

Chapter 22A

SIGNS

ARTICLE I Garage Sale Signs

SECTION 22A-1. Unlawful to Post any Sign — When. [Ord. 81-14 § 1, 11-17-1981]

It is and shall be unlawful to post, tack, attach or display any sign, bill, advertisement, poster of notice any place within the corporate limits of the City of Lexington for any purpose whatsoever without the consent of the owners. This Chapter shall not affect the right of all citizens to the unfettered use of their own property.

SECTION 22A-2. Permit Required. [Ord. No. 81-14 § 2, 11-17-1981; Ord. No. 2005-20 § 1, 6-14-2005]

Any person or persons, group, organization or corporation shall have and obtain from the City Clerk a permit prior to any and all sales of goods, furniture, clothing, appliances or personal property of every kind, size, shape, color or description which sale is not in the ordinary course of business. Said sales are commonly referred to as garage sales, yard sales, patio sales, porch sales and the like.

SECTION 22A-3. Application for Permit. [Ord. No. 81-14 § 3, 11-17-1981]

The application for permit containing a surety bond for damages must be filed with the City Clerk, in writing, at least twenty-four (24) hours prior to the commencement of the sale, declaring the following information:

1. Date(s) of sale;
2. Address of sale;
3. Every and all person(s) involved in the sale;
4. Exact time of opening and closing each day;
5. The number, size, description and exact location of all publicly posted bills, signs or advertising posters.
6. Name of person, group, organization or corporation responsible.
7. Signed by an individual citizen and resident of Lexington, Missouri, who shall be personally and financially responsible for any violation of this Chapter.

SECTION 22A-4. Term for Permit. [Ord. No. 81-14 § 4, 11-17-1981; Ord. No. 2005-20 § 1,

6-14-2005]

Permits shall be issued for one (1) to five (5) consecutive day periods upon presentation of a proper application as above described and the payment of a one dollar (\$1.00) permit fee. No person or persons, group, organization or corporation shall have more than one (1) garage sale, yard sale, patio sale, porch sale or the like per month.

SECTION 22A-5. Contents of Sign. [Ord. No. 81-14 § 5, 11-17-1981]

All signs, posters, bills or advertisements posted within the public purview shall contain the name, address and phone number of the person or persons, organization, group, family or corporation holding such sale as well as the name, address and phone number of the person signing the application and bond for permit.

SECTION 22A-6. Signs to be Removed within Twenty-four Hours. [Ord. No. 81-14 § 6, 11-17-1981]

All such signs, posters, bills or advertisements shall be removed, taken down, destroyed or properly disposed of in an appropriate trash receptacle within twenty-four (24) hours after the close of the sale.

SECTION 22A-7. Violations and Penalty. [Ord. No. 81-14 § 7, 11-17-1981]

Any violation of this Chapter is herewith declared to be and shall be a misdemeanor punishable under Section 1-8, the general penalty section of this Code.

ARTICLE II
Exterior Signs

SECTION 22A-8. Purpose and Scope. [Ord. No. 99-52 § 1, 2-8-2000]

The purpose of this Article is to regulate all exterior signs erected or installed, after February 8, 2000, so as to protect the property values as well as the character of the various zoning districts in the City, to protect health, safety and morals and to promote the public welfare. It is the intention of this Article to regulate the design, construction, location and maintenance of all signs, both for appearance and safety, and to provide for the removal of unsafe, unsightly and unlawful signs and to enhance the appearance and economy of the City and to not negatively effect the City's tourism industry.

SECTION 22A-9. Definitions. [Ord. No. 99-52 § 1, 2-8-2000]

For the purposes of this Article, the following terms shall be deemed to have the meanings indicated below:

ADVERTISING SIGN — Any sign that advertises, promotes or gives information on products, events or businesses not conducted within the premises or location upon which the sign is located.

APPLICANT — Any individual, corporation, association, firm, partnership and the like, singular or plural.

AREA — The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The computation for sign composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or devices. The calculation for a double-faced sign shall be the area of one (1) face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

AWNING — A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. Minimum height seven (7) feet and maximum height eleven (11) feet.

BUILDING SIGN — Any sign attached to or projecting from a building at a ninety degree (90°) angle, and is made an integral part of the building. The sign can be no more than twenty-four (24) square feet.

CODE ENFORCEMENT OFFICER — The City Inspector, or his agent, of the City of Lexington is charged with the administration and enforcement of the sign ordinance.

DETACHED SIGN TYPE "A" — Any freestanding sign, which has a clearance of less than ten (10) feet.

1. *Residential requirements.* Minimum height three (3) feet, maximum height six (6) feet, sign to be a maximum of twelve (12) square feet and six (6) feet from the curb edge or property line.
2. *Commercial requirements.* Minimum height three (3) feet, sign to be a maximum of twenty-four (24) square feet.

DETACHED SIGN TYPE "B" — Any freestanding sign, which has clearance of ten (10) or more feet, Commercial/Industrial districts only. Maximum height of twenty (20) feet, sign to be a maximum of one hundred (100) square feet.

DETACHED SIGN TYPE "C" — Any monument-type identification sign, which rises from the ground, illuminated or non-illuminated, and generally has no clearance under it.

1. **RESIDENTIAL REQUIREMENTS** — Maximum height of six (6) feet, sign to be a maximum of twenty-four (24) square feet.
2. **COMMERCIAL REQUIREMENTS** — Maximum height of ten (10) feet, sign to be a maximum of forty (40) square feet.

ERECT — To build, construct, attach, hand, place, suspend or affix and shall also include the painting of signs on the exterior of a structure.

FREESTANDING SIGN — Any sign supported by uprights, braces, poles, or other vertical members in or upon the ground and not attached to a building.

FRONTAGE — The length of the lot along the abutting street. The front of the lot abutting more than one (1) street is considered separate for each street.

GROUND SIGN — Any detached sign on the same lot or parcel for the purpose of indicating

the name of the business, service, article or product offered, and which has its bottom portion erected upon or supported by the ground, a ground planter box or other support.

IDENTIFICATION SIGN — A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

ILLUMINATED SIGN — Any sign which is lighted by use of electricity or other artificial light. Illuminated signs shall be oriented so as to prevent casting light onto residential properties.

LETTER DISPLAY — Individual letter mounted on a parapet wall.

LOCATION — A lot, premises, building, wall, property, or any place whatsoever upon which a sign is located.

MANSARD ROOF — A roof, which appears to be a part of the wall, usually constructed for appearance only.

MARQUEE OR CANOPY — A covering structure projecting from and attached to a building, or self supporting and/or which can be retracted or rolled to the structure by which it is supported. Minimum height of seven (7) feet and a maximum height of eleven (11) feet.

NON-ILLUMINATED SIGN — Any sign which is lighted by natural sunlight only.

PAINTED WALL SIGN — A sign which is painted directly on a structure. Maximum of one hundred (100) square feet.

PERMANENT SIGN — A sign constructed to remain indefinitely.

PORTABLE SIGN — A sign which is not permanently affixed to one (1) location and has the capability of being moved from one (1) site to the next without disassembly. Portable signs shall not exceed forty (40) square feet.

PREMISES — That portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants. Permitted sign area shall be separately calculated for multi-tenant, commercial buildings only when said tenants have a separate entrance for their exclusive use.

ROOF LEVEL — Where the eaves of the roof connect to the top of the wall, except where a mansard roof is used. Mansard roof level shall be the uppermost elevation of the roof.

SIGN — The term sign shall mean and include every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration or insignia and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land and which directs attention to an object, product, service, place, activity, person, institution, organization or business.

STRUCTURE — The supports, uprights, bracing and framework for the sign, including foundations where applicable.

SUBDIVISION ENTRANCE MARKER — A sign identifying the subdivision, located at one (1) or more of the subdivision entrances. Maximum of twenty-four (24) square feet.

TEMPORARY SIGN — A sign which is not permanently attached to the ground, building or other load-bearing structure. Temporary signs are intended to be displayed for a short period of time not to exceed thirty (30) days.

WALL SIGN — A sign attached to or erected against an exterior wall of a building or structure, which projects not more than twelve (12) inches from a wall and presents only one (1) face of advertising copy to the public.

1. *Commercial requirements.* Maximum of one hundred (100) square feet.
2. *Residential requirements.* Maximum of four (4) square feet.

SECTION 22A-10. Responsibility for Violation. [Ord. No. 99-52 § 1, 2-8-2000]

The applicant, the owner of the sign, the owner of the land or structure, and the person in charge of erecting the sign or structure are all subject to the provisions of this Article and therefore subject to the penalty hereinafter provided.

SECTION 22A-11. Penalty for Violation. [Ord. No. 99-52 § 1, 2-8-2000]

Any applicant, person, firm and corporation or other entity violating the provisions of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 22A-12. Permit Fees. [Ord. No. 99-52 § 1, 2-8-2000]

Every applicant, before being granted a permit hereunder, shall pay a building permit fee to the City of Lexington. Any changes made to the sign other than maintenance shall require a new building permit. The fee shall be based on the permit fee schedule of Section 6-30. The minimum permit fee for any sign shall be ten dollars (\$10.00). The area of the sign shall be calculated from the geometry of the extreme limits of one (1) face.

SECTION 22A-13. Exemptions. [Ord. No. 99-52 § 1, 2-8-2000]

A permit will not be required for the following listed signs. These exemptions, however, shall apply only to the requirement of the permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance, appearance and removal.

1. *Construction project signs.*
 - a. One (1) per street frontage.
 - b. To be removed at completion of construction.
 - c. To be located on premises.
2. *For sale or for rent signs.*
 - a. One (1) per street frontage.

- b. To be removed within ten (10) days after sale or letting.
 - c. To be located on premises.
 - d. Not greater than thirty-two (32) square feet per sign face.
3. *Political signs.*
- a. Shall be placed back of the property line on private property.
 - b. It shall be the responsibility of the property owner to have these signs removed not later than seven (7) days after the election or event and they shall not be erected earlier than sixty (60) days prior to the election or event to which they pertain.
 - c. There shall be no political signs on any public utility pole.
4. *Traffic or other municipal signs or informational signs.*
- a. Legal notice, railroad crossing signs, danger, warning and such temporary, emergency or non-advertising signs necessary for traffic control or as may be approved by the City Council. Each sign shall not be more than six (6) square feet per sign face, nor exceed a height of ten (10) feet from the ground level.
5. *Memorial signs.*
- a. Names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other metal.
6. *Temporary signs.*
- a. For public, charitable, religious or fraternal organizations including banners and cloth signs.
 - b. One (1) per street frontage.
 - c. To be located on premises or off premises.
 - d. To be placed no sooner than forty-five (45) days prior to the event and to be removed within ten (10) days following the event.
7. *Church or school signs.*
- a. One (1) illuminated or non-illuminated sign per church or school, on church or school premises, indicating activities and services therein provided and not exceeding thirty-two (32) square feet per side.
8. *Residential development signs.*
- a. Residential developments shall be permitted two (2) detached signs type "C", identifying the name of the development only for each entrance of the development. Such sign shall not exceed thirty-two (32) square feet in area. Said sign shall be maintained on private property, no closer than ten (10) feet to the property line.
9. *Plaques.*

- a. Plaques or signs denoting historical landmarks or points of interest as may be recommended by HPC.
10. *Subdivision real estate signs.*
- a. Shall not exceed sixty-four (64) square feet per sign face and shall be maintained in good repair and shall be removed when ninety-five percent (95%) of the lots in said subdivision have been sold.
 - b. One (1) sign per subdivision entrance.
 - c. Each subdivision may have one (1) off-premises sign located within one thousand (1,000) feet of the exterior boundary of the subdivision.

SECTION 22A-14. Revocation of Permits. [Ord. No. 99-52 § 1, 2-8-2000]

The Building Inspector is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with the provisions of this Article or any amendment hereto.

SECTION 22A-15. Application for a Sign Permit. [Ord. No. 99-52 § 1, 2-8-2000]

Application for a permit shall be made to the Building Inspector or his designee upon a form provided by said Building Inspector and shall be accompanied by such information as may be required to insure compliance with all appropriate laws and regulations of the City including, but not limited to:

1. Name, address, and business license number of permit applicant.
2. Name and address of owner of sign.
3. Name and address of the owner and the occupant of the premises where the sign is located or to be located.
4. Clear and legible drawings with description showing the precise location of the sign which is the subject of the permit and all other existing signs on the same premise or permit and all other existing signs on the same premise or as otherwise specified by the Building Inspector or his designee.
5. Drawings showing the dimensions, construction supports, sizes, materials of the sign, and method of attachment and character of structural members to which attachment is to be made.
6. Any other information required by the Building Inspector or his designee.

The Building Inspector or his designee shall issue a permit for work to be done on a sign when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the City.

SECTION 22A-16. Signs Allowed. [Ord. No. 99-52 § 1, 2-8-2000]

The following sign standards shall apply in the City of Lexington. Only signs as described herein and as may be described under Section 22A-13 shall be permitted.

1. Churches, public and semi-public buildings, hospitals and institutions in residential districts may have only one (1) bulletin board not more than thirty-two (32) square feet in area, nor exceed a total height of seven (7) feet above grade at its base.
2. Only those signs permitted in (1), temporary signs not more than six (6) square feet in area pertaining to lease or sale of premises and nameplates when non-illuminated and not greater in area than four (4) square feet are allowed in a residential district.
3. *Detached signs.* Each establishment may be allowed one (1) on-premises detached sign. Establishments may be allowed an additional on-premises detached sign, provided both signs are located a minimum of one hundred twenty (120) feet from one another along the street frontage of the tract of land. Establishments in commercial districts may be allowed a third (3rd) detached sign, provided all signs are located a minimum of one hundred twenty (120) feet from one another along the street frontage of the tract of land. Signs in historical districts must conform to the style of the surrounding properties as to not take away from the historic value of the properties.
3. No part of the detached sign structure or its advertising content shall be placed or extend into any street, street right-of-way or private property other than the property owned by the establishment. Signs along the street shall be located twenty (20) feet from the point of intersection so as to not obstruct vision at an intersection or a vehicular entry or exit from the property.

In all districts there shall be a setback of five (5) feet from the property line of the tract of land owned by the establishment.

The sign surface area shall have a maximum of forty-eight (48) square feet. The sign may be supported by posts or poles that do not exceed a height of two (2) feet plus a planter box, if used, at least six (6) inches but not more than twenty-four (24) inches average elevation in height. The sign shall not exceed a height of six (6) feet above the prevailing grade, nor a length of eight (8) feet.

SECTION 22A-17. Non-Conforming Existing Signs. [Ord. No. 99-52 § 1, 2-8-2000]

Signs that were erected before February 8,2000, may continue to exist and be maintained in a safe manner, however, such non-conforming signs may not be replaced, expanded, enlarged or modified to denote the change in the type of business or a change in ownership or substantially improved other than in compliance with these regulations.

Any non-conforming sign, prior to February 8,2000, shall within a period of ten (10) years be made to comply with all of the provisions of this Article together with all other ordinances of the City applicable thereto, or be removed. This Section shall not be applicable to a sign that has received a variance for its particular location.

SECTION 22A-18. Engineering Design and Materials. [Ord. No. 99-52 § 1, 2-8-2000]

A. All permanent signs, sign structures, and non-structural trim shall be constructed of

approved combustible or non-combustible materials.

- B. *Obstruction of Egress Openings, Ventilation.* A sign shall not be erected, constructed or maintained so as to obstruct any fire escape window, door, or other opening; or so as to prevent free passage. A sign shall not be attached in any form, shape or manner to a fire escape or shall not be so placed as to interfere with an opening, which is required for legal ventilation.
- C. All electrical signs, either temporary or permanent, shall be connected to permanent electrical service installed according to the requirements of the National Electrical Code, 1990 Edition. All wiring for newly constructed detached signs shall be underground, unless this is determined to be prohibited by the Building Inspector.

SECTION 22A-19. Inspection. [Ord. No. 99-52 § 1, 2-8-2000]

- A. As soon as a sign has been erected, the permittee shall notify the Building Inspector, who shall inspect such sign and approve the same if it is in compliance with the provisions of this Article. The Building Inspector for all signs having footings may require footing inspections.
- B. Building Inspector may from time to time, as he deems necessary, inspect all signs or other structures regulated by this Article for the purpose of ascertaining whether they are secure or whether they are in need of removal or repair. If the sign does not comply with the provisions of this Chapter, the Building Inspector shall notify the applicant in writing of such non-compliance and give the applicant thirty (30) days, or less if the Building Inspector determines a hazardous situation exists, to comply. All signs may be reinspected at the discretion of the Building Inspector.

SECTION 22A-20. Maintenance. [Ord. No. 99-52 § 1, 2-8-2000]

Every sign or other advertising structure, together with all its supports or braces, shall be kept in good repair. The sign location shall be free of rubbish and weeds. All structural members and all copy areas are to be kept painted and clean so as to prevent deterioration, oxidation, rust, paint fading, paint peeling or other unsightly conditions. After thirty (30) days' notice, in writing, the Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of this Section.

SECTION 22A-21. Abandoned Signs. [Ord. No. 99-52 § 1, 2-8-2000]

Any sign, now or hereafter existing which no longer advertises a bona fide business conducted or a product sold, shall be removed by the owner, agent or lessee having the beneficial use of the building, structure or land upon which such sign may be found. If the owner, agent or lessee fails to remove the sign, the Building Inspector shall remove it in accordance with Section 22A-22, "Removal". These removal provisions shall not apply where a succeeding owner, agent or lessee conducts the same type of business, or advertises a current product and agrees to maintain the signs as provided for in Section 22A-20.

SECTION 22A-22. Removal. [Ord. No. 99-52 § 1, 2-8-2000]

The Building Inspector shall order the removal of any sign erected in violation of this Article, or any existing sign which has been abandoned, or where lack of maintenance has created a hazard to the public safety. Thirty (30) days' notice, in writing, shall be given to the owner of such sign, or the building, structure or premises on which sign is located, to remove the sign or to bring it into compliance with this Article. Upon failure to remove the sign or comply with this notice, the Building Inspector shall cause the removal of the sign or removal incurred by the Building Inspector shall be assessed to the owner of the property on which sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charges shall be a lien on the property. The Building Inspector may cause any sign, which is an immediate peril to persons or property, to be removed summarily without notice.

SECTION 22A-23. Appeals and Variances. [Ord. No. 99-52 § 1, 2-8-2000]

Within the purview of its jurisdiction, the Board of Adjustment is empowered to review or modify the Building Inspector's, or his designee's, order or determination with respect to signs covered by this Chapter and may consider variances as provided by law.