

BILL NO.: 4981

ORDINANCE NO.: _____

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE OF THE CITY OF BERKELEY REVISING SECTION 400, "SIGN CODE" IN THE CITY OF BERKELEY, SAINT LOUIS COUNTY MISSOURI

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY AS FOLLOWS:

SECTION 1:

Section 400.620. Purpose and Scope. [CC 1961 §§23.23.01.01 — 23.23.01.02; Ord. No. 2974 §23.23.01, 6-20-1988; Ord. No. 3048 §1, 5-1-1989]

- A. *Purpose.* The purpose of this Article shall be to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. The placement and physical dimensions of signs are regulated primarily by type and length of street frontage. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Article.
- B. *Scope.*
 - 1. This Article shall not relate to building design, nor shall this Article regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.
 - 2. Thus, the primary intent of this Article shall be to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way.

Section 400.625. Severability

If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 400.630. Definitions. [CC 1961 §23.23.02; Ord. No. 2974 §23.23.02, 6-20-1988; Ord. No. 3048 §1(23.23.02), 5-1-1989; Ord. No. 3121 §1, 5-7-1990]

Certain terms are defined for the purpose of this Article as follows; definitions shall include billboards unless otherwise specified:

ABANDONED SIGN — A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. This definition shall also include any billboard structure which no longer supports the billboard for which it was designed.

ADMINISTRATOR — The Director of Public Works or his/her designated representative, whose responsibility it is to administer the provisions of this ordinance. .

ANIMATED SIGN — Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "*Flashing Sign*").

ARCHITECTURAL, SCENIC, OR HISTORIC AREA. An area of special control that contains unique visual or historic characteristics or whose natural beauty requires special regulations to ensure that all billboards displayed within the area are compatible with the area.

AREA — (see "*Sign, Area Of*")

AWNING — A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework (compare "*Marquee*").

AWNING SIGN — A sign painted on, printed on, or attached flat against the surface of an awning.

BANNER SIGN — A sign made of fabric or any non-rigid material with no enclosure framework.

BILLBOARD — an off-premises object, device, display, sign, or structure, or part thereof , displayed outdoors or visible from a public way, which is used to advertise , identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view , by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

BILLBOARD AREA -- The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structure is not used to identify or attract attention to the business or product.

BUILDING — As defined in Section 400.020.

CHANGEABLE COPY SIGN (AUTOMATIC) — A sign on which the copy changes

automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units more than once every six seconds.

CHANGEABLE COPY SIGN (MANUAL) — A sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

CITY — Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Berkeley, Missouri.

CLEARANCE (OF A SIGN) — The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

COMMERCIAL BILLBOARD. -- A billboard which identifies goods or services that are not sold on the premises where the billboard is located

CONSTRUCTION SIGN — A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

COPY — The wording on a sign surface in either permanent or removable letter form.

DIRECTIONAL/INFORMATION SIGN — An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. In the case of billboards, this shall mean A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of billboards in public rights-of-way.

DOUBLE-FACED SIGN — A sign with two (2) faces.

ELECTRICAL SIGN — A sign or sign structure in which electrical wiring, connections, or fixtures are used.

ELECTRONIC MESSAGE CENTER — (see "*Changeable Copy Sign, Automatic*")

EXPRESSWAY OR FREEWAY. A highway to which access is restricted except by ramps or interchanges.

FACADE — The entire building front including the parapet.

FACE OF SIGN — The area of a sign on which the copy is placed.

FESTOONS — A string of ribbons, tinsel, small flags or pinwheels.

FLASHING SIGN — A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "*Animated Sign*", "*Changeable Copy Sign*").

FLAT ROOF SIGN -- A sign located on the roof of a building with no space between the sign and the roof, no part of which projects above the horizontal plane of the roof.

FREESTANDING SIGN — A sign supported upon the ground by poles or braces and not attached to any building.

FRONTAGE — The length of the property line of any one (1) premises along a public right-of-way on which it borders.

FRONTAGE, BUILDING — The length of an outside building wall on a public right-of-way.

GOVERNMENT SIGN — Any temporary or permanent sign erected and maintained by the City, County, State, or Federal Government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

HEIGHT (OF A SIGN) — The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "*Clearance*").

IDENTIFICATION SIGN — A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

ILLEGAL SIGN — A sign which does not meet the requirements of this Code and which has not received legal non-conforming status.

ILLUMINATED SIGN — A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

INCIDENTAL SIGN — A small, sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

LOT — A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey map.

MAINTENANCE — For the purposes of this Article, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

MANSARD — A sloped roof or roof-like facade architecturally comparable to a building wall.

MARQUEE — A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "*Awning*").

MARQUEE SIGN — Any sign attached to or supported by a marquee structure.

NAMEPLATE — A non-electric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

NON-CONFORMING SIGN —

1. A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.
2. A sign which does not conform to the Sign Code requirements but for which a special permit has been issued.
3. A billboard which was lawfully erected and maintained at the effective date () of this Ordinance, or any amendment thereto, that does not conform to the regulations of the

district in which it is located.

OCCUPANCY — The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

OFF-PREMISES SIGN — A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., *"billboards"* or *"outdoor advertising"*.

ON-PREMISES SIGN — A sign which pertains to the use of the premises on which it is located.

OWNER — A person recorded as such on official records. For the purposes of this Article, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

PAINTED WALL SIGN — Any sign which is applied with paint or similar substance on the face of a wall.

PARAPET — The extension of a false front or wall above a roofline.

PERSON — For the purposes of this Article, any individual, corporation, association, firm, partnership, or similarly defined interest.

POINT OF PURCHASE DISPLAY — Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

POLE COVER — Covers enclosing or decorating poles or other structural supports of a sign.

POLITICAL BILLBOARD. -- A billboard that advertises a candidate or an issue which is to be voted on in a local, state, or federal elections.

POLITICAL SIGN — For the purposes of this Article, a temporary sign used in connection with a local, State, or national election or referendum. Political signs displayed in residential areas shall not exceed six (6) square feet in sign face. Political signs shall be displayed no sooner than ninety (90) days prior to an election and shall be removed within fourteen (14) days after the election.

PORTABLE SIGN — Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PREMISES — A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate, under the same ownership or control and which is not divided by a street..

PROJECTING SIGN — A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

REAL ESTATE SIGN — A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

ROOFLINE — The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

PROJECTING ROOF SIGN — Any sign erected over or on the roof of a building **that physically projects above or out from the roof** (compare *"Mansard"*, *"Wall Signs"*).

ROTATING SIGN — A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

SCENIC ROADSIDE. -- Scenic roadsides include those land areas within the municipal limits which lie within the viewshed of either side of the outermost edge of any of the roads, which are of uncommon visual importance or scenic attractiveness.

SIGN — Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

SIGN, AREA OF —

1. *Projecting and freestanding.* The area of a freestanding or projecting sign shall have only one (1) face (the largest one) of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one (1) or two (2) individual cabinets:
 - a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
 - b. If the sign is composed of more than two (2) sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
 - c. *Wall signs.* There shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of the advertising message.

SNIPED SIGN — A temporary sign or poster affixed to a tree, fence, etc.

SPACING. -- Spacing of billboards shall be the minimum distance between outdoor advertising billboard structures measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and shall apply to outdoor advertising billboard structures located on both sides of the highway involved.

STRUCTURE. -- Anything built that requires a permanent location.

SUBDIVISION IDENTIFICATION SIGN — A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

TEMPORARY SIGN — A sign not constructed or intended for long-term use.

UNDER-CANOPY SIGN — A sign suspended beneath a canopy, ceiling, roof, or marquee.

USE — The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

VIEWSHED. -- An area visible from the road that provides vistas over water or across expanses of land, such as farmland, woodlands, coastal wetlands, mountaintops or ridgelines.

WALL SIGN — A sign attached parallel to and extending not more than twenty-four (24) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

WINDOW SIGN — A sign installed inside a window and intended to be viewed from the outside. Window signs referring to sales and/or products for sale shall not exceed ten percent (10%) of the window area or ten (10) square feet in area, whichever is the smaller of the dimension.

Section 400.640. General Provisions. [CC 1961 §23.23.03; Ord. No. 2974 §23.23.03, 6-20-1988; Ord. No. 3048 §1 (23.23.03), 5-1-1989]

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Berkeley, Missouri, except in accordance with the provisions of this Article, and this Chapter 400, Zoning Regulations.

Section 400.650. Signs Prohibited. [CC 1961 §23.23.03.01; Ord. No. 2974 §23.23.03.01, 6-20-1988; Ord. No. 3048 §1(23.23.03.01), 5-1-1989]

A. The following types of signs are prohibited in all districts:

1. Abandoned signs.
2. Banners, pennants, festoons, searchlights (except as allowed in Section 400.860).
3. Signs imitating or resembling official traffic or government signs or signals.
4. Snipe signs or signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.
5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. (This does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
6. **Hand written, hand painted, handmade or other unprofessionally fabricated signs. A “professionally” hand-painted sign is one that has been prepared or created by a person engaged in the paid occupation of sign-painting and generally reproduces font sets created by such foundries as Adobe, Microsoft, BitStream, etc..**

Section 400.655. Merchant's Signs. [CC 1961 §24.08; Ord. No. 1041]

A. Any person having a merchant's license and operating as a merchant in the City may erect a sign or signs on the building or buildings occupied by his/her business or on the premises or lot adjacent thereto, advertising his/her business or products, and shall be required to pay the license fee as required in Section 400.780. Nothing in this Section shall relieve any

merchant of the duty of making application for a permit to erect a sign of any size in the City and paying the application fee therefor.

- B. Any merchant desiring to erect a sign other than on his/her immediate premises shall be subject to all the rules and regulations of this Chapter the same as if he/she were not a merchant in the City.
- C. The requirements of this Chapter pertaining to sign permits shall not relieve anyone of the obligation to apply for a building permit wherever a building permit is otherwise required by this Code.

Section 400.660. Permits Required. [CC 1961 §23.23.03.02; Ord. No. 2974 §23.23.03.02, 6-20-1988; Ord. No. 3048 §1(23.23.03.02), 5-1-1989]

Unless otherwise provided by this Article, all signs shall require permits and payment of fees as described in Sections 400.770 — 400.800 of this Article. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

Section 400.670. Signs Not Requiring Permits. [CC 1961 §23.23.03.03; Ord. No. 2974 §23.23.03.03, 6-20-1988; Ord. No. 3048 §1(23.23.03.03), 5-1-1989]

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Article: (See Accessory Uses in appropriate district of this Chapter.) **provided, however, that all such signs must meet the setback requirements of this Article and shall not be located within any public right-of-way.**

(a) Signs erected by or at the direction of the City or any government entity in the right-of-way or on any government owned parcel are exempt from provisions of this Article.

(b) Historic markers authorized by the City are exempt.

(c) Property address numbers as required by the City are considered “official governmental signs” and are exempt.

(d) Incidental signs (as defined in this Code) that are located in conjunction with a multi-family or nonresidential use are exempt, provided such signs are not illuminated and that the aggregate of all such signs on a property may not exceed 9 square feet (unless a larger aggregate area is required by law or government regulation).

(e) Displays or decorations related to a holiday or seasonal event (as defined in this Code) that are placed on a residentially zoned property by the owner or with the owner’s permission as personal (noncommercial) speech (also as defined in this Code) are exempt.

(f) Signs containing a non-commercial message with a maximum total sign face area not to exceed sixteen (16) square feet per lot and a maximum height of four (4) feet per sign.

(g) A real estate sign which is permitted by section 67.317 of the Revised Statutes of the State of Missouri. Such sign may advertise the property for sale, lease, or rent, but is limited to six (6)

square feet per sign face and a maximum of two (2) sign faces. Real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased, or rented.

(h) Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.

(i) A building design or color that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.

Section 400.680. Maintenance. [CC 1961 §23.23.03.04; Ord. No. 2974 §23.23.03.04, 6-20-1988; Ord. No. 3048 §1(23.23.03.04), 5-1-1989]

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right under Section 400.840 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in Section 505.020 of the City's Building Code.

Section 400.690. Lighting. [CC 1961 §23.23.03.05; Ord. No. 2974 §23.23.03.05, 6-20-1988; Ord. No. 3048 §1(23.23.03.05), 5-1-1989]

- A. Upon applying for and receiving a sign permit, any sign may be illuminated. However, no sign regulated by this Article may utilize:
1. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
 2. Any exposed incandescent lamp in excess of twenty (20) watts unless a screen is attached or unless the sign is placed over forty (40) feet above the ground.
 3. Any revolving beacon light.

Section 400.710. Sign Contractor's License. [CC 1961 §23.23.03.07; Ord. No. 2974 §23.23.03.07, 6-20-1988; Ord. No. 3048 §1(23.23.03.07), 5-1-1989]

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid contractor's license and all required State and Federal licenses.

Section 400.720. Indemnification and Insurance. [CC 1961 §23.23.03.08; Ord. No. 2974 §23.23.03.08, 6-20-1988; Ord. No. 3048 §1(23.23.03.08), 5-1-1989]

- A. All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this Article has not specifically directed the placement of a sign.
- B. All persons involved in the maintenance, installation, alteration, or relocation of signs shall

maintain all required insurance and shall file with the State a satisfactory certificate of insurance to indemnify the State, County, or City against any form of liability to a minimum of one million dollars (\$1,000,000.00).

Section 400.730. Regulation of On-Premises Signs by Zone. [CC 1961 §§23.23.04 — 23.23.04.04; Ord. No. 2974 §23.23.04, 6-20-1988; Ord. No. 3048 §1(23.23.04), 5-1-1989] Permitted signs in all zoning districts.

The following signs are permitted in all zoning districts; subject to all of the limitations and provisions stated in this chapter:

(1) Residential development identification signs which are permanent signs designating a multifamily development, subdivision or neighborhood. Such signs shall be limited to thirty-two (32) square feet per sign face with a maximum of two (2) sign faces. Each such development shall be limited to one (1) double-faced sign or two (2) single-faced signs per entrance. In addition, directional signs internal to a multifamily development may also be approved by the department of public works, provided that such signs are not more than three (3) square feet in size.

(2) A residential sign, provided however, that there shall be only one (1) such sign on any lot. Such sign may contain a religious or political message or other information but may not contain a commercial message. A residential sign shall have a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces. No permit shall be required for such a sign provided that the sign is erected by the owner or with the owner's permission. Election signs are regulated in paragraph (5) of this section.

(3) A real estate sign which is permitted by section 67.317 of the Revised Statutes of the State of Missouri. Such sign may advertise the property for sale, lease, or rent, but is limited to six (6) square feet per sign face and a maximum of two (2) sign faces. Real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased, or rented.

(4) Institutional signs concerning institutional uses such as schools, country clubs, monasteries, convents, and places of worship. Such institutions shall be allowed one (1) permanent wall sign and one (1) permanent freestanding sign. Institutional uses with contiguous lots or parcels totaling five (5) acres or more in size shall be allowed a dynamic display sign per the regulations and criteria outlined in section 400.730(f). In addition, a place of worship having a significant accessory use or uses such as a day care facility, may have one (1) additional freestanding sign. No permanent sign shall contain a sign face with an area exceeding thirty-two (32) square feet in size and no freestanding sign shall have more than two (2) faces. One of the permanent signs may be a bulletin board sign with changeable copy. In addition, such institutions shall be permitted one (1) temporary sign which may be a single or double-faced sign although no single sign face shall exceed six (6) square feet and the total gross area of any such sign shall not exceed twelve (12) square feet. Display of such sign shall be limited to a period of fifty-five (55) days. Institutional signs in non-residential zoning districts may compute allowable signage based on the on-premise permanent sign size allowances in section 400.730 in lieu of the requirements specified in this paragraph.

(5) Election signs may be erected within a period extending one hundred twenty (120) days prior to and ten (10) days after any election held within St. Louis County, with the property owner's permission. Such signs shall be in addition to the permitted signage permitted by other provisions of this chapter on any lot or parcel of land in the city. Each lot or parcel of land shall be permitted one (1) or more single or double-faced signs although no single sign face shall exceed six (6) square feet and the total gross area of any

such sign shall not exceed twelve (12) square feet. No election sign shall exceed twelve (12) feet in height.

(6) In addition to a real estate sign allowed in paragraph (3) of this section, up to six (6) temporary open house signs shall also be allowed. One such sign shall be allowed on site and up to five (5) are allowed off-site. Not more than one (1) off-site open house sign shall be allowed per street. Open house signs shall be limited to a maximum sign area of six (6) square feet per sign face and a maximum of two (2) sign faces, and shall be permitted for up to three (3) consecutive days and shall be removed no later than one (1) day after the open house. A minimum of four (4) days shall transpire prior to posting any open house sign on the same lot or parcel for a second or subsequent time. No permit shall be required for such a sign.

Permitted signs in nonresidential zoning districts.

(a) ***Types of signs.*** In addition to the signs allowed by section 400.730, additional signs are allowed in nonresidential zoning districts which are necessary to identify and promote business, industry, and institutions. These signs include the following:

- (1) On-premises permanent signs including wall signs, projecting signs, awning signs, canopy signs, window signs, freestanding signs, message boards, flat roof signs, and changeable copy signs;
- (2) Special purpose signs;
- (3) Billboards (see section 400.875);
- (4) Temporary signs;
- (5) A-frame sign.

(b) ***On-premises permanent signs.*** On-premises permanent signs include wall signs, projecting signs, awning signs, canopy signs, window signs, flat roof signs, freestanding permanent signs and changeable copy signs. The total square footage of all on-premise permanent signs allowed on a site shall not exceed two (2) square feet of sign area per linear foot of sign frontage as defined in section 400.630. Additional regulations are as follows:

- (1) The total sign area of all signs located on any wall of a building (including wall signs, awning signs, canopy signs, and window signs) shall not exceed ten (10) percent of the area of such wall. The total area of a projecting sign shall not exceed one (1) square foot of sign area per sign face per linear foot of sign frontage.
- (2) Flat roof signs are allowed in the AD Airport Districts, and M-1 and M-2 Industrial Districts, so long as they are only illuminated from above (no internal lighting or dynamic display). The square footage of flat roof signs is not included in the calculation of total square footage of on-premise permanent signs.
- (3) Freestanding signs shall be allowed based on the amount of sign frontage. The sign frontages specified below shall be based on a single frontage. Two (2) or more sign frontages shall not be combined to meet the minimum frontages.

- a. Sites with less than one hundred (100) feet of sign frontage shall not be allowed a

freestanding sign.

b. Sites with at least one hundred (100) feet of sign frontage shall be allowed a low monument sign not exceeding six (6) feet in height. Such sign shall not exceed twenty-five (25) square feet of sign area per sign face with not more than two (2) sign faces.

c. Sites with at least one hundred fifty (150) feet of sign frontage shall be allowed one (1) pole sign not exceeding thirty-five (35) feet in height or one (1) low monument sign allowed in paragraph b. Such pole sign shall not exceed sixty-four (64) square feet in sign area per sign face with not more than two (2) sign faces.

d. Sites with at least three hundred (300) feet of sign frontage shall be allowed one (1) pole sign not exceeding thirty-five (35) feet in height allowed in paragraph c, and one (1) low monument sign allowed in paragraph b.

1. The pole sign shall not exceed sixty-four (64) square feet in sign area per sign face with not more than two (2) sign faces.

2. The low monument sign shall not exceed twenty-five (25) square feet of sign area per sign face with not more than two (2) sign faces.

e. (a) A comprehensive sign plan may be submitted to the city plan commission by the developers or owners of an existing or proposed commercial development which will occupy the entire frontage of one (1) or more block fronts when the site is zoned C-1, C-2, Downtown Core, Airport Frontage, M-1 or M-2 industrial, AD Northpark, or AD-2 Airport, or by the developers or owners of separate but contiguous parcels in these Districts that have public cross-access roadways between the districts. Such a plan shall include the location, size, height, color, lighting, and orientation of all proposed signs and any other information as required by the plan commission. The comprehensive sign plan may be submitted for approval in conjunction with the required site plans for the development. If the plan is found to be acceptable as provided for in this section, exceptions to the provisions of this chapter may be granted, if such exceptions result in an improved relationship between the various parts of the plan. All comprehensive sign plans shall be approved by the city plan commission and the Berkeley City Council.

(b) If approved as part of a comprehensive sign plan, the on-premises freestanding signs allowed by section 400.730(b)(3) of this chapter may include off-premises signs for the development of separate but contiguous developments in a District.

(4) A message board may be approved by the plan commission as part of a site for a commercial use if the use has at least one hundred fifty (150) feet of sign frontage on a single public street. The area of a message board shall be limited to sixty-four (64) square feet per sign face with not more than two (2) sign faces, and shall not exceed thirty-five (35) feet in height unless said sign is within view of a highway within the city. For such a commercial use located within view of a highway within the city, the allowable size of the message board may be increased to not greater than one hundred seventy-five (175) square feet per sign face with not more than two (2) sign faces.

(5) Prior to erection of any permanent on-premises sign allowed by paragraphs (1), (2), or (3) of this section, the applicant, owner, or lessee of the premises for which the sign(s) is proposed shall post a bond to cover the costs of removal of the sign(s) should the establishment go out of business and fail to remove such sign(s).

(6) The total gross sign area of all permanent window signage, striping, incidental signs and

paper/temporary window signs shall not exceed twenty-five (25) percent of the total clear glass area along the portion of the storefront on which the signs are located. Sign permits shall not be required for incidental window signs that do not exceed one (1) square foot in sign area or temporary window signs that do not exceed six (6) square feet in sign area.

(7) A filling station or public garage shall be permitted one (1) separate price sign not to exceed twenty (20) square feet in area which shall be attached to the same structure as the freestanding sign, but below the main sign.

(c) ***Special purpose signs.*** Signs authorized in this subsection are not to be included in calculating the allowable gross sign area for on-premises permanent signs.

(1) *Parking direction signs.* One (1) freestanding parking direction sign per direction, which may be internally illuminated, shall be permitted for each driveway, provided the sign does not exceed ten (10) square feet in gross sign area per face, the sign height does not exceed three (3) feet, and no portion of the sign shall extend into the public right-of-way. If the sign is located at a private driveway, the sign may contain the address of the business or institution on the premises.

(2) *Parking regulation signs.* One (1) nonilluminated parking regulation sign (such as no parking, parking reserved for, and similar signs), not exceeding five (5) square feet in gross sign area and not exceeding ten (10) feet in sign height, shall be permitted for each commercial or public parking lot. Parking lots with more than twenty (20) parking spaces shall be permitted one (1) such sign for each twenty (20) parking spaces. In addition, a handicapped, van accessible, or similar sign shall be allowed for each handicapped parking space. The size and height of such sign shall be no larger or higher than required to be in compliance with the Americans with Disabilities Act.

(3) *Covered walkway signs.* A sign, not to exceed two (2) square feet in gross sign area, may be hung from the ceiling of a covered walkway that is attached to the front of a retail store. Such a sign shall not exceed eighteen (18) inches in drop from the bottom of the said sign to the ceiling surface of the covered walkway, nor shall the bottom of said sign be less than seven (7) feet above the sidewalk surface it is hanging over. Only one (1) covered walkway sign per business shall be allowed. Such a sign shall be hung perpendicular to the retail store front so as to be beneficial to pedestrian traffic.

(4) *Menu boards.* Menu boards at drive-in restaurants or drive-through windows at restaurants may be allowed, provided the message on such menu board is not legible off the premises.

(5) *Light pole artwork signs.* Light pole artwork signs shall be permitted on light poles in public surface parking lots accommodating a minimum of two hundred (200) vehicles. All light poles supporting these signs must be located a minimum of fifteen (15) feet from the front curb line of the parking lot. The bottom of such sign shall not be lower than twelve (12) feet from the base of the light pole. In addition, temporary light pole artwork signs may be permitted on light poles or similar utility poles adjacent to a public street to announce special events. The gross sign area of each light pole artwork sign shall not exceed eighteen (18) square feet with a maximum of two (2) signs per light pole. No part of the sign shall project more than three (3) feet beyond the vertical centerline of the light pole. These signs shall be attached to the light pole in such a manner as to minimize any sign movement. Any torn, frayed, or faded light pole artwork sign must be repaired, replaced, or removed entirely within ten (10) days of written notification.

(d) **Temporary signs.** Temporary signs allowed in nonresidential zoning districts include on-site construction signs, temporary advertising signs, real estate signs, election signs, and special event signs.

(1) *On-site construction sign.* Only one (1) such sign per entire development denoting the owner, architect, engineer, consultant, developer, lender and/or contractor, not to exceed ten (10) feet in height from top of sign to top of grade or two (2) feet in height from bottom of sign to top of grade, shall be permitted. Such a sign shall be erected out of the public right-of-way and shall be removed ten (10) days after the receipt of an occupancy permit for a building or development.

(2) *Temporary advertising signs.* The director of public works, or the director's designee may issue a permit for one (1) temporary sign advertising a special promotion or grand opening for a period not exceeding thirty (30) consecutive days. The advertisement contained on the temporary sign shall pertain only to the business, industry, or pursuit conducted on or within the premises on which such sign is erected. The temporary advertising sign may be a sign or banner affixed on poles, wires, ropes, or may be streamers, inflatable signs, tethered balloons, a wind-operated device, an "A" frame sign, or a similar device. Temporary signs as authorized herein may be displayed on a premises for a maximum of ninety (90) days per calendar year provided that no individual temporary advertising sign is displayed for a period exceeding thirty (30) consecutive days, there is a minimum of thirty (30) days between the display of temporary advertising signs on a premises, and no premises shall be issued more than six (6) permits for temporary advertising signs during any calendar year.

(3) *Real estate signs.* In lieu of the real estate signs allowed by section 400.730(3), a real estate sign in a nonresidential zoning district may exceed six (6) square feet per sign face based on the formula in paragraph (6) of this section provided that the sign is limited to advertising the premises on which it is located. Real estate signs shall be removed from the premises ten (10) days after the premises is sold, leased, or rented.

(4) *Election signs.* In lieu of the election sign size limitation allowed by section 400.730, temporary election signs in nonresidential zoning districts may exceed six (6) square feet per sign face based on the formula in paragraph (6) of this section. All other requirements of section 400.730, paragraph (5) apply to election signs in nonresidential districts.

(5) *Special event signs.* Signs or banners promoting or announcing a special event sponsored by a governmental or nonprofit agency may be approved by the director of public works. Such signs shall not be erected more than forty-five (45) days prior to the event and shall be removed within ten (10) days following the event. The size of such sign shall be based on the formula in paragraph (6) of this section except for signs erected over a roadway which shall not exceed sixty-four (64) square feet per sign face.

(6) *Size limitations.* All temporary signs in nonresidential zoning districts shall be limited to the size limitations enumerated in this paragraph. The maximum size of temporary signs shall be based on the sign frontage of the lot or building space (if the business is located within a shopping center). In the case of corner lots, only one (1) sign frontage shall be used in calculating the allowable size of the sign.

Sign Frontage	Maximum Size of Sign per Sign Face
Less than 100 feet	<u>32</u> square feet

100—200 feet	48 square feet
Greater than 200 feet	64 square feet

(7) *Temporary window signs.* A temporary window sign not exceeding six (6) square feet in size may be placed in the window of a commercial establishment without a permit, provided that the total square footage of all signs placed on or in the windows of the establishment do not exceed twenty-five (25) percent of the total window area.

(e) **A-frame signs.** A-frame signs are allowed in the Downtown Core Business District only, based on the following criteria:

- (1) Such signs are limited to eight (8) square feet per sign face with not more than two (2) sign faces;
- (2) The overall size of the sign shall not exceed thirty (30) inches in width nor forty-eight (48) inches in height;
- (3) Such signs may not be internally illuminated;
- (4) Such signs may be placed only on the sidewalk in front of the place of business and must allow a three-foot wide space on the sidewalk for pedestrians to pass;
- (5) Such signs must be professionally prepared and be in character with the surrounding area;
- (6) Such signs shall be removed from the sidewalk and placed inside the business at the close of each business day and/or whenever the business ceases to be open;
- (7) Such signs shall be secured in a fashion to prevent them from blowing over or falling over.

(f) **Dynamic display signs.** Dynamic display signs are allowed in the C-2 , M-1, M-2, AD, and AD-2 Zoning Districts, based on the following criteria:

- (1) Shall be approved by plan commission, and part of a comprehensive sign plan.
- (2) Shall be located on a site with at least one hundred fifty (150) feet of sign frontage.
- (3) Shall not exceed the total number of free standing signs allowed.
- (4) Shall be set back a minimum of fifteen (15) feet from the right-of-way, unless at an intersection.
- (5) Such signs shall be limited to a free standing sign and be perpendicular to the right-of-way, unless at an intersection.
- (6) Shall be set back a minimum of twenty-five (25) feet from the point of the intersection of the curb or edge of two (2) intersecting streets, and can be read from both streets.
- (7) Shall not exceed a height of fifteen (15) feet.
- (8) Shall not exceed thirty (30) square feet and/or fifty (50) percent of the total square footage of the sign face, whichever is less.
- (9) Shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking,

changes in color, fade in or fade out in any manner imitating movement.

(10) Images and messages displayed must be static, and the transition from one (1) static display to another must be instantaneous with no special effects or the transition may provide a black screen for at least ten (10) seconds before transitioning to a new message, except for signs within two hundred fifty (250) feet of an intersection, then each message shall be illuminated for at least thirty (30) seconds before transitioning to a new message.

(11) Shall not cause glare, disturbance, or other problems to residential properties or land uses, and shall not be located within one hundred fifty (150) feet from any residential dwelling.

(12) No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver, nor shall interfere with official traffic signs, devices, or signals.

(13) Signs shall have ambient light monitors that automatically adjust the brightness level of the sign based on light conditions, and not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter.

(14) Shall provide certification from the sign manufacturer stating that the sign is capable of complying with the above brightness provisions.

(15) May only display and advertise information about products, events, persons, institutions, activities, businesses, services or subjects that are located on the premises or on the site or only to provide public service or community service information.

- **Illuminated signs.**

(a) In residentially-zoned areas, no illuminated signs shall be permitted except permanent signs for places of worship, schools, or government-owned and operated buildings, and except for signs associated with a pre-existing nonconforming use. Signs associated with a pre-existing nonconforming use shall be subject to the regulations in subsection (b) of this section.

(b) Illuminated signs in all areas of the city shall be subject to the following requirements:

(1) The light from any illuminated sign shall be shaded, shielded, and/or directed away from the residents or occupants of surrounding areas. The intensity of such light shall not exceed one-half (½) footcandle at the property line of any adjoining residentially-zoned property.

(2) No sign shall have blinking, flashing, or fluttering lights or other illuminating device of variable light intensity, brightness, or color, except for message boards.

(3) Neither direct nor reflected light from primary light sources shall create a hazard to operators of motor vehicles on public thoroughfares.

(4) No sign that is visible in a direct and unobstructed line of sight from any runway may be built as a dynamic display sign, or illuminated to such an extent as to be a sight hazard for pilots.

Section 400.740. Non-Conforming Signs. [CC 1961 §§23.23.05 — 23.23.05.03; Ord. No. 2974 §23.23.05, 6-20-1988; Ord. No. 3048 §1(23.23.05), 5-1-1989]

A. *Determination Of Legal Non-Conformity.* Existing signs which do not conform to the specific provisions of this Article may be eligible for the designation "legal non-

conforming" provided that:

1. The Administrator determines that such signs are properly maintained and do not in any way endanger the public.
 2. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this Article.
- B. *Loss Of Legal Non-Conforming Status.* A legal non-conforming sign may lose this designation if:
1. The sign is relocated or replaced.
 2. The structure or size of the sign is altered in any way except towards compliance with this Article. This does not refer to change of copy or normal maintenance.
- C. *Maintenance And Repair Of Non-Conforming Signs.* The legal non-conforming sign is subject to all requirements of this Code regarding safety, maintenance, and repair. However, if the sign suffers more than fifty percent (50%) appraised damage or deterioration, it must be brought into conformance with this Code or removed.

Section 400.750. Construction Specifications. [CC 1961 §§23.23.06 — 23.23.06.04; Ord. No. 2974 §23.23.06, 6-20-1988; Ord. No. 3048 §1(23.23.06), 5-1-1989]

- A. *Compliance With Building And Electrical Codes.* All signs shall be constructed in accordance with the requirements of the City Building Code and the City Electrical Code.
- B. *Anchoring.*
1. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
 2. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
 3. All portable signs on display shall be braced or secured to prevent motion.
- C. *Wind Loads.*
1. Solid signs, other than wall signs, shall be designed to withstand wind loads as stated in the City Building Code.
 2. Skeleton signs, other than wall signs, shall be designed to withstand wind loads as stated in the City Building Code.
- D. *Additional Construction Specifications.*
1. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
 2. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the City Building or Fire

Prevention Code.

2. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with City Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than thirty-six (36) inches horizontally or vertically from any conductor or public utility guy wire.
3. Flat roof signs must be non-reflective and only lit from above.
4. The use of construction cranes to install a sign that are taller than the building itself may additionally be subject to FAA height review.

Section 400.760. Administrator. [CC 1961 §§23.23.07 — 23.23.07.01; Ord. No. 2974 §23.23.07.01, 6-20-1988; Ord. No. 3048 §1(23.23.07), 5-1-1989]

- A. The Administrator shall be hired by the City Manager and is authorized to process applications for permits and enforce and carry out all provisions of this Code, both in letter and in spirit. The Administrator is authorized to promulgate regulations and procedures consistent with this function. Signs requiring special use permits or variances, shall be forwarded to the City Council for submittal to the City Plan Commission in accordance with Section 400.530.
- B. The Administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable Codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

Section 400.770. Application for Permits. [CC 1961 §23.23.07.02; Ord. No. 2974 §23.23.07.02, 6-20-1988; Ord. No. 3048 §1 (23.23.07.02), 5-1-1989]

- A. Application for a permit for the erection, alteration, or relocation of a sign shall be made to the Administrator upon a form provided by the Administrator and shall include the following information:
 1. Name and address of the owner of the sign.
 2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
 3. The type of sign or sign structure as defined in this Article.
 4. A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
 5. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.
 6. Specifications, scale drawings, and computations shall be signed and sealed by a registered architect or engineer licensed to do business in the State of Missouri.

- ~~B. All sign permit applications shall be reviewed by the Sign Review Committee which shall be composed of the Administrator, City Manager, and at least one (1) member of the City Council.~~

Section 400.780. Permit Fees. [CC 1961 §§23.23.07.03, 24.07; Ord. No. 2974 §23.23.07.03, 6-20-1988; Ord. No. 3048 §1(23.23.07.03), 5-1-1989; Ord. No. 3120 §1, 4-16-1990; Ord. No. 3189 §1, 12-18-1991; Ord. No. 3479 §1, 2-7-2000]

- A. *Generally.* All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign according to the following schedule.
- B. *Sign Permit Fees.*
1. Any person desiring to post bills or to erect and maintain commercial signs or to paint any sign on the side of a commercial building shall first make written application to the Department of Public Works for a Sign permit.
 - A. The fees for sign permits for each ground sign, post sign, roof sign, wall sign, or marquee sign shall be as follows: One hundred twenty-five dollars (\$125.00) for each sign up to one hundred (100) square feet in size. This includes standard processing, plan review, and two (2) inspections.
 - B. One hundred seventy-five dollars (\$175.00) for each sign more than one hundred (100) square feet in size, plus \$.03 * the additional square footage over one hundred (100) square feet. This includes standard processing, plan review, and two (2) inspections. Additional anticipated inspections due to complexity of structure shall be charged at the rate of twenty-five dollars (\$25.00) per inspection.
 - C. All signs on one (1) lot not exceeding in aggregate the maximum allowable size and all inspected at one (1) time may be allowed on one (1) permit for one (1) fee.
 2. In addition to the foregoing, any person, firm or corporation, except charitable, benevolent, religious or fraternal, engaged in the business of erecting and displaying billboards or signboards, and not otherwise engaged in any business in the City wherein a merchant's license is required, shall obtain a merchant's license and pay the minimum fee of fifty dollars (\$50.00).

Section 400.790. Issuance and Denial. [CC 1961 §23.23.07.04; Ord. No. 2974 §23.23.07.04, 6-20-1988; Ord. No. 3048 §1(23.23.07.04), 5-1-1989]

- A. The Administrator shall issue a permit and permit sticker for the erection, alteration, or relocation of a sign within ninety (90) days of receipt of a valid application, except for signs requiring a special use permit provided that the sign complies with all applicable laws and regulations of the City. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.
- B. When a permit is denied by the Administrator, he/she shall give a written notice to the

applicant along with a brief statement of the reasons for denial. The Administrator may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.

Section 400.800. Permit Conditions, Refunds, and Penalties. [CC 1961 §23.23.07.05; Ord. No. 2974 §23.23.07.05, 6-20-1988; Ord. No. 3048 §1(23.23.07.05), 5-1-1989]

- A. If a permit is denied, the permit fee will be refunded to the applicant.
- B. If no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for twenty-five dollars (\$25.00), may be refunded to the applicant upon request, provided that the permit and permit sticker are returned to the Administrator within thirty (30) days of issuance.
- C. A permit issued by the Administrator becomes null and void if work is not commenced within one hundred eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for thirty (30) days, the permit must be renewed with an additional payment of one-half (½) of the original fee.
- D. If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Article.

Section 400.810. Inspection Upon Completion. [CC 1961 §23.23.07.06; Ord. No. 2974 §23.23.07.06, 6-20-1988; Ord. No. 3048 §1(23.23.07.06), 5-1-1989]

- A. Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.
- B. The Administrator may require in writing upon issuance of a permit that he/she be notified for inspection prior to the installation of certain signs.

Section 400.820. Variances. [CC 1961 §23.23.07.07; Ord. No. 2974 §23.23.07.07, 6-20-1988; Ord. No. 3048 §1(23.23.07.07), 5-1-1989]

- A. In obtaining a permit, the applicant may apply to the Administrator for a variance from certain requirements of this Code. A variance may be granted by the City Council where the literal application of the Code would create a particular hardship for the sign user and the following criteria are met: (See Special Land Use Permit procedure Section 400.530)
 - 1. A literal application of the Code would not allow the property to be used at its highest and best use as zoned.
 - 2. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
 - 3. Hardship caused the sign user under a literal interpretation of the Code is due to conditions unique to the property and does not apply generally to the City.

4. The granting of the variance would not be contrary to the general objectives of this Code.
- B. In granting a variance, the City Council and/or Board of Adjustment may attach additional requirements necessary to carry out the spirit and purpose of this Article in the public interest.

Section 400.830. Violations. [CC 1961 §23.23.07.08; Ord. No. 2974 §23.23.07.08, 6-20-1988; Ord. No. 3048 §1(23.23.07.08), 5-1-1989]

- A. When, in the opinion of the Administrator, a violation of the Code exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those Sections of the Code of which the individual may be in violation and shall state that the individual has fifteen (15) days from the date of the order in which to correct the alleged violation or to appeal to the City Council.
- B. If, upon inspection, the Administrator finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within fifteen (15) days of the date of the order.
- C. In cases of emergency, the Administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in Section 505.020 of the City Building Code or Section 315.100 of the City Traffic Code.

Section 400.840. Removal of Signs by the Administrator. [CC 1961 §23.23.07.09; Ord. No. 2974 §23.23.07.09, 6-20-1988; Ord. No. 3048 §1(23.23.07.09), 5-1-1989]

- A. The Administrator may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator together with an additional twenty percent (20%) for inspection and incidental costs.
- B. If the amount specified in the notice is not paid within thirty (30) days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a twenty percent (20%) penalty for collection in the same manner as the real estate taxes.
- C. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.
- D. For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

Section 400.850. Penalties. [CC 1961 §23.23.07.10; Ord. No. 2974 §23.23.07.10, 6-20-1988; Ord. No. 3048 §1(23.23.07.10), 5-1-1989]

Any person who fails to comply with the provisions of this Article may be subject to a fine of five hundred dollars (\$500.00) for each day or portion thereof that the violation continues, up to a maximum of one million dollars (\$1,000,000.00).

Section 400.860. Appeals. [CC 1961 §23.23.07.11; Ord. No. 2974 §23.23.07.11, 6-20-1988; Ord. No. 3048 §1(23.23.07.11), 5-1-1989]

- A. Any failure to respond to an application within ninety (90) days of receipt or any decision rendered by the Administrator in denying a permit or variance or in alleging a violation of this Article may be appealed to the City Council within one hundred twenty (120) days of the Administrator's receipt of application.
- B. The action being appealed shall be held in abeyance pending the decision of the Council or Board.

Section 400.870. Conflict. [CC 1961 §§23.23.08 — 23.23.08.01; Ord. No. 2974 §23.23.08.01, 6-20-1988]

If any portion of this Code is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance of the City Code, the provision which establishes the higher standard shall prevail.

Section 400.875. BILLBOARDS

SECTION 1. STATEMENT OF PURPOSE

- a) To preserve and promote the public health, safety, and welfare of the citizens of The City of Berkeley;
- b) To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy The City of Berkeley's scenic beauty;
- c) To improve pedestrian and traffic safety;
- d) To minimize the possible adverse effect of billboards on nearby public and private property.

This off-premises billboard Ordinance is adopted under the
Zoning Authority of The City of Berkeley in furtherance of the more general
purposes set forth in the Zoning Ordinance.

This ordinance is adopted and hereafter amended pursuant to
71.288, Revised Statutes of Missouri

SECTION 2. DEFINITIONS

(See Section 400.630)

SECTION 3. BILLBOARD REGULATIONS: Permitted

1) New billboards:

- a) No new billboards shall be erected within the political boundaries of The City of Berkeley, except as permitted in this Section.

- b) New billboards may only be erected along Natural Bridge Road, North Hanley Road, and along Interstates 70 and 170, subject to the limits and regulations of this Section
- 2) Height: All billboards shall be no greater than 25 feet in height.
- 3) Size: All billboards shall be no greater than 150 square feet in area. Except for exempted billboards in Section 5, only one billboard shall be permitted on each billboard structure.
- 4) Lighting: In addition to the lighting restrictions of 226.540(1), RSMo. (Supp. 1997), which shall apply to all billboards in The City of Berkeley, no billboard shall be so illuminated that it:
 - Interferes with the safety of aircraft flight in the vicinity of the bill board.
 - Interferes with the use and enjoyment of property of any adjacent land owners.
 - Allows the illumination source to be directly visible from any right-of-way or adjoining property.
- 5) Spacing (All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.):
 - a) Interstate highways and freeways on the federal-aid primary system:
 - i) No billboard shall be erected within two thousand feet of an existing billboard on either side of the highway.
 - ii) No billboard shall be erected within two thousand feet of an interchange, intersection at grade, or safety rest area.
 - b) Non freeway federal-aid primary highways:
 - i) [for Cities and Towns:] Within the limits of The City of Berkeley, no billboard shall be erected within one thousand feet of an existing billboard on either side of the highway.
 - c) Minimum setback: All billboards and billboard structures must be located at least fifty (50) feet from any property line and placed so as not to place a visibility or other hazard to vehicular traffic in the vicinity of the sign.
 - d) Location: Must be located within six hundred sixty (660) feet of the nearest edge of the right-of-way of an interstate or primary highway (as defined by the Missouri Department of Transportation) and the interstate or primary highway must not be a scenic roadway.
 - e) A billboard may only be placed on land zoned, C-2 General Commercial District, M-1 Industrial District, AD/AD-2 Northpark/Airport Districts, and the AF Airport Frontage District.
 - h) No billboard structure shall be erected within two hundred (200) feet of any residentially zoned property, within fifty (50) feet of any existing building, within two hundred (200) feet of any park, playground, school, library, or place of worship, or within fifty (50) feet of an overhead power line.

SECTION 4. BILLBOARD REGULATIONS: Prohibited

The following are expressly prohibited unless specifically stated otherwise in this Ordinance:

- a) Off Premise Billboards, except in Billboard Plazas of designated areas of Special Control.
- b) Animated and Moving Billboards: Off-premise billboards employing movement including, but not limited to, changeable copy signs, pennants, flags, banners, streamers, propellers, discs, and searchlights.

- c) Flashing Billboards: Off-premise billboards that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.
- d) Glaring Billboards: Off-premise billboards employing direct, indirect, internal, flashing, or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the Administrator.
- e) Inflatable Billboards and Objects: Including, but not limited to, balloons.
- f) Roof Billboards: Off-premise billboards which are erected or painted on a roof or which extend in height above the roofline of the building on which sign is erected.
- g) Simulated Traffic Signs and Obstructions: Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street or highway intersection, or extend into the public right-of-way.

SECTION 5. BILLBOARD REGULATIONS: Exempted Signs

The following signs do not require permits or fee payments under Section 9 but must meet the other requirements of the Ordinance:

- a. Traffic control signs.
- b. Traffic flow informational signs.
- c. Directional signs.
- d. Temporary signs.
- e. Safety control signs.

SECTION 6. GENERAL DESIGN AND CONSTRUCTION STANDARDS

All billboards shall be designated, constructed, and maintained in accordance with the following standards:

- a) All billboards shall comply with applicable provisions of the Uniform Building Code and the electrical code of The City of Berkeley at all times.
- b) All billboards regulated by this ordinance shall be constructed of permanent materials and shall be permanently attached to the ground, by direct attachment to a rigid wall, frame, or structure.
- c) All billboards shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

SECTION 7. NON-CONFORMING BILLBOARDS

1. Continuance: Each non-conforming billboard and billboard structure shall be allowed to be displayed for three (3) years from the adoption of this Ordinance, to provide a reasonable opportunity for the owner to benefit from the investment made in the billboard.

2. Removal: Non-conforming billboards and billboard structures shall be removed at the owner's or lessor's expense under the following circumstances:

- a) Not later than three (3) years from the date of the adoption of this Ordinance, if not brought into compliance with this Ordinance.
- b) The billboard is abandoned.
- c) The billboard becomes damaged or dilapidated to 50 % or more of its

physical structure or economic value.

SECTION 8. PERMITS, ADMINISTRATION AND ENFORCEMENT

a. Enforcement Officer: All administration and enforcement of this Ordinance shall be primarily implemented by the designated Code Enforcement Officer (the “Administrator”) in the City of Berkeley Department of Planning and Economic Development. The Administrator shall have the responsibility and full authority to administer and enforce all provisions of this Ordinance, other than those provisions specifically reserved for the authority of The City of Berkeley Council or the Board of Zoning Appeals. However, other staff in the Department will also be prepared to enforce this Ordinance. Anyone who wishes to report a billboard that may be in violation of this Ordinance should do so to the Administrator.

b. Permit Procedure: All billboards, except as otherwise provided in Section 5 of this Ordinance, shall require a billboard permit prior to being constructed, reconstructed, moved, altered, placed, or repaired. Billboard permits shall be issued by the Administrator.

c. Permit Application: All applications for billboard permits for the erection or relocation of a billboard shall be submitted to the Administrator and shall contain or have attached at a minimum the following information in either written or graphic form:

- (1) Application date.
- (2) Name, address, and telephone number of the billboard owner and, if different, the owner of the land on which the billboard will be erected. Address of the property where the billboard or billboard structure will be erected.
- (3) Signature(s) of the billboard owner and, if different, the owner of the land on which the billboard will be displayed.
- (4) Location of the billboard on the property in relation to public rights of way, lot lines, buildings, sidewalks, streets, zoning districts, other existing billboards, and intersections.
- (5) General description of structural design and construction materials of billboard.
- (6) Drawing(s) of the proposed billboard which shall contain specifications indicating height, perimeter, and area dimensions, means of support, methods of illumination if any, and any other significant aspect of the proposed billboard.
- (7) A boundary and sign survey showing the property and the proposed sign.
- (8) Certification(s) from licensed professional engineers that the soil surface is capable of sustaining the proposed load and that the electrical and structural strength of the proposed/actual sign is satisfactory.
- (9) Any other information requested by the Administrator in order to carry out the

purpose and intent of these regulations.

d. Permit Fees: Each application for a billboard permit shall be accompanied by the applicable fees, which shall be established by the governing body of the Municipality from time to time.

e. Permit Application Completeness: Within five (5) working days of receiving an application for a billboard permit, the Administrator shall review it for completeness. If the Administrator finds that it is complete, the application shall then be processed. If the Administrator finds that it is incomplete, s/he shall, within such five (5) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.

f. Permit Issuance/Denial Action: All billboard permits shall be dated and numbered in the order of their issuance. Within ten (10) working days of the submission of a complete application for a billboard permit, the Administrator shall either:

- (1) Issue the billboard permit, if the billboard that is the subject of the application conforms in every respect with the requirement of this Ordinance; or
- (2) Deny the billboard permit if the billboard that is subject of the application fails in any way to conform with the requirements of this Ordinance. In case of a rejection, the Administrator shall specify in the rejection the section or sections of the Ordinance or applicable plan with which the billboard is inconsistent.

g. Inspection Upon Completion: Any person installing, structurally altering, or relocating a billboard for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator shall then conduct an inspection within seven (7) working days. If the construction is complete and in full compliance with this Ordinance and with the building and electrical codes, the Administrator shall affix to the billboard a permanent symbol identifying the billboard and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Administrator shall affix to the billboard the permanent symbol described above.

h. Lapses of Billboard Permit: A billboard permit shall lapse if the billboard is an abandoned billboard, or if the permittee's business license lapses, is revoked, or is not renewed. A billboard permit shall lapse if the use of the billboard is discontinued for a period of one

hundred eighty (180) days or more. A billboard that was constructed or maintained in conformance with a permit under this Ordinance, but for which the permit has lapsed, shall be in violation of the Ordinance.

i. Assignment of the Billboard Permit: A current and valid billboard permit shall be freely assignable to a successor, as owner of the property where the billboard is located or of the leasehold of the billboard, subject to filing such application as the Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

j. Violations: The Administrator, upon finding that any provision of this Ordinance or any condition of a permit issued under this Ordinance is being violated, is authorized to institute legal proceedings to enjoin violations of this Ordinance.

k. Complaints and Revocations: The Administrator shall investigate any complaints of violations of this Ordinance and may revoke a permit if there is any violation of the provisions of this Ordinance or there was misrepresentation of any material facts in either the application or plans.

l. Appeal Procedure: Any person applying for a billboard permit who is denied a permit or disagrees with any ruling by the Administrator may appeal to the City Council. The City Council may review or over turn the ruling, but may not issue a billboard permit. The findings of the City Council are then remitted back to the Administrator.

n. Business Tax: All new and existing billboards subject to this Ordinance shall be taxed at a rate to be established by the governing body of the Municipality, not to exceed two percent of the gross annual revenue produced by the billboard.

o. Expiration of Billboard Permits: If an approved billboard is not erected within a period of 12 months from the date the permit was originally issued, the permit shall expire and become null and void.

p. Fines: A person who violates the provisions of this Ordinance or the conditions of a permit shall be guilty of a civil violation. Each day of the violation constitutes a separate offense subject to a \$100.00 fine. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the local jurisdiction.

q. Illegal Billboards: The Administrator may remove or order the removal at the expense of the billboard owner or lessor of any illegal billboard and any billboard, other than a non-conforming billboard governed by Section 8, not in compliance with the provisions of this Ordinance.

r. Immediate Peril: If the Administrator shall find any billboard which poses an immediate peril to persons or property, the billboard shall be removed. If the Administrator cannot locate the billboard owner or lessor for immediate removal of the billboard, he shall remove or order the removal of the billboard at the expense of the billboard owner or lessor.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. PROTECTION OF FIRST AMENDMENT RIGHTS

Any billboard, display, or device allowed under this Ordinance may contain, in lieu of any other copy, any otherwise lawful, noncommercial message, including any political message, that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Ordinance.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

SECTION 3: This ordinance shall be in full force and effect from and after its passage.

1st Reading this 25th day of September 2023

2nd Reading this 25th day of September 2023

3rd Reading, PASSED and APPROVED, this day of 2023

Babatunde Deinbo, Mayor

ATTEST:

Final Roll Call:

Deanna L. Jones, City Clerk

Councilwoman Verges	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Williams	Aye	___	Nay	___	Absent	___	Abstain	___
Councilman Hoskins	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Anthony	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman Hindeleh	Aye	___	Nay	___	Absent	___	Abstain	___
Councilwoman-at-Large Crawford-Graham	Aye	___	Nay	___	Absent	___	Abstain	___
Mayor Deinbo	Aye	___	Nay	___	Absent	___	Abstain	___

Approved as to Form:
Donnell Smith, City Attorney