

CHAPTER 5

BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 5-1. Storage of building materials, construction equipment, etc.

Building materials, construction equipment, work machinery of any kind, particularly refuse or salvage, shall not be parked, maintained or stored open or upon any lot, tract or parcel of land other than during actual construction operations upon said premises or in such zoning districts as permitted by law. (Ord. No. 1007, § 1, 10-7-85; Ord. No. 1010, § 1, 12-2-85, Ord. No. 1069, § 1, 11-7-88; Ord. No. 1116, § 1, 8-19-91; Ord. No. 1238, §1, 3-27-95)

Sec. 5-2. Reserved.

Sec. 5-3. Consistency and Interpretation of the Codes.

When there is a discrepancy or inconsistency between any of the Codes or Standards that have been adopted by the City of Merriam, Kansas, the most stringent of such Codes or Standards shall apply. (Ord. No. 1334 §1, 7-27-98, Ord. No. 1423 §1, 5-20-02, Ord. No. 1480, §1, 08-16-04; Ord. No. 1595, § 1, 02-25-08)

Where the adopted codes reference the 2006 International Electrical Code, as published by the International Code Council, Inc., substitute with the 2005 National Electrical Code, as published by the National Fire Protection Association. (Ord. No. 1423 §1, 5-20-02, Ord. No. 1480, §1, 08-16-04; Ord. No. 1595, § 1, 02-25-08)

Sec. 5-4 Regulation of Alarm Systems.

Definitions. For the purpose of this Article, the following words and phrases shall mean:

- (a) Alarm Business means the business by any individual, partnership, corporation, governmental unit or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- (b) Alarm Coordinator(s) means the individuals designated by the Chief of Police or Fire Chief to oversee administration and enforcement of the provisions of this Article.
- (c) Alarm System means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry, fire or other activity requiring urgent attention and to which police, fire or other City personnel would be expected to respond.

- (d) Alarm User means any person, firm, or corporation who is unlawfully in possession of any property or premises on which an operating Alarm System is located.
- (e) Answering Service means a telephone answering business providing among its services the service of receiving on a continuous basis through trained employees, emergency signals from Alarm Systems, and thereafter immediately relaying the message by live voice to the Communication Center.
- (f) Automatic Dial Protection Device means an electrically operated instrument composed of sensory apparatus and related hardware which automatically sends over regular telephone lines a prerecorded voice alarm upon receipt of a stimulus from the sensory apparatus that has detected a force or condition characteristic of an unauthorized intrusion, or any emergency message indicating a need for emergency response.
- (g) Central Station Protective System means a system or group of systems operated by a person, firm, or corporation in which the operations of electrical protection circuits and devices are transmitted to, recorded in, maintained and supervised from a central station having operators in attendance at all times.
- (h) City means the City of Merriam, Kansas.
- (i) Communications Center means the communications center of the Johnson County, Kansas Sheriff or Johnson County Emergency Communication Center.
- (j) False Alarm means an alarm signal, eliciting an urgent response by police, fire or other personnel when a situation requiring an urgent response does not, in fact, exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the Alarm Business or Alarm User. The burden of providing that such alarm was not a False Alarm shall be on the Alarm Business or Alarm User.
- (k) Local Alarm System means an Alarm System which when activated causes an audible and/or visual signaling device to be activated and is intended to be seen and/or heard by others outside of the protected premises.
- (l) Notice means written notice, given by personal service upon the addressee, or given by United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon completion of personal service, or upon placing the same in the custody of the United States Postal Service.
- (m) Personal Residence means the principal place of abode of any Alarm User who personally installs and operates an Alarm System for the security of his or her home.

- (n) Fire Chief means the Fire Chief of the City of Merriam, Kansas, or his or her designate.
- (o) Police Chief means the Chief of Police of the City of Merriam, Kansas, or his or her designate.
- (p) Primary Trunkline means a telephone line leading into the Communication Center that is for the purpose of handling emergency calls on a person-to-person basis and which line is identified by a specific listing among the emergency numbers in the telephone directory issued by the telephone company serving the City.
- (q) Registration Year means a calendar year beginning on the first (1) day of January and ending on the thirty-first (31) day of December at midnight. (Ord. No. 1227 §1; 9-26-94)

Sec. 5-5. Registration Required.

- (a) No person, firm, or corporation, either as principal officer, agent, servant, or employee, shall possess or operate an Alarm System designated with the intent of eliciting a police, fire or other emergency response without first obtaining a registration for such Alarm System from the City. Provided, the provisions of this Section are not applicable to local alarm systems affixed to motor vehicles. (Ord. No. 1227 §1; 9-26-94)

Sec. 5-6. Registration Application; Renewal; Non-transferability; Exceptions.

- (a) Every person or entity under Section 5-5 required to obtain a registration shall obtain an Alarm User's registration from the City Clerk prior to the use of an Alarm System. Alarm Registrations shall remain valid and in effect during such time that the Alarm User remains the property owner or tenant of the location where the Alarm System is located. The Alarm User shall notify the Alarm Coordinator in writing within ten (10) days of transfer of the property ownership, change in tenant or change in alarm monitoring company. Each registration shall bear the signature of the City Clerk and shall be physically upon the premises using the Alarm System and shall be available for inspection by the Chief of Police, the Fire Chief, or his or her designate. In addition, an alarm sticker shall be provided to each Alarm User and shall be displayed on the front lower left glass door or window of the dwelling or building where the registered Alarm System is in use.(Ord. No. 1609 § 2; 11-24-08).
- (b) The issuance date of an alarm registration shall be the actual date of issuance of the registration unless such Alarm System has recorded a False Alarm prior to obtaining a registration, and in such event, such date of issuance shall be the date of the first False Alarm received.

- (c) An Alarm User that is a governmental political unit shall be subject to this Article.
- (d) An Alarm User which temporarily and in cooperation with the Merriam Police or Fire Departments possesses, maintains, or controls an Alarm System owned by the Police or Fire Department shall be subject to this Article; provided, however, such Alarm User shall not be subject to the imposition of any penalty as provided herein. (Ord. No. 1227 §1; 9-26-94)

Sec. 5-7. Regulations; Unlawful Acts.

- (a) The Chief of Police or Fire Chief may require inspection of any Alarm System installed with the City.
- (b) It shall be unlawful for any Alarm System to emit a sound similar to that of an emergency vehicle siren or a civil defense warning system. Any Alarm System in existence on the effective date of this ordinance shall be subject to this prohibition.
- (c) Local Alarm Systems, except those intended to elicit a Fire Department response, shall be equipped to automatically discontinue emitting an audible sound within two minutes of activation for Personal Residences and automobiles and within 16 minutes of activation for commercial buildings. Any Alarm System in existence on the effective date of this ordinance shall be subject to this prohibition.
- (d) Whenever a change occurs relating to the written information required by this Article, the Alarm User shall give written Notice thereof to the Alarm coordinator within ten (10) days after such change becomes effective.
- (e) Alarm Users shall notify the appropriate Communication Center prior to any service, test, repair, maintenance, adjustment, alteration or installation of any Alarm System that might activate a False Alarm. Upon the completion of such service, test repair, maintenance, adjustment, alteration or installation, the Alarm User shall notify the appropriate Communication Center of such completion. The Communication Center shall forward this information to the Alarm Coordinator as required.
- (f) An Alarm Business, Alarm User, employee of a Central Station Protective System or employee of an Answering Service charged with the responsibility of relaying a live voice request for response upon the activation of an Alarm System shall give the following information to the Communication Center at the time of such request: address of alarmed location; type of Alarm System that has been activated; name of commercial business or resident; specific location of the building, structure, facility or alarm zone (if applicable) protected by the activated alarm; name of the Alarm Business making request if applicable; name of person making the request; and a phone number where the requesting party can be contacted. Unless specifically

- requested, it is the sole responsibility of the person making such request to notify authorized persons in control of such alarmed building, structure or facility that such alarm has been activated.
- (g) The Alarm Coordinator shall be responsible for determining which alarms constitute False Alarms as defined by Section 5-4 (J). A record of all False Alarms shall be maintained by the Alarm Coordinator.
 - (h) At the time of the third False Alarm for any person within any Registration Year, the Alarm Coordinator shall give Notice to the Alarm User of such occurrence. Failure to receive a Notice shall not be deemed to extend the terms or conditions of the registration or be a defense to the fees set forth in Section 5-8 below. (Ord. No. 1227 §1; 9-26-94)

Sec. 5-8. False Alarms; Fees; Grace Period.

- (a) It shall be unlawful for any person, firm, or corporation, either as principal officer, agent, service, servant, or employee who possesses or operates an Alarm System to have more than three (3) False Alarms in one Registration Year. Provided, False Alarms as allowed during the grace period defined in Section 5-8 (C) shall not be counted in determining whether there has been a violation of this Section. Any Alarm User who has exceeded the number of permissible False Alarms during the Registration Year shall be charged with and be responsible for the applicable fees set forth in the City's adopted Schedule of Fees. (Ord. No. 1346 § 1, 1-25-99; Ord. No. 1348 § 1, 2-22-99; Ord. No. 1609 § 3; 11-24-08)
- (b) The payment of the False Alarm fee as set forth in the City's adopted Schedule of Fees shall be submitted to the office of the City Clerk within ten (10) days of receiving Notice that such fee is due. (Ord. No. 1348 § 1, 2-22-99; Ord. No. 1609 § 3; 11-24-08)
- (c) Prior to any fees being assessed as provided herein, a grace period of six (6) False Alarms or ninety (90) days from the date of activation of any new Alarm System, whichever occurs first, shall be allowed to an Alarm User for the purpose of adjustments and corrections to the Alarm System.
- (d) Any Alarm User who has been assessed a False Alarm fee as provided for in the City's adopted Schedule of Fees may appeal such assessment to the Alarm Coordinator by filing a written notice of appeal within ten (10) days of receipt of notice that such fee is due. The filing of such notice shall stay the effect of such assessment until a final determination is made by the Alarm Coordinator. (Ord. No. 1609 § 3; 11-24-08)
- (e) Failure of an Alarm User to appeal a False Alarm fee as set forth in (b) above or to appeal a False Alarm fee as provided in (d) shall create a prima facie case that the alarm signal at issue is a False Alarm and that such Alarm User is in violation of this Article. (Ord. No. 1609 § 3; 11-24-08)

- (f) Nothing contained in this Section shall prohibit prosecution in Municipal Court for violations of any Sections of this Article and assessment of any and all other penalties as provided herein or by law. (Ord. No. 1227 §1; 9-26-94)

Sec. 5-9. Automatic Dialing Devices.

Unless approved by the Chief of Police or the Fire Chief, it shall be unlawful for any automatic dial protection device within the City to be keyed to the Primary Trunkline. Any such device in operation prior to the effective date of this ordinance shall be disconnected by the owner or lessee of such device. (Ord. No. 1227 §1; 9-26-94)

Sec. 5-10. Penalty.

Violation of this Article shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) and imprisonment of a term not to exceed six (6) months, or both fine and imprisonment. Any fine or term of imprisonment imposed by the Court shall be in addition to any and all fees which have been assessed against the Alarm User pursuant to Section 5-8. (Ord. No. 1227 §1; 9-26-94; Ord. No. 1609 § 3; 11-24-08).

Sec. 5-11. Construction.

This Ordinance shall be construed as follows:

- (a) Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.
- (b) Savings Clause. The repeal of Ordinance Sections, as provided hereinbelow, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and actions therefor.
- (c) Invalidity. If for any reason any Chapter, Article, Section, Subsection, sentence, portion or part of this proposed Ordinance set out in this Ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances. (Ord. No. 1227 §1; 9-26-94)

Sec. 5-12--5-15. Reserved.

ARTICLE II. BUILDING CODE**Sec. 5-16. Adopted.**

The 2006 Edition of the International Building Code, excluding Appendices, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Building Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

The 2006 Edition of the International Residential Code, excluding Appendices, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Residential Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

The 2006 Edition of the International Energy Conservation Code as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Energy Conservation Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

The 2006 Edition of the International Existing Buildings Code as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Existing Buildings Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(Ord. No. 1480, §1, 08-16-04; Ord. No. 1595, § 2, 02-25-08)

Sec. 5-17. Amendments.

The 2006 Edition of the International Building Code, adopted in this article is hereby amended in the following respects:

Chapter 1, Section 105.2 is hereby amended as follows:

Delete Section 105.2(2) and (6) from the list of exempted work.

Chapter 1, Section 105.3 is hereby amended as follows:

Amend by adding number 8. to Section 105.3 “Application for permit.” of the 2006 International Building Code, to read:

8. Proof that the permit applicant has a current contractor/occupational license as deemed necessary by the Building Official. The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of meeting this requirement. The Building Official is authorized to waive the requirement for a current contractor/occupational license for permit applications to remodel a single family residence when the application is made and work is completed by the owner and occupant of that single family residence. The Building Official is also authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.

Chapter 19, Section 1911.2 is hereby amended as follows:

Pavements

Section 1911.2. Asphaltic concrete and portland cement concrete pavement construction for driveways, parking areas and streets on private property shall conform to the applicable standards contained in the City of Merriam’s Manual of Infrastructure Standards and the following standards:

1. Portland cement concrete. Concrete pavement shall be constructed to meet the following minimum requirements.
 - a) Pavement thicknesses shall not be less than four (4) inches. Compressive strength shall not be less than 4000 psi. with 6% air entrainment.
 - b) One of the following reinforcing systems shall be used when pavement thickness is less than six (6) inches.
 - Reinforcing welded wire mesh shall be placed at the center of the pavement with welded intersections no further apart than six (6) inches.
 - Reinforcing rebar #3 shall be placed at the center of the pavement at 18” o.c. e.w.
 - Reinforcing rebar #4 shall be placed at the center of the pavement at 24” o.c. e.w.
 - Fiber mesh admixture shall be added to the Portland cement concrete.
 - c) Reinforcing is not required when concrete paving thickness is at least six (6) inches.
2. Hot mix asphaltic concrete. Pavement thicknesses shall not be less than four (4) inches base course with two (2) inches wearing course when placed on undisturbed ground or compacted fill or, two (2) inches wearing course when placed on eight (8) inches thick compacted rock base.

The 2006 Edition of the International Residential Code, adopted in this article is hereby amended in the following respects:

Chapter 1, Section 105.2 is hereby amended as follows:

Delete Section 105.2(2) and (5) from the list of exempted work.

Chapter 1, Section 105.3 is hereby amended as follows:

Amend by adding number 8. to Section 105.3 “Application for permit.” of the 2006 International Residential Code, to read:

8. Proof that the permit applicant has a current contractor/occupational license as deemed necessary by the Building Official. The Building Official is authorized to deny a building permit to any applicant that does not provide adequate proof of meeting this requirement. The Building Official is authorized to waive the requirement for a current contractor/occupational license for permit applications to remodel a single family residence when the application is made and work is completed by the owner and occupant of that single family residence. The Building Official is also authorized to deny a building permit to any person who has an outstanding failure to appear in court (Bench Warrant), with respect to any violation of the Merriam Municipal Code.

Chapter 3, Section R317.1 is hereby amended to read as follows:

Section R317.1 Two-Family dwellings. Dwelling units in a two-family dwelling for which a building permit is issued on or after January 1, 2011, shall be constructed in accordance with R317.2 Townhouses.

Chapter 3, Section R317.1.1 Two-family dwelling, is hereby amended to read as follows:

Section R317.1.1 Two-Family Lot splits. For the purposes of Two-Family Lot splits that are done in accordance with all relevant standards contained in the Merriam Zoning Regulations and Merriam Subdivision Regulations, Section R317.1 shall not apply to two-family dwellings or townhouses for which a building permit has been issued prior to December 31, 2010.

Chapter 3, Table R301.2(1), Climatic and Geographic Design Criteria. The following information shall be included in the table as follows:

Roof Snow Load: 20 + 5 for rain on snow

Wind Speed (mph): 90

Seismic Design Category: B

Subject to damage from Weathering: Severe

Subject to damage from Frost Line Depth: 36"

Subject to damage from Termite: Moderate to Heavy

Subject to damage from Decay: Slight to Moderate

Winter Design Temp.: 5 degrees / 6 degrees

Ice Shield Underlayment Required: Yes

Flood Hazards: 100 year floodplain per FEMA Maps

Air Freezing Index: 824

Mean Annual Temperature: 54.8

Chapter 5, Section R506.1 is hereby amended as follows:

Pavements

Section 506.1.1. Asphaltic concrete and portland cement concrete pavement construction for driveways, parking areas and streets on private property shall conform to the applicable standards contained in the City of Merriam's Manual of Infrastructure Standards and the following standards:

1. Portland cement concrete. Concrete pavement shall be constructed to meet the following minimum requirements.
 - a) Pavement thicknesses shall not be less than four (4) inches. Compressive strength shall not be less than 4000 psi.. With 6% air entrainment.
 - b) One of the following reinforcing systems shall be used when pavement thickness is less than six (6) inches.
 - Reinforcing welded wire mesh shall be placed at the center of the pavement with welded intersections no further apart than six (6) inches.
 - Reinforcing rebar #3 shall be placed at the center of the pavement at 18' o.c.e.w.
 - Reinforcing rebar #4 shall be placed at the center of the pavement at 24" o.c.e.w.
 - Fiber mesh admixture shall be added to the Portland cement concrete.
 - c) Reinforcing is not required when concrete paving thickness is at least six (6) inches.
2. Hot mix asphaltic concrete. Pavement thicknesses shall not be less than four (4) inches base course with two (2) inches wearing course when placed on undisturbed ground or compacted fill or, two (2) inches wearing course when placed on eight (8) inches thick compacted rock base.

(Ord. No. 1595, §3, 02-25-08; Ord. No. 1661, 11-22-2010)

Sec. 5-18. Fees

The fee for each permit issued hereunder shall be as set forth in Table 3-A of the 1997 Edition of the Uniform Administrative Code as published by the International Council of Building Officials. (Ord. No. 1423, §1, 5-20-02)

Secs. 5-19--5-25 Reserved.

ARTICLE III. ELECTRICAL CODE**Sec. 5-26. Adopted.**

The National Electrical Code, 2005 Edition, as published by the National Fire Protection Association, is hereby adopted and incorporated by reference and made a part hereof, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said National Electrical Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(Ord. No. 1007, § 1, 10-7-85; Ord. No. 1010, § 1, 12-2-85; Ord. No. 1069, § 1, 11-7-88; Ord. No. 1116, § 1, 8-19-91; Ord. No. 1238, §1, 3-27-95, Ord. No. 1334 §1, 7-27-98, Ord. No. 1423, §1, 5-20-02, Ord. No. 1480, §1, 08-16-04; Ord. No. 1595, § 4, 02-25-08)

Sec. 5-27. Fees.

The fee for each permit issued hereunder shall be as set forth in Table 3-A of the 1997 Edition of the Uniform Administrative Code as published by the International Council of Building Officials. (Ord. No. 1423, §1, 5-20-02)

Secs. 5-28--5-35. Reserved.**ARTICLE IV. MECHANICAL CODE****Sec. 5-36. Adopted.**

The 2006 Edition of the International Mechanical Code, excluding Appendices, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Mechanical Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours. (Ord. No. 1007, § 1, 10-7-85; Ord. No. 1010, § 1, 12-2-85; Ord. No. 1069, § I, 11-7-88; Ord. No. 1116, § 1, 8-19-91; Ord. No. 1238, §1, 3-27-95 Ord. No. 1334 §1, 7-27-98, Ord. No. 1423, §1, 5-20-02, Ord. No. 1480, §1, 08-16-04; Ord. No. 1595, § 5, 02-25-08)

Secs. 5-37 Fees

The fee for each permit issued hereunder shall be as set forth in Table 3-A of the 1997 Edition of the Uniform Administrative Code as published by the International Council of Building Officials. (Ord. No. 1423, §1, 5-20-02)

Secs. 5-38 - 5-45. Reserved.

ARTICLE V. PLUMBING AND FUEL GAS CODES**Sec. 5-46. Adopted.**

The 2006 Edition of the International Plumbing Code, excluding Appendices, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Plumbing Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

(Ord. No. 1007, § 1, 10-7-85; Ord. No. 1010, § 1, 12-2-85; Ord. No. 1069, § I, 11-7-88; Ord. No. 1116, § 1, 8-19-91; Ord. No. 1238, §1, 3-27-95, Ord. No. 1334 §1, 7-27-98, Ord. No. 1423, §1, 5-20-02, Ord. No. 1480, §1, 08-16-04; Ord. No. 1595, §6, 02-25-08)

The 2006 Edition of the International Fuel Gas Code, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference, save and except such portions as are hereinafter or may be hereinafter deleted or amended. At least one copy of said International Fuel Gas Code shall be marked or stamped "official copy as incorporated by Ordinance No. 1595," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours. (Ord. No. 1007, § 1, 10-7-85; Ord. No. 1010, § 1, 12-2-85; Ord. No. 1069, § I, 11-7-88; Ord. No. 1116, § 1, 8-19-91; Ord. No. 1238, §1, 3-27-95, Ord. No. 1334 §1, 7-27-98, Ord. No. 1423, §1, 5-20-02, Ord. No. 1480, §1, 08-16-04; Ord. No. 1595, § 6, 02-25-08)

Sect. 5-47 Fees

The fee for each permit issued hereunder shall be as set forth on the schedule of fees described in Section 2-110. (Ord. No. 1423, §1, 5-20-02; Ord. No. 1595, § 7, 02-25-08)

Sec. 5-48-5-55. Reserved.**ARTICLE VI. UNSAFE OR DANGEROUS STRUCTURES****Sec. 5-56. Definitions.**

The following words and phrases used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them:

Enforcing officer shall mean the building inspector or other officer so designated.

Structure shall mean and include any building, wall or other structure. (Ord. No. 787, § 1, 4-24-78)

Sec. 5-57. Removal of unsafe structures, filing statement; notice and hearing generally.

Whenever the enforcing officer shall file with the governing body a statement in writing that any structure, describing the same and where located, is unsafe or dangerous, the governing body shall, by resolution, fix a time and place at which the owner, his or her agent, any lien holders of record and any occupant of such structure, may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing.

A copy of said resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lien holder and occupant, at his, her or its last known place of residence, and shall be marked "deliver to addressee only"; provided that if the owner is a resident of the county, the resolution shall be personally served within five (5) days on such owner or delivered to their last known address in lieu of mailing the same, and, in this case, at least one week shall lapse between the service on such owner and the date set for the hearing. (Ord. No. 787, § 2, 4-24-78)

Sec. 5-58. Findings of hearing; resolution; contents; notice.

On the date fixed for the hearing or any adjournment thereof, the governing body shall hear all evidence submitted by the owner, his or her agent, lienholders of records and occupants having an interest in such structure, as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the governing body shall find that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing in section 5-57 of this Code. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time so designated, or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Ord. No. 787, § 3, 4-24-78)

Sec. 5-59. Duties of owner after removal of structure.

The owner of any structure, upon removing the same, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition. (Ord. No. 787, § 4, 4-24-78)

Sec. 5-60. Removal of structure, when; certification; salvage sale; removal costs on tax rolls; no-fund warrants; tax levies.

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure in making the premises safe and secure. All monies in excess of that necessary to pay such cost shall, after payment of all costs, be paid to the owner of the premises upon which

the structure was located. If there is no salvageable material or if monies received from the sale of salvage is insufficient to pay the costs of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the city clerk shall at the time of certifying other city taxes, certify the unpaid portion of the aforesaid costs and the county clerk shall extend the same on the tax rolls of the county against said lot or parcel of land.

- (b) Whenever any structure shall be removed from any premises under the provisions of this article, the city clerk shall certify to the county assessor that such structure, describing the same, has been so removed.
- (c) If there is no salvageable material or if the monies received from the sale of the salvage is insufficient to pay the costs of the work, such costs or any portion thereof in excess of that received from the sale of salvage may be financed, until the assessment is paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this ordinance, the governing body shall make a tax levy at the first tax-levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79 of the Kansas Statutes Annotated, and any amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and form prescribed by K.S.A. 79-2940, except they shall not bear the notation required by said section and may be issued without the approval of the state board of tax appeals.
- (d) All monies received from the special assessments levied under the provisions of this section shall, when and if paid, be placed in the general fund of the city. (Ord. No. 787, § 5, 4-24-78)

Sec. 5-61. Immediate hazard; action to protect public; notice not required; cost.

When, in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer

may erect barricades or cause the property to be vacated, taken down, repaired, or otherwise made safe without delay, and such action may, under such circumstances, be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action shall be assessed against the property and paid in the manner prescribed by section 5-61 of this Code. (Ord. No. 787, § 6, 4-24-78)

Secs. 5-62--5-70. Reserved.

ARTICLE VII. BOARD OF STRUCTURE APPEALS

Sec. 5-71. Establishment.

There is hereby established by the City of Merriam, Kansas, a board of structure appeals. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-72. Definitions.

The word "board" when used in this article shall be construed to mean the board of structure appeals established by this article.

The term "public officer" when used in this article shall be construed to mean such employees or agents of the City of Merriam, Kansas whose responsibility includes determination of compliance with and enforcement of ordinances and codes related to building of structures and the safety of such structures. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-73. Membership.

The board shall consist of five (5) members, who shall be taxpayers and residents of the city and shall not be elected officials, and who shall be appointed by the mayor and approved by the governing body. The term of office of the members of the board shall be for three (3) years, excepting that the five (5) members first appointed shall serve respectively for terms of: One (1) for one (1) year; two (2) for two (2) years; and two (2) for three (3) years. Thereafter, members shall be appointed in December for terms of three (3) years each. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The governing body shall have the power to remove any member of the board of structure appeals for cause and after a public hearing. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-74. Election of chairman and vice-chairman; adoption of rules and regulations.

The board shall elect a chairman and vice-chairman who shall each serve for one (1) year. The board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-75. Meetings and records.

Meetings of the board shall be held at the call of the chairman and as may be otherwise necessary. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The

board shall keep minutes of its procedures, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The city shall provide a secretary who shall not be a member of the board to maintain its records and keep minutes of all proceedings before the board. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-76. Jurisdiction.

The board of structure appeals shall have jurisdiction to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or any other determination made by the public officer in the enforcement of the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code and any other code or ordinance related to construction or buildings adopted by the city which makes reference to an appeals board. The board of structure appeals, in addition, shall serve and act as the Fair Housing Commission of the city with such duties as may be set forth by ordinance. (Ord. No. 989, § 1, 4-1-85; Ord. No. 1057, § 1, 3-7-88)

Sec. 5-77. Appeal procedure.

Appeals may be taken to the board of structure appeals by any person aggrieved by any decision of the public officer. Such appeal shall be taken within ten (10) days after the decision is rendered by filing with the public officer a notice of appeal specifying the grounds therefor and by depositing with such public officer the sum of one hundred dollars (\$100.00) as an appeal fee; or, in the case where an appellant by reason of poverty is unable to make the deposit, an affidavit so stating may be filed; and no deposit will be required. The public officer shall forthwith submit to the board a copy of such notice of appeal, together with all the papers constituting the record upon which the action appealed from is taken. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-78. Stay pending appeal.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the public officer shall certify to the board subsequent to the filing of any notice of appeal that, by reason of the facts stated in the certificate, the stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by the order of any court of competent jurisdiction. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-79. Inspection reports to be furnished.

The public officer shall furnish the board of structure appeals, upon request, copies of reports of any or all inspections made by such officer in the matter of an appeal and furnish such

other information as may be available to them and requested by the board. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-80. Hearings.

The board of structure appeals shall fix a time and place for the hearing of appeals. Such hearing shall be had within a reasonable time after the filing of the notice of appeal. Notice of the time and place of the hearing shall be mailed to the appellant or to his attorney of record, and such hearing shall not be less than ten (10) days after the mailing of the notice. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-81. Powers of appeal board.

In exercising its powers, the board of structure appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-82. Action of board.

The board shall act by majority vote, and a quorum shall consist of at least three (3) members. The action of the board shall not become effective until after the resolution of the board, setting forth the full reason for its decision, and the vote of each member participating therein has been spread upon the minutes. Such resolutions, immediately following the board's final decision, shall be filed in the office of the public officer and shall be open to public inspection. (Ord. No. 989, § 1, 4-1-85)

Sec. 5-83. Appeal.

Any person or persons jointly or severally aggrieved by the decision of the board of structure appeals may petition the district court of Johnson County, within thirty (30) days after the service of such order, for judicial review. (Ord. No. 989, § 1, 4-1-85)

ARTICLE VII.A. ENVIRONMENTAL SANITARY CODE

Sec. 5-84. Incorporating Johnson County Environmental Sanitary Code.

There is hereby incorporated by reference for the purpose of regulating on-site sewage disposal systems and public and semi-public swimming pools within the corporate limits of the City of Merriam, Kansas, that certain "Johnson County Environmental Sanitary Code", adopted by the County Commission of Johnson County, Kansas on January 29, 2004 by Resolution 008-04 ("Environmental Sanitary Code"), save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of the Environmental Sanitary Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 1471," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with a city clerk to be open to inspection and

available to the public at all reasonable hours. (Ord. No. 1243, §1, 6-26-95, Ord. No. 1471, §1, 07-26-04).

Sec. 5-85. Amendment of Environmental Sanitary Code.

Chapter I, Article 7, Section 2, of the Environmental Sanitary Code is hereby amended to read as follows:

Any person, firm, corporation or association violating any of the provisions of this Chapter or the Environmental Sanitary Code shall, upon conviction, be liable to pay a fine not to exceed five hundred Dollars (\$500.00). Each day any violation shall continue after notice thereof shall constitute a new and separate offense and be punishable as such. (Ord. No. 1243, §1, 6-26-95, Ord. No. 1471, §1, 07-26-04)

**ARTICLE VIII
SIGNS**

Sec. 5-90. SCOPE AND APPLICABILITY.

The regulations herein set forth shall apply to and govern signs or attention-attracting devices in the City of Merriam. No sign or attention-attracting device shall be created or maintained unless it is in compliance with the regulations herein. (Ord. No. 1366, §1, 9-27-99)

Any sign or attention-attracting device already established on the effective date hereof, and which sign or attention-attracting device is rendered nonconforming by the provisions herein, and any sign or attention-attracting device which, as a result of subsequent amendments hereto, shall be rendered nonconforming, shall be subject to the regulations of Article 8 of the Zoning Regulations (Nonconformities). (Ord. No. 1366, §1, 9-27-99)

Sec. 5-91. PURPOSE.

That the purposes set forth in Section 5-91 of Article VIII of Chapter 5 of the Code of Ordinances of the City of Merriam, Kansas (“Merriam Code”), including those relating to the preservation, protection and promotion of the public health, safety and general welfare of the residents of the City of Merriam remain in effect and provide the basis for the following amendments to the Merriam Code. (Ord. No. 1366, §1, 9-27-99, Ord. No. 1434, §1, 12-23-02)

- A. Regulation and control of all advertising and identification signs or attention-attracting devices placed for exterior observation in order to preserve, protect and promote the public health, safety and general welfare of the residents of the City. (Ord. No. 1366, §1, 9-27-99)
- B. Prevent an adverse community appearance from the unrestricted use of signs or attention-attracting devices by providing a flexible, creative, fair, comprehensive and enforceable set of regulations that will foster a high quality, aesthetic, visual environment for Merriam, enhancing it as a place to live and do business. (Ord. No. 1366, §1, 9-27-99)

- C. Recognition of the business community's need for adequate business identification and advertising communication by improving the readability and, therefore, the effectiveness of signs or attention-attracting devices, by preventing their improper placement, over concentration, excessive height, area and bulk and by limiting such items as illumination or animation. (Ord. No. 1366, §1, 9-27-99)
- D. Ensuring that the public is not endangered or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of signs and attention-attracting devices, including the promotion of traffic safety by reducing the visual distraction of motorists. (Ord. No. 1366, §1, 9-27-99)
- E. Regulating the size, location and content of commercial signage in order to maximize its effectiveness in directing the public to specific buildings and facilities, while meeting the aesthetic goals of the community.
- F. Protection of property values by enhancement of the harmony between residential, commercial and industrial uses by reducing visual clutter and preventing blighting influences. (Ord. No. 1366, §1, 9-27-99)
- G. Coordination of the type, placement and physical dimensions of signs within the different land areas of the City of Merriam. (Ord. No. 1366, §1, 9-27-99)
- H. Acknowledgment of the differing design concerns and needs for signage in certain specialized areas such as freeway frontages, tourist areas and master planned developments. (Ord. No. 1366, §1, 9-27-99)

Sec. 5-92. PROHIBITED SIGNS AND ATTENTION-ATTRACTING DEVICES.

Any sign or attention-attracting device not specifically permitted is prohibited; provided however, that any permitted sign is allowed to contain non-commercial speech in lieu of any other speech. Unless otherwise permitted by this Article, prohibited signs and attention-attracting devices include, but are not limited to: (Ord. No. 1366, §1, 9-27-99, Ord. No. 1492, §1, 11-22-04)

- A. **Snipe Signs:** Signs or attention-attracting devices attached to trees, shrubs, telephone poles, benches, street lights or placed on any public property or right of way, except warning signs issued by public utility companies, signs erected by public authorities for public purposes; (Ord. No. 1366, §1, 9-27-99)
- B. **Portable Signs:** Portable signs or attention-attracting devices; (Ord. No. 1366, §1, 9-27-99)
- C. **Signs Posing Traffic Or Pedestrian Hazards:** Any sign which constitutes a traffic hazard or is a detriment to traffic safety by virtue of its size, location, movement, content, coloring or method of illumination. Any sign which obstructs the vision between vehicles and pedestrians using the public right of

way, including but not limited to those not meeting the visibility requirements of this Article. Specifically prohibited are signs or attention-attracting devices using: (Ord. No. 1366, §1, 9-27-99)

1. Lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color, except for time/temperature, date, stock market or similar brief informational displays. Electronic message signs may change copy, but the copy shall not flash or blink. (Ord. No. 1492, §1, 11-22-04)
2. Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists or pedestrians.
3. Bare bulbs, except for time/temperature devices using bulbs of up to 25 watts.
4. Words and traffic control symbols so as to interfere with, mislead, confuse traffic, such as "stop", "look", "caution", "slow".

- D. **Abandoned Signs:** Business signs, attention-attracting devices, or portions thereof, that advertise any activity, business, product or service no longer conducted or available on the premises where the sign is located. Abandoned signs shall be removed within 3 months after meeting the above definition, and any damage to walls, landscaping or other areas shall be repaired to their original condition. (Ord. No. 1366, §1, 9-27-99)
- E. **Moving Signs:** Signs with visible moving, revolving or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or mechanical means, or with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy. (Ord. No. 1366, §1, 9-27-99)
- F. **Roof Signs:** Roof-mounted signs. (Ord. No. 1366, §1, 9-27-99, Ord. No. 1492, §1, 11-22-04)
- G. **Off-Site Signs:** Any sign which directs attention to a business, commodity, service, product or activity not conducted, sold, offered or available on the premises where the sign is erected or to which it is affixed. (Ord. No. 1366, §1, 9-27-99)
- H. **Attention-Attracting Devices:** Attention-attracting devices in general, unless otherwise approved under this Article. (Ord. No. 1366, §1, 9-27-99, Ord. No. 1492, §1, 11-22-04)
- I. **Illegal Signs:** any sign otherwise prohibited by law. (Ord. No. 1366, §1, 9-27-99)

- J. **Use Of Vehicle As A Sign:** It shall be prohibited to park or use a vehicle in such a way as to function as a sign, defined to include the parking of any vehicle, trailer or similar movable structure containing or supporting any signage within 150 feet of the right-of-way line of any public street, with the exception of: (Ord. No. 1366, §1, 9-27-99)
1. Vehicles actively involved in construction on or the serving of the site.
 2. Vehicles delivering products to the site in designated loading areas.
 3. Vehicles parked in designated truck parking areas of business park districts that have been screened from or are not generally visible from the public right of way.
 4. Passenger vehicles, pick-up trucks and vans of a size that can fit fully within a standard parking space, containing signs painted on or permanently affixed on the doors or integral side body panels that do not exceed 16 square feet in area.

For purposes of this Article, an "attention-attracting device" is: Any device or object visible from any public street which is primarily designed to attract the attention of the public to a business(s), institution, sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects often times incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent canopies or panels, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other device/objects designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices for purposes of this Code. (Ord. No. 1366, §1, 9-27-99)

Sec. 5-93. SIGNS AND DEVICES NOT REQUIRING PERMITS.

Unless otherwise noted, the following types of signs or attention-attracting devices are allowed. These signs and devices are exempt from permit requirements but must be in conformance with all other requirements of this Article: (Ord. No. 1366, §1, 9-27-99)

- A. **Government Traffic-Control Signs:** Government traffic-control signs and devices (pursuant to the Standard Traffic Ordinance, State of Kansas). Traffic-control signs to be installed on private property must meet the requirements of the Manual of Uniform Traffic Control Devices. (Ord. No. 1366, §1, 9-27-99)

- B. **Flags:** An individual business or development shall be permitted to display a maximum of 3 flags which shall be limited to the following types: a government jurisdiction, weather conditions, religious, charitable, public and non-profit organizations, or 1 commercial logo flag, displaying a registered or trademarked corporate logo. No flag shall exceed 40 square feet in area, and no flagpole shall exceed 35 feet in height. All flagpoles shall be ground-mounted and must comply with the setback provisions established in Section 5-95 of this Article. (Ord. No. 1366, §1, 9-27-99)
- C. **Directional/Instructional Signs:** Signs displayed to convey directions to entranceways, freight/service doors, rest room and telephone locations or other operational facilities, or to convey parking and traffic restrictions or public safety messages. Wall signs of this type shall not exceed 3 square feet in area and may be mounted to buildings, fences, walls or, in the case of parking restrictions, may be painted onto curbs and paved areas.

No more than two free-standing directional/instructional sign of up to 4 square feet in area and 4 feet in height is permitted at each driveway, and additional signs of this size may be placed at internal locations as needed based on their function.

(Ord. No. 1366, §1, 9-27-99, Ord. No. 1492, §1, 11-22-04)

- D. **Public Notice Signs:** Signs bearing notice to the public such as "No Trespassing", "No Dumping", "No Swimming", and "Bad Dog" signs shall not exceed 2 square feet on developed properties. On vacant properties of less than 1 acre, these signs shall not exceed 6 square feet in area nor 4 feet in height. On tracts of 1 acre or greater, these signs shall not exceed 16 square feet in area nor 8 feet in height. A minimum distance of 330 feet shall be maintained between such signs on properties within the same ownership. (Ord. No. 1366, §1, 9-27-99)
- E. **Memorial Signs:** Memorial signs or tablets of 6 square feet or less, including names of buildings and date of erection or other remembrances of persons or events that are non-commercial in nature, when cut into any masonry or rock surface or constructed of bronze or similar non-combustible material that is mounted on the building or adjacent to its entrance. (Ord. No. 1366, §1, 9-27-99)
- F. **Art Works:** Works of fine art, when not displayed in conjunction with a commercial enterprise (nor display a commercial message), which enterprise may benefit direct commercial gain from such display. (Ord. No. 1366, §1, 9-27-99)
- G. **Required Notices:** Signs or attention-attracting devices required or specifically authorized for a public purpose by any law, statute or ordinance. (Ord. No. 1366, §1, 9-27-99)

- H. **Address Signs:** Permanent address signs of up to 2 square feet for single residential units or single tenants in multi-tenant buildings, up to 6 square feet for multi-family buildings with a single street address and individual non-residential buildings under 30 feet in height, and up to 12 square feet for individual non-residential buildings over 30 feet in height. A minimum letter and number height of 3 inches is required on residential structures and a 5 inch minimum letter and number height is required on non-residential structures (reference Section 5-96 for additional premises address identification). (Ord. No. 1366, §1, 9-27-99)
- I. **Political Signs:** Political signs may be permitted on any property except public property which is defined for purposes of this Section as public right-of-way and City-owned property, subject to the restrictions set forth in Section 5-95A and D and subject to the following size restrictions:
1. On a single-family lot or single duplex or multi-family unit, or on a multi-family tract of 1 acre or less, the sign shall not exceed 6 square feet, 4 feet in height, and shall not be illuminated.
 2. On a multi-family parcel of greater than 1 acre, the sign shall not exceed 16 square feet and no portion of the sign shall exceed 8 feet in height. (Ord. No. 1492, §1, 11-22-04)
 3. On non-residential parcels with less than 400 feet of public street frontage, the sign shall not exceed 20 square feet in area and no portion of the sign shall exceed 8 feet in height. (Ord. No. 1492, §1, 11-22-04)
 4. On non-residential parcels with 400 feet or more of public street frontage, the sign shall not exceed 32 square feet in area and no portion of the sign shall exceed 8 feet in height. (Ord. No. 1492, §1, 11-22-04)
 5. On parcels with 800 or more feet of street frontage adjacent to freeway or frontage road right-of-way, the sign shall not exceed 64 square feet in area and no portion of the sign shall exceed 12 feet in height. (Ord. No. 1492, §1, 11-22-04)
- (Ord. No. 1366, §2, 9-27-99, Ord. 1434, §2, 12-23-02; Ord. No. 1492, §1, 11-22-04)
- J. **Official Public Notices:** Official notices by public officers or employees in the performance of their duties. (Ord. No. 1366, §2, 9-27-99)
- K. **Window Signs:** Non-illuminated window signs shall be permitted not to exceed 20 percent of the overall window area per facade and utilizing no

greater than 50 percent of an individual window section on which the sign is placed. In lieu of non-illuminated signs, illuminated signs are permitted in area not to exceed 50 percent of the area allowed for non-illuminated signs. (Ord. No. 1366, §2, 9-27-99)

- L. **Real Estate Signs:** "For Sale", "For Lease", and permanent leasing signs as permitted by this Article. (See Chapter 5, Section 5-101 A). (Ord. No. 1366, §2, 9-27-99)
- M. **Construction Site Signs:** Construction site signs as permitted in the section of this ordinance entitled Permitted Real Estate and Construction Signs (Section 5-101). (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
- N. **Garage Sale Signs:** Garage sale signs shall be permitted, provided they do not exceed 4 square feet in area or 4 feet in overall height. Garage Sale signs shall not be placed earlier than 5:00 P.M. the night before the sale and must be removed by the end of the sale. One sign may be erected at the location of the garage sale, and 1 sign may be erected on private property at a subdivision entrance or adjacent to the intersection with a collector or arterial street nearest the place of the sale. No sign may be erected on private property without the permission of the property owner. No garage sale sign shall be erected on any public property, public utility pole or public right of way. Further, no garage sale sign shall be located closer than 15 feet from the paved portion of a street or 20 feet from the pavement of an intersection. (Ord. No. 1366, §2, 9-27-99)
- O. **Menu-Boards:** Each drive-through restaurant shall be permitted 1 free-standing or wall-mounted menu board per drive-through window, which shall not exceed 32 square feet in area or 8 feet in height and shall be located adjacent to and oriented toward the drive-through lane. An additional menu board may be considered if queuing lane length, location and configuration justifies placement. (Ord. No. 1366, §2, 9-27-99)
- P. **Special Event Signs:** Signs and attention-attracting devices, as approved by the Community Development Director. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
- Q. **Under-Canopy/Awning Signs:** In the case of shopping centers or retail complexes of 5 or more tenants, 1 under-canopy/awning sign shall be permitted for each business with a canopy or awning. Under-canopy/awning signs shall not exceed 4 square feet in area, shall be installed at a right angle to the front building wall and shall be a minimum of 7 feet above the sidewalk. (Ord. No. 1366, §2, 9-27-99)
- R. **Incidental Identification Signs:** Identification signs of 2 square feet or less mounted on or adjacent to an individual tenant entrance. (Ord. No. 1366, §2, 9-27-99)

- S. **Signs On Machinery And Equipment:** Signs customarily incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs affixed to vending machines, newspaper racks, telephone booths and gasoline pumps. (Ord. No. 1366, §2, 9-27-99)
- T. **Signs On Vehicles:** Signs on a truck, bus, automobile, boat, trailer or other vehicle that are not prohibited by this Article. (Ord. No. 1366, §2, 9-27-99)
- U. **Other Governmental Signs:** Signs not otherwise specifically defined or regulated in this Article, that are approved by the City and erected by the City or other governmental agency for public purposes. These may include, but are not limited to, "welcome" signs, special directional signs, and special cultural or historical markers. (Ord. No. 1366, §2, 9-27-99)
- V. **Home Occupation Signs:** One non-illuminated facade sign not more than 1 square foot in area. The sign color shall be compatible with the house color. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
- W. **Now Hiring Signs:** One "now hiring" sign not more than 6 square feet in area and 4 feet in height is permitted per individual freestanding business, shopping center or other multi-tenant facility. (Ord. No. 1366, §2, 9-27-99)

Sec. 5-94. HEIGHT AND SIZE OF SIGNS.

- A. **Measurement Of Sign Area:** The area of a sign shall be measured as the area of any cabinet, panel or any visually or architecturally distinct area enclosing the copy, logo and any other graphic component of the sign. Where individual letters or graphics are used, and no enclosing area is present, the sign area shall be considered as the rectangle, box, circle or other regular geometric shape, or combinations thereof, enclosing the letters, logo or other graphic elements. (Ord. No. 1366, §2, 9-27-99)
- B. **Overall Size Of Sign Monument:** The overall size of the sign monument base shall not exceed 3 times the sign area for individual business signs, 2 times the sign area for shopping center and business park signs, and 6 times the sign area for freeway frontage signs. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
- C. **Three-Dimensional Sign Monuments:** The City encourages 3-dimensional monuments, particularly at street corners and other high visibility locations. Equilateral triangular signs may have 3 panels of the allowed size, and cubic signs may have 3 or 4 panels of 75 percent of the allowed size. (Ord. No. 1366, §2, 9-27-99)

- D. **Use Of Walls For Monument Signs:** A sign may be incorporated into a retaining wall or masonry wall designed to screen parking, loading or service areas. When signs are incorporated into purely decorative walls, the entire wall shall meet the landscape requirements of an approved landscape plan. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
- E. **V-Shaped Signs:** The 2 permitted faces of a standard double faced sign may be utilized in a V-shaped configuration when the 2 faces or their supporting structures are connected at the point of the V. The angle between the 2 faces shall not exceed 60 degrees. (Ord. No. 1366, §2, 9-27-99)
- F. **Dual Single-Faced Signs:** When dual single-faced signs are permitted each sign may be of the permitted size, and shall be located on either side of and oriented toward the entrance to the identified property. (Ord. No. 1366, §2, 9-27-99)
- G. **Sign Height:** The distance from the finished grade at the base of the sign to the top of the highest attached component of the sign. Finished grade elevation shall not include any filling or berming over 2 feet above the adjacent curb line that was solely placed to provide for the sign location. (Ord. No. 1366, §2, 9-27-99)

Sec. 5-95. SETBACK AND LOCATION OF SIGNS.

- A. **Not in Public Right Of Way:** No sign, except government approved traffic-control signs, shall be located within the public right of way. A projecting sign located on a building abutting the right-of-way may extend into and over the right of way, provided such projecting sign shall not exceed 24 square feet and shall be mounted so that the lowest part of the sign is at least 8 feet above the adjacent grade. (Ord. No. 1366, §2, 9-27-99, Ord. 1434, §3, 12-23-02; Ord. No. 1492, §1, 11-22-04)
- B. **Approval Of Location In Easements:** Verification of approval by easement owner may be requested by staff for permanent signs to be located within easements. (Ord. No. 1366, §2, 9-27-99)
- C. **Setback And Location Of Free-Standing Signs:** Directional or garage sale signs shall be set back 5 feet from the right-of-way line. All monument, real estate, construction and other free-standing signs shall be set back a minimum of 10 feet from the right-of-way line. (Ord. No. 1366, §1, 9-27-99, Ord. 1434, §4, 12-23-02; Ord. No. 1492, §1, 11-22-04).
- D. **Signs Near Intersections:** All signs at street intersections or driveway entrances to a public or private street shall be properly sited to ensure a permanently safe sight distance. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

- E. **Facade Signs:** For the size, location and placement of facade signs, "facade" shall include the entire building elevation parallel to the wall being considered for the facade sign, which is contiguous with the tenant's gross leasable floor area. Plans must be submitted, in the context of a sign scheme, to delineate sign area for each tenant sharing the same exterior wall on which the sign is placed. Plans must reflect adequate sign allowances for all tenants and a cumulative total of the sign area that does not exceed that which is allowable for the building elevation that will accommodate such signs. The sign scheme must present an aesthetic quality that is consistent with the intent of this Article. (Ord. No. 1492, §1, 11-22-04)

In calculating allowable sign area on a freestanding canopy facade (i.e., fuel pump island canopies and canopies for drive through facilities), the surface area of the facade on which the sign is to be placed, including but not limited to the support posts and face of the canopy shall be considered. If the canopy is attached to a structure or a parent structure exists under or behind the canopy, the facade area of the primary structure may be considered in determining the sign area to be utilized on the canopy. Under no circumstances, however, shall the sign area exceed 10 percent of the canopy facade and the sign on the canopy will be allowed only in lieu of a sign on the same side of the building.

- F. **Signs On Awnings:** A business identification facade sign may be painted or placed upon an awning if specified in the approved sign scheme for the building. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

Sec. 5-96. SIGN DESIGN, CONSTRUCTION AND MAINTENANCE.

- A. **Overall Design Consistency On Individual Buildings:** Signs on individual buildings shall be coordinated with the architecture of the building and with each other so as to present a consistent, planned image. (Ord. No. 1366, §2, 9-27-99)
- B. **Monument Sign Design And Materials:** Monument signs shall incorporate a supporting base that is a minimum of 50 percent of the width of the monument at its widest point. Actual sign letters and panels shall be of colors and materials as specified in the approved sign scheme. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
- C. **Alternative Free-Standing Sign Design:** As an alternative to the monument style, free-standing signs may utilize other types of supporting structures as long as they meet the following criteria: (Ord. No. 1366, §2, 9-27-99)
1. Landscaping is provided in accordance with an approved landscaping plan. (Ord. No. 1492, §1, 11-22-04)

2. The sign and its supports shall be of a unified design, either as part of an engineered sign system or as an extension of the building architecture.
 3. All sides, edges and other surfaces shall present a finished appearance, including the capping or boxing of open edges and consistent painting or coating of all surfaces.
- D. **Letters On Facade Signs:** All permanent facade signs shall be subject to a maximum letter and logo height. The letter and logo height restriction relates (as a percentage) to the average height of the building face on which the sign is placed. The average height of letters per word of a facade sign may not exceed $\frac{1}{8}$ (12.5 percent) of the facade's average height, and the height of any logo on a facade sign may not exceed $\frac{1}{4}$ (25 percent) of the facade's average height. A letter size of 18 inches is permitted regardless of building height, and no letter or logo may exceed a total height of 6 feet. (Ord. No. 1366, §2, 9-27-99)
- E. **Illumination Limited:** Bare neon tube lighting may be utilized in an open channel design to be included in the calculations for allowable sign area. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
- F. **Construction:** All permanent signs shall comply with all appropriate design and construction specifications set forth in the latest edition of the UBC Uniform Sign Code adopted by this reference by the City. In addition, all permanent illuminated facade signs shall comply with the requirements of the latest edition of the National Electric Code adopted by reference by the City. Signs shall be constructed and installed so that electrical supply, general wiring, support brackets and fasteners are not visible. (Ord. No. 1366, §2, 9-27-99)
- G. **Maintenance:** All signs shall be properly maintained and kept in good condition to include: (Ord. No. 1366, §2, 9-27-99)
1. A copy shall be maintained so as to be legible and complete.
 2. The sign structure shall be maintained in a vertical position unless originally permitted otherwise, and shall be maintained in safe condition at all times.
 3. All parts and surfaces shall be cleaned, painted or replaced as necessary to maintain the original permitted appearance.
 4. Electrical systems shall be in a safe condition at all times.

Sec. 5-97. SIGN PERMITS.

- A. **Permit Required:** It shall be unlawful for any person to erect, construct, alter or relocate any sign within the City without having first obtained a permit therefor, except as provided for in this Article. (Ord. No. 1366, §2, 9-27-99)
- B. **Application For Permit:** All applications for permits under this Section shall be filed by either a contractor licensed to erect signs in the City, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:
1. Name, address and telephone number of owner(s) of property;
 2. Name, address, telephone number and license number of contractor erecting the sign;
 3. The street address or legal description of the property upon which the proposed sign is to be located;
 4. The height, size, shape, style, colors, materials and location of the proposed sign. Sign structures 6 feet or greater in height require structural plans certified by a licensed engineer;
 5. Written authorization of the owner, his lessee or agent, to erect the proposed sign;
 6. A plan, sketch, blueprint or similar presentation drawn to scale, showing all pertinent structural and electrical details, wind pressure requirements and materials in accordance with the City's adopted version of the Uniform Sign Code; and
 7. A statement verifying the height, size, shape and location of existing signage on the premises.

(Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

- D. **Issuance Of Permit:** The procedure for issuing a sign permit shall be as follows:
1. Upon receipt of an application for a sign permit, the Department shall review the plans, specification and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected.
 2. No new sign permit shall be issued for a free-standing sign or facade identification sign on property upon which any nonconforming sign is located, until such nonconformity is corrected. On multi-tenant sites, this subsection shall apply only to the tenant's signage.

3. If the proposed sign is in compliance with this Chapter and all other applicable laws and codes of the City, a sign permit shall be issued upon receipt of the permit fee.

(Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

- E. **Permit Fees:** Permit fees are as set forth in the fee section of the Code of Ordinances. (Ord. No. 1366, §2, 9-27-99)

- F. **Exceptions:** Exemption from the requirement to obtain a sign permit shall be permitted under the following circumstances:

1. The erection, construction, installation of any sign described in Section 5-93 of this Article. (Ord. No. 1492, §1, 11-22-04)
2. The repair, routine maintenance or repainting of any existing sign which is deemed conforming or allowed to continue as nonconforming under provisions of this Chapter.

(Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

- G. **Expiration Of Permit:** A sign permit shall expire and become invalid in accordance with the rules set forth in the Uniform Building Code for all permits in general. There shall be no refunds of fees for unused permits. (Ord. No. 1366, §2, 9-27-99)

Sec. 5-98. SIGN SCHEMES.

- A. **Sign Schemes Required:** Every multi-tenant building or coordinated development, such as office parks, shopping centers and business parks, shall have a sign scheme approved as part of its final development plan approval. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

- B. **Purpose, Format And Criteria For Review:** The general purpose of the sign scheme is to ensure proper business identification while enhancing the quality, harmony and consistency of a project by aesthetically integrating signage into the architecture of each building as well as the development as a whole. The sign scheme must comply with the basic requirements for signs established for the project's uses by this Article. The sign scheme shall address the following topics and demonstrate the following characteristics:

1. **Identification Signs:** Designation of the size and location of identification signage proposed for individual tenants. Specifications should anticipate letter style, minimum and maximum letter height, the use of logos, and need for use of double line copy. Sign locations should anticipate impact of pad buildings and landscaping, as well as

the provision of adequate spacing between facade signs for effective readability.

2. **Appearance:** Signs shall be durable, attractive and be designed to complement and reinforce the design themes of the project buildings. Free-standing signage should relate to the building, through the use of similar materials and colors. Facade signage should relate to the design of the building, utilize compatible but contrasting colors, and incorporate high quality materials and illumination.
3. **Consistency:** Sign design within a development should be generally consistent between tenants and buildings so that the design continuity of the project is maintained. However, it is not necessary for every sign within a particular development to be identical. Differences between major and minor tenants may be appropriate as well as differences between signs on peripheral sites versus signs on a main building. A sign scheme shall generally include at least 2 of the following characteristics: uniform letter and background color(s), uniform letter styles or uniform letter height. In general, as the signs become a smaller portion of the facade, or the architecture becomes more textured or ornate, the need for greater uniformity is lessened.
4. **Conversion Of Existing Signs:** A sign scheme for an existing development shall include provisions to ensure the ultimate conversion of all existing signs to conform with the approved sign scheme.

(Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

C. **Approval Of Sign Schemes:** Proposed sign schemes shall be submitted on the forms or in the format prescribed by the Community Development Director. (Ord. No. 1366, §2, 9-27-99)

1. **Preliminary Sign Scheme:** A preliminary sign scheme shall be submitted with the application for preliminary plan review for each project requiring sign scheme approval, noting the size and location of all proposed signs. A preliminary sign scheme shall be approved by the Planning Commission in conjunction with their preliminary plan approval.
2. **Final Sign Scheme:** A final sign scheme shall be submitted with the application for final plan review for each project requiring sign scheme approval. The sign scheme shall provide schematic drawings depicting the dimensions, color, material, lettering style, provision for logos and illumination of all monument and facade signs. The location of all free-standing signs, along with required landscaping, shall be shown on the plans and all facade signs shall be shown on building

elevations. A final sign scheme shall be approved by the Planning Commission in conjunction with their final plan approval.

- D. **Sign Scheme Modifications:** Minor modifications to a sign scheme that are still within the overall concept and intent of the program, may be approved by the Community Development Director, or upon the Director's request, by the Planning Commission. Major modifications to a sign scheme shall be reviewed and approved by the Planning Commission.

Sec. 5-99. PERMITTED MONUMENT SIGNS.

- A. **Subdivisions:** Each subdivision will be permitted 1 double-faced sign or dual single-faced signs at each public street entrance. Permanent subdivision signs shall be approved by the Planning Commission, preferably at the time of plat approval. In reviewing the size and design quality of proposed signs, the Planning Commission shall consider the size of the subdivision, functional classification of adjoining roadway(s), adjacent land use, compatibility of proposed colors and materials with the primary buildings, landscape and other subdivision signs in the surrounding area and available resources for on-going maintenance. Such signs will also be evaluated in regard to their relationship to signs previously approved under similar circumstance. Signs proposed for existing subdivisions will be reviewed administratively, following the same design considerations as indicated for Planning Commission review, to be approved by the Community Development Director or upon the Director's request, will be submitted for Planning Commission approval. (Ord. No. 1366, §2, 9-27-99)
- B. **Multi-Family Complexes:** Each multi-family complex shall be permitted 1 double-faced sign or dual single-faced signs at each public street entry. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)
1. Each sign shall not exceed 24 square feet for complexes of 16 or fewer units, and 36 square feet for complexes of over 16 units. Sign height shall not exceed 5 feet.
 2. An additional monument sign may be utilized to identify the clubhouse or leasing office, of no more than 24 square feet in area and no more than 5 feet in height, located adjacent to the internal road system of the complex.
- C. **Public Institutions:** Each public institutional building, including schools, houses of worship, and cultural facilities, may have one 36 square foot monument sign. An additional sign on a secondary street frontage may be permitted as allowed for an individual commercial building. Sign height shall not exceed 12 feet. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

D. Individual Commercial, Industrial And Office Buildings:

1. One monument sign may be located on the primary street frontage of a size as listed below. A second sign is allowed on a secondary street frontage based on 75 percent of the allowable size on an arterial street; 50 percent of the allowable size on a collector street; and 25 percent of the allowable size on a local street only when sole access is provided from that local street. Sign height shall not exceed 12 feet. (Ord. No. 1492, §1, 11-22-04)
2. A maximum monument sign area shall not exceed 36 square feet. (Ord. No. 1492, §1, 11-22-04)

(Ord. No. 1366, §2, 9-27-99, Ord. No. 1492, §1, 11-22-04)

- E. Service Stations:** Each service station or other retail gasoline outlet may have one 36 square foot monument sign. An additional sign on a secondary street frontage may be permitted as allowed for an individual commercial building. Sign height shall not exceed 12 feet. (Ord. No. 1366, §2, 9-27-99, Ord. No. 1492, §1, 11-22-04)

- F. Shopping Centers:** One monument sign may be located on the primary street frontage of a size and height as listed below, based on the total gross leasable area (GLA) of the shopping center. A second sign is allowed on a secondary street frontage based on 75 percent of the allowable size on an arterial street; 50 percent of the allowable size on a collector street.

Under 25,000 square feet GLA - 36 square feet of sign area, 12 feet in height.

25,000 - 75,000 square feet GLA - 48 square feet of sign area, 12 feet in height.

75,000 - 150,000 square feet GLA - 60 square feet of sign area, 12 feet in height.

150,000 - 300,000 square feet GLA or more - 72 square feet of sign area, 12 feet in height.

300,000 square feet GLA or more - 84 square feet of sign area, 12 feet in height.

(Ord. No. 1366, §2, 9-27-99, Ord. No. 1492, §1, 11-22-04)

- H. Freeway Frontage Monument Signs:** Each shopping center, business park or free-standing commercial or office building with 200 lineal feet or more of

freeway frontage on Interstate 35 shall be permitted one freeway frontage sign as described below:

1. **Height:** Maximum height shall be 25 feet above the center line height of the nearest through traffic lanes, with a maximum sign height of 35 feet. Where signs are located more than 15 feet above the center line, maximum height shall be 10 feet.
2. **Size:** The permitted sign area shall not exceed 100 square feet, plus 1 square foot per 8 freeway frontage feet over 800 freeway frontage feet, with a maximum size of 250 square feet.
3. **Design:** All freeway frontage signs shall be of a monument style as defined in the Code, however creative designs are encouraged, including triangular- or cube-shaped signs and other sculptural or architectural elements.

The overall size of the monument shall not exceed 6 times the permitted sign area. Signs shall be designed to present as vertical a cross section as possible when signs exceed 10 feet in height.

4. **Restrictions On The Use Of Freeway Frontage Signs:** Frontage road properties that utilize a freeway sign may not utilize another monument sign on the frontage road. Frontage road buildings utilizing freeway signs may not utilize facade signs visible to the freeway at a height over 25 feet.

(Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

Sec. 5-100. PERMITTED FACADE SIGNS.

- A. **Multi-Family Complexes:** One facade sign may be utilized to identify the clubhouse or leasing office, if a monument sign is not used for that purpose. The sign shall be no more than 16 square feet in area, and oriented to the internal road system of the complex. Average letter height shall not exceed $\frac{1}{8}$ of the height, and logos shall not exceed $\frac{1}{4}$ of the height of the facade upon which they are placed. A letter size of 18 inches is permitted regardless of building height, and no letter or logo may exceed a total height of 6 feet. (Ord. No. 1366, §2, 9-27-99)
- B. **Public Institutions:** Each public institutional building, including schools, houses of worship and cultural facilities, may have 1 identification facade sign per public street frontage.

Each sign may be no larger than 5 percent of the total area of the facade upon which it is placed. Average letter height shall not exceed $\frac{1}{8}$ of the height, and logos shall not exceed $\frac{1}{4}$ of the height of the facade upon which they are

placed. A letter size of 18 inches is permitted regardless of building height, and no letter or logo may exceed a total height of 6 feet.

(Ord. No. 1366, §2, 9-27-99)

C. Individual Commercial, Industrial And Office Buildings:

1. Up to 3 identification facade signs may be utilized, 1 per facade, on facades that are architecturally finished to a degree similar to that of the building front. Facade signs shall not be placed on building sides or rears that are directly adjacent to and face residential areas.
2. Each sign may be no larger than 5 percent of the total area of the facade upon which it is placed. Average letter height shall not exceed $\frac{1}{8}$ of the height, and logos shall not exceed $\frac{1}{4}$ of the height of the facade upon which they are placed. A letter size of 18 inches is permitted regardless of building height and no letter or logo may exceed a total height of 6 feet.
1. Facade signs on multi-tenant, internal entrance industrial or office buildings shall all include the same identification, either the name of the building or 1 major tenant in the building.

(Ord. No. 1366, §2, 9-27-99)

D. Shopping Centers And Other Individual Entrance Buildings: Each tenant in a shopping center or other multi-tenant, individual entrance building may utilize 1 identification facade sign on its entrance facade. A second identification facade sign may be utilized by corner or end tenants only if the second facade is architecturally finished to a degree similar to that of the building front.

1. Each sign may be no larger than 5 percent of the total area of the facade upon which it is placed, except that on facades of a total area of under 500 square feet, regardless of size, each tenant with its own entrance may utilize a maximum sign area of 25 square feet.
2. No sign may exceed 80 percent of the total width of the tenant facade. Average letter height shall not exceed $\frac{1}{8}$ of the height, and logos shall not exceed $\frac{1}{4}$ of the height of the facade upon which they are placed. A minimum letter size of 18 inches is permitted regardless of building height, and no letter or logo may exceed a total height of 6 feet.

(Ord. No. 1366, §2, 9-27-99)

Sec. 5-101. PERMITTED REAL ESTATE AND CONSTRUCTION SIGNS.

A. **Real Estate/Initial Leasing Signs:** Real estate/initial leasing signs are permitted on all properties to advertise the availability of the property for sale and/or the availability of a developed property or portion thereof for lease during the first year after completion of development or subsequent sale or lease of a building or land area. This provision is not intended to provide signage for ongoing leases of individual units of a multi-tenant facility. Each parcel shall be permitted 1 freestanding sign (a wall mounted sign of equal size may be utilized if landscape area is not available) for each 1,000 feet of public street frontage or portion thereof, with a minimum spacing of signs on one frontage of 500 feet. There shall be a minimum of 150 feet between signs on separate street frontages. The size and height of a real estate/initial leasing signs shall be as follows:

1. On a single-family lot or single duplex or multi-family unit, or on a multi-family tract of 1 acre or less, the sign shall not exceed 6 square feet, 4 feet in height, and shall not be illuminated.
2. On a multi-family parcel of greater than 1 acre, the sign shall not exceed 16 square feet and 8 feet in height.
3. On non-residential parcels with less than 400 feet of public street frontage the sign shall not exceed 20 square feet in area and 8 feet in height.
4. On non-residential parcels with 400 feet or more of public street frontage the sign shall not exceed 32 square feet in area and 8 feet in height.
5. On parcels with 800 or more feet of street frontage adjacent to freeway or frontage road right of way the sign shall not exceed 64 square feet in area and 12 feet in height.

(Ord. No. 1366, §2, 9-27-99)

B. **Semi-Permanent Leasing Signs:** Semi-permanent leasing signs are permitted on all non-residential properties to advertise the ongoing leasing activities of a multi-tenant development. Each property shall be permitted 1 semi-permanent leasing sign per street frontage. The maximum sign area shall be 32 square feet with a maximum height of 6 feet. A "for sale" sign may be used in conjunction with a permanent leasing sign when the overall property is offered for sale. (Ord. No. 1366, §2, 9-27-99; Ord. No. 1492, §1, 11-22-04)

C. **Freeway Future Project Identification Signs:** Developments with 800 or more feet of street frontage and approved preliminary plans or plats, may utilize 1 future project identification sign per freeway frontage, in lieu of one of the permitted "For Sale/Initial Leasing" signs. These signs may display

project information such as: name of project, sales/leasing agent, phone number, name of developer, architect and contractors, opening date, etc. These signs shall not exceed 128 square feet in area nor 16 feet in height, and shall be set back at least 20 feet from the property line. Future project identification signs shall be removed when 75 percent of the units or square footage of the entire development has been sold or leased. A permit is required for these signs. (Ord. No. 1366, §2, 9-27-99)

- D. **Future Project Identification Signs Adjacent To Arterial, Collector And Local Streets:** In lieu of real estate/initial leasing signs, future project identification sign may be utilized of a size consistent with such real estate/initial signs. A permit is required for these signs. Application for a Future Project Identification sign for single family residential developments may be made following approval of a Final Plat for the subdivision and must be removed following 75 percent of the lot sales. Application for signs for multi-family and non-residential developments will require Final Plan approval and such signs must be removed following the sale or lease of 75 percent of the residential units or 75 percent of the units or square footage of an entire non-residential development. (Ord. No. 1366, §2, 9-27-99)
- E. **Construction Site Signs:** One free-standing construction sign may be utilized per street frontage, not to exceed 32 square feet in area or 8 feet in height. The sign(s) cannot be erected until issuance of a project's building permit, and shall be removed within 30 days of issuance of a certificate of occupancy or the voiding of the project's building permit. Contractors' vans or trailers may be parked at a construction site which has a valid building permit during construction, provided the primary use of the van or trailer is for storage or for office and that any advertising matter painted or attached to the side of van/trailer pertains only to the contractors. Said van or trailer shall be removed within 30 days of issuance of a certificate of occupancy or voiding of the building permit. (Ord. No. 1366, §2, 9-27-99)

Sec. 5-102. PERMITTED MISCELLANEOUS TEMPORARY SIGNS.

Two temporary sign permits may be issued in each calendar year for each individual business location (excluding home occupations), apartment complex, institutional use, industrial park and shopping center. Each permit may be issued for up to 30 days, and permits may be issued consecutively. Permits issued to individual business locations will be counted independently of those issued to industrial parks or shopping centers as a whole. Temporary sign permits may be issued for the following types of signs: (Ord. No. 1366, §1, 9-27-99)

- A. **Facade Signs:** One facade sign no larger than 5 percent of the total area of the facade upon which it is placed. Average letter height shall not exceed $\frac{1}{8}$ of the height, and logos shall not exceed $\frac{1}{4}$ of the height of the facade upon which they are placed. A letter size of 18 inches is permitted regardless of building height, and no letter or logo may exceed a total height of 6 feet. The sign must be attached securely to the building so as not to allow movement by the wind. (Ord. No. 1366, §2, 9-27-99)

- B. **Free-Standing Signs:** One non-illuminated free-standing sign on any property with 200 or more feet of public street frontage, of up to 32 square feet in area and 8 feet in height. (Ord. No. 1366, §2, 9-27-99)

(Ord. No. 1492, §1, 11-22-04)

Sec. 5-103. DEVIATIONS.

The Planning Commission may grant deviations to this Article, based on unique architectural treatments, special project conditions, or specific hardship. Deviations should be considered at the time of Planning Commission review of the sign scheme for the development, but may be heard subsequent to project review when necessary. The Planning Commission shall consider the following criteria in acting upon a request for deviation:

- A. **Purpose And Intent Of Code:** Is granting of the deviation in compliance with the general purpose and intent of the City's signage regulations? (Ord. No. 1366, §2, 9-27-99)
- B. **Impacts On Adjacent Properties:** Will granting of the deviation adversely affect neighboring property owners or residents? Is the image presented by the sign or attention-attracting device consistent or compatible with that in the area as a whole? (Ord. No. 1366, §2, 9-27-99)
- C. **Safety:** Will granting of the deviation adversely affect safety? For free-standing signs, a safe sight-distance setback is required, and the sign location must not encroach upon potential future right-of-way needs. The use of signs or attention-attracting devices should not significantly distract traffic on adjacent streets. (Ord. No. 1366, §2, 9-27-99)
- D. **Visual Clutter:** Will granting of the proposed deviation significantly clutter the visual landscape of the area? The proposed deviation, in addition to all existing or potential future signs on nearby tracts, should be reviewed for their impact on cluttering the visual landscape. Reductions in the total number of signs or their size may be needed, or setbacks increased, to compensate for other signs and attention-attracting devices in the area. (Ord. No. 1366, §2, 9-27-99)
- E. **Site Constraints:** In some situations, topography, landscaping, existing buildings or unusual building design may substantially block visibility of the applicant's existing or proposed signs from multiple directions. While visibility of a sign or attention-attracting device is not to be guaranteed from all directions, deviations may be appropriate to provide reasonable visibility of a business's main sign. (Ord. No. 1366, §2, 9-27-99)
- F. **Lighting:** Sign or attention-attracting device lighting should not disturb residents of nearby residential land uses or adversely affect traffic on adjacent streets. (Ord. No. 1366, §2, 9-27-99)

- G. **Promotion Of High Quality - Unique Design:** The proposed sign(s) should be of high quality and must be compatible and integrate aesthetically with daytime/nighttime color, lighting and signs of the development and adjacent buildings. Facade signs may include unique copy design including painting of walls or integration into canopies/awnings, shapes, materials, lighting and other design features compatible with the architecture of the development of surrounding area. Attention-attracting devices should be of a unique, high quality design which accentuates the architecture of the building(s) served, versus functioning solely to draw attention to itself. (Ord. No. 1366, §2, 9-27-99)