

## CHAPTER 19A.

### SIGNS.

*Editor's Note—Ord. no. 1520 §1, adopted April 3, 2001, repealed this entire ch. 19A enacting the new provisions set out herein. Former ch. 19A derived from ord. no. 435 §§1—5, 7—8; ord. no. 616 §1; ord. no. 648 §§1—8, 10—11; ord. no. 930 §§2—5; ord. no. 948 §2, 3-6-90; ord. no. 963 §1, 7-3-90; ord. no. 964 §1, 7-3-90; ord. no. 1040 §§1—7, 11-17-92; ord. no. 1098 §2, 5-3-94; ord. no. 1139 §§1, 3—4, 11-15-94; ord. no. 1165 §§1—2, 5-16-95; ord. no. 1209 §§3—5, 1-18-96; ord. no. 1214 §1, 2-20-96; ord. no. 1234 §2, 7-2-96; ord. no. 1293 §1, 6-17-97; ord. no. 1311 §1, 9-16-97; ord. no. 1313 §1, 10-7-97; ord. no. 1328 §1, 12-2-97; ord. no. 1349 §§1—2, 4-7-98; ord. no. 1463 §1, 7-5-00; ord. no. 1494, 11-21-00; ord. no. 1501, 12-19-00.*

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### Article I. General.

*Editor's Note—Ord. no. 1681 §1, adopted March 4, 2003, repealed sections 19A-1–19A-22 and enacted the new provisions set out herein. Former sections 19A-1–19A-22 derived from ord. no. 1520 §1, 4-3-01; ord. no. 1524 §§1–5, 4-17-01; ord. no. 1526 §§1–4, 5-15-01; ord. no. 1530 §§1–2, 6-5-01; ord. no. 1533 §1, 6-21-01; ord. no. 1540 §§1–4, 7-17-01; ord. no. 1542 §1, 8-7-01; ord. no. 1563 §1, 11-6-01; ord. no. 1576 §§1–2, 12-18-01; ord. no. 1591 §1, 2-19-02.*

#### Section 19A-1. PURPOSE.

The purpose of these sign regulations is to preserve the public health, convenience, welfare and/or safety within the City of Eureka by maintaining the high aesthetic quality of the community while at the same time recognizing the importance of signage in:

- (a) Fostering the economic viability of the community, and
- (b) Providing safe and concise directional information designed to facilitate traffic flow.

The effect of this Chapter is:

- (1) To establish a permit system that allows a variety of types of signs on business premises and a variety of signs on other premises, subject to this Chapter and its permit procedures;
- (2) To allow certain small, unobtrusive signs incidental to the principal use of a site without a permit if such signs meet the substantive requirements of this Chapter;
- (3) To allow a variety of types of non-commercial signs subject to the same substantive and permit requirements that control on-premise signs;
- (4) To allow certain types of signs to make minor encroachments of the public right-of-way, if specially permitted; and
- (5) To prohibit all signs not expressly permitted by this Chapter. (Ord. No. 1681 §1, 3-4-03)

#### Section 19A-2. DEFINITIONS.

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

*ALLEY.* A private or narrow passageway, typically of less than a street, which normally serves as a secondary means of ingress and egress to property abutting thereon.

*BANNER.* A temporary paper, plastic or cloth device hung to attract attention to a business or special event.

*BILLBOARD.* A sign that advertises products or services which are not on the premises of the owner or place of business to which they apply; including wall signs and those otherwise attached to buildings and structures, as well as those not attached to buildings and supported by uprights or braces on the ground.

*BILLBOARD SIGN EXTENSION (a.k.a. CUT-OUT).* A billboard advertising copy design element that protrudes beyond the confines of a billboard sign face area.

*BUILDING COMMISSIONER.* The Building Commissioner of the City or his designee.

*CITY.* The City of Eureka, Missouri.

*CO-BRANDED RESTAURANTS AND GASOLINE SERVICE STATIONS.* A development combining one (1) restaurant facility and one (1) gasoline service station facility on the same lot. The restaurant and gasoline service station may be two (2) freestanding buildings or one (1) combined-use building.

*COMMERCIAL MESSAGE.* Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

*COPY.* The wording or graphics on a sign surface.

*DEVELOPMENT.* A multiple lot subdivision or a single parcel or assemblage of abutting parcels containing multiple structures and/or uses.

*ELECTRONIC MESSAGE CENTERS.* A sign whose alphabetic, graphic or symbolic informational content can be changed or altered on a fixed display surface, composed of electrically illuminated or mechanically-driven changeable segments, either by means of pre-programming or by computer-driven electronic impulses. Electronic message centers shall not have continuous scrolling or other constant movement of the sign message.

*ERECT.* To build, construct, reconstruct, attach, hang, rehang, alter, place, affix, enlarge, move or relocate and includes the painting and repainting of existing sign structures.

*FACING.* The length of the lot along the street side, but which does not provide both free ingress and egress. The length of a lot bordering more than one (1) street is considered separate for each street.

*FLAG.* Any fabric or bunting containing distinctive colors, patterns or symbols.

*FLAG, NON-OFFICIAL.* Any flag other than an official flag including, but not limited to, trademark, sports team and holiday flags.

*FLAG, OFFICIAL.* Any flag of the United States, the State of Missouri, the County of St. Louis, the City of Eureka, the Rockwood School District, the Eureka Fire Protection District, the United States military, any other governmental unit or any nationally recognized veterans' organization including, but not limited to, the American Legion, Veterans of Foreign Wars and/or POW/MIA.

*FRONTAGE.* The length of the lot along the street side providing both free ingress and egress. The length of a lot bordering more than one (1) street is considered separate for each street.

*GARAGE SALE.* The offering for sale of multiple items of personal property on property zoned and occupied as a residence.

*GASOLINE SERVICE STATION.* Any business that dispenses or is designed to dispense gasoline and oil for use in motor vehicles and boats.

*GASOLINE SERVICE STATION CANOPY.* A freestanding structure located on the same premises as a gasoline service station affording protection from the elements to persons or property thereunder.

*LOT.* A single parcel or contiguous assemblage of parcels utilized for a common purpose.

*OLD TOWN.* For purposes of this Chapter, "Old Town" shall be defined as the area approximately bounded to the north by the southern right-of-way line of East and West Fourth Streets, to the west by the eastern right-of-way line of South West Avenue and the western property lines of parcels located at the western end of Meramec Lane and Sheerin Avenue, to the south by the southern property lines of parcels located on the south side of Dreyer Avenue and to the east by western property lines on parcels fronting on Highway W from East Fourth Street south to Old Town Drive. A map exhibit which sets forth the exact Old Town boundaries is on file in the City Clerk's office.

*PLINTH.* A monument sign base that rests directly on the ground designed as a support unit, architectural unit or decorative design element.

*SIGN.* A structure that includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any person when the same is placed in view of the general public.

*SIGN, ABANDONED.* A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

*SIGN, ANIMATED.* Any sign that includes action or motion.

*SIGN, AWNING.* A sign permanently affixed to an awning.

*SIGN, CONSTRUCTION INFORMATION.* A sign used during the construction of new buildings or reconstruction of or additions to existing buildings, which identifies the project or future use of site and provides information denoting the owner, architect, engineer, contractor and/or financing institutions of the project.

*SIGN, DAILY ADVERTISING.* A freestanding sign (e.g., A-frame, sandwich boards) that is displayed during hours in which a business is open and removed during hours in which a business is closed.

*SIGN, DIRECTIONAL.* A sign that indicates a direction for vehicular or pedestrian traffic or other movement.

*SIGN, DIRECTORY.* A sign containing three (3) or more names within a single sign.

*SIGN, DRIVE-THRU MENU BOARD.* A sign displaying food, beverages or other services offered for sale at a business with drive-thru service.

*SIGN, FLASHING.* Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are not defined as "flashing signs".

*SIGN, FLUTTERING.* A sign which flutters or is made of flexible materials which moves with the wind or by some other artificial means including, but not limited to, pennants, banners, balloons, spinning devices and streamers.

*SIGN, FREESTANDING.* Any sign supported by structures or supports that are placed on or anchored in the ground and that is independent from any building or other structure.

*SIGN, GASOLINE SERVICE STATION PRICE.* A sign containing thereon the price per gallon of gasoline or diesel fuel sold at said station.

*SIGN, HELP WANTED.* A sign advertising the employment opportunities of a business.

*SIGN, ILLUMINATED.* Any sign that is illuminated by light source mounted on or in the sign or at some other location.

*SIGN, INFORMATION.* A sign that gives parking, building address, fire protection, traffic flow (other than directional signs), height clearance, pedestrian, no trespassing and other similar information, and that does not advertise a business or use located on lot or parcel.

*SIGN, INTERIOR LOGO.* An interior sign erected so as to be visible from a street but not attached to a window and identified as a registered trademark, logo or symbol.

*SIGN, MEMORIAL OR TABLET.* The permanent part of a building that denotes the name of the building, date of erection, historical significance, dedication or other similar information.

*SIGN, MONUMENT.* Any detached sign on the same lot or parcel as the use it advertises which has its bottom portion attached to a proportionate base or plinth, integrated ground planter box or structural frame, the width of which shall be a minimum of one-half (½) the width of the widest part of the sign face.

*SIGN, OCCUPATIONAL/IDENTIFICATION.* A wall sign identifying the name of a person occupying a building and mounted adjacent to the main entrance of the building.

*SIGN, OFF-SITE RESIDENTIAL SUBDIVISION DIRECTIONAL.* A temporary sign allowed on a limited basis as set forth in the Municipal Code for the purpose of directing individuals to a residential subdivision development located within the City of Eureka or within one (1) mile of its corporate limits.

*SIGN, PERPENDICULAR WALL.* A projecting sign erected perpendicular to the building upon which it is placed.

*SIGN, POLE.* Any freestanding sign located on the same lot or parcel as the use it advertises which is supported by one (1) or more stationary poles.

*SIGN, POLITICAL.* A temporary sign advocating or opposing any political proposition or candidate for public office.

*SIGN, PORTABLE.* Sign that is not permanently affixed to a building, structure or ground, and that may be readily moved or relocated.

*SIGN, PROJECTING.* Any letter, word or device used in any sign in a different plane or protruding outwardly from the building or structure to which it is attached.

*SIGN, PYLON.* See "SIGN, POLE".

*SIGN, ROOF.* Any sign erected on a roof, excluding wall signs. The generally vertical plane of a mansard-type roof shall be interpreted as the same as a wall of a building.

*SIGN, ROUTE 66 HISTORIC.* Any sign which has been designated an historic landmark by the government of the United States, State of Missouri, County of St. Louis or the City of Eureka as a result of the sign's location along the original Route 66 Highway.

*SIGN, TEMPORARY.* Any sign intended for a limited or intermittent period of display.

*SIGN, WALL.* A sign attached to the wall of a building or against the generally vertical plane of a mansard-type roof with the plane of the sign face parallel to the plane of the wall below the roof line.

*SIGN, WINDOW.* A sign internally or externally affixed on a window or glass door.

*SIGN AREA.* A total area of the space to be used for information purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. For purposes of calculating sign area to determine compliance with the provisions of this Chapter, the total sign area for a double-faced sign where the two (2) faces are substantially parallel shall be the sum of the area of both faces divided by two (2), and where the two (2) faces are not substantially parallel, said total allowable area shall be the sum of the area of each face.

*SIGN FACE.* See "SIGN AREA".

*SPECIAL DISPLAYS.* Signs or an assemblage of materials used for holidays or promotion of civil welfare or charitable purposes.

*STREET.* The word "*street*" shall mean an open, generally public way being utilized for the passage of vehicular traffic. However, for the purposes of this Chapter, a point of egress and ingress to a lot, such as a driveway, shall not be considered a street, nor shall an alley be considered a street.

*STREET FACING.* See "FACING".

*STREET FRONTAGE.* See "FRONTAGE". (Ord. No. 1681 §1, 3-4-03; Ord. No. 1712 §1, 8-19-03; Ord. No. 1714 §1, 9-2-03; Ord. No. 1834 §1, 6-1-05; Ord. No. 2080 §1, 3-3-09)

**Section 19A-3. LEGAL NON-CONFORMING SIGNS.**

(a) *Notification Of Non-Conformity.* After the enactment of this Chapter, the Building Commissioner or his designees shall use efforts so as to notify either personally or in writing the sign owner, sign user or owner of the property on which the sign is located of the following:

- (1) The sign's non-conformity; and
- (2) Whether the sign is eligible for characterization either as legal non-conforming or unlawful.

(3) If the sign owner, user or owner of the property cannot be located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

(4) That the sign owner, sign user or owner of the property has the right to produce any legislative authority, including authorization by the City or Board of Adjustment, for the sign in question which he or she believes may affect the lawful status of the sign.

(b) Any sign located within the City limits on the date of adoption of this Chapter (Ord. No. 1494, November 21, 2000), or located in an area annexed to the City thereafter, which does not conform with the provisions of this Chapter, is eligible for characterization as a legal non-conforming sign, if the sign was in compliance with applicable law on the date of adoption of this Chapter.

(c) *Loss Of Legal Non-Conforming Status.* A legal non-conforming sign shall immediately lose its legal non-conforming status if:

(1) The supporting structure of a sign is altered in any way or if the sign area is increased in any way except as provided in Subsection (d).

(2) The sign structure is relocated, except that any such sign which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening or improvement of a street, highway or other public purpose, may be relocated once on the same lot so long as no changes other than location are made to the sign. Such a sign, once relocated, is still considered a legally non-conforming sign and bound by this Section.

(3) Any pole sign that also displayed an official flag prior to the date of adoption of this Chapter (Ord. No. 1494, November 21, 2000), which is hereafter required to be moved by a governmental body for the purpose of construction, relocation, widening or improvement of a street, highway or other public purpose, shall be allowed to be moved on the lot one time, provided however, that it is used solely as a flagpole not exceeding eighty (80) feet in height and not as a pole sign. Any signs on the pole shall be removed upon relocation and it shall be designated as an allowable flagpole by the property owner. Upon relocation, the official flag displayed may be the same size as was flown prior to the date of adoption of this Chapter (Ord. No. 1494, November 21, 2000). Both the flagpole and the flag size shall be considered legal non-conforming uses subject to the terms and provisions of this Section.

(4) The sign is removed or replaced, except for copy on a changeable copy sign and as provided by Subsection (d). If a changeable copy sign is left blank for a period of time

exceeding sixty (60) calendar days, the non-conforming sign shall be classified as an abandoned sign and removed.

(i) In the case of gasoline service stations, an existing manual changeable copy price sign may be replaced with a digital changeable copy price sign if the new sign does not exceed the sign area or height of the existing legal non-conforming sign.

(5) If the business or service advertised or identified by a non-conforming sign ceases to be conducted for a period exceeding thirty (30) calendar days, the non-conforming sign shall be classified as an abandoned sign and removed, however, if authorized by the board of aldermen, such signage may remain for an approved period of time conditioned upon the property owner actively marketing said property for lease or sale.

(6) Should any non-conforming sign be damaged by any means, other than vandalism, to the extent of over sixty percent (60%) of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this Code. Non-conforming signs which are damaged by vandalism to the extent of over sixty percent (60%) of their physical value must be restored within sixty (60) days or removed or brought into compliance with the provisions of this Chapter.

(7) On the occurrence of any one of Section 19A-3(c)(1) through (5) above, the sign shall be immediately brought into compliance with this Code with a new permit secured therefore or shall be removed pursuant to Section 19A-6.

(d) If any existing sign is removed or replaced for the purpose of changing the business, occupation or tenant advertised or identified, except as provided herein, it shall be considered a new sign, and shall not be allowed unless it is brought into compliance with this Chapter and all necessary permits are obtained. The repainting or replacement of panels on an existing sign shall not be considered a new sign so long as the sign area is not increased in any manner. The repainting or replacement of panels on a billboard shall not be considered a new sign. Ordinary maintenance or repair of an existing sign to a safe condition shall not be cause to classify the sign as a new sign. When there is no change of use or ownership, an existing legal non-conforming sign may be replaced with a new sign only for purposes of reflecting business name or brand name changes as long as the new sign does not exceed the sign area or height of the existing legal non-conforming sign. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1740 §1, 1-6-04; Ord. No. 2125 §1, 6-15-10; Ord. No. 2158 §1, 2-15-11)

#### **Section 19A-4. APPROVAL OF SIGNS.**

Approval of all signs, unless hereinafter exempted, must be obtained from the Building Commissioner. (Ord. No. 1681 §1, 3-4-03)

#### **Section 19A-5. INSPECTIONS.**

The Building Commissioner shall inspect all signs after erection is completed for compliance with this Chapter. A St. Louis County electrical permit shall be obtained and an electrical inspection shall be performed as applicable. (Ord. No. 1681 §1, 3-4-03)

#### **Section 19A-6. SIGN REMOVAL.**

- (a) The Building Commissioner may remove signs or advertising devices that:
- (1) Do not have the required permit.
  - (2) Have an expired permit.

- (3) Are a public nuisance as defined by ordinance.
- (4) Are unsafe, hazardous or unlawful.
- (5) Violates any of the provisions of this Chapter.

(b) If any sign, except those signs placed on property not owned or leased by the person responsible for the erection or maintenance of the sign, is deemed to require removal under the provisions of this chapter, the building commissioner shall order it removed and the owner or operator of the signage or of the establishment the signage is serving shall be notified of the violation and be given up to fifteen (15) days at the city's discretion in which to correct the violation, however, in the case of signage under Section 19A-13(o), such may remain for up to six (6) months if the property owner can evidence that said property is being actively marketed for lease or sale. If the order is not complied with, the building commissioner shall have it removed at the expense of the person responsible for the erection or maintenance of the sign, and in the event that all costs associated with the city having such sign removed is not recovered from the responsible party, said cost shall become a lien on the property; such lien to be certified to the St. Louis County recorder of deeds by the city clerk. If any sign is erected on property not owned or leased by the person responsible for the erection or maintenance of the sign, such signage may be removed immediately by the building commissioner without notice and any associated costs incurred by the city for the removal of such signage shall be recovered from the responsible party.

(c) The Building Commissioner is authorized to go upon any premises in the City for purposes of removing signs under the provisions of this Section. Signs removed by the Building Commissioner shall be retained for the owner's account for a period of thirty (30) days and shall be returned to the owner upon payment of the expenses of removal. If not claimed within that time, they shall become the property of the City and may be destroyed or sold for the payment of the expense of removal. If sold, any excess from the proceeds of the sale shall be returned to the owner. In addition, the City shall in no way be held financially responsible for any damages that may be incurred as a result of said removal. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1889 §1, 2-7-06; Ord. No. 2125 §2, 6-15-10)

#### **Section 19A-7. VIOLATIONS; PENALTY.**

Any person violating this Chapter or any of its provisions shall be subject to the general penalty provision pursuant to Section 1-7 of this Code. Each day and instance of violation shall constitute a separate offense and at the discretion of the Building Commissioner a summons may be issued for each separate offense. (Ord. No. 1681 §1, 3-4-03)

### **Article II. Permits and Fees.**

#### **Section 19A-8. PERMIT REQUIRED.**

(a) Unless otherwise provided for, it shall be unlawful for any person to erect any sign without first obtaining a permit from the Building Commissioner and making payment of the fee as herein required.

(b) Applications for permits shall be submitted and accompanied by two (2) sets of plans showing proposed copy of sign with location, sign area, construction details, materials and illumination details, existing sign locations and sizes, if any. In addition, plans for monument signs (and pole signs if applicable) shall include the length of street frontages (and street facings if applicable) in linear feet, and plans for wall signs shall include building elevation with height and width dimensions shown for the face of the building that the sign is proposed to be installed upon. When proposing pole signs, the sign plan shall include the elevation of the proposed pole sign location and the adjacent Interstate 44 pavement elevation. The

Interstate 44 pavement elevation measurement shall be at the closest point perpendicular to the subject sign location.

(c) All applications shall be signed by the owner of the building, structure or property.

(d) All illuminated signs shall be subject to the provisions of the Electric Code and permit fees required thereunder.

(e) Any permit issued will expire in six (6) months if construction is not completed or an extension has not been granted. Permits for temporary signs will expire at the end of allowable period as specified in Section 19A-18.

(f) The Building Commissioner shall deny a permit if the application shows the sign to be at variance with the regulations of this Chapter. Under the procedures outlined in Chapter 23, Article XIX, the applicant may pursue a variance from the Board of Adjustment.

(g) *Assignment Of Sign Permits.* A current or valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such information with the Building Commissioner. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1772 §1, 8-3-04)

#### **Section 19A-9. RIGHT OF APPEAL.**

Anyone denied a permit for a sign under the provisions of this Chapter, or who has been ordered by the City to remove any existing sign, may appeal to the Board of Adjustment as provided for in Article XIX of Chapter 23. Owners or operators of signage under appeal are not exempt from being issued violation citations, and whenever deemed possible and reasonable by the City, the owner or operator of same must remove the subject signage during the appeal process in accordance with Section 19A-6. In the event that the owner or operator fails to remove said signage, the City may remove the sign or order the sign to be removed at the expense of the owner or operator of same. (Ord. No. 1681 §1, 3-4-03)

#### **Section 19A-10. FEES.**

A flat fee of twenty-five dollars (\$25.00) per sign permit will be charged and collected by the Building Commissioner upon filing of the application that, after permit issuance, shall not be refundable. In addition to the above fees, a charge of ten dollars (\$10.00) will be assessed for each inspection performed by the Building Commissioner. (Ord. No. 1681 §1, 3-4-03)

#### **Section 19A-11. EXEMPTIONS.**

(a) The following signs shall be exempt from permits and fees:

(1) Signs, banners and special displays of the United States, the State of Missouri, the City of Eureka, the Rockwood School District, the Eureka Fire Protection District or churches, schools, civic or fraternal organizations located within the Eureka City limits. Signs, banners and special displays for other governmental units and churches, schools, civic or fraternal organizations located outside of the Eureka City limits must be authorized by the Board of Aldermen. Signs of such entities may be erected in City right-of-way, other City-owned property and on other, off-site premises with the permission of the property owner for the explicit purpose of giving public notice of special events under the following conditions:

(i) Signs erected in City right-of-way located adjacent to residentially utilized property shall have the permission of the adjacent property

owner. Such signs shall not exceed six (6) square feet in sign area nor a height of four (4) feet from the ground and should be removed within two (2) days after the special event is completed. The placement of such signs in State right-of-way is not allowed.

- (ii) Signs erected in City right-of-way located adjacent to a commercial, industrial, planned commercial or planned industrial zoned property shall have the permission of the adjacent property owner. Such signs shall not exceed thirty-two (32) square feet in sign area nor a height of six (6) feet from the ground and should be removed within two (2) days after the special event is completed. The placement of such signs in State right-of-way is not allowed.

(2) Banners or signs of the United States, the State of Missouri, the City of Eureka, the Rockwood School District or the Eureka Fire Protection District affixed to utility poles, provided approvals are received from the utilities and governmental units having jurisdiction over the poles and adjacent rights-of-way respectively. Banners or signs for other governmental units may be allowed if authorized by the Board of Aldermen.

(3) *Construction information signs.*

- (i) *Development construction information signs.* A maximum of two (2) for every twenty (20) acres or fraction thereof of the development site, each sign not to exceed forty-eight (48) square feet in outline area per facing. The maximum height of such signage shall not exceed fifteen (15) feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within thirty (30) days after the last lot is sold within the development. In addition, such signage may only be erected on property owned or operated by the applicant.
- (ii) *Building construction information signs.* For developments involving the construction, reconstruction or repair of multiple buildings in any "C", "M-1" or "M-2" zoning district, each individual building will be allowed one (1) building construction information sign not to exceed twenty-four (24) square feet in outline area per facing. The maximum height of such signage shall not exceed fifteen (15) feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within thirty (30) days after the issuance of an occupancy permit. In addition, such signage may only be erected on property owned or operated by the applicant.

(4) *Political signs.*

(5) Signs allowed for all uses in "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" and "FP". One (1) sign not exceeding twelve (12) square feet in sign area shall be allowed. Such sign shall not exceed four (4) feet in height from the surrounding grade when the sign is erected as a freestanding sign. Such sign shall conform to the definitions of a banner, wall or monument sign as found in Section 19A-2. Also, two (2) additional signs, that are visible to the public and do not exceed four (4) square feet in sign area, shall be allowed. Such signs shall not exceed four (4) feet in height from the surrounding grade when the sign is erected as a freestanding sign. Such signs shall also conform to the definitions of a banner, wall or

monument sign as found in Section 19A-2. No such signs shall be used to convey a commercial message with the exception that signs used to identify a garage sale or the sale/lease of the property upon which the sign is placed shall be allowed.

(6) Signs relative to the sale, lease or rental of property erected on the offered property as follows:

- (i) *Commercial and industrial zones.* One (1) sign having a maximum of seventy (70) square feet in outline area per facing. No sign shall exceed ten (10) feet in height from the surrounding grade to the highest point on the sign. In those cases where a parcel or lot has more than one (1) street frontage and/or street facing, one (1) sign may be placed on each street frontage and/or street facing.
- (ii) In commercial and industrial zones, one (1) banner not exceeding thirty-two (32) square feet in maximum sign area shall be allowed in lieu of the requirements listed above. If a banner is erected for the purpose of advertising the sale, lease or rental of property in commercial or industrial zones, no other banners, as provided for in Section 19A-18, may be erected simultaneously. No banner shall be allowed to be placed upon a roof.

(7) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(8) *Occupational/identification signs.* One (1) wall, non-illuminated sign or one (1) window sign not exceeding two (2) square feet in size displaying the name, occupation and/or service located upon the premises and the address.

(9) Signs erected inside a building excluding window and interior logo signs.

(10) *Help wanted signs.* One (1) sign advertising employment opportunities, located on the lot or parcel of the business advertising employment opportunities and not larger than eight (8) square feet. One (1) banner not exceeding thirty-two (32) square feet in maximum sign area shall be allowed in lieu of the requirements listed above. However, if a banner is erected for the purpose of advertising employment opportunities, no other banners, as provided for in Section 19A-18, may be erected simultaneously. No banner shall be allowed to be placed upon a roof.

(11) *Open/closed signs and signs indicating business hours.* Such signs shall not exceed four (4) square feet and shall contain no other information than that necessary to highlight business hours and the open/closed status of a business.

(12) Window signs.

(13) Special displays.

(14) *Information signs.* Placement of such signage shall not create any safety or traffic hazards.

(15) Daily advertising signs.

(16) Banner sign erected relative to the sale, lease or rental of multiple-family dwelling property.

(b) The following signs shall be exempt from fees. Sign permits shall be required.

(1) Monument and wall signs for non-residential uses located in "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" and "FP" zoning districts.

(2) Flags. As allowed by Section 19A-19.

(3) Banners. As allowed by Section 19A-18. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1706 §1, 8-5-03; Ord. No. 1712 §2, 8-19-03; Ord. No. 2049 §§1-2, 7-11-08)

### **Section 19A-12. REVOCATION.**

The Building Commissioner may revoke any sign permit which violates any provision of this Chapter, or which has been secured by subterfuge, or is void, or which has been issued by mistake, misunderstanding or error of the City. (Ord. No. 1681 §1, 3-4-03)

## **Article III. Rules and Regulations.**

### **Section 19A-13. PROHIBITED SIGNS GENERALLY.**

(a) Any new sign erected in violation of any Chapter of this Code.

(b) Signs that might conflict with traffic control signs by shape, size, color, lighting or location.

(c) Exterior use of advertising devices such as banners, streamers, pennants, flags, balloons, lights (whether flashing, flickering, blinking or rotating), wind-operated devices and any other type of fluttering or flashing devices deemed in violation by the Building Commissioner and unless otherwise allowed in this Chapter.

(d) Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

(e) Animated signs and mechanical contrivances. No sign erected shall contain flashers, animators or mechanical movement or contrivances of any kind, excepting clocks and time and weather information.

(f) Paper posters and painted signs applied directly to the wall of a building or pole or other support.

(g) Signs painted or otherwise affixed on the inside or outside of automobile windows except for pricing information associated with the sale of new and used cars.

(h) Portable signs, except as provided for in Section 19A-18.

- (i) Signs advertising an article or product not manufactured, assembled, processed, repaired, serviced or sold upon the premises upon which the sign is located, except as otherwise provided in this Chapter.
- (j) Revolving signs of any type, including searchlights.
- (k) Signs in residential districts for home occupation.
- (l) Signs on parking lot light standards not relating to traffic control.
- (m) Signs on public street right-of-way (other than public notices and unless otherwise allowed in this Chapter).
- (n) Signs that are in disrepair or hazardous as determined by the Building Commissioner.
- (o) Signs that relate to discontinued businesses or uses no longer in existence.
- (p) Signs with words or colors confusing to motorists, or which block vision at entrances, intersections or sharp curves as determined by the Building Commissioner.
- (q) Roof signs.
- (r) Any sign not in compliance with the City Building or Electrical Codes, as amended, as to design, structural members and connections.
- (s) Pole signs, except as otherwise provided for in this Chapter.
- (t) Neon and other similar type signs located in such a manner as to attract public attention from outside the building, within "Old Town" as defined in this Chapter. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1712 §3, 8-19-03; Ord. No. 1822 §1, 3-1-05; Ord. No. 1938 §1, 8-29-06)

#### **Section 19A-14. STANDARDS GENERALLY.**

- (a) No sign may be erected or maintained so as to obstruct free ingress or egress to building openings, driveways, sidewalks or other passageways.
- (b) All projecting signs shall have a minimum clearance above sidewalks of eight (8) feet and fourteen (14) feet over driveways and parking areas.
- (c) The illumination of signs, if done, shall be so arranged that there is no interference with the safety of the public.
- (d) Every sign in the City, including any sign exempted from normal permit requirements, shall be maintained in good repair and good structural condition at all times, including painted or otherwise finished surfaces, as well as all parts and supports which must be maintained in their design condition and position. Broken parts of signs must be replaced or repaired within fifteen (15) days of notification by the Building Commissioner and in such a manner as to maintain the appearance and structure of the sign as it was approved for installation.
- (e) The Building Commissioner shall have the authority to order the painting, repair, alteration or removal of signs which have not been properly maintained or repaired, or which have become dilapidated or are abandoned, or which constitute a hazard to public safety.

(f) It shall be unlawful for any person to display upon any sign or other advertising device any obscene, indecent or immoral matter. The Building Commissioner shall order the immediate removal of signs containing obscene matter.

(g) No permanent signage, other than allowable window signs and unless otherwise allowed, shall be constructed of paper, nylon, fabric, or any other type of non-durable material.

(h) Price signs shall be permitted on outdoor displays. Such price signs shall not exceed four (4) square feet and shall be placed upon or immediately adjacent to the merchandise which it advertises.

(i) Reserved. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1712 §4, 8-19-03; Ord. No. 2086 §1, 6-2-09)

**Section 19A-15. "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" AND "FP" ZONING DISTRICT SIGNS.**

(a) The following signs are allowable in any "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" and "FP" zoning district.

(1) Signs allowed for all uses in "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" and "FP". One (1) sign not exceeding twelve (12) square feet in sign area shall be allowed. Such sign shall not exceed four (4) feet in height from the surrounding grade when the sign is erected as a freestanding sign. Such sign shall conform to the definitions of a banner, wall or monument sign as found in Section 19A-2. Also, two (2) additional signs, that are visible to the public and do not exceed four (4) square feet in sign area, shall be allowed. Such signs shall not exceed four (4) feet in height from the surrounding grade when the sign is erected as a freestanding sign. Such signs shall also conform to the definitions of a banner, wall or monument sign as found in Section 19A-2. No such signs shall be used to convey a commercial message with the exception that signs used to identify a garage sale or the sale/lease of the property upon which the sign is placed shall be allowed.

(2) Monument and wall signs for non-residential uses located in "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" and "FP" zoning districts.

(i) *Monument signs.* One (1) monument sign per lot not exceeding ten (10) feet in height from the surrounding grade to the highest point on the sign. The bottom of the sign face shall not exceed a height of three (3) feet above the base of the sign. No monument sign shall be located any closer than ten (10) feet to any property line except that no monument sign shall be located closer than twenty-five (25) feet to any residentially utilized lot. No monument sign shall exceed thirty-two (32) square feet in outline area per face. In those cases where a parcel or lot has more than one (1) street frontage and/or street facing, one (1) monument sign may be placed on each street frontage and/or street facing.

(ii) *Wall signs.* One (1) wall sign not exceeding fifteen percent (15%) of the total square footage of the building face upon which it is placed having either street frontage or street facing.

(a) In those cases where a parcel or lot has more than one (1) street frontage and/or street facing, one (1) wall sign may be placed on each street frontage and/or street facing side of the building and

shall not exceed fifteen percent (15%) of the total square footage of the building face upon which it is placed.

- (b) Wall signs shall be face mounted on the building/structure projecting not more than fourteen (14) inches from the face of the building. Such signs shall not project above the parapet wall, mansard or other roofline, shall be recessed where involving a pitched roof location and shall be located so as to not create a safety or traffic hazard.

(3) *Construction information signs.*

- (i) *Development construction information signs.* A maximum of two (2) for every twenty (20) acres or fraction thereof of the development site, each sign not to exceed forty-eight (48) square feet in outline area per facing. The maximum height of such signage shall not exceed fifteen (15) feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within thirty (30) days after the last lot is sold within the development. In addition, such signage may only be erected on property owned or operated by the applicant.

(4) Directional signs shall not exceed eight (8) square feet in outline area per facing. Directional signs shall not exceed four (4) feet above the adjacent ground surface.

(5) *Subdivision identification signs.* Two (2) permanent subdivision identification signs not exceeding fifty (50) square feet in size per face inclusive of any logo shall be allowed per development. Where the development has access on two (2) or more streets or has more than one (1) entrance on one (1) street, identification shall be allowed at each entrance. Subdivision identification signs shall not exceed eight (8) feet above the adjacent ground surface.

(6) *Multi-family identification signs.* One (1) sign not more than thirty-two (32) square feet in size per face shall be allowed per multi-family development project except where the project fronts on two (2) or more streets. One (1) sign shall be permitted on each frontage, provided that the project has a major traffic entrance on the street where the sign is to be erected. Multi-family identification signs shall not exceed eight (8) feet above the adjacent ground surface.

(7) Signs, banners and special displays of the United States, the State of Missouri, the City of Eureka, the Rockwood School District, the Eureka Fire Protection District or churches, schools, civic or fraternal organizations located within the Eureka City limits. Signs, banners and special displays for other governmental units and churches, schools, civic or fraternal organizations located outside of the Eureka City limits must be authorized by the Board of Aldermen. Signs of such entities may be erected in City right-of-way, other City-owned property and on other, off-site premises with the permission of the property owner for the explicit purpose of giving public notice of special events under the following conditions:

- (i) Signs erected in City right-of-way located adjacent to residentially utilized property shall have the permission of the property owner. Such signs shall not exceed six (6) square feet in sign area nor a height of

four (4) feet from the ground and should be removed within two (2) days after the special event is completed. The placement of such signs in State right-of-way is not allowed.

- (ii) Signs erected in City right-of-way located adjacent to a commercial, industrial, planned commercial or planned industrial zoned property. Such signs shall not exceed thirty-two (32) square feet in sign area nor a height of six (6) feet from the ground and should be removed within two (2) days after the special event is completed. The placement of such signs in State right-of-way is not allowed.

(8) Banners or signs of the United States, the State of Missouri, the City of Eureka, the Rockwood School District or the Eureka Fire Protection District affixed to utility poles, provided approvals are received from the utilities and governmental units having jurisdiction over the poles and adjacent rights-of-way respectively. Banners or signs for other governmental units may be allowed if authorized by the Board of Aldermen.

(9) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(10) Signs erected inside a building not visible through windows.

(11) *Information signs.* The Building Commissioner shall approve all information signs. Placement of such signage shall not create any safety or traffic hazards.

(12) *Special displays.* Such displays shall not exceed thirty-two (32) square feet and shall be used for holidays or promotion of civil welfare or charitable purposes.

(13) *Route 66 historic sign.* Such signs shall be restored, painted or refinished and maintained as such so as to not hinder the aesthetic quality of the area in which the sign is located.

(14) Banner sign erected relative to the sale, lease or rental of multiple-family dwelling property. One (1) banner not exceeding seventy-two (72) square feet in maximum sign area shall be allowed. The banner shall be attached to the wall of a building on the premises. Section 19A-15(b)(2) is not applicable to such a banner. No banner shall be allowed to be placed upon a roof.

(b) *Other Requirements.*

(1) Signs allowed by this Section may be located as necessary with the approval of the Building Commissioner, unless otherwise specified, and shall be located so as to not create a safety or traffic hazard.

(2) No sign, unless otherwise specified, shall extend more than fifteen (15) feet above the elevation of the adjacent ground surface. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1706 §2, 8-5-03; Ord. No. 2049 §§1-2, 7-1-08)

#### **Section 19A-16. "C", "M-1" AND "M-2" ZONING DISTRICT SIGNS.**

(a) *Allowable Signs.*

(1) All signs permitted in Section 19A-15, except for the following as found in Section 19A-15, Subsection (a): (1)(2)(4)(5)(6).

(2) *Wall signs.*

- (i) One (1) wall sign per side of building, not exceeding fifteen percent (15%) of the total square footage of the building face upon which it is placed.
- (ii) With the exception of wall signs as provided in Subsection (iii) of this Section, wall signs shall be face mounted on the building/structure projecting not more than fourteen (14) inches from the face of the building. Such signs shall not extend beyond the edge of any wall or other surface to which the sign is mounted, nor shall they project above the parapet wall, mansard or other roof line and shall be located so as to not create a safety or traffic hazard. For buildings with multiple tenants, see (c)(1) of this Section.
- (iii) Wall signs may be situated within the alcove area of a building above the principal entrance to such. Such signs shall be face mounted on the building/structure and project no more than eighteen (18) inches from the face of the alcove area. Such signs may be located above a roof situated within an alcove area, provided that such sign is no greater in height than the highest point of the principal structure, does not extend outside of the alcove area and is located so as to not create a safety or traffic hazard.

(3) *Monument signs.*

- (i) One (1) monument sign per lot not exceeding ten (10) feet in height from the surrounding grade to the highest point on the sign. The maximum allowable height of a monument sign may be increased ten (10) feet when it is determined by the City that a parcel is of such irregular shape, topographic or similar condition so as to result in a hardship to the public seeking the particular commodity or service.
- (ii) The bottom of the sign face shall not exceed a height of three (3) feet above the base of the sign.
- (iii) In those cases where a parcel or lot has more than one (1) street frontage and/or street facing, one (1) monument sign may be placed on each street frontage and/or street facing.
- (iv) No monument sign shall be located any closer than ten (10) feet to any property line except that no monument sign shall be located closer than twenty-five (25) feet to any residentially utilized lot. However, monument signs located in Old Town, as defined in this Chapter, are exempt from the setback requirements so long as placement of a monument sign does not create any traffic visibility or public safety concerns.
- (v) A maximum of twenty-five percent (25%) sign area in square feet of the lot street frontage or lot street facing upon which the sign will be located, in linear feet, subject to a maximum area of seventy-five (75) square feet. Such signs shall not be required to be smaller than fifty (50) square feet regardless of the amount of lot street frontage and/or street facing. The maximum allowable area of a monument sign may be increased by fifty percent (50%) when it is determined by the City that

a parcel is of such irregular shape, topographic or similar condition so as to result in a hardship to the public seeking the particular commodity or service.

(4) *Occupational/identification signs.* One (1) wall, non-illuminated sign or one (1) window sign not exceeding two (2) square feet in size displaying the name, occupation and/or service located upon the premises and the address.

(5) *Window signs.* Shall not cover more than fifty percent (50%) of the total window area and/or glass door to which they are applied. Such signs shall be securely affixed to the window and/or glass door. Total window area is to be determined per building side.

(6) *Directory signs.* For buildings with three (3) or more businesses or tenants, a directory sign may be used subject to the following provisions:

(i) Buildings containing more than ten thousand (10,000) but less than fifty thousand (50,000) square feet of gross floor area may have one (1) directory sign containing a maximum of two hundred (200) square feet of sign area. Buildings containing more than fifty thousand (50,000) but less than one hundred twenty-five thousand (125,000) square feet of gross floor area may have one (1) directory sign containing a maximum of three hundred (300) square feet of sign area.

(ii) Directory signs shall be either a monument sign or, when applicable, a pole sign. The maximum height for a monument sign shall be twenty (20) feet from the surrounding grade to the highest point on the sign. For those lots located adjacent to Fourth Street, Fifth Street or Interstate 44, a pole sign may be erected subject to the following special provisions when followed as applicable:

(aa) The Interstate 44 pavement elevation measurement shall be at the closest point perpendicular to the subject sign location.

(bb) A pole sign shall be allowed only when the height of the sign is to exceed twenty (20) feet in height above the adjacent Interstate 44 pavement elevation, not to exceed thirty (30) feet in height above the adjacent Interstate 44 pavement elevation.

(cc) In those cases when the sign location adjacent to Interstate 44 is ten (10) feet or greater above the adjacent Interstate 44 pavement elevation, only a monument sign shall be allowed which shall not exceed twenty (20) feet in height.

(iii) No directory sign shall be located any closer than ten (10) feet to any property line except that no directory sign shall be located any closer than twenty-five (25) feet to any residentially utilized lot.

(7) *Directional signs.*

(i) Two (2) signs per entry/exit not exceeding eight (8) square feet in outline area per facing.

- (ii) Directional signs shall not exceed four (4) feet above the adjacent ground surface and may be located as necessary with the approval of the Building Commissioner.
  - (iii) Directional signs may contain the street address and name of the business center or the name of the use of the building, trademark, logo or similar matter, provided that not more than fifty percent (50%) of the sign area is used for this purpose.
- (8) *Awning signs.*
- (i) The sign area shall not exceed more than sixty percent (60%) of the awning perimeter.
  - (ii) Awning signs shall be located a minimum of seven (7) feet above the surrounding grade.
- (9) *Temporary signs.* (See Section 19A-18.)
- (10) *Help wanted signs.* One (1) sign advertising employment opportunities located on the lot or parcel of the business advertising employment opportunities and not larger than eight (8) square feet. One (1) banner not exceeding thirty-two (32) square feet in maximum sign area shall be allowed in lieu of the requirements listed above. However, if a banner is erected for the purpose of advertising employment opportunities, no other banners, as provided for in Section 19A-18, may be erected simultaneously. No banner shall be allowed to be placed upon a roof.
- (11) Signs relative to the sale, lease or rental of property erected on the offered property.
- (i) *Commercial and industrial zones.* One (1) sign having a maximum of seventy (70) square feet in outline area per facing. No sign shall exceed ten (10) feet in height from the surrounding grade to the highest point on the sign. In those cases where a parcel or lot has more than one (1) street frontage and/or street facing, one (1) sign may be placed on each street frontage and/or street facing.
  - (ii) Such signs may be located as necessary with the approval of the Building Commissioner.
  - (iii) Such signs shall be removed within fourteen (14) days of completion of the sale, lease or rental of property. This includes the posting of such property as sold, leased or rented.
  - (iv) In commercial and industrial zones, one (1) banner not exceeding thirty-two (32) square feet in maximum sign area shall be allowed in lieu of the requirements listed above. If a banner is erected for the purpose of advertising the sale, lease or rental of property in commercial or industrial zones, no other banners, as provided for in Section 19A-18, may be erected simultaneously. No banner shall be allowed to be placed upon a roof.

(12) *Drive-thru menu board signs.* Two (2) drive-thru menu board signs are allowed per business offering drive-thru food service, drive-thru car wash service or other drive-thru service. Neither allowable sign shall be larger than forty-four (44) square feet per sign face.

(13) *Open/closed signs and signs indicating business hours.* Such signs shall not exceed four (4) square feet and shall contain no other information than that necessary to highlight business hours and the open/closed status of a business.

(14) *Gasoline service station signs.* See Subsection (d) of this Section.

(15) *Daily advertising signs.* One (1) daily advertising sign that is displayed during hours in which a business is open and removed during hours in which a business is closed will be allowed. This type of signage is created to allow for the placement of signs that are not attached to the business but within the frontage of such a business. This type of sign should be placed in a manner that does not obstruct public right-of-way or endanger public safety. Daily advertising signs shall not exceed nine (9) square feet in sign area. The maximum height of such signage shall not exceed four (4) feet in height. Such signage may be proposed to be placed in the City right-of-way as approved by the Building Commissioner.

(16) *Construction information signs.*

(i) *Development construction information signs.* A maximum of two (2) for every twenty (20) acres or fraction thereof of the development site, each sign not to exceed forty-eight (48) square feet in outline area per facing. The maximum height of such signage shall not exceed fifteen (15) feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within thirty (30) days after the last lot is sold within the development. In addition, such signage may only be erected on property owned or operated by the applicant.

(ii) *Building construction information signs.* For developments involving the construction, reconstruction or repair of multiple buildings in any "C", "M-1" or "M-2" zoning district, each individual building will be allowed one (1) building construction information sign not to exceed twenty-four (24) square feet in outline area per facing. The maximum height of such signage shall not exceed fifteen (15) feet in height above the average existing finished grade elevation of the sign or the elevation of the adjacent street, whichever is higher. Such signage shall be removed within thirty (30) days after the issuance of an occupancy permit. In addition, such signage may only be erected on property owned or operated by the applicant.

(17) *Perpendicular wall signs.* One (1) perpendicular wall sign may be erected perpendicular to the building upon which it is placed. No perpendicular wall sign shall exceed twelve (12) square feet in sign area. The width and/or height of the sign shall not exceed four (4) feet. The innermost point of the sign shall be no more than one (1) foot from the plane of the building. The sign shall not project more than three (3) feet from the plane of the building nor be within three (3) feet of the curb line or edge of any public street or alley. Such signs shall be externally illuminated only. If a perpendicular wall sign is erected, any allowable wall signage will not be allowed on the building face upon which the perpendicular wall sign is erected.

(18) *Political signs.*

(19) *Interior logo signs.*

(b) *Special Provisions—Pole And Monument Signs Along Interstate 44 Corridor.*

(1) For those lots located adjacent to Fourth Street, Fifth Street or Interstate 44, one (1) pole or one (1) monument sign may be erected, subject to the following provisions and miscellaneous provisions when followed as applicable:

- (i) The Interstate 44 pavement elevation measurement shall be at the closest point perpendicular to the subject sign location.
- (ii) A pole sign shall be allowed only when the height of the sign is to exceed ten (10) feet in height above the adjacent Interstate 44 pavement elevation, not to exceed twenty-five (25) feet in height above the adjacent Interstate 44 pavement elevation.
- (iii) In those cases when the sign location adjacent to Interstate 44 is fifteen (15) feet or greater above the adjacent Interstate 44 pavement elevation, only a monument sign shall be allowed which shall not exceed ten (10) feet in height.
- (iv) Any additional freestanding signs allowed on an individual lot shall be a monument sign pursuant to monument sign regulations highlighted in Section 19A-16(a)(3).

(2) *Miscellaneous provisions for allowable pole sign.*

- (i) A maximum of twenty-five percent (25%) sign area in square feet of the lot street frontage or lot street facing upon which the sign will be located, in linear feet, subject to a maximum area of one hundred (100) square feet. Such signs shall not be required to be smaller than seventy (70) square feet. For lots that are located adjacent to Fourth Street, Fifth Street or Interstate 44 which are also adjacent to Highway 109/W, a pole sign with a maximum sign area of one hundred-thirty (130) square feet shall be allowed regardless of lot street frontage and lot street facing.
- (ii) No pole sign shall be located any closer than ten (10) feet to any property line except that no pole sign shall be located any closer than twenty-five (25) feet to any residentially utilized lot except for pole signs that are located on lots adjacent to Fourth Street, Fifth Street or Interstate 44 and adjacent to Highway 109/W which shall be exempt from this requirement.
- (iii) Any pole sign in which the total height does not exceed twenty-five (25) feet shall be constructed with a rectangular or square-shaped decorative support cover that extends from the bottom of the pole sign supports to the base of the sign area.

(3) *Miscellaneous provisions for allowable monument sign.*

- (i) All other regulations related to monument signs shall be as stated in Section 19A-16(a)(3).

(c) *Other Requirements.*

(1) *Buildings with multiple tenants.* For buildings and property containing more than one (1) business or tenant, each business or tenant may have one (1) wall sign and one (1) awning sign conforming to the requirements of this section. For the purposes of determining the total square footage of the wall sign, only the face of each respective lease unit to which the respective sign will be attached shall be counted. A tenant may substitute one (1) perpendicular wall sign, conforming to the requirements of this section, for the one (1) allowable wall sign. Each sign must be attached to the lease unit containing the business tenant identified, unless the board of aldermen acknowledges that a topographical or other physical hardship exists that negatively impacts signage visibility, in which case as approved by the board of aldermen and building owner a tenant may operate signage authorized under this section at another location on the building in which they are a tenant.

(2) *Property with multiple tenants and multiple curb cuts.* For parcels containing more than one (1) building or tenant, a maximum of one (1) additional monument sign may be erected subject to provisions for such contained in this Chapter, provided that there is a separate curb cut for such additional building or tenant. If more than one (1) additional building or tenant is located on the subject parcel served by a separate curb cut, they must share the sign area on such additional allowed monument sign.

(d) *Gasoline Service Station Signs.* In addition to the signage allowed in Subsection (a), (b) and (c), the following signs will be allowed for gasoline service station signs:

(1) *Gasoline service station canopy signs.*

- (i) A gasoline service station with a canopy shall be permitted one (1) canopy sign for each side of the canopy not to exceed a total of four (4) canopy signs.
- (ii) This canopy sign shall not exceed twenty (20) square feet in sign area.
- (iii) The canopy sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below, or from any side of the vertical face of the canopy.
- (iv) The canopy sign may be illuminated by internal and non-intermittent light sources.
- (v) A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the sign area allowable for said sign.

(2) *Pump signs.*

- (i) Signs shall be allowed on gasoline pumps so as to provide the required information to the public regarding "octane rating", "price", "type of fuel", "Federal and State stamps", "pump use directions" and "no smoking".

- (ii) The trade name and any associated symbols shall be permitted on the sides of the pumps as flat signs located no more than three (3) feet above the ground and not to exceed two (2) square feet in sign area per pump.
- (iii) "Self-service", "full-service" or other informational signs may identify each pump island on the gasoline service station property. The location of such signs shall be limited to the gasoline pump or the canopy support, not more than twelve (12) feet above the ground, located at each end of the pump island or between the canopy supports as a spandrel panel.
- (iv) A maximum of two (2) such signs shall be allowed per pump island and each sign shall not exceed two (2) square feet in sign area when placed on the gasoline pump or twelve (12) square feet when located at each end of the pump island or between the canopy supports as a spandrel panel.
- (v) Temporary signs placed above each pump shall be allowed. Such signs shall not exceed four (4) square feet in sign area.

(3) *Gasoline service station price signs.* To allow for the incorporation of gasoline service station price signs, monument signs (or, when applicable, pole signs) used for gasoline service stations are granted an additional twenty (20) square feet of sign area pursuant to the requirements made in Subsection (a)(3) or, when applicable, (b)(1). Gasoline service station price signs may be allowed as a separate sign when mounted on the same pole of any allowable pole sign.

(4) *Gasoline service station car wash signs.* In those situations where a gasoline service station has an unattached structure providing car wash services, the following signs will be allowed for the structure providing car wash services.

- (i) Wall signs pursuant to the requirements as stated in Subsection (a)(2). Only wording identifying car wash services shall be allowed.
- (ii) Two (2) drive-thru menu board signs pursuant to the requirements as stated in Subsection (a)(12).

(e) *Signage For Co-Branded Restaurants And Gasoline Service Stations.* The signage requirements for co-branded restaurants and gasoline service stations shall be the same as set forth in this Chapter except for the following:

(1) The sign area for an allowable pole sign shall be allowed a maximum of twenty-five percent (25%) sign area in square feet of the lot street frontage or lot street facing upon which the sign will be located, in linear feet, subject to a maximum area of two hundred (200) square feet. Such signs shall not be required to be smaller than one hundred forty (140) square feet.

(2) Co-branded restaurants and gasoline service stations shall be allowed two (2) separate signs. However, both such signs must be mounted on a single pole. When such signs are to be placed side by side upon a pole sign, each use advertised shall have the same amount of sign area allocated to the total sign area.

(3) In those instances in which a pole sign is not allowed, one (1) monument sign shall be allowed with a maximum of twenty-five percent (25%) sign area in square feet of the lot street frontage or lot street facing upon which the sign will be located, in linear feet, subject to a maximum area of one hundred (100) square feet. Such signs shall not be required to be smaller than seventy-five (75) square feet. Any other allowable monument signs, as set forth in Section 19A-16, will be allowed this increase in sign area for co-branded restaurants and gasoline service stations.

(f) *Off-Site Signage Allowed Under Certain Conditions.* In instances where two (2) non-retail entities have any degree of contiguity and share a driveway and/or parking area, such property owners may co-locate business identification or directional signage on each entity's allowable sign area, as approved by the Board of Aldermen. No increase in the number of or dimensions of signage shall be allowed to accommodate such.

(g) *Electronic Message Centers.* Electronic message centers are only permitted as part of an allowable freestanding sign and shall not be permitted to be installed on any portion of the building. Only one (1) electronic message center is permitted per lot. No electronic message center shall exceed twenty-five percent (25%) of allowable sign area, up to a maximum of forty (40) square feet.

(1) Electronic message centers shall also be subject to the following requirements:

(i) The electronic message center must be installed in the bottom one-half (½) of the overall sign.

(ii) The sign containing the electronic message center must be set back a minimum distance of two hundred (200) feet from any residentially utilized property.

(iii) Messages shall be limited to single color alphanumeric display and shall have a minimum duration of fifteen (15) seconds. Transitions between messages shall be instantaneous. Scrolling messages or otherwise animated effects are not permitted.

(iv) The maximum brightness of electronic signs shall not exceed five thousand (5,000) nits (candelas per square meter) during daylight hours or five hundred (500) nits (candelas per square meter) between dusk to dawn.

(v) The sign must have an automatic dimmer control which produces a distinct illumination change from a higher allowed illumination level to a lower allowed illumination level for the time period between one-half (½) hour before sunset to one-half (½) hour after sunrise.

(vi) All approved electronic message centers shall be made available for usage for Amber Alerts and other community emergency notifications as deemed necessary by the City Emergency Management Director.

(vii) Electronic signs shall contain a default design that will freeze the design in one (1) position if a malfunction occurs.

(viii) Audio speakers are prohibited.

(2) The owner of an electronic message center shall arrange for an annual certification of the lumens showing compliance by an independent contractor and provide said certification to the City of Eureka.

(3) The owner of an electronic message center shall submit to the City of Eureka upon application a letter acknowledging sign owner's agreement to comply with the dimming and emergency use provisions of this Code. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1712 §§5-6, 8-19-03; Ord. No. 1714 §2, 9-2-03; Ord. No. 1808 §1, 12-21-04; Ord. No. 1834 §2, 6-1-05; Ord. No. 1938 §2, 8-29-06; Ord. No. 1977 §§1-2, 6-5-07; Ord. No. 2020 §1, 12-18-07; Ord. No. 2086 §2, 6-2-09; Ord. No. 2120 §1, 5-18-10; Ord. No. 2167 §2, 4-19-11)

### **Section 19A-17. SHOPPING CENTER DEVELOPMENT SIGNAGE.**

Provisions applicable to shopping centers containing one hundred twenty-five thousand (125,000) square feet or greater of floor space in all "C" zoning districts except as otherwise provided for in this Chapter:

(a) *Monument And Pole Signage.*

(1) *Number.* Two (2) monument or pole signs, or any combination thereof, shall be allowed. Directory signage shall be an integral part of the monument signage or pole signage and shall identify the name of the shopping center and at least one (1) of the entities operating therein.

(2) *Size and height.* A maximum sign area of five hundred ten (510) square feet shall be allowed. No monument or pole sign shall exceed a height of forty-five (45) feet from its surrounding grade.

(b) *Wall Signage.* Each building or tenant space, whichever is smaller, may have a maximum wall sign width no greater than seventy-five percent (75%) of the front building or tenant space frontage. Height of a wall sign is not to exceed forty-eight (48) inches above the highest portion of the roof. Such signs may not be greater than twenty percent (20%) of the building area facing a roadway. Secondary identification, slogan or other relevant signage may be utilized in conjunction with the principal signage of the major building or tenant of the shopping center, whichever is smaller, as long as the total allowable signage area, dimensions and percentages are not exceeded.

(c) *Outlots.* Although an outlet is often accessed through the same principal ingress/egress as the shopping center and is considered by some to be a part of the shopping center, technically they are separate lots independent of the shopping center parcel and are entitled to their own signage, subject to normal commercial signage provisions (not those of the one hundred twenty-five thousand (125,000) square foot or larger shopping center category, even if the outlet is of such a shopping center). (Ord. No. 1681 §1, 3-4-03; Ord. No. 1889 §2, 2-7-06)

### **Section 19A-18. TEMPORARY SIGNS.**

(a) The following temporary signs are allowable subject to specified requirements:

(1) One (1) portable sign not exceeding twenty-four (24) square feet in maximum sign area. The use of such a device for special promotions shall be limited to two (2) events for each business in a calendar year with a maximum time period of fourteen (14) days for

each event. These events may be consecutive. A permit and fee of twenty-five dollars (\$25.00) will be required.

(2) One (1) cold air inflatable device not exceeding twenty (20) feet in height nor fourteen (14) feet in width. In cases where a temporary sign is affixed to said device, the sign area shall not exceed forty-eight (48) square feet. Cold air inflated devices shall be securely affixed to the ground or the rooftop of a permanent building. Placement of such signage shall not create any safety or traffic hazards. The use of cold air inflated devices for special promotions shall be limited to two (2) events for each business in a calendar year with a maximum time period of fourteen (14) days for each event. These events may be consecutive. A permit and fee of twenty-five dollars (\$25.00) will be required.

(3) One (1) banner a maximum of twenty-five percent (25%) sign area in square feet of the lot street frontage or lot street facing upon which the sign will be located, in linear feet, subject to a maximum area of one hundred (100) square feet. Such banners shall not be required to be smaller than thirty-two (32) square feet. No banner shall be allowed to be placed upon a roof. Furthermore, any one (1) business shall be limited to a maximum of six (6) permits for banners in any calendar year. An individual business is permitted to display a banner for a maximum total of one hundred twenty (120) days within a calendar year. Within the limits of the maximum number of permits per year, any combination of permits and whole days per permit is allowed. There shall be no fee imposed for erecting banners.

(4) One (1) ground-mounted flag that is displayed during hours in which a business is open and removed during hours in which a business is closed. This type of signage is created to allow for the placement of signs that are not attached to the business but within the frontage of such a business. This type of sign should be placed in a manner that does not obstruct public right-of-way or endanger public safety. Ground-mounted flags shall not exceed twenty-four (24) square feet in sign area. The maximum height of such signage shall not exceed eight (8) feet in height. Flag material must be in new or like-new condition and absent of holes, fading or tears. There shall be no permit or fee imposed.

(b) *Supplemental Regulations.*

(1) In those cases in which a new business is performing a grand opening, a new business is allowed a thirty (30) day period to advertise such an opening in addition to the time requirements established by this Section for allowable temporary signs. Such signage should meet all other requirements of this Section and should include wording similar to "Grand Opening" or "Now Open".

(2) In those cases in which a banner is erected for advertising employment opportunities or the sale, lease or rental of property, then no other banners, as allowed by Subsection (a)(3), may be erected simultaneously.

(3) When a business is relocating from one location within the Eureka City limits to another location within the Eureka City limits, for a period of time not exceeding sixty (60) days, one (1) portable sign with dimensions not exceeding those set forth in Section 19A-18(a)(1) or one (1) banner with dimensions not exceeding those set forth in Section 19A-18(a)(3) may be operated on the property formerly occupied by the subject business. The content of such signage is restricted to information pertaining to the relocation of the business within the City. Any signage authorized by this Section shall not impact the ability of the new occupant of the property to erect any signage to which they may otherwise be entitled under this Chapter.

(4) *Buildings with multiple tenants.* For buildings and property containing more than one (1) business or tenant, each business or tenant may have one (1) temporary banner not exceeding fifteen percent (15%) of the total square footage of the building face upon which it is placed, subject to a maximum area of thirty-two (32) square feet. Each banner must be attached to the lease unit containing the business tenant identified and must be mounted at least seven (7) feet above the adjacent sidewalk. (Ord. No. 1681 §1, 3-4-03; Ord. No. 1706 §3, 8-5-03; Ord. No. 1959 §§1–2, 2-20-07; Ord. No. 2133 §§1–2, 8-3-10; Ord. No. 2167 §1, 4-19-11)

#### **Section 19A-18A. OFF-SITE RESIDENTIAL SUBDIVISION DIRECTIONAL SIGN.**

(a) The primary purpose of an "off-site residential subdivision directional sign" is to ease traffic congestion and facilitate the flow of traffic by providing assistance to the public in locating and navigating to a residential subdivision under development within the City, or in close proximity, and such signage is permitted pursuant to the following provisions.

(b) Off-site residential subdivision directional signs may be permitted only if they comply with the following criteria and restrictions:

(1) Each sign shall require a permit which shall be valid for one hundred eighty (180) days. Each permit application shall be accompanied by a map depicting the proposed location and by a ten dollar (\$10.00) permit fee. No permit shall be issued until the fee is received by the City. Upon issuance, the permit shall be attached to the sign prior to erection. Any sign erected without a permit shall be subject to immediate removal and prosecution in the Municipal Court.

(2) Signs shall be freestanding and shall not exceed four (4) square feet in area nor be higher than four (4) feet in height.

(3) Signs may only contain the following information: the name of the residential subdivision, the name of the builder or developer, a logo or insignia and a directional arrow.

(4) Signs shall not be placed or displayed before 4:30 P.M. on Fridays and shall be completely removed, including the support structures, no later than 6:00 A.M. on the following Monday unless the Monday is a Federal holiday in which case the sign must be removed no later than 6:00 P.M. on that Monday.

(5) Signs shall not be placed on private property without the permission of the property owner.

(6) Signs shall not be attached to any utility structure, tree, fence or any public or existing private sign.

(7) Signs may not be placed within City maintained right-of-way or other right-of-way owned or maintained by any County or the State of Missouri without proper authority.

(8) No sign shall be erected within two hundred (200) feet of any other off-site residential subdivision directional sign for the same development.

(9) No more than eight (8) signs shall be allowed for each residential subdivision under development.

(10) Any residential development for which a sign permit may be issued hereunder must be located within the City of Eureka or within one (1) mile of its corporate limits.

(11) The applicant for any sign permit hereunder shall remove any sign for which the permit has expired within twenty-four (24) hours of its expiration. (Ord. No. 2080 §2, 3-3-09)

### **Section 19A-19. FLAGS.**

(a) *Flags In "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" And "FP" Zoning Districts.*

(1) These regulations pertain to residential uses only. All other uses located in "R-1", "R-2", "R-3", "R-4", "R-5", "LLRD" and "FP" zoning districts shall be subject to the regulations outlined in Section 19A-19(b).

(2) *General regulations.* No more than three (3) flags may be displayed per lot. All United States flags should be displayed in a manner consistent with the United States Flag Code. Any flagpole shall be able to withstand winds of ninety (90) miles per hour. The location of any flag(s) and any flagpole must be approved by the Building Commissioner to ensure that it does not encroach on lot lines, endanger the safety, or obstruct visibility of surrounding property owners.

(3) *Ground set flagpoles.* No more than one (1) ground set flagpole per lot. Ground set flagpole height shall not exceed twenty-five (25) feet. The vertical dimension of a flag displayed from a ground set flagpole shall be no greater than one-fourth ( $\frac{1}{4}$ ) the height of the flagpole.

(4) *Wall-mounted flagpoles.* The vertical dimension of a flag displayed from a wall-mounted flagpole shall be no greater than one-half ( $\frac{1}{2}$ ) the height of the flagpole.

(5) *Roof-mounted flagpoles.* No roof-mounted flagpoles shall be permitted.

(b) *Flags In "C", "M-1" And "M-2" Zoning Districts.*

(1) *General regulations.* Only one (1) non-official flag may be displayed per lot. All United States flags should be displayed in a manner consistent with the United States Flag Code. All flagpole(s) shall be able to withstand winds of ninety (90) miles per hour. The location of flag(s) and flagpole(s) must be approved by the Building Commissioner to ensure that it does not encroach on lot lines, endanger the safety, or obstruct visibility of surrounding property owners.

(2) *Ground set flagpoles.* No more than three (3) ground set flagpoles per lot. The vertical and horizontal dimensions of an official flag displayed from a ground set flagpole shall be of a size that allows the official flag to be flown at half-staff without touching the ground. The vertical dimension of a non-official flag displayed from a ground set flagpole shall be no greater than one-fourth ( $\frac{1}{4}$ ) the height of the flagpole. Ground set flagpole height shall be determined by the following:

(i) Ground set flagpoles displaying any non-official flag shall not exceed forty (40) feet in height.

(ii) Ground set flagpoles displaying any official flag shall not exceed eighty (80) feet in height.

(3) *Wall-mounted flagpoles.* The vertical dimension of a flag displayed from a wall-mounted flagpole shall be no greater than one-half (½) the height of the flagpole.

(4) *Roof-mounted flagpoles.* The vertical dimension of a flag displayed from a roof-mounted flagpole shall be no greater than one-half (½) the height of the flagpole. No roof-mounted flagpole should be of a height greater than eighty (80) feet from the surrounding grade. No non-official flag shall be displayed on a roof-mounted flagpole.

(c) *Flag Standards Generally.*

(1) *United States flag at half-staff.* The United States flag, when flown at half-staff, shall be first hoisted to the peak for an instant and then lowered to the half-staff position. The United States flag shall be raised to the peak before it is lowered for the day. "Half-staff" is meant lowering the United States flag to one-half (½) the distance between the top and bottom of the flagpole. (Ord. No. 1681 §1, 3-4-03)

#### **Section 19A-20. "PC" AND "PI" ZONING DISTRICT SIGNS.**

Sign regulations for Planned Commercial or Planned Industrial Districts shall not be less restrictive than those regulations contained in this Chapter, except that Planned Commercial or Planned Industrial District proposals containing multiple lots, multiple buildings and/or multiple tenants shall be considered on a site specific basis when such proposals include construction of new buildings. When this criteria is met by a proposal, a sign design plan will be submitted containing detailed requirements for the lettering, illumination, colors, materials, location and sign type to be used within the development. The sign design plan shall be incorporated into the ordinance governing the specific Planned Commercial or Planned Industrial District after approval of all such "PC" and "PI" signage is granted by the Board of Aldermen. Approval of the sign design plan shall be determined by the following criteria:

- (a) Is compatible with the surrounding area;
- (b) Is appropriate for the activity identified;
- (c) Is legible in the circumstances in which it is to be seen;
- (d) Shall not detract from the appearance of the surrounding area and the community as a whole; and
- (e) Shall not constitute a safety hazard to pedestrians or vehicular traffic. (Ord. No. 1681 §1, 3-4-03)

**Section 19A-21. BILLBOARDS.**

(a) *Billboard Signs.* The following standards, provisions, requirements and restrictions shall apply to all billboard signs within the City:

(1) The City shall not accept a billboard sign application for consideration and issuance unless a valid State of Missouri permit, scaled site plan and plans accompany it sealed by an engineer licensed and registered in the State of Missouri. Such plans shall include structural drawings, foundation specifications, wind load calculations, electrical requirements, and a survey depicting the distance between the proposed billboard sign and existing billboard signage installed as of the date of the subject application.

(2) *Zoning districts.* Billboard signage may only be applied for and permitted in "C" Commercial, "M-1" Light Industrial and "M-2" Heavy Industrial zoning districts.

(3) *Size.* Not to exceed four hundred (400) square feet per sign face.

(4) *Maximum height.* Thirty-five (35) feet at its highest point above the elevation of the adjacent street or of the elevation at the base of the sign, whichever is higher (more permissive).

(5) *Minimum height.* Twenty (20) feet at the lowest point of the sign face at its lowest point above the elevation of the adjacent street or of the elevation at the base of the sign, whichever is lower.

(6) *Dimensions.* Sign face including border and trim shall be no greater than eight (8) feet in height and shall be no greater than fifty (50) feet in width.

(7) *Type.* Only single-sided and back-to-back or "V" type construction billboards with a single display per facing are allowed.

(8) No billboard sign may be placed any closer than one thousand five hundred (1,500) feet to another billboard sign on the same side of an interstate highway or freeway on the Federal-aid primary system.

(9) No billboard sign may be placed any closer than one thousand five hundred (1,500) feet to another billboard sign, regardless of orientation, on a non-freeway Federal-aid primary system highway.

(10) No billboard sign may be placed within five hundred (500) feet of an interchange, intersection at grade or the convergence of on-ramps and off-ramps and an interstate highway or freeway on the Federal-aid primary system, all measured at a point closest to any portion of the above and the closest portion of the subject billboard sign.

(11) Minimum setback as measured from all points of the billboard sign shall be five hundred (500) feet from all residentially zoned property or property being utilized in a residential manner, as well as any public property, public or private parks or a registered historical site or historical district.

(12) Minimum setback as measured from all points of the billboard sign shall be one hundred (100) feet from any structure.

(13) Minimum setback as measured from all points of the billboard sign shall be one hundred (100) feet from any public right-of-way, public or private road, public or private driveway, public or private parking lots, or railroad tracks or sidings.

(14) Billboard sign illumination shall be installed only so as to reasonably illuminate the subject billboard sign face and shall be directed and back shielded to transmit light only to same to a degree that it does not create a light pollution visual nuisance. No perimeter, strobing or other attracting type of lighting may be operated in conjunction with a billboard sign. No tri-vision, projection, digital or other changeable copy technology will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date and temperature or similar information.

(15) Billboard signs shall not be placed or operated so as to create a safety, traffic, health or hazardous condition.

(16) Any application received for billboard signs intended to replace existing billboard signage shall be regulated by these provisions and any other applicable regulations normally applied to new billboard sign applications.

(17) No regulations in this Section or any portions thereof are intended or to be construed as being less restrictive than State or Federal regulations.

(b) *Legally Non-Conforming Billboards.* The following standards, provisions, requirements and restrictions shall apply to all legally non-conforming billboards within the City:

(1) *Notification of non-conformity.* After the enactment of this Chapter, the Building Commissioner shall as soon as practicable survey the City for billboards that do not conform to the requirements of this Chapter. Upon determination that a billboard is non-conforming, the Building Commissioner shall use reasonable efforts so as to notify either personally or in writing the user or owner of the property on which the billboard is located of the following:

- (i) The billboard's non-conformity; and
- (ii) Whether the billboard is eligible for characterization either as legal non-conforming or unlawful.
- (iii) If the billboard owner, user or owner of the property cannot be located, the notice may be affixed in a conspicuous place to the billboard or to the business premises with which the billboard is associated.

(2) Any billboard located within the City limits on the date of adoption of this Chapter (Ordinance Number 1494, November 21, 2000), or located in an areas annexed to the City thereafter, which does not conform with the provisions of this Chapter, is eligible for

characterization as a legal non-conforming sign, if the sign was in compliance with applicable law on the date of adoption of this Chapter.

(3) *Loss of legal non-conforming status.* A legal non-conforming billboard shall immediately lose its legal non-conforming status if:

- (i) The billboard is altered in any way in structure which tends to or makes the billboard less in compliance with the requirement of this Chapter than it was before the alteration.
- (ii) The billboard structure is moved or relocated for any reason any distance whatsoever.
- (iii) If any billboard sign lacks a commercial advertisement or public service message for a period exceeding ninety (90) days, regardless of intent to resume use of same, it shall be considered a discontinuance of use and must be removed within thirty (30) days of receiving written notice from the City. Advertisement of space available for the respective billboard shall not constitute compliance with this Subsection.
- (iv) Should any non-conforming billboard be destroyed by any means to an extent of up to sixty percent (60%) of its surface area or structure, it shall not be reconstructed, except in conformance with the requirements of this Code.
- (v) On the occurrence of any one (1) of Section 19A-20(3)(i) through (iv) above, the sign shall be immediately brought into compliance with this Code with a new permit secured therefore or shall be removed pursuant to Section 19A-6.

(4) Ordinary maintenance or repair of an existing billboard to a safe condition shall not be cause to classify the sign as a new sign.

(c) *Billboard Sign Extensions.*

(1) The total square footage of billboard sign extensions may not exceed twenty-five percent (25%) of the billboard sign face area for which such extensions are sought.

(2) Such extensions shall not protrude more than three (3) feet from the billboard sign face.

(3) As billboard sign extensions vary in their presence, absence and placement based on specific advertising copy, such extensions shall not be considered when calculating billboard sign face area or height requirements.

(4) The sign contractor shall provide evidence to the City that the extensions are structurally sound and do not create or intensify any potentially hazardous or injurious conditions.

(5) Billboard sign extensions shall be operated only as a component of specific advertising copy, which use shall expire with the removal of said specific advertising copy, and are not intended to become a permanent portion of the billboard structure or sign face area.

(6) These provisions shall equally apply to conforming and legally non-conforming billboard signage. (Ord. No. 1681 §1, 3-4-03; Ord. No. 2086 §3, 6-2-09)

**Section 19A-22. SEVERABILITY.**

The phrases, clauses, sentences, paragraphs and Subsections of Chapter 19A are severable and if any phrase, clause, sentence, paragraph or Subsection of Chapter 19A shall be declared unconstitutional or otherwise unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Subsections of Chapter 19A. (Ord. No. 1681 §1, 3-4-03)