

CHAPTER 22.05

LINCOLN CONSTRUCTION SIGN CODE

Sections:

- 22.05.010 Title, Purpose and Scope.**
- 22.05.020 Definitions.**
- 22.05.030 Registration Required.**
- 22.05.040 Application for Registration; Registration Fee; Bond; Insurance.**
- 22.05.050 Permits.**
- 22.05.060 Fees and Inspection.**
- 22.05.070 Design and Construction.**
- 22.05.080 Clearance and Obstructions.**
- 22.05.090 Mobile Signs.**
- 22.05.100 Free-Standing Signs.**
- 22.05.130 Wall Signs.**
- 22.05.140 Projecting Signs.**
- 22.05.150 Marquee Signs.**
- 22.05.160 Electric Signs.**
- 22.05.170 Temporary Signs.**
- 22.05.180 Obsolete Signs.**
- 22.05.190 Unlawful Signs.**
- 22.05.200 Enforcement.**
- 22.05.210 Penalty for Violations.**

22.05.010 Title, Purpose and Scope.

This chapter shall be known and codified as the Construction Sign Code and shall be applicable to outdoor signs in the City of Lincoln and within three miles of the corporate limits thereof, and will be referred to herein as "this code."

All signs shall comply with all provisions of this code and all other applicable provisions of the Lincoln Municipal Code, including but not limited to, those set forth in Section 10.12.040, Chapter 18.04, and Title 27 of the Lincoln Municipal Code and shall comply with all applicable state and federal-aid project requirements restricting signs and structures on or over the public right-of-way. The purpose of this code is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the structural design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building.

22.05.020 Definitions.

For the purpose of this code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural, and the

plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

Refer to chapter 27.69 for definitions.

22.05.030 Registration Required.

It shall be unlawful for any person to carry on or engage in the occupation of erecting, placing, constructing, enlarging, altering, moving, improving, converting, or equipping any sign for which a sign permit is required in the city or within three miles thereof without first being registered as a sign contractor and having complied with all of the provisions of this chapter, except as provided in Section 22.05.050(a)

22.05.040 Application for Registration; Registration Fee; Bond; Insurance.

Any person desiring to engage in the business of erecting, placing, constructing, enlarging, altering, moving, improving, converting, or equipping signs in the city or within three miles thereof shall file with the Building Official an application for registration as a sign contractor on a form furnished by the Building Official for that purpose. Said application shall be accompanied by a bond in the sum of \$5,000.00 duly executed by both said applicant and a corporate surety company authorized by the state to do business in Nebraska, which bond shall be subject to the approval of the City Attorney.

The bond shall be conditioned, among other things, that the applicant: (a) will in all things strictly comply with all provisions of this chapter; (b) will strictly comply with all applicable laws and regulations and all conditions of the permit which shall save, indemnify, and keep harmless the city from all liabilities, judgments, costs, and expenses which may in any wise accrue against the city in consequence of the granting of such registration, or in consequence of any injury to persons or property resulting directly, or indirectly from the exercise of the privileges in such registration granted; (c) will pay to the city any and all damages which may be sustained to any city property through the conduct of said applicant's activities authorized hereunder.

In addition to the bond, the applicant for registration as a sign contractor shall also be required to: (a) At all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence. The coverages required herein shall be subject to review and approval by the City Attorney for conformance with the provisions of this section.

(b) At all times keep on file with the Building Official a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and

approved by the City Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection (a) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty days' notice by mail to the Building Official before the insurer may cancel the policy for any reason, and upon request of the Building Official or the City Attorney, a

copy of any endorsements placed on such policies or the declarations page of such policies.

Each applicant for a new registration as a sign contractor shall pay to the Building Official a fee of fifty dollars. All registrations shall expire one year after the date of issuance. Certificates of registration at the time of their expiration may be renewed for the succeeding year upon payment of the registration fee as herein provided.

Any certificate of registration as a sign contractor issued hereunder may be revoked by the Building

Official if the Building Official finds that the sign contractor has failed to conduct his or her business in accordance with the provisions of this chapter. The determination of the Building Official to revoke a certificate of registration may be appealed to the Mayor by filing a written statement requesting such an appeal within seven days after written notification of the Building Official's determination. Any termination, reduction, or lapse in such insurance or bond shall automatically cause the revocation of any permit or registration issued hereunder. (Ord. 16430 §4; July 26, 1993).

22.05.050 Permits.

(a) Permit required. No person other than a person registered as a sign contractor as herein provided shall erect, place, relocate, construct, enlarge, or alter any sign for which a sign permit is required, except the owner or lessee of the premises may erect a mobile, painted, or non-illuminated wall sign, after a permit has been obtained, on such premises. A sign painted directly to the surface of a wall may be installed by a person other than a registered sign contractor after permits, including street use permits if applicable, have been obtained.

No sign shall be hereafter erected, placed, relocated, constructed, enlarged, or altered except as provided by this code and a permit for the same has been issued by the Building Official. A separate permit shall be required for each sign and for each group of signs on a single support sign structure. In addition, electrical permits shall be obtained for electric signs, which are required by the City of Lincoln Electrical Code requirements to be permanently wired.

(b) Application for permit. Application for a sign permit shall be made in writing upon forms furnished by the Building Official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. The Building Official shall require the filing of two sets of plans or other pertinent information where, in his or her opinion, such information is necessary to ensure compliance with this code.

Applications for which no permit has been issued within 120 days following the date of application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for permit issuance for a period not exceeding 120 days on written request from the applicant showing that circumstances beyond the control of the applicant have prevented the applicant from fulfilling such conditions as are necessary to obtain issuance of the permit. No application shall be extended more than once.

(c) Signs or activities exempt from permit. The following signs or activities shall not require a sign permit:

- (1) Changing the advertising copy or message on manual or electronic changeable copy signs specifically designed for the use of replaceable letters or copy.
- (2) Painting, repainting, or cleaning of a sign structure.
- (3) Removing a sign for repair purposes, provided, no alteration or addition is

made to the sign.

- (4) Home occupation signs.
- (5) Temporary signs except as specified in Section 22.05.170.
- (6) Directional, parking lot, or informational signs under six square feet in area, and/or six feet in height..
- (7) Official notices.
- (8) Replacing of a flag with a flag of a size no greater than that authorized under

the original sign permit for the flag.

- (9) Non-illuminated window signs.

These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this code or any other law or ordinance regulating the same.

(d) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code. (Ord. 17208 §1; July 14, 1997: prior Ord. 16736 §3; February 13, 1995: Ord. 16430 §5; July 26, 1993).

22.05.060 Fees and Inspection.

(a) Permit fee. A sign permit fee shall be paid to the Department of Building and Safety for each permit in accordance with the fee schedule set forth below:

SIGN PERMIT FEE SCHEDULE

Type of Sign

Wall, awning, marquee, projecting and roof signs	\$80.00
Any wall, awning, marquee, projecting, and roof sign less than 20 square feet	40.00
Free-Standing signs	120.00
Mobile sign rental (each occurrence up to 60 days)	30.00
Face change	40.00
Temporary sign30.00
Non-advertising Mural Project20.00
Off-premise sign (Billboard)	250.00
Reinspection/Re-review Fee..35.00

Where work for which a permit is required by this title is started prior to obtaining a permit, the fees specified above shall be doubled; however, the payment of such doubled fees shall not

relieve any person from fully complying with the requirements of this title. Every permit issued under the provisions of this code shall expire by limitation and become null and void if the sign authorized by such permit is not erected, placed, relocated, constructed, or altered as the case may be within 120 days from the date of issuance of such permit. There shall be no refunds or credits given on permits which shall have expired. Permit holders returning a permit prior to the expiration date and applicants withdrawing their application prior to issuance of the permit shall be limited to a maximum refund amount of two-thirds of the original fee, with the remaining one-third to be used to pay the administrative costs in processing the permit. No refund shall be issued on a permit where the refund amount is less than \$50.00. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section. The building official may extend the time for action by the permittee for a period not exceeding 120 days on written request by the permittee. No permit shall be extended more than once.

(b) Signs kept in repair. All signs, together with all of their supports, braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(c) Inspections.

(1) Footing and site location inspections shall be required by the Building Official for all ground and pole signs.

(2) All permanently installed signs containing electrical wiring shall be subject to the permits and inspections of the electrical code, Title 23 of the Lincoln Municipal Code, and the electrical components used shall bear the label of an approved testing agency.

(3) All mobile signs containing electric wiring shall be subject to inspection and approval by the Building Official. (Ord. 16736 §4; February 13, 1995; prior Ord. 16430 §6; July 26, 1993).

22.05.070 Design and Construction.

(a) General. Signs and sign structure shall be designed and constructed to conform to the Lincoln Building Code as adopted under Title 20 of the Lincoln Municipal Code.

(b) Allowable Stresses. The working stresses of wire rope, braided nylon cord or braided polypropylene cord and its fastenings shall not exceed twenty-five percent of the ultimate strength of the rope or cord or fasteners.

(c) Roof signs and Marquee Signs. Roof signs and marquee signs shall be constructed of fire retardant or noncombustible materials, except that nonstructural trim and display surfaces may be of wood, metal, approved plastics, approved coverings, or any combination thereof.

(d) Electrical Signs. No combustible materials other than approved plastics or flame retardant coverings shall be used in the construction of electric signs.

(e) Anchorage. Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

(f) Display Surfaces. Display surfaces in all types of signs may be made of metal, approved plastics, or any other material approved by the Building Official.

EXCEPTION: Approved Plastics. The Building Official shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he or she may approve its use.

(g) Sign Identification. A sticker shall be affixed either to the face or the channel of a sign visible from the street denoting the name of the manufacturer or designated servicing company for purpose of identification by city officials. (Ord. 16430 §7; July 26, 1993).

22.05.080 Clearance and Obstructions.

(a) General. All signs shall conform to the clearance and projection requirements of this section and no sign or sign structure shall be located on public property.

(b) Clearance from High Voltage Power Lines. Signs shall be provided clearance from overhead electrical conductors which are energized in accordance with the current Lincoln Electrical Code, or the recommended clearances from the serving utility company. The term "overhead conductors" as used in this section shall mean any electrical conductor, either bare or insulated, installed above the ground except conductors enclosed in conduit or other material covering of equal strength.

(c) Clearance from Fire Escapes, Exits, or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.

(d) Obstruction of Openings. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by this code. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material, approved plastics, or other fire retardant materials.

(e) Obstructing View. No sign shall be erected, placed, or maintained at any location in such a manner as to obstruct free and clear vision at the intersection of any street or highway or to obstruct free and clear vision from any driveway abutting any street or highway that will violate the sign obstruction regulations of the Department of Public Works and Utilities or Title 10 of the Lincoln Municipal Code. (*See Table 22.05.080*) (Ord. 16951 §146; March 11, 1996; prior Ord. 16430 §8; July 26, 1993).

22.05.090 Mobile Signs.

(a) Design. Mobile signs may be constructed of any material meeting the requirements of this code and shall be so designed that the mobile sign will resist design wind loads of twenty-five pounds per square foot in any direction. Tongues utilized in moving the mobile sign from site to site shall be removed from the mobile sign when it is placed for sign display purposes. Every mobile sign shall have a permanent name plate on the mobile sign identifying the current owner of the sign by name and telephone number.

(b) Electrical Components and Connections. Electrical components for mobile signs shall be listed or labeled by a nationally recognized testing laboratory and shall be installed in accordance with the current Lincoln Electrical Code. All electrical connections to mobile signs shall be supplied with a hard usage or extra hard usage flexible 12-3 or larger cord not exceeding 100 feet in length and shall be plugged into an approved 120-volt grounded electrical outlet receptacle

with a capacity of not less than fifteen amperes nor more than twenty amperes. Type SC, SCE, SCT, SE, SEO, SEOO, SJE, SJEO, SJEOO, SJOO, SJTOO, SOO, AND STOO are examples of acceptable cords. The cord shall not be placed upon any ground or ground surfacing that is specifically designed to accommodate pedestrian traffic or vehicular traffic of any sort unless said area is cordoned off.

The consumption of electricity by mobile signs shall not exceed twelve amperes for a fifteen ampere circuit, or sixteen amperes for a twenty ampere circuit.

Electrical cords suspended above grade for fifteen feet or less shall have the cord attached to insulators that are securely attached to the sign and the building or structure. Electrical cords suspended above grade for more than fifteen feet shall have the cord supported from a steel messenger cable that is securely attached at each end. The electrical cord (at its lowest point) shall be suspended at least ten feet above finish grade and sidewalks. Electrical cords suspended over driveways or parking lots subject to vehicular travel shall be at least eighteen feet above the finish grade. Where utilized, electrical cords shall be supplied by and the maintenance thereof shall be the responsibility of the sign contractor.

No mobile sign shall be permitted which utilizes more than ten outlet sockets per face, or which utilizes more than seventy-five watt bulbs per socket. No mobile sign shall be permitted which utilizes brilliant flashes of light, sudden and transient outbursts of light, or brilliant sustained light.

The wiring of an outdoor sign that is portable or mobile and is readily accessible shall be provided with ground-fault circuit-interrupter protection for personnel.

(c) Placement. Mobile signs shall be placed in strict accordance with the requirements for signs provided for in this chapter, Title 27 of the Lincoln Municipal Code, and any other applicable law. Only a registered sign contractor or the owner of such mobile sign and the business for which the sign will be located may obtain a permit for and physically place and connect a mobile sign.

No mobile sign shall be placed at any location where it could be confused with an authorized traffic signal, traffic sign, or emergency vehicle.

No mobile sign shall be placed without first obtaining a permit for such sign placement. Whenever a mobile sign is relocated, the permit issued for use at the described premises shall expire automatically, and a new permit must be obtained before the mobile sign may be relocated.

Any mobile sign placed, maintained or operated in violation of this section is hereby declared to be a public nuisance. It shall be the duty of the Building Official to notify, in writing, the owner of the mobile sign setting forth the violations of the provisions of this section or any other applicable law.

(Ord. 16736 §5; February 13, 1995; prior Ord. 16430 §9; July 26, 1993).

22.05.100 Free-Standing Signs-

Free-Standing Signs shall be constructed to meet the requirements of this chapter.

22.05.130 Wall Signs.

Wall signs shall be constructed and designed in accordance with the requirements of this

chapter.

Wall signs shall not have a projection over public property greater than the distances set forth in Table 22.05.130. No wall sign or wall sign structure shall project into a public alley below a height of fourteen feet above grade more than two and one-half inches nor more than eight inches when over fourteen feet. No wall sign or wall sign structure shall project more than two and one-half inches over any sidewalk or parking lot below a height of seven feet six inches above grade. Wall signs shall comply with all applicable federal-aid project requirements restricting signs on or over public right-of-way.

**Table 22.05.130
Projection of Wall Signs**

<u>Clearance</u>	<u>Maximum Projections</u>
Less than 7'6" above grade	2 1/2 inches
Over 7'6" above grade	24 inches

(Ord. 16430 §13; July 26, 1993).

22.05.140 Projecting Signs.

Projecting signs shall be constructed and designed in accordance with the requirements of this chapter.

Subject to the provisions of Title 10 and Title 27 of the Lincoln Municipal Code, projecting signs may project over public property as set forth in Table 22.05.140. Projecting signs shall comply with all applicable federal-aid project requirements restricting signs and structures on or over the public right-of-way. No projecting sign shall project within two feet of the curb line. No projecting sign or projecting sign structure shall project more than two and one-half inches into a public alley when installed below a height of fourteen feet above grade of the public alley, nor more than twenty-four inches when installed at a height over fourteen feet above said grade.

**Table 22.05.140
Projection of Signs**

<u>Clearance</u>	<u>Maximum Projections</u>
Less than 8 feet above grade	NOT ALLOWED
Over 8 feet above grade	6 feet 6 inches
Over 8 feet above grade and at 45 degrees to a corner	9 feet

(Ord. 16430 §14; July 26, 1993).

22.05.150 Marquee Signs.

Marquee signs shall be constructed to meet the requirements of this chapter. (Ord. 16430 §15; July 26, 1993).

22.05.160 Electric Signs.

All electric signs shall be fabricated and installed in accordance with the current Lincoln Electrical Code.

Electric signs may be constructed of any materials meeting the requirements of this chapter. The enclosed shell of electric signs shall be reasonably watertight, excepting that service holes fitted with covers shall be provided into each compartment of such signs.

Electric equipment used in connection with illuminated signs shall be installed in accordance with the current Lincoln Electrical Code regulating electrical installations.

No sign, other than a changing sign, shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights, or stroboscopic or stroboscopic-type light or illumination, or xenon flash tube type light or illumination, or pogo-stick zip light illumination, or revolving beacon lights except as required by the Federal Aviation Agency or any other means not providing constant illumination, except such blinking or flashing lights permitted under Section 27.69.070(g) of this code. (Ord. 16430 §16; July 26, 1993).

22.05.170 Temporary Signs.

(a) General. All temporary signs shall be constructed to withstand a 25-pound per square foot windload.

(b) Temporary Real Estate Signs. Real estate signs (sale or lease of property) shall be constructed of a rigid material securely anchored into the ground or secured to a building.

(c) Temporary signs for political campaigns, non-profit civic activities and noncommercial activities shall be securely anchored to the ground or a building.

(d) Banners of vinyl, canvas, fabric, or other similar material shall be permitted to hang from or on a wall, provided said banner is supported and attached to the wall with metal cable or nylon or polypropylene rope (test break minimum of 1,100 pounds). Banners may extend up to six inches into the public right-of-way when located eight feet or more above grade of said right-of-way. Banners allowed by this subsection may be installed by persons not registered as sign contractors. A sign permit for the installation of banners is required.

(e) Banners may extend over public property and may extend across a public street only by permission of the Mayor, and shall be subject to all related laws and ordinances. Such signs, when extended over a public street, shall maintain a minimum clearance of twenty feet.

(f) Temporary construction site signs shall be constructed of exterior glue plywood, metal, or other similar rigid material secured into the ground, or securely anchored to a building, or temporary construction trailer. Construction site signs also may be attached to a security fence or protected walkway in the public right-of-way when the fence or walkway is allowed under Title 14 of the Lincoln Municipal Code. Construction banners may be permitted as specified in subsection (d) of this section. Construction site signs shall be removed when an occupancy certificate is issued.

(g) Signs on vehicles which are used for the primary purpose of being a sign, shall not be permitted.

(h) Temporary garage sale signs shall be securely anchored into the ground and shall not be located within the public right-of-way.

(i) Temporary window signs placed on the inside of a window may be constructed of any material. (Ord. 16430 §17; July 26, 1993).

22.05.180 Obsolete Signs.

Where the owner or lessee has moved or is out of business, all signs must be removed within thirty days after notice in writing has been given by the Building Official to the last known owner of the premises to which the sign is attached, or to the lessee or person in charge thereof. Any sign which has become valueless for advertising purposes shall be removed by the owner or person in charge of the premises to which the sign is located, when ordered to do so by notice in writing from the Building Official. Any such sign which is not removed within the time provided by such written notice may be removed by the Building Official at the expense of the owner or person in charge of the premises concerned, and no permit for the erection of another sign on such premises shall be issued until such expense shall have been paid. Existing sign structures may remain if in conformance with this code. Sign structures not in conformance with this code, shall be removed in accordance with this section. (Ord. 16430 §18; July 26, 1993).

22.05.190 Unlawful Signs.

(a) It shall be unlawful to erect or maintain any sign in any location in violation of the zoning regulations of the City of Lincoln.

(b) It shall be unlawful for any person to permit to be placed upon any premises any temporary ground sign, except as provided in Section 22.05.170. Temporary ground sign shall mean any ground sign which is not permanently attached or fixed to the ground; provided, however, this provision shall not prohibit the placement of mobile signs as defined by Section 22.05.090 of this chapter.

(c) No person shall permit the placement, construction, or erection of a swinging sign.

(d) No person shall place, construct, or erect any sign which, by reason of its 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 hides from view any traffic or street sign or signal or device. (Ord. 16430 §19; July 26, 1993).

22.05.200 Enforcement.

(a) The Building Official is hereby authorized and directed to enforce all the provisions of this code.

(b) Right of entry. Upon presentation of proper credentials, the Building Official may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code.

(c) Board of Appeals. The Building Code Board of appeals created under the provisions of the Lincoln Building Code of the City of Lincoln shall also advise the Mayor regarding the determination of the suitability of alternate materials and types of construction and the reasonable interpretation of the provisions of this code.

(d) Violation. It shall be unlawful for any person to erect, place, construct, enlarge, alter, relocate, improve, equip, use or maintain any sign in the city or within three miles of the corporate limits thereof or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code.

(e) Relief from personal liability. The Building Official, when acting in good faith and without malice, is hereby relieved from all personal liability for any damage that may accrue to any

person or property as the result of any act required by this code by reason of any act or omission of the Building Official in the discharge of his duties hereunder. Any suit brought against the building official because of any such act or omission in the enforcement of this code shall be defended by the City Law Department until final determination of such proceedings. (Ord. 16430 §20; July 26, 1993).

22.05.210 Penalty for Violations.

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect,

or refuse to perform such duty or who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200.00 nor more than \$500.00, recoverable with costs. Each day that violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

Any sign, device, or structure erected, placed, constructed, enlarged, altered, relocated, improved,

converted, equipped, used, or maintained in violation of this chapter is hereby declared to be a public

nuisance. In addition to other remedies, the Building Official may request the City Attorney to institute injunctive or other appropriate action or proceedings to obtain the abatement of such violation. (Ord. 16430 §21; July 26, 1993).