

**CHAPTER 3**  
**ADVERTISING AND SIGNS<sup>1</sup>**

<b>ARTICLE I. IN GENERAL</b> .....	<b>301</b>
<i>Sec. 3-1. Intent.</i> .....	301
<i>Sec. 3-2. Definitions.</i> .....	301
<i>Sec. 3-3. Off-premise signs.</i> .....	302
<i>Sec. 3-4. On-premise signs.</i> .....	303
<i>Sec. 3-5. Certain Signs Prohibited.</i> .....	304
<i>Sec. 3-6. Temporary signs.</i> .....	305
<i>Sec. 3-7. Flags.</i> .....	307
<i>Sec. 3-8. Lighting.</i> .....	307
<i>Sec. 3-9. Non-conforming Signs.</i> .....	308
<i>Sec. 3-10. Permits.</i> .....	308
<i>Sec. 3-11. Maintenance of Signs.</i> .....	308
<i>Sec. 3-12. Board of Adjustment.</i> .....	309
<i>Secs. 3-13 - 3-19. Reserved.</i> .....	311
 <b>ARTICLE II. OFF-PREMISES ADVERTISING</b> .....	 <b>312</b>
<i>Sec. 3-20. Definitions</i> .....	312
<i>Sec. 3-21. Rules and Regulations.</i> .....	312
<i>Sec. 3-22. Enforcement, Violations and Penalty.</i> .....	315
<i>Sec. 3-22. Applicability of Rules.</i> .....	316
<i>Secs. 3-23 - 3-29. Reserved.</i> .....	317
 <b>ARTICLE III. MURALS</b> .....	 <b>318</b>
<i>Sec 3-30. Intent and Rules.</i> .....	318
<i>Sec. 3-31. Definitions.</i> .....	318
<i>Sec. 3-32. Permit Requirement.</i> .....	318
<i>Sec. 3-33. Application for Mural Permit.</i> .....	319
<i>Sec. 3-34. Mural Permit Processing.</i> .....	319
<i>Sec. 3-35. Mural Design and Construction Standards.</i> .....	320
<i>Sec. 3-36. Mural Types Prohibited.</i> .....	321
<i>Sec. 3-37. Preparation of Surface and Maintenance.</i> .....	322
<i>Sec. 3-38. Violations and Penalties.</i> .....	322
 <b>ARTICLE IV: BANNERS ON UTILITY POLES</b> .....	 <b>324</b>
Section 3-40. Purpose. ....	324
Section 3-41. Practice. ....	324
Section 3-42. Procedure .....	324
Section 3-43. Exceptions. ....	325
 <b>ARTICLE V : SEVERABILITY</b> .....	 <b>326</b>
<i>Sec. 3-100 Severability.</i> .....	326

## ARTICLE I. IN GENERAL

### Sec. 3-1. Intent.

The intent of this chapter is to protect and promote the public interest, health, welfare, morals and safety of the city, and to enhance and preserve natural features and aesthetics within the city and to promote high standards in appearance and effective communication by necessary outdoor advertising while preserving residential areas, open views and vistas by effective regulation.

(Code 1977, § 3-1; Code 1983, § 3-1; Ord. No. 11288 § 1, 8-21-89; Ord. 14287, §7, 8-6-2007)

### Sec. 3-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Advertising devices: Banners or streamers affixed to poles, wires or ropes; wind operated devices; flashing lights and other similar contrivances.

Back-to-back sign: An advertising structure with two closely located signs with faces in opposing directions, spaced less than ten feet apart at the point of shortest measurement.

Billboard: An off-premise sign which advertises a product or service and/or has a maximum size of more than thirty-two square feet per sign face.

Building Official: The Director of the Department of Community Development of Jefferson City or a duly authorized representative.

City: The City of Jefferson, Missouri.

City Council: The City Council of the City of Jefferson, Missouri.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

Face: That area of a sign containing the advertising information, painting, drawing or message intended or used to advise or inform, but excluding structural supports.

Flashing signs: Any sign, the illumination of which is not constant in intensity when in use. Illuminated signs approved by the Board of Adjustment which indicate the date, time, temperature, or other public service information shall not be considered flashing signs.

Ground sign, detached: A permanent business sign which meets the following specifications: (1) the bottom of the sign shall be no more than three feet from the ground; (2) the face of the sign shall be rectangular with the sign width to exceed the height; (3) the maximum height of the sign shall not exceed seven feet and the maximum area of the sign face shall not exceed thirty-two square feet per face; and (4) illuminated ground signs adjacent to or across from residential properties shall not cast more than five footcandles at the edge of their property line. Heights shall be measured from the ground level beneath the midpoint of the base of the sign. For spacing purposes, a detached ground sign shall be considered to be a post sign.

Marquee sign: Any sign affixed to a marquee over the entrance or on the face of a building and supported from the building.

Moving sign: Any sign which moves, appears to move, or has moving parts. Signs approved by the Board of Adjustment which indicate the date, time, temperature, or other public service information shall not be considered moving signs.

Non-conforming sign or non-conforming outdoor advertising: A sign which was lawfully erected but which does not conform to the requirements of city codes, ordinances or regulations enacted at a later date or which later fails to comply with city codes, ordinances or regulations due to changed conditions.

Off-premise sign: Any display, device, figure, plaque, or other outdoor advertising maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises which is not the same premises where the sign is located. (Ord. 14237, §1, 8-6-2007)

On-premise sign: Any display, device, figure, plaque, poster, or other outdoor advertising maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises upon which such sign is located, or to a product or service sold or rendered thereon.

Outdoor advertising: An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of any public right-of-way.

Planning and Zoning Commission: The Planning and Zoning Commission of the City of Jefferson, Missouri.

Post sign: Any sign which is not attached to a building but is supported by braces, pole(s), post(s), or by any means other than by attachment to a building improvement.

Premises: A lot together with all buildings and structures thereon.

Projecting sign: Any sign which is firmly attached to a building and extends outward therefrom twelve inches or more.

Roof sign: Any sign erected, constructed, or maintained upon or extending above the roof of any building.

Sign area: The entire area of the actual message or copy area. It shall include decorative trim or embellishments but shall not include structural elements outside the limits of such display surface and not forming an integral part of the display. For back-to-back type signs, only one face shall be counted. On all other signs, all faces shall be counted in computing the sign area.

Street or highway frontage: The distance along one side of any public street or highway measured along the right-of-way line.

Wall sign: Any sign which is firmly attached to a wall of any building and which does not extend beyond the building more than twelve inches.

(Code 1977, § 3-2; Code 1983, § 3-2; Ord. No. 11288, § 1, 8-21-89; Ord. No. 11904, § 4, 5-17-93; Ord. No. 14237, §1, 8-6-2007)

### **Sec. 3-3. Off-premise signs.**

No off-premise sign shall be erected within the limits of the City of Jefferson unless it is in conformity with Chapter 3 Article II of the Code of the City of Jefferson. (Ord. 14237, §2, 8-6-2007)

**Sec. 3-4. On-premise signs.**

A. In the commercial and industrial districts there may be erected or constructed after the effective date of this chapter wall signs, projecting signs, pole signs, post signs, and marquee signs located on the premises of any business. The sign area of all signs shall not exceed two and one-half square feet of sign area for each one foot of frontage on any street or highway adjacent to the premises up to one hundred feet and one-half square foot of sign area for each one foot of frontage over one hundred feet, except in the C-3 Central Commercial Zoning District the sign area of all signs shall not exceed one and one-half square feet of sign area for each one foot of frontage. Frontage on public alleys and municipal parking lots shall be included in the maximum sign area calculations only when the business establishment has its only public entrance onto the alley or lot.

1. The square footage of on-premise directional signs which contain no symbolic or textual advertisement shall be excluded from the maximum allowable sign area.
2. Advertising signs painted on or attached to the inside or outside of windows shall be included in the maximum allowable sign area.

B. Awning signs. Advertising signs, symbols or emblems may be placed on any part of an awning which has been constructed in accordance with the Jefferson City Building Code. Only the image or message area on the awning shall be included in the maximum allowable sign area. If an awning, when extended, obliterates the view of a wall sign, the area of the obliterated wall sign need not be included in the maximum allowable sign area.

C. No post sign shall be erected or constructed, after the effective date of this chapter, if after the erection or construction of such sign there will be more than one post sign for each one hundred feet of frontage along any street or highway adjacent to the premises provided however, every premises shall be entitled to at least one post sign. No post sign shall exceed thirty-two feet in height as measured from the ground at the base of the sign or from the grade level of the adjacent street or highway centerline, whichever is higher.

D. Any sign, display of which is required by law or which is erected by a governmental agency, is permitted in residential areas. Such signs shall not be included in the determination of sign area under the provisions of this section. Any sign erected by a public, educational, religious, or charitable institution is permitted in residential areas; however, the total area of such signs shall not exceed one square foot of sign area for each ten feet of frontage.

E. Conditional Use signs. On-premise signs in residential districts may be permitted by the Board of Adjustment when the Board grants a Conditional Use Permit for a commercial or industrial use.

F. Signs in planned zoning districts. The location, size and character of on-premise signs and off-premise directional signs in the PUD, C-4, and —3 Planned District shall be established by the Planning and Zoning Commission and the City Council in the Site Plan review and approval process.

G. Projecting signs may be erected on any building, however, such signs shall not extend more than one foot into any public right-of-way and must be at least nine feet above the surface adjacent to the building. Projecting signs may extend not more than six and one-half feet into any front, side or rear yard.

H. Additional Signs in C-3 District. In the C-3 district, the City Administrator, or his designee, may grant special permission for one additional sign, square in shape, not to exceed twenty-four inches by twenty-four inches, to any property which meets the requirements of this section.

1. The sign may be any color but may not be florescent. The sign may be made of

Sign Foam or wood, and shall be no less than 3/4 inches thick nor more than 2 inches thick.

2. Sign may not obscure architectural details such as transoms or arches.
3. Sign must be at least 8 feet above the sidewalk, and not more than 9 feet above the sidewalk, measured at the lowest point of the sign. Sign must not obstruct pedestrian traffic. Sign may not project out more than four (4) feet from the front of the building. The front of the building shall not include any projections from the plane of the building measured from the point where the building meets the sidewalk. The bracket supporting the sign shall be black in color, with a wrought iron finish, made of aluminum, affixed rigidly to the sign on the top and one side so that the sign does not swing, and of a standard design as designated by the City Administrator.
5. Sign may not be attached to any metal facade.
6. Only one sign shall be permitted for any building.
7. The City administrator may refuse to grant permission for any sign which in his opinion is not consistent with the overall image of the neighborhood or which would be detrimental to the use of the sidewalk.

(Code 1977, § 3-4; Ord. No. 10719, § 1, 9-15-86; Code 1983, § 3-4; Ord. No. 11288, § 1, 8-21-89; Ord. 14153, §1, 2-5-2007)

### **Sec. 3-5. Certain Signs Prohibited.**

A. After the effective date of this chapter, there shall be erected, constructed or exhibited none of the following:

1. Off-premise signs unless it is in conformity with Chapter 3 Article II of the Code of the City of Jefferson. (Ord. 14237, §3, 8-6-2007)
2. Flashing signs
3. Advertising devices
4. Paper posters applied directly to a wall, pole, fence or building surface
5. Signs painted directly on a wall, fence or building surface
6. Portable or temporary signs other than those specifically permitted herein
7. Signs which imitate or appear to imitate any official traffic sign or device or which appear to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal
8. Signs placed on areas of public ownership including street rights-of-way and public sidewalks except that a projecting sign may extend no more than twelve inches from a building over a public sidewalk

9. Any sign on which the illuminating or lighting device is so placed as to reflect or shine directly into the adjacent highways or streets in such a manner as to hamper the vision of a motor vehicle operator thereon
10. Moving signs
11. Roof signs when the roof sign is not contained within the silhouette of the building
12. Wall signs the uppermost part of which is more than thirty-two feet above grade
13. Business, company, or any other non-governmental flags displayed on roof-mounted flag poles

(Code 1977, § 3-5; Ord. No. 10719, § 2, 9-15-86; Code 1983, § 3-5; Ord. No. 11288, § 1, 8-21-89; Ord. No. 12542, § 2, 10-21-96; Ord. No. 14237, §3, 8-6-2007)

**Sec. 3-6. Temporary signs.**

Temporary signs are allowed as follows:

A. Temporary signs advertising the sale, lease, or future use of the property on which such sign is located may be maintained provided they are removed within thirty days after the sale, lease, useful occupations or the consummation of the disposition sought. The maximum size of such signs shall be as follows:

1. In rural and residential districts such temporary signs shall not exceed eight square feet.
2. In commercial districts such temporary signs shall not exceed sixty-four square feet.
3. In manufacturing or industrial districts such signs shall not exceed one hundred twenty-eight square feet.

B. Temporary business signs on the site of parking lots or service stations, either portable or temporarily attached to a building, pole or other structure, provided that no business establishment may have more than one such temporary sign exhibited on its premises at any time and no such sign shall exceed twelve square feet in size.

C. Temporary political signs may be erected prior to the election to which they pertain but only after certification of the ballot and shall be removed within seven days after the election. The owner of the property on which political signs are located shall be responsible for removal of the signs. The maximum size of such signs shall be as follows:

1. In rural, residential and Planned Unit Development zoning districts such temporary political signs shall not exceed five square feet.
2. In commercial districts such temporary signs shall not exceed sixty-four square feet.
3. In manufacturing or industrial districts such signs shall not exceed one hundred twenty-eight square feet.

D. Temporary Event Signs. Other provisions of this chapter notwithstanding, temporary event signs may be erected in connection with a specific event under the following conditions:

1. The sign must be erected by an association which has been organized for at least two years and with at least twenty-five dues paying members.
2. The sign may only be erected for a maximum of three days, with at least four days between each placement.
3. The sign may only advertise the event, and may not advertise any specific business, individual, or organization.
4. Temporary event signs may not be placed more than four blocks from the perimeter of the event site
5. Temporary event signs may not be larger than eighteen inches by 24 inches (18" x 24")
6. Temporary event signs may not be placed without the consent of the property owner
7. No less than one week prior to placing the temporary event sign, a permit must be obtained from the Director of Community Development or his designee. Before issuing the permit the Assistant Director of Community Development shall verify that the sign(s) comply with this section and that the applicant meets the eligibility requirements. A fee of \$20.00 dollars shall be charged for the permit for the first placement of the sign(s) during any calendar year and an additional \$5.00 for each subsequent placement in the calendar year.
8. Event signs which otherwise comply with the provisions of this section may be placed in City tree wells, on such reasonable conditions as the City may require provided that the underlying or adjacent property owner also consents to such placement. Placement on other public right-of-way shall not be allowed.

E. Temporary Event Banners, other than on utility poles. Other provisions of this chapter notwithstanding, temporary event banners may be erected in connection with a specific event across public streets subject to the following conditions:

1. Banner may not be attached to a light or utility pole.
2. Permission must be obtained from the property owners on either side of the street where the banner crosses the street.
3. Erection of the banner shall be subject to obtaining permission of the Director of Community Development or his designee who may impose conditions as to height, materials, and manner of construction.
4. Banner may be up for a period of no more than four days and may not be put backup for three days.
5. The temporary event banner must be erected by an association which has been organized for at least two years and with at least twenty-five dues paying members.
6. The temporary event banner may only advertise the event, and may not advertise any specific business, individual, or organization.

7. The temporary event banner must not interfere with traffic if it is to be maintained at times when traffic is passing under it.

8. No less than one week prior to placing the temporary event banner, a permit must be obtained from Director of Community Development or his designee. Before issuing the permit the Assistant Director of Community Development shall verify that the banner complies with this section and that the applicant meets the eligibility requirements. A fee of \$20.00 dollars shall be charged for the permit for the first placement of each banner during any calendar year and an additional \$5.00 for each subsequent placement in the calendar year.

(Code 1977, § 3-6; Code 1983, § 3-6; Ord. No. 11288, § 1, 8-21-89; Ord. No. 12526, § 1, 9-23-96; Ord. No. 12526, § 1 & 2, 9-23-96; Ord. No. 12549, §1, 11-4-96; Ord. No. 12569, § 1, 1-21-97; Ord. No. 13895, §1, 7-5-2005)

**Sec. 3-7. Flags.**

In any district there may be displayed any city, county, state, national, United Nations, military or governmental flag and organizational flags, and in commercial and industrial districts not more than two other official business or organizational flags may be displayed.

A. In the C-3 Central Commercial District no flagpole shall exceed a height of one hundred forty feet measured from the High and Madison Street elevation. In all other districts no flagpole shall exceed a height of seventy-five feet above ground level.

B. Flag size shall be limited as follows:

<u>FLAGPOLE HEIGHT</u>	<u>MAXIMUM FLAG SIZE</u>
30'	6' x 10'
40'	8' x 12'
50'	10' x 15'
60'	15' x 25'
75' or higher	20' x 30'

C. The area of a flag flown on a pole mounted on top of a building in the C-3 District shall not exceed five percent of that building's largest facade which fronts on the street, or the area listed in subsection B., whichever is larger.

D. The design and construction of flagpoles shall comply with all applicable codes. No flagpole shall be erected or installed without first obtaining a building permit.

E. The United States flag and the Missouri state flag shall be excluded from the maximum allowable sign area, however, business, company, institutional and any other non-governmental flags shall be included in the total allowable signage of a premises.

(Code 1977, § 3-7; Code 1983, § 3-7; Ord. No. 11288, § 1; 8-21-89)

**Sec. 3-8. Lighting.**

All lighting within signs, located on signs, or directed to signs shall not create more than an intensity of ten footcandles of light into any residential property.

(Code 1977, § 3-8; Code 1983, § 3-8; Ord. No. 11288, § 1, 8-21-89)

**Sec. 3-9. Non-conforming Signs.**

A. If any non-conforming sign is completely destroyed or damaged to the extent of seventy-five percent of the replacement cost of the sign and its structure, it shall not be replaced.

B. The message displayed on a non-conforming sign may be changed and painted messages on a non-conforming sign may be repainted.

C. A non-illuminated, non-conforming sign shall not be illuminated.

D. A non-conforming sign may be changed or altered for the expressed purpose of making it a conforming sign.

E. In order to eliminate an unsafe condition(s) the Building Official may order that repairs and/or alternations be made to a non-conforming sign. Such ordered repairs shall be the minimal necessary to correct an unsafe situation(s).

F. The type of materials used in the construction of the structural elements of a sign shall not be changed after the date the sign becomes a non-conforming sign nor shall structural alterations be made to a non-conforming sign except as may be required by subsection E. of this Section.

G. Nothing contained in this section shall be construed so as to permit the enlargement of a non-conforming sign.  
(Code 1977, § 3-9; Code 1983, § 3-9; Ord. No. 11288, § 1, 8-21-89)

**Sec. 3-10. Permits.**

After the effective date of this chapter, any person, firm or corporation shall obtain a permit before erecting or constructing any permanent sign. The Electrical Inspector shall inspect all exterior and interior electrical signs that use 110 volts or more for compliance with the Jefferson City Electrical Code. The permits shall be obtained from the Department of Community Development after the payment of the fee(s). Fees shall be as set forth in Appendix Y. (Code 1977, § 3-10; Ord. No. 9529, § 1, 10-20-80; Code 1983, § 3-10; Ord. No. 11288, § 1, 8-21-89; Ord. No. 13301, 11-5-2001; Ord. 14272, §4, 10-15-2007)

**Sec. 3-11. Maintenance of Signs.**

A. All signs shall be constructed so as to be free from hazards, and shall be strongly supported with braces, posts, or cables. They shall be kept in good repair and all surfaces shall be maintained in good appearance. All electrical signs shall continuously conform to the Electrical Code.

B. The Building Official shall inspect or cause to be inspected every sign within the city. He shall require the removal of any sign which he finds to have been erected or constructed in violation of this chapter and shall require the removal or repair of any sign which is:

1. Not securely affixed to a substantial structure
2. Not in good repair

3. Related to a business or product which is no longer in operation or available
4. Unclean or faded to such an extent as to be unsightly
5. Creating a dangerous or unsafe condition for traffic or pedestrians  
(Code 1977, § 3-11; Code 1983, § 3-11; Ord. No. 11288, § 1, 8-21-89)

**Sec. 3-12. Board of Adjustment.**

A. The Board of Adjustment, hereinafter referred to as the Board, is the Board established in Sec. 35-100 of Chapter 35 of the Jefferson City Code of Laws. Procedures for appeals, hearings, and meetings of the Board shall be in accordance with Chapter 35. (Ord. No. 13260, § 1, 9-4-2001)

B. Powers of the Board which are in addition to the powers conveyed by Chapter 35 are:

1. To interpret the provisions of this chapter in such a way as to carry out the intent and purposes of these outdoor advertising regulations.
2. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of this chapter.
3. To grant variances to the maximum size provisions for temporary real estate signs and to the provisions of this chapter where topography or existing building(s) interfere with usual visibility.
  - a. Applicant's responsibilities. When requesting a variance, it shall be the responsibility of the applicant to show how the sign, property and/or particular circumstance fully meets all of the findings the Board is required to make.
  - b. Required findings, general. Before granting any variance, the Board shall find all of the following: The proposed variance, if granted, would:
    - (1) Not eliminate an adequate supply of light or air to adjacent property nor endanger the safety of the public.
    - (2) Not be unduly injurious to the use and enjoyment of adjacent property nor would it substantially diminish property values in the neighborhood.
    - (3) Not permit obtrusive or incompatible signs to injury the character of the neighborhood.
    - (4) Not obstruct significant views and vistas.
    - (5) Not obstruct vision where such obstruction could create a traffic hazard.
    - (6) Be in keeping with the general spirit and intent of this chapter.
  - c. Variance to the provisions of Sec. 3-6 to allow temporary signs advertising the future use or development of property to be erected in excess of the maximums specified in Sec. 3-6 B. No specific findings are required.

- d. Variance where topography or existing building(s) interfere with usual visibility. In addition to the general findings, the Board shall also find the topography or existing buildings do, in fact, interfere with usual visibility.
  - e. Extent of variance limited. A variance, if granted, shall be limited to the minimum variance necessary to resolve, in whole or in part, the particular problem of the applicant.
  - f. Conditions. In granting a variance, the Board may impose such conditions upon the sign and/or premises receiving the variance as may be necessary to ensure that the variance will:
    - (1) Not eliminate an adequate supply of light or air to adjacent property nor endanger the safety of the public.
    - (2) Not be unduly injurious to the use and enjoyment of adjacent property nor would it substantially diminish property values in the neighborhood.
    - (3) Not permit obtrusive or incompatible signs to injury the character of the neighborhood.
    - (4) Not obstruct significant views and vistas.
    - (5) Not obstruct vision where such obstruction could create a traffic hazard.
    - (6) Be in keeping with the general spirit and intent of this chapter.
4. To grant Conditional Use Permits for certain on-premise signs, and time and temperature signs.
- a. The Board shall find for all Conditional Use Sign(s), or imposed conditions thereon to ensure, that the Conditional Use Sign(s) will:
    - (1) Not eliminate an adequate supply of light or air to adjacent property nor endanger the safety of the public.
    - (2) Not be unduly injurious to the use and enjoyment of adjacent property nor would it substantially diminish property values in the neighborhood.
    - (3) Not permit obtrusive or incompatible signs to injury the character of the neighborhood.
    - (4) Not obstruct significant views and vistas.
    - (5) Not obstruct vision where such obstruction could create a traffic hazard.
    - (6) Be in keeping with the general spirit and intent of this chapter.

- b. Time and temperature signs. The Board may grant a Conditional Use Permit for a sign, illuminated or non-illuminated, which indicates the date, time or temperature, or which displays other public service information. Before granting a Conditional Use Permit for such a sign, the Board shall find, in addition to the general findings listed in a. above, the following specific findings:
- (1) The proposed sign will be located in a district zoned for commercial or industrial uses.
  - (2) The proposed sign meets the spacing requirements of this chapter.
  - (3) The proposed public service message, if any, is, in fact, public service information and not advertising for a product or service.
- c. Certain on-premise signs. On-premise signs in residential districts may be permitted by the Board when the Board grants a Conditional Use Permit for a commercial or industrial use. On-premise signs in multi-family residential districts may be permitted by the Board when plans and specifications are submitted and approved by the Board. Procedures to be followed and the authority of the Board with respect to such signs shall be as specified in Sec. 35-80 H 4. a. (3) of the Jefferson City Code of Laws.  
(Code 1977, § 3-11; Code 1977, § 3-12; Ord. No. 11288, § 1, 8-21-89; Ord. No. 14237, §4, 8-6-2007)

**Secs. 3-13 - 3-19. Reserved.**

## ARTICLE II. OFF-PREMISES ADVERTISING

### Sec. 3-20. Definitions.

Federal Designated Routes: As used herein, "federal designated routes" shall mean federal routes constructed or maintained by federal funding including, but not limited to, routes 50, 54 and 63.

State Designated Routes: As used herein, "state designated routes" shall mean state routes constructed or maintained by state funding including, but not limited to, routes 94, 179, B, C and W.

Additional Definitions: The definitions of words and phrases contained in Section 226.510, RSMo are hereby adopted and incorporated by reference and shall apply whenever such word or phrase is used in Sections One through Thirteen herein.

(Ord. No. 14237, §5, 8-6-2007)

### Sec. 3-21. Rules and Regulations.

Notwithstanding provisions of any other sections of this Chapter, the Rules and Regulations set forth in Sections One through Thirteen below shall apply to Off-Premises Billboards. All provisions of other sections of this Chapter which are not inconsistent with Sections One through Thirteen or with the Missouri Billboards Act shall remain in full force and effect with respect to Off-Premises Billboards. To the extent any other section of this Chapter may be inconsistent with Sections One through Thirteen as applied to Off-Premises Billboards, the Rules and Regulations of Sections One through Thirteen shall apply.

A. The following rules and regulations shall specifically apply to Off-Premises Billboards:

1. Lighting:

- a. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any billboard. No flashing, intermittent, or moving light or lights will be permitted.
- b. External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the billboard and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way on federal and state designated routes and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle;
- c. No billboard shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal;
- d. Nor shall the illumination be directed toward any residential area;
- e. The maximum average lighting intensity level for such billboard shall be twenty (20) foot candles at the light source.

2. Area of Billboards:

- a. The maximum area for any one billboard shall be six hundred (600) square feet with a maximum width of thirty (30) feet and a maximum length of sixty (60) feet, inclusive of border and trim but excluding the base or apron, supports, and other structural members;
- b. The maximum size limitations shall apply to each side of a billboard structure, and billboards may be placed back to back, double faced, or in V-type construction with not more than two displays to each facing, but sign structure shall be considered as one billboard.

3. Spacing of Billboards:

- a. Federal designated routes: No Off-Premises Billboard shall be erected within one thousand (1,000) feet of an existing billboard on the same side of the highway;
- b. State designated routes: No Off-Premises Billboard shall be erected on any state designated route;
- c. No billboard shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic;
- d. The measurement in this section shall be minimum distances between billboard structures measured along the nearest edge of the pavement between points directly opposite the billboard along each side of the highway and shall apply only to billboard structures located on the same side of the highway involved.

4. Setbacks, Safety Clearances and Height:

- a. Setbacks: In order to provide a safety zone to prevent injury or property damage from collapse of billboards caused by Acts of God or other causes, each Off-Premises Billboard shall have minimum setbacks of the following: (a) at least ninety (90) feet from its nearest edge to the right of way of any federal or state designated routes, and (b) at least ninety (90) feet from all property lines and from all roofed structures, from all points of the Off-Premises Billboard;
- b. Safety: In order to further provide a safety zone to prevent injury or property damage from collapse of billboards caused by Acts of God or other causes, each Off-Premises Billboard shall have a maximum height, measured from the ground to the bottom of sign face of such Off-Premises Billboard, of thirty-five (35) feet. In addition, the applicant for permit shall present documentation to the reasonable satisfaction of the Director of Community Development that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones. No City building permit shall be issued for construction of any building within the setback/clearance zone for any Off-Premises Billboard. (Ord. No. 13301, 11-5-2001)

5. Setbacks at Highway Interchanges and Bridges: No Off-Premises Billboard shall be located adjacent to or within two thousand (2,000) feet of any interchange, intersection at grade, safety rest area, or bridge approach. Said two thousand (2,000) feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way and from the

beginning of the bridge deck.

6. Setbacks from Residential and Public Activity Areas: No Off-Premises Billboard shall be located within five hundred (500) feet of land zoned for residential or utilized for public activity purposes.
7. Landscaping, Lighting and Fencing: Before a permit is issued, the applicant shall receive approval for a plan for landscaping, billboard lighting and fencing around the proposed Off-Premises Billboard to ensure that the structure will be aesthetically compatible with its surrounding and the aesthetic standard of the community and neighboring property, insofar as may be practicable, as well as safe and secure from trespassers or vandals. Such plans shall be reviewed and approved by the Director of Community Development. In determining whether the landscaping plan is reasonably suitable, the Director of Community Development shall take into consideration the nature of the location, the impact on surrounding properties, the safety and security of the proposed Off-Premises Billboard, and the relative cost of the landscaping, lighting and fencing to the applicant in relationship to the overall impact upon the property values in the immediate area which would be caused by a lack of such landscaping, lighting and fencing for the proposed Off-Premises Billboard. (Ord. No. 13301, 11-5-2001)
8. Nuisances: Any Off-Premises Billboard which, because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris, or the deterioration of landscaping, lighting or fencing, becomes unsightly or unsafe is hereby declared to be a nuisance and shall be subject to abatement by the City in the same manner as all other nuisances on private property.
9. Service Drives: Direct access to Off-Premises Billboards from curb cuts along a state highway or service road shall be prohibited. Direct access shall be gained through paved roads and drives which are private and internal to a lot or parcel. All vehicles, equipment, and people used to build, service, maintain and repair such signs must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.
10. Legal Nonconforming Billboards: Any billboard which was lawfully erected or affixed prior to the adoption of this ordinance and which complied with all regulations in force at the time it was erected or affixed, but which fails to conform to all applicable regulations and restrictions of this ordinance, shall be considered a legal nonconforming billboard. A legal nonconforming billboard may be continued and shall be maintained in good condition, but shall not be:
  - a. Structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
  - b. Altered so as to increase the degree of nonconformity of the sign;
  - c. Expanded;
  - d. Re-established after damage or destruction if the estimated cost of reconstruction exceeds seventy-five (75) percent of the appraised replacement costs at the time such damage occurred.
11. Abandoned Billboards: Where a billboard structure does not include advertising information other than for the use of the billboard for a period of one hundred eighty (180) continuous days, such billboard structure shall be deemed abandoned and shall be removed.

12. Permits:

- a. The City shall not issue a permit for any new Off-Premises Billboard without a permit having first been issued by the Missouri Department of Transportation;
- b. The City shall charge a permit fee equal in amount to its building permit fee for other signs or similar structures to assure compliance with the City wind load and electrical requirements when the billboard is first erected, but shall not charge any subsequent permit or inspection fee for such billboard;
- c. Before a permit is issued, the applicant shall submit two surveys: (1) a certified boundary survey of the site showing location of the billboard and its setback/clearance zone; and (2) a billboard survey to indicate the relative vertical and horizontal distances between the proposed billboard and all other pole mounted signs within one thousand (1,000) feet. If by reason of height, size or spacing, the proposed billboard creates a significant disharmony with pole mounted signs within one thousand (1,000) feet, or unreasonably detracts from the visibility of other neighboring signs or properties, the Director of Community Development may require reasonable modification of the billboard's dimensions to cure such deficiencies as a condition to granting a permit. (Ord. No. 13301, 11-5-2001)

13. Renewal Inspection and Permit: Owners of all billboards erected after this date shall be required to submit an inspection report from a Missouri licensed engineer as to the billboard's structural integrity. Such certification shall be done on or before June first of each third year. Failure to submit a report shall result in the immediate revocation of the billboard's permit.

B. Penalties. The owner or general agent of a building or premises where a violation of any provision of this chapter has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that said violation continues after due notice as provided herein, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation shall continue. Any person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten days after such service or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order, shall also be subject to a civil penalty of Two Hundred Fifty Dollars (\$250.00).

Nothing contained herein shall prevent the city from taking such other lawful actions as may be necessary to prevent or remedy any violation.

**Sec. 3-22. Enforcement, Violations and Penalty.**

- A. Enforcement by the Building Official. In case any sign or advertising device or structure is erected, constructed, reconstructed, altered, converted, or maintained in violation of this chapter or other regulations made under the authority conferred hereby, the Building Official shall institute proper action or proceedings:
  1. Prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use;

2. Restrain, correct or abate such violation; or,
3. Prevent any such illegal act, conduct or use.

It shall be the duty of the Building Official to afford the offending party notice of the specific complaint by United States Certified Mail, giving said person ten days notice of his violation(s) or anticipated violation(s) and order the correction of the violation.

- B. Appeal of Decisions of the Building Official. Where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official, any aggrieved person may appeal the order, requirement, decision or determination to the Board of Adjustment in accordance with the provisions of Sec. 35-80 of the Jefferson City Code of Laws.
- C. City's right to remove illegal sign, procedures to be followed. If the Building Official shall find that any sign or other advertising structure regulated herein is unsafe or insecure, is a menace to the public, is abandoned or maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he shall give written notice to the permittee or property owner thereof. If the permittee or property owner fails to remove or alter the sign or advertising structure so as to comply with the standards herein set forth within a reasonable time specified in such notice, such sign or other advertising structure may be removed or altered to comply by the Building Official; any expense incidental to such removal or alteration shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property.

The Building Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily without notice. Such signs or other advertising structures are hereby declared to be a public nuisance. When any sign is removed summarily without notice, the owner or lessee thereof shall have the right to a post-seizure administrative hearing to determine whether there was probable cause to remove the sign.

- D. Penalties. The owner or general agent of a building or premises where a violation of any provision of this chapter has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or general agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that said violation continues after due notice as provided herein, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation shall continue. Any person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten days after such service or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order, shall also be subject to a civil penalty of Two Hundred Fifty Dollars (\$250.00).
- E. Nothing contained herein shall prevent the city from taking such other lawful actions as may be necessary to prevent or remedy any violation.

### **Sec. 3-22. Applicability of Rules.**

- A. The provisions of this article shall apply to the erection, alteration, reconstruction, construction and maintenance of all Off-Premises Billboards within the City.

- B. To the extent that any other provision of this chapter shall be more restrictive than the provisions set forth in this article, the more restrictive provision shall apply.
  
- C. The sections, paragraphs, clauses, and phrases of this chapter are severable and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter. In the event that, contrary to the policies, interests, and values of the City, a court of competent jurisdiction issues a judgment, decree or injunction order that this chapter is unlawful because of any omission or prohibition in this chapter, then all provisions of this chapter not specifically declared to be unlawful shall remain in full force and effect. In the event that a judgment, decree or injunction order declaring all or a portion of this chapter to be unlawful is reversed or vacated by a court of competent jurisdiction, the provisions contained in this chapter shall remain in full force and effect.

(Code 1977, § 3-13; Code 1983, § 3-13; Ord. No. 11288, § 1, 8-21-89; Ord. No. 12542, § 3, 10-21-96)

**Secs. 3-23 - 3-29. Reserved.**

## ARTICLE III. MURALS

### Sec 3-30. Intent and Rules.

The intent of this article is to protect the public interest and safety, to enhance preserve, and protect buildings and structures, and promote art, aesthetics and high standards of appearance within the city while permitting certain murals. The purpose of the Mural Permit is to provide a method for reviewing proposed murals to ensure that the mural complies with the criteria outlined below.

- D. The provisions of this article shall apply to the erection, alteration, reconstruction, construction, maintenance and removal of all murals as herein defined.
- B. To the extent that any other provision of this article shall be more restrictive than the provisions set forth in this article, the more restrictive provision shall apply.
- C. The sections, paragraphs, clauses, and phrases of this article are severable and if any phrase, clause, sentence, paragraph or section of this article shall be declared unlawful by the valid judgment, decree or injunction order of a court of competent jurisdiction, such ruling shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article. In the event that, contrary to the policies, interests, and values of the City, a court of competent jurisdiction issues a judgment, decree or injunction order that this article is unlawful because of any omission or prohibition in this article, then all provisions of this article not specifically declared to be unlawful shall remain in full force and effect. In the event that a judgment, decree or injunction order declaring all or a portion of this article to be unlawful is reversed or vacated by a court of competent jurisdiction, the provisions contained in this article shall remain in full force and effect.
- D. By reviewing and acting on Mural Permit applications, the City is not considering, assessing or acknowledging any responsibility for copyright and related matters. The research and assessment of copyright and related matters shall be the responsibility of the Applicant.

### Sec. 3-31. Definitions.

Erect: To construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

Mural: A painting, graphic design, or pictorial representation applied directly or attached to an exterior mounting surface or exterior wall that is visible from any point of any public right-of-way including public street, sidewalk or greenway trail. Any representation which identifies a business or building by logo, product, service, trademark, message, or slogan shall be considered a sign.

### Sec. 3-32. Permit Requirement.

- A. A permit is required for the display of a mural. No mural may be painted directly on a wall, fence or building surface except as authorized by a mural permit issued pursuant to this article.
- B. Mural Permits are obtained through an application procedure. The application shall be provided by the Department of Community Development (hereafter known as "Department"). A Mural Permit shall be issued by the Director of Community Development or designee (hereafter known as "Director") only after staff review of the application. (Ord. No. 13301, 11-5-2001)
- C. If lighting is proposed, a separate Electrical Permit shall be required. The Electrical Inspector shall inspect all electrical work for compliance with the Jefferson City Electrical Code.

**Sec. 3-33. Application for Mural Permit.**

- A. Any person, firm, or corporation owning real property within the City may file an application requesting a Mural Permit for the property.
- B. All applications shall be accompanied by:
  - 1. A check payable to the "City of Jefferson" in an amount as set forth in Appendix Y; and
  - 2. A copy of the contract that allows an artist to paint a mural on the property. The provisions of the contract shall be in accordance with this article.

(Ord. 14272, §4, 10-15-2007)

- C. The application shall be on a form supplied by the Department and filed with the Director and shall include:
  - 1. Address and legal description of the property location;
  - 2. Correct zoning designation of the property;
  - 3. Name, address telephone number and signature of all property owners;
  - 4. Name, address, telephone number and signature of the artist;
  - 5. Name, address, telephone number of the sponsoring organization;
  - 6. Description of the proposed mural, including:
    - a. Location depicted upon a plan-view of the site;
    - b. Rendering or reduced-size copy of the proposed mural, with placement, height, and overall area of mural indicated and drawn to scale;
    - c. Graphic medium i.e., whether painted or constructed, and types of materials to be used and anchoring methods;
    - d. Lighting and electrical plan;
    - e. Project narrative describing the proposed design, materials and name of designer or artist;
    - f. Time frame for the completion of the mural;
    - g. Staging and construction area. The area around the proposed mural needed for staging and/or construction shall be indicated upon the plan.

**Sec. 3-34. Mural Permit Processing.**

- A. The Director shall review and rule on Mural Permit applications submitted for any mural proposed within the incorporated limits of the City of Jefferson pursuant to the regulations and procedures set forth below:
  - 1. Within thirty (30) days of submittal of an application for Mural Permit to the Director, an administrative hearing shall be scheduled. The application may be continued for a maximum of sixty (60) days from the date of the first hearing.
  - 2. The Director of Planning or designee shall notify adjoining and affected property owners within one hundred eighty-five (185) feet of the mural site of the date and time of the

hearing at which the Mural Permit Application will be considered. The date and time of the Mural Permit Application hearing will also be posted in the local newspaper as notification to the general public.

4. The Director shall approve, deny or conditionally approve the Mural Permit, with reasons.
  5. The decision of the Director shall be final unless an appeal is filed within ten (10) business days of the decision. Appeals shall be filed with the Board of Adjustment pursuant to Sec. 35-100 of the Jefferson City Code, and shall include:
    - a. The mural case or project being appealed,
    - b. Reason for the appeal;
    - c. Printed name, address, telephone number and signature of each appellant.
- B. Criteria for Approval of Mural Permit. The Director shall approve the Mural Permit upon finding the mural meets the following criteria:
1. The mural meets the definition of Mural and is not a sign or form of advertisement.
  2. The mural content is not obscene. For purposes of this section, any material is obscene if applying contemporary community standards:
    - a. The predominant appeal is to prurient interest in sex; and
    - b. The average person would find the material depicts or describes sexual conduct in a patently offensive way; and
    - c. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.
  3. The mural conforms to the Mural Design and Construction Standards outlined in Sec. 3-35.
  4. The mural harmonizes with the structure or structures on the parcel on which it is to be painted and will not negatively impact the historic resources within Jefferson City, nor cause these resources to lose their state and national register eligibility. Murals proposed for properties within designated local historic or conservation districts or national historic districts shall be subject to review by the appropriate review agency, as indicated below. The Director shall submit the Mural Permit Application to the appropriate review body:
    - a. National and State Districts: State of Missouri Historic Preservation Program;
    - b. Local Conservation or Historic Districts: City of Jefferson Historic Preservation Commission or Neighborhood Association, as appropriate.
  5. In the event that the Director submits a Mural Permit Application to a review body of another government agency, the Director may allow another sixty (60) days for concurrent review by the City and the other government agency. When this occurs, the application shall be processed in a maximum of ninety (90) days.
  6. The artist, property owner, and, if applicable, organization have provided proof of a written contract that allows the artist to paint a mural on the property.
  7. The placement, height, and overall area of mural shall be as approved by the Director.

### **Sec. 3-35. Mural Design and Construction Standards.**

- A. Location

1. Murals shall be authorized only in the Commercial and Industrial districts, or as part of a PUD Plan approved by the Planning and Zoning Commission. All applications for murals, including those proposed for location in PUD zoning districts, shall be processed in accordance with this article.
  2. No mural shall be located closer than five hundred (500) feet to any other mural.
- B. Lighting.
1. All lighting within murals, located on murals, or directed to murals shall not exceed the maximum foot candles of illumination provided for in Chapter 35, Zoning Code, for the zoning district in which the mural is located and adjacent to.
  2. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any mural. No flashing, intermittent, or moving light or lights will be permitted.
  3. External lighting, such as floodlights, thin line and gooseneck reflectors are permitted,
  4. Light sources that are directed upon the mural shall be effectively shielded so as to prevent beams or rays of light from being directed onto any portion of the public right-of-way or onto adjacent property;
  5. Illumination or lighting device shall not reflect or shine directly into the adjacent public rights of ways in such a manner as to hamper the vision of a pedestrian, cyclist, or motor vehicle operator thereon;
  6. No mural shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.
- C. Construction of Murals
1. All murals shall be constructed so as to be free from hazards, and shall be strongly supported with braces, posts, or cables if necessary. They shall be kept in good repair and all surfaces shall be maintained in good appearance.
- D. All electrical lighting shall conform to the Electrical Code.
- E. If the proposed mural materials are not compatible with surface mounting, the Director may allow for the mural to be placed on its own substrate, set off from the mounting surface.

**Sec. 3-36. Mural Types Prohibited.**

- A. After the effective date of this article, there shall be erected, constructed or exhibited none of the following:
1. Murals or other representations which imitate or appear to imitate any official traffic sign or device or which appear to regulate or direct the movement of traffic or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic;
  2. Murals placed on areas of public ownership including street rights-of-way and public sidewalks except that a projecting mural may extend no more than twelve inches from a building over a public sidewalk

3. Murals with moving parts, including solar, wind- or water-driven devices.
4. Murals affixed, applied or mounted above, upon or suspended from any part of the roof of a structure
5. Murals which incorporate reflective or metallic paints or materials;
6. Murals which fail to meet the lighting standards of Section 3-18 B.

**Sec. 3-37. Preparation of Surface and Maintenance.**

- A. A Mural Permit is issued with the understanding that the property owner or organization shall be responsible for all maintenance, repair, and removal of the mural.
- B. Sand and high pressure water blasting are not allowed as a cleaning process, for either surface preparation or for mural maintenance purposes in the National Register or local historic overlay districts.
- C. The Department shall inspect or cause to be inspected every mural in the City. The Director shall require the maintenance, repair, removal, or covering with opaque paint or other appropriate material, of any mural which is found to have been displayed in violation of this article, including any mural which is:
  1. Not maintained, faded or in disrepair;
  2. Not securely affixed to a substantial structure;
  3. Creating a dangerous or unsafe condition for cyclists, pedestrians, or motorists.
  4. Not in conformance with this article.
- D. An order to maintain, remove, repair, or cover a mural may be appealed to the Board of Adjustment, pursuant to Sec. 35-100 of the Jefferson City Code, who shall schedule a hearing on the matter.

**Sec. 3-38. Violations and Penalties.**

- A. In case any mural is erected, constructed, reconstructed, altered, converted, or maintained in violation of this chapter or other regulations made under the authority conferred hereby, the Director or designee shall institute proper action or proceedings to :
  1. Prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use;
  2. Restrain, correct or abate such violation; or,
  3. Prevent any such illegal act, conduct or use.

It shall be the duty of the Director to afford the offending party notice of the specific complaint by United States Mail, giving said person ten days notice of the violation(s) or anticipated violation(s) and order the correction of the violation.

- B. Appeal of decisions of the Director. Where it is alleged there is an error in any order, requirement, decision or determination made by the Director, any aggrieved person may appeal the order, requirement, decision or determination to the Board of Adjustment in accordance with the provisions of Sec. 35-100 of the Jefferson City Code.
- C. The City has the right to remove any non-compliant mural. If the Director shall find that any mural is unsafe or insecure, is a menace to the public, is abandoned or maintained in a dilapidated

condition, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, written notice must be given to the organization or property owner thereof. If the organization or property owner fails to remove or alter the mural so as to comply with the standards herein set forth within a reasonable time specified in such notice, such mural may be removed or altered to comply. Any expense incidental to such removal or alteration shall be charged to the owner of the property upon which the mural is located and shall constitute a lien upon the property.

- D. The owner of a building or premises where a violation of any provision of this chapter has been committed or shall exist, or the mural artist, organization, or any other person who commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that said violation continues after due notice as provided herein, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation shall continue. Any person who, having been served with an order to remove any such violation, shall fail to comply with said order within ten days after such service or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order, shall also be subject to an additional penalty of Two Hundred Fifty Dollars (\$250.00).
- E. Nothing contained herein shall prevent the city from taking such other lawful actions as may be necessary to prevent or remedy any violation.

(Ord. 13260, §4, 9-4-2001)

## ARTICLE IV: BANNERS ON UTILITY POLES

### Section 3-40. Purpose.

The purpose of this section is to establish the practice and procedure for placement of banners on utility poles within certain areas of the City of Jefferson.

### Section 3-41. Practice.

The Department of Community Development, under the direction of the Director of the Department of Community Development, shall be the lead department in the administration of this policy. (Ord. 13600, §3, 9-2-2003)

### Section 3-42. Procedure.

1. Requests for overhead banner placement shall be submitted, in writing, to the Department of Community Development not less than four weeks prior to the desired display period. Requesting organizations should contact the Department of Community Development for an application form and instructions. The application shall be accompanied with an installation fee of \$10.00 per banner to be installed. The installation fee will be refunded should the application not be approved.
2. Banners may be installed for the benefit of non-profit organizations such as, but not limited to, educational institutions (at high school level or higher), associations formed for the purposes business, and city boards or commissions.
3. For purposes of this policy, a “display period” shall consist of March 7<sup>th</sup> through August 14<sup>th</sup>, August 15<sup>th</sup> through November 14<sup>th</sup>, and November 15<sup>th</sup> through March 6<sup>th</sup>.
4. Applications will be approved on a first-come, first-served basis excepted as stated hereinafter. The date of receipt of the required fees shall constitute the application date.
5. All overhead banners shall be installed under the direction of the Department of Transportation. Requesting organizations may not install banners. Banners will not be installed until all permits, fees and approvals are in place and the requesting organization has delivered the banner to the Department of Transportation’s administrative offices.
6. This program allows for inspection by the City of existing banners/brackets at an annual cost of \$10 per banner. Should the City determine that a banner needs to be replaced or should the requesting organization choose to change a banner, the cost for such replacement or change shall be \$10 per banner. Removed banners must be claimed by the organization at the Department of Community Development offices no less than 10 business days after the organization receives notice of removal. A letter mailed to the organization’s registered address will constitute notice. Unclaimed banners will be discarded.
7. Organizations will be required to have a minimum of either 2 banners, or at least 5% of the total installed banners, whichever is greater, in reserve for replacements of damaged banners.
8. The organization shall be responsible for all banner production costs and must deliver the banner to the Department of Community Development complete and ready for installation in accordance with the Department of Community Development’s specifications.
9. The organization will hold harmless the City of Jefferson, Missouri from any damages which may arise from

the placement of the banner.

10. Banner specifications shall be as follows: Size: up to 48" high (outside edge to outside edge) and 64' 6" long; banner must have a 3" hem along the top and bottom edge for cabling, with reinforced double stitching; material shall be 18 oz. Vinyl or banner canvas (Sunbrella) with wind slits to reduce wind load; banners must be printed on both sides; banner may not include any commercial or sponsor logo or advertisement; and banners must be clean and serviceable. All banners submitted by an organization for display during the same time period must be of the same size.

**Section 3-43. Exceptions.**

The banners listed in this article are not subject to the definitions of banners or advertising devices in Section 3-2, Section 3-5, or Section 3-22(A) of the Code of the City of Jefferson.

(Ord. 13429, §1, 8-19-2002)

**Sec. 3-44 - 3-99. Reserved.**

## **ARTICLE V: SEVERABILITY**

### **Sec. 3-100 Severability.**

If any section, subsection, sentence, clause, phrase or portion or provision of this Chapter 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 Chapter and shall be given effect, without the invalid portion. In adopting this Article, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion that may be held invalid or unenforceable.

(Ord. 14237, §6, 8-6-2007)

## NOTES

**1 . Cross references** - Definitions and rules of construction, § 1-2; buildings and building regulations, Ch. 8; garage sale signs, § 14-5.