

*First Reading 3-20-69
Second Reading 4-3-69
Adopted as amended
4-3-69*

AN ORDINANCE TO PREVENT THE ENCROACHMENT UPON THE PUBLIC RIGHT OF WAY OF SIGNS OR DEVICES AND TO REGULATE THE ENCROACHMENT THEREON OF MARQUEES AND PROVIDING FOR THE REMOVAL OF SUCH ENCROACHING SIGNS OR DEVICES.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

SECTION 1. The following signs or devices are hereby declared to illegal and in violation of this Ordinance.

- a. Any sign or device attached to a structure located on private property, which projects into, over or upon the public right of way as platted or established by prescription for a distance in excess of twelve (12) inches.
- b. Any sign or device attached to a structure, pole, or other device standing in or upon the public right of way as platted or established by prescription.

SECTION 2. Any sign or device which is in violation of this Ordinance and which is in existence and installed upon the date of enactment of this Ordinance shall be removed or altered so as to comply with Section One (1) according to the following schedule:

- a. Any such sign or device erected or installed prior to January 1, 1963 shall be removed or altered prior to June 1, 1970.
- b. Any such sign or device erected or installed upon or after January 1, 1963 and prior to January 1, 1968 shall be removed or altered prior to June 1, 1973.
- c. Any such sign or device erected or installed upon or after January 1, 1968 shall be removed or altered prior to June 1, 1974.

SECTION 3. Any owner or lessee of property to which a non-conforming sign or device is attached shall furnish to the City Engineer of the City, upon request in writing, the date of the erection or installation of such sign or device.

A false statement knowingly given by the owner or lessee or failure to furnish such information within five (5) days of the receipt of such request shall constitute a waiver of any rights

granted to any property owner or lessee as to the maintenance of any non-conforming sign or device by this Ordinance and such sign or device shall be removed or altered to conform within thirty (30) days after demand that such be done in writing by the City Engineer regardless of the ownership or the date of installation of such sign or device.

SECTION 4. A marquee as regulated by this Ordinance shall mean and include any fixed hood or canopy supported solely by the building to which it is attached extending over part of the public right of way. Any such hood or canopy not solely supported by the building to which it is attached shall not be a marquee and shall be in violation of this Ordinance.

No marquee shall be constructed either as part of a new structure or as an addition to an existing structure unless the plans and specifications thereof shall have been approved in writing by the City Engineer, as complying in all ways with the appropriate code provisions of the City including but not limited to materials, drainage, roof strength, bracing and anchorage.

No portion of a marquee shall be less than ten (10) feet above the level of the sidewalk or other public right of way over which it projects.

No marquee shall extend beyond a line parallel to and one (1) foot back of the back line of the curb fronting such property.

No marquee shall be wider than the building or buildings to which it is attached.

No sign or device shall be attached to or hung from a marquee except the following:

- a. A sign or device installed directly upon the vertical face or faces of the marquee, provided however, no such sign or device shall extend below or above such vertical face.
- b. A non-flashing self-illuminated sign or device hanging from the underside of such marquee, such sign or device to be:
 - i. Not more than forty-eight (48) inches in length.
 - ii. Not more than thirteen (13) inches vertically.


- iii. Installed perpendicular to the adjacent property line.
- iv. Containing only the name of and nature of the business conducted in the adjacent property.

Any existing marquee which violates the provisions of this Ordinance is designated as a non-conforming marquee and may continue, provided however that no substantial alteration in design or appearance of such marquee may occur and the owner or lessee thereof shall be entitled only to maintain said marquee.

SECTION 5. The erection or maintenance of any sign, device or marquee in violation of the provisions of this Ordinance shall constitute a breach of this Ordinance and the owner or lessee of the structure and the owner or lessee of such sign or device all shall be liable jointly for any such breach in an amount not less than Twenty-five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00) for each day or part thereof that such breach shall continue after such sign or device should have been removed or altered under the provisions of this Ordinance.

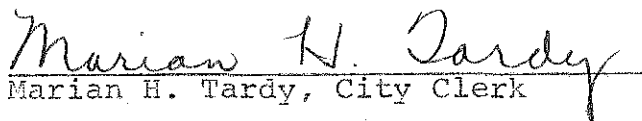
SECTION 6. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Passed and adopted by the Common Council of the City of Bloomington, Indiana on the Third day of April, 1969.



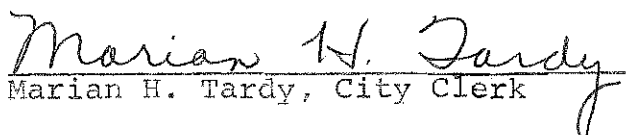
 Charles J. Paris, Council President

ATTEST:



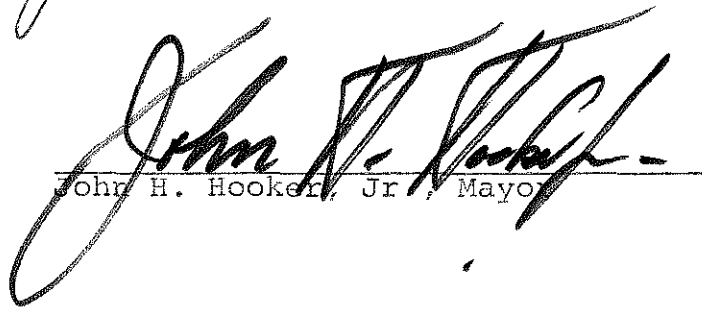
 Marian H. Tardy, City Clerk

Presented by me to the Mayor of the City of Bloomington, upon the Third day of April, 1969, at the hour of 10:00 o'clock p.m.

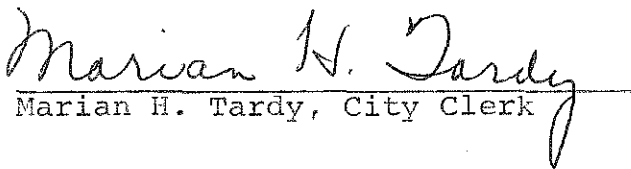


 Marian H. Tardy, City Clerk

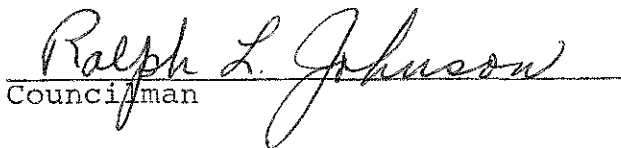
This Ordinance approved and signed by me upon the
Third day of April, 1969, at the hour
of 10:00 o'clock p.m.


John H. Hooker, Jr., Mayor

ATTEST:


Marian H. Tardy, City Clerk

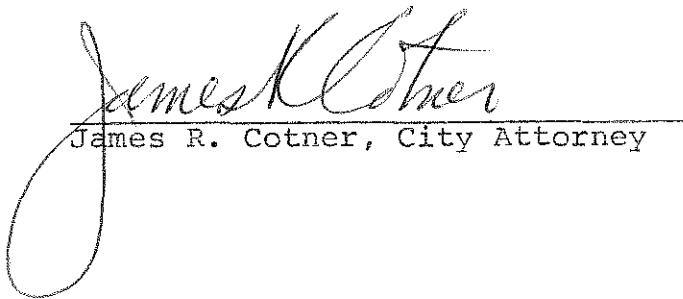
INTRODUCED BY:


Councilman

REFERRED TO COUNCIL COMMITTEE:


Committee Chairman

APPROVED AS TO LEGALITY:


James R. Cotner, City Attorney