

**TOWN OF PINETOP-LAKESIDE**

**ORDINANCE NO. 13-370**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, REPEALING “TOWN CODE CHAPTER 17.108 SIGN REGULATIONS” AND ADOPTING NEW “TOWN CODE CHAPTER 17.108 SIGN REGULATIONS.”**

**WHEREAS**, the proposed “Town Code Chapter 17.108 Sign Regulations,” is declared to be a public record by adopting Resolution No. 13-1262; and

**WHEREAS**, pursuant to Arizona Revised Statutes § 9-802, three (3) copies of Town Code Chapter 17.108 Sign Regulations are on file in the Office of the Town Clerk, and referred to in this Ordinance by reference; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona as follows:

**Section 1.** Town Code Chapter 17.108 Sign Regulations is repealed in its entirety. All action taken in accordance with Chapter 17.108 prior to repeal remains fully in effect.

**Section 2.** Town Code Chapter 17.108 Sign Regulations is hereby adopted by reference, as if fully set forth herein. A copy of the full text of the new Town Code Chapter 17.108 Sign Regulations is attached as Exhibit “A” with changes made by the adopting motion as noted.

**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of “Town Code Chapter 17.108 Sign Regulations” adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**Section 4.** Failure to comply with the standards of this chapter shall be considered a violation of the Town Code and subject to code enforcement action under Chapter 17.132.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Pinetop-Lakeside, Arizona, this 21<sup>st</sup> day of February 2013.

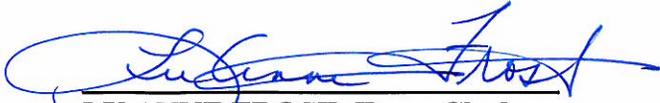
**TOWN OF PINETOP-LAKESIDE**



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**RICH CROCKETT, Mayor**

**ATTEST:**

  
LU ANNE FROST, Town Clerk

**APPROVED:**

  
W. KENT FOREE, Town Attorney

## Chapter 17.108

### SIGN REGULATIONS

#### Sections:

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| 17.108.120 | <b>Temporary sign regulations.</b>            |
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| 17.108.140 | <b>Penalties.</b>                             |
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#### **17.108.010 Purpose.**

The purpose of this chapter is to protect the public health, safety, and welfare by regulating existing and proposed signs in the Town of Pinetop-Lakeside. The following standards are intended to promote a desirable aesthetic character for the Town, and to regulate the proliferation of signs in order to protect the economic and scenic value of the Town. (Ord. 10-338 § 2 (Exh. A (part)))

#### **17.108.020 Definitions.**

A. The following definitions apply to this chapter:

1. "Banner" means a fabric or fabric-like material on which an advertising message is printed or otherwise affixed.
2. "Community Event Signs." Temporary signs on any property for events of a general Town-wide civic or public benefit, community events, or Town-sponsored events.
3. "Copy" means any words, letters, numbers, figures, design, or other symbolic representations incorporated into a sign.
4. "Field" means the background that sign copy is placed upon.
5. "Flag" means a piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, standard, signal, or emblem. For the purposes of this chapter, flags not associated with an official government jurisdiction shall be considered a banner.
6. "Grand opening or special event" means a temporary on-site activity that may include the use of banners, portable signs, pennants, balloons or "live remote broadcasts" to advertise the opening, reopening, a promotion or anniversary sale of a commercial establishment. The maximum time period for a grand opening or special event is fourteen (14) days. Any business shall be limited to no more than four (4) events per year. Any business issued a special event permit will be allowed two (2) temporary signs for use during such special event period.
7. "Height" means the distance from the base to the top of a sign, measured from the grade of the property on which the sign is located. If such location is below the grade of the adjacent sidewalk or edge of

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roadway, the height limitation shall be measured from the existing grade of the adjacent sidewalk or edge of roadway.

8. "Portable sign" means any small self-supported sign that is placed upon the ground and can be easily transported or moved. This definition shall include signs commonly known as "A-frames," "sandwich boards," and signs held or worn by an employee otherwise known as a "sign walker."

9. "Sign" means any identification, description, illustration, or device, which is affixed directly or indirectly upon a building, structure, or land which directs attention to a product, place, activity, person, institution, or business and which is visible from the right-of-way of a public street or highway. A flag with symbols, insignias, or corporate logos is considered a sign and the entire flag surface will be used to determine the sign area.

10. "Sign area measurement" means the surface area of the sign shall be determined by measuring the perimeter enclosing the extreme limits of the display surface(s) of the sign, including all graphic elements and borders, but excluding the sign's structure or bracing unless those elements are part of the message or face of the sign.

a. Where there are two (2) sign faces back to back and placed at less than or equal to ninety (90) degree angles to one another, the total area of the largest single face shall determine the area of the sign.

b. Where two (2) faces are placed at greater than ninety (90) degree angles to one another, the sign area shall mean the total area of both faces.

11. "Right-of-way" means the public right-of-way, including sidewalks.

#### **17.108.030 Application for a sign permit.**

A. It shall be unlawful to erect, place, construct, reconstruct, or locate a sign without first obtaining a sign permit, except where a sign is exempt from permit requirements. A new business name on an existing sign shall also require a sign permit.

B. A completed application and non-refundable filing fee shall be submitted to the Community Development Department. The review and approval process will be completed within twenty-four (24) hours for an existing sign when only sign faces or copy are being changed.

C. When a new commercial development includes signs, the review and approval of those signs may be scheduled to coincide with Site Plan Review by the Planning and Zoning Commission.

D. In addition to a sign permit, a separate electrical inspection permit shall be obtained for all illuminated signs. (Ord. 10-338 § 2 (Exh. A (part)))

#### **17.108.040 Flags.**

A. Regulations Concerning Display of Flags.

1. Official government flags from any city, county, state, national or international jurisdiction are considered flags under this chapter.

2. A business may display unlimited official government jurisdiction flags without a permit.

3. Flags bearing corporate logos or other graphics having no affiliation with an official government jurisdiction shall be considered banner signs and will require a permit.

4. United States flags shall be displayed according to federal U.S. flag regulations. (Ord. 10-338 § 2 (Exh. A (part)))

#### **17.108.050 Signs not requiring a permit.**

A. No sign permit shall be required for the following types of signs:

1. Governmental Signs. Signs required by law or signs of a duly constituted governmental body.

2. Public Utility Signs. Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.

3. Vehicle Signs. Signs painted or otherwise applied, on operable, privately owned vehicles. Vehicle signs do not include signs of any kind that extend beyond the standard manufactured contours of the vehicle and which have no function other than advertisement.

4. Holiday decorations not referring to or specifically advertising a business.

5. Emergency signs.

6. On-Site Directional Signs. Parking lot and other directional signs, not exceeding six (6) square feet in area per sign. Such signs shall be limited to the guidance of pedestrian and/or vehicular traffic within the premises on which they are located and shall not display any other advertising.

7. Window Signs. Decals, paint, illuminated signs or other applications on the interior window glass of a commercial business.

8. Political Signs. Political signs of not more than sixteen (16) square feet on residential lots and thirty-two (32) square feet on non-residential properties are permitted during an election campaign; provided, that campaign signs are not posted more than sixty (60) days preceding the election and are removed within fifteen (15) days following the election. Political signs may be freestanding or wall-mounted to a building, or fence-mounted. Roof-mounted signs are not permitted. Political signs may not be affixed to utility poles or traffic signs and shall not in any way present a traffic hazard or vision obstruction.

9. Real Estate Signs. Temporary signs indicating that the property on which the sign is located is for sale, rent or lease. Only one sign is permitted to face on each street adjacent to the property. Such signs shall be a maximum aggregate area of sixteen (16) square feet on residential lots and a maximum of thirty-two (32) square feet on non-residential property for each street frontage. No more than three (3) off-site open house signs up to six (6) square feet each are permitted per property being offered for viewing. These signs may be placed on the property, or on other private properties with the permission of owners. They may not be placed in any public right-of-way.

10. Construction Signs. Two (2) signs with a total aggregate area of thirty-two (32) square feet not exceeding eight (8) feet in height, identifying parties involved in construction on the premises and future activities for which the construction is intended. Signs shall be removed within thirty (30) days following completion, termination, or greater than a thirty (30) day suspension of construction.

11. Yard Sale Signs. No more than three (3) off-site temporary signs up to six (6) square feet each per yard sale. These signs may be placed on the property, or on other private properties with the permission of the owners. They may not be placed in any public right-of-way. Yard sale signs must be removed within one (1) day after the sale. (Ord. 10-338 § 2 (Exh. A (part)))

#### **17.108.060 General standards for all signs.**

A. All monument signs shall conform to the design review standards defined by the Town and colors shall be consistent with those found on the Design Guidelines Poster.

B. All signs, including real estate, construction, banners, and portable signs, shall be manufactured to a professional quality. All signs must be kept in good repair and aesthetically maintained. All sign structures must comply with the provisions of the International Building Code, the National Electrical Code (see Article 600 for illuminated signs) and other applicable sections of the Town Code.

C. Illuminated signs must be in conformance with the following restrictions:

1. Signs illuminated from an exterior light source shall be allowed; provided, that no light source in excess of twenty-five (25) watts or three hundred (300) lumens shall be directly visible to any motor vehicle located in a public right-of-way or street or from any residential area within a distance of three hundred (300) feet measured from the light source.

2. Signs illuminated from an interior light source shall be allowed; provided, that the wattage or lumens do not exceed the following requirements:

a. Five (5) foot high output lamp at seventy-five (75) watts or nine hundred (900) lumens.

b. Six (6) foot high output lamp at eighty-five (85) watts or one thousand twenty (1,020) lumens.

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c. Eight (8) foot high output lamp at ninety-five (95) watts or one thousand one hundred forty (1,140) lumens.

3. None of the foregoing requirements shall be construed to allow sign illumination that constitutes a traffic hazard.

D. Community Event Signs as defined in Section 17.108.020 shall meet the following requirements:

a. Prior to placing the signs, a temporary sign application shall be submitted and approved by to the Community Development Department;

b. The total sign area for all signs used shall not exceed seventy-two (72) square feet unless a larger amount of signage is allowed by the Community Development Director;

c. The sign(s) do not block or impede roadways, sidewalks or any other right-of-way designated for travel by the public or create a traffic hazard; and

d. The signs are removed within three (3) days after the event.

**17.108.070 Dangerous and deteriorated signs.**

If any outdoor sign becomes a danger to the public, or becomes deteriorated or is abandoned, the property owner or the owner of the sign shall be notified to remove or repair the sign. If he or she does not comply within thirty (30) days, the Director shall have the sign removed and the cost assessed to the owner of the property on which such sign is located. Any sign that presents an imminent danger to the public or is a current hazard shall be removed immediately by the property owner. (Ord. 10-338 § 2 (Exh. A (part)))

**17.108.080 Legal nonconforming signs.**

A. A "legal nonconforming sign" is defined as the lawful use of any sign existing at the time the ordinance codified in this chapter, or any amendments thereto, become effective, which does not conform to this chapter.

B. Any legally nonconforming sign may remain subject to the terms and conditions of Chapter 17.112.

C. Copy on legal nonconforming signs may be changed or altered with the exception of the following:

1. Use of any legal nonconforming sign shall cease in case of a change in use of the principal business to which the sign refers.

2. Use of any legal nonconforming sign shall immediately cease in case of discontinued use for a period of six (6) consecutive months or in case of destruction as described in Section 17.112.020. (Ord. 10-338 § 2 (Exh. A (part)))

**17.108.090 Off-site Town directory signs.**

A. Approval, Location and Removal. The Town, for location within any Town right-of-way, may permit off-site Town directory signs at intersections where three (3) or more business exist off of White Mountain Boulevard. Such signs shall be designed and placed at specific locations as approved by the Town Council.

B. Design Standards. The Town shall maintain control of Town directory signs, including the periodic amendment of the design standards. The Town, or a contracted entity, shall be responsible for the collection of annual subscription fees from the user(s).

C. Fees. Annual subscription fees for users of off-site Town directory signs shall be set by resolution of the Town. (Ord. 10-338 § 2 (Exh. A (part)))

**17.108.100 Signs in residential zoning districts.**

A. Nameplates. One (1) nameplate not exceeding two (2) square feet in area indicating the names of the occupants shall be allowed for each dwelling unit.

B. Street Numbers. Each residence shall display street numbers assigned by the Town that are visible from the street as set forth in Section 15.16.060.

C. Home-based occupations, bed and breakfast establishments and any other use permitted as a conditional use may have one (1) sign not exceeding eight (8) square feet in area. The sign may not exceed

four (4) feet in height. External illumination is permitted provided the lighting source is shielded and it does not exceed sixty (60) watts.

D. Single-Family Residential Subdivisions and Multi-Family Developments. Residential single-family and multi-family developments of less than fifty (50) acres are permitted one (1) freestanding sign or landscape wall sign per development at each major vehicular entrance, twenty-four (24) square feet in area, and four (4) feet in height. Multi-family buildings shall be permitted one (1) attached sign at a maximum area of four (4) square feet.

E. Planned Unit Developments and Residential Subdivisions Equal or Greater Than Fifty (50) Acres. Permanent signs are permitted as follows: one (1) freestanding or landscape wall sign is permitted for each major vehicular entrance to the development located on an arterial street. The sign may consist of foundation and surrounding structure approved through design review. Such sign shall not exceed thirty-six (36) square feet in sign area, and the entire structure shall not exceed six (6) feet in height. ( Ord. 10-338 § 2 (Exh. A (part)))

**17.108.110 Signs in commercial zoning districts.**

A. Single Commercial Business. The following standards shall apply to a single commercial business in a freestanding building:

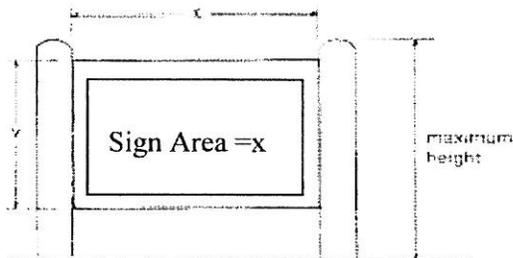
1. Street Numbers. Each business shall display street numbers assigned by the Town that are visible from the street as set forth in Section 15.16.060.

2. Number. A single commercial business shall be allowed a total of two (2) signs, one of which may be freestanding. Additional signs may be permitted as a menu board, no larger than forty (40) square feet in area for businesses where drive-up service is available.

3. Size and Location. A single commercial business will be allowed one and one-half (1 1/2) square feet of sign area per lineal foot of building frontage. The total maximum sign area for any single-tenant building shall be one hundred fifty (150) square feet. Up to fifty (50) square feet of the total sign area may be used for a free-standing sign. Where a building has multiple street frontages, the longer street frontage will be used to compute the total sign area for that building. See Figure 1 to determine sign area.

4. Freestanding Sign Height. Freestanding signs shall not exceed ten (10) feet in height above the existing grade at the location where the sign is placed; provided, that if such location is below the level of the adjacent sidewalk or edge of roadway, the ten (10) foot height shall be measured from the existing grade or adjacent edge of sidewalk or roadway.

5. Sign Setbacks. The minimum setback for any sign shall be two (2) feet from the nearest public right-of-way as measured to the nearest edge of the sign structure.



**Figure 1**

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B. Commercial Plazas. The following standards shall apply to commercial plazas with two (2) to six (6) individual tenants located within one (1) or more commercial buildings on a lot:

1. Number. Each tenant within a commercial plaza shall be allowed two (2) signs, one (1) of which may be space on a freestanding sign.

2. Size. A freestanding sign at a commercial plaza shall have a maximum sign area of eighty (80) square feet and a maximum height of fourteen (14) feet. Each tenant will be allowed up to one and one-half (1 1/2) square feet of sign area per lineal foot of tenant frontage.

C. Commercial Shopping Centers. The following standards shall apply to commercial shopping centers that include seven (7) or more individual tenants located within one (1) or more commercial buildings:

1. Monument Sign Size and Location.

a. Shopping centers with continuous lineal frontage of less than two hundred fifty (250) feet along a major highway shall be allowed one (1) monument sign with an area not exceeding one hundred (100) square feet.

b. Shopping centers with lineal frontage of two hundred fifty (250) feet or greater along a major highway shall be allowed one (1) monument sign with an area of one hundred eighty (180) square feet to identify the shopping center and/or individual shops.

c. Shopping centers with a continuous linear frontage of five hundred (500) feet or greater may, in lieu of one (1) monument sign according to subsection (C)(1)(a) of this section, erect two (2) monument signs, which when combined do not exceed two hundred (200) square feet in area nor exceed sixteen (16) feet in height each. In addition, a shopping center monument sign shall identify the street address with numbers no less than ten (10) inches in height.

| <b>PERMITTED COMMERCIAL SIGNS AND CHARACTERISTICS</b> |                            |                              |                                    |  |                                   |
|---|----------------------------|------------------------------|------------------------------------|--|-----------------------------------|
| <b>Business Category</b>                              | <b>Sign Type Permitted</b> | <b>Max Number of Signs</b>   | <b>Max Sign Area Permitted</b>     | <b>Max Height of Freestanding Sign</b> | <b>Max Sign Area per Building</b> |
| Single Commercial Business                            | Freestanding               | 1                            | 50 sq. ft. of total                | 10'                                    | 150 sq. ft.                       |
|   | Attached                   | 1 or 2*                      | 1 1/2 sq. ft. per foot of frontage |  |                                   |
| Commercial Plaza Tenant                               | Freestanding               | 1 space on freestanding sign | 80-square-foot sign per center     | 14'                                    | Max 150 sq. ft. per tenant        |
|   | Attached                   | 1 or 2*                      | 1 1/2 sq. ft. per foot of frontage |  |                                   |

| PERMITTED COMMERCIAL SIGNS AND CHARACTERISTICS |                     |                     |  |                                 |                            |
|--|---------------------|---------------------|--|---------------------------------|----------------------------|
| Business Category                              | Sign Type Permitted | Max Number of Signs | Max Sign Area Permitted                    | Max Height of Freestanding Sign | Max Sign Area per Building |
| Commercial Shopping Center                     | Freestanding        | 1 space per tenant  | Up to 200-square-foot sign per center      | 18'                             | Max sq. ft. per tenant     |
|  |                     |                     | or<br>2 100-square-foot signs per center** |                                 |                            |
| Tenant   | Attached            | 1 or 2*             | 1 1/2 sq. ft. per foot of frontage         | 16'                             |                            |

\* Two (2) attached signs are permitted if sign area is not used on a freestanding sign  
\*\* Must have 500 feet lineal frontage or greater. See subsection C of this section.

#### 17.108.120 Temporary sign regulations.

A. Purpose. The purpose of this section is to assist businesses to identify themselves using temporary signs in such a way that avoids signage clutter, protects the scenic image of the community, and which takes into consideration the welfare and convenience of the public. Temporary signs for the purpose of this section are portable signs and banners.

B. Application for Temporary Sign Permit.

1. An application for a temporary sign shall be submitted as follows:

2. A completed application and fee shall be submitted to the Community Development Department. The business owner is responsible to hand deliver, fax, or mail a temporary sign application at least twenty-four (24) hours in advance. The application must be accompanied by a drawing or diagram that describes the dimensions, shape, and color of the proposed sign.

3. A temporary sign that has been displayed without a permit is subject to removal by the Town.

C. Requirements.

1. Portable Signs.

a. Portable signs must be located out of the right-of-way, and signs shall not be displayed on sidewalks.

b. Portable signs must be placed on the ground and may not be displayed on building rooftops, motor vehicles, or trailers.

c. If in a commercial plaza or shopping center, portable signs must maintain a minimum distance of fifteen (15) feet from other portable signs that are being displayed by businesses in the same plaza.

d. Portable signs are limited to C-1 and C-2 zoning districts or at White Mountain Boulevard intersections, when commercial zoning does not exist with permission of the property owner.

e. All portable signs shall display a temporary sign permit number and year of issuance decal.

f. Offsite portable signs may be allowed within 100 feet of a White Mountain Boulevard intersection and are required to have permission of the property owner.

2. Banners.

a. Banners must be securely mounted and be free from flapping or ripping in high winds.

b. A single banner can be displayed for thirty (30) consecutive days with a permit.

c. Banner signs are limited to C-1 and C-2 zoning districts.

d. "Coming Soon" banner can be displayed for thirty (30) consecutive days with a permit.

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e. Banners may be permitted on permanent sign structures so long as it does not cover another businesses sign and fits within the confines of the structure.

| PERMITTED TEMPORARY SIGNS AND SIGN CHARACTERISTICS |                     |                     |  |  |                             |
|--|---------------------|---------------------|--|--|-----------------------------|
| Business Category                                  | Sign Type Permitted | Max Number of Signs | Max Sign Area  | Location of Sign   | Permitted Display Hours     |
| Single Commercial Business                         | Banner              | 1<br>2<br>3         | Per lineal foot of building frontage<br>0 to 25 ft. – 16 sq. ft.<br>26 to 50 ft. – 32 sq. ft.<br>51 ft. and above – 50 sq. ft. | On the building, fence or on the same lot, out of the right-of-way* with Town approval | No limit                    |
|  | Portable            | 1                   | 12 sq. ft.   |  | During operating hours only |
| Commercial Plaza or Shopping Center Tenant         | Banner              | 1<br>2<br>3         | Per lineal foot of store frontage<br>0 to 25 ft. – 16 sq. ft.<br>26 to 50 ft. – 32 sq. ft.<br>51 ft. and above – 50 sq. ft.    |  | No limit                    |
|  | Portable            | 1                   | 12 sq. ft.   |  | During operating hours only |

\* One offsite portable directional sign may be allowed for a business not located on White Mountain Boulevard with property owner permission, within 100 feet of the intersection.

**D. Temporary Sign Design Standards.** These standards shall apply to both portable and banner-type signs.

1. All portable signs are subject to design review.
2. All temporary signs shall be pre-approved for design and manufactured to a professional quality.
3. Temporary signs may not be illuminated.
4. Corporate banner signs (such as soft drink-logo-emblazoned banner signs used by food service establishments) shall be permitted provided the corporate logo does not exceed twenty (20%) percent of the sign field.

**E. Violations and Loss of Temporary Sign Privilege.**

1. If a sign is found to be in violation of these regulations, the Code Enforcement Officer will notify the owner of the sign orally or by written notice. The owner will have twenty four (24) hours to comply after notification, or the sign may be confiscated and brought to the Town storage yard.
2. Once a second violation has occurred, the Town reserves the right to immediately confiscate the sign, revoke the permit, and/or cite the violator for failure to comply with the code. In order to receive another temporary sign permit, the applicant may be required to post another temporary sign permit fee.
3. A third violation of these regulations by any business within one (1) year may render that business ineligible for temporary sign permits for the remainder of the calendar year. (Ord. 10-338 § 2 (Exh. A (part)))

**17.108.130 Prohibited signs.**

**A.** The following signs are prohibited in all districts:

1. Hot or cold air balloons, or inflatable's, except as specially allowed as a part of a grand opening or special event provided they present no hazard to persons or property.

2. Any sign, which flashes, blinks, uses chaser lights, etc., or moves in any way, animate or inanimate. Signs may be approved with time/temperature or electronic message center capability.
3. Signs with audible devices.
4. Roof signs or other signs extending above the roof or eave line.
5. Signs painted on or attached to rock outcroppings, trees or utility poles.
6. Wind signs, including pennants, spinners, streamers, and other wind-activated devices, except as allowed as part of a grand opening or special event.
7. Signs which impair highway safety.
8. Signs identifying businesses no longer in existence. The sign structure may remain; provided that all sign copy is removed or concealed in a manner consistent with the overall sign design. Facing on metal framed internally illuminated signs shall be either inverted or replaced with a blank durable plastic facing. Sign copy must be removed within thirty (30) days of business closure by the property owner.
9. Signs in public rights-of-way including sidewalks.
10. Signs containing any statement, word, character, or illustration that is obscene.
11. Signs on inoperable motor vehicles. (Ord. 10-338 § 2 (Exh. A (part)))

**17.108.140 Penalties.**

Failure to comply with the standards of this chapter shall be considered a violation of the Town Code and subject to code enforcement action under Chapter 17.132. (Ord. 10-338 § 2 (Exh. A (part)))

**17.108.150 Fees.**

The Town Council shall establish a schedule of fees for all signs from time to time by resolution. (Ord. 10-338 § 2 (Exh. A (part)))