

## BUILDINGS, CONSTRUCTION AND HOUSING

### **Section 5-6a. Fuel Gas Code.**

The provisions of the "2009 Fuel Gas Code" as modified, is hereby adopted as the City of Kirkwood Fuel Gas Code. See separate publication and adopting modification ordinance on file in the office of the City Clerk. (Ord. No. 9504, §1, 7-21-05; Ord. No. 10004, §1, 4-21-11)

### **ARTICLE 1½ SIGN CODE\***

#### **Sec. 5-7. Short title.**

This article shall hereafter be known and cited "Sign Ordinance of the City of Kirkwood." (Ord. No. 5869, 10-2-75)

#### **Sec. 5-8. Scope.**

The provisions of this article shall govern the erection of all signs and outdoor display structures, together with their appurtenant and auxiliary devices, in respect to size, location, and structural and fire safety.

- (a) Signs shall not be located in any residential zoning district as established by the City of Kirkwood's Zoning Code, except for signs permitted by Section 5-10, Exemptions.
- (b) *Building code applicable:* In the absence from this article of specifications governing details of sign construction, the applicable standards listed in the building code of the City of Kirkwood shall apply.

#### **Sec. 5-9. Definitions.**

*Approved combustible plastic* means a plastic material more than one-twentieth inch thick which burns at a rate of not more than two and one-half (2.5) inches per minute when subjected to ASTM Standard Test for Flammability of plastics in sheets of six-one-hundredths inch thickness.

*Awning* means any structure entirely supported by the wall to which it is attached and which has a frame covered by a temporary material and/or which can be retracted against the wall by which it is supported.

*Billboard* (see standard outdoor advertising structure).

*Canopy* means any structure attached to the building at the inner end and supported on the outer end in conformance with the building code of the City of Kirkwood.

*City* means the City of Kirkwood, Missouri.

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\*Editor's note—Ord. No. 5869, adopted Oct. 2, 1975, amended the Code by adding Ch. 6, but, with the concurrence of the city, has been redesignated as Ch. 5, Art. 1½, §§ 5-7—5-17. Former § 5-7, which saved from repeal Ord. No. 4654, adopted Oct. 27, 1960, the city's former sign code, has been deleted as being superseded by Ord. No. 5869.

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*Commissioner* means the building commissioner of the City of Kirkwood and his deputies and assistants, unless otherwise specified.

*Electronic changeable message sign* means a sign whose alphabetic, graphic, or symbolic informational content or display, either whole or in part, composed of electrically illuminated or mechanically-driven changeable segments, may be changed or altered by means of electrical, electronic or computerized programming.

*Erect* means to build, attach, hang, rehang, place, affix, or relocate and includes the painting and repainting of wall and window signs.

*Floor area* means the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. For the purpose of this article "floor area" shall not include any area used for:

- (1) Storage accessory to the principal use of a building.
- (2) Show window, not to exceed ten (10) per cent of the total building area.
- (3) Mechanical equipment rooms.
- (4) Specialized automatic mechanical or electrical equipment or apparatus used in the permitted business operation, up to a maximum of eighty-five (85) per cent of the area covered by such equipment.

*Frontage* means the length of the lot along the street side. The front of a lot bordering more than one street is along the shortest street side.

*Illuminated sign* means any sign which is brightened by light sources either mounted on or in the sign or at some other location.

*Licensed Sign Erector* means a person, his agents and employees, who has secured a sign erector's license as provided by the ordinances of the City of Kirkwood, as amended.

*Lot* means a parcel, tract, plot, or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat which is recorded in the office of the county recorder of deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one.

*Marquee* means any hood or awning of permanent construction and supported entirely by the building which projects from the wall of a building and over a sidewalk or pedestrian thoroughfare.

*Person* means any natural person, firm, partnership, association, corporation, company, or organization of any kind.

*Premises* means that portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants.

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*Sign* means any surface displaying advertising or a message for public consumption and designed and placed so as to be seen from out of doors. Sign supports are not a part of the sign.

*Sign area* means the area of the sign face. The "sign area" of a multifaced sign is the sum of the sign areas of each face.

*Sign area, gross* is the total allowable sign area for a premises.

*Sign area, total* means the sum of all sign areas for a particular type of sign.

*Sign face* means the entire area within a parallelogram which encloses the extreme limits of the sign lettering and/or graphic message.

*Sign structure* means the sign and all parts associated with its construction.

*Sign supports* means all structures by which a sign is held up, including, for example, poles, braces, guys, and anchors.

*Sign, awning and canopy* are signs attached to an awning or canopy.

*Sign, ground* means any detached sign which has its bottom portion erected upon or supported by the ground.

*Sign, hanging* means any sign hanging entirely beneath a canopy or marquee.

*Sign, illuminated* means any sign which is illuminated by light sources either mounted on the sign or at some other location.

*Sign, marquee* means any sign attached to a marquee.

*Sign, pole* also commonly known as a post or standard sign, means any detached sign supported by one or more stationary poles longer than five (5) feet above the mean grade line of the base or ground.

*Sign, projecting* means any sign which projects more than fifteen (15) inches beyond the plane of the wall on which the sign is erected.

*Sign, roof* means any sign erected on a roof.

*Sign, shopping center* means shopping center identification sign.

*Sign, temporary* means any sign intended for a limited or intermittent period of display.

*Sign, vehicle mounted*, means any sign installed, mounted, positioned, located, situated, displayed, or exhibited on a motor vehicle. This shall not include painting or decaling on a commercially-licensed vehicle or manufacturer's painting or decaling on a personal vehicle.

*Sign, wall* means any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any occupied building and supported by such wall or building, and which displays only one advertising surface.

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*Sign, window* means any sign that is permanently applied to either side of the glass of an exterior door or window. For the purposes of this ordinance a glass brick wall shall be deemed a window.

*Standard outdoor advertising structure* means any structure with a single sign face area of between three hundred (300) and seven hundred (700) square feet, located off site, and designed to accommodate replaceable advertising messages.

*Structural trim* means the molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.

*Tenant* means a person or organization that occupies a designated space within a building which is open to the general public with employees on the site for at least four hours per day, five days a week, and 50 weeks a year, except holidays.

*Zoning ordinance* means the zoning ordinance of the city, as amended, and the current district map related thereto.

(Ord. No. 8780, §1, 12-17-98; Ord. No. 10044, §1, 11-3-11)

### **Sec. 5-10. Exemptions.**

Signs meeting the following conditions need not be covered by a sign permit and are exempt from the requirements of sections 5-14(b), (f) and 5-15.

- (a) Signs and bulletin boards for churches, charitable, public or religious institutions, as follows:
  - (1) Signs which:
    - (i) do not exceed 16 square feet per face,
    - (ii) do not exceed 32 square feet in total sign area,
    - (iii) are not over 5 feet above grade if ground sign,
    - (iv) there are not more than one sign per public street frontage,
    - (v) are not internally illuminated,
    - (vi) are located on institution's premises, and
    - (vii) are electronically changeable message signs provided such signs are in compliance with the regulations set forth herein.
  - (2) Bulletin boards which:
    - (i) Do not exceed thirty-two (32) square feet in gross sign area, and
    - (ii) Are placed by public, charitable, churches or religious institutions, and

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- (iii) Are located on the institutions' premises.
- (b) Directional signs, if:
- (1) They aid customers in functioning on the premises, and
  - (2) They are not larger than three (3) square feet.
- (c) Memorial signs or tablets denoting the name of a building and date of erection, if:
- (1) Cut into any masonry surface, or
  - (2) Constructed of bronze or other incombustible metallic materials.
- (d) Municipal signs, legal notices, railroad-crossing signs, and danger signs.
- (e) Occupational signs denoting the business name of an occupation legally conducted on the premises, provided that:
- (1) The sign is nonilluminated, and
  - (2) The sign area does not exceed one square foot.
- (f) Signs affixed to the inside of a window and advertising commercial situations related to goods or services sold on the premises, provided that the total of all signs (including permitted signs) in that window shall have a gross sign area no greater than one-third of the window's area.
- (g) Political signs meeting the following criteria:
- (1) *Residentially Zoned Districts* – On each property there shall only be allowed one double-faced sign or two single-faced signs per street frontage per candidate or ballot issue with a maximum of six square feet per face of sign.
  - (2) *Non-Residential Zoned Districts* – On each property there shall only be allowed one double-faced sign or two single-faced signs per street frontage per candidate or ballot issue with a maximum of 32 square feet per face of sign.
  - (3) *Location*
    - Signs shall be located on private property.
    - Signs installed which create an imminent danger to motorists or pedestrians will be removed by city personnel.
    - Signs shall not be placed on city-owned property except when such property is under contract for Election Day use by the St. Louis County Board of Election Commissioners.
    - Signs may not be placed on park property except in connection with a park facility use permit specifically providing approval for the placement of signs.

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- (h) *Nonconforming Signs.* Any sign which is lawful and erected shall be permitted to remain or to be repaired or replaced with a sign of comparable size and configuration even though it fails to conform to the regulatory provisions of this chapter, provided that it does not become less conforming to any of the existing provisions of this chapter, and further provided that such signs located on the premises must be brought into compliance with all provisions of this Code when:
- (1) there is a change in the type of materials used in the construction of the sign; provided, however, a change of facing, panels, message or advertising does not constitute a change of type of materials;
  - (2) there is a change in the size or area of the sign;
  - (3) there is a relocation of the sign to another location on the premises for reasons other than for public health and safety;
  - (4) there is an abandonment or a discontinuance of the sign. Whenever the sign, for a continuous period of 120 days or longer (a) no longer advertises services or products available on the site; or (b) does not contain an advertising message, the sign shall be considered abandoned and discontinued.
- (i) Professional nameplates, permanent, provided that:
- (1) The sign area does not exceed one square foot for each professional employed on the premises, and
  - (2) The total area of such signs does not exceed six (6) square feet, and
  - (3) The sign is not illuminated.
- (j) Real estate signs, which meet the following criteria:
- (1) For signs which advertise the availability for sale, rental, or lease of the individual premises on which the sign is located:
    - a. Signs must be nonilluminated, and
    - b. Not more than one sign per public street frontage.
    - c. Signs must not be placed within a public right of way, and
    - d. Total sign area of real estate signs must not exceed the following allowable gross sign areas for the zoning district in which it is located:
      - i. "R" districts: Eight (8) square feet
      - ii. "B" districts: Twenty-four (24) square feet
      - iii. "I" and "F" districts: Forty-eight (48) square feet, and

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- e. Signs must be removed within ten (10) days after the closing date of the sale, rental, or lease of the premises.
- (2) For temporary signs which advertise the subdivision or multifamily development on which the sign is located:
- a. Signs must not exceed forty-eight (48) square feet, and
  - b. Signs must not be placed within twenty-five (25) feet of any public right-of-way, and
  - c. Signs must be removed within ten (10) days after the sale, rental, or lease of the last dwelling unit or lot in the subdivision or development.
- (3) For temporary signs which advertise premises open for inspection and which are located either on the premises to be inspected or on other private property with that property owner's or tenant's permission:
- a. Signs must have a sign area not greater than four (4) square feet, and
  - b. Signs must be removed when the advertised premises are not in fact open for inspection, and
  - c. Signs must be outside of any public right-of-way and must not obstruct the view of traffic.
- (k) Special displays, used for holidays, public demonstrations, or the promotion of civic welfare or charitable purposes, if;
- (1) They are approved by the city council after submission of a written application, and
  - (2) They contain no noncharitable advertising.
- These displays need not be made of rigid, weatherproof materials unless the commissioner so requires.
- (l) Subdivision and apartment complex identity signs, provided that:
- (1) Only one sign is erected at each entry to the subdivision or apartment complex, and
  - (2) If there is more than one entrance, that the sign's separation along the perimeter is at least two hundred (200) feet, and
  - (3) The sign area of individual signs does not exceed twelve (12) square feet on both sides of a two-sided sign or eight (8) square feet on a one-sided sign, and
  - (4) The sign does not advertise the availability of units for sale or rent, and

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- (5) The sign is located at least fifteen (15) feet from the curbline of the street from which it is to be viewed,  
  
and
  - (6) The sign has a landscaped base, and
  - (7) The sign(s) are approved by the Architectural Review Board.
- (m) Temporary signs denoting the architect, engineer, or contractor of a building project, provided that:
- (1) Signs must be placed with the lot where the construction is under progress, and
  - (2) Total sign area shall not exceed thirty-two (32) square feet, and
  - (3) Signs must be removed within ten (10) days after the completion of the construction.
- (n) Signs on legal commercial uses in residentially zoned districts, if:
- (1) The signs meet section 5-14(b) and (f) and section 5-15 of chapter 5, Article 1½ "Sign Code" of this Code, and
  - (2) The sign(s) are approved by the architectural review board.
- (o) Signs identifying Bed and Breakfast establishments provided that the sign:
- (1) Does not exceed 2 square feet,
  - (2) Is not internally illuminated, and
  - (3) Is approved by the Architectural Review Board.
- (p) Signs designating business hours of less than one square foot in total sign area.
- (q) Sidewalk signs and other free-standing temporary attention-getting devices, including but not limited to "A" frame signs, pedestal signs, barrels, boxes, stools, chairs, and any other items with advertising:
- (1) Shall be permitted only during City, Chamber of Commerce, or Special Business District promotions or as otherwise approved by the Architectural Review Board;
  - (2) Shall maintain clear passage of 5 feet between any sign and the curb of the street;
  - (3) Maximum height shall not exceed 42 inches;
  - (4) Shall not be illuminated;

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- (5) Only one sign shall be allowed for each business;
- (r) Signs required by the American with Disabilities Act of 1990.
- (s) Banner or Flag Signs provided that:
  - (1) Shall not exceed 4\_ x 8\_;
  - (2) Shall be displayed only during business hours of the premises;
  - (3) Only one sign shall be allowed for each business; and
  - (4) Sign shall maintain clear height above any public sidewalk of 7 feet.
- (t) Historical signs provided that the sign shall be certified by Landmarks Commission.
- (u) Signs which comply with the provisions of a redevelopment agreement approved by the City Council.
- (v) Signs on an ATM machine and its accessory structure which identify the ATM machine within a private parking lot.

(Ord. No. 8674, §1, 12-18-97; Ord. No. 8780, §2, 12-17-98; Ord. No. 8977, §1, 11-30-00; Ord. No. 10044, §2, 11-3-11)

### **Sec. 5-11. Procedure for review and approval of signs.**

- (a) All sign permits shall be issued by the Building Commissioner. However, the Building Commissioner shall not issue sign permits for signs exceeding two square feet in area until such time as the Architectural Review Board has made an affirmative finding that the architectural scheme of the proposed sign is in harmony with the architectural scheme of the building, site, and surrounding area. In making its findings, the Architectural Review Board shall utilize the following criteria:
  - (1) Signs should be in proportion with the size of the building;
  - (2) Signs should be designed as an integral architectural element of the building and site to which it relates;
  - (3) The colors, materials, and lighting of signs should be harmonious with the building and site to which it relates;
  - (4) The number of graphic elements on a sign should be kept at a minimum needed for identification and should be composed in proportion to the area of the sign face; and
  - (5) Signs should be compatible with signs in the surrounding area.

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- (b) Except as otherwise provided herein, the Architectural Review Board shall review and act upon sign permit applications within twenty-one (21) days of the date on which such application is filed with the Building Commissioner's Office unless the applicant and Architectural Review Board jointly agree to extend the time for review. In the event the Architectural Review Board fails to make a determination within the twenty-one (21) day review period or jointly-agreed period, the application shall be deemed to have received an affirmative finding.

### **Sec. 5-12. Sign permit required; application procedure; period of validity.**

- (a) *Sign permit required.* Except as provided by section 5-10, a sign permit must be obtained from the commissioner before a sign may be erected. All illuminated signs shall, in addition, be subject to the permit requirements of the electrical code.
- (b) Fees shall be in accordance with Chapter 5, Article VI, of the Code of Ordinances. Illuminated signs shall not be exempt from the permit and fee requirements of the electrical code.
  - (1) A permit fee of twenty cents (\$0.20) per square foot of sign area applied for, or a minimum fee of five dollars (\$5.00) shall be paid to the director of finance before a sign permit may be issued, and
  - (2) Illuminated signs shall not be exempted from the permit fees required by the electrical code.
- (c) *Processing.*
  - (1) Application for an erection permit shall be made upon forms provided by the commissioner and shall contain or be submitted with the following information:
    - a. Name, address and telephone number of the owner of the sign.
    - b. Name of person erecting the structure.
    - c. Written consent of the owner or of the tenant of the premises to which or on which the proposed sign is to be erected.
    - d. Location of premises upon which sign is to be erected.
    - e. Position of the sign in relation to nearby buildings or structures.
    - f. Two (2) copies of plans and specifications describing the dimensions of the sign, the materials and method by which it is to be constructed, and the details of how it is to be attached to the building or set into the ground.
    - g. Any electrical permit required.
    - h. Any other information which the commissioner might require to determine full compliance with the provisions of this article and any other relevant city ordinance.

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- (2) The commissioner shall process the sign permit application as follows:
  - a. He shall determine compliance with the terms of this article by examining the plans, specifications, other data submitted, and the premises upon which it is proposed to erect the sign, and shall request additional plans and information if necessary to determine compliance.
  - b. If the proposed sign is found to be in compliance with all the requirements of this article and all other city ordinances applicable to the sign, the commissioner shall then issue the erection permit.

(d) *Period of validity.*

- (1) If the work authorized under an erection permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void.

(Ord. No. 8592, §1, 3-20-97)

### **Sec. 5-13. Sign erection by licensed erector; exceptions.**

(a) *Signs to be erected by licensed sign erector.* Except as provided by this subsection, signs shall be erected by licensed sign erectors.

(b) *Exceptions.*

- (1) If a sign for which a permit is required and has been obtained does not exceed ten (10) square feet in sign area it may be hung without an erector's license.
- (2) The sign area of signs hung under this exception shall be included in the calculation of the premise's total sign area when determining compliance with gross sign area limitations.

### **Sec. 5-14. General technical requirements.**

The following general technical requirements apply to all signs covered by this article.

- (a) *Design requirements.* Every sign shall be designed to conform to the requirements of this article and to the building code of the City of Kirkwood. The conformance shall be subject to approval by the commissioner. Where appropriate, the commissioner may require working drawings prepared by a qualified engineer registered in the State of Missouri.
- (b) *Gross sign area limitation:*
  - (1) Except as otherwise provided for herein, each commercial or industrial premises shall be allowed a maximum gross sign area equal to 3.5 percent of the floor area of such premises or 0.9 percent of the total lot area, whichever is larger. The gross sign area shall not exceed 500 square feet for a lot of 10 acres, except a lot

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containing a hotel or motel in the B-5 Zoning District, which shall be allowed a maximum of 1,000 square feet of gross sign area.

- (2) On premises or in buildings with multiple tenants, each tenant shall be allotted a gross sign area equal to 3.5 percent of the floor area occupied, except that a tenant shall be allowed a minimum of forty (40) square feet and shall not exceed five hundred (500) square feet. Common building areas shall not be included in this calculation.
  - (3) Multiple tenants shall not be permitted individual signs along the street frontage of common premises.
  - (4) Exempted signs in Section 5-10 shall not be included in the gross sign area except for nonconforming signs, which shall be included in the gross sign area limitation.
- (c) *Illuminated signs.* All illuminated signs shall be subject to the following requirements.
- (1) Valid electrical permit—All illuminated signs and signs with electrical wiring must be covered by a valid electrical permit.
  - (2) Relettering—Relettering which requires a change of piping or sign wiring shall be subject to the approval of the electrical inspector.
  - (3) Voltage designation—The voltage of any electrical apparatus used in connection with the sign shall be conspicuously placed on that apparatus.
  - (4) Flashing and blinking lights prohibited—Illuminated signs shall not have any flashing or blinking lights or rotating beacons, nor shall any beam of light be projected through a mechanism which periodically changes the color of the light reaching the sign.
  - (5) Illumination not to glare—All illumination shall be oriented so as to prevent glare onto traffic or onto adjacent property or structures.
  - (6) Weather-resistant and shatterproof design—All electrical illumination devices shall be designed to be weather-resistant and shatterproof.
- (d) *Maintenance.* All signs and their supports shall be kept in repair in accordance with the following requirements and with the building code of the city.
- (1) [Rust treatment, etc.]—The owner of any sign shall keep the sign structure properly treated so as to prevent rust, peeling, flaking, or fading.
  - (2) Repair—Broken panels, missing letters, flaking or peeling paint, and other damage to a sign structure shall be repaired within thirty (30) days of its occurrence.
  - (3) Clean surroundings—The area surrounding all signs shall be maintained free of any nuisance as defined by Chapter 16 of this Code, as amended. Enforcement of this paragraph shall be by the health commissioner, as provided by

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Chapter 16, as amended, or by the building commissioner who shall follow the procedure established by Chapter 16 as amended.

- (e) *Materials.* Except as provided in section 5-15, every sign shall be constructed of rigid weatherproof materials, and provision shall be made for electric grounding of all major metallic parts.
- (f) *Message permitted:*
  - (1) The identification, message, or graphic display contained on any sign or other advertising structure shall pertain only to the business, industry, or pursuit legally conducted on, or to the product sold on or within, the premises on which the sign is permitted.
  - (2) Changeable copy signs are hereby permitted.
  - (3) Electronic changeable message signs are prohibited within the Downtown Kirkwood Historic District but are otherwise permitted subject to the following limitations:
    - a. The maximum brightness of the sign shall be:

All electronic changeable message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions at all times.

No electronic changeable message signs shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a present distance depending on sign area.

Prior to the issuance of any permit, the owner shall provide the City with a certification from the sign manufacturer stating that the sign is capable of complying with the above brightness provisions.
    - b. Electronic changeable message signs must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a measure to immediately discontinue the display if it malfunctions.
    - c. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous with no special effects or the transition may provide a black screen for at least one second.
    - d. Each line of copy and graphics in an electronic changeable message sign must be at least six inches in height.
    - e. Electronic changeable message signs shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in

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color, fade in or fade out in any manor imitating movement, or any other means not providing constant illumination.

- f. Each message shall be illuminated for at least 10 seconds before transitioning to a new message, except for electronic changeable message signs within 250 feet of an interchange, an at-grade intersection not controlled by a stop sign or stop light, a signed curve, or a pedestrian walkway, then each message shall be illuminated for at least 30 seconds before transitioning to a new message.
- g. Electronic changeable message signs shall only be allowed on monument signs, and the electronic message area may occupy no more than 35 percent of the entire sign structure.
- h. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- i. Electronic changeable message signs must be constructed perpendicular with the road in all residentially zoned districts, whether single-family, multi-family, townhouse, or mixed use where residential housing is permitted except for corner lots where the Electronic Changeable Message sign shall not be located within twenty-five (25) feet of the point of intersection of the curb or edge of two intersection streets and the placement of said sign can be arranged so that the sign can be read from the intersection. The electronic message in all residential zoned districts shall not be displayed between the hours of 10:00 p.m. and 6:00 a.m.

### Digital Billboard Ban:

- a. No electronic changeable message sign shall be allowed on any billboard outdoor advertising structure in any district.
- (4) Signs designating business hours are not permitted except as permitted in Section 5-10(p) of this Code.
- (5) Multiple tenant signs or director signs are hereby permitted.
- (g) *Movable parts to be secured.* All movable parts of a sign shall be securely fastened to the sign so as to avoid any danger of the parts falling off. All items such as covers to service openings shall be secured by chains or hinges.
  - (h) *No advertising to be placed on sign supports.* No advertising other than a permitted sign shall be placed on any sign support.
  - (i) *Obstruction of adjacent premises prohibited.* No sign structure may be so located as to obstruct the view from a public thoroughfare of an existing sign, display window, or major entrance of an adjacent business.

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- (j) *Obstructions to building openings prohibited.* No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. Preexisting signs in violation of this provision must be removed within thirty (30) days after passage of this article.
- (k) *Property owner consent required.* No sign or advertising structure shall be placed on private or public property without the written consent of the property owner or tenant.
- (l) *Setbacks for signs.* Signs are not required to meet zoning district building line setbacks.
- (m) *Sign not to constitute traffic hazard.*
  - (1) No sign shall be erected at any intersection in such a manner as to obstruct free and clear vision.
  - (2) No sign shall be erected so that by its position, shape, or color it might interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
  - (3) No sign shall make use of the words "Stop," "Look," "Drive In," "Danger," or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
- (n) *Signs on fire safety equipment.* No advertising sign of any kind may be attached to a standpipe or fire escape or to any other fire-safety related device.
- (o) *Signs to be removed from premises.* Any sign structure which advertises a business no longer conducted or a product no longer sold on the premises or lot shall be removed within thirty (30) days after the business or product is no longer present by the owner, agent, or person having beneficial use of the premises or lot upon which the sign is erected.
- (p) *Sign structure to be free of hazardous protrusions.* Any sign structure erected at less than eight (8) feet above the mean grade line of the ground over which it is erected shall be free of sharp or pointed protrusions which might endanger the public's safety.
- (q) *Transparent sign face.* A transparent sign face may be constructed of glass or approved combustible plastic. If constructed of glass the sign face shall either be safety glass or plate glass at least one-quarter (1/4) inch thick. Provided, however, that if the area of a pane of glass exceeds three (3) square feet it shall be wired glass.
- (r) *Wind pressure and dead load requirements.* All signs shall be designed and constructed to meet the building code requirements for wind pressure, dead load, and foundation specifications.

(Ord. No. 8780, §3, 12-17-98; Ord. No. 8982, §1, 1-4-01; Ord. No. 9368, §1, 1-22-04; Ord. No. 10044, §3, 11-3-11)

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### Sec. 5-15. Specific technical requirements.

All signs subject to this article shall comply with the following specific technical requirements. Where a sign is subject to more than one classification, the regulations governing the various applicable classifications shall all apply and, in case of conflict, the more stringent regulation shall govern.

- (a) *Awning and canopy signs.* All awning and canopy signs shall meet the following requirements.
  - (1) Materials—Signs may either be:
    - a. Made of rigid weatherproof materials, or
    - b. Made of the same material as the awning or canopy, or
    - c. Painted with weather-resistant paint directly on the awning or canopy material.
  - (2) Location—Signs may be affixed flush to the sides or front of an awning or may be hung beneath a canopy. No sign may project below the minimum clearance line required by the building code, nor above any portion of the face to which it is attached.
  - (3) Vertical Dimension—Maximum vertical dimension of the sign shall not exceed 18 inches.
  - (4) Method of attachment—All signs constructed of materials other than paint or the material with which the canopy or awning is covered shall be permanently attached to the frame of the awning or canopy.
  - (5) Illumination—Sign may be illuminated.
- (b) *Ground signs.* All ground signs shall meet the following requirements.
  - (1) Location:
    - a. No sign shall be located closer to the street than the front property line.
    - b. Signs on a corner shall not be closer than fifteen (15) feet from the intersection of the intersection of right of way lines, so as not to obstruct a clear and free vision.
  - (2) Height limitation—No sign structure shall be higher than five (5) feet above the street level or above the mean level of the grade on which the sign is located, whichever is higher.
- (c) *Marquee signs.* All marquee signs shall meet the following requirements:
  - (1) Location:

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- a. signs may be affixed to the sides or front of the marquee, or may be hung entirely beneath it.
  - b. No portion of any sign may project below the minimum clearance line required for marquees by the building code or above any portion of the face to which the sign is affixed.
- (2) Height limitation—No sign shall exceed five (5) feet in height.
- (3) *Method of attachment*—Except for hanging signs, all signs shall be attached flush with the face on which they are placed.
- (d) *Reserved.*
- (e) *Projecting signs.* All projecting signs shall meet the following requirements:
- (1) Location:
    - a. Signs shall hang at least eight (8) feet above any public sidewalk over which they are erected or fifteen (15) feet above any public drive, alley, or thoroughfare, and
    - b. The innermost point of the sign shall be no more than one foot from the plane of the wall, and
    - c. The sign structure shall not project more than three (3) feet from the plane of the wall nor be within four (4) feet of the curb line or edge of any public street or alley.
  - (2) Construction limitations:
    - a. V-shaped signs. V-shaped signs consisting of two (2) single-face signs erected without a roof or ceiling shall not be permitted.
    - b. Thickness limitation. The maximum distance between the principal faces of any projecting sign shall not exceed eighteen (18) inches.
    - c. Display faces. Every projecting sign shall contain two display faces.
- (f) *Roof signs.* All roof signs shall be subject to the following requirements:
- (1) Setback from roof edge. No sign shall be erected or maintained with the sign face or any part of the sign structure projecting beyond the plane of the outside walls.
  - (2) Obstruction of movement on roof. No sign shall be placed on the roof of any building so as to interfere with any openings in the roof or so as to prevent free passage from one part of the roof to another, or to an adjacent roof.

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- (3) Height limitation. No sign may exceed four (4) feet in height, nor may the sign structure's highest point exceed the highest point of the roof to which it is attached.
- (g) *Shopping center signs.*
- (1) Shopping centers may erect one identification sign. The sign will not be counted as part of the gross sign area for the premises, provided that the sign:
    - a. Does not exceed fifty (50) square feet per acre, with fractional acres rounded up if equal to or greater than one-half acre and rounded down if less than one-half acre, and
    - b. Does not exceed a maximum of five hundred (500) square feet, and
    - c. Is located on the middle fifty (50) per cent of the frontage, and
    - d. Contains only the name and logo of shopping center and the name and logo of tenants in the shopping center, and
    - e. Does not exceed five (5) feet in height.
  - (2) Individual merchants may erect wall signs subject to the restrictions on gross sign area contained in this article.
- (h) Reserved.
- (i) *Street clocks.* All street clocks shall meet the following requirements:
- (1) Clocks may be erected on a sidewalk with permission from the City Council.
  - (2) Only one street clock may be erected on any one place of business.
  - (3) Only the name of the owner, manager, or of the place of business erecting the sign and the nature of the business conducted at the place of business may be advertised on the clock.
  - (4) Street clocks shall have a face between 30 and 50 inches in its largest lineal dimension.
  - (5) Clocks must keep accurate time.
- (j) *Standard Outdoor Advertising Structures (billboards)*
- (1) Prior to issuance of a city permit for erection of a standard outdoor advertising structure, the applicant shall obtain a special use permit. The special use permit application shall include a site plan of the property depicting the landscaping, lighting, and fencing around the proposed standard outdoor advertising structure to ensure that the structure will be aesthetically compatible with its surroundings and the aesthetic standards of the community and neighboring property. The

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plan shall be reviewed and approved by the Planning and Zoning Commission as part of the special use permit review procedure and shall comply with all standards in this subsection. *Standard outdoor advertising structures shall be exempt from review by the Architectural Review Board.*

- (2) No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information.
- (3) External lighting, such as floodlights, think line, and goose neck reflectors, are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or primary highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle, and such lights shall be effectively shielded so as to prevent beams or rays of light from being directed onto adjacent residential property no such externally lit sign shall be located within 800 feet of any residential property..
- (4) No standard outdoor advertising structure shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.
- (5) The maximum height of a standard outdoor advertising structure shall not exceed thirty (30) feet from the highest point on the sign structure to the grade of the highway from which the sign is intended to be read or exceed fifty (50) feet above the natural grade where the sign is installed.
- (6) Separation requirements. No standard outdoor advertising structure shall be erected:
  - (a) Within ninety (90) feet of the property line of the lot on which the standard outdoor advertising structure is located;
  - (b) Within four hundred (400) feet of any residentially-zoned property;
  - (c) Within fifty (50) feet of any existing building or on premises advertising signs;
  - (d) Within four hundred (400) feet of any park, playground, school, library, hospital, church, or landmark;
  - (e) Within five hundred (500) feet of any major highway interchange or an existing standard outdoor advertising structure on the same side of the highway.

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- (7) The sign face area of the structure shall not exceed 700 square feet.
  - (8) The structure shall be located within 100 feet of a state right-of-way designated as part of the National Highway System.
  - (9) No sign shall be located in such a manner as to obstruct or physically interfere with the effectiveness of an essential traffic sign signal or device to obstruct or physically interfere with a motor vehicles operator's view approaching merging intersections path."
  - (10) No sign shall be located on the roof of a building or a non-sign structure.
- (k) *Wall signs.* All wall signs shall meet the following requirements:
- (1) Location — Signs shall not:
    - a. Extend above the top of the wall,
    - b. Extend beyond the ends of the wall,
    - c. Project more than twelve (12) inches beyond the plane of the wall on which it is erected.
  - (2) Area Limitations — Signs shall not cover more than twenty-five percent (25%) of the wall to which they are attached.
  - (3) Materials — Signs may be painted on the wall with appropriate permanent paint.
  - (4) Limitations for multi-story buildings in the B-4 and B-5 Zoning Districts:

In the B-4 and B-5 Zoning Districts, wall signs shall be permitted only for tenants occupying a grade level which also has direct access to the street or public parking; and such wall sign shall be located on the occupied grade level space or directly above the occupied grade level space except for one wall sign on each face of the building which identifies the name of the building or a single tenant.
- (l) *Window signs.* All window signs shall meet the following requirements:
- (1) Area Limitation — The sign area of any one (1) sign shall not cover more than one-third percent (1/3%) of the window or glass door upon which it is applied. All signs, including exempt signs, in one (1) window shall be deemed to be one (1) sign for the purposes of this paragraph.
  - (2) Materials -- All permanent window signs shall be painted, metal leafed, or in some other manner applied to either side of the glass of an exterior building window or door.

(Ord. No. 8566, §1, 11-21-96; Ord. No. 8904, §1, 3-16-00; Ord. No. 9261, §1, 6-19-03)

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### Sec. 5-16. Enforcement; penalties; violations; removal of signs.

The commissioner may, at any time he deems necessary, inspect any sign structure regulated by this article.

- (a) *Violation.* It shall be a violation of this Code for any owner, tenant of premises, or sign erector to:
  - (1) Erect or permit a person to erect a sign without filing an application with the building commissioner and obtaining the required permit, or
  - (2) Erect or permit a person to erect a sign or permit a sign on the premises which does not conform to Chapter 5, Article 1½, "Sign Code."
- (b) *Penalty.* Any person who shall violate a provision of the sign code or fail to comply with a notice issued under the provisions of the sign code, shall be guilty of a misdemeanor, punishable by a fine as prescribed in section 1-8 of this Code. Each day's violation of, or refusal or neglect to comply with any provision of this Code shall constitute a separate and distinct offense.
- (c) *Dangerous signs may be removed by commissioner without notice.* Any sign which is an immediate threat to the safety of persons or property may be removed immediately and without notice to the sign owner or premises owner.
- (d) *Costs to sign owner, premises owner, or sign erector.* The cost of sign repair or removal shall be charged:
  - (1) To the sign owner, or
  - (2) If the sign owner cannot be located by the commissioner within thirty (30) days, to the premises owner, or
  - (3) If the sign erection was not complete at the time notice of violation was given, to the sign erector and shall be collected from his bonding agent if the erector is bonded.
- (e) *Expenses incurred to be assessed as lien on property.* In the event of failure by any party to reimburse the city within sixty (60) days for costs incurred for repair or removal ordered by the commissioner, the chief administrative officer shall certify the charges for repair or removal as a special assessment represented by a special tax bill against the real property on which the sign had been erected. The tax bill shall be a lien upon the property and shall be enforced to the same extent and in the same manner as all other special tax bills. The assessment shall bear interest at the rate of eight (8) per cent per annum until paid.
- (f) *Persons owing costs of sign repair or removal not to be issued further sign permits.* The commissioner shall not issue any further sign permits to persons refusing to pay costs assessed under subsections (b) and (c), nor to agents or representatives of such persons.

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- (g) *Removal by city; charges.* Any sign which is placed, installed or erected on public right-of-way without proper authorization may be removed by the city without notice. The owner of the sign or premise owner or sign erector shall be charged for removal costs in accordance with subsections (d) and (e) above.

### **Sec. 5-17. Appeals and variances.**

The architectural review board is empowered to review or modify the building commissioner's order or determination with respect to signs covered by this article. In addition the architectural review board may grant variances from this article as provided by this section.

- (a) *Guidelines for overturning or modifying commissioner's decision.* The architectural review board shall, in considering appeals from the commissioner's order or determination, establish that the sign or application in question complies with all of the requirements of this article. If it is determined that the building commissioner's interpretation or application of this article to the appellant's sign or request for a permit is erroneous, then the architectural review board may overturn or modify the building commissioner's decision.
- (b) *Grounds for granting variances.* The architectural review board may grant variances from this article where it is found that, because of (a) the limitations on character, size, or dimensions of a sign, or (b) the regulations controlling the erection or installation of a sign, the permittee would be subject to undue hardship. Undue hardship is not a mere loss of a possible advantage or convenience to the applicant. If it is determined that the applicant for a variance is subject to an undue hardship, then the architectural review board shall also determine that the proposed sign:
  - (1) Will not be inappropriate to the type of activity to which it pertains; to the scale of the building to which it is related; or to the aesthetic environment of the surrounding structures and land use.
  - (2) Will not adversely affect the visual character of the neighborhood.
  - (3) Will not adversely affect the general safety and welfare of the neighborhood.
  - (4) Will not significantly and unreasonably impair visibility of adjacent permitted signs and property.
- (c) *Procedure for requesting and hearing appeals and variances; fee.* Application for review or variances shall be completed within thirty-five (35) days of the determination of the building commissioner. The application for review or variances shall be accompanied by a payment of a non-refundable fee in accordance with Chapter 5, Article VI, "Fee Schedule."

The architectural review board shall fix a reasonable period of time for hearing the appeal or variance. It shall give due notice to the parties in interest. The chairman, or in the absence of the chairman the acting chairman, may administer oaths and compel attendance of witnesses. All hearings shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations

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and other official actions. All testimony, objections thereto, and rulings thereon shall be taken down by a court reporter employed by the board for the purpose. All ordinances of the city, zoning enactments of the city, and the district maps which may have been or may hereafter be in force shall automatically be part of each hearing to the extent applicable without being specifically introduced at a hearing. The board shall make findings together with the decision within a reasonable period of time. The applicant shall be provided a written copy of the finding and decision.

- (d) *Decisions subject to review; procedure.* Any person or persons jointly or severally aggrieved by any decision of the architectural review board shall have the right to appeal said decision pursuant to the Administrative Procedure Act.

**Cross reference**—Architectural review board, § 2-531 et seq.

(Ord. No. 9611, §1 - 2 , 8-3-06)

### **Sec. 5-18. Prohibited signs.**

(a) All signs not specifically identified in Section 5-10, Exemptions, and Section 5-15, Specific Technical Requirements, are prohibited.

(b) The building commissioner shall be responsible for the enforcement of this provision and the procedures set forth in the Code of Ordinances with respect to enforcement of the sign code shall apply to this section.

### **Sec. 5-19. Pennants, banners, streamers, and inflatable advertising devices prohibited.**

(a) The installation and use of pennants, banners, streamers, and other similar displays which are designed to move by atmospheric, mechanical, electrical, or other means, whether containing words or numerals or containing no message, are hereby prohibited except as provided by Section 5-10(s).

(b) Inflatable advertising devices are hereby prohibited.

(c) The Building Commissioner shall be responsible for the enforcement of this provision, and the procedures set forth in the Code of Ordinances with respect to enforcement of the Sign Ordinance of the City shall apply to this section.

### **Sec. 5-20. Reserved.**

## **ARTICLE II. PROPERTY MAINTENANCE CODE**

### **Sec. 5-21. Property Maintenance Code.**

The provisions of the “2009 International Property Maintenance Code” as modified, is hereby adopted as the City’s Property Maintenance Code. See separate publication and adopting modification ordinance on file in the office of the City Clerk.

(Ord. No. 9503, §1, 7-21-05, Ord. No. 10087, §1, 9-6-12 )