

ORDINANCE NO. 2005 - 02

AN ORDINANCE TO ESTABLISH REGULATIONS FOR BILLBOARD SIGNS

SUMMARY

This ordinance establishes the size, placement, construction material, lighting, maintenance and removal regulations for billboard signs within the Town of Ashley, Indiana.

1st Reading January 10, 2005
2nd Reading FEBRUARY 14, 2007

ORDINANCE NO. 2005 - 02

AN ORDINANCE TO ESTABLISH REGULATIONS FOR BILLBOARD SIGNS

WHEREAS, the Town Council of the Town of Ashley, Indiana desires to adopt an ordinance regulating billboards within the Town of Ashley, Indiana.

WHEREAS, the Town Council of the Town of Ashley has determined that it is in the best interests for the health, safety and public welfare of the citizens of the Town of Ashley, Indiana that the Town Council adopt an ordinance regulating billboards within the Town of Ashley.

WHEREAS, the Town Council of the Town of Ashley, Indiana has paid reasonable consideration to the Town of Ashley Town Code; the Ashley Comprehensive Plan; the Ashley Zoning Ordinance; the current conditions and character of the structures and use in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

WHEREAS, the Town Council of the Town of Ashley, Indiana has received approval for adoption of this ordinance, with slight modifications, by the Plan Commission of the Town of Ashley, Indiana.

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WHEREAS, the Town Council of the Town of Ashley, Indiana has given notice under Indiana Code 5-14-1.5-5 (Open Door Law) of the council's intention to consider an ordinance amending the current Ashley Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council, Town of Ashley, State of Indiana:

SECTION 1. The Zoning Ordinance of the Town of Ashley, Indiana, shall be amended to include the following:

Definitions:

Double faced billboard sign: Shall be defined as a billboard sign that includes two billboard signs, back to back, on the same sign support structure.

Single faced billboard sign: Shall be defined as a billboard sign that includes on sign on a support structure.

Special Restrictions: Billboard Signs. Billboard signs shall only be permitted in the Industrially zoned districts of the Town of Ashley and shall be subject to the following regulations, which are in addition to the zoning ordinance regulations otherwise applicable and not in conflict herewith;

- A. Billboard Sign Size. The face of a billboard sign shall not be greater than fourteen (14) feet in vertical dimension nor greater than fifty (50) feet in horizontal dimension

- B. Number of Billboard Signs. A single billboard sign shall be permitted to contain no more than a Double Faced Billboard Sign. No more than one billboard sign may be facing in the same direction from a single sign on a support structure.
- C. Distance Between Billboard Signs. The minimum distance between billboard signs shall be as specified below.
1. Linear Spacing Between Billboard Signs. The minimum distance between single-faced and double-faced billboard signs shall be one thousand (1000) feet, subject to the following:
 - a. Within or outside the corporate limits of the Town of Ashley, Indiana, the spacing requirements shall be applied regardless of whether the signs are on the same side of a street or public thoroughfare, or opposite sides of a street or public thoroughfare.
 - b. The spacing requirements shall be applied continuously along a street to all signs, regardless of direction, whether the signs are in the same block or are in different blocks separated by an intersecting street.

- c. For purposes of applying the spacing requirement to billboard signs, pole, roof, wall, ground, and projecting signs shall be treated the same, whether double-faced or single-faced.
 - d. Billboard signs located at the same intersection are not in violation of the minimum spacing requirements specified in this section because of their nearness to one another if they are located so that their messages are directed toward traffic flowing in different directions, and are located within twenty (20) feet of one another.
2. Radial Spacing Between Billboard Signs. In no event shall any point of a billboard sign or sign structure be closer than one thousand (1000) feet from any point of any other billboard sign or sign structure regardless of location or orientation, unless permitted by paragraph C (1)(d) above, or the sign is a double-faced billboard sign.
3. Method Measurement. The method of measurement of the spacing between billboard signs oriented toward the same street shall be along the centerline of the street to which the sign is oriented from

the point in the streets' centerline closest to the leading edge of the sign.

- D. Billboard Signs Adjacent to Protected Districts. No billboard sign shall be located within two hundred fifty feet (250') of any other zoning district along the centerline of the street to which the sign is oriented from the point in the streets' centerline that is closest to the leading edge of the sign.
- E. Roof Top Billboard Signs. Roof top billboard signs shall be prohibited.
- F. Billboard Sign Setback. Signs or sign structures shall be set back in accordance with the building setback lines required by the applicable zoning district.
- G. Construction of Billboard Signs. The supports, uprights, bracing and framework of a billboard sign shall be of steel construction, or other metal with equal durability and strength factors. Wood construction materials shall be prohibited. Supports shall be single poles or pedestals, not double.
- H. Billboard sign lighting. Lighting for signs and sign structures shall not exceed the perimeter of the sign and shall not be colored or flashing in any manner. Lighting shall be functional, maintained and replaced, as necessary.
- I. Billboard sign maintenance. Signs and sign structures shall be maintained in an aesthetic manner. No weeds, plants or other rank vegetation shall be

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allowed to grow or collect around the sign or sign structure. Peeling or damaged signs shall be maintained, painted and repaired as needed to preserve the appearance thereof. Signs not in use shall be painted white.

- J. Billboard sign removal. Signs not in use for twenty-four (24) months shall be removed along with the sign structure.

SECTION 2. The Town Council of the Town of Ashley, Indiana is hereby authorized to make the above described changes to the zoning ordinance text, to print the text of the amendments so as to be inserted into the book version of the Town of Ashley Zoning Ordinances, and to file two (2) copies of this ordinance in the office of the Ashley Clerk-Treasurer to keep on file for public inspection.

SECTION 3. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any paragraph, sentence, clause, phrase, word or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining paragraphs, sentences, clauses, phrases, words or sections of this Ordinance.

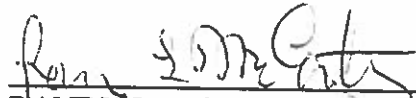
SECTION 4. This Ordinance shall have no effect on existing litigation or causes of action and shall not operate as an abatement of any action or proceeding now pending or which could be brought as to changing any other provision of the Ashley Town Code, as

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amended, by virtue of the ordinances or sections of ordinances or code provisions so amended or repealed and this Ordinance is to amend only as provided above and does not affect any other sections of the Ashley Zoning ordinances or Town Code, except to the extent necessary to give this Ordinance full force and effect.

SECTION 5. BE IT FURTHER ORDAINED that this ordinance is in full force and effect from and after its passage by the Town Council of the Town of Ashley, Indiana, this 14th day of FEBRUARY, 2005.


PASSED AND ADOPTED by the Town Council of the Town of Ashley, Indiana, this 14th day of FEBRUARY, 2005.



RANDY L. MCENTARFER,
President



RICHARD C. SCHIFFLI,
Vice-President



PAUL E. KENNEDY,
Trustee

ATTEST:



KAREN MCENTARFER, Clerk-Treasurer

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Presented by me to the President of the Town Council, of Ashley, Indiana this 14th
day of February, 2005.


KAREN MCENTARFER, Clerk-Treasurer

VOTING:

AYE: NAY

Randy L. McEntarfer
Richard C. Schiffli
Paul E. Kennedy

✓
✓
✓

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