

ARTICLE 27-700. SIGNS

DIVISION 1. GENERALLY

SEC. 27-701. SHORT TITLE.

This article of the city zoning ordinance shall be known as the "Sign Code" hereafter called code.

SEC. 27-702. STATEMENT OF PURPOSE.

(a) This article creates the legal framework for signage regulations that is intended to facilitate an easy and agreeable communication between people. It recognizes the need to protect the safety and welfare of the public, the need for well-maintained, and attractive and aesthetically pleasing appearance in a community, and the need for adequate business identification and advertising and communication.

(b) This article authorizes the use of signs visible from public right-of-way provided the signs are:

- (1) Compatible with their surroundings, pursuant to the objectives to proper design and zoning amenities;
- (2) Allowing and promoting optimum conditions for meeting the sign user's needs while at the same time promoting the amenable environment and aesthetically pleasing appearance desired by the general public;
- (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
- (4) Legible, readable and visible in the circumstances in which they are used;
- (5) Respectful of the reasonable rights of other advertisers whose messages are displayed.

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SEC. 27-703. DEFINITIONS.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Ambient Light Monitor: A device that is attached to an Electronic Message Display that measures on a continuous basis the brightness of light surrounding the sign. The monitor is connected to the system that controls the brightness of the Electronic Message Display. The brightness is then automatically adjusted based on the measured ambient light.

Animated Sign: Any sign that uses movement or change or lighting to depict action or create a special effect or scene.

Architectural blade sign: A wall sign or projecting sign with no legs or braces, on a structure or building larger than three (3) stories and designed to look as a part of the building structure, rather than something suspended from or standing on the building.

Awning, canopy or marquee: A roof-like shelter detached or extending from part or all of a [structure].

Balloon sign: Means any sign that is a balloon, inflatable figure, or inflatable structure. For purposes of this article, balloon signs do not include passenger hot air balloons used for air travel.

Building frontage: The linear length of a building facing the public access or right-of-way.

Canopy or marquee sign: Any sign attached to, constructed in or on a canopy or marquee or across a series of canopies or marquees located on the same building face.

Copy: The wording or message on a sign surface either in permanent or removable letter or panel form.

Electronic Message Display: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Flashing: The repetitive display of a single image (full or partial) interrupted by any other color, image or lack thereof at an interval of less than five (5) seconds. Motion borders fitting this definition are specifically included. (See Section 27-708(1) *Prohibited Signs and Sign Structures*)

Free-standing signs: Any sign supported by uprights or braces permanently placed upon the ground, and not attached to any building.

Frontage: The length of the property line of any one (1) premises along each public right-of-way it borders excluding alleys and serviceways.

Ground level means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and property line or, when the property line is more than five (5) feet from the sign, between the sign and a line five (5) feet from the sign.

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Height of sign: The vertical distance measured from the finish ground level grade to the highest point of the sign. Exaggerated or artificial berming to increase height of sign shall not be permitted.

Identification sign: A sign which is limited to the name, address and number of a building, institution or person and to the activity/service carried on in the building or institution, or the occupancy of the person.

Interstate corridor: means the area of the city which is within six hundred sixty (660) feet of the nearest edge of the right-of-way of a designated interstate highway and which area is not in a residential zone or used for residential purposes.

Maintain: To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

Medical campus: means a definable area owned, developed, occupied, and used by the owner for medical and medical related services, even though the area consists of two (2) or more city blocks, provided however, the blocks are contiguous.

Nameplates:

(1) Commercial nameplate: A nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located.

(2) Residential nameplate: A nonelectric sign identifying only the name and address of the occupant.

Neighborhood watch sign: Neighborhood watch is a national program based upon the idea that community members can prevent or help deter crimes in their neighborhoods. The neighborhood watch program is administered by local law enforcement. A neighborhood watch sign is a sign obtained through the local law enforcement agency that is posted on property within a residential or public zoning district.

Nonconforming sign (legal): Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this article and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this article, or a nonconforming sign for which a special permit has been authorized.

Off-premise/Billboard Electronic Displays: An Off-premise/Billboard Electronic Display is a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means and which directs attention to a business, activity, products, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located. An Electronic Off-premise/Billboard Display shall not include any other visual effects including but not limited to animation, motion pictures, video, holograms, moving parts or the illusion of movement and shall not include any audible sound.

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Off-premise/billboard sign: A sign which directs attention to a business, activity, products, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which this sign is located, or which does not pertain to the premises upon which the sign is located.

On-premise sign: means any sign identifying or advertising a business, activity, goods, products or services located on the premise where the sign is installed and maintained.

Owner: A person recorded as such on official records and including duly authorized agent.

Parcel: A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

Penthouse: A structure on top of a building roof such as houses, an elevator shaft, or similar form.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Primary public entrance: means an entrance to a business which is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

Projecting signs: means a sign other than wall sign which is suspended from or supported by a building or wall and which projects more than twelve (12) inches.

Public right-of-way width: The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the city engineer.

Roof sign: Means a sign erected, constructed and maintained upon, or connected to any roof of any building with the principal support on the roof structure. This definition excludes architectural blade signs.

Shopping center or mall: A shopping center is a mix of retailing land and service uses offering both essential and nonessential goods and services, with at least five (5) stores or one hundred thousand (100,000) square feet, and that attracts consumers from a region-wide market area.

Sign: Any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or

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convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

Sign administrator: The city administrator or his or her designated representative.
Sign area means the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

Street: A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines.

Temporary/portable sign: A sign advertising on an interim basis special business sales, new business openings, special events, goods, products, services, or facilities located on premise. A temporary sign is differentiated from a permanent sign in that a permanent sign is attached to a building or structure or affixed in the ground. A temporary/portable sign is mobile and free-standing. Any electrical temporary sign shall comply with all city electrical codes.

Under canopy sign: A sign suspended below the ceiling or roof of a canopy.

Unlawful sign: A sign which contravenes this article or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous sign code was not obtained.

Use: The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Video: Means the display of a succession of single images at a rate of twenty (20) frames per second or higher.

Wall sign means any sign painted on, mounted on, attached to or erected against the wall of a building and approximately paralleled to the face of a principal building wall and projecting not more than twelve (12) inches from the plane of the wall. Street graphic on the outside of a window is considered a wall sign.”

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SEC. 27-704. PERMITS, FEES, INSPECTION AND INDEMNIFICATION.

(a) *Permits required.* Except as otherwise provided in this article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the city or cause the same to be done, without first obtaining a sign permit for each sign from the sign administrator as required by this article. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this article on November 24, 1980 unless and until the sign is altered or relocated.

Every sign permit issued by the sign administrator shall become null and void if installation is not commenced within one hundred twenty (120) days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred twenty (120) days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with and a proper application is fully and correctly completed.

(b) *Sign contractor's license.* No person shall perform any work or service for any person or for any government entity for compensation, in or in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign in the city, or any work or service in connection with causing any such work to be done unless such person shall first have obtained a sign contractor's license and bond from the city and paid the license fees provided for by the city, or shall be represented by a duly licensed agent or subcontractor.

(c) *Permission to install.* No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.

(d) *Application for permit.* Application for a permit shall be made to the sign administrator upon a form provided by the sign administrator and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the city including:

- (1) Name and address of owner of the sign;
- (2) Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- (3) Clear and legible drawings or photo with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- (4) Drawings showing the dimensions, construction supports including footings, sizes, materials of the sign and method of attachment and character of structural members to which attachments are to be made. A certification of the total electrical energy consumption of all sign components (lights, motors, etc.) stated in watts. The

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design, quality, materials and loading shall conform to the requirements of the currently adopted Uniform Building Code, as amended, and the National Electrical Code. If required by the sign administrator, engineering data shall be supplied on plans submitted certified by a licensed professional engineer;

- (5) Statement certifying that applicant has reviewed the site development ordinance, section 6-1205, and believes that applicant is in compliance with this article.

(e) *Issuance; denial.* The sign administrator shall issue a permit for the erection, alteration or relocation of a sign within the city when an application therefor has been properly made and the sign complied with all appropriate laws and regulations of the city. The sign administrator may, in writing, suspend or revoke a permit under provisions of this section whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the sign administrator, he or she shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(f) *Effect of issuance.* No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(g) *Permit fees.* Application for permits shall be filed with the sign administrator, together with a permit fee as specified by the sign administrator, for each sign in accordance with the schedule established by the city administrator.

(h) *Sign permit appeals:*

- (1) *Appeal from denial of permit.* Appeal may be taken to the board of adjustment from the sign administrator's denial of a sign permit.

- (2) *Appeal from failure of sign administrator to grant permit within thirty (30) days.* The sign administrator's failure to either formally grant or deny a sign application within thirty (30) days of the date an application meeting the requirements of this article is filed shall be grounds for appeal to the board of adjustment under the terms of this chapter.

(i) *Notice of change of sign owner or user.* Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign user, owner or new property owner shall forthwith notify the sign administrator of the change. No new sign permit is required, unless the sign is altered or relocated (or existed as a nonconforming use prior to November 24, 1980).

(j) *Inspection.* The person erecting, altering or relocating a sign shall notify the sign administrator upon completion of the work for which permits are required.

- (1) *Inspections.* All signs shall be subject to a final inspection by the sign administrator or shall require a certificate of compliance from a licensed sign installer.

- (2) *Maintenance.* Every sign in the city, including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including those exempted, shall be kept neatly painted, including all metal parts and supports by which these conditions are deteriorating. The sign administrator shall inspect and have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

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- (3) *Signs declared unlawful.* The sign administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the sign administrator for stating that the sign constitutes a safety hazard to the general public.

Any sign owned, kept, displayed or maintained by any person with the city, the ownership keeping a display which is unlawful pursuant to the provisions of this article, is hereby declared to be in violation of this article. The sign administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction and display or operation thereof, is unlawful under the terms of this article.

(Ord. No. 4323, § 1(3), (3.10), 11-24-80; Ord. No. 89-4781, §§ 3--5, 2-27-89)

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SEC. 27-705. SIGNS PERMITTED IN ZONING DISTRICTS OF CITY.

(a) *Residential zones.* Within any residential zone, signs or residential nameplates are permitted as follows:

- (1) For each single-family home or duplex house, one (1) residential nameplate not exceeding a combined sign area of two (2) square feet for each occupancy. The nameplate shall not be subject to the permit requirements of this article. Commercial nameplates shall not be permitted in residential zones;
- (2) For multiple-family uses, rooming and boarding houses, one (1) identification sign for each developed parcel, not exceeding twelve (12) square feet in sign area;
- (3) Identification signs, bulletin boards, and other similar structures for governmental agencies which may be regulated by the city are subject to approval thereof by the sign administrator;
- (4) All signs, except for neighborhood identification signs provided in subsection (6) below, shall be placed flat against a building or designed as part of an architectural feature thereof;
- (5) No sign shall block any means of egress or any window;
- (6) For a neighborhood or tract, two (2) identification signs per tract entrance. A sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood, tract, or developer's name and logo. No sign or structure shall exceed thirty-two (32) square feet in size nor be over eight (8) feet in height as established from the street grade and must be located a minimum of five (5) feet behind all property lines.
- (7) For each lot within a residential zone, one (1) Neighborhood Watch sign may be posted for each street frontage. The total area of all Neighborhood Watch signs on a single property will not exceed sixteen (16) square feet in sign area.

(b) *Residential professional and public zones.* Within these zones, signs are permitted as follows:

- (1) One (1) identification sign or commercial nameplate for each developed parcel not to exceed a total of thirty-two (32) square feet in sign area for all displays;
- (2) Signs shall be placed flat against a building or designed as part of an architectural feature thereof. Signs may also be detached if they do not exceed a height of eight (8) feet. Detached signs must be located a minimum of five (5) feet behind all property lines;
- (3) No height limit is specified for signs placed flat against the wall of a building or for other attached signs provided all other provisions of this article are complied with;
- (4) Each occupancy within the developed parcel may have an individual nameplate not exceeding four (4) square feet;

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- (5) When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection (b) shall apply to each frontage.

For each lot within a residential professional or public zone, one (1) Neighborhood Watch sign may be posted for each street frontage. The total area of all Neighborhood Watch signs on a single property will not exceed sixteen (16) square feet in sign area.

(c) Permitted Signs: Community Commercial, Neighborhood Commercial, Highway Commercial, Controlled Industrial, Heavy Industrial, Central Business District

1. Freestanding Signs:

	Number of Signs Permitted	Sign Area Permitted	Maximum Square Footage Per Sign	Maximum Height	Minimum Setbacks from all Property Lines
Freestanding Signs	One (1) per street frontage **	3 square feet per lineal foot of street frontage	175 square feet per side	30 feet	5 feet*
Freestanding Signs Central Business District Only	One (1) per street frontage **	3 square feet per lineal foot of street frontage	175 square feet per side	30 feet	0 feet for sign face

* If the bottom of the sign face is twelve (12) feet or higher above the established grade, then the sign support structure may be located up to one (1) foot behind the property line.

** Where a developed property abuts more than 300 lineal feet of street frontage, one (1) additional free-standing may be erected for each additional 300 feet of street frontage. Where a developed parcel has frontage on more than one (1) public right-of-way or street, excluding alleys, driveways, and service ways the provisions of this subsection shall apply to each street frontage, as follows:

Street Frontage	Number of Signs Permitted
0—599 feet	1 free-standing sign
600—900 feet	2 free-standing signs
901—1200 feet	3 free-standing signs
Over 1200 feet	3 free-standing signs, plus 1 additional sign for each 300 lineal street frontage feet over 1200 frontage feet

- (a) *Distance between signs.* For properties where more than one (1) freestanding sign is permitted, the distance between freestanding signs shall be a minimum of 150 feet;
- (b) *Sign height.* No free-standing sign shall exceed the height of thirty (30) feet except free-standing signs in the highway commercial zone and within the interstate right-of-way which shall not exceed the height of fifty (50) feet.

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- (i) If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance of 17 feet shall be maintained between the bottom of the sign edge and the established grade of the site;
- (ii) Rotating freestanding signs shall have a minimum clearance of nine (9) feet between the bottom of the sign edge and established grade of the site. Rotating, free-standing signs shall maintain no more than six (6) revolutions per minute.

(c) *Sign location* For any off-premises signs located within 660 feet of an interstate or state controlled highway, street, or road right-of-way, a copy of the Montana Department of Transportation (MDT) permit shall be required and submitted with the City of Billings permit application in accordance with Section 18.6.211, Administrative Rules of Montana (ARM).

2. Wall, Canopy, or Projecting Signs:

(a) Wall, canopy, projecting signs, roof signs or any combination thereof, indicating the name and nature of the occupancy for each occupancy located on a property is permitted, provided that they do not exceed the maximum square footage permitted.

	Sign Area Permitted	Minimum Height	Minimum Setbacks from all Property Lines
Wall Sign	3 square feet per lineal foot of building frontage	N/A	0 feet
Canopy or Projecting Signs	3 square feet per lineal foot of building frontage	9 feet from approved grade	0 feet
Canopy or Projecting Signs Central Business District Only	3 square feet per lineal foot of building frontage	9 feet from approved grade	Maximum projection of 2/3 of the sidewalk*
Under Awning or Canopy Signs for Buildings with Awnings or Canopies over the Right-of-Way Central Business District Only	3 square feet per lineal foot of building frontage	8 feet from approved grade	Maximum Projection of 2/3 of the sidewalk*
Roof Sign One permitted in lieu of a wall sign	3 square feet per lineal foot of building frontage*	N/A	N/A

*An encroachment permit shall be obtained from the City Engineering Department for any projecting or canopy sign that encroaches into the public right-of-way

** Primary entrance signs shall indicate only the name of the occupancy. The allowable sign area shall be reduced for each wall sign installed over any primary public entrance.

- (b) Roof signs shall not extend above the highest plane of the roof.
 - (i) The supports, anchors, or braces for the roof sign shall be enclosed so that they are not visible from the street or other public or private property.

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(ii) Signs shall be similar to a wall sign or projecting sign, and designed to look like part of the building or roof structure, rather than something suspended from or standing on the building.

(3) Electronic Message Display Signs

a. Limitations on electronic message displays

- i. An Electronic Message Display (EMD) may only be used in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. The EMD shall not be larger than 40% of the total square footage of the permanent graphic portion of the sign when compared as separate components. For purposes of determining the allowable total sign area, the permanent graphic portion of the sign and the EMD shall be included in the same perimeter inclusive of any physical separation between the two components.
- ii. Only one (1) Electronic Message Display (EMD) freestanding sign per developed parcel or one (1) EMD wall sign per street frontage may be allowed. Sign(s) must be included in the total number of signs allowed not in addition to the number of signs allowed.
- iii. An Electronic Message Display (EMD) wall sign may only be used in conjunction with an immediately adjacent permanent graphic sign and not alone. EMD signs that are not enclosed within the primary wall sign will be required to have a frame to visually diminish the black box effect of the EMD. The frame shall be no less than eight (8) inches in width and no greater than 80% of the EMD cabinet depth or exceed 50% of the EMD area. The required frame area for EMD wall signs shall not count towards the maximum allowable sign area. The maximum height of an EMD wall sign shall be 40 feet from the building wall grade. EMD wall signs shall not be placed less than two feet from the top of the wall it is installed on.
- iv. An Electronic Message Display (EMD) may be allowed provided it does not flash, scintillate, blink, show motion borders or traveling lights or display video (unless specifically permitted in special sign districts).

b. Size of free standing electronic message displays:

Type	Street	Maximum Portion of Allowable Sign Area*	Maximum Total EMD Sign Size*
Principal Arterial		40%	100 square feet
Minor Arterial		40%	40 square feet
Collector		40%	40 square feet
Commercial Local Access		40%	40 square feet

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* - Maximum Portion of Allowable Sign Area or Maximum Total EMD sign size whichever is less

c. Size of electronic message display wall signs

Street Type	Maximum Total EMD Sign Area*
Principal Arterial	80 square feet
Minor Arterial	50 square feet
Collector	50 square feet
Commercial Local Access	50 square feet

* - Maximum Portion of Allowable Sign Area or Maximum Total EMD sign size whichever is less

d. Electronic Message Displays (EMDs) must be equipped with an automatic image dimming capability (ambient light monitors). This feature must be enabled at all times, allowing the display to automatically adjust brightness based on ambient light conditions. The sign must be operated at a brightness level no greater than the manufacturer’s recommended levels.

e. The following conditions apply to all EMD sign permits. Failure to comply shall result in the sign ceasing operation until compliance occurs.

- i. that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance within 24-hours of a request by the City;
- ii. that a city inspector may access the property upon 24-hours notice to the owner, operator or permittee so that the City may verify that the EMD has the automatic image dimming capability engaged. In the event of a citizen complaint regarding the EMD brightness, the owner, operator or permittee may be required by the city inspector to manually reduce the brightness to a lower setting;
- iii. that whether the sign is programmed from the site or from a remote location, the computer interface that programs the sign and the sign’s operation manual shall be available to City staff upon 24-hours notice to the owner, operator or permittee.

f. Sign permit applications to install an EMD must include a certification from the owner or operator that the sign shall at all times be operated in compliance with the conditions set out in City code. The Owner, Operator or Permittee shall immediately provide proof of such conformance upon request of the City.

(d) *Historic District zone.*

(1) *Statement of special purpose.* This special code acknowledges the unique visual concerns associated with the Billings Townsite Historic District as defined in section 6-1103, and recognizes the benefits of restoring the district's visual

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appearance of prosperity, cohesiveness, and historic integrity, while continuing to promote business advertising variety, individuality, and growth.

- (2) *Signs permitted in historic district.* Within the Billings Townsite Historic District, signs are permitted as follows:
- a. Signs and sign lettering within the Billings Townsite Historic District shall be designed and installed to compliment the architectural style.
 - b. No sign will be permitted to obscure or cover any significant architectural detail or decorative element of the existing building.
 - c. Only signs that advertise an activity, business, product or service conducted or available on the premises on which the sign is located, shall be allowed within the Billings Townsite Historic District.
 - d. No new roof signs shall be permitted.
 - e. Excluding window signs, one additional sign type per business is allowed, except for business with entrances on more than one street, in which case one sign type per street entrance is allowed.
 - f. No off-premise signs are permitted.
 - g. The size of signs in the historic district is limited to fifty (50) percent of that allowed in this article.
 - h. Once the copy of an existing sign is changed it must come into compliance with the special provisions of the historic sign district and the existing sign code.

¹(Ord. No. 4323, § 1(4), 11-24-80; Ord. No. 83-4537, § 1(8.4.1, 8.4.2, 8.4.8), 8-8-83; Ord. No. 88-4754, § 1, 2-1-88; Ord. No. 89-4781, § 6, 2-27-89; Ord. No. 90-4831, § 3, 6-4-90; Ord. No. 91-4865, § 2, 3-11-91; Ord. No. 99-5082, § 1, 2-8-99; Ord. No. 05-5353, Ord. No. 06-5365)

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SEC. 27-706. SPECIAL CIRCUMSTANCE SIGNS.

(a) *Service station or convenience (gasoline) store signs.* Regardless of which zoning district a service station or convenience (gasoline) store is located within, such uses shall be permitted the following signs:

(1) One (1) free-standing sign indicating only the name and nature of the occupancy for each developed parcel not to exceed three (3) square feet of sign area for each lineal foot of street frontage abutting the developed portion of the parcel, provided that:

a. Signs will be permitted as follows:

<i>Frontage Feet</i>	<i>Signs</i>
0--600	1 free-standing sign
601--900	2 free-standing signs
901--1200	3 free-standing signs
Over 1200	3 free-standing signs plus, 1 additional sign for each 300 lineal street frontage feet over 1200 frontage feet

b. Where a developed parcel is permitted to have more than one (1) free-standing sign under this article, the distance between the free-standing signs on each parcel shall be not less than one hundred fifty (150) frontage feet;

c. The sign must be located five (5) feet behind all property lines except:

(i) If the bottom of the structure is twelve (12) feet or higher above the establish grade, then the sign structure may be located up to one (1) foot behind the property line; or

(ii) If the sign is in the Central Business District, then the sign structure can be located up to the property line.

d. No free-standing sign shall exceed the height of thirty (30) feet except free standing signs in the highway commercial zone which shall not exceed the height of fifty (50) feet. No signs shall exceed one hundred seventy-five (175) square feet in sign area. One (1) measured side of the display shall compose the square footage;

e. No rotating free-standing sign shall rotate at a rate faster than six (6) revolutions per minute or have a minimum clearance lower than nine (9) feet between the bottom of the sign and the ground;

f. When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection a. shall apply to each frontage.

(2) One (1) wall or one (1) canopy sign and four (4) architectural blade signs indicating only the name and nature of the occupancy for each occupancy within the developed parcel as follows:

a. No sign shall exceed a total area of three (3) square feet of copy for each lineal foot of building frontage of each occupancy except buildings over two

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- (2) stories shall be allowed an additional one (1) square foot of copy for each lineal foot of building frontage of each occupancy;
- b. If such occupancy is on a corner, one (1) wall sign or one (1) canopy sign will be permitted for each frontage face;
 - c. A permitted wall sign(s) can be transferred from one wall to another wall provided the number of signs remain within the permitted number of signs and within allowable sign area;
 - d. No wall or canopy signs shall project into the public right-of-way, except:
 - (i) In the Central Business District, wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk; and
 - (ii) In the Central Business District, canopy signs may project up to two (2) feet to a vertical line from the curb face over the right-of-way.
 - e. If the building includes a canopy, each tenant will be permitted one (1) under canopy sign. Any signs attached to the underside of a canopy shall be perpendicular to the wall face of building and shall not have a copy area greater than four (4) square feet or have a clearance lower than of eight (8) feet from the sidewalk.
- (3) A maximum of four (4) wall signs may be located on or incorporated within the pump island canopy structure, whether attached or detached from the main structure/building. Such signs shall not project above the top of the canopy structure, shall not exceed a maximum area of twenty (20) square feet for each sign face, and each sign shall be limited in length to a maximum of fifty (50) percent of the long dimension of the canopy on which the sign is located. This section shall not prohibit the placement of trademark symbols on individual gasoline pumps.
- (4) One (1) poster/price sign structure shall be permitted and shall not exceed four (4) feet in width and six (6) feet in height from the ground level. Such poster type signs shall be located at an approved site. Such signs may be used for price or special message advertising.
- (5) Temporary signs shall be permitted pursuant to section 27-706(e).
- (6) Electronic Message Display signs may be permitted pursuant to Section 27-705(c)
- (b) *Off-premise/billboard signs.*
- (1) Purpose and intent: The purpose of this section is to regulate the impact of billboards on the community; to improve the appearance of I-90, Main Street, Highway 3, 27th Street and entryways; to enhance the urban design of the greater downtown area and the west end; to insure compatibility between billboards and adjacent land uses; and to limit the impact that billboards have on sign clutter in the community. The city recognizes that billboards are a necessary and appropriate advertising medium, and that there are acceptable and viable locations for billboards within the community.

It is the intent of this subsection to address the following specific concerns regarding the impact of billboards upon the community:

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- a. The citizens of Billings, and others visiting or traveling through the city are very concerned about the urban design and visual integrity of the city.
 - b. Billboards may be often incongruous with the city's natural setting and features due to their large-scale figures, numbers, letters, and colors.
 - c. A billboard may dominate the view from vehicles and interfere with the occupants' enjoyment of the city's natural setting and features.
 - d. A high concentration of billboards may create traffic safety problems and distract attention away from public safety signs.
 - e. Billboards of excessive size or height should be downsized within a reasonable period of time.
 - f. Billboards are incompatible with residential uses.
 - g. The I-90, Highway 3, Main Street, 27th Street, other entryways, and Shiloh Road are major entryways to the city which are of particular importance in terms of urban design and public perception to citizens, visitors, and tourists.
 - h. The downtown area defined in the Downtown Framework Plan is an area in which urban design significantly influences the health and vitality of the total community.
- (2) No off-premise/billboard sign shall be constructed or erected in any district after the date of the enactment of this subsection 27-706(b) [Ord. No. 99-5107, enacted Nov. 22, 1999]. For each non-conforming off-premise/billboard sign face removed a conforming off-premise/billboard sign face may be erected. Therefore, if a proposed conforming off-premise/billboard sign face will replace an existing non-conforming off-premise/billboard sign face within the city limits, then such proposed off-premise/billboard sign face shall comply with all of the applicable regulations contained herein.

When all non-conforming off-premise/billboard signs within the city have been removed pursuant to this section, then additional off-premise/billboard signs may be constructed in accordance with the regulations contained herein.

- (3) Location standards: All billboards shall be located in accordance with the following standards:
- a. Zoning districts:
 1. Billboards shall be permitted as an allowed use in Highway Commercial (HC), Controlled Industrial (CI), and Heavy Industrial (HI) zoning districts.
 2. Billboards shall be permitted as an allowed use in Community Commercial (CC) zoning district provided that the structure is two hundred (200) feet or more from a residential zoning district.
 3. A special review shall be required for all billboards to be located in a CC zone if the structure is less than two hundred (200) feet but greater than one hundred-fifty (150) feet from a residential zoning district.

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4. Billboards shall be permitted in Central Business District (CBD) upon approval of a special review.
 5. No new billboards shall be permitted on, directed to, or within two hundred (200) feet of the following corridors:
 - i. 27th Street from I-90 to Airport Road (excluding 27th Street North from Montana Avenue to 6th Avenue North).
 - ii. Highway 3 (Airport Road) from Alkali Creek Road west to the city limits.
 - iii. Shiloh Road from I-90 to Rimrock Road.
 - iv. Yellowstone River.
 - v. Any historic district registered on the National Register of Historic Places.
- b. Locations standards:
1. Billboards shall be set back 20 feet from the front property line.
 2. No billboard shall be placed on the roof of any building or structure.
- c. Spacing standards:
1. Billboards shall be required to have the following spacing requirements:
 - i. Billboards located in CC shall have a minimum spacing of a 1,000-foot radius from any other off-premise structure.
 - ii. Billboards located in HC shall have a minimum spacing of a 600-foot radius from any other off-premise structure.
 - iii. Billboards located in CI and HI shall have a minimum spacing of six hundred (600) linear feet from any other off-premise structure.
 2. No billboard shall be placed within one hundred fifty (150) feet of any residential zone.
- (4) Area, height, face, and pole standards: All billboards shall conform to the following standards:
- a. Sign area: New billboards faces and supporting framework shall not exceed the following sign areas:
 1. New billboards shall be a maximum of two hundred fifty (250) square feet.
 2. New billboards located within the Interstate Corridor shall not exceed four hundred eighty (480) square feet.
 - b. Height:
 1. The maximum overall height shall be thirty-five (35) feet above the road grade to which the billboard reads.

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2. The minimum distance between grade and the bottom of the billboard shall be fifteen (15) feet.
 - c. Faces:
 1. There shall be no more than a total of two (2) faces per supporting structure.
 2. All structures must be single face, back-to-back, or "v" type of construction.
 - d. Pole construction: All structures must be of single pole construction.
- (5) Lighting: Lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- (6) Maintenance and discontinuance:
- a. Maintenance:
 1. All sign supports, braces, guys and anchors, shall be kept in good repair. Faces of all signs shall be kept neatly painted or posted at all times. The city shall notify the sign owner or its agent, in writing, of any sign that is not in proper state of repair. If corrective action is not taken within (30) days of written notice, the city official may order the removal of the sign.
 2. Off-premise/billboards signs that are damaged or destroyed by more than fifty (50) percent of the value of the sign structure shall not be reconstructed and shall be removed.
 3. All areas around the sign structure shall be kept litter and weed free.
 - b. Discontinuance: The city may order the removal of any billboard, without compensation, upon which the advertising or other message has been discontinued for more than sixty (60) days continuous days. The owner shall either advertise upon or remove said billboard within thirty (30) days of written notification by the city.
- (7) Special review requirements for off-premise/billboard signs in CC and CBD. The following criteria will be used in reviewing the proposed structure:
- a. That the location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections.
 - b. That the signs in the CBD will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
 - c. That the sign will not obstruct views of users of adjacent buildings to side yards. This requirement does not include views of distant vistas.
 - d. That the sign cannot be seen from churches, schools, the Yellowstone River or any city, county, or state park or if it can be seen it must be located at two hundred fifty (250) feet from the boundaries of such places.

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- e. That the height of signs located in undeveloped areas (no buildings within 300-foot radius) shall not exceed twenty-six (26) feet above grade. The minimum clearance of a sign shall never be less than fifteen (15) feet.
 - f. That the sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- (8) Off-premise/Billboard Electronic Displays may be allowed on any off-premise/billboard sign face provided it conforms to all of the standards and requirements of the City Sign Code including the limitation on replacement of nonconforming off-premise billboard signs in Section 27-706(b)(2) and the maintenance and repair of nonconforming off-premise/billboard signs in Section 27-706(b)(6). An Off-premise/Billboard Electronic Display may be used as the only sign area on an off-premise/billboard sign face. An Off-premise/Billboard Electronic Display shall not change from one still image to another still image more than once every six (6) seconds. An Off-premise/Billboard Electronic Display shall not include any other visual effects including but not limited to animation, motion pictures, video, holograms, moving parts or the illusion of movement and shall not include any audible sound.
- (c) *Shopping center or mall signs.*
- (1) One (1) free-standing sign indicating only the name and nature of the occupancy for each developed parcel not to exceed three (3) square feet of sign area for each lineal foot of street frontage abutting the developed portion of the parcel, provided that:
- a. Signs will be permitted as follows:

<i>Frontage Feet</i>	<i>Signs</i>
0-- 600	1 free-standing sign
601-- 900	2 free-standing signs
901--1200	3 free-standing signs
Over 1200	3 free-standing signs plus, 1 additional sign for each 300 lineal street frontage feet over 1200 frontage feet

- b. Where a developed parcel is permitted to have more than one (1) free-standing sign under this article, the distance between the free-standing signs on each parcel shall be not less than one hundred fifty (150) frontage feet;
- c. The sign must be located five (5) feet behind all property lines except:
 - i. If the bottom of the structure is twelve (12) feet or higher above the establish grade, then the sign structure may be located up to one (1) foot behind the property line; or
 - ii. If the sign is in the Central Business District, then the sign structure can be located up to the property line.
- d. No free-standing sign shall exceed the height of thirty (30) feet except freestanding signs in the highway commercial zone which shall not exceed

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the height of fifty (50) feet. No signs shall exceed four hundred (400) square feet in sign area. One (1) measured side of the display shall compose the square footage;

- e. If a free-standing sign projects over a private vehicular driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be seventeen (17) feet;
 - f. No rotating free-standing sign shall rotate at a rate faster than six (6) revolutions per minute or have a minimum clearance lower than nine (9) feet between the bottom of the sign and the ground;
 - g. When a developed parcel fronts on more than one (1) public right-of-way or street, excluding alleys and serviceways, the above provisions of subsection (c) shall apply to each frontage.
- (2) One (1) wall or one (1) canopy sign and four (4) architectural blade signs indicating only the name and nature of the occupancy for each occupancy within the developed parcel as follows:
- a. No sign shall exceed a total area of three (3) square feet of copy for each lineal foot of building frontage of each occupancy except buildings over two (2) stories shall be allowed an additional one (1) square foot of copy for each lineal foot of building frontage of each occupancy;
 - b. If such occupancy is on a corner, one (1) wall sign or one (1) canopy sign will be permitted for each frontage face;
 - c. A permitted wall sign(s) can be transferred from one wall to another wall provided the number of signs remain within the permitted number of signs and within allowable sign area;
 - d. No wall or canopy signs shall project into the public right-of-way, except:
 - i. In the Central Business District, wall signs may project eighteen (18) inches over the right-of-way, subject to a minimum height limit of nine (9) feet from the sidewalk; and
 - ii. In the Central Business District, canopy signs may project up to two (2) feet to a vertical line from the curb face over the right-of-way.
 - e. If the building includes a canopy, each tenant will be permitted one (1) under canopy sign. Any signs attached to the underside of a canopy shall be perpendicular to the wall face of building and shall not have a copy area greater than four (4) square feet or have a clearance lower than eight (8) feet from the sidewalk.
- (3) Interior mall signs shall be regulated by the mall association or owner.
- (4) Electronic Message Display signs may be permitted pursuant to Section 27-705(c) 5. A shopping center that has frontage on more than one (1) public right-of-way may have one (1) Electronic Message Display (EMD) free standing sign on each public right-of-way frontage.

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(d) *Medical corridor and South 27th Street corridor signs.*

(1) Statement of special purpose.

a. Medical Corridor. The Billings Medical Corridor Permit Zoning District as set forth in Article 27-900 (the “Medical Corridor”) is a unique, distinct and separately identifiable area of the City of Billings. Over time, a majority of the Medical Corridor has developed a campus environment that is separate and distinct from the surrounding area. The large scale buildings, the complexities of the medical campuses, the needs and abilities of those seeking medical and emergency services, and the diversification of services offered within the Medical Corridor create a need for flexibility in establishing clear way-finding and informational signage. Accordingly, this special Medical Corridor sign code is adopted to facilitate, enhance, encourage and promote the following purposes:

- (i) To facilitate and foster complementary uses servicing the healthcare community, including hospitals, clinics, medical office buildings, laboratories, and related or supporting uses;
- (ii) To promote a unique, attractive and distinctive healthcare campus environment with limited retail uses;
- (iii) To encourage creativity and continuity in design, quality, and the character of new signage;
- (iv) To anticipate and recognize the needs of patients and visitors in the Medical Corridor;
- (v) To safeguard and enhance property values, and to protect public and private investment in the Medical Corridor;
- (vi) To promote those qualities in the visual environment which bring economic value to the community;
- (vii) To encourage the design of signs that are in harmony with the principal activities and structures that they serve and that are compatible with the overall healthcare campus environment;
- (viii) To alleviate the burdens of complex compliance and enforcement responsibilities; and
- (ix) To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the Medical Corridor.

The Medical Corridor is primarily occupied by regional healthcare providers that draw patients and visitors from a multi-state region. The Medical Corridor sign code recognizes that patients and visitors to the Medical Corridor need to be able to easily

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and conveniently locate, identify, and find their way to hospitals, medical groups, clinics, medial departments, laboratories, physicians, and other healthcare points of interest.

The primary purpose of the Medical Corridor is healthcare, with very limited retail uses. Accordingly, the Medical Corridor sign code recognizes that the primary purpose of signs in the Medical Corridor is not for retail purposes, yet retains historical restrictions for retail establishments within the Medical Corridor.

The caliber of the development of the medical campuses within the Medical Corridor over time has demonstrated a commitment to maintaining architecturally sound and aesthetically pleasing signage, as well as uniform appearance of signage within parcels under common ownership. Healthcare and healthcare providers are constantly evolving and changing. One of the express purposes of the Medical Corridor sign code is to provide healthcare providers with flexibility with respect to both way-finding and informational signage.

- b. South 27th Street Corridor. This section acknowledges the architectural visual concerns associated with the South 27th Street Corridor Zoning District as set forth in Article 27-800. This section further recognizes the needs and benefits of limited sign standards that will adequately serve the uses in this zoning district and those who utilize their services, and at the same time, recognizes the need to protect the remaining residential areas within, adjacent and surrounding these zoning districts from the intrusion of unsightly, excessive and confusing sign usage.
- (2) Healthcare Purposes Sign Definition. As used within this section, the term *Healthcare Purposes Sign* shall mean any sign located in the Medical Corridor (excluding prohibited signs) that:
 - a. identifies a hospital, clinic, medical building, healthcare facility, emergency room, trauma center, healthcare provider or Ancillary Healthcare Service (as defined herein below), and/or associated parking areas located in the Medical Corridor; or
 - b. provides direction to a hospital, clinic, medical building, healthcare facility, emergency room, trauma center, healthcare provider or Ancillary Healthcare Service, and/or associated parking areas located in the Medical Corridor.

For the purposes of this definition, the phrase “Ancillary Healthcare Service” shall not include restaurants, hotels, motels, churches, and gas stations.

- (3) Except as provided in subsection (4) below, the Medical Corridor and the South 27th Street Corridor, signs are permitted per developed parcel as follows:
 - a. Two (2) monument type signs, provided the two (2) monument signs are located on separate public street frontages and located at least one hundred (100) lineal frontage feet apart, measured along property line, as follows:

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- i. One (1) main identification free-standing sign not exceeding forty (40) square feet in sign area nor be over twelve (12) feet in height;
 - ii. One (1) secondary identification free-standing sign not exceeding thirty-two (32) square feet in sign area nor be over eight (8) feet in height.
 - b. One (1) identification wall sign placed flat against a building or designed as part of an architectural feature for each public street frontage for each developed parcel not to exceed fifty (50) square feet in sign area.
 - c. Free-standing directory signs shall not exceed eight (8) square feet in sign area nor be over five (5) feet in height. Wall directory signs shall not exceed eight (8) square feet in sign area.
- (4) Healthcare Purposes Signs Permitted
- a. Except for those signs specifically prohibited by Section 5 below, all Healthcare Purposes Signs shall be permitted in all portions of the Medical Corridor except for the area west of North 30th Street.
 - b. Emergency Room and Trauma Center Signs. All Emergency Room and Trauma Center signs shall be permitted in the Medical Corridor as Healthcare Purposes Signs.
- (5) Prohibited Signs and Lighting. The following signs and lighting shall be prohibited in the Medical Corridor:
- a. Strobe lights;
 - b. Searchlights;
 - c. Balloon signs;
 - d. Portable signs;
 - e. Flashing neon signs;
 - f. Third party signs;
 - g. Billboards;
 - h. Flashing incandescent lamps;
 - i. Vehicles used as signs (provided that this provision shall not be construed as prohibiting the identification of a healthcare services entity or provider);
 - j. Signs projecting into Rights-of-Way;
 - k. Window signs;
 - l. Signs exceeding 20 (twenty) feet in height;
 - m. Signs exceeding 175 square feet of area;
 - n. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;
 - o. Signs that create a safety hazard for pedestrian or vehicular traffic;

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- p. Signs attached to or placed on a motor vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business;
 - q. Any electronic reader board sign or animated sign that is otherwise prohibited by the City of Billings Sign Code.
 - r. Wall signs which, individually or collectively, cover more than 25% of the surface area of any wall. The surface area of a wall shall be determined by measuring the building height and multiplying it by the length of the wall, without deduction for doors and windows.
- (6) Electronic Message Display signs may be permitted pursuant to Section 27-705(c) 5.
- (e) *Church, school and other institutional use signs.* Regardless of which zoning district a church, school or other institutional use, including fraternal organizations, are located within, such uses shall be permitted the following signs:
- (1) One (1) free-standing monument announcement sign or bulletin board not to exceed five (5) feet in height, or eight (8) feet in length, inclusive of supporting structure; and
 - (2) Two (2) wall signs placed flat against a building or designed as a part of an architectural feature not to exceed thirty-two (32) square feet per sign. Additional signs may be authorized by special review of the city council.
 - (3) Electronic Message Displays may be allowed provided they do not flash, scintillate, blink, show motion borders or traveling lights or display video. One (1) Electronic Message Display (EMD) as part of a free-standing monument sign or wall sign may be permitted provided the EMD does not exceed 50% of the sign area for a free-standing sign or 10 square feet for a wall sign. An EMD may only be used in conjunction with an immediately adjacent wall sign or as part of a free standing sign and shall not be displayed on its own. An EMD wall sign must be placed near the primary public entrance. The maximum height of an EMD wall sign shall be 12 feet from the building wall grade. EMD wall signs shall not be placed less than two feet from the top of the wall it is installed on.
- (f) *Temporary signs.*
- (1) *Permits required.* It shall be unlawful for any owner or person entitled to possession of any property or business, or their authorized representatives, to erect, construct, move, or display a temporary sign or cause the same to be done, without first obtaining a temporary sign permit from the sign administrator. A temporary sign permit may be issued:
 - a. To new businesses or to existing businesses which are relocating and shall be limited in use to one time for no longer than sixty (60) days; or
 - b. To existing businesses for the purpose of advertising and shall be limited to a maximum of thirty (30) consecutive days per calendar year. Such

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thirty-day period may be split into no more than two (2) separate periods of fifteen (15) consecutive days each.

All temporary signs, other than over-street banners, shall be located on private property. Any temporary signs located on public rights-of-way shall be subject to removal by the sign administrator without notice.

- (2) *Application for permits.* Application for a temporary sign permit shall be made to the sign administrator by the owner or person entitled to possession of the property or business on which the temporary sign is to be located and shall be upon the form prescribed by the city administrator. All information required by the sign administrator to assure compliance with all laws and regulations of the city shall accompany the application, including:
 - a. Name and address of the owner of the temporary sign;
 - b. Name and address of the owner or person in possession of the business or premises on which the temporary sign is to be located and the length of time that the business has existed at such location;
 - c. Clear and legible drawings or photo with description definitely showing the proposed location of the temporary sign which is the subject of the permit and of all other existing signs on the premises.
- (3) *Permit fees.* The application for the temporary sign permit shall be filed with the sign administrator, together with a permit fee in the amount set forth in the fee schedule established by the city administrator.
- (4) *Issuance--Denial.* The sign administrator shall issue a temporary sign permit for the erection or display of a temporary sign within the city when he has determined that the applicant has met all requirements of this section and all other applicable laws of the city. The sign administrator shall establish area/height allowance and shall specify where the temporary sign is to be located, taking into consideration clear vision and setback requirements. The sign administrator shall give the applicant a validation sticker indicating the expiration date of the permit. The applicant must immediately affix the sticker to the side of the temporary sign in a clearly visible location. No temporary sign may be displayed unless the validation sticker is in place and the sign is located in the position specified by the sign administrator. In no event shall a permit or sticker be valid for more than sixty (60) consecutive days.
- (5) *Temporary sign logs.* All persons, firms, partnerships, corporations or businesses leasing or renting temporary signs shall maintain a temporary sign log and shall record therein in clear and legible ink: The location where and date that each of their temporary signs is installed; the names of the person and business to whom a temporary sign permit was issued for each sign; and the date that each temporary sign is removed. The original copy of each month's log shall be personally delivered to the sign administrator on the last working day of each month or shall be sent to the sign administrator through the United States mail, postmarked no later than the first day of the following month. Said log shall be open to the inspection of the sign administrator at all reasonable times.
- (6) *Permits not required.*

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- a. The following temporary signs are allowed without permits:
 1. Signs which identify the location of rummage and garage sales;
 2. Signs which advertise the activities of a nonprofit organization;
 3. Political posters (see section 27-707(b)(16));
 4. Signs which advertise property for sale, lease or rent (see section 27-707(b)(19));
 - b. Such temporary signs allowed shall:
 1. Be removed after thirty (30) days of use (see exceptions for political or campaign signs 27-707(b)(16));
 2. Not exceed one (1) sign per property frontage.
 - c. No temporary sign shall cause unsafe ingress or egress or otherwise create traffic visibility problems.
- (7) *Size and placement limitations.* Temporary signs shall only be allowed to a maximum height of eight (8) feet with allowable square footage not exceeding thirty-two (32) square feet on each side of the display. Measuring one (1) side of the display shall determine the square footage for purposes of computation. In addition, temporary signs shall be located at least one hundred fifty (150) feet apart and a minimum of five (5) feet behind all property lines.
- (8) *Penalty.* Any person convicted of a violation of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred fifty dollars (\$150.00).

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SEC. 27-707. EXCEPTIONS AND EXEMPTIONS.

The following operations shall not be considered as creating a sign insofar as requiring the issuance of sign permit or permissibility in a district, but the signs must be in conformance with this article, ordinances and regulations of the city, and all other building, structural and electrical laws:

(a) *Permit exceptions:*

- (1) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy;
- (2) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of or a change of a plastic face will be included as an exempt operation;
- (3) Changes in the content of show window displays and permitted temporary signs;
- (4) Changing sign--Automatic with no identification of ownership.

(b) *Exempt signs:*

- (1) *Banner and balloon signs.* Banner and balloon signs are allowed as follows:

- a. *Banner signs (public right-of-way):* Banner signs may be suspended across public right-of-way subject to the following conditions:
 1. A banner sign application, which has been signed and approved by the owners of all private property to which the sign will be affixed, shall be submitted.
 2. The banner sign application must be submitted to and approved by the city sign administrator prior to placement of the banner sign.
 3. Message and symbols are limited to public service messages with no commercial advertising of any nature appearing on the banner. This shall not preclude the identification of an event sponsor provided that such identification shall not occupy more than fifteen (15) percent of the area of the banner.
 4. The maximum allowable size of a banner sign is three (3) feet by twenty (20) feet.
 5. The maximum time during which any banner sign may be displayed is thirty (30) days.
 6. The city may require the applicant to indemnify the city and to provide insurance covering any liability that may occur as a result of placement of the sign.
 7. Application for a banner sign may not be submitted earlier than six (6) months prior to the date when the sign will first be displayed.

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- b. *Banner signs (private property)*: Banner signs may be securely attached to a structure, the wall of a building or canopy as follows:
1. Two (2) banner signs for two (2) periods in a calendar year not exceeding thirty (30) consecutive days per period at any business location;
 2. Banner signs shall not exceed thirty-two (32) square feet in sign area; and
 3. Banner signs shall not direct attention to a business commodity, service or entertainment not related to the premise at which the sign is located.
- c. Balloon signs are allowed in all zones except residential and residential professional as follows:
1. One (1) balloon sign for a total period not to exceed three (3) days in any one-month period at any business location;
 2. No balloon sign and structure shall exceed the height of thirty (30) feet;
 3. No balloon sign and structure shall be greater in volume than four thousand five hundred (4,500) cubic feet; and
 4. Balloon signs are permitted on rooftops provided balloon signs and balloon structures are securely anchored to the rooftop.
- (2) *Bench signs*. Bench signs on benches, controlled or authorized by the Billings MET. Indemnification clause or proof of liability insurance may be required by the city;
- (3) *Construction signs*. One (1) building construction sign per construction project not exceeding thirty-two (32) square feet in sign area in residential districts or sixty-four (64) square feet in sign area in all other districts, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five (5) days after issuance of an occupancy certificate or completion of construction and prior to occupancy;
- (4) *Directional or instructional signs*. Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not exceed four (4) square feet in sign area, signs identifying rest rooms, public telephones, walkways, or signs providing direction such as a [as] parking lot entrance and exit signs and those of similar nature. Signs shall not cause visual obstructions to traffic;
- (5) *Flags, or pennants*. The flags, emblems or insignia of any nation, political subdivision, corporate flag, corporation, or any other entity or business;
- (6) *Garage sale signs*. Garage sale signs not exceeding four (4) square feet in sign area;
- (7) *Governmental regulatory signs*. Governmental regulatory signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad

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crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his or her public duty;

- (8) *Historical landmark signs.* Signs identifying structures or landmarks which have been designated as a historical landmark locally or nationally and not located in the historical district. Each landmark or structure is permitted one monument sign, attached or detached, not greater than four (4) square feet in sign area for the attached sign, eight (8) feet in sign area for the detached sign, and not exceeding eight (8) feet in height;
- (9) *Holiday decorations or seasonal signs.* Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days nor more than sixty (60) days in any one (1) year. Such signs may be of any type, number, area, height, illumination or animation; and shall be set back ten (10) feet from all boundary lines of the lot, provided that a clear area be maintained to a height of seventy-two (72) inches, within fifty-five (55) feet of the intersection of two (2) streets, a railroad and a street and a street and driveway, as measured from the property line;
- (10) *House numbers, residential name plates and commercial addresses.* House numbers, residential name plates and commercial addresses not exceeding two (2) square feet in area for each residential building;
- (11) *Incidental signs.* Up to two (2) incidental signs may be attached to a free standing sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards excepted, official notices of services required by law, or trade affiliations. The area of each sign may not exceed five (5) square feet; the total area of all such signs may not exceed ten (10) square feet and will be subtracted from the allowable sign area;
- (12) *Interior signs.* Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications as set out in this article;
- (13) *Memorial signs, plaques, symbols or insignia signs.* Memorial signs, plaques, religious symbols, tablets, identification emblems of religious orders or historical agencies, provided that no such memorial sign, symbol, plaque, tablet or identification emblem shall exceed four (4) square feet in sign area, and provided further that all such memorial signs, symbols, plaques, tablets, and identification emblems shall be placed flat against a building. Names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building are also allowed;
- (14) *Neighborhood Watch signs.* Neighborhood Watch signs may be posted on property within residential, residential professional and public zoning districts provided that the total area of all Neighborhood Watch signs on a single

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property do not exceed sixteen (16) square feet in sign area. Neighborhood Watch signs shall be posted on private property and may be placed flat against the wall of a building or detached if they do not exceed 8 feet in height and are placed five (5) feet behind all property lines. A detached Neighborhood Watch sign must not exceed thirty-six (36) inches in height if it is placed within a clear vision area at the intersection of streets, streets and alleys or streets and driveways. Please see Section 27-615 and 27-618 of the Unified Zoning Regulations for the definition and illustration of clear vision areas at intersections.

- (15) *Notice bulletin boards.* Notice bulletin boards not over twenty-four (24) square feet in area for medical, public, charitable or religious institutions where the same are the primary use located on the premises;
- (16) *No-trespassing or no-dumping signs.* No-trespassing or no-dumping signs not to exceed one and one-half (1 1/2) square feet in area per sign and not exceeding four (4) in number per lot, except that special permission may be obtained from the sign administrator for additional signs under proven special circumstances;
- (17) *Political or campaign signs.* Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - a. Such signs may be erected not earlier than forty-five (45) days prior to the primary or special election and shall be removed within fifteen (15) days following the general or special election. If there is no primary election scheduled, then such signs may not be erected earlier than forty-five (45) days prior to the general election. After the primary election, signs pertaining to any candidate or ballot issue not on the general or special election ballot shall be removed within fifteen (15) days after the primary election, unless the candidate is conducting a write-in campaign. This provision does not prohibit a successful primary candidate from erecting additional signs after the primary election or an unopposed candidate at the primary from erecting signs prior to or immediately after the primary election.
 - b. In any zone, each parcel of land is permitted to display political signs provided that, in total, such signs do not exceed thirty-two (32) square feet in aggregate area and, if detached, do not exceed six (6) feet in height. Signs over thirty (30) inches in height shall comply with the clear vision standards as required by section 27-615 "Visibility at Intersections". Such sign shall not be erected in such a manner as to constitute a roof sign. Notwithstanding the provisions of this subsection, a sign may be placed upon any legally existing sign structure, but not so as to cover an already existing current sign.
 - c. No political sign shall be located within or over the public right-of-way or on a utility pole.
 - d. No political sign shall be placed, installed, or erected without the permission of the private property owner.

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- (17) *Public service signs (notices)*. Official notices or other public service information posted by public officers or employees in the performance of their duties;
- (18) *Public signs*. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number area, height above grade, location, illumination, or animation required by the law, statute or ordinance under which the signs are erected;
- (19) *Real estate signs*. One (1) real estate sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six (6) square feet in sign area in residential zones and twelve (12) square feet in commercial zones, and is removed within seven (7) days after the sale, rental or lease has been accomplished. "Open house" signs must be placed on private property and shall not be placed on or project over a public right-of-way;
- (20) *Subdivision development signs*. Two (2) subdivision development signs per subdivision development project not exceeding thirty-two (32) square feet in sign area in residential districts or sixty-four (64) square feet in sign area in all other districts. This off-site sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate sales firm, and may refer to materials, appliances, supplies and building trades used in construction of the dwelling units, or services provided by the developer. The sign shall be removed six (6) months after the last lot is constructed upon;
- (21) *Symbols or insignia signs*. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building;
- (22) *Warning signs*. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger;
- (23) *Window signs*. A sign installed inside a window for purposes of viewing outside the premises.

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SEC. 27-708. PROHIBITED SIGNS AND SIGN STRUCTURES.

The following types of signs and sign structures are expressly prohibited in all districts, except as otherwise provided by this article.

- (1) *Animated and intensely lighted signs:* No signs shall be permitted which are animated by means of flashing, scintillating, blinking, traveling lights, displaying video or any other means not providing constant illumination (unless specifically permitted in special sign districts). Electronic Message Displays may be allowed provided they do not flash, scintillate, blink, show motion borders or traveling lights or display video.
- (2) *Abandoned signs:* Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located.
- (3) *Parking of advertising vehicles prohibited:* No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so that it is visible from the public right-of-way and which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle, or company vehicle signs.
- (4) *Swinging signs:* Signs installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole. See section 27-709(i).
- (5) *Unclassified signs:* The following signs are also prohibited, which:
 - a. Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;
 - b. Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;
 - c. Operate or employ visible moving parts or any portion of which moves, or give the illusion of motion except as permitted in this article;
 - d. Emit audible sound, odor or visible matter; or
 - e. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (6) *Unightly visible frames, or angle iron:* Visible angle iron frames or structures to support projecting signs.

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***** COMPLIANCE FOR EXISTING ELECTRONIC MESSAGE DISPLAY SIGNS.** Electronic Message Display Signs shall comply with the limitations and prohibitions in this ordinance that affect the operation and manner of display except for the prohibition of video on existing Electronic Message Display Signs. All other prohibitions and requirements in Sections 27-705(c)5.a.iv; 27-705(c)5.d and 27-708(1) shall apply. All existing Electronic Message Display Signs will comply with these specific sections on the effective date. All other adopted revisions may make existing Electronic Message Display Signs a legal nonconforming sign as specified in Section 27-711 of the City Sign Code.

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SEC. 27-709. CONSTRUCTION SPECIFICATIONS.

- (a) *Compliance with building code.* All signs shall comply with the appropriate detailed provisions of the city building code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards hereinafter set forth in this section.
- (b) *Construction of signs, auxiliary specifications:*
 - (1) *Identification and marking.* Each sign hereafter erected or remodeled shall bear, in a permanent position thereon, a clearly legible identification plate stating the name and address of the owner of the sign, and the person responsible for its construction, erection and the date of erection.
 - (2) *Obstruction to exits.* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
 - (3) *Obstruction to ventilation.* No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the building or fire prevention codes.
 - (4) *Clearance from high voltage power lines.* Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than twenty-four (24) inches horizontally or vertically from any conductor or public utility guy wire.
 - (5) *Drainage.* The roofs of all marquees exceeding forty (40) square feet shall be properly guttered and connected with downspouts to storm sewers so that water will not drip or flow into public sidewalks or streets.
 - (a) *Free-standing signs; materials.* All free-standing sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures or poles shall be fabricated only from painted steel or such other materials as may be approved by the building code of the city.
 - (b) *Electric signs.* The full number of illuminating elements thereof shall be kept in satisfactory working condition or immediately repaired or replaced. All signs shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnecting switch located in accordance with the provisions of the safety code, including a disconnecting switch on the outside of the sign.
 - (c) *Glass.* When glass is used for sign letters or transparent panels, it shall be at least double strength thickness for sign areas up to and including three hundred (300) square inches. When glass is used for sign letters or transparent panels for sign areas in excess of three hundred (300) square inches, at least one-quarter inch wire glass shall be used and the maximum span between supports shall be four (4) feet.

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(d) *Strength of parapet wall.* A parapet wall must be designed for and have sufficient strength to support any sign which is attached thereto.

(e) *Supports and braces.* Metal supports or braces shall be adequate for wind loadings (see subsection (h)). Wire or cable supports shall have a safety factor of four (4). All metal, wire cable supports and braces and all bolts used to attach sign to bracket or brackets and signs to the supporting building or structure shall be of galvanized or of an equivalent material. There shall be no visible angle irons, or unsightly supports. All such sign supports shall be an integral part of the sign design. There shall be a pole cover on all free-standing signs unless the pole is an integral part of the sign.

(f) *Wind loads.* All signs, except those attached flat against the wall of a building shall be constructed to withstand wind loads as prescribed in the most current edition of the Uniform Building Code.

(g) *Sign anchoring.* No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

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SEC. 27-710. REMOVAL AND DISPOSITION OF SIGNS.

(a) *Maintenance and repair.* Every sign including but not limited to those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. The sign administrator shall require compliance with all standards of this article. If the sign is not made to comply with adequate safety standards, the sign administrator shall require its removal in accordance with this section.

(b) *Abandoned signs.* Except as otherwise provided in this article, any sign which is located on property which becomes vacant and unoccupied for a period of three (3) months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

(c) *Dangerous or defective signs.* No person shall maintain or permit to be maintained on any premises owned or controlled by such person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

(d) *Unlawful signs.* No person shall erect on any premises owned or controlled by such person any sign which does not comply with the provisions of this article.

(e) *Street improvement projects.* Any sign projecting over a public right-of-way on November 24, 1980 which was subject to removal or relocation at the owner's expense, pursuant to a permit or other ordinance of the city, shall be removed by the owner or altered at the owner's expense to comply with the regulations of this article if, as the result of, or after completion of a street improvement project, the sign does not or would not comply with the provisions of this article.

(f) *Removal of signs by the sign administrator.* The sign administrator shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The sign administrator shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the sign administrator shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

For all other signs, the notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. If known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.

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Any person having an interest in the sign or the property may appeal the determination of the sign administrator ordering removal or compliance by filing a written notice of appeal with the board of adjustment.

The sign administrator may without notice cause immediate removal of a dangerous or defective sign or a temporary sign or a temporary sign not exhibiting a current validation sticker.

Temporary signs are specifically excluded from the foregoing notice requirements. Violators of ordinances pertaining to temporary signs may immediately be cited without advance notice.

For the purpose of removal, signs shall also include all sign structures.

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SEC. 27-711. LEGAL NONCONFORMING SIGNS.

(a) *Notification of nonconformity.* After November 24, 1980, the sign administrator shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this article. Upon determination that a sign is nonconforming, the sign administrator shall use reasonable efforts to notify, in writing, the user or owner of the property on which the sign is located of the following: (i) the sign's nonconformity; and (ii) whether the sign is eligible for characterization either as legal nonconforming or unlawful. Failing determination of the sign owner, user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

(b) *Signs eligible for characterization as "nonconforming."* Any sign located within the city limits on November 24, 1980, or located in an area annexed to the city thereafter, which does not conform with the provisions of this article, is eligible for characterization as a "nonconforming" sign and is permitted, provided it also meets the following requirements:

- (1) The sign was covered by a sign permit or variance on November 24, 1980 if one (1) was required under applicable law; or
- (2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with applicable law on November 24, 1980.

(c) *Loss of legal nonconforming status.* A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

- (1) The sign is altered in any way in structure or copy except for changeable copy signs and normal maintenance;
- (2) The sign is relocated;
- (3) The sign is replaced; or comes under the classification of a temporary sign as defined by this article;
- (4) On the happening of any one of (1), (2), or (3), the sign shall be immediately brought into compliance with this article with a new permit secured therefor, or shall be removed.

(d) *Maintenance and repair.* Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provision of this article regarding safety, maintenance and repair of signs, contained in this article, provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign may lose its legal nonconforming status.

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SEC. 27-712. SPECIAL SIGNS AND SIGN DISTRICTS.

(a) *Signs for special events.* Temporary signs, not in excess of four (4) square feet in area, may be erected as participation in public parades, public events or public celebrations for a period not to exceed ten (10) days, provided, however, the erection of such signs shall be approved by the sign administrator.

(b) *Nonexempt signs for direction or instruction.* Signs in excess of eight (8) square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain. In addition, the sign administrator may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fairgrounds and other similar public service facilities.

(c) *Special sign districts.* Merchants occupying sixty (60) percent or more of the street frontage in feet of properties on both sides of the street in any defined area may petition the city for the formation of a special sign district. This might be done for such reasons as to create an area with a particular ethnic atmosphere, to simulate an historic period, theatre or entertainment area, or other similar purpose. A group of property owners or persons in the right of possession will be chosen by the merchants to represent them. The group shall not exceed ten (10) members and shall comprise the governing body of the sign district. This body will draw to the criteria for signs in the district and submit such criteria to counsel for approval. The council will instruct the city clerk to notify all owners or persons in the right of possession within the boundaries of such district ten (10) days prior to the hearing, after which the council may approve the special sign district or may veto it. The veto can only be effected by a three quarters vote of the council. If the criteria for the special sign district are approved and become effective, the city shall publish them as regulations of a sign district in the same manner as a code of the city.

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SEC. 27-713. RESERVED.

Editor's note: Section 13 of Ord. No. 89-4781, adopted Feb. 27, 1989, repealed § 27-713, relative to signs in the historic district, which derived from Ord. No. 85-4650, §§ 1, 2, adopted July 22, 1985.

SECS. 27-714--27-729. RESERVED.

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DIVISION 2. MONTANA AVENUE SIGN DISTRICT*

[SEC. 27-730. MONTANA AVENUE SIGN DISTRICT CREATED.]

[Pursuant to section 27-712(c) of the Unified Zoning Regulations, the Montana Avenue sign district is hereby created.]

(Ord. No. 99-5098, 8-9-99)

***Editor's note:** Ord. No. 99-5098, § 1, adopted Aug. 9, 1999, amended the Code by adding provisions designated as sections 27-713(1)--27-713(14). In order to better conform to the format of the Code, the editor has redesignated the provisions of Ord. No. 99-5098 as Division 2 of Article 27-700, §§ 27-731--27-744.

SEC. 27-731. DISTRICT BOUNDARIES.

The Montana Avenue sign district extends from the centerline of North 22nd Street to the centerline of North 30th Street along Montana Avenue. The district extends from Montana Avenue north to the alley along any side street and from Montana Avenue south to the railroad tracks along any side street. (See attached map).

(Ord. No. 99-5098, 8-9-99; Ord. No. 04-5286, § 1, 6-14-04)

SEC. 27-732. PURPOSE.

Due to the unique character of the historic district located on Montana Avenue, these regulations are designed to encourage the preservation, revitalization, and enhancement of the district through the use of appropriate signage. These regulations also encourage compatibility of the signage with the historic character of the district.

This district shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; flags of any nation, government, or fraternal organization; barber poles; religious symbols; or any display or construction not defined herein as a sign.

Thus, the primary intent of this district shall be to regulate signs of a commercial nature intended to be viewed from vehicular or pedestrian public right-of-way.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-733. DEFINITIONS.

Words and phrases used in this division have the meanings set forth in this section.

Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Area of sign: The entire area of a sign including the area within a perimeter which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

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For computing the area of any wall or canopy sign which consists of letters mounted or painted on a wall or canopy, the area of the smallest rectangular figure which can encompass all of the letters.

Awning or canopy sign: Any sign that is a part of or attached to any awning, or canopy over a door, entrance, window, or outdoor service area, which does not extend horizontally beyond the limits of the canopy.

Banner sign: Any sign (other than an official flag) made of cloth, paper, or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

Billboard/third party advertiser: A sign that advertises products or services not sold or distributed on the premises on which the sign is located.

Building marker: Any sign indicating the name of a building, date, or other incidental information about its construction. A sign that is cut into a masonry surface or made of bronze or other permanent material.

Building frontage: The linear length of a building facing the public access or right-of-way.

Copy: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Ghost signs: Faded painted advertisements painted prior to 1935.

Lighting: Flashing action (animation). Neon and incandescent lamps may flash in the following ways.

- (1) *Alternating.* One (1) section comes on as another goes off.
- (2) *Scintillating.* Random sections go on and off with part of the lighting on at all times.
- (3) *Chasing.* one (1) section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
- (4) *Sweeping (filling).* The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.
- (5) *On-off action.* Not allowed. Lighting that goes all on and then all off.

Nonconforming sign: A sign that was erected legally but does not comply with subsequently enacted sign restrictions and regulations.

Parcel: A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, that at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

Primary public entrance: An entrance to a business which is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

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Projecting sign: A sign, other than a flat wall sign, which is attached to and projects from a building, wall, or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion.

Public right-of-way width: The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the city engineer shall determine the public right-of-way width.

Pylon/ground sign: Any sign supported by structures or supports that are placed on or anchored in, the ground that are independent from any building or structure, including monument signs.

Sign height: The vertical distance measured from the highest point of the sign to the crown of the adjacent street.

Street: A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, or however otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-734. MONTANA AVENUE SIGN REVIEW COMMITTEE.

(a) *Organization and duties.* The Montana Avenue sign review committee (committee) will consist of seven (7) committee members. Four (4) of the members shall be property owners or merchants of the Montana Avenue sign district, one (1) architect or design professional with a background in historic preservation, one (1) sign professional, and the city sign administrator. All members shall be voting members except for the city sign administrator. The committee is responsible for the review and approval of all sign permit applications within the Montana Avenue sign district.

The terms for each member, except the sign administrator, will serve two-year terms. Three (3) members of the initial committee will serve three-year terms, in order to stagger the terms of the committee members.

Any person interested in serving on the committee shall make application to the Montana Avenue Property Owners. The property owners will then forward the applications and their recommendation to the mayor of the City of Billings. The mayor will then make the necessary appointments to the committee to fill any vacancies.

(b) *Proceedings.* The committee shall schedule two (2) regular meetings, along with special meetings that may also be called by the chairperson. The chairperson may cancel the regularly scheduled meetings if no matters are pending for the committee's consideration. All meetings shall be open to the public.

(c) The committee, at the first meeting, shall establish by-laws that will establish procedures for selecting a chairperson, terms of the officers, meeting days, and other necessary functions of the committee.

The committee shall keep minutes of its proceedings, showing the vote of each member, or if absent or failure to vote, indicating such fact, and shall keep records of its official actions, all of which shall be a public record and shall be filed in the office of the Yellowstone County

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board of planning. The official minutes of the committee shall become effective immediately, unless otherwise directed by the committee. The city sign administrator in coordination with the committee shall designate a secretary of the committee and shall be the custodian of all records of the meetings, findings, conclusions and order of the committee.

(d) *Powers and duties.* The committee shall have the following powers:

The committee will review the sign application for compliance with the guidelines set forth and for compatibility with the structure and the district. The permit application will be evaluated on a point system. All signs shall be required to conform to specific standards as outlined in this division.

(e) *Decisions and appeals.* The concurring vote of four (4) members of the committee shall be necessary to decide in favor of an application in order for the applicant to receive a sign permit. Any person aggrieved by any decision of the committee may appeal the decision by presentation to the City of Billings city board of adjustment as outlined in section 27-1505 of the Unified Zoning Regulations.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-735. GENERAL SIGN CRITERIA.

In the Montana Avenue sign district all signs must receive approval by the sign committee. A set of both absolute and relative criteria has been established which gives the assurance that the signs erected are compatible with the nature and character of this district and to encourage creativity that is not permitted under traditional sign regulations.

An applicant must meet all the absolute criteria to qualify for a permit. In addition the applicant must also attain a minimum of at least seventy (70) percent of the maximum points possible, in order to obtain a sign permit, in the relative category.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-736. SPECIFIC CRITERIA.

(a) The absolute criteria must be satisfied before approval can be granted. This includes sign type, number, size, and location. Each of the applicable absolute criteria must be answered yes before approval can be granted.

(b) Relative criteria are assessed using a "point" system. Each sign must achieve a specified minimum percentage of these criteria. A score above the minimum percentage may be used to receive extra points. The absolute criteria are designed to reduce the negative impacts, while the relative criteria focus on the actual design of a sign including, but not limited to: compatibility with the building's architecture, the design compatibility with the era of the district, building, color, location on the building, materials used, lighting, size, and dimensions, and creativeness of design. The design of a sign is evaluated against the relative criteria and scored on a point chart.

(c) A sign shall be evaluated as follows:

(1) *Absolute criteria.* Each of the absolute criteria is answered yes, no, or not applicable. A "no" answer to any applicable absolute criteria will automatically exclude the application, as proposed, from further consideration

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at that time. Modifications will need to be made to correct any problems before further consideration will be given to the sign proposal.

- (2) *Relative criteria.* The signage plan is evaluated against each applicable relative criterion and assigned a "score." A sign may receive a score of 0 to 10, with 10 being the highest. The numerical score is assigned based on the following (Only 0, 5, and 10 are defined as points of reference):

10 = For an excellent job of implementing the criteria or for doing the best job possible, given the constraints and opportunities of the site.

5 = For an adequate job of implementing the criterion.

0 = For no effort or failure to implement the criterion.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-737. PERMITTING PROCEDURE.

All sign applications shall be submitted to the City of Billings sign administrator. Deadline dates for the application will be the first and third Monday of each month. At the time the application is submitted, the sign administrator will review the application for completeness. If the application is not complete, it will be returned to the applicant. The complete application then will be forwarded to the Montana Avenue sign review committee.

- (1) It will be the responsibility of the city sign administrator to process permit requests under this system in the following manner:
- a. An applicant will submit his/her application for a sign permit. An application will contain, but not be limited to the following information:
 1. A completed sign permit application form;
 2. A dimensioned site plan showing the sign location (if applicable);
 3. Building elevation drawings showing the location of all existing signs and the location of the sign being applied for;
 4. A scaled drawing of the sign including: sign design, types of material, colors, style of lettering, etc.
 - b. The sign administrator will, at that time, review the application for completeness. If the application is incomplete, it will be returned to the applicant.
 - c. Upon receipt of a complete application, the sign administrator will notify the applicant of the meeting date, time, and location with the Montana Avenue sign review committee.
 - d. The review will result in approval, disapproval, or approval with modifications. Once approval has been granted the sign administrator will issue the permit upon receipt of payment.
 - e. A sign permit application will be valid for one hundred twenty (120) days. The application may be extended for one (1) additional sixty-calendar-day period. The request for extension must be in writing and received five (5) business days prior to the expiration of the sign permit.

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- f. A permit that has expired, or granted an extension and then expired, will be required to go through the review process again, however, the fee will be one-half (1/2) of the full permit fee.

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-738. SIGN TYPES PERMITTED.

[The following sign types are permitted.]

Sign Type	Sign Area	Sign Height	Number of Signs
<i>Building Signs</i> • Awning sign • Canopy sign • Marquee sign • Projecting sign • Roof sign • Under awning/canopy sign • Wall sign • Window sign	• 1 1/2 square feet of signage per lineal foot of building measured along the street frontage for corner lot buildings, up to a maximum of 200 square feet. • 3 square feet of signage per lineal foot of building measured along the street frontage for interior lot buildings, up to a maximum of 75 square feet.	N/A	• One sign per street frontage and one sign per public entrance. Signage on an awning or canopy will count as one (1) sign. • Window signs are not included in the total number of signs allowed. However, the area of window signs installed shall be counted as part of the total allowable sign area. • Signage placed upon an awning or canopy will count as one (1) sign for that awning or canopy regardless of the number of sides of the awning or canopy that have signage. • Signage placed on the only valance of multiple awnings that is related to a specific business may count as one (1) sign upon approval of the Montana Avenue Sign Committee.
<i>Ghost Signs</i>	N/A provided the sign was created prior to 1935	N/A;	N/A
<i>Pylon/Ground Sign</i>	A maximum of 50 square feet	Maximum 20 feet	One (1) per street frontage. If a parcel has two (2) signs, and a 150-foot separation, measured along the property line, between signs is required.

(Ord. No. 5098, § 1, 8-9-99)

SEC. 27-739. PYLON/GROUND SIGNS--ABSOLUTE CRITERIA.

- (a) Point chart for pylon signs--Absolute criteria:

ABSOLUTE CRITERION	Is the Criterion Applicable?		Is the Criterion Complied With	
	Yes	No	Yes	No
Sign size (area)				
Sign height				
Number of signs				
Distance between signs				
Clearance between sign and ground				
Clear vision				

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A proposal must receive a "yes" answer to all applicable criteria in order to qualify for approval.

(b) Sign size (area): What is the area of the sign in square feet?

Pylon/ground signs may not exceed 50 square feet in area.

	Sign Area	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(c) Sign Height: Does the sign comply with the height limit set forth by this article?

Pylon Sign: The maximum height of a pylon sign shall not exceed twenty (20) feet.

	Sign Height	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(d) Number of signs: Does the number of pylon signs comply with the requirements of this section?

Pylon/ground signs: Each developed parcel shall be permitted one (1) pylon sign per street frontage.

	Number of Signs	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(e) Distance between Signs: What is the distance between the two- (2) pylon signs shown on the site plan?

Pylon Signs: Where a developed parcel is permitted to have more than one (1) pylon sign under this article, the distance between the pylon signs on each parcel shall be no less than one hundred fifty (150) frontage feet measured along the property lines.

	Distance Between Signs	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(f) Pylon sign setback/sign clearance from the ground: Does the pylon sign meet the required setback from the property line and/or clearance from the ground?

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Pylon Signs: A five-foot minimum setback from the property line to the leading edge of the sign shall be required. The leading edge of a sign may be placed on the property line provided there is a distance of twelve (12) feet from grade to the bottom of the sign. A sign shall not project over the public right-of-way.

	Sign Setback/Clearance	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(g) Clear Vision: Does this pylon sign meet the clear vision requirements of Section 27-618 of the Unified Zoning Regulations?

	Clear Vision	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-740. POINT CHART FOR BUILDING SIGNS-ABSOLUTE CRITERIA.

ABSOLUTE CRITERION	Is the Criterion Applicable?		Is the Criterion Complied With	
	Yes	No	Yes	No
Sign type				
Sign size (area)				
Number of signs				
Distance between signs				
Clearance between sign and ground				
Clear vision				

(a) Sign type: Does the sign comply with the permitted building signs?

The following are the types of signs that may be attached to a building:

Wall signs

Awning signs

Canopy signs

Under-canopy signs

Roof signs

Projecting signs

Window signs (signs placed on the exterior or interior of the window)

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Marquee signs (may be used only on theaters)

	Sign Type	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(b) Sign size (area): What is the total area in square feet of all building signs?

Building signs: The total square footage of all signs placed on the building shall not exceed one and one-half (1 1/2) square feet in sign area for each lineal foot of building frontage for buildings on corner lots, not to exceed a total of two hundred (200) square feet. (i.e. A building that is twenty-five (25) feet wide may have a total of thirty-seven and one-half (37.5) square feet of signage.)

For buildings on interior lots the total square footage of all signs placed on the building shall not exceed three (3) square feet in sign area for each lineal foot of building frontage, not to exceed a maximum of seventy-five (75) square feet.

A window sign may not cover more than 25% of the area of a window in which the sign is placed.

The area of an awning sign placed on the slope portion of the awning, the sign may not exceed twenty-five (25) percent of the sloped area of the awning. Awnings must be made of fabrics that represent the historic material. Awnings made of glossy vinyl coated material are not allowed.

	Sign Area	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(c) Number of signs: Does the number of signs comply with the requirements of this section?

Building signs: There may be one (1) sign per street frontage and one (1) sign per public entrance. (Note: Window signs do not count towards the total number of building signs allowed; however, the area of all window signs shall be included in the total square footage of building signs permitted for a development.)

Signage placed upon an awning or canopy will count as one (1) sign for that awning or canopy regardless of the number of sides of the awning or canopy have signage.

Signage placed on the only valance of multiple awnings that is related to a specific business may count as one sign upon the approval of the Montana Avenue sign committee.

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	Number of signs	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(d) Distance from the vertical edge of building: How far from the vertical edge of the building is the projecting sign?

Projecting signs shall be at least five (5) feet, measured horizontally, from the vertical edge of the building. This does not apply to building on corner lots.

	Distance From Vertical Edge of Building	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(e) Projection from wall: How far from the wall does the sign project from the face of the building?

Wall signs may not extend more than twelve (12) inches from the face of the building.

Projecting signs, awnings, and canopies shall not extend more than two-thirds (2/3) the distance of the width of the sidewalk.

	Projection From Wall	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(f) Sign Clearance: Does the sign comply with the required clearance for awning and canopy signs from the ground?

Awning and canopies must be at least eight (8) feet above the ground.

The vertical height limit for signage placed upon a canopy is twenty-four (24) inches.

Signage placed on a valance of an awning may not exceed twelve (12) inches in height.

	Sign Clearance	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(g) Sign location/placement: Is the sign placed in a permitted location on the building, awning, and/or canopy?

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Permitted signs may be transferred from one wall to another wall provided the number of signs remains within the allowed number of signs permitted and within the allowable sign area.

Signage may be placed on the valance of an awning. Signage on the end of an awning may only be located on the valance. Signage may also be placed on the sloped portion of an awning.

Projecting signs must be setback from the edge of the building a least five (5) feet.

Signs shall not cover any architectural features of the building.

	Sign Location/Placement	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(h) Roof signs: Was a roof sign previously on the building? Is documentation provided?

Roof signs shall be permitted only if the sign is historically correct to the specific building. Documentation must be provided.

	Roof Signs	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

(i) Ghost signs: Is the ghost sign, which was created prior to 1935, being stabilized or being restored?

Ghost signs that were created prior to prior to 1935 shall be permitted. These signs will not count toward the allowable square footage or allowable number of signs. Ghost signs are encouraged provided they meet the following conditions:

- (1) Ghost signs shall be permitted to fade, to be stabilized, or restored to the original condition.
- (2) Any ghost sign that is changed, or any post-1935 ghost sign that is restored or changed shall comply with the Montana Avenue sign district regulations.

	Number of Signs	Criterion Complied With	
		Yes	No
Montana Avenue Sign Committee			
Applicant			

SEC. 27-741. POINT CHART FOR ALL SIGNS--RELATIVE CRITERION.

A score of seventy (70) percent of all applicable relative criteria is required.

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(To be completed by the Montana Avenue sign district review committee)

Each applicable criterion is to be evaluated on a scale of one (1) to ten (10). Each project is required to obtain a score of at least seventy (70) percent of the total maximum points. For example, a sign does not use neon or lighting, the maximum number of points for the remaining criteria is seventy (70). The application would be required to obtain at least forty-nine (49) points for approval.

RELATIVE CRITERION	Is the Criterion Applicable		Awarded Score 0--10	Points Earned
	Yes	No		
Sign scale				
Compatibility with building architecture				
Color				
Sign materials				
Sign design/creativity				
Historical significance				
Use of Neon				
Lighting				
Placement of sign				
<i>TOTAL</i>				

(a) **Sign Scale:** The scale of the sign (size, bulk, and height) should be appropriate for the building upon which they are placed and the area in which they are located. The size and shape of a sign should be proportionate with the scale of the structure.

Sign Scale	
Montana Avenue Sign Committee	Recommended Score
Applicant	Requested Score

Points

Scale of Sign

- 10 Achieves the highest possible compatibility in sign size, bulk, and height with respect to building characteristics and architectural features. Maximum effort was made to be harmonious with adjacent, existing signs and structures.
- 5 Makes an effort to be compatible or harmonious in sign size, bulk, and height with the building characteristics and architectural features, as well adjacent signs and structures.

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Points

Sign Color

- 10 Achieves the highest possible use of color with respect to the building characteristics and architectural features. Maximum effort was made to be harmonious with adjacent, existing signs and structures.
- 5 Makes an effort to be compatible or harmonious in the use of color with respect to the building characteristics and architectural features, as well adjacent signs and structures.
- 0 No effort is made for the compatibility of sign size, bulk, or height.

(d) Sign materials: The material used in the manufacturing of the sign should either be materials traditional to the time period of the structure, such as wood, stone, metal, neon, or a modern material that effectively simulates the original materials.

Sign Materials	
Montana Avenue Sign Committee	Recommended Score
Applicant	Requested Score

Points

Sign Materials

- 10 Achieves use of materials that is most appropriate in terms of compatibility with the historic character of sign and the building. Maximum effort was made to use historic materials or modern materials that effectively simulate historic materials.
- 5 Makes an effort to use historic materials or modern materials that effectively simulate historic materials.
- 0 No effort is made to use historic materials or modern materials that effectively simulate historic materials.

(e) Sign design/creativity: Creativity and innovation in design is encouraged. The design, however, should be compatible with the character of the Montana Avenue sign district. The use of symbols and logos is encouraged when used in place of words to identify the use, such as an ice cream cone for an ice cream shop or the logo of a business in lieu of the name on an awning. The sign design should reflect the historic character of the district.

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(g) Use of neon: The use of neon is encouraged when done in a manner that is historic in nature, compatible, or complementary to the character of the district and adjacent signage. The use of neon should be incorporated into the design of the sign.

Use of Neon	
Montana Avenue Sign Committee	Recommended Score
Applicant	Requested Score

Points

Neon

- 10 Achieves a use of neon that is historic in nature, compatible, or complementary to the character of the district and adjacent signage. Maximum effort was made to use neon in a manner appropriate to the character of the district, building, and adjacent signage.
- 5 Makes an effort to use neon in a historical, compatible, or complementary manner.
- 0 No effort is made to use neon in a matter that is historic, compatible, or complementary to the character of the district or the structure.

(h) Use of lighting: The use of lighting should be sensitive to the character of the district. Direct lighting through the use of fixtures such as goose neck lamps is encouraged. Back lighted solid letters or stained glass is encouraged. The use of back lighted, molded plastic faces is discouraged. Installation must comply with the applicable electrical codes. All raceways, exposed conduits and supports will be painted to match or compliment the building.

- (1) Neon tubing used in graphics and outlining of signs 60-milliamp maximum.
- (2) Incandescent lamps. Exposed up to 20-watt, used in graphics and outlining of signs, awnings and structures. Exterior lighting used to light signs or other objects that shall not exceed one hundred fifty (150) watts and should be concealed in a reflector or fixture that relates to the historical area theme or the building architecture.
- (3) Fluorescent. Up to eight hundred (800) MA may be used behind glass or to interior illumination acrylic letter faces on opaque backgrounds.
- (4) Downlighting. Shielded reflector or recessed incandescent, mercury vapor or metal halide up to one hundred fifty (150) watts.

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- (5) Building lighting. The fixtures used will be disguised in an enclosure that will represent some architectural detail from the building. The fixtures shall not project more than 3' from the building surface.
- (6) Flashing action (animation). Neon and incandescent lamps may flash in the following ways.
 - a Alternating. One section comes on as another goes off.
 - b. Scintillating. Random sections go on and off with part of the lighting on at all times.
 - c. Chasing. One section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.
 - d. Sweeping (filling). The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.
 - e. On-off action--not allowed. Lighting that goes all on and then all off.

Use of Lighting	
Montana Avenue Sign Committee	Recommended Score
Applicant	Requested Score

- | | |
|---------------|---|
| <i>Points</i> | <i>Lighting</i> |
| 10 | Achieves a use of lighting that enhances the signage and the building's architecture. Maximum effort was made to use lighting in a manner that emphasizes the continuity of the structure's surface and creates a more intimate ambiance on the street. |
| 5 | Makes an effort to use lighting in a manner that compliments and enhances not only the sign but also the structure and the district. |
| 0 | No effort is made to use lighting as tool to enhance the sign or the structure. |

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(i) Use of sign placement: Appropriate sign placement enhances the structure and district. Signs should not be placed over significant architectural building features. Sign placement can be used to decrease sign clutter, create visibility for the business and direct pedestrian and automobile traffic effectively.

Use of Sign Placement	
Montana Avenue Sign Committee	Recommended Score
Applicant	Requested Score

Points

Sign Placement

- 10 Achieves placement of signage that enhances the building's features and compliments adjacent signage. Maximum effort was made to place the new sign in a manner that displays the message effectively; and
- 5 Makes an effort to use historic materials or modern materials that effectively simulate historic materials.
- 0 No effort is made to use historic materials or modern materials that effectively simulate historic materials.

(Ord. No. 99-5098, § 1, 8-9-99)

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SEC. 27-742. NONCONFORMING SIGN.

Any sign located within this district prior to the formation of the Montana Avenue sign district that does not conform with the provisions of this district is eligible for characterization as a "nonconforming" sign and is permitted, provided it also meets the following requirements:

- (1) The sign was covered by a sign permit or variance prior to formation of this district, if one was required under applicable law; or
- (2) If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with the applicable laws in force at the time of the sign's installation.

Any sign, which is altered in any way, except for normal maintenance, shall be required to comply with these regulations.

(Ord. No. 99-5098, § 1, 8-9-99)

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SEC. 27-743. SIGNS PROHIBITED.

[The following signs are prohibited.]

- (1) New billboards, off-premise/third party signs.
 - (2) Portable signs.
 - (3) Electronic message centers.
 - (4) Changeable copy signs, except for the use on a theater marquee.
 - (5) Rotating signs.
 - (6) Intermittent or flashing lights.
 - (7) Above peak roof signs unless a roof sign had previously been on the building.
 - (8) Streamers and pennants.
- (Ord. No. 99-5098, § 1, 8-9-99)

SEC. 27-744. TEMPORARY SIGNS.

- (a) *Banner signs (public right-of-way).*
 - (1) Banners may be placed upon light standards to announce district wide events or exhibits at the Western Heritage Center.
 - (2) Banners may not exceed twenty (20) square feet in area.
 - (3) Fifteen (15) percent of the sign area may advertise the event sponsor.
 - (4) Banners may not be stretched across the public rights-of-way.
- (b) *Banners (private property).*
 - (1) Each business shall be permitted to display one (1) banner not to exceed thirty-two (32) square feet in area for one (1) five-day period per calendar year.
 - (2) The banner may only advertise a product or service sold on the premises.
- (c) *Sandwich board (A-frame) signs.*
 - (1) One sandwich board sign shall be permitted per public entrance.
 - (2) All requirements of Section 22-407.1 and 22-407.2 of the Billings Municipal City Code (BMCC) must be met.
 - (3) Sandwich boards must be securely anchored to the ground.
 - (4) Sandwich boards may only be displayed during regular business hours.

(Ord. No. 99-5098, § 1, 8-9-99) - (Ord. No. 4323, § 1(1.2), 11-24-80) (Ord. No. 4323, § 1(2), 11-24-80; Ord. No. 83-4537, § 1(8.2), 8-8-83; Ord. No. 89-4781, § 2, 2-27-89; Ord. No. 89-4801, § 1, 9-25-89; Ord. No. 90-4831, §§ 1, 2, 6-4-90; Ord. No. 91-4865, § 1, 3-11-91; Ord. No. 99-5107, § 1, 11-22-99) Cross references: Definitions and rules of construction generally, §§ 1-102, 27-103. (Ord. No. 4323, § 1(1.1), 11-24-80; Ord. No. 89-4781, § 1, 2-27-89)