

## Chapter 12 SIGNS\*

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\*Cross reference(s)--Sign permit fees, § 6-2(a.1); Sign code fines, § 6-3(b.1); buildings and building regulations, Ch. 8.  
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### **Sec. 12-1. Purpose.**

It is the intent of the Board of Managers to promote the public health, safety and general welfare by providing regulatory requirements for the location, size, and certain features of signs. Frequently, the use of the public rights-of-way, public property, and private property for signs results in damage to trees; distraction to and interference with the sight lines of vehicle operators and pedestrians, and causes litter and visual clutter which detracts from the appearance of the community. The placement of signs in the public right-of-way directly abutting private property may result in the wrongful attribution of the sign's message to the owners or occupants of the abutting private property. The purpose of this Chapter is to regulate exterior signs so as to alleviate, to the extent possible, the aforementioned conditions and to protect the health, safety, and public welfare of the Village and its residents; to enhance vehicular and pedestrian safety; to minimize the damage to trees; to reduce litter; to preserve the value of property; and to assure the continued attractiveness of the Village.

(No. 11-01-08, 02-09-09)

### **Sec. 12-2. Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) *Commercial sign*: Any sign displayed for the purpose of identifying a commercial use, or advertising or endorsing a service, product, business, venture, or other enterprise. Such term shall include, but not be limited to, any building-related sign erected, placed or maintained on a property which advertises the name of any individual, firm, company, or organization engaged in , expected to commence or having completed any architecture, construction, demolition, excavation, landscaping, or any other work on the property.
- (b) *Directional sign*: A sign that guides or directs vehicular or pedestrian traffic through the use of words, symbols, or other means to a specific location.
- (c) *Electronic pet containment system*: An electronic system used to contain pets within an area, such as by the use of a device worn by the pet that receives signals from a transmitter and electric wires that define the area of confinement.
- (d) *Embellishment*: Any balloon, ornament, pennant, pinwheel, ribbon, streamer, or similar object attached to a sign and designed or used to secure the attention of vehicle operators or pedestrians.
- (e) *Home security sign*: A sign indicating the existence of an electronic or staffed security system on the property.
- (f) *Noncommercial sign*: A sign conveying any political, religious, or other noncommercial speech which carries no message, statement, or expression related to any commercial interest.
- (g) *Property*: For the purposes of this Chapter all contiguous property under common ownership shall be considered a single property without regard to any "lot lines" as shown on a plat of subdivision.
- (h) *Public right-of-way*: Any right-of-way dedicated to public use within the Village.
- (i) *Real estate sign*: Any sign indicating the availability for sale, rent, or lease of a specific property, building, or portion thereof.
- (j) *Sign*: A notice or other display posted in such a manner so as to be visible from a public right-of-way within the Village, whether posted on public or private property, for the purpose of guiding, advertising, soliciting, promoting, identifying, or otherwise calling attention to an event, person, thing, or location.
- (k) *Sign face*: The singular planar surface of a sign, not including any supporting framework such as a sign's supports, uprights, or bases if the framework does not convey any information.
- (l) *Temporary event sign*: A sign intended for display for a limited period of time which announces any public, charitable, educational, religious, celebratory, fundraising, or other similar type of event or any special event, such as a garage sale or estate sale.

(No. 1-4-96, 2-12-96; No. 11-01-08, 02-09-09; No. 02-02-09, 04-06-09)

**Cross reference(s)**--Definitions generally, § 1-2; rules of construction generally, § 1-3.

### **Sec. 12-3. Permit required.**

A permit shall be required for signs described in section 12-7 (b) and (c), and section 12-9. No person may erect, place, maintain or authorize the erection, placement or maintenance of any sign for which a permit is required until a permit for such sign has been obtained from the Village Manager or the

Manager's designee.

(No. 11-01-08, 02-09-09)

**Cross reference(s)**—Sign code permit fees, § 6-2(a.1); Fine for violation of this section, § 6-3(b.1)(1).

**Sec. 12-4. Permit application.**

All applications for a sign permit shall be made to the Village Manager or the Manager's designee and shall state the date, time, location, size, and the purpose of the sign to be erected.

(No. 11-01-08, 02-09-09)

**Sec. 12-5. Prohibited signs.**

(a) No sign other than those exempted in section 12-6 of this Chapter or permitted in sections 12-7 or 12-9 of this Chapter shall be erected, placed, or maintained within the Village.

(b) It shall be unlawful to erect, place, or maintain any sign:

- (1) On public property, unless exempted under section 12-6 of this Chapter;
- (2) On any trees, traffic-control signs, fences or walls in the public right-of-way; or
- (3) In a manner which would present a physical danger to persons or property.

(No. 1-4-96, 2-12-96; No. 11-01-08, 02-09-09)

**Cross reference(s)**--Fine for violation of this section, § 6-3(b.1)(2).

**Sec. 12-6. Exemptions from Chapter.**

The requirements of this Chapter shall not apply to the following:

- (a) Any sign erected on private property in accordance with the Manual on Uniform Traffic-Control Devices adopted by the State Highway Administration.
- (b) Any sign erected, placed, or maintained by any utility company or government, acting on its own behalf or as an agent for any government, having jurisdiction over the property or right-of-way on which the sign is to be located.
- (c) Any sign erected, placed, or maintained by a church, synagogue or other place of worship, provided such sign meets the following conditions:
  - (1) Lighting shall not be with colored lights;
  - (2) Not more than one (1) sign per street frontage of any property;
  - (3) No sign shall exceed sixteen (16) square feet per sign face;
  - (4) Any sign shall be located on the private property of the church, synagogue, or other place of worship at least two (2) feet, at its closest point, from the nearest public improvement;

- (5) No sign shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs, or street signs, or constitute an obstruction to those using the public right-of-way;
  - (6) No sign shall contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians; and
  - (7) Notwithstanding the foregoing, any sign erected, placed or maintained by a church, synagogue or other place of worship in existence as of February 9, 2009 which does not conform with this subsection, may be maintained, repaired or replaced, provided that such maintenance, repair or replacement does not result in the relocation or expansion of such sign.
- (d) Any residential house number or name sign, provided such sign meets the following conditions:
- (1) Such sign is in conformity with the provisions of the Montgomery County Fire Code relating to address numbers;
  - (2) Lighting shall not be with colored lights;
  - (3) There shall not be more than two (2) signs per street frontage of any property;
  - (4) No sign shall exceed fifty (50) square inches per sign face;
  - (5) Any sign shall be located on private property at least two (2) feet, at its closest point, from the nearest public improvement; and
  - (6) No sign shall interfere with a pedestrian's or vehicular operator's view of vehicular or pedestrian traffic, traffic signs or street signs, or in a manner which would constitute an obstruction to those using the public right-of-way.
- (e) Any home security sign, provided such sign meets the following conditions:
- (1) No sign shall exceed two (2) square feet per sign face; and
  - (2) Any sign shall be located on private property at least five (5) feet, at its closest point, from the nearest public improvement.
- (f) Any sign mandated by local, state, or federal law.
- (g) Any sign erected, placed, or maintained on commercially zoned property, provided that such signs do not interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs, or street signs, or constitute an obstruction to those using the public right-of-way.
- (h) Any flag, banner, emblem, or insignia of a political or religious organization or a professional, collegiate, or scholastic institution displayed on a flag pole, provided such display meets the following conditions:
- (1) No flag, banner, emblem, or insignia shall be displayed with a commercial message or in connection with a commercial promotion;
  - (2) The size of any flag, banner, emblem, or insignia displayed under this subsection shall not exceed twenty-four (24) square feet; and

- (3) No flag, banner, emblem, or insignia shall interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs, or street signs, or constitute an obstruction to those using the public right-of-way.
- (i) Any non-commercial decoration associated with any traditionally recognized civic, patriotic, and/or religious holiday, provided that such decorations are maintained in safe condition, do not constitute a fire hazard, and do not interfere with a pedestrian's or vehicle operator's view or vehicular or pedestrian traffic, traffic signs, or street signs, or constitute an obstruction to those using the public right-of-way.
- (j) A sign disclosing the presence of an electronic pet containment system posted on private property in accordance with section 12-4 of this Chapter.

(No. 23-01-88, 1-11-88; No. 07-02-89, 2-13-89; No. 1-4-96, 2-12-96; No. 11-01-08, 02-09-09; No. 02-02-09, 04-06-09)

**Sec. 12-7. Signs permitted.**

(a) *Noncommercial signs.* Noncommercial signs may be erected, placed, or maintained in the Village, subject to the following conditions:

- (1) No sign shall exceed sixteen (16) square feet per sign face;
- (2) No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;
- (3) No sign shall be located within two (2) feet, at its closest point, of the nearest public improvement provided, however, that signs may be posted on utility poles in accordance with the regulations of the utility company and the requirements of this Chapter; and
- (4) No sign shall be located in the unimproved portion of the public right-of-way or on any utility pole directly abutting private property, unless authorized by the owner(s) or occupant(s) of the directly abutting private property.

(b) *Real estate signs.* Real estate signs may be erected, placed, or maintained in the Village to advertise a property's sale, lease, or rent, subject to the following conditions:

- (1) Not more than one (1) sign per street frontage of any property;
- (2) No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;
- (3) No sign shall exceed six (6) square feet per sign face;
- (4) No sign shall be located within five (5) feet, at its closest point, of the nearest public improvement;
- (5) All signs shall be removed immediately upon the sale, lease, or rental of the property or upon the expiration of the permit whichever first occurs;
- (6) All signs shall be located only on the private property for which the sale, lease, or rent is being advertised, or in the directly abutting unimproved portion of the public right-of-way; and

- (7) Notwithstanding limitations regarding the maximum number of real estate signs set forth in paragraph (1) of this subsection or the maximum cumulative display face area of all signs permitted on a property or in its directly abutting right-of-way as set forth in subsection (d) of this section, signs advertising any “open house” event shall be permitted during the hours the house is actually open for inspection, provided that such signs meet the following conditions:
- a. All signs shall be removed immediately upon the conclusion of the “open house” event;
  - b. All signs shall be erected, placed or maintained only on a freestanding stake; and
  - c. Not more than two (2) signs advertising an “open house” event for the inspection of the same property shall be permitted in the directly abutting public right-of-way at any one time.

(c) *Temporary event signs.* Temporary event signs may be erected, placed, or maintained in the Village to advertise the temporary event, its location, time, and date, subject to the following conditions:

- (1) Not more than one (1) sign shall be erected, placed, or maintained for any one event per street frontage of any property;
- (2) No sign shall be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians;
- (3) All signs shall be erected no earlier than seven (7) days prior to the commencement of an event and shall be removed immediately at the conclusion of the event;
- (4) No sign shall exceed six (6) square feet per sign face;
- (5) No sign shall be located within five (5) feet, at its closest point, of the nearest public improvement; and
- (6) All signs shall be erected, placed, or maintained only on the private property at which the temporary event is scheduled to occur, or in the directly abutting unimproved portion of the public right-of-way.

(d) Notwithstanding the foregoing, the cumulative display face area of all signs permitted under this section to be erected, placed, or maintained per street frontage of any property (including signs authorized by the property owner to be located in the directly abutting public right-of-way) at any time shall not exceed ninety (90) square feet. For any sign containing two (2) sign faces, only the size of the largest sign face shall be counted towards the cumulative display face area for purposes of this subsection. For any sign containing greater than two (2) sign faces, the size of all such sign faces shall be counted towards the cumulative display face area for purposes of this subsection.

(No. 1-4-96, 2-12-96; No. 11-01-08, 02-09-09)

**Cross reference(s)**--Fine for violation of this section, § 6-3(b.1)(3).

**Sec. 12-8. Location of signs.**

No sign shall be erected, placed, or maintained in a manner which would interfere with a pedestrian's or vehicle operator's view of vehicular or pedestrian traffic, traffic signs, or street signs, or in a manner which would constitute an obstruction to those using the public right-of-way.

(No. 11-01-08, 02-09-09)

**Section 12-9. Temporary directional signs.**

Signs designed to guide or direct vehicular or pedestrian traffic to a temporary event or real estate "open house" event as those terms are used in section 12-7 of this Chapter shall be permitted on a temporary basis in the Village, provided that such signs meet the following conditions:

- (1) No more than six (6) signs relating to a single event shall be located in the public right-of-way at any one time;
- (2) No sign shall be located within two (2) feet, at its closest point, of the nearest public improvement provided, however, that signs may be posted on utility poles in accordance with the regulations of the utility company and the requirements of this Chapter;
- (3) No sign shall exceed six (6) square feet per sign face;
- (4) Signs shall not be illuminated or contain any embellishment or other attachment which may cause undue distraction to or jeopardize the safety of vehicle operators or pedestrians; and
- (5) Signs shall be erected, placed or maintained in the public right-of-way only for the duration of the event and shall be removed immediately upon the conclusion of the event.

(No. 11-01-08, 02-09-09)

**Sec. 12-10. Nonconforming signs.**

Unless otherwise provided elsewhere in this Chapter, signs existing on February 9, 2009 which do not conform to this Chapter shall be removed in accordance with section 12-11.

(No. 11-01-08, 02-09-09)

**Sec. 12-11. Removal of signs in violation of this Chapter.**

(a) The Village Manager or the Manager's designee may remove or order the removal of any sign erected, placed, or maintained in violation of this Chapter, subject to the following conditions:

- (1) *Private property.* At least five (5) days prior to the removal of any sign located on private property in violation of this Chapter, notice shall be given in writing to the sign owner or the owner of the building, structure or property on which the sign is located, to remove the sign or to bring it into compliance with this Chapter.

Upon request by any person receiving such a notice, a pre-removal administrative hearing shall be provided by the Village Manager as soon as practicable to determine whether a violation of this Chapter has occurred. The Village shall remove the sign upon the failure of the sign owner to comply with any notice provided or with any determination made as a result of an administrative hearing when such a hearing has been requested.

- (2) *Public right-of-way, public property, or government-owned or utility owned property.* The Village Manager or the Manager's designee may remove or order the removal of any sign located in the public right-of-way, on public property, or on government-owned or utility-owned property in violation of this Chapter without providing notice to a sign owner and without a pre-removal administrative hearing.

Upon removal, the Village Manager or the Manager's designee shall inform the sign owner (in the event the sign owner can be reasonably identified) of the sign's removal and of the sign owner's right to request an administrative hearing regarding the removal. Upon request by any person receiving such a notice, a post-removal administrative hearing shall be provided by the Village Manager as soon as practicable to determine whether a violation of this Chapter has occurred.

(b) The Village may remove a sign in violation of this Chapter immediately and without notice or a pre-approval administrative hearing if it reasonably appears that the sign has been erected, placed or maintained in any location in violation of section 12-8 of this Chapter and if the condition of the sign is such as to present an immediate threat to the safety of the public.

(c) Any cost of removal incurred by the Village shall be assessed to the owner of the property on which such sign is located, or, in the case of a sign located in the public right-of-way or on public property, to the sign owner if such owner can be reasonably identified or the person for whose benefit or on whose behalf the sign was erected, placed or maintained. Such cost may be collected in the manner of an ordinary debt or in the manner of taxes and such charge shall be a lien on the property upon which the sign is located.

(No. 1-4-96, 2-12-96; No. 11-01-08, 02-09-09)

#### **Sec. 12-12. Presumption in prosecutions.**

In any prosecution charging a violation of any provision of this Chapter, proof that the sign described in the notice of violation was placed, erected, or maintained at the location and during the time of the alleged violation shall create a rebuttable presumption that such placement, erection, or maintenance was done or authorized:

- (1) by the person identified as the owner of record for the property on which the sign is found to be in violation, in the case of a sign located on private property; or
- (2) by the person for whose benefit or on whose behalf the sign was placed, erected, or maintained in the public right-of-way or on public property.

(No. 1-4-96, 2-12-96; No. 11-01-08, 02-09-09)

#### **Sec. 12-13. Penalties.**

Any person who violates any provision of this Chapter or directs another to violate a provision of this Chapter or allows a violation of this Chapter on his or her property or in the unimproved portion of the right-of-way directly abutting his or her property, or any person's employer if the person acted in the course of his or her employment, shall be guilty of a municipal infraction and shall be subject to such prosecution and penalties as are provided in Chapters 5 and 6 of the Chevy Chase Village Code. Each sign found to violate this Chapter shall constitute a separate offense. Each day that a violation of this Chapter exists shall constitute a separate offense.

(No. 1-4-96, 2-12-96; No. 11-01-08, 02-09-09)

**Sec. 12-14. Electronic pet containment system signs.**

No person shall install or maintain an outdoor electronic pet containment system unless the required signage, issued by the Village Manager, is posted and maintained. To disclose the presence of the electronic pet containment system, at least one (1) sign must be posted for each public right-of-way abutting the property. Each sign must be visible from and face the street and be posted at the location of the electronic pet containment system that is closest to the street.

(No. 02-02-09, 04-06-09)