

# VILLAGE OF OAKS CLAY COUNTY, MISSOURI

## BOARD OF TRUSTEES

Peter Nielsen, Chair  
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## VILLAGE CLERK

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## Ordinance No. 2011-2

### SIGN ORDINANCE

#### Section 1. General provisions.

(a) *Scope.* The provisions of this ordinance shall apply to all signs as defined herein.

(b) *Intent.* It is the purpose of this ordinance to promote minimum requirements to safeguard public health, safety, property, and welfare; to promote the efficient transfer and communication of sign information; to preserve and protect the scenic landscaping quality by regulating and controlling the design, quality of materials, construction, location, and illumination of signs.

#### Section 2. Applicability.

This ordinance shall apply to all residential premises, attached and unattached structures within the village boundaries.

#### Section 3. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined in this ordinance and are defined in county, state or federal building code, fire code, fuel gas code, mechanical code, plumbing code, residential code or property maintenance code such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this ordinance, such terms shall have ordinarily accepted meanings as the context implies.

*Flag* - a piece of fabric or other material of distinctive design that is used as a symbol and is displayed hanging free from, but not limited to, a staff, pole, or halyard to which it is attached by one edge.

(a) *Governmental.* Legitimate city, county, state, national, United Nations, and military flags flown or displayed in their respectively correct manner. These flags are not considered a form of signage and therefore are not addressed by this ordinance.

*Jurisdiction*- the governmental unit that has adopted this ordinance under due legislative authority.

*Lot*- a portion or parcel of land considered as a unit.

*Owner*- any person, agent, firm, or corporation having a legal or equitable interest in the property.

*Person*- an individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

*Premises*- a lot, plot, or parcel of land, including any structures thereon.

*Repair*- the reconstruction or renewal of any part of an existing structure for the purpose of maintenance.

*Sign*- any medium which is used or intended to be used to attract attention to any subject matter including but not limited to advertising, instructional, direction, or announcement purposes.

- (a) *Area*. That portion of the smallest rectangle which completely encloses the display surfaces of the sign.
- (b) *Construction*. Any freestanding sign used only during the construction of a new building, reconstruction, or addition to an existing building to identify the project, owner, tenant, agent, architect, engineer, contractor, and financing institution of the project.
- (c) *Freestanding*. Any sign placed upon or fixed in the ground, self-supporting, not attached to any building.
- (d) *Incidental*. Any sign which provides information or guides or directs pedestrian or vehicular traffic, which may be mounted on the ground, on a building, or in connection with a detached sign.
- (e) *Maintenance*. The normal care and minor repair that is necessary to retain a safe, attractive and finished structure, frame, pole, brackets, or surface.
- (f) *Off-premises*. Any sign identifying, announcing or advertising real estate not located on the same lot or premises.
- (g) *Open house*. Any off-premises ground sign announcing an open house for inspection of real estate.
- (h) *Permanent*. Any sign or advertising device designed and erected to be maintained as a permanent structure in accordance with the requirements of this ordinance.
- (j) *Political*. Any sign promoting, supporting, or opposing any candidate, office, issue, or proposition to be voted upon at any public election.
- (k) *Real estate*. Any sign advertising the sale, lease, or rental of the premises upon which it is located.
- (l) *Structure*. The supports, uprights, bracing, or framework of any sign structure, be it single faced, double faced, or any framing otherwise supporting a sign.

*Structure*- that which is built or constructed.

#### Section 4. Permanent signs.

- (a) *Generally*. Permanent signs allowed within the village are limited to those specifically listed in this section.
- (b) *Signs allowed*- Permanent signs shall be limited to the following:
  - (1) *Nameplate signs*. One sign mounted on the building not more than two square feet in area, announcing the name and/or location of the occupants or the residence.
  - (2) Municipal signs, legal notices, trespassing signs, signs to add safety.

#### Section 5. Temporary signs.

- (a) *Generally*. Temporary signs allowed within the Village are limited to those specifically listed in this section and Section 6. Temporary signs shall identify a special, unique, or limited activity, service or sale of limited duration.
- (b) *Number and timing*. The Village allows a maximum of four temporary signs.
- (c) *Types*. The following shall be classified as temporary signs, but not limited to:
  - (1) Residential real estate signs.
  - (2) Open house signs with the panel not exceeding a surface area of four square feet.
  - (3) Construction signs.
  - (4) Municipal signs, legal notices, trespassing signs, signs to add safety.
  - (5) Garage sale signs. These are a special category of temporary sign allowed within the Village. Garage sale sign restrictions are detailed in Ordinance 2009-1 – Garage Sales.
  - (6) Incidental and direction signs with the panel not exceeding three square feet.
  - (7) Political signs.
- (d) *Restrictions*. Temporary signs shall have the following limitations:
  - (1) *Residential real estate signs*. One non-illuminated sign, the panel not exceeding four square feet in surface area per lot. Such real estate sign shall be allowed during the sale of the residential premises and shall be removed at close of such sale.

(2) *Open house signs.* One non-illuminated off-site sign, the panel not exceeding four square feet in area. Such sign shall not be erected more than one day prior to such open house and shall be removed at the close of such open house. Such signs shall denote the address, day, and time of such open house.

(3) *Construction signs.* One non-illuminated sign, the panel not exceeding four square feet in surface area per lot. Such construction sign shall be allowed during the construction period and shall be removed at close of such construction work.

#### Section 6. Political signs.

(a) *Generally.* Political signs may be erected and maintained in the village in accordance with the provisions contained in this ordinance.

(b) *Responsibility for removal.* The owner or occupier of the property upon which any political sign is erected, placed, or located shall be responsible for the removal of such sign within the time required by this ordinance.

(c) *Exceptions.* The provisions of this ordinance shall not apply to notices posted by order of any court or to notices to the public required by law to be posted in public places.

#### Section 7. Prohibited signs.

(a) Any sign not specifically allowed by this ordinance is prohibited.

(b) Signs or other advertising structures or devices regulated by this ordinance shall not be erected at an intersection of any street in such a manner as to obstruct free and clear vision, or at any location where, by reason of its position, shape or color, the sign may interfere with, obstruct the view of or be confused with any authorized sign, signal or device; or make use of the words "Stop," "Look," "Drive-In," "Danger," or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.

#### Section 8. Unsafe signs.

(a) *Generally.* Signs, new and existing, that are or hereafter become unsafe, insanitary or deficient, because of inadequate maintenance, constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, shall be deemed an unsafe condition. Unsafe signs shall be taken down and removed or made safe, as the board of trustees deems necessary and as provided for in this section. A sign without a face shall be deemed unsafe.

(b) *Notice.* If an unsafe sign is found, the board of trustees shall serve on the owner, agent, and/or person in control of the sign a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe sign to be demolished, within a stipulated time. Such notice shall require the person thus notified to declare immediately to the village clerk acceptance or rejections of the terms of the order.

(c) *Method of service.* Such notice shall deem properly served if a copy thereof is delivered to the owner, agent, and/or person in control of the sign personally; sent by certified or registered mail addressed to the owner, agent, and/or person in control of the sign at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the sign affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(d) *Failure to obey notice.* In case of failure, neglect, or refusal of the owner, agent, and/or person in control of the sign to obey the notice, the board of trustees may cause such owner, agent, and/or person in control of sign to be fined under Section 10, and/or institute any appropriate action to abate such sign as a public nuisance. All cost associated with this action shall be assessed against the owner, agent, and/or person in control of sign.

Section 9. Special conditions.

(a) *Legal nonconforming signs.* Signs which existed as of the date of adoption of the ordinance from which this ordinance is derived and were then in full compliance with existing codes may continue to exist as a legal nonconforming signs, subject to the following conditions:

(1) Should any legal nonconforming sign be damaged by any means, to an extent of more than 50 percent of its replacement cost at time of damage, the sign shall not be reconstructed except in conformity with the provisions of this ordinance.

(2) All legal nonconforming signs shall be removed or shall be altered to conform to the provisions of this ordinance when the sign is changed or modified either in shape or size.

(b) *Nonconforming signs.* Signs that existed as of the date of adoption of the ordinance from which this ordinance is derived and were then in full compliance with village ordinances and codes shall be brought into compliance with this ordinance within one year of such adoption.

Section 10. Violations.

(a) *Unlawful acts.* It shall be unlawful for any person, firm, or corporation to install, alter, move, enlarge, replace, repair, maintain, or use any sign, permanent or temporary, regulated by this ordinance, or cause same to be done, in conflict with or in violation of any provisions of this ordinance.

(b) *Violation; penalties.* Any person, firm or corporation violating a provision of this ordinance or failing to comply with any order made there under by the Village Board of Trustees, or by a court of competent jurisdiction, within the time fixed herein, shall be punishable by a fine of not less than Ten Dollars (\$10) and not more than One Hundred Dollars (\$100) for each and every day that such violation continues, but if the offense be willful, the punishment shall be a fine of not less than One Hundred Dollars (\$100) for each and every day that such violation shall continue.

Section 11. All existing ordinances or parts of ordinances in conflict with the "Sign Ordinance" are hereby repealed on the effective date hereof.

Section 12. This ordinance shall become effective on November 14, 2011.

Passed this fourteenth Day of November, 2011.

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Peter A. Nielsen, Chairman Board of Trustees

ATTEST:

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Susan P. Nielsen, Village Clerk