BILL NO. 434

ORDINANCE NO. 434

AN ORDINANCE REGULATING SIGNS WITHIN THE CITY OF WOODS HEIGHTS, MISSOURI.

WHEREAS, the Board of Aldermen of the City of Wood Heights, Missouri finds and declares that outdoor advertising signs are a legitimate commercial use of private property within the City; and

WHEREAS, it is necessary to regulate and control such signs in order to promote highway safety, to promote convenience and enjoyment of highway travel, to preserve the natural scenic beauty of highways and adjacent areas within the City, and to promote the general health, safety and welfare of the citizens and denizens of the City of Wood Heights; and

WHEREAS, it is the policy of this City that the display and maintenance of outdoor advertising signs within the City be regulated in accordance with the following;

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF ALDERMEN OF THE CITY OF WOOD HEIGHTS, MISSOURI, AS FOLLOWS:

Section 1. Definitions: For the purposes of this Ordinance and when not inconsistent with the context, the following words, terms and all derivations thereof shall have the meaning ascribed herein. Words used in the plural number shall include the singular number, words used in the singular number shall include the plural number, and words in the masculine gender shall include the feminine and neutral genders.

(a) "Abandoned" means, when applied to any sign, that such sign has not served an advertising or informational purpose, or has advertised or provided information regarding goods and services no longer provided, for more than six months. Intent to abandon is not an element of "abandoned" as used herein.

(b) "City" means the City of Wood Heights, Missouri, and the corporate boundaries thereof.

(c) "Day" means the twenty-four hour period from midnight to the next following midnight, or any portion thereof.

(d) "Display" means to expose, exhibit or make visible to the public, and includes all physical acts in preparation or furtherance of erecting any sign.

(e) "Initial Cost of Display" means all planning, construction, erection and display costs actually incurred by the person paying the costs of the display, from initial conception of the idea to display a sign up to and including the final display of the completed sign, but shall not include the cost of electricity used to illuminate the sign. In the absence of evidence to the contrary, it shall be presumed that the initial cost of display did not exceed One Dollar ($1.00) per square foot of surface area.

(f) "Person" means any natural person, corporation, association, partnership or any other entity or being recognized in law as capable of enjoying legal rights or subject to legal obligations, and includes any agent or employee of a person.

(g) "Road" means any street, highway or other condition upon land used for motor vehicle traffic.

(h) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard or any other outdoor thing designed, intended or used to advertise or convey information to any person.

(i) "Substantially Destroyed" means that the total reasonable cost of repair or replacement exceeds fifty per cent (50%) of the initial cost of display. Substantially destroyed encompasses destruction or damage to a sign from any cause, and includes signs which have become a health or safety hazard or are in disrepair.

(j) "Surface Area" means the total area of the plane or face of any sign, including all perimeter trim, border or lattice work, as measured by the largest square, rectangle, triangle, circle or other shape which will encompass the entire sign, but

not including any supports, uprights or bracing unless same shall clearly serve an advertising or sign function. In calculating the surface area of any sign, only the largest plane or face of any double-faced sign shall be counted; provided, that if the angle between the two faces of any such sign shall exceed 15 degrees, then the total surface area shall include the total area of both such planes or faces.

(k) "Traffic Sign" means any sign erected by or at the direction of any governmental body or agency.

Section 2. Signs Prohibited: On and after the passage and approval of this Ordinance it shall be unlawful for any person to display or cause to be displayed any sign within the City except as otherwise permitted herein.

Section 3. Signs Exempted: The following signs are hereby exempted from the provisions of this Ordinance:

(a) Signs, flags or emblems of any governmental, civic, philanthropic, educational or religious organizations; provided, such signs shall not exceed thirty square feet in surface area;

(b) Traffic signs.

(c) Signs advertising hospitals or airports; and

(d) Signs displayed prior to passage and approval of this Ordinance; provided, that such signs shall conform to and comply with this Ordinance whenever such signs shall be removed, abandoned, or are substantially destroyed after this Ordinance becomes effective.

Section 4. General Restrictions: All signs regulated by this Ordinance shall, unless hereinafter otherwise provided, conform to the following:

(a) Size: No sign shall exceed 12 feet in height nor 24 feet in width, nor shall the highest point of any sign exceed 18 feet above the lowest ground level directly beneath such highest point.

(b) Lighting: No sign shall be illuminated with or employ any light of varying intensity, or of any color other than white,

except that this sentence shall not apply to temporary Christmas lights nor to signs displaying the time, date, temperature or similar public service information, and which lights and signs do not unreasonably distract or interfere with a motorist's attention to driving a motor vehicle. In any event, no revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign nor shall any sign be so illuminated that it interferes with the effectiveness of or obscures any traffic sign. External lighting, such as flood lights, thin line and gooseneck reflectors, shall be permitted only if the light source is directed upon the face of the sign and is effectively shielded to prevent beams or rays of light from shining or reflecting onto any portion of any road or onto any adjacent lot or parcel of land not owned by the sign owner or lessor, and which lights are not of such intensity so as to cause glare to, impair the vision of, or otherwise interfere with any driver of a motor vehicle.

(c) Spacing: No sign shall be displayed within one hundred feet of an existing sign regulated hereunder and located on the same side of any road. No sign shall be displayed within 50 feet of any sidewalk or road. The distance between such signs, or between any sign and any sidewalk or road, shall be measured along a straight line comprising the shortest distance between any portion of such signs or such sign and the nearest edge of any sidewalk or road.

(d) Maintenance: All signs shall be maintained in good repair and shall be securely affixed to a sturdy and substantial supporting structure. All signs shall have a clean and neat appearance, and shall be kept free of all chipped, cracked or peeling paint, and the premises immediately surrounding any sign shall be kept free of trash, debris, overgrown brush or weeds, and all other litter.

(e) Prohibited Locations: No sign shall be displayed or maintained upon any tree, rock or other natural feature.

Section 5. Penalties: Any person who shall violate any provision of this Ordinance shall, upon conviction, be fined a sum not to exceed Five Hundred Dollars ($500.00). Each day of violation shall constitute a separate offense hereunder.

Section 6. Severability: If any portion of this Ordinance shall be found to be unconstitutional or in conflict with any provision of State or Federal Law by a Court of competent jurisdiction, then the remaining portions of this Ordinance shall continue in full force and effect.

PASSED this ____ day of _____, 1983.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED this ____ day of _____, 1983.

_____
Mayor