

ORDINANCE NO. 2166

AN ORDINANCE REGULATING SIGNS, SIGN FEE SCHEDULE, AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, WITHIN THE CITY OF COUNCIL GROVE, MORRIS COUNTY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. PURPOSE. The purpose of this ordinance is to establish procedures, construction standards, fee schedules and penalties for signs within the City of Council Grove.

Section 2. PERMITS. No sign, except for normal repair and for signs listed in sections 6 and 7, shall be painted, constructed, erected, remodeled, relocated or expanded until a sign permit for such sign has been obtained pursuant to the procedure set forth in this ordinance.

Section 3. SIGN PERMIT REQUIREMENTS. (1) The sign permit application may be obtained at Council Grove City Hall or the city website at cityofcouncilgrove.com.

(2) Applications for a sign permit shall be made by the hanger or owner of the sign and shall contain the written approval of the owner of the property or structure. The application shall contain such information as the Planning and Zoning Commission may desire and may include a requirement that complete plans and specifications be submitted for examination and approval.

(3) Applications for installation of or modifications to signs on structures or buildings listed on the National Historic Register must have approval from the State Historical Society prior to review by the Planning and Zoning Commission.

(4) Within 31 days after receipt of a sign permit application, the Planning and Zoning Commission shall recommend, to the governing body, the sign permit application be either approved or refused. No sign permit shall be issued unless the sign complies with the regulations of this ordinance.

(5) The governing body will, within 21 days of receiving the recommendation from the Planning and Zoning Commission, either approve or refuse the sign application request.

(6) A sign permit shall become null and void 180 days after the date on which it is issued unless within the 180 day period, construction, building, moving, remodeling or reconstruction of a structure or sign is commenced or a use is commenced.

Section 4. SIGN PERMIT REVOCATION OR RENEWAL. The governing body may upon satisfactory evidence that any sign is maintained in an unsafe condition or in a state of disrepair as to endanger the public, upon reasonable notice to the owner thereof, cause such sign to be removed, repaired, or replaced in accordance with this ordinance. The governing body may require as a condition of renewing any permit or maintaining any sign, heretofore or hereafter erected or located in the city, that the owner thereof making a showing of his financial responsibility to respond in damages for death or injury of one person in the amounts of \$25,000 or two or more persons in the amount of \$50,000 and property damage insurance in the amount of \$5,000 by filing a certificate of public and property damage insurance with the city clerk to be approved by the governing body.

Section 5. SIGN STANDARDS. (1) The gross surface area of a sign shall be the sum of all surface areas of all sign faces, except that for signs designed as double faced signs, with both faces parallel and the distance between the faces does not exceed two (2) feet, then only one (1) face of the sign shall be considered in determining the gross surface area. When two (2) or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum allowable for the zoning regulations. For computing the area of any wall sign which consists of letters, numbers and symbols mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters, numbers or symbols.

(2) Sign height shall be measured from ground level at the base of or below the sign to the highest element of the sign.

(3) Signs must conform to the regulations and design standards of the applicable building and electrical codes adopted by the City of Council Grove.

(4) Illuminated signs shall be shaded wherever necessary to avoid direct casting of light upon property located in any residential district or upon any public street or park. Any illuminated sign located on a lot adjacent to or across from any residential district, which sign is visible from such residential district, shall be illuminated only during business hours or between the hours of 7:00 a.m. and 10:00 p.m.

(5) Signs with flashing, pulsating or moving lights or lights which create the illusion of movement shall not be allowed in any residential district. A sign whereon the current time and/or temperature is indicated by intermittent lighting is allowed in all districts except residential districts. Computer-operated electronic message signs are allowed in all districts except residential. Signs with moving parts, revolving beacons, strobe lights or signs which emit an audible sound shall not be allowed in any district.

(6) Signs shall not block any required accessway or window.

(7) Signs shall not be attached to a tree or utility pole whether on public or private property.

(8) On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage.

(9) Metal signs shall not be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than forty-eight (48) volts, whether or not such wires or conductors are insulated or otherwise protected.

(10) Signs shall be maintained at any location where by reason of its position, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic-control sign, signal or device, or where it may interfere with, mislead or confuse traffic.

(11) Signs shall not be located in any vision triangle formed by the curb lines of any two (2) intersecting streets, except signs mounted ten (10) feet or more above the ground whose supports do not constitute an obstruction.

(12) Signs shall not be located on public property in any district. In the Business and Industrial Districts, signs may extend over public property no farther than ten (10) feet or to within two (2) feet of the back of the curb, whichever distance is smaller. Any sign so extending must be a minimum of eight (8) feet above grade.

(13) Projecting signs shall be securely fastened to the building by means of bolts, anchors, chains or steel guys and shall not be attached to parapet walls in any manner.

(14) When a sign is removed from its structural support, and not reinstalled within thirty (30) days of the removal, then the structural support shall be removed within twenty-four (24) hours.

Section 6. EXEMPTIONS GENERALLY. The following signs shall be exempt from the requirements of this ordinance.

(1) Flags of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property;

(2) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, historical and other instructional or regulatory signs having to do with historical sites, health, hazards, parking, swimming, dumping, etc.;

(3) Memorial signs and tablets displayed on private property;

(4) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the signs does not exceed the requirements of such law, order, rule or regulation;

(5) Signs, not exceeding eight (8) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and the like;

(6) Scoreboards in athletic stadiums;

(7) Opinion signs and political signs not exceeding eight (8) square feet displayed on private property in nonresidential and residential zoning districts.

(8) Window signs identifying a business, product or service offered on the premises that is affixed to the interior of the window of a shop or store front and not covering over thirty-three (33) percent of the total window area on a single wall.

Section 7. EXEMPTION FROM SIGN PERMIT REQUIREMENT. The following signs shall be exempt from the sign permit requirements of section 3, but shall comply with all of the other requirements of this ordinance and of the applicable district regulations; (1) Illuminated nameplate signs not exceeding two (2) square feet in gross surface area accessory to a single-family or two-family dwelling;

(2) Illuminated identification signs not exceeding eight (8) square feet in gross surface area accessory to a multiple-family dwelling;

(3) Illuminated bulletin board signs not exceeding eight (8) square feet in gross surface area accessory to a church, school or public or nonprofit institution; subject to the provisions of section 5.4;

(4) Illuminated business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.

Section 8. CLASSIFICATION OF SIGNS--FUNCTIONAL TYPES. The following signs are classified by function:

(1) **Advertising sign.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, or to which it is affixed (off-premise sign).

(2) **Bulletin board sign.** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events or activities appearing or occurring at the institution. Such signs may also present a greeting or similar message.

(3) **Business sign.** A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or an entertainment offered, on the premises where the sign is located or to which it is affixed. Home Business signs shall contain only the name and/or occupation of the occupant.

(4) **Construction sign.** A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project. Such signs shall be allowed only during the construction period and only on the premises on which the construction is taking place.

(5) **Identification sign.** A sign having the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

(6) **Menu board sign.** An on-site sign designed and used for the display of menu items and pictures and/or prices of menu items.

(7) **Nameplate sign.** A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.

(8) **Opinion signs.** A sign which does not advertise products, goods, businesses or services and which expresses an opinion or other point of view and shall include a political campaign sign.

(9) **Political campaign sign.** A sign which does not advertise products, goods, businesses or services and which either endorses by name a specific registered candidate for elective office or expresses a position in relation to a ballot question.

(10) **Real estate sign.** A sign pertaining to a sale, lease or hire of the lot or tract of land on which the sign is located, or to the sale, lease or hire of one or more structures, or a portion thereof located thereon.

Section 9. SAME--STRUCTURAL TYPES. The following signs are classified by types:

(1) **Awning, canopy and marquee sign.** A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise allowed by this chapter. No such sign shall project more than twenty-four (24) inches above, below, or twelve (12) inches beyond the physical dimensions of the awning, canopy or marquee, and a minimum of eight (8) feet of clearance shall be provided above grade

(2) **Banner sign.** An on-site sign on which advertising copy, logos, symbols or emblems may be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or a special event and which is constructed of fabric or any non-rigid material with no fully enclosing framework; and designed to be attached securely at each end or corner of the banner to a wall, canopy, or fence.

(3) **Changeable copy sign.** Any sign on which message copy can be changed through the use of attachable letters and numerals or by electronic switching of lamps, light emitting devices, or illuminated tubes. This includes public message displays or any sign which features automatic switching such as time and temperature signs.

(4) **Decorative sign.** A sign or display fabricated of canvas, cloth, fabric, plastic, plywood, or other light, impermanent material and designed or intended to be displayed in connection with an event for a short period of time.

(5) **Electronic changeable copy sign/Computer-operated electronic message sign.** A sign containing a computer or digital software generated message or other automated or remote method of changing copy.

(6) **Flashing sign.** A sign which contains an intermittent or flashing, pulsating, blinking or traveling light source which includes signs that give the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

(7) **Ground sign.** Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structure shall be considered ground signs.

(a) Ground signs shall not exceed thirty (30) feet in height above the ground in which they rest.

(b) Lighting reflectors may project beyond the face of the signs.

(c) An open space may be required by the City Building Inspector if, in the opinion of the City Building Inspector, a lack of an open space would create a traffic hazard or would otherwise detract from aesthetics of surrounding property. Should an open space be required, the amount of open space shall be determined by the City Building Inspector.

(d) Ground signs when more than thirteen (13) feet high, shall be constructed of noncombustible materials except that moldings and cappings may be of wood.

(8) **Illuminated sign.** Any sign which is directly lighted by any electrical light source, internal or external, regardless of technology.

(9) **Mobile sign.** A sign that is not permanently affixed to the ground or a building and is designed or constructed to be easily moved from one (1) location to another, including signs mounted upon or designed to be mounted on a trailer, even if the sign has had its wheels removed.

(10) **Pole sign.** A sign that is mounted on a freestanding pole, the bottom edge of which sign is six (6) feet or more above ground level.

(11) **Projecting sign.** A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.

(12) **Pylon sign.** A freestanding sign, other than a pole sign, permanently fixed to the ground by shafts, posts or other supports wrapped with an aesthetic veneer, but not having the appearance of a solid base.

(13) **Roof sign.** A sign erected, constructed and maintained wholly upon or projecting above any portion of the roof of a building or having the roof as the principal means of support. A mansard shall be considered part of the wall of the building.

(a) Roof signs shall be constructed of noncombustible materials, except that moldings and cappings may be made of wood.

- (b) An open space of not less than six (6) feet shall be maintained below the bottom of the sign, except for vertical supports.
- (c) Roof signs shall not be supported by or braced to wooden beams or other wood construction of a building or structure over forty (40) feet in height.
- (d) Sign shall not be so placed as to obstruct or interfere with a required doorway or other means of egress or so as to prevent free passage from one part of a roof to any other part thereof.
- (e) Roof signs shall be designed according to generally accepted engineering practice to withstand wind pressures. The load shall be distributed to the structural members of the building in such a way that these members will not be over stressed.

(14) **Rotating sign.** Any sign or portion of a sign which moves in a revolving or similar manner.

(15) **Wall sign.** A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than fifteen (15) inches from such building. Signs shall be securely fastened to the building by means of metal anchors, bolts or screws so as to prevent movement. Signs shall not be fastened by nails or staples to wooden blocks or nailing strips built into the masonry. Such signs shall not extend beyond the top or ends of the wall surface on which they are placed.

Section 10. TEMPORARY SIGNS. (1) **Advertising signs** for public events sponsored by individuals, governmental, philanthropic, and nonprofit organizations shall be exempt from the sign permit requirements of section 3, but shall comply with all of the requirements of this ordinance and the applicable district regulations. Such signs shall be subject to the following provisions:

- (a). Only one (1) sign shall be allowed on a zoning lot. Such sign shall not exceed thirty-two (32) square feet in area.
- (b). Signs will only be allowed seven (7) days in advance of the event and must be removed within twenty-four (24) hours after the close of the event.

(2) **Decorative business signs** such as banners, pennants, streamers, ribbons, flags, balloons, or other attention-attracting devices shall be exempt from the sign permit requirements of section 3, but shall comply with all of the requirements of this ordinance and the applicable district regulations. Such signs shall be subject to the following limitations:

- (a) Signs placed over an existing sign face, placed at least eight (8) feet above ground level on existing poles or other supports which serve another primary purpose or placed on an existing building, canopy, fence or other structure located behind the front setback line shall have no special event or time limitations.
- (b). Signs placed in any other location shall only be used for special promotional events which shall only include the future opening of a new business, grand opening for a new business, and licensed going-out-of-business sales. The sign shall be limited to a single sign no larger than thirty-two (32) square feet displayed for a maximum of twenty-one (21) days for each such event.

(3) **Mobile signs** require a sign permit and shall be in compliance with all of the other requirements of this ordinance, the applicable district regulations, and of the following provisions:

- (a) Only one (1) mobile sign shall be allowed on a zoning lot.
- (b) Mobile signs shall not exceed thirty-two (32) square feet in area.
- (c) Mobile signs shall not be placed within twenty-five (25) feet of an existing pole sign or ground sign, within fifty (50) feet of another mobile sign or within the clear vision triangle of any street or driveway.
- (d) Mobile signs shall not be placed on the premises of an establishment which has an existing pole sign or ground sign.

- (e) Mobile sign permits shall be valid for not more than thirty (30) days. Each establishment may be issued not more than four (4) permits during a calendar year for a combined total of sixty (60) days.
 - (f) Mobile signs shall be of rigid construction and anchored or weighted to prevent movement or overturning by wind.
 - (g) All wiring shall comply with the applicable Electrical Code adopted by the City of Council Grove.
 - (h) Use of red, yellow, or green external lighting shall be prohibited. Any light shall be constant in intensity or color at all times.
- (4) **Political Signs** shall not require a permit, but shall comply with the following requirements:
- (a) Shall not be erected or displayed earlier than 60 days prior to the election to which they relate.
 - (b) Shall be removed within 15 days after the election to which they relate.
 - (c) Shall not be located within or over any public right of way or on public property.
 - (d) Shall be placed behind sidewalk; if there is no sidewalk, at least 15 feet behind the curb;
 - (e) Shall not block vision of drivers.

Section 11. **MAINTENANCE AND SAFETY.** All signs, including attendant braces, supports, guys and anchors, shall be kept in a safe and sound structural condition and maintained in a presentable state of appearance. Defective parts shall be repaired or replaced and display surfaces shall be kept neatly painted or posted and readable at all times. Every sign and its immediate surroundings shall be maintained in a clean and sanitary condition and free of all offensive substances, rubbish and weeds. All maintenance required is the responsibility of the owner of the sign. Where ownership cannot be determined, the property owner is responsible for the maintenance of the sign. If the building inspector shall find that any sign is unsafe, insecure, has been abandoned, or has been erected or is being maintained in violation of the ordinance, he shall give written notice to the owner thereof to repair, alter or remove the sign so as to comply with the standards herein set forth.

Section 12. **ABANDONED SIGNS.** Any sign which no longer advertises a bona fide business conducted, product sold or service provided shall be deemed to be abandoned and shall be removed at the expense of the owner. Sign panels shall be removed within ninety (90) days of the vacation of the premises or discontinuance of the advertised activity unless new sign panels are installed advertising a bona fide activity. Provided however, an appeal for an extension of up to one (1) year for removal of sign frames and poles may be granted by the Planning and Zoning Commission when found to be justified.

Section 13. **RESIDENTIAL DISTRICTS.** The following sign regulations shall apply in the residential districts:

(1) Functional types allowed:

- (a) Bulletin board signs.
- (b) Business signs.
- (c) Construction signs.
- (d) Identification signs.
- (e) Nameplate signs.
- (f) Real estate signs.
- (g) Noncommercial opinion signs.

(2) Structural types allowed:

- (a). Ground signs.
- (b). Wall signs.

(3) Number of signs allowed:

- (a) Ground sign: one (1) per zoning lot.
- (b) Wall signs: two (2) per zoning lot.

- (c) A maximum of three (3) signs is per zoning lot.
- (4) Maximum gross surface area:**
 - (a) Construction signs: Thirty-two (32) square feet.
 - (b) Identification signs: Thirty-two (32) square feet.
 - (c) Real estate signs: Four (4) square feet.
 - (d) Business signs: Eight (8) square feet except that Home Business signs are limited to one (1) square foot.
- (5) Maximum height:**
 - (a) All signs shall be placed flat against a building or designed as part of an architectural feature hereof except that signs may be detached if they do not exceed a height of eight (8) feet or project into any required building setback area.
 - (b) No height limit is specified for signs placed flat against or painted on the wall of a building, or other attached signs provided all other provisions of this section are complied with.
- (6) Required setback:**
 - (a) All signs, except real estate and construction signs, shall maintain the same setback required for principal structures.
 - (b) Detached grounds signs used in conjunction with a conditional use shall be set back at least fifteen (15) feet from the front property line.
- (7) Illumination:**

No sign shall be illuminated, except that identification signs and bulletin board signs may be internally or externally illuminated, provided that no direct light shall be cast upon any residential property. In addition, churches, schools, nursing homes, rehabilitation centers, assisted living facilities, governmental facilities, YMCAs and parks and recreational facilities and athletic fields, may have one (1) freestanding electronic changeable copy identification or bulletin board sign subject to the following limitations:

 - (a) The electronic message center portion of the sign may not exceed fifty (50%) of the total sign area.
 - (b) The sign must set back at least fifteen (15) feet from the front property line and must be set perpendicular to the adjoining public street, provided that signs on corner lots may be set at a forty-five (45) degree angle at street intersections.
 - (c) The sign may not exceed a height of eight (8) feet.
 - (d) All electronic message center signs must be equipped with a photo cell dimmer or some other automatic dimmer control and may not operate between 10:00 p.m. and 6:00 a.m.
 - (e) No minimum hold time or interval of change shall be required.
 - (f) Text and moving pictorial images shall be allowed; however, no sign shall have blinking, flashing or fluttering lights or any other illuminating device that changes the intensity, brightness or color of the sign background.

Section 14. BUSINESS AND INDUSTRIAL DISTRICTS. The following sign regulations shall apply in business and industrial districts:

- (1) Functional types allowed:** Any type listed in section 8.
- (2) Structural types allowed:** Any type listed in section 9.
- (3) Number of signs allowed:** Two (2) per establishment.
- (4) Maximum gross surface area:**
 - (a) Four (4) square feet of sign area for each lineal foot of building frontage.
 - (b) Where no building frontage exists, four (4) square feet of sign area for each lineal foot of street frontage.
- (5) Maximum height:**

- (a) Roof sign: Forty (40) feet above the ground of the structure on which the sign is located.
- (b) All other signs: Thirty (30) feet.
- (c) Artificially raising the ground level through filling or berming for the sole purpose of increasing sign height shall not be permitted.
- (6) **Required setback:** None required, except that any sign which exceeds two hundred (200) square feet in gross surface area shall maintain the same setback required for principal structures.
- (7) **Illumination:** Illuminated signs shall be allowed.

Section 15. HISTORIC SIGNS. (1) Specific provisions of this sign ordinance may be waived by the governing body for designated historic signs upon application by the owner or by city-initiated application.

(2) Upon filing of said application, the Planning and Zoning Commission may recommend, and the Governing Body may declare, a sign to be of "historic significance" by making findings according to the guidelines below. Except for requirement pertaining to safety, structural integrity or maintenance, a sign so designated shall be deemed to conform to this ordinance.

(3) To be designated "historically significant," a sign must be found to comply with all of the following guidelines:

- (a) The sign has been in continuous existence at the present location for not less than twenty-five (25) years.
- (b) The sign possesses such exemplary design, technology, craftsmanship, materials and/or a means of illumination that it significantly enhances the cultural, historical and/or aesthetic quality of the community.
- (c) The sign has not been significantly altered from its historic period or, if altered, is restorable to its historic function and appearance.

(4) Once designated "historically significant," removal of the sign shall be subject to the approval of the historical society and the Governing Body.

Section 16. SIGN PERMIT FEE SCHEDULE. Fees under this ordinance shall be the same as provided for in the applicable Building Code adopted by the City of Council Grove.

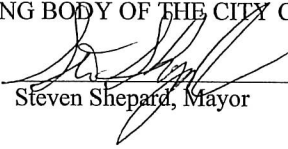
Section 17. PENALTIES FOR FAILURE TO ABIDE BY SIGN ORDINANCE PROVISIONS. Any person found in violation of this sign ordinance shall be fined not less than \$100.00 nor more than \$1,000.00.

Section 18. GRANDFATHER CLAUSE. Active business and organizational signage, existing prior to the publication date of this ordinance, may remain until such a time as they are replaced or removed, at which time any new signage must meet the requirements of this ordinance.

Section 19. REPEAL. This ordinance does hereby repeal Section 4-501 through 4-510; Section 17-207(b) and Section 17-208 of Ordinance No. 1820; Ordinance No. 1911; Ordinance No. 1943; and Ordinance No. 2096 of the Ordinances of the City of Council Grove.

Section 20. EFFECTIVE DATE. This ordinance shall take effect upon its publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY COUNCIL
ON THIS 3rd day of February, 2015.


Steven Shepard, Mayor

ATTEST:


Danny Matthews
City Clerk

(SEAL)

