

(Summary published in The Haysville Times on October 27, 2016.)

On October 24, 2016, the City of Haysville, Kansas adopted Ordinance No. 1036 authorizing amendment of Chapter 16B, Article 2, regarding placement of signs within the City of Haysville, Kansas. A complete copy of this ordinance is available at <http://haysville-ks.com> or at City Hall, 200 W. Grand, Haysville, Kansas. This summary certified by Alison McKenney Brown, City Attorney.

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1036

AN ORDINANCE AMENDING THE SIGN CODE OF THE CITY OF HAYSVILLE, KANSAS, DELETING EXISTING PROVISIONS 16B-200 THROUGH 16B-216, AND ADOPTING NEW PROVISIONS 16B-200 THROUGH 16B-221, INCLUDING TWO ILLUSTRATIVE APPENDICES.

WHEREAS, The City of Haysville, Kansas is authorized to adopt regulations associated with the health, safety, and welfare of the community, and

WHEREAS, The placement, use and structural quality of privately owned signs and other advertising and identification devices require regulation to 1) protect the general public from damage and injury, 2) prevent the obstruction of traffic visibility and confusion with traffic control devices, and 3) preserve the visual quality of signs to support economic development within the City.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYSVILLE, KANSAS:

Section 1: Adoption of Sign Code Ordinance. The following Sign Code ordinance is adopted as follows:

- 200 TITLE** This document shall be known as the Sign Code of the City of Haysville, Kansas. It may be referenced herein as “this Sign Code”, “this Code”, or “these Regulations.”
- 201 PURPOSE** The primary purpose and intent of this Code is to establish a comprehensive system to regulate signage in a legal and reasonable manner that promotes economic vitality, public safety and ensures compliance with constitutionally protected First Amendment rights. The Code seeks to reduce subjectivity often encountered in the regulation of signage that is either based on aesthetics or lacking in substantiation by providing a set of quantitative and researched-based criteria to support restriction on signage that take into account minimum scientific requirements for providing signage that meets generally accepted safety standards for visibility, legibility and conspicuity.

These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signage have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
- B. To allow and promote positive conditions for sign communication;
- C. To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;
- D. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway; and
- E. To ensure that the constitutionally guaranteed right of free expression is protected.

202 APPLICATION All legally established signs existing on October 27, 2016 and all signs displayed hereafter, which are located on property within the corporate limits of the City of Haysville ("City"), now or hereafter established, shall be subject to the provisions of this Code.

203 GENERAL PROVISIONS

A. Message Neutrality.

This sign Code is created to establish a framework for a comprehensive and balanced system of content and viewpoint neutral regulation of Signs to facilitate communication between people while protecting the First Amendment rights of individuals and businesses and preserving and improving the quality of the city's environment by avoiding visual clutter harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the City's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. To the extent that any provisions of these regulations are content-based, they are intended to further compelling governmental interests, including but not limited to:

- 1. To allow the City and other governmental entities and utilities to erect or post traffic signs, signals, directional signs, and other warnings to protect vehicular and pedestrians without being subject to regulation, and/or
- 2. To allow property owners to post public interest signs to protect the safety of others, such as "no trespassing", "home security system", "roofer at work on property", "neighborhood watch", or "beware of dog", and those legal notices required by court order or directive, all without being subject to regulation.

B. Regulatory and Administrative Interpretations.

Interpretations of this Sign Code are to be made initially by the Zoning Administrator. The Zoning Administrator may refer an interpretation question to the Administrative

Committee. All interpretations of this Code are to be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this Sign Code, or when a sign does not qualify as a “structure” as defined in the building code as adopted by the City, then the Zoning Administrator, or Administrative Committee, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Sign Code, in light of the policies stated in this Sign Code.

C. Message Substitutions.

Subject to the private property owner’s consent, a Constitutionally protected noncommercial message of any category or content may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any favoring of commercial speech over non-commercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. Message substitution is a continuing right which may be exercised any number of times. The substitution right applies to the sign owner and to any other message sponsor displaying any image on the sign with the owner’s consent.

D. Rules for Non-Communicative Aspects of Signs.

All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., shall be enforceable independently of any permit or approval process.

E. On-Site/Off-Site Distinction.

Within this Code, the distinction between on-site (or on premise point-of-sale) and off-site (or off-premise non-point-of-sale) applies only to commercial speech messages.

F. Owner Consent.

No sign may be displayed on real or tangible personal property without the consent of the legal owner of the property on which the sign is mounted or displayed.

G. Sign Rights and Duties.

All of the rights, duties and obligations relating to all sign structures which are attached to real property, real or personal, and arising from this Code, attach to and travel with the land or other property on which that sign is mounted or displayed.

H. Safety Codes.

In addition to the requirements of this Code, all signs displayed in the City must comply with all requirements for public safety including all applicable safety codes, such as, but

not limited to, building, plumbing, electrical, mechanical, and fire codes. No sign may be illuminated via an extension cord providing electric power from a source separate from the sign structure.

I. **Other Law.**

All signs displayed in the City must comply with the requirements of this Code and the requirements of all other applicable law.

J. **Obscene Matter.**

It shall be unlawful for any person to display upon any sign or other advertising structure or work of art any material (words, scenes or graphics) that are obscene, indecent, immoral or harmful to minors as defined within the meaning of K.S.A. 21-6401, as amended.

K. **Permit Requirement.**

It is illegal to display any sign within the limits of the City without a sign permit, unless the particular sign is expressly exempted from the permit requirement by a section of this Code.

L. **Severance.**

If any section, sentence, clause, phrase, word, portion or provision of this Code is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, that holding shall not affect, impair or invalidate any other section, sentence, clause, phrase, word, portion or provision of this Code and shall be given effect without the invalid portion. In adopting this Code, the Governing Body affirmatively declares that it would have approved and adopted the Code even without any portion that may be held invalid or unenforceable.

M. **Indemnification.**

The City of Haysville, its officers, agents, and employees shall be held harmless against any and all claims resulting from the erection, alteration, relocation, construction, or maintenance of any signs legally allowed or permitted by this Sign Code.

204 PROHIBITED AND EXEMPT SIGNS

A. **Prohibitions.** The following signs shall not be allowed pursuant to the terms of this Code:

1. Abandoned, dilapidated or blighted signs;
2. Signs painted on or attached to trees, rocks, other natural features, utility poles or other unapproved supporting structures which are maintained, owned, or leased by any governmental entity.
3. Portable signs and signs placed on vehicles or trailers parked outside of marked stalls or lawful parking spots. (See § 211(g)).

4. Signs erected or displayed in public rights-of-way, utility easements and/or within the sight triangle at intersections, as defined in Section 221 of this Code, except in conformance with K.S.A. 25-2711 and 204(B)(5) below.

B. Exemptions.

These exemptions shall apply only to the requirement for a permit and shall not relieve the owner of such sign from the responsibility erecting and maintaining such sign in a safe condition. The following signs shall be exempt from permitting:

1. Flags, pennants, and emblems not to exceed thirty-five (35) feet in height. Pole height shall be measured from the average base elevation of all adjacent property surface grades to the top of the pole. If pole is placed on top of an existing or newly established elevated surface grade (both artificial and natural surfaces) the Zoning Administrator shall survey the area before making a determination;
2. People signs, name plate signs.
3. Holiday signs or decorations.
4. Freestanding/Yard signs not exceeding eight (8) square feet in area.
5. Structures resembling a sign which are clearly displayed as art, and not for informational purposes, within a residential zone may be exempted from this Code, within the discretion of the Zoning Administrator. An example of a sign used for artistic purposes includes a pole containing a faux railroad crossing sign sited within a flowerbed located in a residential front yard. The faux railroad crossing sign is clearly not advising of a railroad crossing, but is being utilized for artistic interest. Signage within commercial districts may only be designated as serving a primary artistic purpose, rather than informational purpose, at the discretion of the Administrative Committee.
6. Political signs notifying the public of the name of a political candidate and/or information concerning a political campaign of any nature posted during the election period in conformance with K.S.A. 25-2711 and § 204(B)(5) below may be temporarily exempt from selected portions of this section if placed in conformance with the following:
 - a. No political sign shall be placed or erected in or on any private property without the express permission of the owner or occupant of such property. By accepting placement of a political sign upon property one owns or controls, property owner and/or occupant agrees to abide by the regulations of this Code and K.S.A. 25-2711.
 - b. No political sign shall be placed within the City beyond the election period as set forth in K.S.A. 25-2711 which extends from forty-five (45) days before any election until two (2) days after any election.
 - c. No political sign shall be located:
 1. between the street and any sidewalk;
 2. in a manner that blocks access to a curb cut or ADA access point;

3. within four feet of a roadway, as measured from the curb.
 - d. No political sign placed within six feet of the roadway shall exceed the following size: eighteen (18) inches in height as measured from the ground to the finish height of said sign and twenty-four (24) inches in width as measured from the widest part of each side of said sign.
 - e. Should any sign, which is placed in a public easement, be damaged due to maintenance of utilities in that easement, or mowing or maintenance of the easement or the public right of way itself, by the City or others, the cost for repairs or replacement of said sign shall be borne by the sign owner.
 - f. During an election period, signage placed outside the permitted sign placement areas as described herein, of either roadway rights of way or easements, may be removed and disposed of without notice to the owner.
 - g. During an election period, Public Works employees may, but are not required to, remove and replace or relocate signs further back in the right of way to perform maintenance work within the right of way area.
7. Plaques, plates, tablets, or cornerstones when cut or carved into a masonry surface or when made of incombustible material and made an integral part of the building or structure.
 8. Traffic, wayfinding, safety, directional, warning or information signs sanctioned by the City, the State of Kansas, or the United States of America.
 9. Official notices authorized by a court, public body, or public officer.
 10. Signs notifying the community of matters of communitywide interest, not limited to signs owned or controlled by the City, may be approved by the Administrative Committee.
 11. Temporary double-sided and A-Frame (also known as Menu Board) type freestanding signs advertising for an adjacent business or public institution. The size of the sign shall not exceed 32 inches wide and 48 inches tall above the adjacent sidewalk. The sign shall be located on private property where the advertised business exists. The sign shall not be located in a public right-of-way. No sign shall be placed on any public sidewalk or Bicycle/Pedestrian Path. One sign shall be permitted per business or public institution. Signs shall not be illuminated, contain any digital display, and shall not be displayed during non-business hours. Signs displayed during non-business hours will be subject to the removal and storage regulations in Section 220. Signs shall be constructed of durable, sturdy material (no banners, flags, streamers, balloons, or other moving parts) and shall be maintained in good repair.
 12. Window signs not exceeding seventy-five percent (75%) of window coverage, that do not prevent visibility by safety services into that portion of the commercial enterprise open to the public.
 13. Planned Unit Development. Signs located within a Planned Unit Development (PUD or CUP) shall be determined by the Zoning Administrator. Due to the zoning standards

and site development standards of a PUD/CUP, these Sign Regulations may be waived by the Administrative Committee as deemed appropriate to the PUD/CUP development. Alternative standards may be imposed upon the signs placed in a PUD/CUP development as deemed necessary by the Zoning Administrator. Additional regulations imposed upon signs placed within a PUD/CUP shall be set forth upon the PUD/CUP plat, the sign permit, development agreement, or such other document as appropriate, and accessible to all potential purchasers within the PUD/CUP.

14. Fireworks Sales. All signs associated with the sale of fireworks pursuant to a valid fireworks sale permit issued by the City shall be in conformance with this Code, unless a standard is waived by the Zoning Administrator or Administrative Committee due to the limited sales period associated with fireworks.

205 PERMITTING

A. Permit Required.

Except as provided in Section 204 of this Code, no sign shall hereafter be erected or constructed except as provided by this Code and until a permit has been issued by the Zoning Administrator. Application for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator and shall include such information as deemed necessary for a complete understanding of the proposed work. A double permit fee shall be charged for failure to make application for a sign permit as required.

B. Application; Submittal Location.

Application for a Sign permit shall be made in writing by the land or business owner, or a licensed installer with written approval of the land or business owner. By signing the application the land or business owner accepts lawful responsibility for constructing, installing, maintaining, and removing such sign in conformance with the terms of this Code. All applications must be submitted to the office of the Zoning Administrator, Haysville City Hall, 200 W. Grand Avenue, Haysville, KS 67060.

C. Application Requirements.

An application for a sign permit shall be made in writing upon an application form promulgated by the Zoning Administrator. Such application shall include:

1. The name and address of the land owner of site of sign structure;
2. The name and address of the business owner associated with sign structure, if different from the land owner;
3. Identification of the party claiming ownership of the sign structure;
4. The name, address, and business license number of the sign contractor;

5. The location by street address and zoning district of the proposed sign structure;
6. The dimensions of the proposed sign structure’
7. Description of any existing signage that will remain on the site;
8. Identification of the type of sign/signs to be erected by the applicant;
9. Description of materials to be used in construction of the proposed sign;
10. Site plan depicting the locations of proposed signage and existing remaining signage, and engineer’s stamped approval as applicable; and
11. Two (2) copies of a scaled drawing of the proposed signage.
12. Applications for electronic message signs shall be accompanied by the following information:
 - a. Specifications from the sign manufacturer providing the maximum nit (or equivalent) rating of the sign;
 - b. Information from the sign manufacturer indicating the type of dimming control that will be provided with the sign to ensure the sign is appropriately dimmed at night; and
 - c. A signed letter from the property or business owner for whom the sign is being installed that acknowledges the property or business owner's agreement to abide by Sign Code regulations governing dimming of the sign at night.

D. Application Review Time.

Upon submission of the written application, the Zoning Administrator shall have ten (10) business days to review the application for a sign permit. If the Zoning Administrator requires additional information the applicant will be notified during this ten (10) day period. A permit to proceed shall be issued upon approval of the Zoning Administrator if the application for a permanent or temporary sign complies with the regulations contained in this Code. A final permit to lawfully maintain a sign is issued in conformance with 205(K).

E. Permit Expiration.

Permanent Sign permits shall not expire provided permit information has been kept current, and the sign’s design structure has not changed, become dilapidated, or become a blight. A new sign permit will be required in association with substantial repair or replacement of any permitted sign (i.e., repairs valued at more than 50% of the replacement value of the damaged sign). A new sign permit will also be required if the information upon the permit, as provided upon the application or any subsequent update, is allowed to lapse or become outdated for longer than thirty (30) days. Temporary Sign permits shall expire thirty (30) days following the date of approval from the Zoning Administrator.

F. Ownership. The party claiming ownership of the sign structure is designated the holder of the sign permit (“Permittee”) for purposes of this Code.

1. The owner of the land/site upon which a sign structure is built accepts responsibility for the continued conformance with City Code of all structures located upon such land/site. If such sign structure should devolve into a blight or nuisance requiring abatement by the City, the costs of such abatement will be assessed back to the owner of the land/site upon which the sign structure was located.
2. The owner of the business associated with the sign structure may be designated the owner of the sign structure. The owner of the sign structure in most cases will be the permittee, with legal responsibility for maintaining the sign structure in conformance with this Code and other applicable building and zoning Codes of the City.
3. The Permittee is required to maintain updated information on file with the City, including identification of a local contact if other than Permittee, current phone number(s), and mailing address for the identified property owner and Permittee.
4. Temporary signs shall be deemed under the ownership and control of either the individual identified by information contained upon the sign, the owner of the business advertised by the sign, or the owner of the property address advertised by the sign, or the property owner where such sign is posted.

G. Engineer Approval.

The Zoning Administrator may require that a licensed engineer approve the structural design of the sign, including any attachments or proposed attachments.

H. Number of Signs per Application.

One application and permit may include multiple signs on the same lot, when such lot is under a single ownership and within a single zoning district.

I. Maintenance and Operation.

Applications for permanent or temporary signs shall become the permit to maintain and operate the sign upon completion of construction of such sign, and valid signature upon such application indicating approval of the sign by the Zoning Administrator as described below.

J. Sign Responsibility.

The property owner and Permittee shall be the primary party(ies) to whom notice of any violation shall be sent. Such notice shall be sent to the addresses provided within the application/permit, and shall be sent by regular mail. See also Section 220 below regarding Enforcement.

K. Inspection.

1. Upon completed assembly of the sign the permittee shall request inspection of the sign by the Zoning Administrator.

2. The Zoning Administrator shall conduct an inspection for the purpose of verifying that the sign is in compliance with the requirements of the sign permit, all provisions of this Code, and all other applicable codes.
3. Prior to the inspection of a freestanding sign, the Zoning Administrator may require the applicant or sign contractor to locate and identify on site all property lines adjacent to the sign for the purpose of verifying the sign's location in relation to such property lines.
4. If the sign fails to pass the required inspection, the applicant shall correct any items deemed out of compliance with the application, this Code, or any applicable code of the City. The applicant shall seek re-inspection and approval by the Zoning Administrator within ten (10) business days of such failed inspection. Failure to bring the sign structure into compliance shall be deemed a violation of this Code, and a nuisance, and may be abated in conformance with the City's Nuisance Abatement Code.
5. The Zoning Administrator may regularly re-inspect all signs or other advertising structures regulated by this Code, to verify continued compliance with the terms of the permit, this Code, or any applicable code of this City.

L. Alterations.

A sign which was erected before the adoption of this Code shall not be rebuilt or relocated without complying with the requirements set forth herein. Section 217.

M. Number, Date and Voltage.

Every permitted sign or other advertising structure must display in a conspicuous place the date of erection, the permit number and the voltage of any electrical apparatus used. The Zoning Administrator may, but is not required to, provide a means of displaying this information so as to comply with this Code.

N. Permit Not a Defense to Nuisance.

No permit for a sign issued under this Sign Code shall be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in an action to abate a nuisance.

O. Permit Revocable.

The Zoning Administrator may 1) revoke any permit in conformance with Section 218 of this Code, 2) stop work at any sign construction site, 3) order the removal of any sign, or 4) abate any sign:

1. When there is a violation of any of the provisions of this Code or any other ordinance relating to signs;
2. When the continuance of any work becomes dangerous to life or property;
3. When there is any violation of any condition on which the permit was based;

4. When, in the opinion of the Director of Public Works, the person having charge of construction of the sign code has demonstrated incompetence to construct a sign that conforms to the standards of this Code or any other applicable Code of the City;
5. When any false statement or misrepresentation has been made on the application on which the issuance of the permit was based, or upon information supplied to the City to update the information associated with the Permit;
6. When the owner has failed to maintain a sign in conformance with this Code;
7. When the owner has changed the zoning upon the lot to make a sign nonconforming to the new zoning district standards.

The notice to stop work or order for removal of a sign shall be as set forth in Section 219 of this Code

P. Application Denial Notification.

An application for a sign permit may be denied by the Zoning Administrator if the application fails to comply with the standards contained in this Code. The Zoning Administrator shall inform the applicant in writing of the reasons for denying the application for sign permit. Such written statement shall be mailed to the address provided by the applicant upon the application.

Q. Application Resubmittal.

Upon denial of an application for a sign permit, the applicant shall have fifteen (15) business days to revise and resubmit the application to the Zoning Administrator. These fifteen days include five days to receive the mailing and ten days to resubmit.

206 ADMINISTRATIVE VARIANCE Upon determination by the Zoning Administrator that an application for sign permit does not comply with the requirements of this Code, the applicant may request review of the proposed sign by the Administrative Committee to determine if such sign proposal is eligible to be permitted pursuant to an administrative variance. An applicant must submit to the Administrative Committee an application for an administrative variance upon such form as promulgated by the Administrative Committee, which will include both the original application for sign permit and such other documentation as deemed relevant to review of the request for variance. Upon receipt of such variance application from the applicant, the Administrative Committee will review such application to determine whether to grant an administrative variance to allow for the construction of a sign, permanent or temporary, which does not comply with the requirements established in Sections 209 and 210 of this Code. Such review will conform to the hearing procedures as established by that body.

An administrative variance will be granted if the applicant demonstrates the following criteria:

- A. The application of the terms of this Code substantially limit the applicant's ability to put the property to its highest and best use;

- B. Neighboring property owners would not be detrimentally harmed by the grant of the variance; and
- C. The hardship suffered is unique to the property and was not created by the applicant for the variance.

It shall be relevant to the determination of the suitability of a variance of this Sign Code to the siting of any sign within the City that a zoning variance has/have not been made applicable to such site.

The applicant will be notified in writing of the decision of the Administrative Committee, including any additional conditions upon which approval of the sign code variance has been made contingent.

207 SIGN PERMIT FEES A permit fee as set forth within Chapter 17 of the Haysville Municipal Code shall be assessed in association with each application for a sign permit filed with the City.

The fees established within Chapter 17 shall be for each sign permitted. Signs denoting a business name or a general business type, or both, in a single sign category as established by this Code, shall be considered a single sign for purposes of a sign permit fee.

Additional signage for symbols, logos, insignias and specific goods and services shall be considered individual signs for purposes of a sign permit fee. **Any applicant requesting a permit to install a sign with either internal or external lighting will be required to purchase an electric permit in addition to a sign permit fee.** If a permit is requested for signs in different categories, whether for one or more businesses, the full cost for the permit in each category shall be charged. Signs in which the architecture will be modified are requ

208 SIGN CONTRACTOR’S LICENSE AND INSURANCE A sign may not be erected, altered, relocated, constructed, or maintained without a valid contractor’s license and all required state and federal licenses. Those holding contractor’s licenses must have a current certificate of insurance on file which indemnifies the City for any form of liability. All electric signs should be constructed according to the technical standards of the currently adopted electrical code. Temporary signs are not required to obtain a contractor’s license nor insurance.

209 ILLUMINATION STANDARDS

- A. Digital/Electronic message sign shall not emit light directly upon any residential use;
- B. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver’s operation of a motor vehicle;

- C. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
- D. A sign in any district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.
- E. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.
- F. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
- G. Signs do not constitute a form of outdoor lighting at night, and are exempt from any other outdoor lighting regulations adopted by the City.
- H. No electronic message sign shall be erected or installed without dimming controls to ensure the sign is appropriately dimmed at night. Acceptable dimming controls include automated light sensing devices (photocells) and/or programmable controls that are set by the user to automatically dim the sign at night. Generally, the maximum nighttime brightness and/or light intensity shall not exceed 3,000 nits (or equivalent). For electronic message signs that have a maximum brightness and/or light intensity of 3,000 nits or less (or equivalent), dimming controls shall not be required.
- J. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in a residential zoning district, or in the "NO" Neighborhood Office district, "GO" General Office district, "NR" Neighborhood Retail district, "OW" Office/Warehouse district, or the "IP" Industrial Park district.

210 PERMANENT SIGN REGULATIONS Permanent signs include, but are not limited to the following types of signs: advertising murals, awning signs, electronic message centers, ground signs, light pole signs, multi-tenant signs, projecting signs, roof signs, and wall signs.

A. General Requirements.

- 1. All signs shall require a permit.
- 2. See fee schedule in Chapter 17 for all applicable fees.

3. Signs shall be completed within ninety (90) days of permit issue date. Upon expiration a new application must be submitted, and assessed all applicable fees. A thirty (30) day extension may be granted by the Zoning Administrator, for good cause shown.
4. Permanent signs may not be erected or displayed in the public right-of-way, easements, attached to utility poles or within the sight triangle at intersections.

B. Sign Size

1. Establish the letter height: Determinations as to the appropriateness of letter height shall be made on the basis of the formula established below:

$$LH = \frac{\sqrt{(LN \times 12 - 6 + LO)^2 + (1.47 \times SL \times VRT)^2}}{LI}$$

LH = Letter height for signs oriented perpendicular to traffic flow, inches.

LN = Total number of lanes on the roadway, including the median or two-way left turn lane if present. If the two-way left turn lane or median is wider than 12 ft., then the distance should be increased to account for the wider median.

LO = Lateral offset to the center of the sign from the edge of the roadway, feet.

SL = Roadway speed limit, mph.

VRT = Viewer Reaction Time, seconds.

LI = Legibility index, ft/in. The recommended legibility index is 30 ft/in.

2. Single Letter Area: Determine the Single Letter Area by squaring the letter height in inches to obtain the area occupied by single letter and its adjoining letter space. This total is divided by 144 to obtain the Single Letter Area in square feet.
3. Copy Area: Determine Copy Area by multiplying the Single Letter Area in square feet with the total number of letters plus area of any symbols in square feet.
4. Total Sign Area: Determine Total Sign Area by multiplying the Copy Area by 2.5 (Sign Area × 2.5).
5. The sign size standards in this code are designed for static, traditional signs. Variations from this standard will be permitted by variance upon the applicant's production of evidence showing that circumstances require deviation from this standard to enhance the visibility, conspicuity, and legibility of the sign.
6. Sign Angle: The visibility and legibility of signs is improved when the sign is situated at an angle 20 degrees or greater to the traffic flow because scientific research indicates

that attempts to improve the efficiency of the sign by varying these requirements are unlikely to make up for efficiency losses caused by reducing the angle below 20 degrees. A sign that is perpendicular to the direction of traffic has an angle of 90 degrees. Wall signs are excluded from the sign angle requirement.

7. Minimum sign size shall be a function of speed (mph) and viewer reaction time (sec), as more fully detailed in the table below. This table is based on the following assumptions:

Road Speed	Environment	Letter Height (in)	Sign Area (ft ²)
30	Simple	11	53
	Complex	15	98
45	Complex	22	210
	Multilane	25	271
60	Complex	32	444
	Multilane	36	563

- a. A legibility index of 30 ft/in is used for all road speeds and sign applications.
- b. The number of letters in a sign is 25 for speeds of 30, 45, and 65 mph. The sign is all text with no symbols or graphics.
- c. The sign is oriented perpendicular to the direction of traffic.
- d. The center of the sign is located 20 ft. from the edge of the road.
- e. The road has 4 lanes and no median.
- f. Sign height is rounded to the nearest whole inch and sign area is rounded to the nearest whole square foot (up or down as appropriate).

8. Sign Height: The maximum sign height is the distance to the top of the sign to ensure that the entire sign is located within the driver’s visual field. Maximum sign height is a function of the vertical angle, letter height, and legibility index of a sign. The table below determines maximum sign height based on a legibility index of 30 ft/in.

$HT_{MAX} = TAN\theta \times LH \times LI + HT_{DRIVER}$
<p>HT_{MAX} = Maximum sign height to the top of the sign, ft.</p> <p>θ = Vertical viewing angle, degrees.</p> <p>LH = letter height, inches.</p> <p>LI = Legibility index, ft/in.</p> <p>HT_{DRIVER} = Eye height of the driver, typically assumed to be 3.5 ft.</p>

9. Secondary Copy: Secondary copy may be included on signs provided that it covers less than fifty percent (50%) of the copy area available for primary copy and that the letter height is no less than one-half (1/2) the size permitted for primary copy.

C. Advertising Murals.

1. Mural may be located on primary façade with Administrative Committee approval
2. Mural limited to unfinished façade, and void of windows or doors.
3. Changeable copy and electronic messaging is prohibited.
4. Murals may be illuminated in conformance with this Code.
5. Permits authorizing murals have no time limit for expiration.
6. Mural installation and anchoring cannot harm the architecture of the building.
7. Mural shall be well maintained, including removal of graffiti, repainting faded or illegible sections, and replacing damaged sections of the building underlying such mural.

D. Awning Signs.

1. An organization which inhabits a structure with accessible street frontage shall be permitted to erect awning signs.
2. Awning signs may be illuminated.

3. Awning signs must have a minimum clearance of eight (8) feet from the bottom of the sign to the grade below.
4. The size of the text on the awning sign shall be based on the requirements set forth in Section 210(B)(1) of this Sign Code.

E. Electronic Message Centers (EMCs).

1. Definition. Such displays may include messages that are static, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display and may include video displays.
2. Applicable Zoning. Only static electronic message centers may be erected in residential areas. All types of electronic message centers shall be permitted in areas designated for commercial and industrial activities.
3. No electronic message sign shall be erected or installed without dimming controls to ensure the sign is appropriately dimmed at night. Acceptable dimming controls include automated light sensing devices (photocells) and/or programmable controls that are set by the user to automatically dim the sign at night. Generally, the maximum nighttime brightness and/or light intensity shall not exceed 3,000 nits (or equivalent). For electronic message signs that have a maximum brightness and/or light intensity of 3,000 nits or less (or equivalent), dimming controls shall not be required.

F. Ground (Pole or Pylon) Signs.

1. One ground (pole or pylon) sign is permitted for each structure with accessible street frontage.
2. Ground (pole or pylon) signs are permitted in lieu of roof and projecting signs.
3. Ground (pole or pylon) signs may be internally or externally illuminated.

G. Light Pole (Support Pole) Signs.

1. Light pole signs not interfere in sight triangle or roadway visibility.
2. Light pole signs shall not exceed eight (8) square feet in total visible area.
3. Light pole signs must be attached to a light pole or support pole.
4. Light pole signs may have internal and external illumination in conformance with illumination standards set forth within this Code.
5. EMC's may be installed on light or support poles with Administrative Committee approval.

H. Multi-tenant Signs.

1. One per three hundred lineal feet of street frontage multi-tenant commercial sign shall be permitted per business complex.

4. Projecting signs must have a minimum clearance of 8 feet from the bottom of the sign to the grade below.
5. Projecting signs may be located no closer than 10 feet to each other.

K. Roof Signs.

1. An organization which inhabits a structure with accessible street frontage shall be permitted to erect one roof sign as a permanent sign.
2. Roof signs may be internally or externally illuminated.
3. Roof signs shall be setback a minimum of three feet from the edge of the exterior wall on which the sign is located.

L. Wall Signs.

1. A permit may be obtained to erect multiple wall signs on each wall facing a street, parking lot, or public right-of-way, excluding those walls abutting single or multifamily residential land uses. Such wall signs shall meet the letter height and sign size requirements set forth in Section 210 based on the speed of the facing roadway. The total area of all wall signs on such a wall shall occupy no more than fifty (50) percent of the total wall area.
2. Wall signs may be internally or externally illuminated in conformance with these Regulations.

211 TEMPORARY SIGN REGULATIONS Temporary signs include, but are not limited to the following types of signs: balloon signs, banner signs, blade signs, portable message centers, projected image signs, and vehicle signs.

A. General Requirements.

1. A permit is required for all signs, see exemptions.
2. See fee schedule in Section 207 for all applicable fees.
3. Each business is entitled to display seven (7) temporary signs per calendar year.
4. Temporary signs permits are valid for thirty-five (35) days. At the end of the thirty-five (35) days temporary signs must be removed and are required to wait a seven (7) day period before applying for another temporary permit.
5. Except in accordance with exemptions as set forth with 204(B)(4) of these Regulations, a temporary sign may not be erected or displayed in the public right-of-way, easement, attached to utility poles or within the sight triangle at intersections.
6. Temporary signs may not be used as permanent signs.
7. All temporary signs shall have the erection/placement date marked on the bottom right hand corner of all signs. Failure to mark the date may result in abatement of such sign/sign structure in conformance with these Regulations.

8. All Retail promotional signs must have the sale dates marked above the permit issue date located on the bottom right hand corner. The Zoning Administrator shall approve such method of documentation.

B. Balloon (Inflatable) Signs.

1. May be illuminated in conformance with these Regulations.
2. Must be located entirely upon the site for which the permit is issued, and shall not extend or expand onto neighboring properties when impacted by the wind or other elements.
3. Shall not be located in the public right-of-way, easement, under utility poles, under utility lines, or in a location that may result in such balloon sign obscuring the vision of operators of moving vehicles upon either public streets, driveways, or other lawful traffic way.
4. Must be attached to ground or structure in a manner that prevents any part of such balloon from moving more than three (3) feet at the base under any circumstance.
5. Must meet all applicable building and electrical codes.
6. Shall not exceed thirty (30) feet in height from grade or forty-five (45) in height when tethered to the roof or a structure.
7. Commercial balloon signs shall be located in accordance with all applicable Federal Aviation Administration regulations.
8. Any gas used in commercial balloon signs must be noncombustible.
9. Commercial balloon signs shall be fire retardant.
10. Commercial balloons signs shall be located no closer than the height of the commercial balloon plus ten feet from any electric power transmission line.
11. Commercial balloon signs must be anchored and/or tethered in accordance with the commercial balloon sign manufacturer's recommendations.
12. Commercial balloon signs must be deflated and properly secured when wind speeds exceed forty miles per hour or the manufacturer's maximum wind speed, whichever is less.

C. Banner Signs.

1. May not have specific illumination.
2. Shall meet the sign size requirements provided in Section 210 based on the speed of the facing roadway.
3. Shall be permissible without regular sign permit for sixty (60) days following the first day of operation of any new/relocated business within the City. New businesses and businesses that relocate within the City shall be issued an interim permit valid for sixty (60) days. Such interim permit is separate from the allowable seven (7) temporary sign permits per business site per calendar year.

D. Blade (Feather) Signs.

1. May not have specific illumination.
2. Each temporary sign permit for blade sign shall allow one (1) per fifty (50) feet of street frontage not to exceed three (3) per street frontage.
3. May not exceed thirty (30) feet in height.

E. Portable Message Centers.

1. Meet the sign size requirements defined in Section 210 based on the speed of the facing roadway.
2. Adhere to illumination standards set forth within these Regulations.

F. Projected Image Signs.

1. Shall meet the sign size requirements defined in Section 210 based on the speed of the facing roadway.
2. Shall adhere to illumination standards in Section 209.
3. May not project onto any building without the written consent of the building owner?

G. Vehicle (Wheeled and Trailer) Signs.

1. Vehicles may display signs upon the sides or back in conformance with applicable vehicle operator standards.
2. Vehicle signs may be painted, wrapped or applied in the form of a banner.
3. Vehicle signs may not be illuminated.
4. Vehicle signs do not include:
 - a. Vehicles actively involved in construction work both upon or in service to the site;
 - b. Vehicles delivering products when parked in designated loading areas or parking stalls;
 - c. Vehicles parked in designated truck parking areas of business park districts that have been screened from or are not generally visible from the public right of way; or
 - d. Passenger vehicles, pick-up trucks and vans sized to fit within a standard parking space, containing signs of a commercial nature with signs magnetically affixed or permanently affixed upon the doors or integral side body panels.
 - e. Vehicles in motion bearing signs are outside the scope of this Code, but governed by applicable traffic safety laws.

H. Grand Opening and/or Closing Signs. Commercial entities conducting Grand Opening events in association with a new/relocated business or conducting an event associated with the closing/relocation of a business are permitted to obtain permit allowing for the concurrent

use of all Temporary Signage including: balloon (inflated) signs, banner signs, blade (feather) signs, portable message centers, projected image signs, and vehicle (wheeled and trailer) signs. Grand Opening and/or Closing Permits are valid for thirty (30) days. See fee schedule in Chapter 17 for all applicable fees.

212 OFF-PREMISE SIGNS Off-premise signs shall be permitted under the following conditions:

- A. Each sign must complete the permit application and approval procedure. A separate fee shall be remitted for each sign. A surcharge of twenty-five percent (25%) of the fee amount for such sign type is applicable to all off-premise signs due to the increased cost of monitoring and administration.
- B. Each sign is may only advertise a single commercial entity.
- C. Each sign must have the approval of the property owner of the site where the sign is to be located. Such sign will be counted toward that site's total number of permissible signs and the total allowable sign square footage for that location. No more than two (2) off-premise signs per commercial entity may be displayed within the City at any time.
- D. Off-premise signs may not be illuminated, banners, pennants, moving signs, portable signs, balloons, or other inflatables.
- E. Off-premise signs within the City of Haysville may advertise only commercial entities licensed to operate within the City of Haysville.
- F. Any structural modification, repair, or upgrade to existing off-premise signs shall comply with the sign size standards in Section 210.
- G. Any structural modification, repair, upgrade or upgrade to existing off-premise signs shall comply with the illumination standards in Section 209.

213 TEMPORARY DEVELOPMENT SIGNS

- A. **Development Sign.** A temporary sign placed upon a site where a development/future development is occurring denoting the commercial contributors to such development project, including architects, engineers, contractors, subcontractors, lending institutions, landscapers, irrigation contractors, or other related business (not to be all-inclusive).
- B. **Residential Subdivision.** A development sign(s) not exceeding one hundred (100) square feet in total surface area placed in a residential subdivision during the initial sales and development of the subdivision. The sign(s) shall be located a minimum of twenty-five (25) feet from any public right-of-way, and shall be removed within twenty (20) business days after completion or occupancy of the last residence within the development. The sign(s)

shall include a site map of the residential subdivision layout when such development exceeds two (2) acres.

- C. **Residential Development.** One development sign may be placed upon a building site of a residential structure or within a residential area. Such wall signs shall meet the letter height and sign size requirements defined in Section 210 based on the speed of the facing roadway. The sign shall not exceed sixty-four (64) square feet in surface area for a lot or lots greater than one acre. The sign shall be removed within twenty (20) business days after completion or any occupancy of the structure.
- D. **Commercial or Industrial Development.** One development sign may be placed upon a building site of a commercial or industrial development area. Such wall signs shall meet the letter height and sign size requirements defined in Section 210 based on the speed of the facing roadway. The sign shall not exceed sixty-four (64) square feet in surface area for a lot or lots greater than one acre. The sign shall be removed within thirty (30) days after completion or any occupancy of the structure.

214 SIGN MAINTANENCE All signs, including noncomplying and abandoned signs, must be maintained in a condition which is safe and conforms to the sign’s permit.

- A. All signs, together with all their supports, braces, connections, anchors and any appurtenance thereto shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the owner or person in charge thereof in a safe, clean, sanitary and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish and weeds.
- B. Any crazing, fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect shall be corrected within thirty (30) days upon notice by the Zoning Administrator. Signs not repaired within the time provided within the notice shall be subject to abatement.

215 DAMAGED, UNSAFE OR BLIGHT SIGNSThe Zoning Administrator shall require the immediate repair or removal of sign or sign structure which has been damaged or deteriorated so as to become a public nuisance, hazard or blight. A sign or sign structure may be repaired to restore it to its original condition without obtaining a new sign permit. Reconstruction or replacement of a sign requires obtaining a new sign permit. A licensed electrician is required if a power source or electrical components of any sign are to be repaired or replaced and permit issued for these repairs.

216 ABANDONED SIGNS Any sign which *no longer* advertises an operational commercial entity, or a product or property available for rent, lease, or sell, shall be removed, turned around so that the blank side is visible, or updated to reflect a new entity or product permissible for advertisement upon such sign within seven (7) days of such entity or product becoming commercially unavailable.

In the event a commercial space is no longer occupied the property owner may use an existing lawfully permitted sign/sign structure to advertise the space for rent or sale until such time the building is occupied.

To retain a valid permit for such sign, the Permittee or property owner shall notify the City of any changes to the information associated with such permit within thirty (30) days of such sign having been abandoned.

217 NONCOMPLYING SIGNS Any sign that is not in compliance with the provisions of this Code, the Haysville Zoning Code, or any applicable building Code shall be deemed a noncomplying sign. All noncomplying signs shall be allowed to continue until such time that the original Permittee abandons the sign, and the land owner abandons the sign or fails to maintain a valid permit for such sign.

Noncomplying sign faces shall be changed as needed so long as size and configuration remain as originally permitted. Sign structures may be repainted as needed, and normal replacement of sign faces, lamps, ballasts, and timers may take place without bringing the sign into compliance with current codes.

If structural alteration or replacement of a sign is deemed necessary by the Permittee or the City, such Permittee shall apply for a new sign permit. Any sign structure modified at a cost exceeding 50% of the replacement cost of the sign is deemed to have been structurally altered or replaced, and must be immediately brought into compliance with these Regulations and all applicable codes.

218 ENFORCEMENT OFFICER It shall be the duty of the Zoning Administrator, or a designee, to enforce the provisions of this Code and to refuse to issue any permit for any sign or sign structure that would violate any of the provisions hereof. In carrying out the provisions of these Regulations, the Zoning Administrator is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this Code, including, but not limited to:

- A. To enter upon and inspect properties and premises to detect, confirm or investigate reported or actual violations of this article at any reasonable hour;
- B. Seek orders from a court of competent jurisdiction for the purpose of entering upon premises or property when such officer, when exercising the power and authority vested in such officer by this Code, has been denied entry to premises or property when engaged in the performance of such officer's duties under this Code;
- C. Receive such reports, complaints and petitions as may be provided for by these Regulations; and
- D. To order in writing the remedying of any condition found to exist therein or be in violation of any provision of this Code

219 REMOVAL OF NUISANCE SIGNS (ABATEMENT)

- A. Any abandoned, dangerous, defective, illegal or prohibited sign or sign structure as defined by this Code is hereby declared a nuisance pursuant to 7-401(g) of the Municipal Code of Haysville, Kansas.
- B. After having provided notice to the Permittee, Sign Owner or Land Owner ("**Responsible Party(ies)**") of such nuisance, the Zoning Administrator is hereby authorized to abate any nuisance sign which has not been brought into conformance with the requirements of this

Code, any applicable City Code, or the applicable permit, or filed a notice of appeal to the Administrative Committee, all in conformance with all applicable provisions of Chapter 7, Article 4. Appeals of the decision of any administrative officer issued pursuant to this Code shall be heard by the Administrative Committee.

- C. When the Zoning Administrator determines that any sign or sign structure constitutes an immediate health or safety hazard, the Zoning Administrator shall inform the Mayor, Chief Administrative Officer, or the Director of Public Works, and request review of the determination as the status of immediate hazard. Upon confirmation of that determination by any of those three named City Officials the Zoning Administrator is authorized to take immediate action to secure the property, up to and including removal of such sign or sign structure. The removal of a dangerous or defective sign may be made without prior notice, in accordance with those provisions set forth in Chapter 7 of the Municipal Code of Haysville, Kansas.
- D. Any temporary sign placed on private property in violation of any provision of these Regulations may be removed and impounded by the Zoning Administrator. The Zoning Administrator shall prepare a notice and specify the violation involved, including a statement that if the sign is not removed or the violation not corrected within seventy-two (72) hours, the sign shall be impounded. This notice shall be served upon the owner or agent of such sign and where possible, upon the occupant of the property where the sign is located. Any sign impounded pursuant to this section shall be retained by the enforcement officer for a period of ten (10) days, after which it may be disposed of in any manner deemed appropriate by the City. Such sign may be recovered by the owner within thirty days upon payment of a service charge as set forth within Chapter 17.
- E. During an election period, signage placed outside the permitted sign placement areas as described within Section 204 of this Code may be removed and disposed of without notice to the owner. During an election period, Public Works employees may, but are not required to, remove and replace or relocate signs further back in the right of way to perform maintenance work within the right of way area.
- F. Any sign removed by the Zoning Administrator may be disposed of in any reasonable manner approved by the City.
- G. Part of removal and abatement of any nuisance is removing the menace and danger to the health of the community. Thus, the responsible parties shall take any and all action necessary to make the premises safe. In the event the responsible parties fail to abate the entire nuisance or unlawful sign as prescribed by this Code, or in abating the nuisance or unlawful sign creates another menace or danger to the community, the Zoning Administrator may proceed to make the site safe, and such costs shall be included as costs of this action. Such costs may be included as damages within a criminal action, damages within a civil or administrative action, or levied as a special assessment against the property.

220 VIOLATIONS OF CODE, APPLICABLE FINES, ABATEMENT PROCEDURES, APPEAL

- A. **Enforcement Measures.** Violation of any provision of this Code shall be deemed a nuisance and may result in either criminal and/or administrative enforcement action. Additionally, the City shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of these Regulations and to abate nuisances maintained in violation thereof. In the event that any structure is proposed to be erected, constructed, altered, converted, occupied, or maintained in violation of these Regulations, any appropriate authority of the City may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, occupation, or use or to correct or abate such violation. All remedies shall be cumulative.
- B. **Administrative Action; Notice to Abate; Proof of Compliance.**
1. The Zoning Administrator shall provide written administrative notice to a *Responsible Party* that a sign or sign structure exists in violation of this Code. Such notice shall be served by certified mail, return receipt requested, or by personal service, door hanger, conspicuously posting notice of such order on the property, personal notification, communication by telephone, or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. All administrative notice provided pursuant to this section shall include those provisions set forth in in 7-407 of the City's Nuisance Code.
 2. If within five (5) days after the compliance date as set forth with the administrative notice as required by section 7-407 the *Responsible Party* neglects or fails to comply with the directives contained in the notice, and such *Responsible Party* fails to timely file a notice of administrative appeal, the Zoning Administrator shall abate the nuisance in conformance with the provisions of Chapter 7, Article 4 of the Municipal Code of Haysville, Kansas. This provision shall also apply if the *Responsible Party* neglects or fails to comply with any decision of Administrative Committee within either five (5) days, or such other time as determined by the Administrative Committee.
 3. If/when a *Responsible Party* provides proof to the Zoning Administrator of the completion of required corrections or the abatement of the violations as described within the notice provided, and the Zoning Administrator approves the corrections or abatement actions, the administrative action shall be deemed completed, and no further administrative action will be taken.
 4. Upon the issuance of a third administrative notice of violation, the Zoning Administrator may revoke the permit authorizing such sign. Once a permit has been revoked, a *Responsible Party* must apply for a permit to reinstate the use of the sign, or to install a complying sign in replacement of a noncomplying sign. A sign maintained without a valid permit is deemed abandoned. An abandoned sign maintained for more than thirty (30) days is subject to abatement.

C. Uniform Complaint and Notice to Appear.

1. In addition to, and separate from, administrative action, the Zoning Administrator is hereby authorized to issue to any party operating, maintaining, causing, permitting or allowing a sign to be in violation of any provision of this Code, a uniform complaint and notice to appear in municipal court charging such violation of the applicable section of this Code.
2. Violation of any provision of this Code shall be an unclassified misdemeanor subject to the general penalty provision adopted by this City.
3. The City shall not be precluded from otherwise abating the nuisance during the pendency of the criminal case through administrative or civil action.
4. Any person convicted pursuant to this Code shall also be assessed court costs and mailing costs as provided by Chapter 17 of the Municipal Code of Haysville, Kansas. Costs of both temporarily making the nuisance condition safe and abatement may be sought by the City and ordered by the court as either additional costs of the action or as restitution, as applicable.

D. Appeal of Administrative Decision.

1. Any person may appeal a determination of the Zoning Administrator, or any designee, by filing with the City Clerk of the City a notice of appeal requesting a hearing. The City Clerk shall schedule a hearing before the Administrative Committee as soon as practicable.
2. If a recipient of an administrative notice of violation makes a request for hearing to the city clerk prior to the end of the compliance period provided within such notice, then the City Clerk shall schedule a hearing before the Administrative Committee as soon as practicable.
3. If the enforcement officer who issued the decision from which the appeal is being taken usually sits upon the Administrative Committee, such official shall recuse themselves upon the record from participating in the decision of the Administrative Committee and shall take no further part in such action except such individual may be called to provide evidence as a witness.
4. If the nuisance condition is deemed by the compliance officer to represent an immediate menace or danger to the health of the inhabitants of the community, such nuisance condition shall be made safe by either the party responsible for the property, or the City, regardless of the timing of the hearing. Costs of such temporary action shall be additional costs of this nuisance abatement action.
5. At the hearing, the Administrative Committee shall hear all evidence submitted by the appealing party and other parties in interest in the property upon which the nuisance is situated and all evidence submitted by the City. The hearing provided for in this section need not be conducted according to formal rules of evidence.

6. The Administrative Committee shall prepare a written description of findings and an appropriate order. The order shall be sent by certified mail, or delivered via in person delivery, to all parties with a legal interest in the property within five (5) days of the conclusion of the hearing, unless otherwise stated at the hearing. The Administrative Committee's order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the Administrative Committee. If abatement is ordered, the order shall also fix a reasonable period of time, not more than ten (10) days from the date the Order was rendered, to complete the abatement of any nuisances found by the Administrative Committee, and a statement that if the appellant or Responsible Party fails to complete the abatement, the Zoning Administrator shall cause the nuisance to be removed and abated in compliance with this Code, incorporating Chapter 7, Article 4 of the Municipal Code of Haysville, Kansas.
 7. The determination by the Administrative Committee shall be a final order of the City, and appeals of this action may be taken as allowed by law.
- E. **Appeal to the District Court.** The determination by the Administrative Committee shall be a final order of the City, and appeals of this action may be taken as allowed by law. Such appeal shall be filed within 30 days of the final decision of the Administrative Committee. A decision of the Administrative Committee shall be deemed final the day such decision is rendered.

221 DEFINITIONS. All terms used within this Code not otherwise defined herein shall be defined in accordance with the Zoning Code of the City of Haysville, Kansas. If not defined herein or within the Zoning Code of the City, such terms shall be defined as appropriate within the context such term is used.

Abandoned Sign: A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 30 days. Abandonment includes signs which are non-commercial in nature when the content of the sign pertains to a time, event or purpose in which the event has concluded. Finally, abandonment includes conduct associated with failure to maintain a valid permit.

Administrative Committee: A review committee comprised of the Mayor, Chief Administrative Officer, Public Works Director, and Economic Development Director. The Administrative Committee also serves as the Appeals Committee for any appeal of an action by an enforcement officer pursuant to this Code.

Animated Sign: A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display. (See Appendix A, Example W)

Awning Sign: A building mounted sign that provides additional functionality as shelter. (See Appendix A, Example A)

Balloon Sign: An on-premise, temporary sign that is inflated and exceeds five (5) square feet in area, as measured at the largest cross-section, designed to advertise a specific product or service sold, produced or conducted on the premises, on which advertising copy, logos, symbols or

emblems may or may not be printed, painted or attached. Commercial balloon signs may be tethered or mounted to a structure or the ground.

Banner: A temporary sign made of fabric or other non-rigid material with or without enclosing framework. (See Appendix A, Example B)

Blade Sign: A type of projecting sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the normal flow of traffic.

Changeable-Copy Sign: A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system. (See Appendix A, Example F)

Channel Letter: A fabricated or formed three-dimensional letter that may accommodate a light source. (See Appendix A, Example O)

Cone of Vision: The area that is clearly visible to a driver, generally described as a “fan-shaped envelope” preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver. (See Appendix B, Example A)

Complying Sign: A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

Conspicuity: The capacity of a sign to stand out or be distinguishable from its surroundings and thus be readily discovered by the eye. It is the noticeable contrast between a sign and its background, attributed to an exogenous (unplanned) or endogenous (planned) mindset, with the display having features that attract attention to the sign.

Contrast: The difference or degree of difference in the appearance of adjacent surfaces, such as light and dark areas, different colors, or typefaces, and graphics appearing on various backgrounds.

Copy: The words and/or message displayed on a sign.

Copy Area: That area which displays the actual copy on a sign.

Development Sign: A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development. (See Appendix A, Example AD)

Directional Sign: Signs designed to provide direction to pedestrian and vehicular traffic. (See Appendix A, Example P)

Dissolve/Appear: A mode of message transition on an Electronic Message Center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Easement (Utility Easement): An area of land designated to meet a community need, to provide a service to the community, or to allow for access to the service, including, but not limited to: 1)

poles that support overhead electric lines, and the electric lines, 2) telephone and cable television lines, 3) underground electric, water, sewer, telephone, and cable television lines.

Electronic Message Display: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. (See Appendix A, Example G)

Event Sign: A temporary sign, other than a commercial sign, posted to advertise an event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization. (See Appendix A, Example Z)

Fade/Appear: A mode of message transition on an Electronic Message Center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia Sign: A building mounted sign. (See Appendix A, Example J)

Feather Sign: Also called feather flags, flutter flags, bow flags, blade flags, banner flags, beach flags, swooper banner, and so on, are marketing and promotional materials which resemble banners but move about like flags.

Freestanding Sign: A sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding sign types not meeting the definition of a monument sign shall be either a pole sign or a pylon sign. (See Appendix A, Example AB)

Ground Sign: A freestanding sign with a visible support structure. (See Appendix A, Example R)

Holiday Sign or Decorations: any sign used to celebrate or commemorate an event or tradition of cultural or of a religious significance.

Inflatable Device: A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method. (See Appendix A, Example S)

Internally illuminated Sign: A sign that has the light source enclosed within it so the source is not visible to the eye. (See Appendix A, Example Q)

Illuminated Sign: A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface. (See Appendix A, Example M)

Legibility: The physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which directly relate to an observer's visual acuity and includes speed of motion.

Luminance: An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

Marquee Sign: A sign mounted on a permanent canopy. (See Appendix A, Example X)

Monument Sign: A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. (See Appendix A, Example

Multi-Tenant Sign: A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants. (See Appendix A, Example H)

Municipality: The body of officers, taken collectively, belonging to a city, town or village, who are appointed to manage its affairs and defend its interests.

Noncomplying Sign: A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.

Off-Premise Sign: An outdoor sign whose message directs attention to a specific business, product, service, entertainment event or activity, or other commercial or non-commercial activity, or non-commercial message about something that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. Also known as a third party sign, billboard, or outdoor advertising. (See Appendix A, Example K)

On-Premise Sign: A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located. (See Appendix A, Example V)

Organization: An entity, including a natural person, which owns or operates the premises where an on-premise sign is displayed.

Parapet Sign: A sign mounted on top of the parapet or point where the wall meets the roof of a building.

Pennant: a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind. (See Appendix A, Example AC)

People Sign: an image of a human being standing for or representing that which it symbolizes, ie. men's room, ladies room, children at play.

Permanent Sign: A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite. (See Appendix A, Example U)

Pole Sign: A freestanding sign with visible support structure. (See Appendix A, Example Y)

Primary Copy: The words or message on a sign meant to be read by passersby travelling at the posted speed limit.

Projecting Sign: A building mounted sign with the faces of the sign projecting 12 inches or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee. (See Appendix A, Example N)

Public Right of Way: A type of easement granted or reserved over the land for transportation purposes, this can be for a highway, public footpath, rail transport, canal, as well as electrical transmission lines, oil and gas pipelines. A right-of-way can be used to build a bike trail.

Pylon Sign: A freestanding sign with a visible support structure, which may or may not be enclosed by a pole cover. (See Appendix A, Example E)

Readability: That which enables the observer to correctly perceive that information content of letters, numbers or symbols grouped together in words, sentences, or other meaningful relationships on the sign. Readability is the character of a sign which leads to the observer's comprehension of its intended message, and depends on legibility and other considerations of contents and time restraints.

Real Estate Sign: A temporary sign advertising the real property upon which the sign is located for rent, for lease, or for sale and providing the name and location of the owner or their agent. (See Appendix A, Example C)

Roof Sign: A building-mounted sign erected upon, against, or over the roof of the building. (See Appendix A, Example L)

Rotating Sign: Sign faces or portions of a sign face which mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights which convey an appearance of rotation. (See Appendix A, Example AE)

Scroll: A mode of message transition on an Electronic Message Center where the message appears to move vertically across the display surface.

Secondary Copy: The words or messages on a sign which are meant to be read by automobiles that are idling or parked along a road way.

Sight Triangle: A triangle at an intersection, formed by the two roads or rights-of-way and a third line, which must be kept clear of obstructions such as hedges so that people in one road can see cars approaching on the other. (See Appendix B, Example B)

Sign: Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and uses for the purpose of communicating a message or attracting attention.

Signage: A community's inventory of signs used to communicate information or attract attention, including signature building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs. (See signature building.)

Signature Building: A building architecturally designed and/or painted or decorated to reinforce individual recognition of a traditional sign's message, the identity of its speaker or sponsor of a display; it also reinforces major media advertising programs.

Snipe Sign: A temporary sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects. (See Appendix A, Example D)

Temporary Sign: Any sign intended to remain in use for a short period of time which is not permanently installed. A temporary signs material may include: lightweight, non-rigid material

such as cloth or plastic, paper, fabric (including vinyl), cardboard, paint, marker or similar materials.

Transition: A visual effect used on an Electronic Message Center to allow one message to disappear while it is simultaneously being replaced by another.

Visibility: The physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain.

Wall Sign: A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 16 inches from such surface (See fascia sign). (See Appendix A, Example T)

Window Sign: A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door. (See Appendix A, Example I)

Zoning Administrator: The person appointed by the City to carry out the provisions of this Code. Any reference within this Code to the Zoning Administrator shall be deemed to include reference to such individual's designee. Any of the following City Officials may be designated as, and serve as, the designee of the Zoning Administrator: Director of Public Works, a Code Enforcement Officer, or any Law Enforcement Officer.

Appendix A



Example A – Awning Sign



Example B - Banner



Example C – Real Estate Sign



Example D – Snipe Sign



Example E – Pylon Sign



Example F – Changeable Copy Sign



Example G – Electronic Message Display



Example H – Multi-Tenant Sign



Example I – Window Sign



Example J – Fascia Sign



Example K – Off-Premise Sign



Example L – Roof Sign



Example M – Illuminated Sign



Example N – Projecting Sign



Example O – Channel Letter



Example P – Directional Sign



Example Q – Internally Illuminated Sign



Example R – Ground Sign



Example S – Inflatable Device



Example T – Wall Sign



Example U – Permanent Sign



Example V – On-Premise Sign



Example W – Animated Sign



Example X – Marquee Sign



Example Y – Pole Sign



Example Z – Event Sign



Example AB – Freestanding Sign



Example AC – Pennant

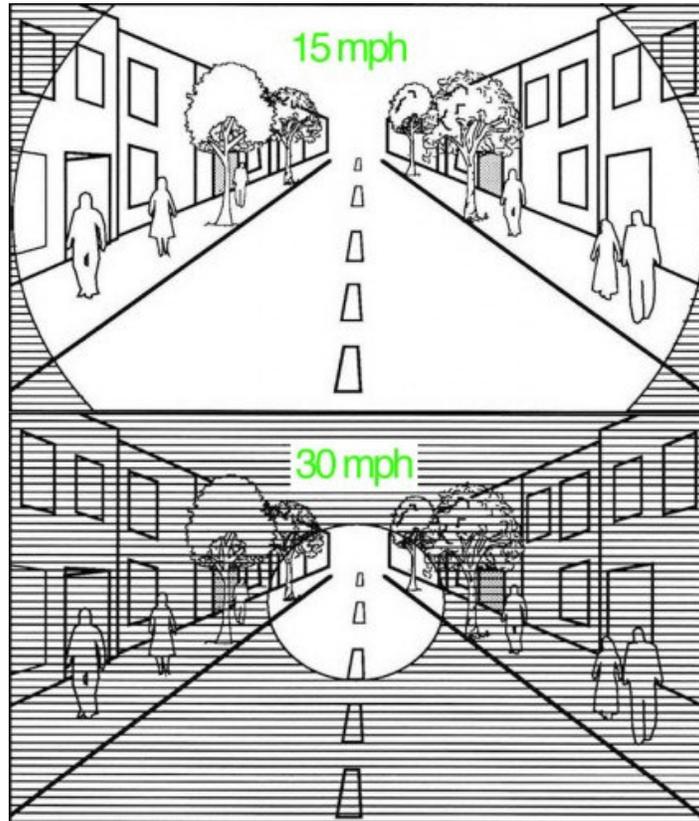


Example AD– Development Sign

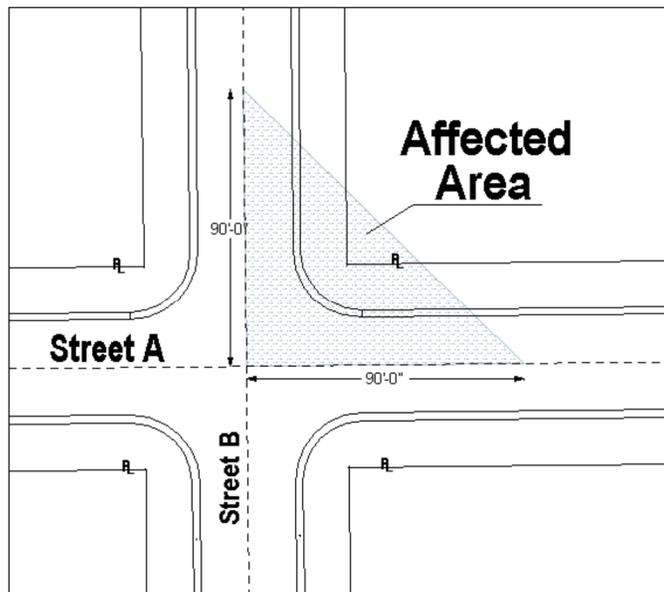


Example AE – Rotating Sign

Appendix B



Example A – Cone Vision



Example B – Sight Triangle

Section 2: Repeal of Conflicting Ordinances. The provisions of any Haysville Ordinance in conflict with this amendment to Chapter 16B, Article 2, the Sign Code of the City of Haysville, Kansas, are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect and be in force from and after its adoption and publication of its summary once in the official City newspaper.

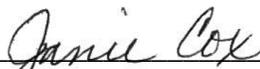
Passed by the City Council this 24th day of October, 2016.

Approved by the Mayor this 24th day of October, 2016.


MAYOR BRUCE ARMSTRONG

SEAL

ATTEST:


CITY CLERK, Janie Cox

