

COUNCIL BILL NO. 99-347

ORDINANCE NO. 99-218

AN ORDINANCE

amending Chapter 6, of the Code of Ordinances of the City of Joplin, Missouri by repealing Chapter 6 in its entirely and enacting a new Chapter 6 in lieu thereof and setting a date when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 6, Advertising, of the Code of Ordinances of the City of Joplin, Missouri be repealed and a new Chapter 6, Advertising be enacted to read as follows:

“CHAPTER 6. ADVERTISING”

ARTICLE I. IN GENERAL

Sec. 6-1. Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor. Each day of continuation of violation shall constitute a separate offense.

Sec. 6-2. License for posting or distributing advertisements.

It shall be unlawful for any person within the corporate limits of the city to paint, post, put up or display, in any public place or on any wall, billboard, fence, post, tree, building or other place, publicly distribute, any bill, poster, picture, lithograph, map, plat, sample, sign, or other device or advertisement calling or directing public attention to any show, circus, theatrical performance or other amusement or to any auction of real or personal property or to any object or thing, where the object of such advertisement is to derive profit or gain of any kind, unless such person shall first obtain a license therefor. The provisions of this Chapter shall apply to any church, charitable or education society or institution or political party or any not-for-profit organization unless specifically exempted herein. Nothing herein shall in any way be construed to apply to any notice or advertisement prescribed or required by law, or, in any case, to any notice posted by any lawful officer. The procedure set forth in Chapter 30, Article II Division 1 shall be applicable to and shall govern the application for the license required by the provisions of this Section.

Sec. 6-3. Placing advertisements on building or fence without consent of owner, placing posters on roofs.

No person shall place upon any house, building, wall or fence any notice or advertisement without the consent of the owner of such house, building, wall or fence. No posters shall be placed on the roof of any building.

Sec. 6-4. Use of motor vehicle for purpose of displaying advertising.

No person shall drive or cause to be driven on the streets of the city any motor vehicle or other vehicle containing display advertisements, if such vehicle is used solely for the purpose of advertising.

Sec. 6-5. Tearing down advertisements.

No person shall willfully or carelessly tear, pull or cut down any poster, handbill, card or other advertisement of any bulletin board, wall or other place; provided that this section shall not apply to any poster, handbill, card or other advertisement put up in violation of law, or to advertisements which have served their purpose or are no longer of force or effect.

Sec. 6-6. Noise.

Except in amusement grounds, parks, halls and other places duly licensed in accordance with the ordinances of the city, no person shall make or cause, permit or allow to be made any noise of any kind by crying, calling or shouting, or by means of any whistle, rattle, bell, gong, clapper, hammer, drum, horn or similar mechanical device, for the purpose of advertising any goods, wares or merchandise, or of attracting attention or inviting the patronage of any person to any business whatsoever.

Sec. 6-7--6-30. Reserved.

ARTICLE II. SIGNS

Sec. 6-31. Purpose of article.

The purpose of these regulations are to establish standards for the erection and use of signs, symbols, markings and advertising devices within the City of Joplin. These standards are designed to protect and promote public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating a detriment to the general public.

This Code authorizes the use of signs provided they are:

- (a) Compatible with their surroundings, pursuant to the objectives of property design and zoning amenities;
- (b) Designed, installed and maintained to meet sign user's needs while at the same time promoting an amenable environment desired by the general public;
- (c) Designed, constructed, installed and maintained in such a manner they do not

endanger public safety or traffic safety;

- (d) Legible, readable and visible in the circumstances in which they are used; and
- (e) Respectful of the reasonable rights of other advertisers whose messages are displayed.

Sec. 6-32. Applicability of article.

(a) *Generally.* The provisions of this article shall apply to the construction, erection, alteration, use, location and maintenance of all signs located out-of-doors; to those signs painted on any part of a building; and to those signs placed within a building for the express purpose of being visible from the exterior of the building.

- (b) *Exceptions from article.* The provisions of this article shall not apply to:
 - (1) Temporary decorations or displays located on private property celebrating the occasion of traditionally accepted patriotic or religious holidays.
 - (2) Signs of a truck, bus, trailer or other vehicle while operated in the normal course of a business which is not primarily the display of such signs.
 - (3) Window displays and temporary on-premises signs placed in the windows of any commercial or industrial building.
 - (4) Scoreboard structures in athletic stadiums.
 - (5) Advertising placed within athletic stadiums.
 - (6) Signs permitted by a Special Use Permit issued by the City Council or any special signs or requirements as allowed by the Planning and Zoning Commission in reviewing the plans for the construction of buildings and improvements of grounds in a legally zoned planned district as defined in the zoning ordinance of the City.
 - (7) Any sign erected or maintained by or for any agency of government pursuant to and in discharge of any governmental function or required to be erected as authorized by law, ordinance, or governmental regulation.

(c) *Exemptions from permit requirement.* All provisions of this article shall apply to the following signs, except that permits or permit fees shall not be required for:

- (1) Temporary non-illuminated real estate signs, not more than twelve (12) square feet in area, advertising the sale, lease or rental of the premises on which the sign is located.
- (2) Political signs not exceeding thirty two (32) square feet in area, provided such

- signs shall not be more than five (5) feet in height and shall not be located closer than fifteen (15) feet to the back of curb or edge of street.
- (3) Nameplate signs, not exceeding two square feet in area, accessory to a dwelling.
 - (4) Temporary on-premises signs in conjunction with licensed miscellaneous sales, not exceeding two square feet, and located on private property.
 - (5) Directional on-premises signs, not exceeding three (3) square feet, located within the property lines of the premises and not exceeding thirty six (36) inches in height above the adjacent street grade.
 - (6) Identification and nameplate signs, not exceeding three (3) square feet, that are painted on or attached to the windows, doors or walls of a building.

Sec. 6-33. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“A” Frame Sign means a sandwich board, sidewalk or curb sign that is constructed of solid material on both faces and hinged at the top so as to form an “A” frame.

Animation means any action or motion other than flashing lights, automatic changeable copy or indexing, in an attempt to develop a pictorial scene through the movement of lights or parts of a sign.

Attached Sign means any sign substantially and permanently attached to, applied on, structurally connected to, painted on, engraved on etched on or supported by any part of a building.

Awning means any structure entirely supported by the wall to which it is attached and which has a frame covered by canvas, cloth or other similar temporary material and which can be retracted or rolled or in any other manner moved to the structure by which it is supported.

Balloon, Cold or Forced Air means an envelope of material which, when filled with or is in constant process of being filled with normal atmosphere (hereinafter referred to as “Cold Air”), billows to a point of stretching the envelope to its fullest extension and causing the envelope to provide moderate retention of the cold air forced into it. The envelope shall not be filled with nor contain heated air, helium, or any other gas capable of enabling the envelope for flight of any height or duration. There shall be no exception to this provision. Any such balloon shall be securely anchored with cables or ropes in good condition. Such balloons shall be kept away from overhead wires or lines.

Banner means a temporary paper, plastic, or cloth device hung to attract attention to a business, or special event.

Building Codes means the building code of the city, with the electrical code, plumbing code, fire code and any related codes adopted by the city council and any regulations adopted in conformance therewith.

Business Area means any zoning district designed under the zoning ordinance of the city for office, commercial or industrial use, such zones are zoning districts C-O, C-1, C-2, C-3, M-1, M-2, or any Planned District within those designations.

Canopy means any structure other than an awning, attached to a building or structure, or free standing, and supported independently of that building or structure. Porticos and porte-cochères shall be considered canopies for the purpose of his definition.

Chief Building Official means the chief building official of the city of his designated representative.

Commercial means relating to the sale of goods or services.

Commercial location means any building used for commercial purposes and zoned C-O, C-1, C-2, C-3, M-1, M-2 or any of the planned district overlay zones within each category with single or multiple occupancy or strip commercial center, or mall.

Copy means the letters, figures, characters, representations, pictures or wording on a sign, including any identification, description, symbol, trademark, object, design, logo, illustration or device, illuminated or non-illuminated, which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem or painting designed to advertise, communicate; identify or convey information.

Detached sign means any sign other than an attached sign, including any inoperable vehicle or any trailer located for the primary purpose of advertising.

Directional sign means any sign that serves solely to designate the location of or direction to any premises or area.

Directory board means any sign erected on the premises of a multi-tenant shopping center or strip center that identifies the name of the center and the tenants therein.

Erect means attach, alter, build, construct, reconstruct, enlarge or move.

Flashing light means a continuously intermittent light or sequential light, but not including animation or lighting changes which change the copy of a sign.

Ideological and noncommercial sign means a sign which does not name or advertise a product, service or business, but only expresses a viewpoint, noncommercial message, opinion or idea. This includes commemorative plaques, historic markers, holiday decorations, political signs, political or fraternal flags or emblems, or protective signs which are commonly associated with safeguarding the permitted uses of premises, including but not limited to "vicious dog," "no trespassing," "neighborhood watch," and "authorized parking only."

Lot means a parcel of land under one ownership, designated as a separate and distinct tract and identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

Maximum effective area means the area enclosed by the minimum imaginary rectangle, or combination of contiguous rectangles, composed of vertical and horizontal lines, which fully contains all extremities of the sign.

Nonbusiness area means any area within a residential zoning district AG, R-1, R-2, R-3, R-4 or any planned district overlay zones within each category, as defined in the zoning ordinance of the city, including areas therein where legal nonresidential uses are present.

Noncommercial means relating to public service, religion, charity, ideas or similar items.

Off-premises sign means any sign other than an on-premises sign.

On-premises sign means any sign designating the name of the owner or occupant of the premises upon which the sign is placed, or identifying such premises; or advertising goods manufactured or produced or services rendered on or listing the sale or lease of the premises upon which the entire sign is located.

Permanent sign means any sign that is not a portable sign.

Portable sign means a sign which is easily moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes and which are not fixed permanently to the ground, and which are not an attached, ideological or noncommercial sign, or a sign which refers solely to the sale or lease of the premises.

Political sign means any sign which displays the name of a candidate for a political office or elected position or which encourages the vote for any public issue or question that may be found on the ballot of the next regular or special election.

Poster panel and billboard means an off-premises designed for the application of advertising poster displays or being comprised of a series of connected panels on which the advertising is frequently changed.

Premises means any tract of land, consisting of one or more lots, under single or multiple ownership, which operates as a functional unit. When developed, premises shall also possess one or more of the following criteria:

- (1) Share parking
- (2) Common management.
- (3) Common identification.
- (4) Common access.
- (5) Shared on-site traffic or pedestrian circulation.
- (6)

Projecting sign means an on-premises sign suspended from or supported by a building or structure and project therefrom a distance exceeding one foot from the face of the building or structure to which it is attached.

Sight triangle means a sight distance triangle as described in the zoning code of the city.

Sign means any device, flag, light, figure, picture, letter, word, message, symbol, plaque or poster visible from outside the site on which it is located and designed to inform or attract the attention of persons not on that premises, excluding those lights and landscape features which display no words or symbols, works of art which display no word or additional symbols, and temporary holiday decorations.

Sign structure means any pole, post, strut, cable or other structural fixture or framework necessary to hold or secure a sign, providing that the fixture or framework is not imprinted with any picture, symbol or work using characters in excess of one inch in height, and is not internally or decoratively illuminated.

Street grade means the highest altitude of the street vertically under any portion of the sign or its supports.

Street line means the dividing line between the street and the abutting property. This shall mean the property line between the street right-of-way and the adjacent property.

Temporary sign means any sign, flag, banner, pennant or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, which is not permanently secured, intended to promote or provide information concerning a sale, event or activity which is occurring or shall occur on the property where the sign is displayed. A portable sign shall not be deemed to be a temporary sign.

Sec. 6-34. Notice of violation.

The chief building official shall identify any signs that are illegal or endanger the public safety, such as abandoned, dangerous, or materially, electrically or structurally defective signs or a sign for which no permit has been issued. The chief building official shall prepare a notice which

shall describe the sign and specify the violation involved, and which shall state that, if the sign is not removed or the violation is not corrected within a specified time, not less than ten (10) days, a complaint will be filed with the municipal court. The notice shall be mailed by certified mail or delivered to the owner and/or occupant of the property on which the sign is located, and if the owner of the sign is known, the notice shall also be mailed by certified mail or delivered to the owner of the sign.

Sec. 6-35. Permit.

(a) *Required.* Except as otherwise provided in this article, it is unlawful for any person to erect, alter, relocate, create by painting or maintain a sign within the city without first obtaining a permit from the chief building official.

(b) *Application.* Application for a permit required by the provisions of this article shall be made to the chief building official. Such application shall be accompanied by plans and specifications for the sign as required by this article, and a description of the location of the sign, as necessary to fully advise the chief building official of the construction of the sign.

(c) *Issuance.* If the plans and specifications accompanying the application for a permit required by this article shall be in accordance with the provisions of the city's building code, the chief building official shall issue such permit.

(d) *Display of permit number on sign.* No sign shall hereafter be erected unless a label permanently affixed thereto shall be clearly and visibly displayed at all times indicating the number of the permit issued therefor.

(e) *Expiration.* Every sign permit issued by the chief building official shall become null and void if work on the sign is not commenced within 180 days from the date of such permit. If work authorized by such permit is suspended or abandoned for 90 days after the work is commenced, the sign shall be considered abandoned unless a new permit shall be first obtained to proceed with the work on the sign and the fee will be one-half the original fee, provided that no changes have been made in the original plans. No permit shall be renewed more than once.

(f) *Submission of plans.* Every applicant for a sign permit shall file with the application a plan showing the height of the sign from the street grade to the top of the sign, the height of the bottom of the sign from street grade, a view of the sign showing the total effective area and copy, the setbacks from all street lines and property lines, and the type and size of all support structures.

(g) *Fees.* The fee for the erection of any sign, except portable signs, shall be as follows:

(1) For attached signs the fees shall be \$2.00 per square foot of the total effective area up to a maximum of \$50.00.

(2) For detached signs and billboards the fee shall be \$50.00 per sign.

(h) *Fees for portable signs.* All portable signs shall have a permit with a unique number assigned and permanently affixed to the sign. The permit fee for portable signs shall be paid annually in the amount of \$50.00 per sign. Each portable sign shall be levied and inspection fee of \$10.00 on each occasion it is moved to a new location or moved within the property where originally set. The owner of the sign and the operator of the sign business shall be jointly and severally liable for all applicable fees. The city shall have the power to sue the owner of the sign or the owner of the sign businesses in a civil action and receive any such sums due, plus a reasonable attorney's fee to be fixed by the Court.

(i) *Denial, suspension or revocation.* The chief building official may, in writing, suspend, deny or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a misstatement of fact, fraud or noncompliance with this article. When a sign permit is denied by the chief building official, he shall give written notice of the denial to the applicant, together with a

brief written statement of the reason for the denial. Such denials shall have referenced the section of the sign code or other pertinent code used as a standard for the basis of denial.

Sec. 6-36. Activities exempt from permit requirement.

The following activities shall not require the issuance of a sign permit:

(a) Changing of the copy describing products or services on an existing permitted sign which is specifically designed for the use of manually or automatically changeable copy, including billboard panels and posters, but not including changes in the structure, size, placement or location of the sign.

(b) Maintenance, including repainting, refurbishing, cleaning or other normal repair of a sign not involving structural changes.

Sec. 6-37. General standards.

The provisions of this section shall apply to all signs in the city, without regard to their classification as a business or nonbusiness sign.

(a) *Permitted signs generally.* All signs are prohibited except as allowed by this article.

(b) *Signs in or over public property.* No sign other than government signs shall be allowed which is located within or projects over any public property, including the right-of-way, except where the building is located on or within three feet of the property line. In no instance shall a sign project beyond a vertical plane six inches inside the curb line from any building, and the bottom of such sign shall not be less than ten (10) feet above the highest level of the ground under the sign at the sign's lowest point. In the case of awnings, the bottom of such awning shall be at least seven (7) feet above the highest level of the ground and any signs attached or a part of said awning shall be placed no closer to the ground than seven (7) feet.

(c) *Signs in parking spaces.* No sign shall occupy a parking space necessary to satisfy minimum off-street parking requirements.

(d) *Prohibited signs.* The following signs are prohibited:

- (1) Signs that concern unlawful activity.
- (2) Signs that employ any searchlights or strobe lights without specific permission from the city council.
- (3) Signs that may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, by reason of their size, location, movement, content, coloring or manner of illumination.
- (4) Signs that hide from the view of those to whom the device is directed any traffic or street sign or signal or similar device.
- (5) Signs that are temporary, except as specifically allowed in this article.
- (6) Banners except as permitted in a manner allowed in Section 6-38 Portable Signs.

(e) *Illumination.* Illuminated signs shall be designed, located and constructed to eliminate or significantly reduce glare, and shall not increase the lighting intensity upon adjoining premises not under the same ownership and control. This means that external lighting, such as floodlights, thin line and goose neck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of any street or any adjacent property and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

(f) *Maintenance.* No person shall maintain or allow to be maintained on any premises owned or controlled by that person any dangerous or defective sign. All signs, together with all their supports, braces, connections or anchors, shall be kept in good repair. Unsafe signs, damaged or deteriorated signs, or signs in danger of breaking apart or falling shall be removed or repaired by their owner. Any fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect, shall be corrected upon written notice by the chief building official.

(g) *Compliance with building code.* All signs shall be erected or affixed and maintained in compliance with the current building codes of the city of Joplin.

(h) *Sight triangles.* For every driveway and entrance, there shall be a sight triangle for each corner of the intersection of the driveway and the street. Within this sight triangle only directional signs less than 36 inches in height above street grade will be allowed; however, a

permanent sign may be erected in the sight triangle if the sign is at least ten feet above street grade at its lowest portion except for supports, which may not exceed one foot in width or diameter and shall be spaced not less than ten feet apart and not less than teen feet from any other stationary object.

(i) *Ideological and noncommercial signs.* Any sign permitted under this article may contain ideological or noncommercial copy in lieu of any other copy. No ideological sign shall exceed twenty (20) square feet in size.

Sec. 66-38. Portable signs.

(a) Portable signs, balloons, "A" frame signs, banners, and temporary signs shall be allowed in zoning districts C-O, C-1, C-2, C-3, M-1 and M-2 only. Banners shall be permitted as follows:

(1) One (1) banner per commercial location shall be permitted in lieu of a portable sign as permitted by this Section.

(2) No banner shall be larger than sixty (60) square feet.

(3) No banner shall be permitted except when affixed on a building at a commercial location.

(4) Fees:

A. Fees for one (1) banner location shall be \$50.00 for each location and \$10.00 per banner affixed to that location hereafter.

(b) Portable signs shall be set back from all side lot lines at least ten (10) feet and at least twenty (20) feet from the face of a curb or edge of a paved surface of any public roadway within any zoning district, including zoning district C-2. In no case shall a portable sign be permitted on public property or right-of-way.

(c) There shall be one (1) portable sign allowed for each commercial location, regardless of size of the number of occupants.

(d) All signs described in paragraph (a) above, shall only display information concerning a commodity, service or entertainment conducted, offered, sold or manufactured on the premises where the signs are placed.

(e) All portable signs requiring electrical connections shall be inspected and comply with the electrical code of the city.

(f) All portable signs shall be suitably anchored or reasonably secured and maintained in a physically safe and complete manner. No sign shall be permitted to remain that is abandoned, dangerous, or materially, electrically or structurally defective, unsafe or is not properly anchored.

(g) No portable sign shall exceed forty-eight (48) square feet in size or eight (8) feet in height above the surrounding grade.

(h) No portable sign shall be permitted flashing, chasing or any other external light. All lighting for portable signs shall be from an internal source.

(i) No lettering will be permitted to extend beyond the frame, cabinet or exterior border of the sign.

(j) A permit in accordance with Sec. 6-35 shall be required for each portable sign.

(k) Upon request of the Director of Public Works, the owner of the sign, operator of the sign business or the owner, general agent or other responsible party of the building or premises where any sign has been set, shall within twenty four (24) hours of receipt of notice, move any sign which in the opinion of the Director of Public Works creates a traffic hazard notwithstanding anything contained herein. The owner of the sign or operator of the sign business shall not be required to pay the inspection fee as described in Section 6-35(h) for any sign moved to a different location within the same business location if said move resulted from a request by the Director of Public Works.

(l) Nothing in subsection (d) above shall apply to any sign defined in subsection (a) above used for the purpose of advertising any special event or activity conducted by any not-for-profit group or organization. Proof of said not-for-profit status and information about the special event or activity shall be provided to the Director of Public Works prior to setting any sign or beginning any advertising. In no event shall a not-for-profit organization begin advertising any such activity or event, utilizing the above described signs, prior to fourteen (14) days before the beginning of such event or activity. All such signs shall be allowed to remain during the event or activity except that no such advertising shall continue for more than a total of twenty-one (21) days all inclusive. All such signs shall be removed within forty-eight (48) hours after the conclusion of the event or activity.

(m) The owner of the sign, owners of the sign business or the owner, general agent or other responsible party of a building or premises where a violation of any provisions of this section has been committed, shall exist or has been maintained, having been found guilty or having pled guilty of such violation shall be punished as provided by Section 1-5 of the Joplin Municipal Code.

Sec. 6-39. Signs in business areas.

(a) *General Standards.* The provisions of this subsection shall apply to all permanent signs in business areas as defined in this article. The business areas in the city of Joplin are property in zoning districts C-O, C-1, C-2, C-3, M-1, M-2 and the planned district overlay zones for each category.

- (1) Flashing lights or animation on signs in business areas shall be placed at least ten feet above street grade.
- (2) On-premises signs and off-premises signs are allowed in business areas. Off-premises detached signs shall conform to the standards for on-premises signs, with the following exceptions:
 - a. The setback of all detached signs shall be as follows:
 1. Signs that are at least ten (10) feet above grade measured from the bottom of the sign to the nearest street grade shall provide a front yard setback of at least five (5) feet measured from the street or property line (not back of curb or edge of pavement.)
 2. Signs that are less than ten (10) feet above grade measured from the bottom of the sign to the nearest street grade shall provide a front yard setback of at least ten (10) feet measured from the street or property line (not back of curb or edge of pavement.)
 - b. Poster panels and billboards shall conform to the following standards:
 1. No poster panel or billboard shall be erected in any zoning district R-1 through C-1, as defined in the zoning ordinance of the city, without first obtaining a special use permit from the city council in conformance with the provisions of the zoning code.
 2. No poster panel or billboard may be erected any nearer than 500 feet on the same side of the street or nearer than 300 feet on the opposite of the same street to another poster panel or billboard. The measurements in this subsection shall be the minimum distances between sign faces measured along the nearest edge of the pavement between points directly opposite the signs along the street, whether on the same side of the street or on opposite sides of the same street. Poster panels or billboards that are located in areas where this method of measurement is not practical shall maintain a distance of 500 feet measured from the nearest edge of the sign to the nearest edge of the proposed sign.
 3. No poster panel or billboard shall be erected any nearer than 100 feet to any zoning district R-1 through C-1, as defined in the zoning code of the city, without a special use permit. Such distance shall be measured from the nearest point on the proposed sign to the nearest point on the zoning district boundary.
 4. Any poster panel or billboard shall be set back from the nearest property line or street (not back of curb or edge of pavement) at least ten (10) feet. Such distance shall be measured from the nearest point of the sign to the nearest property or street line.

5. The maximum height of any poster panel or billboard shall be 45 feet above the street grade. The minimum distance from the ground level at the base of the sign to the bottom of the sign face shall be ten (10) feet.
6. The maximum effective area for any poster panel or billboard shall be 672 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 15% of the maximum sign area allowed. Any poster panel or billboard in excess of 672 square feet must have the size and location approved by the Board of Zoning Adjustments.
7. In no case shall the panels of any poster panel or billboard containing more than one panel per side be permitted to be stacked one above the other.

(b) *Detached signs.* Detached signs are allowed in business areas with the following provisions:

- (1) Every premises shall be allowed one on-premises sign for every 150 feet of frontage along any street and one additional sign for corner lots.
- (2) Every premises shall be allowed one off-premises sign in conformance with the provisions of this article.
- (3) Each premises with frontage on any street shall be allowed one permanent detached sign.
- (4) The maximum effective area for any detached business shall be 200 square feet.
- (5) Each detached sign shall not exceed a maximum of 45 feet in height above street grade.
- (6) Signs that are at least ten (10) feet above grade measured from the bottom of the sign to the nearest street grade shall provide a front yard setback of at least five (5) feet measured from the street or property line (not back of curb or edge of pavement.)
- (7) Signs that are less than ten (10) feet above grade measured from the bottom of the sign to the nearest street grade shall provide a front yard setback of at least ten (10) feet measured from the street or property line (not back of curb or edge of pavement.)
- (8) Each detached sign shall not be erected any closer than ten feet to any power line, such distance to be measured by projecting a vertical line along the nearest edge of the sign to the nearest point on the power line, the equipment connected thereto, or its supporting structures.

- (9) No detached sign shall be located closer than ten (10) feet to an adjacent or side lot line, and in no case shall a detached sign be located closer than twenty-five (25) feet to an adjacent sign.
- (10) For each premises that may contain multiple occupancies, one additional detached sign may be erected indicating the occupants of that premises (directory board), but in no case shall it be located nearer than ten (10) feet to the street line (not back of curb or edge of pavement) or adjacent property lines. A directory board shall be not larger than two hundred (200) square feet in maximum effective area.
- (11) Signs not exceeding 30 square feet and not exceeding six feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on the premises. No other advertising or the name of the vendor shall be allowed on the sign. No activity shall have more than one such sign per street front. In no case shall such sign be freestanding, except that where a freestanding pole sign exists and is allowed, such sign may be attached to the pole sign support in addition to the sign thereon supported. In no case shall a sign so supported have a distance of less than ten feet from the ground below as measured from the bottom of the fuel sign to the nearest grade.
- (12) Each business location shall be permitted one pedestrian bench with advertising on the backrest. However, no pedestrian bench shall be permitted on a public street or sidewalk. Benches shall be located on private property only.

(c) *Attached signs.* Attached signs are allowed in business areas in accordance with the following provisions:

- (1) Each business shall be allowed wall signs on any wall. These signs shall extend no further than 18 inches from the wall. A wall sign is a sign in a parallel plane to and attached, installed, painted, engraved or etched upon a structure's wall, awning, canopy, marquee, parapet, sunshield, window, door or similar item. Wall signs do not include signs on the inside or outside of windows.
- (2) The total effective area of all wall signs allowed for a business shall be calculated based upon the lineal footage of each wall having a frontage on a street. If the business has frontage on any street, the effective area shall not exceed three square feet per lineal foot on the wall length.
- (3) Premises may have a roof sign only if the premises do not have a detached or projecting sign. A roof sign is any sign erected upon, against or directly above a roof. The lower edge of a roof sign shall be at least six feet above the surface of the roof. Roof signs shall be set back from the outside walls of the building no less than four feet, and no part of the sign shall extend beyond any wall. The methodology used to determine the total effective area allowed for detached signs shall be used to calculate the total effective area allowed for roof signs.

- (4) A business may have a projecting sign only if the building is set back less than three feet behind the property line and has no other attached or detached signs. A projecting sign is a sign which is attached to and project from a surface of building face. Where a business frontage would allow the use of two or more detached signs, a projecting sign may be substituted for one of the detached signs. Projecting signs shall have a minimum clearance of ten (10) feet above the highest level of the ground under the sign at the sign's lowest point and shall not exceed 30 square feet in total effective area. Projecting signs shall not project more than four feet from the face of the building, and in no case shall be closer than six inches to the back of the curb. V-shaped signs shall not project more than 36 inches from the building.
- (5) Where a building houses more than one activity, one attached sign shall be permitted per public entrance, provided that not more than one attached sign shall be used per portion of the building facade occupied by the activity.

(d) *"A" Frame Signs.* In zoning category C-2 (Downtown Business District) one "A" frame sign shall be permitted for each business with the following provisions:

- (1) One "A" frame sign shall be permitted on the sidewalk in front of the business being advertised. The sign must be set at least one (1) foot from the curb and must not block foot traffic. No "A" frame sign shall be permitted that restricts the passable sidewalk width to less than sixty (60) inches.
- (2) The sign is allowed to be placed on the sidewalk during daylight hours only. No sign may be left on the sidewalk overnight.
- (3) All "A" frame signs must have some thematic writing that is consistent with architecture of the building or business being advertised, may have a chalk or reader board, but may not have changeable lettering.
- (4) No "A" frame sign may be larger than two (2) feet wide and four (4) feet high.

Sec. 6-40. Signs in nonbusiness areas.

(a) *General standards.* The following provisions shall apply to all permanent signs in nonbusiness areas being in zoning categories AG through R-4:

- (1) Dwelling units in single-family or duplex zoning districts shall be allowed to utilize any nonbusiness sign described in section 6-32, but shall not be allowed to display any other sign.
- (2) Flashing lights and animation are not allowed.
- (3) Only on-premises signs are allowed.

- (b) *Detached Signs.* Detached signs are allowed in nonbusiness areas as follows:
- (1) For any premises containing a multifamily use, there shall be permitted one detached sign. Premises with more than 750 feet of frontage along a public street may have one additional detached sign, provided that a minimum of 300 feet of separation is maintained between signs and a minimum setback of 25 feet from adjacent property lines maintained for both signs.
 - (2) Each detached sign shall be set back from the street line (not back of curb) a minimum of ten (10) feet. Each detached sign of 35 square feet in total effective area or 15 feet in height above the street grade shall be set back twenty (20) feet from the street line (not back of curb.) No detached sign shall exceed 50 square feet in total effective area or 25 feet in height above street grade.
 - (3) For every church there shall be allowed one detached sign of not more than 50 square feet in effective area indicating activities and services therein provided and being not more than 25 feet in height.

Sec. 6-41. Legal nonconforming signs.

Any sign which was lawfully erected or affixed prior to January 10, 2000 and which sign complied with all regulations in force at the time it was erected or affixed, but which fails to conform to all applicable regulations and restrictions of this article, shall be considered a legal nonconforming sign. A legal nonconforming use shall not include sign structures, ballasts, standards, foundations or bolts used before January 10, 2000, to support the structures for previously existing signs. A legal nonconforming sign may be continued for a period of ten (10) years and may be continued and shall be maintained in good condition, but shall not be:

- (a) Structurally altered, except to meet safety requirements, so as to prolong the life of the sign.
- (b) Altered so as to increase the degree of nonconformity of the sign.
- (c) Expanded.
- (d) Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 75 percent of the appraised replacement costs at the time such damage occurred.
- (e) *Abandoned or discontinued.* Abandonment or discontinuance occurs whenever:
 - (1) The sign, for a continuous period of eight (8) months or more, advertises services or products no longer available to the traveling public because the services or products have been discontinued or cannot be obtained at the destination or by the directions indicated on the sign; or

- (2) The sign, for a continuous period of eight (8) months or longer, is maintained without an advertising message. The following signs are signs maintained without an advertising message: a sign with a message which is partially obliterated so as not to identify a particular service or product, a sign which is blank or painted out, or a sign with a message consisting solely of the name of the sign owner on any part of the sign."

Section 2. That the provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Council of the City of Joplin would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

Section 3. That this Ordinance shall become effective on January 10, 2000.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 20th day of December, 1999.

Earl S. Carr
Mayor

ATTEST: Barbara Hogelin, City Clerk

APPROVED AS TO FORM: Chuck Brown, City Attorney