

**AN ORDINANCE TO AMEND  
TITLE 15  
OF THE CODE OF EMMITSBURG  
ENTITLED  
BUILDINGS AND CONSTRUCTION**

\*\*\*\*\*  
BE IT RESOLVED, ENACTED AND ORDAINED, this 21<sup>st</sup> day of OCTOBER,  
2013, by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland,  
pursuant to the authority granted to them by the laws of Maryland and the Charter of the  
Town of Emmitsburg, that Title 15, 15.16, Sign Code, of the Emmitsburg Municipal Code, be  
amended as follows:

The amended section of this regulation read as follows with new wording indicated in  
**BOLD** letters and deleted words in ~~strike-out~~.

Sections:

- 15.16.010 Intent.**
- 15.16.020 Definitions.**
- 15.16.030 General regulations.**
- 15.16.040 Prohibited signs in all districts.**
- 15.16.050 Nonconforming signs.**
- 15.16.060 Measurement of signs.**
- 15.16.080 Village zone.**
- 15.16.090 Signs permitted in the zoning districts.**
- 15.16.100 Temporary signs in all zones.**
- 15.16.110 Enforcement.**
- 15.16.130 Administration.**

**15.16.010 Intent.**

It is the intent of this chapter to regulate signs that meet the needs of businesses and  
other organizations while protecting and enhancing the visual quality and traditional design  
concepts of Emmitsburg and in particular the historic district.  
(Ord. 01-23 (part): prior code Ex. E-1 § I)

**15.16.020 Definitions.**

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

"Animated sign" means a sign with motion of any kind, flashing lights, or color  
changes. Does not include flags, banners, pennants, or barber poles.

"Awning/canopy sign" means any visual message incorporated into an awning attached  
to a building.

**"BANNER": A TEMPORARY SIGN OF LIGHTWEIGHT FABRIC OR SIMILAR MATERIAL THAT IS MOUNTED TO A POLE OR A BUILDING. PROMOTIONAL BANNERS INCLUDE THOSE USED TO ANNOUNCE OPEN HOUSES OR GRAND OPENINGS, OR TO ADVERTISE SPECIAL EVENTS.**

"Barber pole" means a traditional symbol used to identify the place of business of a barber. For purposes of this chapter, a barber pole is not considered to be an animated or illuminated sign, but a traditional symbol of a service profession.

"Billboard sign": means a **LARGE OFF-PREMISE sign STRUCTURE DISPLAYING ADVERTISING INTENDED FOR VIEWING FROM EXTENDED DISTANCES, GENERALLY MORE THAN 50 FEET.** ~~used for any activity, person, group of people or thing not located on the premises upon which the sign is located.~~

**"DIRECTIONAL SIGN": SIGNS DESIGNED SOLELY TO PROVIDE DIRECTION TO PEDESTRIAN AND VEHICULAR TRAFFIC THAT DO NOT CONTAIN ADVERTISING LOGOS OR VERBIAGE.**

**"DIRECTORY SIGN": A SIGN THAT IDENTIFIES THE NAMES AND LOCATIONS OF TENANTS IN A MULTI-TENANT BUILDING OR IN A DEVELOPMENT MADE UP OF A GROUP OF BUILDINGS.**

"Double-faced sign" means a sign with two parallel, or nearly parallel, faces back to back, and located not more than twelve (12) inches from each other.

"Externally lighted sign" means a sign which does not produce artificial light from within itself.

"Flat sign" **OR WALL SIGN:** means any sign attached to, and erected parallel to the face of a building, and supported throughout its length by such building and not extending more than eighteen (18) inches from the building, **OR PAINTED ON AN EXTERIOR WALL.**

"Freestanding/monument sign" means a sign which is supported by up-rights, columns, etc., upon the ground and not attached to a building.

Height, Maximum Sign. "Maximum sign height" means the distance from the top of the sign to the ground. For freestanding/monument signs, the height includes the base of the sign.

"Internally lighted sign" means a sign that produces light within itself, and includes signs that consist of, in whole or in part, exposed glass tubing containing either neon, argon, or other material, regardless of whether the exposed glass material is located inside the window of the use or outside the use to which it refers.

"Marquee" means a covered structure projecting from and supported by a building covering a doorway.

"Multiple faced sign" means any sign with three or more faces, also includes spherical shaped signs.

**OFF-PREMISE SIGN: A SIGN DIRECTING ATTENTION TO A SPECIFIC BUSINESS, PRODUCT, SERVICE, ENTERTAINMENT EVENT OR ACTIVITY, OR OTHER COMMERCIAL ACTIVITY THAT IS NOT SOLD, PRODUCED, MANUFACTURED, FURNISHED, OR CONDUCTED AT THE PROPERTY UPON WHICH THE SIGN IS LOCATED. ALSO KNOWN AS THIRD-PARTY SIGN OR OUTDOOR ADVERTISING.**

**ON-PREMISE SIGN: A SIGN WHOSE MESSAGE AND DESIGN RELATES TO A BUSINESS, PROFESSION, PRODUCT, SERVICE, EVENT, OR OTHER COMMERCIAL ACTIVITY SOLD, OFFERED, OR CONDUCTED ON THE SAME PROPERTY WHERE THE SIGN IS LOCATED.**

**PERMANENT SIGN: A SIGN ATTACHED TO A BUILDING OR STRUCTURE, OR TO THE GROUND IN A MANNER THAT ENABLES THE SIGN TO RESIST ENVIRONMENTAL LOADS, SUCH AS WIND, AND THAT PRECLUDES READY REMOVAL OR MOVEMENT OF THE SIGN.**

**PORTABLE SIGN: A SIGN NOT PERMANENTLY ATTACHED TO THE GROUND OR A BUILDING, AND EASILY REMOVABLE USING ORDINARY HAND TOOLS.**

"Projecting **OR BRACKET** sign" means a sign which is attached to and projects more than eighteen (18) inches from the face of a wall of a building.

**RIGHT OF WAY (ROW): THE LAND ON WHICH A PUBLIC THOROUGHFARE IS LOCATED AND CERTAIN LANDS ADJACENT THERETO. PERMANENT COMMERCIAL SIGNS ARE GENERALLY LOCATED ON PRIVATE LAND ADJACENT TO THE PUBLIC RIGHT OF WAY.**

"Sandwich board"/**SIDEWALK SIGN:** means a ~~means a~~ **A sign NOT SECURED OR ATTACHED TO THE GROUND OR SURFACE UPON WHICH IT IS LOCATED, BUT SUPPORTED BY ITS OWN FRAME AND MOST OFTEN FORMING THE CROSS-SECTIONAL SHAPE OF AN A.** ~~erected on an "A" frame which is not permanently attached to a foundation in the ground and which is not attached to a wheeled framework.~~

"Shopping center" means a concentration of contiguous retail and service establishment as a unit on one lot. ~~servng a region.~~

"Sign" means a structure or device, in whole or part, which uses symbolic representations to direct attention, to identify or advertise any activity, person, group of people or thing.

**"SIGN FACE": THE AREA OF A SIGN ON WHICH COPY IS INTENDED TO BE PLACED.**

**"SIGNAGE": A SYSTEM OF PLACE-BASED COMMUNICATION DEVICES AND GRAPHICS INTENDED TO IMPART INFORMATION OR ATTRACT ATTENTION, SUCH AS PROJECTING, WALL, ROOF, AND FREESTANDING SIGNS.**

"Temporary sign": means any sign **NOT INTENDED FOR PERMANENT INSTALLATION, AND INTENDED TO BE USED FOR A LIMITED PERIOD OF TIME. TEMPORARY SIGNS INCLUDE, BUT ARE NOT LIMITED TO, BANNERS, PENNANTS, SANDWICH OR A-FRAME, YARD SIGNS, AND FEATHER-FLAG SIGNS** which has for its purposes **SUCH AS** the advertising, announcement or display of information pertaining to an event, condition or situation that is intended to be limited in scope, duration of time ~~not to exceed forty five (45) days,~~ including, but not limited to, commercial sales events, concerts, plays and other commercial or cultural events.  
(Ord. 08-06 (part): Ord. 07-02 § 1 (part): Ord. 01-23 (part): prior code Ex. E-1 § II)

**"TRADE SIGN": TEMPORARY SIGN INDICATING CONTACT INFORMATION FOR A CONTRACTOR OR TRADESPERSON WHICH CAN BE LOCATED ON A PROPERTY ONLY WHILE WORK IS ACTIVELY TAKING PLACE ON THE PROPERTY, AND WHICH MUST BE REMOVED WHEN THERE IS A WORK STOPPAGE OF MORE THAN 30 DAYS, OR WORK HAS BEEN COMPLETED.**

**"WALL SIGN": SEE "FLAT SIGN".**

**"WAYFINDING": A TERM USED TO DESCRIBE THE TASK OF FINDING ONE'S WAY TO A GIVEN LOCATION USING INFORMATION FOUND ALONG THE TRAVEL PATH, AND/OR THE SIGNAGE INSTALLED FOR SAID PURPOSE.**

**"WINDOW SIGN": A SIGN THAT IS PAINTED ON, ATTACHED TO, OR SUSPENDED DIRECTLY BEHIND OR IN FRONT OF A WINDOW OR THE GLASS PORTION OF A DOOR.**

**15.16.030 General regulations.**

A. No sign shall be erected in any district unless in compliance with this chapter. Existing signs shall not be altered or moved unless in compliance with this chapter.

B. A sign permit is required for the erection of new **PERMANENT** signs or for the alteration of size, height or location of existing **PERMANENT** signs. All site plans reviewed by the planning commission shall include the location, height, size, and design of all **PERMANENT** signs to be located on the site.

**C. A SIGN PERMIT IS REQUIRED FOR OFF-PREMISE TEMPORARY SIGNS AS ALLOWED IN §15.16.100 F.**

**D. A SIGN PERMIT IS NOT REQUIRED FOR ON-PREMISE TEMPORARY SIGNS; HOWEVER, TEMPORARY SIGNS MUST MEET THE SIZE, CUMULATIVE MAXIMUM SQUARE FOOTAGE, NUMBER, AND PLACEMENT REQUIREMENTS OF SECTIONS §15.16.090 AND §15.16.100.**

~~E.E.~~ No signs shall be attached to utility poles, traffic signal poles, or traffic control posts/signs, trees or shrubs, public rights-of-way, tree wells or sidewalks.

~~E.F.~~ Signs attached to a building shall not project more than thirty-eight (38) inches from the face of the building and shall have a minimum clearance of eight feet above the ground/sidewalk to the bottom of the sign.

~~E.G.~~ Only one freestanding sign shall be permitted on each property except for lots with two or more street frontages. For lots with two or more street frontages, two freestanding/monuments signs are permitted.

~~F.H.~~ A freestanding **DIRECTIONAL** sign located within a parking lot shall be no larger than two square feet.

~~G.I.~~ The base of all freestanding/monument signs shall be set back a minimum of five feet from any property line. No part of a freestanding/monument sign shall be located within or overhang into a public street right-of-way, sidewalk, or adjoining properties.

~~H.J.~~ No signs shall be located on any part of the roof.

~~I.K.~~ No sign shall project intermittent or flashing illumination except for public road or street signs intended to promote safety.

~~J.L.~~ No sign shall be located which will interfere with traffic visibility along the right-of-way of any road or along any internal private driveway existing or entering a site or on any slope or drainage easement of a road.

~~K.M.~~ No sign shall be permitted which becomes unsafe, or endangers the safety of a building, premise, or person. A staff member designated by the town manager shall order such signs to be made safe or repaired or removed and such order shall be complied with within ten days of the receipt of such order.

~~L.N.~~ When a sign structure does not include a sign for a period of one hundred twenty (120) consecutive days, such sign structure shall be deemed a violation and shall be removed.

~~M.O.~~ Window Signs. Signs shall be permitted in a window or in a display of merchandise when incorporated with such a display. The total **COMBINED** area of all **PERMANENT AND TEMPORARY** window signs **AFFIXED TO A WINDOW** shall not exceed thirty-five (35) percent of each window glass area. An additional ten percent of window area may be used on a temporary basis to advertise nonprofit activities.

~~N.P.~~ A single building shall have no more than one flat sign for each tenant and each sign shall be consistent in design, size and materials used. All signs shall be single-sided signs attached directly to a building.

**Ø.Q.** No sign shall be permitted which through damage, disrepair or lack of maintenance is or has become impaired in its functionality or blighted in its appearance. A staff member designated by the town manager shall order such signs to be repaired, replaced, or removed and such order shall be complied with within forty-five (45) days of the receipt of such order.

**P.R.** Internally lit signs are allowed in all zones, except in village zone where they are regulated per Section 15.16.080(B)(4).

**Ø.S.** In all districts, including village zone, a barber pole may be placed only at the location of a licensed barber shop.  
(Ord. 08-06 (part): Ord. 07-02 § 1 (part): Ord. 04-16 (part): Ord. 01-23 (part): Ord. 93-16 § 1; Ord. 92-11 § 1; prior code Ex. E-1 § III)

**15.16.040 Prohibited signs in all districts.**

- A. Billboards.
- B. Electronic/variable message signs.
- C. Portable trailer/free-standing signs.
- D. Marquees.
- E. Animated signs.  
(Ord. 01-23 (part): prior code Ex. E-1 § IV (part))

**15.16.050 Nonconforming signs.**

A. Permitted signs existing prior to the enactment of the ordinance codified in this chapter, and any applicable amendment thereto, and not conforming to its provisions shall be considered as legal nonconforming signs and shall be allowed to continue subject to the following restrictions:

1. The nonconforming sign may not hereafter be altered in size, shape, color, wording, graphics or other appearance;
2. If the nonconforming sign is removed from its location, it may not be reused or replaced. Any new sign must comply with the requirements of this chapter;
3. In the event of a sale, assignment, transfer or other conveyance of the property on which the nonconforming sign is displayed, the new owner or occupant may not continue to use and display the nonconforming sign;
4. In the event that a business, organization, establishment or other entity is closed, out of business, is inactive or is in any way not operated for a period of

one hundred eighty (180) consecutive days, the nonconforming sign shall be removed and shall not be replaced except in conformance to this chapter;

5. The town manager, shall record and catalog the signs in the town in existence on the date of the enactment of the ordinance codified in this chapter and any amendment thereto and shall designate those which are nonconforming. In any action to enforce the provisions of this chapter, it shall be a rebuttable presumption that a sign is not a permitted nonconforming sign if the sign has not been catalogued and recorded as a permitted nonconforming sign.  
(Ord. 07-02 § 1 (part): Ord. 01-23 (part): Ord. 96-09; Ord. 93-3 § 1; prior code Ex. E-1 § IV(1))

**15.16.060 Measurement of signs.**

- A. Only one face of a double-faced sign shall be computed for sign area provided the two faces are no more than one foot apart.
- B. When individual letters, symbols, or logos are placed directly on a building or window, the area shall be based on the area enclosed with a continuous border of the extreme limits of the letters, symbols, or logos. (see figure 1.)
- C. The height of a freestanding/monument sign shall be measured from the highest point of the sign structure to the final grade of the base of the sign.
- D. Exit/entrance signs (without any logos), menu boards, gas station price sign, be larger than state minimum (per state regulation #10-315 as regulated by the state comptroller's office), and tenant directories shall not be included in calculating total sign area.
- E. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area.
- F. Dimensions for a barber pole shall approximate two square feet of space, calculated as height x width, excluding the wall bracket or other support.  
(Ord. 08-06 (part): Ord. 01-23 (part): Ord. 98-05; Ord. 98-04; prior code Ex. E-1 § IV(2))

FIGURE 1

Individual Letters or Logos on Building or Window

$$\text{Sign Area} = A \times B$$

GRAPHIC UNAVAILABLE

FIGURE 2

Freestanding/Monument Signs

$$\text{Sign Area} = A \times B$$

GRAPHIC UNAVAILABLE:

**15.16.080 Village zone.**

A. Intent. The intent of this section is to produce signs which are nonobtrusive and blend with the character of the village zoning district. The purpose of these signs is to advertise to pedestrian traffic and vehicular traffic.

B. Signs in the village zone district shall comply with the following requirements:

1. All hangers for signs shall be in the form of a bracket and made of metal.
2. All signs will be no larger than thirty-six (36) inches by twenty-four (24) inches and will not protrude from the building farther than thirty-eight (38) inches.
3. In the village zone, each business may have one internally lit sign per business on each road frontage. The maximum size of such signs authorized is twelve (12) inches by twenty-four (24) inches.
4. Flat signs (one-sided signs attached directly to a building) shall not be located anywhere above the bottom of the second floor window and no window or part of window shall be covered by any sign, supporting structure, or part thereof.
5. One awning/canopy sign per storefront is permitted on ground floor only.
6. Barber poles are allowed in the village zone at a licensed barber shop, and are not considered an animated or illuminated sign.

(Ord. 08-06 (part): Ord. 07-02 § 1 (part): Ord. 04-16 (part): Ord. 01-23 (part): Ord. 01-04 (part): Ord. 94-3 § 1; Ord. 90-9 § 1; prior code Ex. E-1 § IV (4(part))  
(Ord. No. 11-19, 9-19-11)

**15.16.090 Signs permitted in the zoning districts.**

A. ~~Unless no permit is required as provided herein, p~~Prior to erecting any **PERMANENT** sign, application shall be made to the planning department for a permit to erect such sign. Within five (5) days of receiving such application, the planning department shall issue such permit if the proposed sign meets the requirements of this chapter. ~~If such application is denied, then the applicant shall be advised of the reasons therefore, and such~~



applicant shall have the right to appeal such adverse decision as allowed for in chapter 17.12 of this Code.

B. The following specifications and restrictions are applicable to signs in the Town of Emmitsburg:

Sign Type	Permit Needed	Maximum <b>CUMULATIVE</b> Sign Area (Sq. Ft.)	Maximum Sign Height (Ft.)
1. Subdivision- until all properties are sold	Yes	50	8
2. Subdivision identification	Yes	15	8
3. <del>hg</del> ; Contractors- until project is complete	Yes	24	8
4. Identification for public and nonprofit organization	Yes	50	8
5. Home occupation	Yes	2	4
6. Individual business	Yes	50	8
7. Shopping center:			
Center identification sign	Yes	50	8
Individual stores	Yes	25	Attached only
8. Industrial park:			
Park identification sign (enter) sign	Yes	50	8
Individual	Yes	50	8
9. Temporary signs			
-A. Small	No	8	6
-B. Large	Yes (45 days w/ 5 day nondisplay intervals)	8.1 to 32	8
<b>ON-PREMISES NON-RESIDENTIAL</b>	<b>NO</b>	<b>CUMULATIVE 32 S.F. INCLUDING ALL TYPES</b>	
10. Ballfield sponsor advertising sign	Yes	32	6

(Ord. 07-02 § 1 (part); Ord. 01-23 (part); prior code Ex. E-1 § IV (4(V)))

**15.16.100 Temporary signs in all zones.**

A. ~~USE OF Temporary signs shall be permitted for a maximum period of forty-five (45) consecutive days.~~ **MEET THE DEFINITION OF TEMPORARY SIGN IN §15.16.020.**

B. Temporary signs shall not be placed on any part of the roof structure and shall not be located such that it impedes sight distance for vehicles traveling along adjacent roads or entering/exiting the site.

C. **COMMERCIAL/INSTITUTIONAL TEMPORARY SIGNS MAY ONLY BE PLACED ON THE PROPERTY ON WHICH THE BUSINESS, PROFESSION, PRODUCT, SERVICE, EVENT, OR OTHER ACTIVITY IS BEING SOLD, OFFERED, OR CONDUCTED, EXCEPT AS ALLOWED IN PARAGRAPH F OF THIS SECTION.**

~~There shall be a minimum period of five days between the placement of a temporary sign by the same individual or entity.~~

D. The **CUMULATIVE SQUARE FOOTAGE** number and size of **ON-PREMISES** temporary advertising and promotional signs ~~AGE~~ shall not result in exceeding the maximum area allowed under Section 15.16.090(B). **YARD SIGN, POLE, FEATHER-TYPE, AND SIMILAR SIGNAGE SHALL BE LIMITED TO TWO OF THIS TYPE, IS INCLUDED IN THE CUMULATIVE SQUARE FOOTAGE, AND MAY ONLY BE INSTALLED ON THE SAME PROPERTY AS THE USE BEING ADVERTISED.**

E. Temporary signs attached to a building shall be installed below the bottom of the second story window.

F. Civic/nonprofit organizations **SEEKING TO** advertising a local community event must comply with Section 15.16.090 size. **MAY BE ALLOWED OFF-PREMISES TEMPORARY SIGNAGE, INCLUDING** The town shall issue a permit, at no cost, for up to four signs **OF UP TO 32 S.F. EACH.** to a civic/nonprofit organization advertising a civic event. **A TOWN PERMIT IS REQUIRED, AT NO COST, AND MAY BE ISSUED FOR UP TO FOUR WEEKS PRIOR TO THE EVENT AND ONE WEEK AFTER THE EVENT. PROPERTY OWNER CONSENT IS REQUIRED FOR PLACEMENT OF SUCH SIGNS.**

(Ord. 07-02 § 1 (part); Ord. 01-23 (part); prior code Ex. E-1 § V)

**G. YARD SIGNS ADVERTISING NONPROFIT EVENTS MAY BE LOCATED ON RESIDENTIAL PROPERTIES WITH LANDOWNER PERMISSION, WITHOUT A PERMIT.**

**15.16.110 Enforcement.**

A. The town shall order the removal of any sign erected in violation of this chapter. Ten days written notice shall be given to the owner of such signs, building, or property to remove the sign or bring it into compliance with this chapter. Upon failure of the owner to remove the sign or bring it into compliance within thirty (30) days of receipt of the

notice, the town shall be authorized to remove or cause removal of the sign at the expense of the owner of the sign or the property.

B. Any violation of the provisions of this chapter shall be deemed a municipal infraction punishable by a fine of one hundred dollars (\$100.00), and such municipal infraction shall be enforced as such. Each day a violation continues shall be considered a new violation.

(Ord. 07-02 § 1 (part))

**15.16.130 Administration.**

A. Permit fees. Every applicant before being granted a permit, shall pay to the town a permit fee according to the permits, inspections and fees policy for all signs requiring a permit.

(Ord. 01-23 (part): Ord. 98-06; Ord. 93-14 § 1; Ord. 93-4 § 1; prior code Ex. E-1 § VII)

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this Ordinance shall take effect on the 21 day of October, 2013, and the Town Clerk shall post a copy thereof at the Town Office and one other public place within the Town.

PASSED this 21<sup>st</sup> day of October, 2013, by a vote of 4 for, 0 against, 1 absent, and      abstain.

ATTEST:

Vickie Felix  
Vickie Felix, Recording Secretary

Timothy O'Donnell  
Timothy O'Donnell, President  
Board of Commissioners

APPROVED       VETOED

this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Donald N. Briggs  
Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code, and as directed by the provisions of this Ordinance.

Date: \_\_\_\_\_

\_\_\_\_\_  
Donna DesPres, Town Clerk