

ORDINANCE NO. 7912-23

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33.01, SIGNS, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE I. GENERAL REGULATIONS, SECTION 33.01-3, DEFINITIONS; ARTICLE II. REMOVAL OF UNSAFE SIGNS, SECTION 33.01-16, SAME; EMERGENCY ACTION; ARTICLE III. ADMINISTRATION AND ENFORCEMENT, SECTION 33.01-25, GENERAL, SECTION 33.01-26, NOTICE OF ORDER TO ABATE VIOLATIONS OF CHAPTER; REMOVAL OF ILLEGAL AND PROHIBITED SIGNS.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 33.01, Signs, of the Code of the City of Newport News, Virginia, Article I. General Regulations, Section 33.01-3, Definitions; Article II. Removal of Unsafe Signs, Section 33.01-16, Same; emergency action; Article III. Administration and Enforcement, Section 33.01-25, General, and Section 33.01-26, Notice of order to abate violations of chapter; removal of illegal and prohibited signs, be, and the same hereby is, amended and reordained as follows:

**CHAPTER 33.01**

**SIGNS**

**ARTICLE I. GENERAL REGULATIONS**

**Sec. 33.01-3. Definitions.**

As used in this chapter, the following terms shall mean:

*Animated sign.* A sign utilizing any form of movement, including, without limitation, animation, revolution, vertical or horizontal motion, whether electrical, mechanical, wind-blown, or through change in lighting.

*Awning.* A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid material on a supporting framework (compare "canopy").

*Awning sign.* A sign painted on, printed on or attached flat against the surface of an awning.

*Banner sign.* A sign made of fabric or any nonrigid material with no enclosing framework.

*Building sign.* A sign physically inscribed upon, affixed to or supported by a building including, without limitation, awning signs, canopy signs, nameplate signs, projecting signs and wall signs, but excluding window signs.

*Business/office directories.* A nonadvertising sign, attached to a wall or mounted on a pole that lists the building occupants.

*Canopy.* A permanent, roof-like structure of rigid materials either supported by and extending from a building or freestanding, including marquees and porte cocheres (drive-under canopies).

*Canopy sign.* A sign attached to or displayed on a canopy.

*Commercial/industrial uses.* The uses that are set out in all zoning districts, except residential districts, as adopted in the Zoning Ordinance. Home occupations, which are an accessory use to main residential uses, are not to be considered commercial/industrial uses.

*Community facility.* A non-commercial facility which provides a public service, or selected semi-public uses customarily associated with residential communities (e.g., a neighborhood association recreational facility) which offer services of an educational, recreational or religious nature.

*Developed site.* An area of improved property that independently meets all requirements of the site plan ordinance. This definition includes entire shopping centers, malls, office complexes, etc., or such portions thereof, which independently meet all such requirements. This term shall be interpreted to include premises which met all requirements of the site plan ordinance at the time such premises were developed or were improved prior to the adoption of the site plan ordinance.

*Directional sign.* A sign giving directional instructions, but containing no advertising copy, (e.g., parking or exit and entrance signs).

*Director.* Director means the director of the department of planning or the director's designee.

*Dwelling unit.* A single residential unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, eating, cooking and sanitation.

*Dwelling, detached single-family.* A building containing one (1) dwelling unit, surrounded by a yard. Manufactured homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents or other forms of temporary or portable housing are not included within this definition.

*Dwelling, multiple-family.* A building containing three (3) or more dwelling units, entirely surrounded by a yard, where each dwelling unit is served by a common outside entrance.

*Dwelling, attached single-family.* A building containing two (2) or more dwelling units sharing at least sixteen (16) horizontal feet of a wall, ceiling or floor area between such units with each unit having its own front and rear or side access to the outside.

*Dwelling, two-family.* A building containing two (2) dwelling units, entirely surrounded by a yard, where each dwelling unit is or is not on a separate lot.

*Electronic display signs.* A sign containing light emitting diodes (LEDs), fiber optics, light bulbs, plasma display screens or other illumination devices, or a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals, that are used to change the messages, intensity of light or colors displayed by such sign.

*Festoons.* A string of ribbons, tinsel, small flags, pennants, pinwheels, or similar devices.

*Flashing light.* A device which contains an intermittent or sequential light source used primarily to attract attention. Such a device is deemed to be a sign.

*Flashing sign.* A sign utilizing lighting effects simulating motion.

*Foot candle.* A unit of illuminance equivalent to one (1) lumen per square foot.

*Freestanding sign.* A sign supported upon the ground by poles, braces or other structures and not structurally supported by any building or canopy.

*Frontage, building.* The length or width of each side of a building which side either fronts a public right-of-way or provides public access into the building.

*Frontage, store.* An individual store's or business' portion of building frontage.

*Frontage, street.* The length of the property line of a developed site along the public street(s) on which it borders.

*Ground sign.* A freestanding sign not greater than six (6) feet in height.

*Height (of a freestanding sign).* The vertical distance measured from the highest point of the sign structure to the top of the curb (or edge of pavement where no curb exists) at that point of the immediately adjacent street where direct access to the developed site served by the sign is provided.

*Illegal sign.* A sign which does not meet the requirements of this chapter.

*Maintenance.* For the purposes of this chapter, the cleaning, painting, repair and/or replacement of parts of a sign and/or the sign structure.

*Marquee sign.* A sign attached to and made a part of a marquee structure with changeable, fixed or both types of lettering in use.

*Marquee structure.* A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

*Monument sign.* A sign affixed to a structure built at grade, in which the sign and the structure are an integral part of one another; not a pole sign.

*Neon sign.* A sign containing exposed tubes filled with light-emitting gas.

*Nameplate.* A sign giving only the name, address and/or occupation of an occupant or group of occupants and which is not internally illuminated.

*Nit.* A unit of illuminative brightness.

*Nonconforming sign.* Any sign which was lawfully erected in compliance with applicable regulations of the city and maintained prior to the effective date of this chapter and which fails to conform to current standards and restrictions of this chapter.

*Owner.* The holder of title in fee simple; and/or any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. For the purposes of this chapter, the owner of premises on which a sign is located is presumed to be the owner of the sign unless acts to the contrary are officially recorded or otherwise brought to the attention of the zoning administrator, (e.g., a sign leased from a sign company).

*Point of purchase display.* Advertising of a retail item displayed on the product or the product's dispenser. Vehicles used for the delivery of products shall not be deemed to be a product dispenser.

*Pole sign.* A sign that is mounted on one (1) or more freestanding poles.

*Portable sign.* A freestanding sign that is trailer mounted, or otherwise designed to be relocated, or is constructed on a chassis or carriage with permanent or removable wheels, and has an area not exceeding sixty (60) square feet on each of two (2) parallel sides.

*Premises.* An area of single or contiguous lots under common ownership along with any building(s) or structure(s) occupying it.

*Projecting sign.* A sign other than a wall sign that is attached to a wall or suspended from a pedestrian protection overhang. (See wall sign.)

*Readerboard.* A sign structure on which copy, graphics, etc. can be changed manually in the field or automatically through mechanical or electrical means.

*Residential subdivision sign.* A freestanding permanent sign not more than thirty-two (32) square feet in area constituting an entrance to a residential subdivision.

*Revolving sign.* A sign in which the sign itself or any portion thereof moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

*Setback.* The minimum required distance from a specified property line of the developed site or premises upon which a sign is located to that part of the sign structure closest to said property line.

*Sign.* A structure, wall or other object, or such portion thereof, used for the display of any information or message, including, without limitation, any device, structure, fixture or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising

or identifying any establishment, product, goods, services, activity or entertainment; provided, however, that this definition shall not include works of art or temporary holiday decorations that do not convey a commercial message. (See also "flashing light.")

*Sign regulations.* The provisions of this chapter 33.01.

*Temporary sign.* A sign not intended for permanent use to be displayed and removed within a limited period of time and neither permanently installed in the ground nor permanently affixed to a building or structure permanently installed in the ground.

*Townhouse.* See dwelling, townhouse.

*Vehicular sign.* A sign attached or painted on a bus, car, truck or trailer.

*Wall sign.* A sign painted on, or attached to, and erected parallel to the face of an outside wall of a building, and not projecting more than eighteen (18) inches from the wall.

*Window sign.* A sign which is

- (1) Physically affixed to a building window or
- (2) Legible from any vehicular public right-of-way through a building window.

For purposes of this chapter, any sign (including illuminated signs) located inside a building and otherwise legible from any vehicular public right-of-way shall be deemed not to be a "window sign" if such sign

- (1) Is less than six (6) square feet in area; and
- (2) Is located at least ten (10) feet away from such window(s) through which it is viewed.

## ARTICLE II. REMOVAL OF UNSAFE SIGNS

### Sec. 33.01-16. Same; emergency action.

(a) When, in the opinion of the director, there is immediate danger of collapse or failure of a sign, or any part thereof, which would endanger persons or premises; or when a violation of this chapter results in a fire hazard that creates an immediate, serious and imminent threat to life and safety, he shall order the affected area barricaded or otherwise segregated and marked off to the extent necessary to warn others of such danger.

(b) Upon notice of such dangerous condition, the director or designee, shall make a reasonable attempt to notify the owner of the premises as shown on the real estate assessor's records. If the owner is unable to be contacted within forty-eight (48) hours, or if the owner is contacted and takes no action within that time after notification, the director shall cause the sign, or so much thereof as is unsafe, if it can be safely removed from the remainder, to be demolished and removed from the site.

### ARTICLE III. ADMINISTRATION AND ENFORCEMENT

#### **Sec. 33.01-25. General.**

(a) The zoning administrator, appointed by the director of planning to enforce the Zoning Ordinance, shall also enforce this chapter. It shall, therefore, be the duty of the zoning administrator to enforce this ordinance by receiving applications and issuing permits where applicable, as required by this chapter. The director and/or the zoning administrator may make the necessary inspections to ensure compliance with this chapter.

(b) The zoning administrator may revoke a permit issued under the provisions of this chapter for reasons of misrepresentation or false statement which is made knowingly or unknowingly, as to a material and relevant fact as to the plans or the premises upon which a permit was based.

#### **Sec. 33.01-26. Notice of order to abate violations of chapter; removal of illegal and prohibited signs.**

(a) The director of planning and/or the zoning administrator, and any person assigned to the department of codes compliance who has been appointed as a special conservator of the peace and has been given the duty to enforce the regulations set forth in this chapter, shall have the authority to serve a written notice of violation and to order the abatement of such violation. Except in emergencies, such notice and order shall provide for a minimum three-day period within which violations are to be abated. Such director of codes compliance and/or the zoning administrator and special conservator of the peace are each hereby granted the authority to issue a summons to the general district court to any person in the city who shall fail to obey a lawful order contained in such notice of violation.

(b) Enforcement of this chapter shall specifically include the ability to order removal of illegal or prohibited signs. For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JUNE 27, 2023

Mabel Washington Jenkins, MMC  
City Clerk

Phillip D. Jones  
Mayor

A true copy, teste:

City Clerk