

# Decision Paper

12/12/2017

Written by: Jon Harrah

1. **SUBJECT:** First Reading Ordinance #17-0861
2. **PURPOSE:** Text amendments to Chapter 17 Article VI – Signs to include political sign size.
3. **ASSUMPTIONS:**
  - a. Amending this ordinance provides a clear understanding of who enforces violations and establishes a reasonable timeframe for an owner to correct a violation.
  - b. Town Council desires to resolve conflicts in town code.
4. **FACTS:**
  - a. The current ordinance provides an unreasonable time of two days to correct any violation after receiving notice.
  - b. Adding text to designate building identification numbers instead of property, clearly identifies the building and not a vacant lot without a structure.
  - c. Planning Commission concurred to recommend that Town Council adopt the text amendments.
  - d. The amendments address Town Council’s request to adjust the size of political signs to match ordinance Section 8-68. - Posting Advertisements on Property.
  - e. Town Council discussed the political sign size at the November 28, 2017 regular meeting.
  - f. The Town Attorney has reviewed the ordinance and recommends that Town Council adopt the proposed ordinance.
5. **RECOMMENDATION:** Town council make a motion to adopt first reading of Ordinance #17-0861 as presented.

**STATE OF SOUTH CAROLINA ) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**  
**) TO AMEND, CHAPTER 17 ARTICLE VI SIGNS**  
**COUNTY OF HORRY ) DIVISION 1 INTRODUCTORY SIGN PROVISION,**  
**) SECTION 17-623 CHART C, DIVISION 3 AND**  
**TOWN OF SURFSIDE BEACH ) DIVISION 4**

**WHEREAS**, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this \_\_\_\_\_ day of \_\_\_\_\_, 2017 regular meeting; and

**WHEREAS**, the Mayor and Town Council desires to resolve conflicts in town code; and

**WHEREAS**, the Mayor and Town Council discussed the political signs at the November 28, 2017 regular meeting.

**WHEREAS**, the Mayor and Town Council desired to adjust the size of political signs for posting advertisements on properties; and

**NOW, THEREFORE**, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that Chapter 17 Article VI Signs, Division 1 introductory sign provision, Section 17-623 Chart C, Division 3 and Division 4 of the Town of Surfside Beach, South Carolina, is hereby amended to read as follows:

**ARTICLE VI. - SIGNS**

**DIVISION 1. - INTRODUCTORY SIGN PROVISIONS**

Sec. 17-602. - Display of noncommercial messages/severability.

Any sign allowed under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this article. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

**DIVISION 2. - PERMITS**

Sec. 17-620. - Sign permits and administration.

- (2) Violations/penalty: The ~~planning director or his/her designee~~ **code enforcement official** shall give one (1) written warning to the owner of any sign placed in violation of this article. The ~~planning director or his/her designee~~ **code enforcement official** shall give the owner thirty (30) days to correct the violations (unless the violation may cause imminent danger). Any person violating any provision of this article at any property after written warning shall be guilty of a misdemeanor. The violation of any such provision shall be punished by a fine not exceeding five hundred dollars (\$500.00), plus fees and assessments, or by imprisonment for a period not exceeding thirty (30) days. However, no penalty shall exceed the penalty provided by the state law for similar offenses. Each day

any violation of this Code or any such ordinance, rule or regulation shall continue shall constitute a separate offense. No town business license shall be issued or renewed until all fines outstanding against the applicant are paid in full.

Sec. 17-621. - Enforcement.

- (a) The ~~planning director or his/her designee~~ **code enforcement official** shall be empowered to enter upon the premises of any person subject to this article for the purpose of enforcing the provisions herein. Any person violating provisions of this article shall be subject to penalties as specified in section 17-620(a)(2) violations/penalties.
- (b) For signs within any public right-of-way, ~~public beach,~~ public beach access or other public lands: The ~~planning director or his/her designee~~ **code enforcement official** is authorized to remove the sign without notice to the owner thereof.
- (c) For signs on private property: Where it is determined by the ~~planning director or his/her designee~~ **code enforcement official** that a sign is illegal, abandoned, not being maintained, or is no longer being used for the purposes under which the original permit was issued, the ~~planning director or his/her designee~~ **code enforcement official** shall notify the owner of the violation. If the violation is not corrected within **fifteen (15)** business days following notification, the ~~planning director or his/her designee~~ **code enforcement official** may have the sign removed, and the land owner will be charged for the costs incurred by the town. The town may place a lien upon such owner's property and foreclose the same to collect the charges.
- (d) **Any enforcement decision or order made in connection with the sign ordinance may be appealed in accordance with Sections 17-223 & 17-224 of the Code of Ordinances for the Town of Surfside Beach, S.C.**

Sec. 17-622. - Authorized signs.

- (5) **Building Identification numbers: Numerals used by property owner to comply with the requirement that property owners must** ~~Each property owner must~~ mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street.

Sec. 17-623. - Sign standards/requirement chart(s).

Charts 17-623(A), 17-623(B) and 17-623(C) below provide a summary of the signs permitted within the town's various districts. Chart 17-623(D) provides signs permitted for temporary uses:

Chart 17-623(C) SUMMARY OF MIXED USE DISTRICT SIGN STANDARDS
SIGNS PERMITTED IN MIXED USE DISTRICT

Signs for residential uses	Same standards for residential districts. See Chart 17-603(A)				
Freestanding (non-residential)	Illumination: YES	Size Limit: 1 sq. ft. of sign area per every 1 linear ft. of lot	Height Limit: Five (5) ft.	Display Limit: One (1)	Front Setback: 5 ft. from property line
Special Standards: N/A					
Wall (non-residential)	Illumination: NO	Size Limit: 1.25 sq. ft. per linear ft. of building frontage (100 sq. ft. maximum)	Height Limit: Not applicable	Display Limit: Two (2)	Front Setback: Not applicable
Special Standards: Any combination of wall signs, awning or canopy signs within a total area allowed is permitted. Except the maximum sign area permitted on each awning or canopy is three (3) square feet.					
Window Sign	Illumination: NO *	Size Limit: 25% of each window	Height Limit: Not applicable	Display Limit: Per window	Front Setback: Not applicable
Special Standards: * "OPEN" sign shall be allowed with a maximum size of 24"x 36" and shall not be counted in the sq. ft. limits.					
Directional Signs (Freestanding or wall)	Illumination: NO	Size Limit: 4 sq. ft. per sign	Height Limit: 4 ft.	Display Limit: Four (4)	Front Setback: 5 ft. from property line (freestanding)
Special Standards: N/A					
<del>NOTE: The Board of Zoning Appeals may restrict signage for uses requiring a special exception permit.</del>					

<b>Chart 17-623(D)</b> <b>SUMMARY OF TEMPORARY SIGNS ALLOWED</b>	
Residentially Zoned Properties Temporary signs are subject to the following standards:	Special Standards

<p>Temporary Signs Allowed at any time</p>	<p>a) A property owner may place one non-illuminated sign with a sign face no larger than six (6) square feet on their property at any time.          b) Sign shall not exceed a height of two (2) feet.          c) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.          d) Signs must not be located within any public property, right-of-way or easement.</p>
<p>Elections involving candidates for a federal, state or local office that represents the area in which the property is located or involves an issue on the ballot of an election within the area where the property is located per issue and per candidate</p>	<p>a) Temporary non-illuminated signs may be located on the owner's property for a period of <del>thirty (30)</del> <b>forty-five (45)</b> days prior to an election.          b) Sign shall not have a sign face larger than <del>six (6)</del> <b>four (4)</b> square feet.          c) Sign shall not exceed a height of two (2) feet.          d) Signs must not be located within any public property, right-of-way or easement.          e) Signs must be removed within 5 days after such election.</p>
<p>Owner consent to property being offered for sale or lease</p>	<p>One temporary non-illuminated sign no larger than six (6) square feet on the property when:          a) The owner consents and that property is being offered for sale through a licensed real estate agent;          b) If not offered for sale or lease through a real estate agent, when the sign is owned by the property owner; and          c) Signs must not be located within any public property, right-of-way or easement, and shall not exceed five (5) feet in height.          d) For a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.</p>
<p>Owner's property on a day when the property owner is opening the property to the public</p>	<p>One temporary non-illuminated sign no larger than six (6) square feet on the property provided:</p>

	<p>a) Sign shall not exceed five (5) feet in height.</p> <p>b) Sign must not be located within any public property, right-of-way or easement; and</p> <p>c) Sign shall be removed within two (2) days after the event.</p>
<p>During the 52 day period November 20 to January 10</p>	<p>A property owner may place temporary signs on their property and may use lights between the hours of 8 a.m. and 10 p.m. to decorate the property even if the lights might be arranged to form a sign.</p>
<p>July 4<sup>th</sup></p>	<p>A property owner may place and maintain one temporary sign on their property no larger than six (6) square feet and shall not exceed 2 ft. in height. Signs may remain for a period of 3 days.</p>
<p>Commercially Zoned Properties Temporary signs are subject to the following standards:</p>	<p style="text-align: center;">Special Standards</p>
<p>Temporary Signs are allowed twice a year for a period of 6 months each</p>	<p>Two temporary signs: no more than six (6) square feet each and no height to exceed 2 ft. (if placards) and no more than twenty-four (24) square feet (each) if a banner is used.</p> <p>a) Must only be located on property that is owned by the person or business whose sign it is and must not be placed on any utility pole, street light, similar object, right of way, easement or on public property;</p> <p>b) Must not be illuminated</p> <p>c) Must be maintained and free of tears, fading and deterioration.</p> <p>d) Permit applications for banners/placards can be found on the town website @ <a href="http://www.surfsidebeach.org">www.surfsidebeach.org</a> or at the Planning, Building and Zoning Department.</p>
<p>Owner consent to property being offered for sale or lease</p>	<p>One temporary sign no larger than sixteen (16) square feet on the property when:</p> <p>a) The owner consents and that property is</p>

	<p>being offered for sale through a licensed real estate agent;</p> <p>b) If not offered for sale or lease through a real estate agent, when the sign is owned by the property owner; and</p> <p>c) Sign shall not exceed six (6) feet in height.</p> <p>d) Signs must not be located within any public property, right-of-way or easement; and</p> <p>e) For a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.</p>
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DIVISION 3. - GENERAL REQUIREMENTS APPLICABLE TO ALL SIGNS

Sec. 17-631. - Construction and maintenance requirements.

(2) Any sign, after thirty (30) days' notice, that remains in noncompliance with this section shall thereafter be declared to be **abandoned** or dilapidated.

DIVISION 4. - DEFINITIONS

[Sec. 17-640. - Definitions.]

*Abandoned sign* shall mean any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or publicly available for a period of three (3) months, or ~~which has not been in use or publicly available for three (3) months~~ **which has not been in use or publicly available for three (3) months**, or which is no longer imminent within a period of three (3) months, or any sign structure that fails to display any sign copy for three (3) months, or any sign which, for a period of three (3) months, has vegetation growing upon it, clinging to it, touching it or obscuring the sign face or sign parts or structure or any sign, for a period of three (3) months, which has not been maintained to be free of peeling, chipping, rusting, wearing and fading so as to be legible at all times or to be free of rusting, rotting, breaking or other deterioration of the sign parts shall be deemed to be an obsolete or abandoned sign. The passage of time alone under the above-delineated circumstances establishes abandonment or obsolescence. Abandonment does not require any element of personal or business intent to relinquish the rights one might have in sign placement as the term is used or defined in this article. Obsolete or abandoned signs, sign copy or sign structures are declared to be a public nuisance, are prohibited and shall be removed by the owner of the property or his agent after written notification from ~~the planning director or designee~~ **code enforcement official**.

**SEVERABILITY.** If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**EFFECT OF SECTION HEADINGS.** The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

**REPEAL AND EFFECTIVE DATE.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

**BE IT ORDERED AND ORDAINED** by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

**Surfside Beach Town Council**

VOTE:	Yes	No	
	<input type="checkbox"/>	<input type="checkbox"/>	Robert F. Childs, III, Mayor
	<input type="checkbox"/>	<input type="checkbox"/>	Ron Ott, Mayor Pro Tempore
	<input type="checkbox"/>	<input type="checkbox"/>	Timothy T. Courtney, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	Mark L. Johnson, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	David L. Pellegrino, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	Julie M. Samples, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	Randle M. Stevens, Town Council

Attest:  
  
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Debra E. Herrmann, CMC, Town Clerk