

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1031

AN ORDINANCE AMENDING THE SIGN CODE OF THE CITY OF HAYSVILLE REGARDING LOCATION OF SIGNS ON PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENT IN CONFORMANCE WITH K.S.A. 25-2711.

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

Section 1: Chapter 16B, Article 2, Section 202(j) regarding location of signs on public right-of-way or public easement is hereby amended as follows:

16B-202 GENERAL STANDARDS ALL SIGNS

(a) Gross Surface Area of Sign. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. When two or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by Section 16B-203(b)

(b) Corner and Through Lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phrased in terms of “signs per zoning lot” shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.

(c) Height of Sign. The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined for purposes of Article 10 as independent from the maximum structure height for zoning districts. Signs that are elevated from ground level by one or more members must be elevated at a minimum of eight (8) feet measured to the bottom of the sign face or structural elements containing the sign face.

(d) Building and Electrical Codes Applicable. All signs must conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.

(e) Clearance for Projecting Awning, Canopy, or Marquee Signs. All awning,

canopy, or marquee signs shall maintain a clearance of at least seven feet to the grade directly below the sign.

(f) Accessway or Window. No sign shall block any accessway or window required by any applicable building, housing, fire or other codes or regulations.

(g) Signs on Trees or Utility Poles. No private sign shall be attached to a tree or utility pole whether on public or private property, except identification markers.

(h) Traffic Safety.

(1). No sign shall be maintained at any location where by reason of its position, size, shape or color; it may obstruct, impair, obscure, interfere with the view of, or be confused with; any traffic control sign, signal or device; or where it may interfere with, mislead or confuse traffic.

(2). No sign shall be located in any vision triangle except official traffic signs and signs mounted eight feet or more above the ground whose supports, not exceeding two, do not exceed 12 inches at the widest dimension and, thus, do not constitute an obstruction. "Vision triangle" shall mean, when applied to uncontrolled intersections, a triangular area bounded on one side (Side "A" on the Fig.1) by an unmarked line measured from the midpoint of the intersection and extending ninety (90) feet, bounded further on the adjacent side (Side B on the attached Fig.1) by an unmarked line measured from the midpoint of the intersection and extending ninety (90) feet, and bounded further on the final side (Side "C" on the attached Fig.1) by an unmarked line joining the unmarked lines extending from the midpoint of the intersection. The Public Works Director, or his or her designee, shall determine, upon request, the location of any sight triangle.

(i) Digital Signs: Any Digital Sign adjacent to or across from any residential zoning within the City or surrounding jurisdiction may not be operational between 11:00 p.m. and 6:00 a.m.

(j) Location. No sign or structure thereof shall be permitted on a public right-of-way or public easement, except:

(1). As an exception granted by the Public Works Director, or designee based on the conditions stated in K.S.A. 12-759(e)(1) for granting a variance, for signs otherwise permitted in a district; or

(2). As a use permitted by the Governing Body for public informational or directional purposes; or

(3). As a temporary sign limited to a maximum size of three (3) square feet and set back a minimum of ten (10) feet from the back-of-curb of any street so as not to impede sight lines or sight distance for safety reasons.

Any unauthorized sign placed on public property, including the public street right-of-way, is declared to be a public nuisance and be the cause of its removal and impoundment without notice. If not redeemed within 30 days by the owner paying a service charge of \$20, the City may dispose of the sign in any manner deemed appropriate. The Public Works Director, or his or her designee, may revoke the permit for any sign deemed to be in violation of this Section, i.e., 16B-203L, or of any condition on which the permit was based and order

its removal within a reasonable period consistent with public safety. Repeat offenders may face a loss of privilege or increased fees.

(k) Damaged, Unsafe or Blight Signs. The Public Works Director, or his or her designee, shall require the immediate repair or removal of any conforming or nonconforming sign or sign structure which has been damaged or deteriorated so as to become a public hazard or blight. Such a sign or sign structure may be restored to its original condition without obtaining a permit, unless the sign is replaced and, thus, must conform to the current regulations. (Blight is defined as possessing defects that increase the hazards of fire, accident, or other calamities; dilapidation; disrepair; structural defects; uncleanliness; overcrowding; impinging upon adequate ingress and egress; or of a quality and appearance not commensurate with the character of the properties in the neighborhood.)

(l) Abandoned signs. Any sign which is located on a property which becomes vacant and unoccupied for a period of thirty days, or any sign which was erected for an occupant or business unrelated to the present occupant or his business shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed within thirty days after notification by the public works director, or designee.

(m) Maintenance of Signs.

(1) 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.

(2) Any crazing, fading, chipping, peeling or flaking of paint, plastic or glass, or any mechanical, electrical or structural defect shall be corrected. No repair required by the public works director, zoning administrator, or their designee, take longer than thirty days after notice has been made in conformance with the provisions of this Article.

(3) If any sign is not maintained in good condition so as to meet the approval of the public works director, zoning administrator or their designees, then the public works director, zoning administrator or their designees may order such sign to be removed under the provisions of the nuisance code of this City.

Section 2: Repeal of Conflicting Ordinances. The provisions of any Haysville Ordinance in conflict with this amendment are hereby repealed.

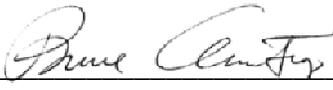
Section 3. Effective Date. This ordinance shall take effect and be in force from and after its adoption and publication of its summary once in the official City newspaper.

Passed by the City Council this 25th day of July, 2016.

Approved by the Mayor this 25th day of July, 2016.

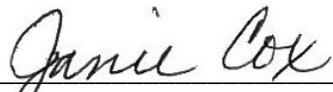


SEAL



MAYOR, BRUCE ARMSTRONG

ATTEST:



CITY CLERK, Janie Cox