

*“A Historic Past”*



*“A Bright Future”*

CITY OF DELAWARE CITY  
407 Clinton Street – P.O. Box 4159  
Delaware City, Delaware 19706  
302-834-4573

**CITY OF DELAWARE CITY  
DELAWARE CITY, DELAWARE**

**ORDINANCE NO. 09-0817-02**

**AN ORDINANCE TO AMEND  
CHAPTER 46, ARTICLE X, SECTION  
46-83 AND REPEALING SECTION 46-  
84 TO PROVIDE SIGNAGE  
REGULATIONS FOR COMMERCIAL  
PROPERTIES.**

WHEREAS, the Mayor and Council of the City of Delaware City have determined that it is appropriate to adopt revised signage regulations for properties located in commercially zoned districts in the City;

NOW, THEREFORE, the Mayor and Council of the City of Delaware City do ordain as follows:

SECTION 1: The following amendments to Chapter 46, Article X, Sections 46-83 and 46-84 of the Code of the City of Delaware City are hereby adopted by the Mayor and Council of the City of Delaware City:

**Section 46-83 All Commercial Districts**

(1) The purpose of this ordinance relating to signage on all commercially zoned properties in the City of Delaware City are as follows:

- A. To promote commerce.
- B. To promote the safety, convenience and well being of the users of the sidewalks and streets of Delaware City.
- C. To avoid distractions and obstructions from signs which would adversely affect vehicular and pedestrian safety and to alleviate hazards from signs projecting over or encroaching on public ways.
- D. To avoid excessive visual competition and insure that signs aid orientation and adequately identify uses and activities to the public.
- E. To preserve or enhance Delaware City's unique historic character by providing new and replacement signs which are:
  - i. Distinctive
  - ii. Compatible with the surroundings, including historic building styles and the streetscape.
  - iii. Appropriate to the type of activity they identify.
  - iv. Expressive of the identity of individual proprietors or of the community as a whole.
  - v. Readable by virtue of size, spacing and proportion of letters and graphics.

(2) The following signage regulations shall apply to all commercially zoned properties in the City of Delaware City with the exception of commercially zoned

properties with public road access on 5<sup>th</sup> Street in the City of Delaware City. The signage regulations found in Section 46-83 (3) shall apply to all commercially zoned properties with public road access on 5<sup>th</sup> Street in the City of Delaware City.

A. No banners, temporary or decorative signs made of any flexible material whether mounted on poles, wires or on buildings or fences shall be permitted without express written permission from the City Manager or a majority vote of Mayor and Council. Requests must be made at least 30 days prior to the desired date of placement. This section may be waived by the City Manager or Mayor and Council for City sanctioned special events. Temporary banner permits shall extend for no more than fourteen (14) days. The City shall provide a form for this request which shall contain space for the following information:

- i. The name of the person, business or organization that is requesting the banner.
- ii. A description of the banner(s) giving dimensions, wording and graphics to be displayed.
- iii. The date the banner(s) is to begin to be displayed.
- iv. The date the banner(s) is to be removed. (Maximum of 14 days per banner)
- v. The exact location of the banner(s).
- vi. The purpose of the banner(s).
- vii. The date of application and signature of applicant.

- viii. Approval or disapproval and date. If disapproval a reason must be given. Disapproval by City Manager may be appealed to Mayor and Council.
- B. Both flat signs attached to the facade of buildings, and projecting signs are permitted either individually or in combination.
- C. Front lighting only is permitted and should be sufficient to illuminate the sign only and shall not unduly project onto other properties. Flashing lights on signs or signs that emit smoke or noises are not permitted.
- D. Signs must be securely fastened, and must have at least seven (7) feet of clearance over any public walkway or right of way.
- E. Wall signs may not exceed two (2) square feet for every linear foot of building wall to which it is attached. A maximum of thirty (30) square feet is permitted for each wall sign. A maximum of twenty (20) square feet is permitted for any projecting sign.
- F. Trademarked signs and logos of companies other than the business operating on the premises involved are prohibited.
- G. No sign shall be painted directly on any surface which is not in itself the sign structure except for a sign or lettering painted or placed directly on a door or store window identifying the occupant or activity of a building or structure. Exceptions may be made by the City Manager for areas of buildings that lend themselves to or are specifically designed for such or for the repainting of historic wall signs or murals which can be adequately documented as determined by the Historic Preservation Commission.

- H. Signs may not:
  - i. Be structurally unsafe.
  - ii. Be hazardous to the public safety and health.
  - iii. Obstruct free ingress and egress from any door, driveway, private roadway, window or fire escape or otherwise obstruct free passage of vehicular and pedestrian traffic on any City sidewalk, street or other public right of way.
- I. All signs shall be constructed of durable materials and be kept in good condition and repair.
- J. Every sign in existence at the time this Section becomes effective, which does not conform to the provisions herein, shall be removed or brought into compliance with the provisions of this part within 90 days of the passage of this Section.
- K. This Section not apply to any sign displayed from inside a building whether through a window or doorway.
- L. Small signs, not to exceed 6 square feet in the aggregate, placed to promote a special event or sale shall be permitted.
- M. No sign shall be installed or erected without a permit issued by the City verifying compliance with this Section. The City Manager may impose a reasonable fee not to exceed \$100.00 per sign to offset the administrative cost of reviewing sign applications.
- N. Signage subject to this Section shall not be subject to approval by the Historic Preservation Commission.

- O. This Section shall not apply to signs erected by governmental authorities that serve the following purposes: traffic signs; directional signs; informational signs; warning signs; signs required by law or governmental regulation; street identification signs; historical markers; signs indicating bus stops and other transportation facilities; and signs identifying public buildings, parks and other City owned facilities.
- P. Every person or entity failing, neglecting or refusing to comply with the provisions of this Section shall be guilty of a violation punishable by a fine of \$100.00 per day for each day that such violation continues. In addition, the City shall have the right to remove any sign maintained in violation of this Section at the expense of the owner and occupant of the building or property involved, who shall be jointly and severally liable for such costs of removal. Any sums due hereunder shall represent a lien in favor of the City against the property on which the involved is maintained which lien shall have priority in the same manner as real estate taxes due and owing to the City. All such violations shall be enforceable in any Justice of the Peace Court. Alternatively, the City may institute legal or equitable action in any court of competent jurisdiction to collect fines or other amounts due and owing under this Section and to enforce administrative decisions hereunder, including actions for specific performance or injunctive relief. In any legal or equitable action to enforce this Section, the City shall be entitled to sue for and collect as a part of the judgment any and all damages incurred by the City in

connection with a person's or entity's violation of this Section as well as court costs, the City's reasonable attorney's fees and any other out of pocket expenditures incurred by the City in connection with the enforcement of this Section.

(3) The following signage regulations shall apply to all commercially zoned properties with public road access on 5<sup>th</sup> Street in the City of Delaware City.

A. The following signs are permitted on properties with public road access on 5<sup>th</sup> Street in the City of Delaware City in the C-1 District:

- i. All signs permitted in the R-3 District.
- ii. Business signs, provided that the number of signs shall not exceed one (1) sign per business per frontage, shall not project beyond the building line, shall not exceed three (3) square feet for each foot of building frontage on the lot or sixty-five (65) aggregate square feet, whichever area is smaller, and shall be illuminated by any conventional method except that no animated, revolving, flashing or moving lights shall be permitted.
- iii. No sign shall be erected in such a manner as to interfere with vision from a motor vehicle using an access or egress to a commercial establishment.

B. The following signs are permitted on properties with public road access on 5<sup>th</sup> Street in the City of Delaware City in the C-2 District:

i. All signs permitted under 46-83 (3)(A) except those pertaining to residential structures since residential structures are not allowed in the C-2 District.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Council hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

SECTION 3. Repealer. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon passage.

**(Signature Page Follows)**

**ADOPTED BY THE MAYOR AND COUNCIL, this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**

\_\_\_\_\_  
**Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**City Solicitor**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**Council Member**

\_\_\_\_\_  
**Council Member**

First Reading: 8/17/09  
Second Reading and Passage: \_\_\_\_\_