs posted in conjunction with door bells or mailboxes**, none exceeding 36 square inches in surface area.
- G. **Small, illuminated or non-illuminated instructional signs**, none exceeding four square feet in surface area.
- H. **Address signs**, not more than one for each street frontage of each principal use on a lot and none exceeding 72 square inches in surface area, showing only the numerical address (and name of residence) designations of the premises upon which they are situated. All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate emergency identification for public service employees.
- I. **Decals, numerals, names, addresses, hours, credit information, etc.**, attached to doors or windows and all of which occupy a total area of one square foot or less.

3.41.07 NON-CONFORMING SIGNS

A. Intent:

Signs which were legally in existence prior to the adoption of this Ordinance which do not conform to the provisions of this Ordinance are declared non-conforming signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Ordinance.

B. General Non-Conforming Sign Provisions:

Subject to the exceptions hereinafter set forth, any non-conforming signs may be continued in operation and maintenance after the effective date of this Ordinance provided that non-conforming signs shall not be:

1. **Changed to or replaced with another non-conforming sign** including changing the sign face (except on changeable copy signs which comply with this regulation and Outdoor Advertising Signs.)
2. **Structurally altered** so as to extend their useful life.
3. **Expanded.**
4. **Relocated.**
5. **Re-established after damage** of more than fifty percent (50%) of the value at the time of such damage or destruction.
6. **Modified in any way** that would increase the degree of nonconformity of such sign.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by the Building Official. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the current market value of the existing sign structure.

C. **Termination of Non-Conforming Signs/Amortization Schedule:**

1. **Any non-conforming sign or sign structure which is partially destroyed** by fire, accident, or natural cause beyond 50 percent of its current market value shall thereafter be removed or reconstructed in conformance to the provisions of this Ordinance.
2. **Any non-conforming sign or sign structure which is improved and altered** to comply with the provisions of this Ordinance shall thereafter be considered as conforming.

3.41.08 **PROHIBITED SIGNS :**

A. **General.**

1. **Trailer signs** having intermittent or animated illumination or moving parts. No signs shall have lights which imitate or resemble official emergency vehicle or traffic signs or signals changeable copy signs (Automatic).
2. **Strips or strings of lights, banners, flags, balloons or pennants,** along and within outlining property lines, sales areas, roof lines, doors, windows, wall edges, or other architectural features of a building, which are not a part of the original structure.
3. **Signs on public property,** other than those erected at the direction of and with the permission of a governmental authority having jurisdiction. No signs permitted in public right-of-way except those erected by a governmental entity.
4. **Signs which are not securely affixed to the ground,** or otherwise affixed in a permanent manner to an approved supporting structure, including but not limited to, portable signs (including sign conversions).
5. **No sign or other device regulated by this Ordinance shall be erected** continue to be displayed in such a manner as to obstruct the free and clear vision of vehicle drivers; 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 or government sign, signal, or device; or which makes use of the words “stop”, “look”, “danger”, or any other words, phrase,

symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

6. **Signs which contain reflective materials**, which present a hazard or danger to traffic or the general public.
7. **Signs which exhibit more than two (2) faces.**
8. **Off-Premises Signs**, except outdoor advertising signs, which were erected as of the effective date of this Ordinance.
9. **Signs which contain words or pictures of an obscene, indecent, or immoral character** which could offend public morals or decency.
10. **Beacons or strobe lights.**
11. **Signs which are structurally unsound** or which are rendered structurally sound by guy wires or unapproved facing or bracing.
12. **No sign shall be placed on a vehicle or trailer** which is parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
13. **Pole signs** (other than outdoor, advertising signs, and signs within the interstate zone) with poles greater than three feet in height.
14. **Signs installed, erected, enlarged, or structurally altered** in violation of the provisions of this Ordinance.
15. **Signs erected on or that project above a roof line** or above the face of flat roofed buildings (i.e., roof sign).

EXCEPTION:

Signs 50 years old or greater in which the original business is still in operation.

16. **Any manual changeable copy sign** that does not have locked, vandal-proof cover if required by the Building Official.
17. **Signs which obstruct any window, door, fire escape, stairway,** or any other opening intended to provide air, ingress, or egress for any building or structure, are hereby prohibited.

No sign or advertising device shall be erected on, be placed on, projected, or overhang any right of way, city walkway, street, alley or easement.

18. **The tacking, painting, posting, or affixing of signs, posters, or advertising devices of any kind** on trees, fences, rocks, utility poles, and other such structures is hereby prohibited.
19. **Structures not meeting construction standards**, out of date political billboards, advertising of defunct businesses, and signs or structures that have been erected without a permit having been issued (and thus are illegal) are prohibited.
20. **Signs which are illegal** under federal or state laws or regulations are prohibited.
21. **All signs which are not expressly permitted by this Ordinance** or any other ordinance of the City of Byram.
22. **Any wall mounted sign for any office use** located more than three stories above ground level regardless of whether the same is adjacent to an exterior entrance.
23. **Future Billboards.** After the effective date of this ordinance, no additional billboards shall be allowed in the City of Byram.
24. **Trailer signs.**

B. Portable Signs :

1. **Due to the manifest traffic safety hazards, the use of portable signs**, with or without changeable copy board attached are declared a public nuisance and therefore prohibited. This includes not only intact portable signs, but also sign conversions.
2. **Upon written notice by the City to the owner or lessee** of such portable sign, such sign shall be removed within 24 hours.
3. **Upon failure to comply with this notice**, the City Building Official shall initiate legal proceedings against the owner or lessee. If found in violation, owner shall be responsible for all costs incurred in removing the sign in addition to any court-assessed fees and penalties.

3.41.09 **CONDITIONAL SIGNS:**

The following signs may be approved with conditions set by the Zoning Administrator:

1. **Animated Signs,**
2. **Flashing Signs,**
3. **Automatic Changing Copy Signs.**

3.41.10 **ILLUMINATION :**

A. **General:**

Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zoning.

1. **The light for or from any illuminated sign** shall be so shaded, shielded, or directed that intensity will not be objectionable to surrounding areas, as determined by the Zoning and Planning Commission.
2. **No sign shall have blinking, flashing, or fluttering lights** or other illuminating device which has a changing light intensity, brightness or color.
3. **No colored lights shall be used** at any location in any manner so as to be confused with or construed as traffic control devices.
4. **Neither the direct nor reflected light from primary light sources shall create a traffic hazard** to operators of motor vehicles on public thoroughfares.
5. **Exposed bulbs shall not be used on the exterior surface of any sign,** except when approved by the Zoning and Planning Commission.

3.41.11 **STRUCTURAL REQUIREMENTS:**

All Signs shall comply with the pertinent requirements of the adopted International Building Code

3.41.12 INSPECTION: REMOVAL AND SAFETY:

A. Inspection:

All signs shall be inspected periodically by the Building Official for compliance with this Ordinance.

B. Maintenance:

All signs (temporary and permanent) and components thereof shall be kept in good repair and in a safe, and clean condition.

C. Removal of Signs :

The Building Official shall give written notice of the removal of any permanent sign erected or maintained in violation of this Ordinance. Upon failure to comply with this notice, the building official shall issue a summons to the owner into City Court. Temporary signs erected or maintained in violation of this Ordinance may be removed by the Building Official without notice. The Building Official shall remove any sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

D. Obsolete and Abandoned Signs :

1. **Any sign which advertises or pertains to a business**, product, service, event, activity, or purpose which is no longer conducted or that has not been in use for three months or which is no longer imminent, or any sign structure that no longer displays any sign copy for a period of at least three months shall be deemed to be obsolete or abandoned.
2. **Permanent signs applicable to a business temporarily suspended** because of a change of ownership or management shall not be deemed abandoned or obsolete unless the property remains vacant for a period of six months for non-conforming signs, or 12 months if the signs otherwise conform to all provisions of this Ordinance.
3. **Obsolete or abandoned signs are prohibited** and shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or site upon which such sign or

sign structure is erected within 30 days after written notification from the Building Official.

4. **In the event of non-compliance with the aforesaid terms and provisions**, then the Building Official shall have the authority to cite the sign owner and/or lessee into City Court for hearing.

3.41.13 PERMITS AND FEES :

A. Permits and Fee Requirements:

1. **All permanent signs permitted under this Ordinance**, including existing signs, shall require a permit. Existing signs permitted under this ordinance, the permit fee will be waived.
2. **No sign shall be erected, altered, or relocated without a permit**, except as otherwise provided herein. Electrical permits as required shall be obtained at the same time as the sign permit.

B. Non-conforming Existing Signs , Permits, and Terms:

A sign that would be permitted under this Ordinance only with a sign permit, but which was in existence on the effective date of this Ordinance or on a later date when the property is annexed to the City and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of this construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Ordinance, shall be issued a non-conforming sign permit if an application in accordance with this section is timely filed. Such permit shall allow the sign(s) subject to such permit, which were made non-conforming by the adoption of this Ordinance, to remain in place and be maintained for a period ending no later than the date set out in Section 3.41.07, provided that no action is taken which increases the degree or extent of the nonconformity. However, any non-conforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair, or maintenance would constitute an expense of more than 50 percent of the current market value of the existing sign structure.

C. Applications:

The permit application shall contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawing showing the design, location, materials, finishes, and colors of the sign and such other pertinent information as may be required to ensure compliance with the ordinance and requirements of the City. Applications shall be on forms provided by the City.

D. Lapse of Sign Permit:

A sign permit shall lapse automatically if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 90 days or more and is not renewed within 30 days of a notice from the city to the last permittee.

E. Fee Establishment:

Fees for sign permits are attached hereto as Appendix "B".

F. Nullification:

A sign permit shall become null and void if (1) the work for which the permit was issued has not been completed within a period of six months after the

date of the permit; (2) the sign varies in any respect from the approved design or location.

G. Permit Exceptions:

The repainting, cleaning, and other normal maintenance to prolong the life of the sign as originally approved shall not be considered as creating a sign and does not require a sign permit .

3.41.14 ADMINISTRATION AND PENALTIES:

A. Enforcement (Building Official):

The building official or his/her duly authorized representative is hereby authorized and directed to enforce all the provisions of this Ordinance. Upon presentation of proper credentials, the building official or his/her duly authorized representative may enter at reasonable times any building, structure, or premises in the City of Byram to perform any duty imposed upon him/her by this Ordinance.

B. Standards for Variances :

The Zoning and Planning Commission shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. **The particular physical surrounding shape, topographical, or location conditions of the specific property or structure** involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance was carried out;
2. **The conditions upon which the petition for a variance is based** would not be applicable, generally, to other property, or structure in the same general area;
3. **The request for variance** is based upon a clause in a lease executed and effective prior to the effective date of this Ordinance or upon the subsequent renewal of said lease; if the original lease contains an automatic renewal clause.
4. **The variance will not authorize signs, sign structures, or other sign-related activities** other than those permitted by this Ordinance;

5. **Financial returns** only shall not be considered as a basis for granting a variance;
6. **The alleged difficulty or hardship** has not been created by any person having an interest in the sign, sign structure, or property after the effective date of this Ordinance;
7. **That granting the variance requested will not confer on this application** any special privilege that is denied by this Ordinance to other land structures, signs, sign structure, or buildings similarly situated.
8. **The variance is the minimum variance** that will make possible the reasonable use of the land, building, or structure for sign purposes;
9. **The granting of the variance will not be detrimental to the public welfare** or injurious to other property or improvements in the area which the sign is located;
10. **The proposed variance will not impair an adequate supply of light and air** to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

C. No Variance for Prohibited Signs :

Under no circumstances shall the Zoning and Planning Commission grant a variance for a sign or sign structure which is expressly prohibited under the terms of this Ordinance.

D. Conditions and Restrictions by the Board:

The Mayor and Board of Aldermen may impose such conditions and restrictions upon the property, sign, or sign structure as may be necessary to comply with the provisions set out in this ordinance, to reduce or minimize the injurious effects of such variation upon surrounding property and better carry out the general intent of this Ordinance. The Mayor and Board of Aldermen may establish expiration dates as a condition or as a part of the variances.

E. Board Has Powers of Administrative Official on Appeals Reversing Decisions of Administrative Official:

In exercising its powers, the Zoning and Planning Commission may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

F. Variance Appeals:

Any person including any agency of the City government aggrieved by a decision of the Zoning and Planning Commission on a variance may appeal to the Mayor and Board of Aldermen. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, bearing, or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

APPENDIX A
TO BYRAM SIGN ORDINANCE
ALLOWANCE FOR GROUND SIGNS

Roadway	setbacks	Maximum Height (feet)	Maximum Sign Area (sq. feet)		Maximum Sign Area For Shopping Centers, Strip Plaza, Office Park (sq. feet)	
			<u>2-4 tenants</u>		<u>5 or more tenants</u>	
2 and 3 Lanes	5	16	80		80	120
4 Lanes or More	5	16	80		80	120
Interstate Zone	5	40 (Front Yard)	160			
		100 (Rear Yard)	160			

Setback distance is the minimum distance the leading edge of the sign must be from the roadway right of way. Height includes the measurement from grade to the top of the sign, including the sign. The interstate zone includes all property, any part of which lies between the right-of-way of the interstate to a line 2000 feet in depth and parallel to the interstate right of way. Total signage, including the ground sign, for all businesses within the interstate zone is 500 square feet. Each business is entitled to one Interstate viewable sign. Roadway criteria will be based on a list maintained by the Building Official and provided and determined by the Mayor and Board of Aldermen.)