



The City of Lee's Summit
Action Letter - Draft
Community and Economic Development Committee

Wednesday, January 10, 2018

4:30 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

CALL TO ORDER

2. ROLL CALL

Present: 5 - Chairperson Diane Forte
Vice Chair Diane Seif
Councilmember Trish Carlyle
Councilmember Fred DeMoro
Liaison Donnie Funk

Absent: 1 - Alternate Craig Faith

3. APPROVAL OF AGENDA

A motion was made by Councilmember DeMoro, seconded by Vice Chair Seif, that this agenda be approved. The motion carried unanimously.

4. PUBLIC COMMENTS

5. APPROVAL OF ACTION LETTER

- A** [2018-1767](#) Approval of the October 11, 2017 Community and Economic Development Committee Action Letter.

A motion was made by Vice Chair Seif, seconded by Councilmember DeMoro, that the minutes be approved. The motion carried unanimously.

- B** [2018-1768](#) Approval of the December 13, 2017 Community and Economic Development Committee Action Letter.

A motion was made by Vice Chair Seif, seconded by Councilmember DeMoro, that the minutes be approved. The motion carried unanimously.

6. ITEMS FOR DISCUSSION

Community and Economic Development Committee

Action Letter - Draft

January 10, 2018

- A. [2018-1772](#) Informational Presentation - Lee's Summit Code of Ordinances Chapter 5 - Animal Regulations

Presentation of information only. No discussion or action necessary.

7. BUSINESS

- A. [2017-1752](#) PUBLIC HEARING - Appl. #PL2018-012 - UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT #65 - Article 7 Design Standards, proposed amendments to the Downtown Design Standards, lighting standards and trash enclosure gate requirements; City of Lee's Summit, applicant

A motion was made by Councilmember Carlyle, seconded by Vice Chair Seif, that this UDO Amendment be referred to the Planning Commission. The motion carried unanimously.

- B. [2018-1769](#) Presentation and consideration of proposed amendments to the Unified Development Ordinance and Lee's Summit Property Maintenance Code pertaining to vehicle parking and storage regulations.

A motion was made by Councilmember Carlyle, seconded by Councilmember DeMoro, that the proposed UDO amendments be referred to the Planning Commission and the UDO amendments and proposed Property Maintenance Code provisions be considered by the City Council on the same City Council agenda. The motion carried unanimously.

8. ROUNDTABLE

There was no roundtable discussion at the meeting.

9. ADJOURNMENT

There being no further business, Chairperson Forte adjourned the meeting at 5:23 p.m.

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Packet Information

File #: 2018-1772, **Version:** 1

Informational Presentation - Lee's Summit Code of Ordinances Chapter 5 - Animal Regulations

Issue/Request:

At the December 13, 2017 concerns were expressed during public comment regarding the City's regulations and actions pertaining to an incident involving two dogs within a neighborhood. Staff suggested having Animal Control present an overview of the current regulations and enforcement actions to the Community and Economic Development Committee (CEDC) to gain a better understanding of how these matters are dealt with prior to considering any proposed changes or amendments.

Animal Control scheduled neighborhood meetings to meet with the affected neighborhood and concerned citizens and will be prepared to review and discuss regulations and enforcement activities/approaches taken when working through animal related incidents.

Staff has attached a copy of the current Lee's Summit Code of Ordinances Chapter 5 Animal regulations for review prior to the presentation/discussion. For reference - the two primary sections pertaining to dangerous dogs may be found in Sections 5-83 and 5-84.

ARTICLE I. - IN GENERAL

Sec. 5-1. - Scope.

Hospitals, clinics and other facilities operated by licensed veterinarians for the care and treatment of animals are exempt from all provisions of this chapter, except Section 5-31.

(Code 1988, § 5-1)

Sec. 5-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shall mean any live, vertebrate creature, domestic or wild, other than humans.

Animal boarding/pet-sitting establishment shall mean a business holding a valid business license that provides temporary shelter or boarding to animals owned by other people and returns those animals to the owners after a temporary period. This definition shall also include licensed veterinarians who provide similar shelter or boarding services.

Animal shelter shall mean the facility operated by the City or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or State law and in charge of an Animal Control Supervisor employed by or duly authorized to act as such by the City.

Assistance dog shall mean a dog that has been or is being trained as a guide dog, hearing dog, or service dog. The Department may require that owners, keepers, or maintainers of assistance dogs produce appropriate proof that the dog was formally trained for work as an assistance dog and is being used for such purposes. The above terms are further defined as follows:

- A. *Guide dog* shall mean a dog that has been or is being specially trained to aid a particular blind or visually impaired person.
- B. *Hearing dog* shall mean a dog that has been or is being specially trained to aid a particular deaf or hard of hearing person.
- C. *Service dog* shall mean a dog that has been or is being specially trained to aid a particular person with a disability other than sight or hearing.

Attractant shall mean any substance which could reasonably be expected to attract wild animal or does attract a wild animal, including but not limited to garbage, food products, pet food, feed, grain, or salt.

Cat shall mean all domestic animals of the feline species, both male and female.

Chicken shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated chicken.

Chicken pen shall mean a wire enclosure connected to a henhouse or chicken tractor for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Commercial animal establishment shall mean any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer, or business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of such establishments.

Competition dog shall mean a dog which is used to show, to compete or to breed, which is of a breed recognized by and registered with a valid registry approved by the department and meets one of the following requirements:

- A. The dog has competed in at least one dog show or sporting competition sanctioned by a valid registry approved by the department, within the last three hundred sixty-five (365) days;

- B. The dog has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry referenced above or other registry or dog sport association approved by the department; or
- C. The owner or custodian of the dog is a member of a purebred dog breed club, approved by the department, which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.

Department shall mean the Animal Control Unit of the City of Lee's Summit, Missouri Police Department.

Dog shall mean all domestic animals of the canine species, both male and female.

Domestic animal shall mean any animal that is domesticated as opposed to wild, free-roaming, except dogs, cats and chickens.

Electronic fence or *electronic collar* shall mean a fence or collar that controls the movement of a dog by emitting an electrical shock when the animal wearing the collar nears the boundary of the owner's, keeper's, harbinger's or maintainer's property. The collar may be controlled manually by a person or automatically in a predetermined manner.

Harboring shall mean offering asylum, refuge or sanctuary to any animal on a basis so temporary as to not be deemed to be owning, keeping or maintaining such animal.

Henhouse or *chicken tractor* shall mean a structure for the sheltering of chickens.

Hobby-kennel or *hobby-cattery avocation* shall mean the care, breeding, showing or sale of dogs or cats by an adult natural person who maintains a hobby-kennel or hobby-cattery containing more than three (3), but less than six (6) dogs or cats or a combination thereof over the age of six (6) months on the premises on which such person is resident or on a contiguous tract, which tracts are not zoned for business.

Humane officer shall mean the Supervisor of Animal Control, any police officer or any other person employed by the City to enforce this chapter.

Kennel or *cattery* shall mean the keeping, harboring or maintaining of six (6) or more dogs or cats or a combination thereof over the age of six (6) months upon a single tract.

Large animal shall mean any swine, bovine, goat, sheep, beast of burden or any other domestic or wild animal of similar or larger size, except dogs or cats of any kind.

License tag shall mean any system of animal identification approved by the Supervisor of Animal Control or Finance Director.

Owner shall mean any person owning, keeping, maintaining or otherwise having the care or control of an animal.

Owning, keeping or maintaining shall mean feeding or sheltering any animal for three (3) or more consecutive days or professing ownership of such animal.

Public nuisance shall mean any animal or group of animals that contains any animal that:

- A. Molests any passerby or chases passing vehicles including bicycles;
- B. Attacks any other animal;
- C. Is in heat and not properly confined in such a manner that the dog will not be accessible to other dogs except for planned breeding, as provided in this chapter;
- D. Is not under restraint in violation of this chapter;
- E. Damages public or private property;
- F. Barks, whines or howls in an excessive fashion, which is hereby defined as continuous or untimely so as to disturb the sleep of an individual who is a neighbor (a "neighbor" for this

purpose is hereby defined as an individual residing in a residence structure that is within one hundred (100) yards of the property on which the animal is kept or harbored) and who does in writing state that he will so testify, if called upon to testify about such matter under oath;

- G. Is ridden on public property without permission of the City or which obstructs or interferes with vehicular or pedestrian traffic;
- H. Causes injury to people;
- I. Threatens or causes a condition that endangers public health; or
- J. Impedes refuse collection by ripping any bag or tipping any container of such or interferes with the collector thereof.

Small animal shall mean any animal not within the definition of large animal.

Supervisor of Animal Control shall mean the person employed by the City as its Supervisor of Animal Control and shall also include the staff assigned to work under the direct control of the Supervisor of Animal Control, who may act through staff to perform any duty under this chapter unless otherwise specifically stated.

Unaltered shall mean not surgically spayed or neutered by a licensed veterinarian.

Under restraint shall mean an animal is within a fully enclosed or fenced area or under the hand-held leash of the owner, keeper, harbinger or maintainer, or a leash attached to a fixed object or structure, or confined to the premises of the residential property of their owner by an electronic fence or an electronic collar.

Under supervision shall mean that an owner, keeper, harbinger, or maintainer of an animal is in a position which allows him to maintain visual contact with the animal and allow him to readily respond in the event that a threat is posed to the animal or the animal poses a threat to another human being or animal.

Wild animal shall mean any animal that is predominantly free-roaming, as opposed to domesticated. This definition of wild animal shall include but is not limited to the following: bats, beavers, species of birds which are classified by the Missouri Department of Conservation as raptors or game birds (including waterfowl and turkeys), black bears, bobcats, cottontail rabbits, coyotes, deer, foxes, insects, lizards, minks, mountain lions, moles, muskrats, opossum, otter, raccoons, rodents in general, skunks, snakes, spiders, squirrels, and woodchucks.

(Code 1988, § 5-2; Ord. No. 6497, § 1, 9-20-2007; Ord. No. 6926, § 1, 5-6-2010; Ord. No. 7343, §§ 1, 2, 7-11-13)

Sec. 5-3. - Permitting animal to become nuisance; keeping a nuisance animal; running at large.

- A. It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to allow or permit any such animal to become a public nuisance, or to keep any animal that is or has become a public nuisance.
- B. It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to allow or permit any such animal to run at large. An animal shall be considered to be running at large if such animal is not under restraint as defined in Section 5-2.

(Code 1988, § 5-3; Ord. No. 6497, § 2, 9-20-2007)

Cross reference— Nuisances generally, ch. 16.

Sec. 5-4. - Places where animals kept to be kept clean.

No person shall cause or allow any place where an animal is or may be kept to become unclean and unwholesome.

(Code 1988, § 5-4)

Sec. 5-5. - Dangerous and prohibited animals.

- A. The following animals are hereby declared to be dangerous and the keeping or harboring of such animals within the City is prohibited, except as provided in Subsection B. of this section:
 1. Lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, jaguarundi, hyenas, wolves, and coyotes;
 2. Nonhuman primates, raccoons, skunks, and foxes;
 3. Any deadly, dangerous, or poisonous reptile;
 4. Any other animal which is inherently dangerous because of past behavior, violations of this chapter, or the nature of the animal in relation to persons or domestic animals.
- B. The animals listed in Subsection A. of this section may be kept in a properly maintained and licensed zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, only after such animals have been registered with the Supervisor of Animal Control.
- C. The Supervisor of Animal Control may determine the keeping or harboring of the animals listed in Subsection A. of this section in the locations listed in Subsection B. of this section has become a threat to humans or domestic animals by virtue of:
 1. Having inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury, resulting directly from an animal's bite or strike which results in death, broken bones, lacerations requiring stitches, or hospitalization. The victim receiving severe injuries must provide the Supervisor of Animal Control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement;
 2. Having killed a domestic animal, livestock, or poultry without provocation, while off the owner's property;
 3. Owning or harboring primarily or in part for the purpose of fighting or any animal trained for fighting;
 4. Having bitten a human being, without provocation, on public or private property other than the property of the owner;
 5. Having bitten while on the owner's property without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept;
 6. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by the animal;
 7. Possessing a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- D. If the circumstances described in Subsection C. of this section are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Chief of Police for a hearing on the matter as follows:
 1. A hearing board, consisting of the Chair of the Public Safety Advisory Board or his designee, the Chief of Police and the Administration Division Commander of the City's Police Department, or

their delegates, shall be convened within ten (10) working days after receipt of a written request from the owner.

2. Pending the outcome of such a hearing, the animal must be confined in such a manner so as not to be a threat to any person. The confinement may be on the homeowner's premises or with a licensed veterinarian.
 3. The hearing board shall determine whether the determination by the Supervisor of Animal Control is correct based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, Animal Control Personnel, police or any other person possessing information pertinent to such determination.
 4. The hearing board shall issue written findings within five (5) days after the hearing. If the hearing board sustains the determination, the owner or possessor of the animal shall be required to maintain the animal as provided in this section.
- E. Actions to be taken for an animal on which a determination has been made under Subsection C. or D. of this section is as follows: The animal shall be humanely destroyed or removed from the City limits within forty-eight (48) hours after notification.
- F. The use of plastic in the construction of cages or other structures used to harbor deadly, dangerous or poisonous reptiles is prohibited.

(Code 1988, § 5-5)

Sec. 5-6. - Diseased animals.

- A. No animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of human or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of Police or the Supervisor of Animal Control.
- B. It is hereby made the duty of the Supervisor of Animal Control to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

(Code 1988, § 5-6)

Sec. 5-7. - Beekeeping.

It shall be unlawful to keep or harbor any bees in the City except in agricultural areas and four hundred (400) feet from inhabitants other than the owners thereof. Any beehive used or occupied by bees in violation of this section is hereby declared to be a nuisance. It shall be unlawful to keep or maintain any hive in the City except in areas four hundred (400) feet from inhabitants other than the owners thereof.

(Code 1988, § 5-7)

State Law reference— Apiaries, RSMo ch. 264.

Sec. 5-8. - Impoundment; notice of impoundment.

- A. If any animal, other than a dog or cat, is found in a state or situation in violation of the provisions of this chapter, the animal shall be impounded and a notice of violation of this Code may be delivered in person or sent by first class mail to the owner, keeper, harborer or maintainer of such animal, if known. Failure of the owner of an impounded animal to redeem such animal within the time

designated in Subsection B. or to sign a release of ownership of such animal to the City shall constitute a case of animal neglect under Section 5-163.

- B. If such a violation is a first, second, or third violation with respect to the animal, the owner, keeper, harbinger, or maintainer may appear at any time within two (2) weeks after receipt of such notice and after payment of any impoundment fee and board fee set forth in Section 5-9 then due and owing, have a right to sign a waiver of prosecution which shall amount to a plea of guilty and pay a fine as determined from time to time by the Municipal Judge. In fourth and subsequent violations of this chapter, the animal may be reclaimed within such period after payment of any impoundment fee and board fee set forth in Section 5-9 then owing, but a complaint shall be issued and the owner, harbinger, keeper, or maintainer shall appear in Municipal Court in response to the complaint and any penalty imposed by the Court shall be satisfied.

(Code 1988, § 5-8)

Sec. 5-9. - Fees for impounding and keeping of animals; disposition of unclaimed animals.

- A. Any owner redeeming an animal other than a dog or cat from impoundment at the Animal Shelter shall pay, before release, a boarding charge for each twenty-four (24) hours or fraction thereof that such animal has been impounded and an impoundment fee. Additional fees shall be assessed against the owner for any unusual expenses incurred either in the impoundment or the care of any such animal.
- B. The fees for the total period of any impoundment of an animal other than a dog or cat shall be as set forth in the City's Schedule of Fees and Charges.
- C. The fees for the feeding of animals other than dogs or cats during each day of impoundment shall be as set forth in the City's Schedule of Fees and Charges.
- D. All impounded animals, except dogs and cats, shall be kept for a period of five (5) days. If the owner has not been identified and has not claimed such animal within that period of time, the City may accept sealed bids for the sale of such animal or put it through adoption procedures. The City reserves the right to reject any and all bids and to waive technicalities. If no bids are received for the sale of such domestic animal or it is not adopted, it may be destroyed and disposed of in a humane manner.

(Code 1988, § 5-9)

Sec. 5-10. - Prohibition of waste on private or public property.

It shall be unlawful for an owner, keeper, harbinger or maintainer of any animal to permit it to defecate or deposit fecal matter on or upon private property (other than the property on which the animal is legally being kept), or on public property unless such waste is immediately removed and properly disposed.

(Ord. No. 4859, § 1, 9-16-1999)

Sec. 5-11. - Feeding of certain wild animals prohibited.

A. *Prohibitions.*

1. No person shall feed or in any manner provide any attractant to any wild animal within the corporate limits of the City.
2. No person shall leave, store, or maintain any attractant in a manner, area, or location accessible to any wild animals within the corporate limits of the City.

B. *Exceptions.*

1. Any person who is the legal owner of a wild animal and the wild animal is kept in compliance with all applicable state and local laws.
2. Any person who feeds or provides food to a trapped, injured or unweaned wild animal between the time that the City of Lee's Summit Animal Control Department is notified of the wild animal and the wild animal is picked up by the City of Lee's Summit Animal Control Department or its designated agent.
3. Any person with a bird feeder intended to feed song birds, provided the feeder is suspended on a cable or other device to make it inaccessible to wild animals, and the area below the feeder is kept free from the accumulation of seed debris.
4. Any person feeding animals in the normal course of raising farm animals for food production or in the care of livestock animals, provided all reasonable efforts are made to reduce attractants to wild animals in the course of feeding livestock/farm animals and in the storage of animal feed.
5. Nothing in this section shall restrict citizens' ability to maintain ornamental plants or vegetable gardens on their property, provided all reasonable efforts are made to reduce wild animals feeding off of such ornamental plants or vegetable gardens.
6. Nothing in this section shall prohibit the actions of agents of the City of Lee's Summit Animal Control Department, Missouri Department of Conservation, their authorized agents or other individual(s) acting lawfully pursuant to wildlife or waterfowl management programs duly authorized by the City of Lee's Summit, the State of Missouri, or the Federal Government of the United States of America.

(Ord. No. 6926, § 2, 5-6-2010)

Sec. 5-12. - Sale of animals in public places prohibited.

- A. *Prohibitions.* No person shall sell, exchange, barter, trade, lease, rent, give away, display or transfer any animal on any roadside, public right-of-way, parkway, median, park, playground, flea market, commercial or retail parking lot, or property adjacent to such locations, that is generally accessible to the public, regardless of whether such access is authorized or not.
- B. *Exceptions.*
 1. This section shall not apply to the Lee's Summit Animal Control Department or any animal shelter licensed by the State of Missouri; or any breeding permit holder, or individual breeder, possessing a valid litter permit, to sell at an exempt commercial special event as defined in Article 11 of the Unified Development Ordinance; or other transfers from a personal residence.
 2. Nothing in this section shall prohibit a commercial animal establishment, which possesses any and all required federal, state, and/or local licenses for such business, from displaying, selling, or transferring animals, pursuant to its normal business activities, in public areas abutting or adjacent to its place of business.
- C. The term "animal shelter," as used in this section, means a facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption.

(Ord. No. 7034, § 1, 5-5-2011)

Secs. 5-13—5-29. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 5-30. - Enforcement.

The Supervisor of Animal Control or anyone having the authority of Animal Control Officer, Humane Officer or City police officer shall have the duty of enforcing all the terms and provisions of this chapter and shall be empowered to issue a citation and summons to Municipal Court for violations thereof.

(Code 1988, § 5-30)

Sec. 5-31. - Right to enter, inspect, require exhibition of license.

Any Supervisor of Animal Control, police officer, or humane officer is authorized to enter any premises where any animal is kept or harbored to inspect conditions under which such animal is kept and may require the owner of any dog or cat to exhibit a license therefor.

(Code 1988, § 5-31)

Sec. 5-32. - Records.

- A. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into their custody.
- B. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them, and its investigation of same.
- C. It shall be the duty of humane officers to keep, or cause to be kept, accurate and detailed records of all monies belonging to the City, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the City and shall be audited annually by the auditors selected by the City.

(Code 1988, § 5-32)

Sec. 5-33. - Violation.

Except as provided elsewhere, any person who fails to adhere to or otherwise violates the provisions of this chapter is guilty of a municipal ordinance violation punishable according to Section 1-13. Each day that such person shall continue violation of the provisions of this chapter shall constitute a separate and distinct offense and shall be punishable as such.

(Code 1988, § 5-33)

Secs. 5-34—5-50. - Reserved.

ARTICLE III. - RABIES CONTROL ^[2]

Footnotes:

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State Law reference— Protection against rabies, RSMo ch. 322.

Sec. 5-51. - Dogs and cats to be vaccinated; tags required.

- A. It shall be unlawful for a person to own, harbor, keep, or maintain any dog or cat over six (6) months of age within the City limits unless such dog or cat has been immunized against rabies by a licensed veterinarian within the previous three hundred sixty-five (365) day period or proof of currently effective rabies vaccination has been provided to the department within the previous three hundred sixty-five (365) day period and such dog or cat is wearing a valid rabies tag on its collar as proof of such immunization.
- B. Proof of currently effective rabies vaccination may be made by providing to the department a signed document from a licensed veterinarian stating that the last rabies vaccination provided by the veterinarian to the animal will remain effective throughout the next three hundred sixty-five (365) day period.
- C. Nothing in this section shall be construed to allow any owner, keeper, or maintainer to allow his animal to go without a rabies vaccination for a period of time longer than one thousand ninety-five (1,095) days.
- D. It shall be unlawful for an owner, keeper, harborer, or maintainer to refuse to exhibit a certificate of rabies vaccination or proof of currently effective rabies vaccination upon request of any humane officer.

(Code 1988, § 5-51; Ord. No. 6497, § 3, 9-20-2007)

Sec. 5-52. - Authority to order dog vaccinations.

During a rabies quarantine period and as long afterward as he decides it is necessary to prevent the spread of rabies, the Health Officer may require all dogs three (3) months of age and older to be vaccinated against rabies with a canine rabies vaccine approved by the biologics control section of the Federal Department of Agriculture. The types of approved canine antirabies vaccine to be used and the recognized duration of immunity for each shall be established by the Health Officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days observation. During the quarantine period, the Health Officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the City.

(Code 1988, § 5-52)

Sec. 5-53. - Reporting required; quarantine; surrender, redemption of suspected animals.

- A. Every animal that bites or scratches a person or shows evidence of having rabies shall be promptly reported to the Supervisor of Animal Control or other humane officer, and shall thereupon be securely quarantined at the direction of the Supervisor of Animal Control for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Supervisor of Animal Control. At the discretion of the Supervisor of Animal Control, such quarantine shall be within the City limits and may be on the premises of the owner, at the Animal Shelter or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals or in the case of animals whose ownership is not known such quarantine shall be at the Animal Shelter.
- B. The owner, upon demand by the Supervisor of Animal Control or other humane officer, shall forthwith surrender any animal that has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Such animal may be reclaimed by the owner, if it is adjudged free of rabies, upon payment of the impounding and boarding fees as set forth in the City's Schedule of Fees and Charges and upon

compliance of the licensing provisions as so set forth. No dog that has been impounded by reason of its being a stray or unclaimed by its owner may be allowed to be adopted from the Animal Shelter during the period of a rabies emergency quarantine, except by special permission of the City Health Officer and the Supervisor of Animal Control.

- C. When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the Supervisor of Animal Control shall immediately send the head of such animal to the State Department of Health for pathological examination and shall notify the Health Officer of reports of human contacts and the diagnosis.
- D. When one (1) or both reports indicate a positive diagnosis of rabies, the Supervisor of Animal Control shall recommend an area-wide quarantine for a period of sixty (60) days, and upon the invoking of such emergency quarantine by the Health Officer, no pet or animal shall be taken into the streets or permitted to be in the streets during such a period of quarantine. During such quarantine, no animal may be taken or shipped from the City without written permission of the Supervisor of Animal Control.
- E. If there are additional positive cases of rabies occurring during the period of a quarantine, such period of quarantine may be extended for an additional six (6) months.

(Code 1988, § 5-53)

Sec. 5-54. - Responsibilities of veterinarians.

It shall be the duty of every licensed veterinarian to report to the Supervisor of Animal Control any animal considered by him to be a rabies suspect.

(Code 1988, § 5-54)

Sec. 5-55. - Disposition of rabid animals.

- A. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except as provided in this article, nor remove such animal from the City limits without written permission from the Supervisor of Animal Control.
- B. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Supervisor of Animal Control.
- C. The Supervisor of Animal Control shall direct the disposition of any animal found to be infected with rabies.

(Code 1988, § 5-55)

Sec. 5-56. - Destruction of infected dogs.

Dogs bitten by a known rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed dog, strict isolation of the dog in a kennel for six (6) months shall be enforced. If the dog has been previously vaccinated, within the time limits established by the Center for Disease Control (CDC) based on the kind of vaccine used, revaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

(Code 1988, § 5-56)

ARTICLE IV. - DOMESTIC ANIMALS

Sec. 5-57. - Running at large, grazing prohibited.

It shall be unlawful to permit any domestic animal to run at large in the City. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

(Code 1988, § 5-57)

Sec. 5-58. - Distance from residences.

It shall be unlawful to keep or have any domestic animal anywhere in the City kept nearer than four hundred (400) feet from the residence of any other inhabitant.

(Code 1988, § 5-58)

Cross reference— Current zoning regulations.

Sec. 5-59. - Offensive, noisy stock trucks.

It shall be unlawful for any person to park over one (1) hour within the City limits any truck loaded with domestic animals that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.

(Code 1988, § 5-59)

Secs. 5-60—5-80. - Reserved.

ARTICLE V. - DOGS AND CATS^[3]

Footnotes:

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State Law reference— Dogs, cats, RSMo ch. 273.

DIVISION 1. - GENERALLY

Sec. 5-81. - Intent.

The intent of this article is to require dog and cat owners, keepers, harborer's or maintainers to comply with the ordinances of this City and not merely to operate an impoundment program. The enforcement of this article shall therefore place primary emphasis upon apprehending and initiating prosecution of violators of this article.

(Code 1988, § 5-81)

Sec. 5-82. - Collars and tags required.

The owner, keeper, harborer, or maintainer of a dog or cat shall keep on the dog or cat, at all times when the dog or cat is not inside a private building, a collar or harness, and a license tag issued by the

City, together with the rabies tag for such dog or cat, shall be affixed to the collar or harness in such a manner that the tags can be easily seen and failure to do so shall be unlawful.

(Code 1988, § 5-82)

Sec. 5-83. - Dangerous dogs—Classification.

- A. Any dog with the following characteristics may be classified as dangerous:
1. Any dog that has inflicted a severe or fatal injury on a human being on public or private property. Severe injury means any physical injury, resulting directly from a dog's bite, that results in broken bones, lacerations requiring stitches, or in-patient hospitalization. A victim who receives severe injuries must provide the Supervisor of Animal Control a signed physician's statement documenting injury and treatment qualifying such as a severe injury or sign an authorization for release of such statement.
 2. Any dog that has killed a domestic animal, dog, or cat without provocation, while off the owner's property.
 3. Any dog owned or harbored primarily or in part for the purpose of dogfighting or any dog trained for dogfighting.
 4. Any dog that has bitten a human being without provocation on public or private property other than the property of the owner.
 5. Any dog that, while on the owner's property, has bitten without provocation a human being other than the owner or a member of the owner's family who normally resides at the place where the dog is kept.
 6. Any dog that, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds or private property other than the property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by such dog.
 7. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings, domestic animals, dogs or cats.
- B. If the circumstances surrounding the classification as a dangerous dog under any of the definitions listed in Subsection A. of this section are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Chief of Police for a hearing and possible appeal as follows:
1. A hearing board, consisting of the Chair of the Public Safety Advisory Board or his designee, the Chief of Police and the Administration Division Commander of the City's Police Department, or their delegates shall be convened within ten (10) working days after receipt of a bona fide written request.
 2. Pending the outcome of such a hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.
 3. The hearing board shall determine whether to declare the animal to be a dangerous dog based upon evidence and testimony presented at the time of the hearing by the owner, in addition to witnesses, Animal Control personnel, police or any other person possessing information pertinent to such determination.
 4. The hearing board shall issue written findings within five (5) days after the hearing. The owner or possessor of the animal found to be dangerous shall be required to maintain the animal as provided in this section.
- C. Exemptions to dangerous dog classification:

1. With the exception of Subsection A.1. of this section, no dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog; was teasing, tormenting, abusing, or assaulting the dog; has in the past been observed or reported to have teased, tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.
 2. With the exception of Subsection A. of this section, an Animal Control Officer may, because of extenuating circumstances, determine from the investigation of an incident, that an animal is not dangerous. However, the owner, being responsible for the dog, may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidents. This, however, does not exempt the owner from being cited for other animal control ordinance violations.
 3. Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt from being classified as dangerous.
- D. Actions to be taken for dangerous dogs causing severe or fatal injuries:
1. Any dog, whether previously declared to be a dangerous dog or not, responsible for an unprovoked severe or fatal attack on a human being or another animal, may be humanely destroyed.
 2. A dog responsible for a provoked severe or fatal attack shall be maintained as a dangerous dog.

(Code 1988, § 5-83; Ord. No. 6497, § 4, 9-20-2007)

Sec. 5-84. - Same—Owners' responsibilities.

The following actions shall be required of owners of dogs that have been declared dangerous dogs:

- A. Any dangerous dog that bites or scratches a human being and any dog whose behavior immediately prior to or during an incident resulting in the biting or scratching of a human being that is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at the municipal Animal Shelter or a veterinarian clinic within the City limits of the City. Any dog impounded shall not be released to its owner or keeper until the license and spay/neuter requirements of this article are complied with and the owner/keeper has paid all fines and/or costs associated therewith.
- B. Any dangerous dog shall wear at all times a bright orange collar with a large brightly colored metal tag attached to the collar so the dog can readily be identified as a dangerous dog.
- C. The owner or keeper shall notify the animal control unit immediately if a dangerous dog is loose, unconfined, or missing, has attacked another animal or has attacked a human being.
- D. The owner or keeper shall notify the Animal Control unit within twenty-four (24) hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Animal Control Unit with the name, address and telephone number of the new owner. The new owner, if the dog is kept within the City limits of the City, must comply with the requirements of this section.
- E. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable for preventing the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother.

- F. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- G. The owner or keeper shall display a sign on his premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.
- H. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
- I. The owner or keeper of a dangerous dog shall present to the Animal Control Unit proof that the owner or keeper has procured liability insurance in the amount of at least three hundred thousand dollars (\$300,000.00), covering the twelve (12) month period during which licensing is sought. This policy shall contain a provision requiring the Supervisor of Animal Control to be notified by the insurance company of any cancellation, termination, or expiration of the policy.
- J. All owners or keepers of dangerous dogs must within ten (10) days of such declaration provide the Supervisor of Animal Control two (2) color photographs, one showing the left profile and the other showing the right profile, of the animal clearly showing the color and approximate size of the animal.
- K. All owners or keepers of dangerous dogs must have such dogs implanted with an identifying microchip in a manner approved by the Supervisor of Animal Control. Owners or keepers shall then provide the Supervisor of Animal Control the microchip number, and shall notify the Supervisor and the national registry applicable to the implanted chip of any change of ownership of the dog, or any change of address or telephone number. Any costs associated with the microchip shall be born by the owner or keeper.
- L. It shall be unlawful for the owner or keeper of a dangerous dog within the City to fail to comply with requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section may be, in addition to other penalties provided by ordinance, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this section, whichever is shorter.

(Code 1988, § 5-84; Ord. No. 6497, § 5, 9-20-2007)

Sec. 5-85. - Guard dogs.

- A. For the purpose of this section, guard dog is defined as a dog not owned by a governmental unit that is used to guard public or private property.
- B. No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by such person or under his charge or control any guard dog without such dog being confined behind a fence from which it cannot escape; or a dog can be within any part of a house or structure except when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure and must not be used or maintained in a manner which, as determined by the Supervisor of Animal Control, endangers individuals on or off the premises guarded.
- C. Any guard dog, including law enforcement dogs, used in the City by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this chapter.
- D. All guard dogs residing in or used as such in the City must be registered annually with the Supervisor of Animal Control.

(Code 1988, § 5-85)

Sec. 5-86. - Hobby-kennel, hobby-cattery avocation permit.

- A. Any adult natural person residing in a one-family dwelling may, for each calendar year or part thereof, purchase from the Supervisor of Animal Control a hobby-kennel or hobby-cattery avocation permit to establish and maintain a hobby-kennel or a hobby-cattery on the lot on which such person is a resident or on a contiguous lot, which lot is not zoned for business, if the site is to be located at least one hundred (100) yards from the boundary of the lot it is on in the case of a hobby-kennel, or at least one hundred (100) feet from such boundary in the case of a hobby-cattery. The fee for such permit shall be the amount set forth in the City's Schedule of Fees and Charges. Before any such permit shall be sold by the Supervisor of Animal Control, he must have inspected and approved the hobby-kennel or hobby-cattery or have inspected and approved detailed plans and specifications for compliance with the requirements of this chapter; and, he must further certify, with the assistance of all City employees and officers whose assistance is necessary, as hereby authorized, that such proposed hobby-kennel or hobby-cattery will be in compliance with all of the ordinances of the City.
- B. Applicants for hobby-kennel or hobby-cattery avocation permits shall, as a condition to the granting of such permit, in writing authorize the Supervisor of Animal Control and all City inspectors to make inspections during daylight hours of such hobby-kennel or hobby-cattery sought to be established.
- C. All holders of hobby-kennel avocation permits must acquire the appropriate license for each animal that the permit holder owns, keeps, or maintains, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Code 1988, § 5-86; Ord. No. 6497, § 6, 9-20-2007)

Cross reference— Occupational license tax generally, § 28-21 et seq.

Sec. 5-87. - Kennels and catteries.

- A. Any person who is deemed to be the operator of a kennel or cattery shall register such kennel on a form provided by the Finance Department. At the time of initial registration of each kennel or cattery and annually thereafter the operator of the kennel or cattery shall pay an inspection fee of the amount as set forth in the City's Schedule of Fees and Charges and shall have a valid business license issued by the City.
- B. It shall be unlawful to operate a kennel within the City limits which violates the standards of operation established in this section and which violates any zoning laws or regulations of the City.
- C. Kennel premises where permitted shall be maintained in a clean and sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors.
- D. The Supervisor of Animal Control shall have the right to inspect such kennels at all reasonable hours. The Supervisor shall inspect each registered kennel operating within the City limits at least once each calendar year to ensure compliance with the standards of operation.
- E. The operator of a kennel must acquire the appropriate license for each animal that the permit holder owns, keeps, or maintains, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Code 1988, § 5-87; Ord. No. 6497, § 7, 9-20-2007)

Sec. 5-88. - Individual breeders.

Individual breeders are persons who own, keep, or maintain no more than two (2) dogs or cats and wish to breed those animals. All individual breeders must acquire an unaltered pet license for each animal that the permit holder owns, keeps, or maintains, and intends to use for breeding purposes, as provided by Division 4 of this article and shall be subject to all requirements thereunder.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-89. - Breeding permits.

- A. All hobby-kennel or hobby-cattery avocation permit holders and kennel or cattery operators are required to apply for and be granted a breeding permit from the Animal Control Department in order to breed any dog. Each individual breeder who has applied for and received a litter permit for a nominal fee as set forth in Section 5-92, and whose animal has already produced one litter of puppies, is required to apply for and be granted a breeding permit from the Animal Control Department in order to further breed his dog. Each person who breeds his animal must individually apply for and be granted a breeding permit, except in the cases of hobby-kennel or hobby-cattery avocation permit holders and individual breeders. For hobby-kennel or hobby-cattery avocation permit holders and individual breeders, a person's breeding permit shall extend to members of the permit holder's immediate family.
- B. Each application for a breeding permit shall be accompanied by a fee set forth in the City's Schedule of Fees and Charges and no breeding permit shall be issued until the application fee is paid.
- C. Each breeding permit is issued to the person, not the dog, and therefore a breeding permit cannot be sold, purchased, traded, or otherwise conveyed from the person to whom the breeding permit was initially granted.
- D. No breeding permit shall be granted to a person until the following conditions are met:
 1. The applicant has submitted the appropriate forms and fees required by the Supervisor of Animal Control for a breeding permit.
 2. The applicant has a space in which to breed the dogs and raise the offspring that will contain the dogs as well as provide them with safe, sanitary, and humane conditions, appropriate for breeding a specific breed, and which satisfies all applicable provisions of the Code of Ordinances and all applicable State animal welfare laws.
 3. The department has evaluated the physical and behavioral characteristics regarding the suitability of the particular dogs to be bred.
- E. The department may deny any application for a breeding permit if it finds that one or more of the following has occurred:
 1. The applicant has failed to appropriately license the pet to be bred.
 2. The applicant has failed to pay the appropriate application fee.
 3. The applicant has a history of allowing dogs to run loose or escape, or has otherwise been found to be neglectful; has had his dog identified as a nuisance; or, has previously been determined to have violated the provisions of this chapter.
 4. The applicant has applied for a breeding permit within the last ten (10) months.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-90. - Animal boarding/pet-sitting establishments.

Owners and operators of animal boarding/pet-sitting establishments shall not be required to acquire breeding permits, unless the establishment also breeds dogs.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-91. - Inspection of premises to be used for breeding purposes.

- A. The department may inspect the premises to be used for breeding purposes and conduct the evaluation set forth in Section 5-89.D. The department shall give the applicant 24-hour notice of the inspection and shall conduct such inspection at a reasonable time when the applicant or his representative is present.
- B. If the applicant refuses to allow the department to conduct such inspection, or cannot be contacted by the department to give notice of the inspection within two (2) weeks of its initial attempt, the application shall be denied.
- C. Up to one year after issuing the breeding permit, the department shall have the option, on one or more occasions, to inspect the premises being used for breeding purposes to ensure that the conditions required to receive a permit are continuing to be met. The department shall give the permit holder 24-hour notice of the inspection and shall conduct such inspection at a reasonable time when the permit holder or his representative is present.
- D. If the permit holder refuses to allow the department to conduct such inspection, or cannot be contacted by the department to give notice of the inspection within two (2) weeks of its initial attempt, the department will determine that the permit holder is conducting breeding activities in violation of this chapter, and the breeding permit shall be revoked.
- E. This section shall not affect the department's ability to conduct inspections pursuant to Sections 5-86 and 5-87.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-92. - Litter permits.

- A. Breeding permit holders and individual breeders must apply for and obtain a litter permit for every litter produced by the breeding permit holder's or individual breeder's dogs. Breeding permit holders and individual breeders should apply to the department for a litter permit before the dogs are bred. A litter permit application should be accompanied by a litter permit fee, the amount set forth in the City's Schedule of Fees and Charges. A litter permit should be applied for and granted for every litter to be produced by any animal owned, held, or maintained by the permit holder.
- B. In the event that a permit holder or an individual breeder fails to apply for a permit before the female dog enters its gestation period, the department may issue the litter permit without penalty if it determines that the failure to acquire a permit was not in bad faith.
- C. The department shall have the option of inspecting the premises in the manner set forth in Section 5-91 for an evaluation of the factors set forth in Section 5-89.D.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-93. - Litter permits for individual breeders.

Individual breeders shall be required to submit an application fee of a nominal amount, as set forth in the City's Schedule of Fees and Charges, in order to receive their first litter permit. Any litter permit applications beyond the first litter permit must be accompanied by the application fee set forth in the City's Schedule of Fees and Charges.

(Ord. No. 6497, § 8, 9-20-2007)

Sec. 5-94. - Enforcement of breeding and litter permit requirements.

Any person found breeding dogs without the required breeding and/or litter permits shall be in violation of this chapter and shall be subject to the following penalties:

- A. Each dog involved in illegal breeding activities shall be impounded and held until any applicable licenses are issued and the dogs may be surgically altered.
- B. A fine of no more than twenty dollars (\$20.00) shall be imposed for each puppy that the illegal breeding activities produced.
- C. The fines imposed under this section are in addition to any other fines that may be levied against the person under this chapter, and the person shall be responsible for costs related to impoundment, surgical alteration, or any other costs imposed by this chapter.

(Ord. No. 6497, § 8, 9-20-2007)

Secs. 5-95—5-105. - Reserved.

DIVISION 2. - LICENSING

Sec. 5-106. - Required; exception.

- A. It shall be unlawful for a person to own, keep, harbor or maintain any dog or cat within the City limits unless such dog or cat is licensed as provided in this division. Dogs and cats that are intended to be sold, given away or turned over to an animal control or humane agency before they reach the age of six (6) months are exempt from the provisions hereof.
- B. The licensing provisions of this division shall not apply to nonresidents of the City unless they keep a dog or cat within the City for more than thirty (30) days.
- C. Any person who is found to be in violation of the provisions of this division shall be subject to a fine of not less than one hundred dollars(\$100.00), which shall be levied in addition to any fees required by the provisions of this chapter, and the animal shall be subject to impoundment.
- D. Nothing in this article shall be construed to prevent animal boarding/pet-sitting establishments from lawfully providing temporary boarding/pet-sitting services to owners of unlicensed animals.

(Code 1988, § 5-106; Ord. No. 6497, § 9, 9-20-2007)

Sec. 5-107. - Application.

- A. Written application for a dog or cat license shall be made to the Finance Department or the Animal Shelter. The applications shall state the name, address, telephone number (if any), and a driver's license number (or in lieu of a driver's license number, a social security number) of the owner, proof of current rabies vaccination for any dog or cat over six (6) months of age and the name, breed, color, sex and distinguishing marks of the dog or cat. For dog licenses, the applicant shall also provide verification from a licensed veterinarian that the dog has been surgically altered (spayed or neutered), unless that dog qualifies for an unaltered pet license under Section 5-142. No individual under seventeen (17) years of age shall make application for a dog or cat license.
- B. The Supervisor of Animal Control is authorized to promulgate appropriate rules and regulations in order to establish and administer a program in which veterinarian clinics and animal boarding/pet-sitting establishments serve as a place where citizens can apply for and obtain licenses provided under this chapter. Participating veterinarian clinics and animal boarding/pet-sitting establishments may collect the application fees described in Sections 5-108 and 5-114 and charge a nominal fee not

to exceed \$3.00 for administrative costs incurred for providing such services in relation to this program.

(Code 1988, § 5-107; Ord. No. 6497, § 10, 9-20-2007; Ord. NO. 7294, § 1, 2-7-2013)

Sec. 5-108. - Fee.

- A. The annual license fee for neutered/spayed dogs and cats and for unaltered dogs and cats, respectively, shall be as set forth in the City's Schedule of Fees and Charges; provided, however, that upon application for such license accompanied with adequate proof that the dog to be licensed is trained as an aid to a handicapped person and is regularly used in the service of and by a handicapped person, then such license shall be issued without fee. This fee shall not apply to any dog used for service by a government law enforcement agency.
- B. The annual licensing fee for a license issued for any unaltered dog or cat within the first year of the animal's life shall be the same amount as the annual licensing fee for neutered/spayed dogs and cats. All subsequent annual licensing fees for unaltered dogs and cats shall be equal to the fee listed in the City's Schedule of Fees and Charges.

(Code 1988, § 5-108; Ord. No. 6497, § 11, 9-20-2007)

Sec. 5-109. - Receipt, tag and record required.

The Finance Department or Animal Shelter shall issue a receipt and a numbered metallic or plastic tag for each dog or cat licensed, and shall maintain records of such receipts and tags for five (5) years (after expiration), per State Records Retention Manual. Such record shall be open to public inspection during regular business hours.

(Code 1988, § 5-109)

Sec. 5-110. - Term; delinquency.

All licenses required by the provisions of this division shall be issued for one (1) year and shall be obtained by May 1 each year. Licenses shall be delinquent after May 1. A delinquency fee in the amount set forth in the City's Schedule of Fees and Charges shall be added to the regularly established fee. Any valid dog or cat license issued by another municipality shall be accorded full recognition as a legal substitute under this section for the remainder of the City license year.

(Code 1988, § 5-110)

Sec. 5-111. - Misusing tags prohibited.

It shall be unlawful for a person to use a dog or cat license tag or rabies tag for a dog or cat other than that for which it was issued.

(Code 1988, § 5-111)

Sec. 5-112. - Transfer.

If ownership of a dog or cat is transferred, the new owner may have the current license transferred to his name upon payment of a transfer fee in the amount set forth in the City's Schedule of Fees and Charges.

(Code 1988, § 5-112)

Sec. 5-113. - Lost or destroyed licenses.

If a dog or cat license is destroyed or lost, a duplicate may be obtained from the City for a fee in the amount set forth in the City's Schedule of Fees and Charges.

(Code 1988, § 5-113)

Sec. 5-114. - Lifetime licensing.

- A. Any person may apply for a lifetime license for a dog or cat in the same manner provided in Section 5-107. Any person who receives a lifetime license shall not be subject to the provisions of Section 5-110. Instead, the lifetime license shall be effective for the remaining life of the dog or cat for which the lifetime license was received. Fees for a lifetime license shall be set forth in the City's Schedule of Fees and Charges.
- B. Any person who receives a lifetime license must provide the Supervisor of Animal Control an annual certificate of rabies vaccination, according to the provisions of Article III of this chapter, or the lifetime license may be revoked.
- C. For any dog that receives a lifetime license and subsequently is declared a dangerous dog under Division 1 of this article, the lifetime license shall be revoked and the owner of such dog shall be required to license the dog annually according to the provisions of Division 1 and Section 5-110 of this article.
- D. Any person who receives a lifetime license must have such dog or cat implanted with an identifying microchip in a manner approved by the Supervisor of Animal Control. The owner or keeper shall then provide the Supervisor of Animal Control the microchip number, and shall notify the supervisor and the registry applicable to the implanted chip of any change of ownership of the dog or cat, or any change of address or telephone number. Any costs associated with the microchip shall be born by the owner or keeper.

(Ord. No. 6497, § 12, 9-20-2007)

Secs. 5-115—5-135. - Reserved.

DIVISION 3. - IMPOUNDMENT, REDEMPTION AND ADOPTION

Sec. 5-136. - Intent.

The intent of this division is to require dog or cat owners to comply with the law, not merely to operate an impoundment program. Humane officers shall, therefore, place primary emphasis upon apprehending and initiating prosecution of violators of this division.

(Code 1988, § 5-136)

Sec. 5-137. - Impoundment; notice of impoundment.

- A. Dogs or cats not licensed pursuant to this article, or found not under restraint or abandoned, or improperly tethered, or without proper license and rabies tags, may be picked up and impounded by any humane officer. Impoundment may be in any animal shelter designated by the City Council. Such shelter shall be built and equipped to care for the animals in a humane manner.

- B. If the dog or cat's owner can, by any reasonable means, be identified and located, the owner shall be notified as soon as possible that the dog or cat has been impounded. Owners must reclaim impounded dogs or cats within the time specified by Subsection D. or sign a written release relinquishing ownership of such dog or cat. Failure to reclaim or sign a release constitutes animal neglect under Section 5-163.
- C. If the licensed dog or cat wears proper license and rabies tags and the owner can be immediately contacted, the humane officer who picked up such animal, or any other humane officer, will provide transportation of the animal back to the owner's place of residence. There shall be no charge to the owner for such transportation.
- D. Impounded animals shall be kept for not less than five (5) days except when:
 - 1. Given to be disposed of by an owner, in which case the dog or cat shall be held until the next calendar day before making a disposition;
 - 2. A dog or cat arrives at the shelter in so sick or injured a condition that in the judgment of the Supervisor of Animal Control or a licensed veterinarian, human compassion requires that the suffering be promptly ended, in such instance the time period shall not apply and the animal will be humanely euthanized to prevent needless suffering;
 - 3. A dog or cat arrives at the shelter brought from outside the City limits, in which case the dog or cat shall be held until the next calendar day before making a disposition.
- E. If an impounded dog or cat is not redeemed by the owner within five (5) days after impoundment, the dog or cat may be disposed of in one of the following ways:
 - 1. Euthanasia, using a method approved by the State Veterinary Medicine Association; or
 - 2. Release for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care.

(Code 1988, § 5-137; Ord. No. 6497, § 13, 9-20-2007)

Sec. 5-138. - Fees for impounding, boarding and adoption.

- A. Any owner redeeming a dog or cat from impoundment at the animal shelter shall pay to the Finance Director or his designee, before release, a boarding charge for each twenty-four (24) hours or fraction thereof that the dog or cat has been impounded, plus an impoundment fee. Additional fees shall be assessed against the owner for any unusual expenses incurred either in the impoundment or the care of the dog or cat.
- B. If such a violation is a first, second, or third violation with respect to the dog or cat, the owner, keeper, harborer, or maintainer may appear at any time within five (5) days after receipt of the notice provided in Section 5-137 and after payment of any impoundment fee and board fee set forth in this section then due and owing, and shall have the right to sign a waiver of prosecution which shall amount to a plea of guilty and pay a fine as determined from time to time by the Municipal Judge. In fourth and subsequent violations of this chapter, the dog or cat may be reclaimed within such period after payment of any impoundment fee and board fee set forth in this section then owing, but a complaint shall be issued and the owner, harborer, keeper, or maintainer shall appear in Municipal Court in response to the complaint and any penalty imposed by the Court shall be satisfied.
- C. The fees for the total period of any impoundment of a dog or cat shall be as set forth in the City's Schedule of Fees and Charges.
- D. In addition to the impoundment fees set out in Subsection C., there shall also be assessed a feeding and caring fee as set forth in the City's Schedule of Fees and Charges for each day that a dog or cat is impounded.
- E. Any new owner adopting an impounded dog or cat shall first obtain a license for the dog or cat, and shall, in addition, pay the adoption fee as set forth in the City's Schedule of Fees and Charges.

- F. The adoption fee includes deposit of funds for sterilization, rabies vaccination, City license, microchip and adoption administration.

(Code 1988, § 5-138)

Sec. 5-139. - Fraudulent acts prohibited.

It shall be unlawful for any person to adopt a dog or cat for the purpose of circumventing the provisions of Section 5-138. It shall be unlawful to engage in any fraudulent scheme, device, or trick to obtain any animal from the animal shelter. It shall be unlawful for any person to aid or assist any such tricks, devices, or schemes.

(Code 1988, § 5-139)

Sec. 5-140. - Penalty.

Violators of this division shall be punished in accordance with the provisions of Section 1-13.C. of the Code.

(Code 1988, § 5-140)

DIVISION 4. - MANDATORY SPAY AND NEUTER PROGRAM FOR DOGS

Sec. 5-141. - Mandatory spaying, neutering of dogs.

- A. No person may own, keep, or maintain a dog over the age of six (6) months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered or obtain an unaltered dog license in accordance with Section 5-142.
- B. The owner or custodian of a dog which is unable to be spayed or neutered without a reasonable likelihood of suffering bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a licensed veterinarian. The writing must also state the date by which the dog may be safely spayed or neutered. If the dog is unable to be spayed or neutered within thirty (30) days, the owner or custodian must apply for an unaltered dog license.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-142. - Unaltered dog license—Requirements.

- A. An owner or custodian of an unaltered dog over the age of six (6) months must obtain an annual unaltered dog license for the dog.
- B. The license shall be issued if the department has determined that all of the following conditions are met:
 - 1. The dog is one of the following: a competition dog as defined in Section 5-2; a dog used by a law enforcement agency for law enforcement purposes; a qualified assistance dog as defined in Section 5-2; a dog which is unable to be spayed or neutered as set forth in Section 5-141.B; a dog owned, kept, or maintained for breeding purposes by a person with a valid breeding permit issued pursuant to Section 5-89; or a dog owned, kept, or maintained for breeding purposes by an individual breeder, as defined in Section 5-88;
 - 2. Any dog owned, kept, or maintained for breeding purposes by an individual breeder that has produced at least one litter of puppies is ineligible to receive an unaltered dog license unless the

individual breeder who owns, keeps, or maintains such dog obtains a valid breeding permit pursuant to Section 5-89;

3. The owner or custodian has submitted the required application and has paid the fee set forth in Sections 5-107 and 5-108; and
4. The unaltered dog will be maintained in accordance with the provisions of this chapter, and with applicable State animal care and control laws.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-143. - Denial or revocation of unaltered dog license—Grounds and re-application.

- A. The department may deny or revoke an unaltered dog license for one or more of the following reasons:
 1. The applicant or licensee is not in compliance with all of the requirements of Section 5-142;
 2. The applicant or licensee has been previously found guilty of violating a State law, County code or other municipal provision relating to the care and control of animals;
 3. The unaltered dog has been declared to be a dangerous dog;
 4. Any unaltered dog license held by the applicant has been revoked;
 5. A female unaltered dog has had more than one litter per year, or five (5) or more litters in her lifetime; or
 6. The license application is discovered to contain a material misrepresentation of fact.
- B. *Re-application for unaltered dog license.* When an unaltered dog license is denied, the applicant may re-apply for a license upon a showing that the requirements of Section 5-142 have been met. The department shall refund one-half of the license fee when an application is denied. The applicant shall pay the full fee upon re-application.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-144. - Appeal of denial or revocation of unaltered dog license.

- A. *Request for hearing.*
 1. *Notice of intent to deny or revoke.* The department shall mail to the owner or custodian a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner or custodian may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.
 2. *Hearing officer.* The hearing shall be conducted by the Chief of Police or a designee.
 3. *Notice and conduct of hearing.* The department shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than thirty (30) days after the department's receipt of the request for a hearing. Failure of the owner or custodian or his agent to appear at the hearing will result in forfeiture of the right to a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The department shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the hearing officer shall be the final administrative decision.

- B. *Change in location of dog.* If the dog is moved after the department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner or custodian must provide the department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-145. - Transfer, sale and breeding of unaltered dog.

- A. *Offer for sale or transfer of unaltered dog:* An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with Section 5-141. The license number must appear on a document transferring the dog to the new owner.
- B. *Transfer of unaltered dog:* The owner or custodian of an unaltered dog over the age of six (6) months, which is not a competition dog as defined in Section 5-2, must demonstrate compliance with Section 5-141 prior to the transfer, and must notify the department of the name and address of the transferee within ten (10) days after the transfer.
- C. *Notification of litter and sale or transfer of puppies:* Within thirty (30) days after a litter is born to a female dog, the owner or custodian of the female dog shall advise the department in writing of the number of live born puppies. When a puppy under the age of six (6) months is sold or otherwise transferred to another person, the owner or custodian shall advise the department of the name and address of the new owner or custodian, and the microchip number of the puppy, if applicable, within ten (10) days after the transfer.
- D. *Personal responsibilities:* Nothing in this section shall be construed to impair the responsibilities of a person required to comply with the breeding and litter permit requirements of Division 1 of Article V of this chapter.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-146. - Penalties.

The penalties for violations of any provision of this part are as follows:

- A. *First violation.* A first violation shall be an infraction punishable by a fine not less than fifty dollars (\$50.00). If the owner or custodian fails to correct the underlying cause of the violation within thirty (30) days after being notified of the violation, it shall be deemed a second violation.
- B. *Second violation.* A violation within a year of a first violation shall be deemed a second violation. A second violation is punishable by imprisonment for a period not to exceed six (6) months or by a fine not less than one hundred dollars (\$100.00), or by both such fine and imprisonment. Each subsequent violation within one year shall be considered an additional violation.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-147. - Impoundment of unaltered dog.

- A. *Reclaiming impounded dog.* When an unaltered dog is impounded, the owner or custodian may reclaim the unaltered dog when one of the following occurs:
1. The dog is spayed or neutered by a licensed veterinarian at the expense of the owner or custodian.
 2. The owner or custodian demonstrates compliance with Section 5-141.

- B. *Costs of impoundment.* The owner or custodian of the unaltered dog shall pay the costs of impoundment, which shall include daily board costs.

(Ord. No. 6497, § 14, 9-20-2007)

Sec. 5-148. - Allocation of fees and fines collected.

All costs and fines collected under this division and the fees collected under this chapter shall be paid to the City for the purpose of defraying the cost of the implementation and enforcement of this chapter.

(Ord. No. 6497, § 14, 9-20-2007)

Secs. 5-149, 5-150. - Reserved.

DIVISION 5. - TETHERING AND FENCING OF DOGS

Sec. 5-151. - Tethering.

- A. No owner, keeper, harborer, or maintainer of a dog may tether, fasten, chain, or tie a dog, or allow his dog to be tethered, fastened, chained, or tied to any permanent or temporary structure, any post attached to the ground or any permanent or temporary structure, or to any weight designed to restrict the dog's freedom of movement to a limited area of space, except where:
1. The tethering, fastening, chaining, or tying of the dog to any structure, post, or weight, is temporary; and
 2. The tethering, fastening, chaining, or tying of the dog to any structure, post, or weight is under supervision of the owner, keeper, harborer, or maintainer or a responsible person to whom the task of supervision is delegated.
- B. The tethering, fastening, chaining, or tying of a dog to any structure or post shall be considered temporary only if the time the dog is tethered, fastened, chained, or tied to any structure, post, or weight is:
1. No more than one half ($\frac{1}{2}$) an hour at any one time; and
 2. No more than a total of three (3) hours within a twenty-four (24) hour period.
- C. No owner, keeper, harborer, or maintainer of a dog may tether, fasten, chain, or tie a dog, or allow his dog to be tethered, fastened, chained, or tied to any structure, post, or weight under any circumstances, whether temporary and under supervision or not, in any area of property that is considered frontage, as defined by Section 2.1280 and other applicable sections of the Unified Development Ordinance, except:
1. A dog may be tethered temporarily and while under supervision in an area of property that is considered frontage when the only area of the property available to the owner, keeper, harborer, or maintainer for such purposes is frontage.
- D. Any violation of this section shall be considered an act of animal abuse under Section 5-164 of this chapter.

(Ord. No. 6497, § 15, 9-20-2007)

Sec. 5-152. - Fencing.

- A. No owner, keeper, harborer, or maintainer of a dog shall allow that dog to remain in the yard of any property unless the dog is under supervision, as defined in Section 5-2, or confined as provided in this section.
- B. If the dog is not under supervision while remaining in the yard of any property, the dog must be securely confined by enclosed fencing or in a securely enclosed and locked pen, structure, or run. Such fencing or pen, structure, or run must be suitable for preventing the animal from escaping. A locked pen, structure, or run must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog.
- C. If the dog is confined to the residential property of the owner, keeper, harborer or maintainer by an electronic fence or an electronic collar, the dog shall not be permitted to be nearer than five (5) feet away from any public street or sidewalk or property line that is contiguous to neighboring property.
- D. No dog having been found as a dangerous dog, as defined by Section 5-83, shall be confined by an electronic fence or an electronic collar. Electronic collars may not be used to control a dog when it is off the owner's, keeper's, harborer's or maintainer's property.

(Ord. No. 6497, § 15, 9-20-2007)

Secs. 5-153—5-160. - Reserved.

ARTICLE VI. - NEGLIGENCE AND ABUSE

Sec. 5-161. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care shall mean normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

Adequate control shall mean to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

Harbor shall mean to feed or shelter an animal at the same location for three (3) or more consecutive days.

Pests shall mean birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the State Wildlife Code.

(Code 1988, § 5-161)

Cross reference— Definitions and rules of construction generally, § 1-2.

State Law reference— Similar definitions, RSMo 578.005.

Sec. 5-162. - Scope of article.

The provisions of this article shall not apply to:

- A. Care or treatment performed by a licensed veterinarian within the provisions of RSMo ch. 340;

- B. Bona fide scientific experiments;
- C. Hunting, fishing or trapping as allowed by RSMo ch. 252, including all practices and privileges as allowed under the State Wildlife Code;
- D. Facilities and publicly-funded zoological parks currently in compliance with the Federal "Animal Welfare Act," as amended;
- E. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
- F. The euthanizing of an animal by the owner thereof, the agent of such owner or by a veterinarian at the request of the owner thereof;
- G. The lawful euthanizing of an animal by the animal control officer, the operator of the animal shelter, a veterinarian or any police officer or health official;
- H. With respect to domestic animals and chickens, normal or accepted practices of animal husbandry;
- I. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or livestock animal, but not including police or guard dogs while working;
- J. The killing of house or garden pests;
- K. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri;
- L. Slaughtering or butchering as allowed by Section 5-167 of this chapter.

(Code 1988, § 5-162; Ord. No. 7343, § 3, 7-11-13)

State Law reference— Similar provisions, RSMo 578.007.

Sec. 5-163. - Animal neglect.

- A. A person commits the offense of animal neglect when he has custody or ownership, or both, of an animal and fails to provide adequate care and adequate control.
- B. All fines and penalties for a first conviction of animal neglect may be waived by the Municipal Court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

(Code 1988, § 5-163)

State Law reference— Similar provisions, RSMo 578.009.

Sec. 5-164. - Animal abuse.

A person commits the offense of animal abuse when he:

- A. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this article;
- B. Purposely, intentionally or recklessly causes injury, suffering or pain to an animal;
- C. Abandons an animal in any place without making provisions for its adequate care;
- D. Overworks or overloads an animal or drives or works an animal unfit for work;

- E. Having ownership or custody of an animal, willfully fails to provide adequate care or adequate control.
- F. Improperly tethers a dog in violation of Section 5-151.

(Code 1988, § 5-164; Ord. No. 6497, § 16, 9-20-2007)

State Law reference— Similar provisions, RSMo 578.012.

Sec. 5-165. - Responsibility for adequate care.

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of or harbored by such minor child.

(Code 1988, § 5-165)

State Law reference— Similar provisions, RSMo 578.014.

Sec. 5-166. - Neglected or abused animal not to be returned to owner.

If a person is adjudicated guilty of animal neglect or animal abuse and the Municipal Court is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the Court.

(Code 1988, § 5-166)

State Law reference— Similar provisions, RSMo 578.021.

Sec. 5-167. - Slaughtering—Butchering restricted.

- A. No person or business, except a licensed commercial slaughterhouse in compliance with City ordinances, shall slaughter or dress any animal, fowl, or fish within the City at any time; provided however, that wild game, fowl and fish legally taken for sport and not to be sold, and chickens kept in accordance with Article VII of this chapter, may be slaughtered and dressed in an enclosed area and in such a manner so as to eliminate any and all potential for public viewing.
- B. Except for licensed commercial butcher shops, lockers, or food stores operating in compliance with City ordinances, the butchering of animals or animal parts shall be conducted in an enclosed area and in such a manner so as to eliminate any and all potential for public viewing.
- C. No person shall slaughter, dress or butcher as permitted by this section without disposing of all animal waste in a sanitary manner, as provided in Chapter 25 of this Code.

(Ord. No. 7343, § 5, 7-11-13)

Sec. 5-168. - Entry warrants for enforcement; impoundment; costs.

- A. Any duly authorized public health official, law enforcement official or other person having authority to enforce the provisions of this chapter may seek a warrant from the appropriate court to enable him to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to

believe a violation of this article has occurred. A person acting under the authority of a warrant shall not be liable for any necessary damage to property while acting under such warrant.

- B. All animals impounded pursuant to a warrant issued under this section shall be:
 - 1. Placed in the care or custody of a veterinarian, the Supervisor of Animal Control, or the animal shelter. If none of these resources are available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose; or
 - 2. If it is determined by a veterinarian that an animal impounded under a warrant is diseased or disabled beyond recovery for any useful purpose, that animal may be humanely killed.
- C. The owner or custodian of any animal who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid, and may put up for adoption or humanely kill such animal if such costs are not paid within ten (10) days after demand. Any monies received for an animal adopted pursuant to this subsection in excess of costs shall be paid to the owner of such animal.
- D. The owner or custodian of any animal killed pursuant to this section shall be entitled to recover the actual value of the animal if the owner or custodian shows that such killing was unwarranted.

(Code 1988, § 5-167; Ord. No. 7343, § 4, 7-11-13)

Editor's note— Ord. No. 7343, § 4, adopted July 11, 2013, renumbered § 5-167 as § 5-168.

State Law reference— Similar provisions, RSMo 578.018.

Secs. 5-169—5-199. - Reserved.

ARTICLE VII. - CHICKENS

Sec. 5-200. - Number and type of chickens allowed.

- A. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the track.
- B. Only female chickens are allowed. There is no restriction on the chicken species, as defined in Section 5-2.
- C. Subparts A. and B. of this subsection shall not apply when the chicken(s) kept are four hundred (400) feet or more from the residence of any other inhabitant.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 1, 1-6-2014)

Sec. 5-201. - Non-commercial use only.

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-202. - Enclosures.

- A. Chickens must be kept in an enclosure or fenced area at all times. During daylight hours, chickens may be allowed outside of their chicken pens in a securely fenced yard if under supervision as

defined in Section 5-2. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.

- B. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- C. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- D. Henhouses and chicken tractors.
 - 1. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - a. A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one inch openings.
 - b. Materials.
 - (1) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal or similar materials is prohibited.
 - (2) Materials used shall be impervious to moisture so that the surface does not permit the absorption of fluids. This may be accomplished by sealing with paint, or using a material that is impervious to moisture by nature, i.e., plastic, metal, concrete, glazed faced tile, etc. The surface shall be routinely maintained. If paint is peeling, it must be repainted to seal the surface.
 - (3) Henhouses and chicken tractors shall be well maintained.
 - 2. No henhouse, chicken tractor or chicken pen shall be placed in any area of property that is considered frontage, as defined by Section 2.1280 and other applicable sections of the Unified Development Ordinance.
 - 3. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least forty (40) feet from any adjacent residential dwelling, church, school, or place of business.
 - 4. Henhouse and chicken tractor size.
 - a. The minimum size of any henhouse or chicken tractor shall be two (2) square feet per chicken.
 - b. The maximum size of any structure henhouse or chicken tractor shall be four (4) square feet per chicken.
 - c. The interior roosting area of any henhouse or chicken tractor shall be not less than two (2) feet in height.
 - d. The exterior height of any henhouse or chicken tractor, including any risers or pedestals, shall not to exceed ten (10) feet.
- E. A chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.
- F. Subparts A. through E. of this section shall not apply when chicken(s) are kept four hundred (400) feet or more from the residence of any other inhabitant.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 2, 1-6-2014)

Sec. 5-203. - Chickens at large.

- A. Chickens shall not be allowed to run at large. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.
- B. No dog, cat or other domesticated animal, which kills a chicken running at large will, for that reason alone, be considered a dangerous or prohibited animal.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 3, 1-6-2014)

Sec. 5-204. - Odor and noise impacts.

- A. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.
- B. Perceptible noise from the chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.
- C. It shall be unlawful for any person to park over one (1) hour within the City limits any truck loaded with chickens that would cause an offensive smell or noise, or which would unnecessarily annoy the rest of others.

(Ord. No. 7343, § 7, 7-11-2013; Ord. No. 7416, § 4, 1-6-2014)

Sec. 5-205. - Predators, rodents, insects, and parasites.

The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-206. - Feed and water.

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-207. - Waste storage and removal.

The chicken owner must provide for the storage and removal of chicken manure. All stored manure shall be covered in a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-208. - Unlawful acts.

- A. It shall be unlawful for any person to keep chickens in violation of any provision of this article.
- B. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.

(Ord. No. 7343, § 7, 7-11-2013)

Sec. 5-209. - Violation.

As provided in Section 5-33, any person who fails to adhere to or otherwise violates this article is guilty of a municipal ordinance violation punishable according to Section 1-13. Each day that such person shall continue violation of the provisions of this article shall constitute a separate and distinct offense and shall be punishable as such.

(Ord. No. 7343, § 7, 7-11-2013)

Packet Information

File #: 2018-1842, **Version:** 1

Discussion - Request to Consider UDO Sign Regulation Amendment - Joe Ross, Cricket Wireless

Mr. Joe Ross, Cricket Wireless business representative, appeared before the City Council and requested the UDO Sign regulations be reviewed for potential changes. He is currently located in a strip center just north of M-150 here in Lee's Summit. He was eluding to his efforts in obtaining signage that our ordinances do not allow at this time. Mr. Ross was given new information shortly following the City Council meeting that did allow him to utilize a sandwich board in front of his business for which he was grateful for the additional opportunity. Beyond that his request centered on allowing the moving people signs that blow in the wind, longer banner permit times and the use of inflatables.

City staff worked diligently on amending UDO Article 13 Signs primarily in response with the Supreme Court's decision on content neutrality back in 2016. However, Lee's Summit also continues to work hard in an effort to reduce sign clutter and create a more attractive and inviting business climate. Physical appearance is often the first qualifier a business looking to enter a new market perceives upon their initial visit. Enhancing the community's physical appearance is a high priority and minimizing visual distractions and promoting attractive signs with clear messages are paramount to that happening. Staff is often asked to loosen signage regulations however, we hear from citizens and those visiting from other communities how well kept and visually appealing Lee's Summit is which just solidifies and encourages our efforts to continue or quest for an attractive and inviting community.

Staff does appreciate Mr. Ross's comments and continues to remain open to alternative signage suggestions that provides benefit to the community as a whole and supports the community vision.

Recommendation: Staff recommends the continued pursuit of an attractive and inviting community and therefore requests maintaining the status quo on our sign regulations. Lee's Summit current sign regulations are attached for information purposes.

..Presenter

Presenter: Robert McKay, AICP, Director of Planning and Special Projects

Article 13. Signs
Article 13. Signs

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Division I: Purpose and Findings

Section 13.010. Purpose and Intent

This Article is intended to:

- A. Regulate existing and proposed signs of all types;
- B. Implement the Comprehensive Plan
- C. Protect the public health, safety and general welfare;
- D. Protect state and federal constitutional rights to free speech;
- E. Protect property values;
- F. Create a more attractive economic and business climate;
- G. Enhance and protect the physical appearance of Lee's Summit;
- H. Preserve the scenic and natural beauty of Lee's Summit and provide a more enjoyable and pleasing community; and
- I. Promote attractive signs which clearly present the visual message in a manner that is compatible with their surroundings.

Section 13.020. Findings

- A. **General Findings.** The City finds that the standards and procedures in this Article:
 1. Implement the goals and policies of the Comprehensive Plan by establishing uniform standards and procedures to control the size, type, number, design, placement, illumination and maintenance of signs;
 2. Protect public health and safety by:
 - a. Minimizing visual distractions and obstructions that contribute to traffic accidents,
 - b. Prohibiting signs that constitute a traffic hazard or obstruct the visibility of motorists, bicyclists or pedestrians, or cause confusion by virtue of visual similarity to traffic control signs,
 - c. Reducing hazards that are caused by signs that overhang or project over public rights-of-way,
 - d. Providing more visual open space, and
 - e. Preventing potential deterioration of the community's appearance and attractiveness that would create a blighting influence;
 3. Encourage signs that are attractive and functional for the type of establishment to which they pertain, and that are in scale and architectural harmony with the project site, project building(s), adjacent buildings and development in the district or neighborhood in which they are located;
 4. Reduce visual clutter and physical obstructions caused by a proliferation of signs that could diminish the City's image, property values and quality of life;
 5. Keep signs within a reasonable scale with respect to the building(s) to which they relate;
 6. Encourage the upgrading, updating or removal of signs that are poorly maintained, out of character with their surroundings, or do not conform to this Article; and

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7. Prevent signs that are potentially dangerous to the public due to structural deficiencies and disrepair.
- B. **Design.** The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, signs should convey their messages clearly and simply to be compatible with their surroundings.

Division II: Applicability

Section 13.030. Generally

- A. This Article applies to all signs that are visible from a public right-of-way, adjacent property, or outdoor areas of public property.
- B. No signs shall be erected, placed, displayed, or maintained in any district within the City of Lee's Summit, except as specifically allowed in this Article.

Section 13.040. Message Neutrality

- A. This Article regulates signs in a manner which is consistent with the speech freedoms of both the United States and Missouri Constitutions and the Missouri Statutes, and is content neutral.
- B. Notwithstanding any other provision of this Article, no sign is subject to any limitation based on its content. Any sign authorized in this Chapter may contain any non-commercial copy in lieu of any other copy.

Section 13.050. Exempted Signs

- A. This Article does not apply to the following:
 1. Architectural Features;
 2. Flags, Government;
 3. Governmental Signs and Legal Notices;
 4. Historical Markers;
 5. Holiday Decorations which would not otherwise meet the definition of any type of sign set forth herein;
 6. Incidental Signs that are attached to a building or window and do not exceed one (1) square foot;
 7. Interior Signs, including interior window signs;
 8. Manufacturer's Marks;
 9. Property Address Sign, not exceeding two (2) square feet;
 10. Warning Signs, that are posted on private property and do not exceed three (3) square feet in area,
 11. Signs preempted from regulation by state or federal law.
- B. See Section 13.110 for signs that are regulated by this Article, but exempt from sign permits.

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Section 13.060. Prohibited signs

The following signs are prohibited as stated below, except as otherwise provided in this Article.

- A. Abandoned Sign;
- B. Animated or Moving Sign;
- C. Attention Attracting Device;
- D. Beacon;
- E. Flag, Commercial;
- F. Home Occupation Sign;
- G. Human Sign; Costumed Characters;
- H. Inflatable Display;
- I. Internally Illuminated Signs with white background
- J. Obscene Sign;
- K. Off-Premise Sign, excluding Billboards;
- L. Painted Wall Sign;
- M. Painted and/or Architectural Wood Sign (except as approved by Planning Commission)
- N. Pennant/Streamer;
- O. Pole Sign;
- P. Portable Sign;
- Q. Private Sign, placed on public property;
- R. Projection Sign;
- S. Raceway, except as further provided in this Article;
- T. Roof Sign;
- U. Snipe Sign;
- V. Sound or Smoke Emitting Sign;
- W. Window Sign, exterior;
- X. Any sign or sign structure determined by the Director to be structurally unsafe or a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- Y. Any sign which obstructs the vision of drivers, or unduly distracts attention of drivers, or obstructs the visibility of any traffic sign or traffic control device by reason of size, location, coloring, or illumination;
- Z. Any sign which obstructs free ingress and egress from a required door, window, fire escape, or other exitway, and any other sign prohibited by the building code;
- AA. Any sign unlawfully installed, erected, or maintained;
- BB. Signs in the right-of-way, excluding governmental signs and traffic signs.
- CC. Signs that are directed to incite or produce imminent lawless action and are likely to incite or produce such action, as determined by the Director.
- DD. Signs that convey threats of violence that are directed at a person or group of persons that have the intent of placing the target at risk of bodily harm.

Division III: Definitions and Measurement Standards

Section 13.070. Sign Definitions

- A. This article contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the sign requirements. However, to the extent that there is any inconsistency between the text of this Article and any graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.
- B. The following words and terms as used in this Article have the meanings stated in this section.
1. **Abandoned Sign.** Any sign remaining in place or not maintained for a period ninety (90) days after it no longer advertises or identifies an ongoing business, product or service available on the establishment premises where the display is located.
 2. **Abandoned Sign Structure.** A sign structure which:
 - a. by reason of neglect, damage or deterioration, requires repair, and
 - b. the owner, or other party responsible for maintaining the sign, fails to undertake and complete the repairs within thirty (30) days after written notice to do so from the City.
 3. **Address.** A sign that displays the official address of the property or building.
 4. **Animated or Moving Sign.** A sign depicting motion, the act of motion, action, light or color changes through environmental, mechanical, or electrical means or through patterned illusionary movement. This definition includes a person or figure, whether costumed or not, located outside a building or use, for the purpose of attracting attention to said business or use. This definition does not include electronic message boards, as defined herein and further regulated in Division VI of this Article.
 5. **Architectural Features.** Decorative materials, embellishments, attachments, or other elements of buildings that do not contain letters, trademarks, moving parts or lights. Examples include columns, cornices, arches, dormers, public and private art, and sculptures attached to the building.
 6. **Architectural Support Structure.** A structure that serves as the base of a sign, or the structural members supporting sign, containing architectural features or designs to provide a decorative finish or covering over the supporting members.
 7. **Attention Attracting Device.** Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.
 8. **Attached Sign.** An "Attached Sign" is a sign that is attached to a building. The term "Attached Sign" includes any Awning Sign, Canopy Sign, Marquee Sign, Over Canopy Sign, Painted Wall Sign, Projecting Sign, Under Canopy Sign, or Wall Sign, defined as follows:
 - a. **Appliqué Sign.** A commercial sign made of flexible film material similar to a decal that is applied to a wall surface in a manner that can also be easily removed without damaging the wall surface. Such signs are usually applied by heat and adhere to wall surfaces without the use of any other means.
 - b. **Awning Sign.** A sign that is painted, stenciled or attached to the surface of an awning. An "awning" means an overhead covering that projects from and is supported by the wall of a building to shield a doorway, walkway, or window from inclement weather or the sun. Awnings are slanted, sloped, or rounded; are often made of non-rigid material such as fabric or flexible plastic, supported by a rigid frame; or can be constructed with rigid materials, such as



Awning Sign

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metal. An awning may be retractable into the face of the building.

- c. **Canopy Sign.** A sign attached to the surface of a canopy. A "canopy" means an overhead structure made of rigid material, parallel to the ground, which is either: 1) attached perpendicular to a building wall and extends at least twelve (12) inches from the face of the building, or 2) a freestanding overhead structure supported by posts. A canopy may also be referred to as a "marquee."
- d. **Marquee Sign.** See Canopy Sign.
- e. **Over Canopy Sign.** A sign on the top of a canopy over a covered porch or walkway, to identify the tenant of the adjoining space.



Canopy or Marquee Sign



Over Canopy Sign

- f. **Painted Wall Sign.** Any sign painted, drawn or sculpted on the exterior surface of a building or other structure depicting any business, service or product.



Painted Wall Sign

- g. **Projecting Sign.** A sign which is supported by a building wall or column, and which has its copy area oriented perpendicular to the building wall or column supporting it; or secondly, a sign, any part of which extends more than twelve (12) inches from the building wall. (Note: a sign extending less than 12 inches from the building wall is considered a Wall Sign.)



Projecting Sign

- h. **Under Canopy Sign.** A sign suspended from the underside of a canopy, a covered porch or a walkway.



Under Canopy Sign

- i. **Wall Sign.** A sign that is fastened directly to the exterior wall of a building and extends from the surface of the wall no more than twelve (12) inches. (Note: a sign extending more than 12 inches from the building wall is considered a Projecting Sign.)



Wall Sign

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9. Awning sign. See "Attached Sign."
10. Banner. See "Temporary Sign."
11. Beacon. Any stationary or revolving light which flashes, projects or directs one (1) or more beams of single or multiple colored light, in any manner which, intended or not, attracts or diverts attention.
12. Billboard. Large outdoor advertising sign (usually 12' x 25' or greater) erected alongside a highway. A billboard is a specific type of off-premise sign.
13. Canopy sign. See "Attached Sign."
14. Changeable Copy. Characters, letters, numbers, or illustrations that can be manually replaced or altered through the placement of letters or symbols on a panel mounted in or on a track system.



15. Construction sign. See "Temporary Sign."
16. Directional sign. Sign designed to provide direction to pedestrian and vehicular traffic within a facility.
17. Directory sign. See "Multi-tenant sign" under "Freestanding sign."
18. Digital Display: A sign which uses electronic means to display changeable or intermittent images, such as by turning on or off various lighting elements. This includes any illuminated sign on which the illumination is not kept stationary or constant in intensity and color at all times when the sign is in use. The term includes display technology such as LED (light emitting diode) or digital displays which can vary in color or intensity, or any functionally equivalent system. This sign type is also known as a "changeable electronic variable message" sign. A Digital Sign is a form of Electronic Message Board (EMB).
19. Electronic Message Board (EMB). A sign or portion of a sign with a fixed or changing display/message which can be electronically changed or rearranged without altering the face or the surface of the sign.
20. Elevation. A two-dimensional drawing, drawn to scale, showing horizontal and vertical elements of a building or structure, including but not limited to walls, roof lines and other architectural features.
21. Event Sign. See "Temporary Sign."
22. External Indirect Lighting. See "Illumination, External Indirect."

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23. Façade. That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as a mansard.
24. Façade, Multi-Tenant. Same as Façade except applies only to individual tenant leased space.
25. Flag, Commercial. A piece of fabric or other flexible material, usually rectangular in shape, with distinctive colors and patterns that displays the symbol(s) of a company, or that advertises a product or service.
26. Flag, Government. A piece of fabric or other flexible material, usually rectangular in shape, with distinctive colors and patterns that displays the symbol(s) of a nation, state, or local government
27. Foot candle. A measure of illuminance. Illuminance is the amount of light coming from a lit object and striking an unlit object at a given distance away. One foot candle is the equivalent light coming from a wax candle and striking an unlit object at a distance of one foot away.
28. Freestanding sign. A "Freestanding Sign" means a sign that is permanently attached to the ground and that is wholly independent of any building or other structure. The term "freestanding sign" includes, but is not limited to, any ground sign, hanging sign, landscape wall sign, menu board, monument sign, multi-tenant monument sign, pillar sign, pole sign, sandwich board, or subdivision monument sign, defined as follows:

- a. **Ground Sign.** A freestanding sign, other than a pole sign, which is:
(1) supported by at least two architectural support structures, (2) pedestrian scale or low to the ground, and (3) not directly in contact with the ground.



Ground Sign

- b. **Hanging Sign.** A sign which is suspended from the underside or attached to the side of a wooden or iron post.



Hanging Sign

- c. **Landscape Wall Sign.** A sign consisting of individual letters mounted on a screen (as defined in Section 14.010), perimeter wall or retaining wall.



Landscape Wall Sign

- d. **Drive-through Facility Sign.** An outdoor sign which is part of drive-through or drive-in facilities. This type of sign may include, but is not limited to, a changeable point of purchase advertising display that allows the retailer to list products and prices, for example, the bill of fare for a fast food restaurant.



Drive-through Facility Sign

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- e. **Monument Sign.** A freestanding sign in which the entire bottom of the sign is in contact with the ground, or which is mounted on a solid base at least two-thirds of the width of the sign face, providing a solid and continuous background for the sign face from the ground to the top of the sign.



Monument Sign

- f. **Multi-tenant Sign.** A sign structure designed with two or more removable panels to identify the tenants in a building with more than one tenant, or in a development with more than building.



Multi-tenant Sign

- g. **Pillar Sign.** A slender, three-dimensional freestanding vertical sign.



Pillar Sign

- h.
- i. **Sandwich Board.** A portable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and forms the cross-sectional shape of the letter "A" when viewed from the side.



Sandwich Board

- j. **Subdivision Monument Sign.** A monument sign that is located at an entrance of a residential subdivision and is associated with identification of the subdivision.



Subdivision Monument Sign

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29. Glare. Glare results from areas of high brightness in the visual field and can cause discomfort, irritation and obscuration of the message.
30. Governmental Sign. Any sign placed by any city, county, state or federal governmental agency.
31. Ground Sign. See "Freestanding Sign."
32. Halo-Lighting. See "Illumination, Internal Indirect."
33. Hanging Sign. See "Freestanding Sign."
34. Historical Marker. A plaque or sign to commemorate a person, place or event of historic interest. These markers are generally placed by the city, county, state or national historical organization.
35. Home Occupation Sign. A sign which identifies, advertises, or attracts attention to any home occupation as defined in this chapter
36. Human Sign. See "Animated or Moving Sign."
37. Illuminated Sign. A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
38. Illumination, External Indirect. A source of external illumination located away from the sign, which lights the sign, but the direct light source is not obviously visible to persons viewing the sign from any street, sidewalk or adjacent property.
39. Illumination, Internal. A source of illumination contained entirely within the sign which makes the contents of the sign visible at night by means of light being transmitted through a translucent material, but wherein the source of the light is not visible.
40. Illumination, Internal Indirect. A source of illumination entirely within an individual letter, cabinet or structure which makes the sign visible at night by means of lighting the background upon which the individual letters are mounted. The letters are typically opaque, and thus are silhouetted against the background. The source of illumination is not visible. Also called "halo" or "reverse channel" lighting.
41. Incidental sign. An announcement or other display providing information about the occupancy or conduct of business permitted on a premises, such as logos of credit cards accepted on the premises, hours of operation, a "closed" or "open" sign, emergency contact person name and telephone number, street address, "help wanted," "no loitering or solicitations," security system notices, notices required by law, and similar information.
42. Inflatable Display. A display, object or sign that is intended to be filled with air or other gas that depicts any container, figure, product, object or message.



Inflatable Displays



Inflatable Displays

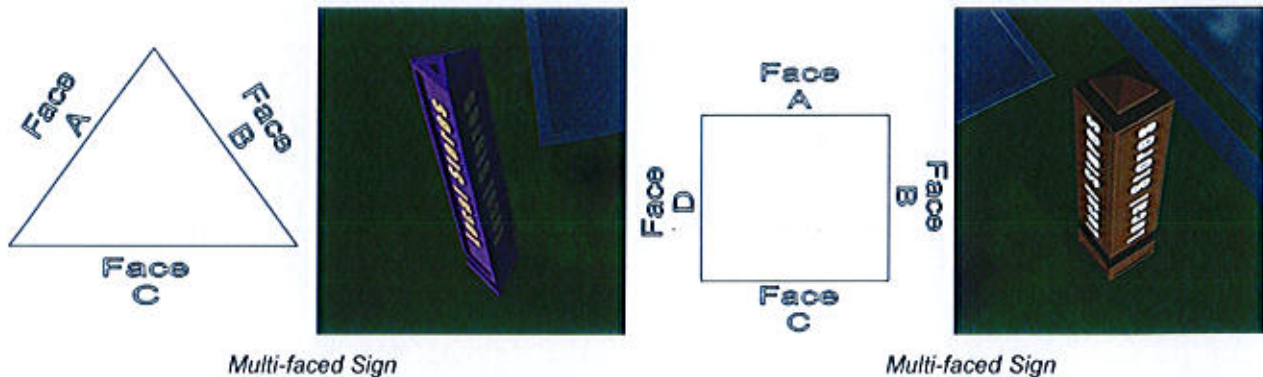


Inflatable Displays

43. Interior Sign. Any sign placed within a building, including interior window signs and interior window displays.

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44. Internal Lighting. See "Illumination, Internal."
45. Landscape Wall Sign. See "Freestanding Sign."
46. Legal Notice. A sign furnished by the City for the purpose of informing the general public of the time and place of the public hearing on a development application associated with the property or properties.
47. Manufacturer's Marks. Brand names, logos, or instructions on products, product containers, structures, or dispensers that are an integral part of the product or the product's packaging that customarily remain attached to the product or product's packaging.
48. Marquee Sign. See "Attached Sign."
49. Menu Board. See Drive-through facility sign under "Freestanding Sign."
50. Model Home Sign. See "Temporary Sign."
51. Monument Sign. See "Freestanding Sign."
52. Multi-faced Sign. A sign structure that contains two (2) or more sign face surfaces that are located on different sides of the structure and are connected or separated from each other at their nearest point by no more than three (3) feet.



53. Multi-tenant sign. See "Freestanding Sign."
54. Multi-tenant nonresidential development. A single office, commercial or industrial property that is designed or intended for occupancy by two or more businesses.
55. Neon sign. An internally illuminated sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light. A neon sign is either:
 - a. An illuminated sign where a neon glass tube provides the illumination but the lighting tube is not visible, or
 - b. Exposed neon, where the glass tube lighting is meant to be visibly seen and creates the signage.



56. Obscene Sign. A sign which contains material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

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(ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic, political or scientific value.

- 57. Off-premise Sign. A sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished or conducted at the property upon which the sign is located. A billboard is a specific type of off-premise sign; see "Billboard" definition.
- 58. On-premise Sign. Any sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use where the sign is displayed.
- 59. Over Canopy Sign. See "Attached Sign."
- 60. Painted Wall Sign. See "Attached Sign."

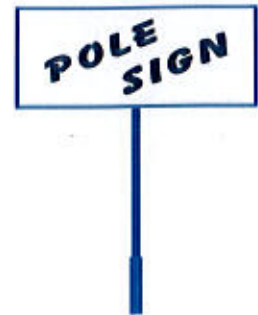
61. Pennant/Streamer. Any small strips of lightweight plastic, fabric, or similar material shaped triangularly or rectangularly, suspended from a rope, wire, or string, usually in a series. The term "pennant" shall not include a "banner" or an "official or personal flag" as regulated herein.



Pennant/Streamer

62. Pillar Sign. See "Freestanding Sign."

63. Pole sign. A freestanding sign that is mounted on a pole, tube, or other fabricated member without any architectural covering of the support structure.



Pole Sign

64. Political Sign. See "Temporary Sign."

65. Portable sign. A sign that is not permanently affixed to one location and has the capability of being moved from one site to the next site, including any vehicle or trailer containing any advertising matter, words, symbols, or pictures, that is parked on public or private property, for the primary purpose of advertising or directing attention to a business. This definition does not include sandwich sign or permitted temporary sign.



Portable Sign



Portable Sign



Portable Sign

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66. Private Sign on Public Property. Any sign for a specific business, product, service, entertainment event or activity, or other commercial activity that is located on property owned by any city, county, state or federal governmental agencies.
67. Projection sign. A sign which is projected onto a building or structure.
68. Projecting sign. See "Attached Sign."
69. Public Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and used or intended to be used, wholly or in part, as a public street, alley, walkway, drain or public utility line.
70. Quill Banner. See "Temporary Sign."
71. Raceway. A metal conduit or channel containing the electrical power lines for illuminated signs.



Raceway

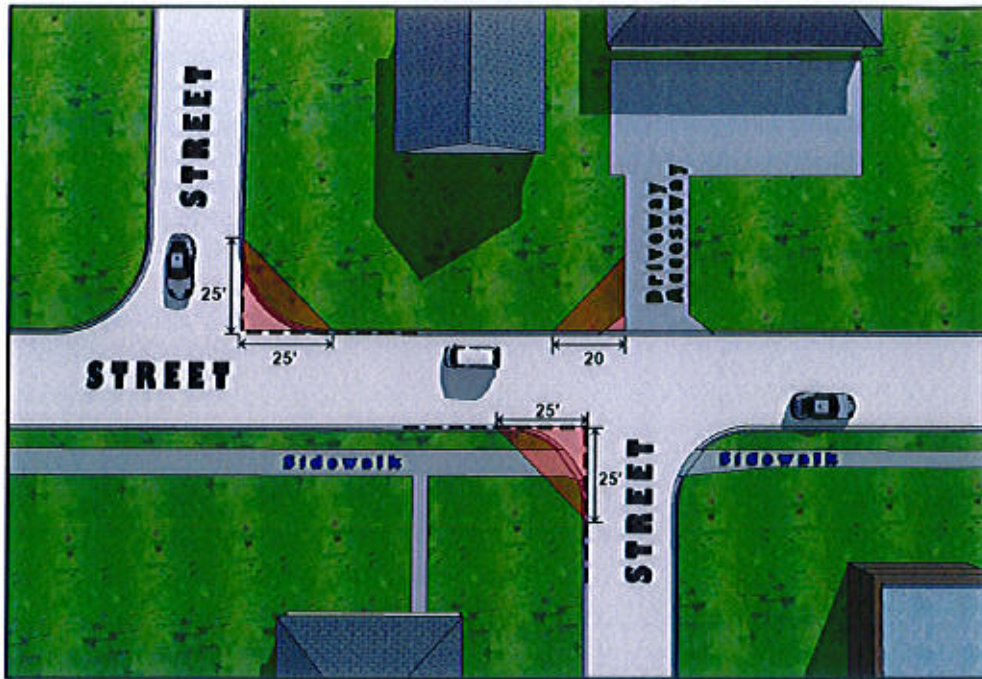
72. Real Estate Sign. See "Temporary Sign."
73. Roofline. The fascia, soffits, guttering, bargeboards and cladding that form the frontage immediately below the roof and the eaves of a building. Essentially it's where the roof meets the wall material of the building.
74. Roof sign. A sign that is mounted on the roof of a building; is located above the roofline; or is attached to a structure located on a roof. This definition does not include a sign attached to a wall located below the uppermost roofline of a building, or to an over canopy sign which is located below the roofline; or to a sign mounted on a vertical, or nearly vertical, parapet or mansard.



Roof sign

75. Sandwich Board. See "Freestanding Sign."
76. Sight Triangle. The triangular area for sight distance preservation defined by the American Association of State Highway and Transportation Officials (AASHTO) "Green Book." This sight triangle is normally formed by lines at least 25 feet in length along the edges of the pavement of intersecting streets or a driveway intersecting a street, from their point of intersection.

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Sight Triangle

77. Sign. Any object, device, display, or structure, or part thereof, that is used to advertise, identify, display, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
78. Sign face. The area or display surface used for the message.
79. Sign height. The vertical distance to the highest point of a sign structure, as measured from the average grade at the base of the structure or the lowest vertical point of a projecting structure.
80. Sign structure. All elements of a freestanding sign, including the sign face, background or decorative elements related to the presentation of the sign's message, and the structural supports.
81. Snipe Sign. Any sign of a material such as cardboard, paper, pressed wood, plastic or metal that is attached to a fence, tree, utility pole or temporary structure or located within a public right-of-way.
82. Sound or Smoke Emitting Sign. A sign that emits or utilizes in any manner any sound capable of being detected by a person with normal hearing; or a sign that emits smoke, vapor, particles, or odors.
83. Special Event Sign. See "Temporary Sign."
84. Streamer. See "Pennant/Streamer."
85. Subdivision Monument Sign. See "Freestanding Sign."
86. Temporary Sign – A sign displayed for an activity having a specific duration, or the end of which is related to a specific action, usually lasting for less than twelve (12) months at a time.
 - a. Commercial temporary signs are banners used to promote products, services, or businesses, or to announce open houses and grand openings for businesses. Banner is defined as follows:

Banner. A sign made of fabric, plastic, or vinyl or similar non-rigid material, and is either 1) attached to a building or structure or 2) attached to posts, stakes or other temporary framing

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mechanism. A banner may be rectangular, or in the shape of a quill, sail, feather, blade or teardrop, mounted on a solid or flexible pole or cord. This definition does not include flags, pennants or streamers.



Banner attached to structure



Banner attached to framing

- b. Non-commercial temporary signs are used to make special announcements, communicate events, or express opinions, or are associated with the sale, lease or development of property. They may be either banners or small rigid signs made of plastic, wood or metal, attached to posts, stakes or other temporary framing mechanism. Non-commercial temporary signs may include, but are not limited to, the following:
- 1) Construction Sign – Sign placed on a site during construction of a building or development project, or the rehabilitation, remodeling or renovation of a building.
 - 2) Garage Sale sign – Sign advertising personal or household goods for sale, typically on a residential property, generally referred to garage sales or yard sales.
 - 3) Home parade signs, including directional arrows to homes on a homes tour, including "Parade of Homes" event occurring in the spring and fall of the year.
 - 4) Political Sign – Sign displayed prior to an election, political campaign, referendum or ballot proposition put to the voters as part of city, state or federal governance.
 - 5) Real Estate Sign – Sign displayed on a property or premises which is for sale, for lease, or for rent.
 - 6) Special Event Sign – Sign displayed to advertise either a) a Special Event as defined and regulated under Article 11, or b) a non-commercial event exempt from special event permit, such as on-premise church and school activities.
87. Tenant. One who possesses or occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.
88. Under Canopy Sign. See "Attached Sign."
89. Uniform Sign Plan. Coordinated drawings and specifications that establish a unified design concept with regard to the location, materials, size, letter style, and color of all signs to be placed on a property or series of adjacent properties.
90. Wall sign. See "Attached Sign."
91. Warning Sign. A non-advertising sign that conveys a message of caution, warning, or danger. Examples of warning signs include, but not limited to, "Danger High Voltage," "No Dumping," and "No Trespassing."
92. Window Sign, Exterior. Any sign posted, painted, placed, affixed to or over the exterior of any window.
93. Window Sign, Interior. Any sign posted, painted, placed, affixed to or over the interior of any window.

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94. Window Display, Interior. The display of merchandise or objects associated with a business or institution that is located interior to a building, and that is not posted, painted, placed, or affixed to a window.

C. New signs not listed. Any new sign not identified above shall be interpreted by the Director with appeal to Planning Commission.

Section 13.080. Measurement of Sign Area

A. Sign Area. To determine compliance with the maximum allowable sign areas permitted under this Article, the area of a sign shall be considered the area of the sign face unless otherwise stated.

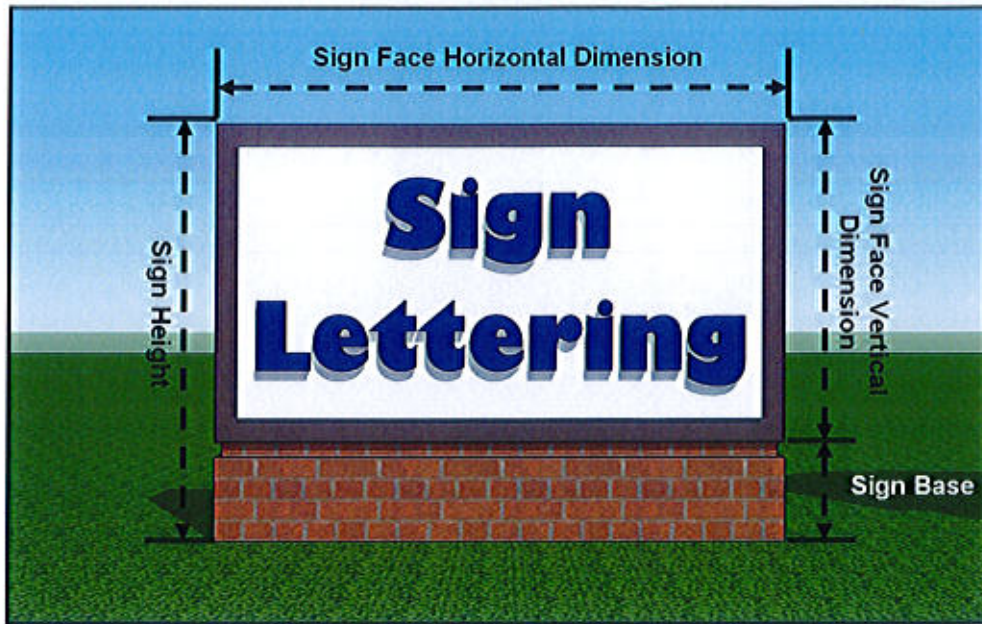
1. Sign Face Area:

- a. The area of a sign face is computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign face, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

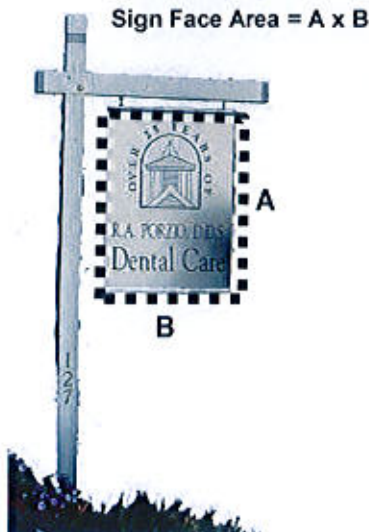


- b. The sign face area does not include any of the following elements outside of the rectangle that delimits the sign face:
- (1) The structure, supports or uprights on which the sign face is placed, and
 - (2) Any part of the sign structure that does not contain any message or idea and is purely structural or decorative in nature. This includes any base or frame of a monument sign.

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Measuring Sign Face Area and Sign Height



Measuring Sign Face Area



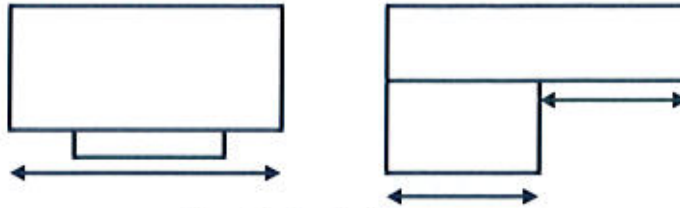
Measuring Sign Face Area

- c. If the sign includes words, letters, figures, symbols, logos, fixtures, colors, or other design elements that routinely change from time to time, the sign face area includes the entire area within which:
 - (1) The changeable copy is placed, and
 - (2) Any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- d. Any open space contained within the limits of the rectangle delimiting the sign face is included in computing the area of the sign face, sign face module, or sign structure.
- e. For multi-faced signs, when the sign face surfaces are parallel (back-to-back), or where the interior angle formed by the faces is forty-five (45) degrees or less, the area of the sign is the area of the largest side. For all other multi-faced signs, the area of the sign is the total area on all sides that can be viewed at one time from any angle.

Article 13. Signs

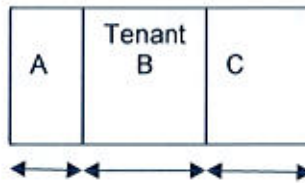
B. For purposes of calculating permitted sign area as a percentage of building facade, the following measurements apply:

1. The area of a building façade shall be computed as width times height of the building, not including the roof.
2. If the building façade has one or more offsets of less than five (5) feet, the entire façade, without regard for the offsets, may be counted as a single plane of the building. If the building façade has an offset of five (5) feet or greater, each plane of the building shall be counted as a separate façade.



Measuring Façade Area

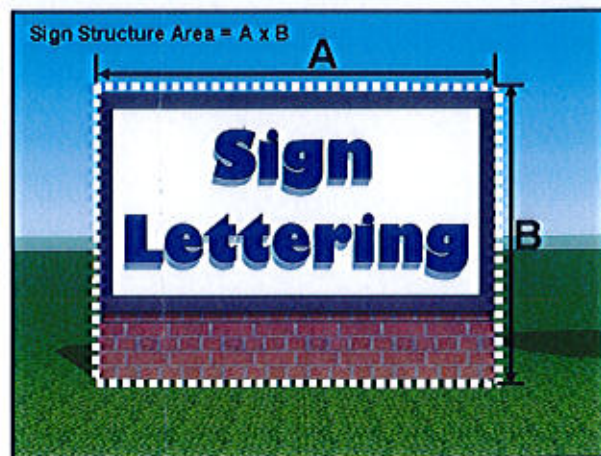
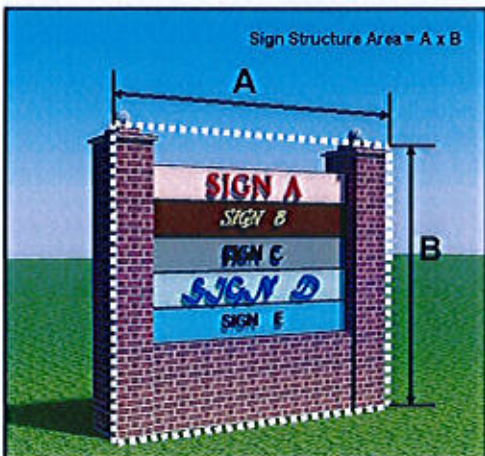
3. For multi-tenant buildings, the building façade area shall be the width times height of the tenant space occupied by the business.



Measuring Façade Area

4. For attached awning and canopy signs, the building façade area shall be the width of the awning or canopy times height of the building.

C. Sign Structure Area. For freestanding signs, the sign structure area includes every part of the sign, including the sign area, as defined above, plus all other elements of the sign, including supports, uprights, base, frame, decorative and design elements, and any open space contained within the limits of the rectangle delimiting the sign structure.

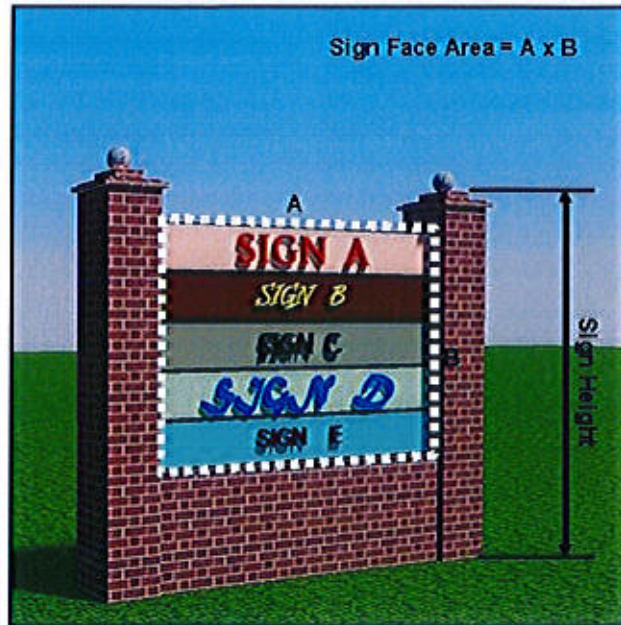
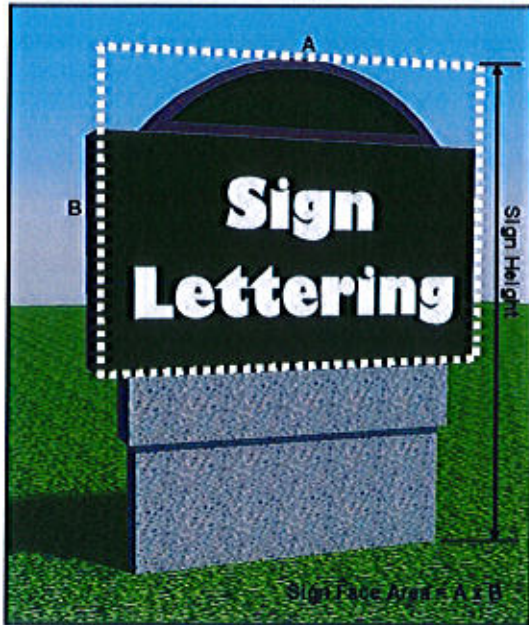


Section 13.090. Measurement of Sign Height

A. Attached Sign. For attached signs, sign height is the vertical distance from the furthest points along the top and the bottom of the sign area.

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- B. Freestanding Sign. For freestanding signs, sign height is the vertical distance from grade adjacent to the sign footing, to the top of the sign, including the support structure and any design elements.



Measuring Sign Face and Sign Height

Division IV: Sign Permit Process

Section 13.100. Sign Permit Required; applicability.

- A. Sign Permit Required. No person shall install, erect, display, alter, move or replace any non-exempt sign without first obtaining a sign permit issued by the Director in accordance with this Division. This section does not apply if the sign is exempt from sign permits as provided below.

Section 13.110. General

- A. Electrical Permit. An electrical permit shall be obtained, in addition to a sign permit, if required under Chapter 7 of the Code of Ordinances.
- B. Business License Requirement. The Director shall issue sign permits only to:
1. Individuals, companies or organizations that possess a valid occupation license in the City, or
 2. Persons or entities that are exempt from an occupation license.

Section 13.120. Exemptions from Sign Permit

- A. This Article does not require sign permits for:
1. Changing the message in a changeable copy sign.
 2. Exempted signs listed in this Article.
 3. Sign panel replacement on multi-tenant sign, provided the panel to be replaced does not exceed 6 square feet.
 4. Temporary signs, non-commercial, including, but not limited to, construction signs, garage sale signs, home parade signs, political signs, real estate signs, and opinion signs.
 5. Special event signs, which are approved as part of a Special Event Permit, per Article 11.
 6. Repainting, cleaning or other normal maintenance of sign or sign structure for which a permit has previously been issued so long as the sign display or sign structure is not modified or enlarged in any way. The replacement of a sign panel, except as noted above, is considered a structural change that requires a sign permit.
- B. While the signs listed in subsection A are exempt from the sign permit requirements, they are subject to all other applicable requirements of this Article.

Section 13.130. Sign Permit Application

- A. Sign Permit Requirements. An application for a sign permit shall be made in writing upon a form provided by the Planning and Development Department. The application is to be accompanied by the written consent of the owner, lessee, agent, or trustee having charge of the property on which the sign is proposed to be located, and the following information:
1. Accurate and scaled site plan showing the location of the property lines, buildings, parking areas, driveways, landscaped areas, utility lines, and the existing and proposed freestanding signs on the site.
 2. Accurate and scaled building elevation(s) showing existing and proposed attached sign(s) (exempt signs need not be shown).
 3. Accurate and scaled plans, details and samples showing the location, dimensions, materials and illumination of each proposed sign.

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4. Photographs of the proposed sign location and the existing signs.
5. Any electrical permit required and issued for the sign.
6. Any other information that the Director determines is needed to determine whether the proposed sign complies with the intent of this Article.

B. Fees and Penalties.

1. Every applicant shall, before the issuance of a sign permit, pay to the City the sign permit fee(s) as established by the latest Schedule of Fees and Charges, adopted by the City Council.
2. Any person who commences any work on a sign or sign structure prior to obtaining the necessary sign permit(s) shall pay an additional penalty equal to the amount of the permit fee as established on the adopted Schedule of Fees and Charges. The payment of this additional penalty does not exempt any person from compliance with all other provisions of this code nor any penalty prescribed by law.

Section 13.140. Sign Permit Consideration

- A. If the sign permit application is complete, the Director shall review the sign permit application.
- B. If the sign permit complies with all applicable requirements of this Article, the Director shall issue the permit.
- C. If the required Planning Commission approval has been obtained (see below), the Director shall issue the permit.
- D. The Director may issue the permit with conditions needed to ensure compliance with the requirements of this Article.

Section 13.150. Planning Commission Approval; when required

- A. Planning Commission approval shall be required for any sign(s) for which a sign permit cannot be granted administratively without further authorization.
- B. Planning Commission approval is not required for any sign(s) that can be approved administratively.
- C. A Planning Commission sign application is not required when approval of a sign modification is granted by the City Council as part of a Preliminary Development Plan, in accordance with Article 4.
- D. The Planning Commission shall not grant approval for a prohibited sign, as identified in this Article.
- E. When required, a Planning Commission sign application shall be submitted in accordance with the general application requirements and plan submission requirements in Section 4.040, including the fee(s), as established by the latest Schedule of Fees and Charges, adopted by the City Council.
- F. If a sign application is approved by the Planning Commission, the applicant shall apply for a sign permit for each sign so approved, which shall be issued by the Director upon satisfaction of the sign permit requirements.

Section 13.160. Planning Commission Consideration

- A. The Commission may consider sign applications for permitted permanent sign types listed in Table 13-1 which exceed the maximum number of signs permitted, maximum sign area, or maximum height. In reviewing the sign application, the Commission may consider:
 1. the purpose and intent of this Article,
 2. use of the facility,

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3. size of the site,
4. height of the building,
5. number, size and height of signs on surrounding properties,
6. number, size and height of signs previously approved for similar uses within the community,
7. surrounding zoning and land uses,
8. topography of the site, and,
9. any other factor relating to:
 - a. The physical character of the sign, excluding content except for obscenity,
 - b. Its physical relationship to the principal building and site, and
 - c. Any unique visibility considerations.

Section 13.170. Sign Permit Validity, Suspension or Revocation

- A. A sign permit becomes null and void unless:
 1. the work on the site authorized by that permit is commenced within 180 days after its issuance, or
 2. the work authorized on the site by that permit is suspended or abandoned for a period of 180 days after the time the work is commenced.
- B. If a permit becomes null and void, the applicant shall not commence the activities authorized by the permit until a new sign permit is obtained.
- C. A sign permit does not authorize any violations of any provisions of this code or of any other City ordinance. The Director may stop any sign or advertising structure installation which violates this article, or any other City ordinance.
- D. The Director may suspend or revoke a permit issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any City ordinance or regulation. The applicant may appeal a revocation with the Board of Zoning Adjustment pursuant to Article 18.

Section 13.180. Appeals

- A. An applicant may appeal the failure to issue a sign permit.
- B. A permit holder may appeal the revocation of an issued sign permit.
- C. Appeals are filed with the Board of Zoning Adjustment pursuant to Articles 4 and 18.

Division V: Requirements for Sign Categories

Section 13.190. General requirements.

- A. On Premise Requirement. All signs shall be located on the same premises where the product or merchandise being advertised is located. This restriction does not apply to:
 1. Situations where this Article allows off-premise advertising, or
 2. Non-commercial speech.

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- B. **Signs in the Right-of-Way Prohibited.** No sign shall be erected in, located in, extend into or over, a public right-of-way, except where specifically allowed by this Article.
- C. **Interference with Safety Provisions.** No sign shall interfere with the free ingress or egress of any fire escape, exit, standpipe, or window, or obstruct any required ventilator or door stairway.
- D. **Sight Triangle.** No sign shall be located within a sight triangle, as defined herein.
- E. **Conformance to Building Codes.**
 - 1. Signs shall be designed to conform to all structural and wind-load resistive standards of the Building Code (Chapter 7 of the City Code).
 - 2. All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
 - 3. All electrical service to a sign shall comply with the Electrical Code (Chapter 7 of the City Code).
 - 4. Clearance from all electrical power lines shall conform to the requirements of the Electrical Code (Chapter 7 of the City Code).
- F. **Attachments to Freestanding Signs.** No guys, braces, attachments, banners, flags, inflatable display or other similar devices shall be attached to any freestanding sign
- G. **Sign Maintenance.** All signs, together with all their supports, braces, guys, and anchors, shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance an safe condition. All signs shall be maintained in accordance with all City ordinances, including ordinances concerning nuisances and vegetation.

Section 13.200. Attached Signs

- A. **Applicability.** Attached signs shall conform to the standards in Table 13-1.
- B. **Appliqué Signs (Amend. #57)**
 - 1. See wall signs H.1
 - 2. Appliqué signs shall be maintained in good repair and removed at the time the advertised business is no longer associated with the sign
 - a. The appliqué shall be kept in good condition for the life of the sign. An appliqué shall be deemed to be in a state of disrepair when 25% or more of the display surface area contains peeling or flaking surface, or is otherwise not preserved in the manner in which it was originally created.
 - b. The display surface shall be kept clean and neatly painted and free from corrosion.
 - c. Any appliqué that is not maintained according to the maintenance standards herein established may be ordered removed by the Director, or his/her designee.
- C. **Awning signs**
 - 1. May either be attached to or incorporated into the material of the awning.
 - 2. When the maximum sign area is a percentage of building facade, the calculation shall be based on the width of the awning times the height of the building.
- D. **Canopy Signs**
 - 1. On attached canopies, if the sign area is a percentage of building façade, the calculation shall be based upon the width of the canopy times the height of the building.

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2. On freestanding canopies, the sign area shall be calculated as a percentage of the canopy fascia to which the sign is attached.
3. On freestanding canopies, canopy signs shall not extend above or below the top or bottom of the canopy fascia.

E. Over Canopy Signs

1. Are permitted on canopies attached to a building.
2. Are not allowed on freestanding canopies.
3. Shall not extend above the roofline of the building.

F. Projecting Signs

1. Shall not project more than five and one-half (5½) feet beyond the face of the building.
2. Shall be a minimum of ten (10) feet above the level of any sidewalk from the bottom of the sign.

G. Under Canopy Signs

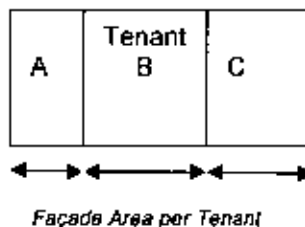
1. Shall be rigidly mounted if greater than four (4) square feet in area.
2. Shall have eight (8) feet of clearance between the base of a rigidly mounted under canopy sign and the sidewalk.

H. Wall Signs

1. Shall not obscure window or door openings, other open areas within a building facade, or architectural features such as arches, columns, eaves, cornices, moldings, dormers, pediments, or ornamental materials such as metal, glass or woodwork.
2. Shall be fastened directly to the exterior wall of a building and extend from the surface of the wall no more than twelve (12) inches.
3. Shall not have visible exterior raceways or conduit. Exception: Visible exterior raceways or conduit may be permitted for a new electrical sign on an existing structure when considered and approved by the Director of Planning & Development or his/her designee.

I. Attached Signs on Multi-Tenant Buildings

1. An attached sign for a particular tenant shall only be permitted on the portion of the building façade corresponding to the space occupied by that tenant.



2. A multi-tenant advertising sign shall not be permitted as an attached sign. This does not apply to building directories at the entrance to a building.

Section 13.210. Freestanding Signs.

- A. Applicability. Permanent freestanding signs shall conform to Table 13-1, below. Sign permits are required for all permanent freestanding signs, unless otherwise specified below.

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B. General.

1. **Lighting.** Any lighting shall be designed to minimize glare in all directions to the greatest extent possible. High intensity lights, such as floodlights, shall not be used to illuminate the sign, except when the light source is shielded or hidden from view at the property or street right-of-way line.
2. **Landscaping.** A minimum of twenty-five (25) square feet of landscaped area, exclusive of the sign structure, shall be located at the base of each principal freestanding sign. The landscaping shall contain living landscape materials consisting of shrubs, and/or perennial ground cover plants spaced throughout the required landscape area.
3. **Spacing.** Each freestanding sign shall be located at least seventy-five (75) feet from any other freestanding sign on the same side of the street. This distance may be reduced upon approval by the Director if it cannot be met due to the location of existing signs on separate but adjoining lots. This reduction shall be the minimum required to maintain the greatest separation possible from existing signs.
4. **Setbacks.** There shall be no setback requirement from any property line, provided there is no encroachment on any utility easement or sight triangle, as defined herein.

C. Driveway/Parking Lot Signs.

1. In addition to freestanding signs permitted in Table 13-1, freestanding driveway signs shall be permitted as follows:
 - a. Maximum of two per driveway entrance.
 - b. Maximum area – 6 square feet
 - c. Maximum height – 2.5 feet or 30 inches
 - d. Internal lighting is permitted.
2. Additional driveway/parking lot signs within the site do not require sign permits.

D. Ground Signs.

1. The bottom of the sign face of a ground sign shall be no more than four (4) feet above the ground.

E. Hanging Signs.

1. Hanging signs shall be landscaped as provided above, but are exempt from the minimum landscaped area.

F. Landscape Wall Signs.

1. Signs placed on a landscape wall shall be considered freestanding signs.
2. The area of a landscape wall sign shall be the sign face area, as described in Section 13.080, Measurement of Sign Area.
3. A landscape wall shall not be considered a sign structure for purposes of the maximum sign structure area, provided the landscape wall serves the function of a screening wall, perimeter wall, or retaining wall, as determined by the Director.

G. Drive-through Facility Signs.

1. Additional freestanding signs than those permitted in Table 13-1 are permitted for drive-through and drive-up facilities.
2. Size, number and placement of drive-through facility signs shall be subject to review by the Director as part of a Final Development Plan.

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3. Drive-through Facility signs shall not be counted toward the maximum number of permanent signs in Table 13-1.
4. Drive-through Facility signs may be internally illuminated or externally illuminated, subject to the lighting condition in B.1. above.

H. Monument Signs.

1. **Monument Sign Base.** The sign base of a monument sign shall have a width of at least two-thirds (2/3rds) of the width of the sign face or cabinet.
2. **Monument Sign Base Materials.** The monument sign base shall have a masonry or concrete substructure with an exterior base consisting of durable masonry materials and include brick, split or scored concrete masonry units (CMU), natural or synthetic stone, or other architectural material(s) that, in the opinion of the Director, meet the intent of this Section. Painted surfaces and wood shall not be used.

I. Pillar Signs.

1. Maximum width of each sign face is 3.5 feet.
2. Shall be mounted on a masonry base with a maximum height of 2 feet. Overall maximum permitted height is 20 feet.

J. Sandwich Boards.

1. Sandwich boards are permitted in all commercial districts.
2. One sandwich board is allowed per tenant space, in addition to other permitted signs.
3. Sandwich boards shall be placed in front of the tenant space being advertised. If multiple tenants are advertised on one sign, the sandwich board shall be placed in front of one of the businesses being advertised.

K. Subdivision Monument Signs.

1. Subdivision Monument Signs are allowed in any district.
2. Up to two (2) Subdivision Monument Signs are allowed at the entrance of a subdivision to an arterial or collector street.

Section 13.220. Temporary Signs

A. Applicability. Temporary Signs shall conform to the standards in Table 13-2.

B. General.

1. Temporary signs shall not be illuminated.

C. Banners.

1. All banners shall be considered temporary signs.
2. All commercial banners shall require a permit.
3. No banner shall be used as a permanent sign.
4. Banners shall not be hung as canopy signs, flown as flags, or used as any other form of permanent sign.
5. Banner materials shall be weather resistant fabric, plastic or vinyl.
6. Banners may be either attached to a building or freestanding.

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- D. **Non-Commercial Temporary Signs.** Non-commercial temporary signs do not require a sign permit, but must comply with the following standards, in addition to the standards for number, sign area, height, and design as specified in Table 13-2:
1. Signs are permitted on private property only. They are not permitted on public rights-of-way or on public property.
 2. Signs may be placed only by the property owner, or with the property owner's permission.
 3. Signs may not be located closer than eleven (11) feet to the paved portion of a street and must be at least five (5) feet from any other privately owned property.
 4. Additional temporary signs, when allowed. In addition to the number of temporary signs allowed as specified in Table 13-2 or elsewhere in this Article, additional temporary signs are allowed as follows:
 - a. During times of election: During time of election involving candidates from federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located one additional temporary sign per issue per candidate shall be allowed. Such additional signs shall be permitted beginning the first day of qualification of candidates or certification of a ballot question and termination upon the election of a candidate to office or resolution of a ballot question.
 - b. During times of sale: One additional temporary sign may be located on a property when:
 - (1) The owner consents and that property is being offered for sale through a licensed real estate agent,
 - (2) If not offered for sale through a licensed real estate agent, when the sign is owned by the property owner and the property is offered for sale by the owner through advertising in a local newspaper of general circulation, and
 - (3) For a period of fifteen (15) days following the date on which a contract for sale has been executed by a person purchasing the property.
 - c. During times property is open to the public: One additional temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public; however, the owner may not use this type of sign on more than 15 days a year.
 - d. One (1) additional temporary sign shall be allowed upon submittal of a final development application or issuance of a building permit, and shall terminate upon issuance of any certificate of occupancy or approval for connection to electric power for the work authorized by the building permit.
 - e. Except for additional temporary signs pursuant to subpart D.4.a. of this section, in no event shall the additional temporary signs allowed in this subsection at one time exceed four (4) additional temporary signs on the property.
 5. Special Event -- as approved with a Special Event Permit, per Article 11.

Division VI: Electronic Message Boards

Section 13.230. Electronic Message Boards.

- A. All freestanding signs with Electronic Message Boards (EMBs) shall be monument signs, except billboards as provided in this Article.

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- B. All attached EMBs shall be canopy signs for drive through facilities such as banks, gas stations or convenience stores.
- C. Monument signs with electronic message boards shall have a sign base, consisting of a masonry or concrete substructure with an exterior base consisting of durable masonry materials and include brick, split or scored concrete masonry units (CMU), natural or synthetic stone, or other architectural material(s) that, in the opinion of the Director, meet the intent of this Section. Painted surfaces and wood shall not be used
- D. In order to minimize glare, Electronic Message Boards shall not have a white background. EMBs may display images other than text, as long as all conditions in this Article are met.
- E. For all signs except billboards, the digital display shall change messages immediately from one message to another, with a minimum of eight (8) seconds for each message to be displayed between changes, so as not to simulate a moving display. For digital billboards, see Division VII, Section 13.250.
- F. There shall be no flashing, moving, scrolling, or intermittent displays of text or images.
- G. Brightness. Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three-tenths (0.3) foot candle above ambient light, as measured using a foot candle (lux) meter calibrated within the past 12 months and in conformance with the following process:
 - 1. Light measurements shall be taken with the meter aimed perpendicular to the sign message face or at the area of the sign emitting the brightest light if that area is not the sign message face, at a preset distance depending on sign size. Distance shall be determined by taking the square root of the product of the sign area and one-hundred (100). Example using a 12 square foot sign: $\sqrt{(12 \times 100)} = 34.6$ feet measuring distance.
 - 2. An ambient light measurement shall be taken using a foot candle meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the sign turned off to a black screen.
 - 3. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy.
 - 4. The brightness of a sign conforms with the brightness requirements of this subsection if the difference between the ambient light measurement and the operating sign light measurement is three-tenths foot candle or less.
- H. Documentation by manufacturer. Prior to permitting the applicant shall submit a signed letter from the EMB manufacturer stating that the sign in question is equipped with the ability to comply with all applicable regulations of this section. The applicant shall also submit a letter from the sign owner and/or operator stating that they have read and understand the applicable regulations pertaining to their sign and that they will not violate the ordinance.
- I. Auto Dimming. All permitted EMBs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, not to exceed 0.3 foot candles above ambient light.
- J. Size of electronic message boards:
 - 1. EMBs within monument signs shall be subject to the sign area limitation set forth in Table 13-1.
 - 2. EMBs on a canopy shall not exceed 5% of the canopy façade on which located, and may not extend above or below the canopy edge.

Division VII: Billboards

Section 13.240. Regulations relating to billboards

A. Purpose and Findings.

1. Billboards targeting messages at drivers on the interstate and primary highways within the City have a significant adverse impact on the safety of the traveling public when their size, lighting, spacing, location, height or design distract or confuse travelers, interfere with vision, or obscure traffic signs or signals.
2. Billboards targeting messages at drivers on the interstate and primary highways within the City also have a significant adverse aesthetic impact on the City when they dominate the surrounding environment both visually and physically with their large sizes, bright lighting, close spacing, intrusive locations, and great heights. The adverse aesthetic impact of billboards can be especially harmful at entryways to the City, which are a visitor's first impression of the community.
3. Therefore, the erection and placement of billboards along the interstate and primary highways within the City are subject to reasonable regulations relative to size, lighting, spacing, location and height to avoid adverse safety and aesthetic impacts.
4. These regulations further the substantial public interest in protecting private investment in adjoining properties and public investment in the interstates and highways, promote the recreational value of public travel, preserve the natural beauty of the community, provide a favorable first impression of the community and promote the safety of public travel.

B. Special use permit required for a billboard.

In addition to complying with the terms of this Article, a special use permit must be obtained in accordance with the procedures set forth in Article 10 of this Chapter prior to the erection of a billboard or erection of a digital screen, sign or face on an existing billboard. (Amend.#20)

C. Placement of billboards.

1. Generally. Billboards shall be located on private property.
2. Spacing. A billboard shall not be located closer than one thousand five hundred (1,500) feet from any other billboard or three thousand (3,000) feet between digital billboards.
3. Measurement.
 - a. Spacing shall be determined based on signs that have received a special use permit or that are signs established as legal non-conforming uses.
 - b. Signs having received prior authorization or that are a legal non-conforming use shall have priority over a later applicant in determining compliance with the spacing restrictions.
 - c. Where two (2) different applications conflict with each other, so that only one of the applications may be granted, the first application received by the Department will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing if the first application considered is granted, and the second application shall be automatically denied. If the first application is denied, the second application shall then be considered.
4. To preserve the natural beauty and promote the recreational value of public travel in the City, billboards shall not be located within one thousand five hundred (1,500) feet of a corporate boundary of the City.

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5. Billboards shall not be located adjacent to or within one thousand five hundred (1,500) feet of any interchange, intersection at grade or safety rest area that is existing or approved for construction. This 1,500 feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way or if there is no pavement widening, then from the midpoint of the intersection.
6. To preserve adjoining property values and avoid adverse aesthetic impacts, billboards shall not be located within 1,500 feet of land zoned for residential purposes.
7. Billboards shall be permitted only within 660 feet of the nearest edge of the rights-of-way of the following interstate or primary highways: U.S. Highway 50, Missouri 350 and Federal Interstate I-470.
8. Billboards shall be permitted only in the following zoning districts: B-P, PI-1 and PI-2 with a special use permit. (Amend.#20)
9. No billboard shall be permitted to be mounted, attached or affixed to a building rooftop or the walls of any building.

D. Size of billboards.

Billboards shall not exceed a maximum area for any one (1) sign of 1,200 square feet with a maximum height 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. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double faced, or in a V-type construction with not more than two (2) displays to each facing, but the sign structure shall be considered as one sign.

E. Setbacks and height of billboards.

1. To provide a safety zone to prevent injury or property damage from collapse caused by acts of nature or other causes, billboards shall meet the following minimum setback requirements from all points of the sign:
 - a. at least ninety (90) feet from its nearest edge to the rights-of-way of any interstate or primary highway;
 - b. at least ninety (90) feet from all property lines and all roofed structures; and
 - c. at least ninety (90) feet from any other structure that would require a building permit for its construction.
2. To provide a further safety zone to prevent injury or property damage from collapse of billboards caused by acts of nature or other causes, billboards shall, not exceed thirty (30) feet in height above the grade of the rights-of-way from which it is viewed. In cases where the grade at the location of the proposed billboard is higher than the grade of the right-of-way adjacent to which it is located, the City may require the overall height of the sign to be lowered as a condition of granting a permit to prevent the sign from unreasonably detracting from the visibility of other neighboring signs or properties.
3. The application for the billboard sign permit shall contain documentation to the satisfaction of the Director that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones. No building permit shall be issued for construction of any structure within the setback clearance zone.

F. Service drives to billboards.

Billboards shall be accessible by means of a paved drive that is internal to the lot or parcel on which the sign is located. All vehicles, equipment, and people used to build, service, maintain, and repair the signs must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.

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- G. Digital billboards. In addition to those regulations established for general billboards in this Article, the following regulations shall also apply to digital electronic billboards.
1. Digital billboards may utilize the multiple advertisement display format that allows the digital sign face to change, immediately, from one scene, message, image and/or advertisement to another. Transitions between each message, image and/or advertisement shall be immediate and shall occur simultaneously on the entire display area. Each scene or advertisement shall be displayed for a minimum of eight (8) seconds before changing to another so as not to simulate a moving display.
 2. No digital billboard shall display light of such intensity or brilliance as to cause glare or otherwise impair the vision of a driver or result in a nuisance. No digital billboard shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal. To that end, digital billboard intensity of illumination shall be established by the Director at the time of installation and may be adjusted periodically upon the Director's request so as not to interfere with the enjoyment of adjacent uses, impair the vision of the driver of a motor vehicle on any portion of the traveled way, or interfere with the effectiveness of an official traffic sign, device, or signal. The Director's decisions under this subsection may be appealed to the Board of Zoning Adjustments in accordance with Article 18 of this Chapter.
- H. Additional information required prior to permitting of a billboard.
1. The Director will not accept a sign permit application for a billboard until a permit has been issued by the Missouri Highway and Transportation Commission.
 2. Billboards shall not be permitted before the applicant has submitted the following certifications from the appropriate professionals registered in Missouri:
 - a. Certification from a professional engineer registered in the State of Missouri that the soil and subsoil surface is capable of accepting the projected loads;
 - b. Certification from a professional engineer registered in the State of Missouri as to the electrical portion of the sign;
 - c. Certification from a professional engineer registered in the State of Missouri as to the structural strength of the sign; and
 - d. A certified boundary survey from a surveyor registered in the State of Missouri, of the site and its setback/clearance zones.
 3. Billboards shall not be permitted before the applicant has submitted a sign survey to indicate the relative vertical and horizontal distances between the proposed sign and all principal freestanding signs within 1,500 feet or, for digital billboards, within 3,000 feet. If by reason of height, size or spacing, the proposed sign creates a significant disharmony with a principal freestanding sign within 1,500 feet or unreasonably detracts from the visibility of other neighboring signs or properties, the City may require reasonable modification of the billboard's dimensions to cure these deficiencies as a condition to granting a permit.
 4. Billboards shall not be permitted before the applicant has submitted to the City financial security in the form of a bond, letter of credit, or other financial security as approved by the Director; a right of access; and any other measures necessary and sufficient to ensure removal of signs that are not validly permitted or that constitute a nuisance.
- I. Annual Inspection of billboards.
- Owners of all billboards erected after the effective date of this Chapter shall be required to submit an annual inspection report from a Missouri Licensed engineer concerning to the sign's structural integrity. The certification shall be done on or before July 1 of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.

Division VIII: Enforcement

Section 13.250. Removal of abandoned and illegal signs

A. Abandonment defined.

1. Any sign that provides notice of a special event or a temporary event or any other temporary purpose that has occurred shall be deemed to have been abandoned.
2. Any sign that fails to meet the maintenance requirements of this Article shall be deemed to be abandoned.

B. Sign removal.

1. Prohibited signs may be removed immediately by an order of the Director.
2. Signs that are deemed to be abandoned shall be removed by the owner of the sign or owner of the premises within thirty (30) days from the written notice by the Building Official. The Building Official shall have the discretion to grant an additional thirty (30) days for the required improvements to be made provided substantial progress is being made to correct the deficiencies and a written request for an extension is received at least five (5) working days before the end of the original notice. Any signs not removed within the time period required by this subsection may be removed by the City and all costs charged to the owner of the premises upon which the sign was located, or the owner of the sign itself.
3. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Building Official, the owner or person or firm maintaining the sign shall, upon written notice from the Building Official, forthwith in the case of immediate danger and in any case within ten (10) days, remove such sign or secure it in a manner approved by the Building Official. Any sign not removed or secured within ten (10) days from the written notice may be removed by the City and all costs charged to the owner, agent, or person having beneficial interest of the building or premises upon which the sign was located, or in the sign itself.
4. If any sign is installed, erected, or constructed in violation of this Article, the owner or person or firm maintaining the sign shall, upon written notice from the Building Official, within ten (10) days, remove the sign or bring it into compliance with this Article. Any sign not removed or properly altered within ten (10) days from the written notice may be removed by the City and all costs charged to the owner, agent, or person having beneficial interest of the building or premises upon which the sign was located, or in the sign itself.

Article 13. Signs

Table 13-1. Permitted Permanent Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
AG RDR RLL R-1 RP-1 RP-2 RP-3 RP-4	Residential subdivision	Freestanding: -Subdivision entrance monument; -Landscape wall sign	2 per subdivision entrance from arterial or collector street	32 sq.ft. sign face area 72 sq.ft. structure area	6 feet	External indirect Halo	
		Freestanding: -Ground -Hanging -Landscape wall sign	1 per street frontage	16 sq.ft.	6 feet	External indirect Halo	75 feet between freestanding signs
	Non-residential use (Churches, Schools, Institutional, or Special Uses)	Wall Attached: -Appliqué	1 per street frontage	5% of building façade	2 foot max. letter height	External indirect Halo	
NFO TNZ	Non-residential use	Freestanding: -Monument; -Monument with EMB -Landscape wall sign	1 per driveway entrance	32 sq.ft. sign face area 72 sq.ft. structure area	6 feet	External indirect Halo	75 feet between freestanding signs
		Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 attached	6 sq.ft.	2 foot max. letter height	External indirect	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding: -Hanging -Ground -Monument	1 freestanding	8 sq.ft. – hanging 16 sq.ft. – ground and monument	6 feet		75 feet between freestanding signs
PRO	Non-residential/Office	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 attached (1 per tenant if multi-tenant)	6 sq.ft.	2 foot max. letter height	External indirect	10 feet clearance for projecting; 8 feet for under canopy

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
		Freestanding: -Ground -Hanging -Monument	1 freestanding	6 sq.ft. for ground or hanging; 16 sq.ft. for monument	6 feet		75 feet between freestanding signs
PO CP-1	Single tenant building	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	2 attached	5% of building façade for wall, awning or canopy; 6 sq.ft. for projecting, over or under canopy	2 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding: -Ground -Hanging -Monument with EMB -Landscape wall sign	1 freestanding	16 sq.ft. for ground or hanging; 32 sq.ft. sign face area, 72 sq.ft. structure area for monument	6 feet		75 feet between freestanding signs
PO CP-1	Single tenant building	Sandwich board	1 per building	12 sq. feet	6 feet		Only in front of business advertising
PO CP-1	Multi-tenant building or multi-building center	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	2 attached per tenant	5% of building or tenant lease space façade; 6 sq.ft. for projecting, over or under canopy	2 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding -Ground -Hanging -Monument with EMB -Landscape wall sign	1 freestanding per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area; 72 sq.ft. structure area for monument	6 feet		75 feet between freestanding signs

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
PO CP-1	Multi-tenant building or multi-building center	Sandwich board	1 per building	12 sq. ft.	6 feet		Only in front of business advertising
CP-2	Single tenant building	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall Freestanding -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign -Pillar	3 attached 1 per street frontage; maximum of 2	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy 16 sq.ft. for ground or hanging; 72 sq.ft. sign face area for monument; 96 sq.ft. structure area for pillar 70 sq.ft. for pillar	6 foot max. letter height 6 feet for ground or hanging; 12 feet for monument; 20 feet for pillar	External indirect Halo Internal External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy 75 feet between freestanding signs
CP-2	Single tenant building	Sandwich board	1 per tenant	12 sq. ft.	6 feet		Only in front of business advertising
CP-2	Multi-tenant building	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall Freestanding -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign -Pillar	2 per tenant 1 per building per street frontage; maximum of 2 per lot	10% of building façade for wall, awning or canopy; 6 sq.ft. for projecting, over or under canopy 16 sq.ft. for ground or hanging; 72 sq.ft. sign face area for monument; 96 sq.ft. structure area for pillar 70 sq.ft. for pillar	6 foot max. letter height 6 feet for ground or hanging; 12 feet for monument; 20 feet for pillar	External indirect Halo Internal External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy 75 feet between freestanding signs
CP-2	Multi-tenant building	Sandwich board	1 per building	12 sq. ft.	6 feet		Only in front of business advertising

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
CBD	Uses permitted in CBD	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	2 attached per tenant	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	2 foot max. letter height	External indirect Halo Exposed Neon (not for the purpose of internal illumination (Amend. #58)	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding: -Ground -Hanging -Monument	1 freestanding	16 sq.ft. for ground or hanging; 32 sq.ft. sign face and structure area for monument	6 feet		75 feet between freestanding signs
		Sandwich board	1 per tenant	12 sq.ft.	6 feet		Only in front of business advertising
CS	Uses permitted in CS	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 per façade; maximum of 2	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding -Ground -Hanging -Monument with EMB -Landscape wall sign	1 per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area and 96 sq.ft. structure area	6 feet		75 feet between freestanding signs
		Sandwich board	1 per building	12 sq. ft.	6 feet		Only in front of business advertising

Article 13. Signs

Zoning District	Use	Sign Type	Maximum Number	Maximum Sign Area	Height	Illumination (Lighting)	Special Conditions
PI	Uses permitted in PI	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	1 per façade, maximum of 2	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	10 feet clearance for projecting; 8 feet for under canopy
		Freestanding -Ground -Hanging -Monument with EMB -Landscape wall sign	1 per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area and 96 sq.ft. structure area	6 feet		75 feet between freestanding signs
PMIX	Residential uses	Subdivision entrance monument; Landscape wall sign	2 per subdivision entrance from arterial or collector street	32 sq.ft. sign area; 72 sq.ft. structure area	6 feet	External indirect Halo	75 feet between freestanding signs
PMIX	Non-residential uses	Attached: -Appliqué -Awning -Canopy -Over Canopy -Projecting -Under Canopy -Wall	3 per building, or 2 per tenant	10% of building façade for awning, canopy, or wall; 6 sq.ft. for projecting, over or under canopy	6 foot max. letter height	External indirect Halo Internal	As approved per plan; 10 feet clearance for projecting; 8 feet for under canopy
		Freestanding -Ground -Hanging -Monument -Monument with EMB -Landscape wall sign	1 per building	16 sq.ft. for ground or hanging; 72 sq.ft. sign face area and 96 sq.ft. structure area	12 feet		75 feet between freestanding signs
PMIX	Non-residential uses	Sandwich board	1 per building	12 sq. ft.	6 feet		Only in front of business advertising

Table 13-2. Permitted Temporary Signs

Zoning District	Primary Use of Property	Type of Event*	Banner	Rigid	Number Allowed	Maximum Sign Area	Time Limit**	Sign Permit Required
AG	Residential use	Non-commercial	X	X	1 per lot**	40 sq.ft.	No limit.	No
AG	Non-residential use (church, school, or other permitted use)	Special Event	X	No	1 per street frontage, or as approved with Special Event Permit	40 sq.ft.	Duration of event	No
AG	Non-residential use	Commercial advertising of permitted use	X	No	1 per lot or property	40 sq.ft.		Yes
RDR RLL R-1 RP-1 RP-2	Residential use	Non-commercial	X	X	1 per lot or common area tract**	6 sq.ft. for a lot with a residence (40 sq.ft. for a common area tract)	No limit	No
RDR RLL R-1 RP-1 RP-2	Non-residential (church, school, or other permitted use)	Commercial advertising of permitted use	X	No	1 per lot or property	40 sq.ft.	15 days, 6 times per year, 90 days total/yr	Yes
RDR RLL R-1 RP-1 RP-2	Non-residential (church, school, or other permitted use)	Special Event	X	X	1 per street frontage, or as approved with Special Event Permit	40 sq.ft., or as approved with Special Event Permit	Duration of event	No
RP-3 RP-4	Multi-family use	Commercial advertising of multi-family use	X	No	1 per lot or property	40 sq.ft.	15 days, 6 times per year, 90 days total/yr	Yes
RP-3 RP-4		Non-commercial	X	X	1 per lot**	40 sq.ft.	No limit	No
NFO TNZ	All uses permitted in NFO and TNZ	Commercial advertising of permitted use	X	No	1 per building or lot**	20 sq.ft.	15 days, 6 times per year, 90 days total/yr	Yes
NFO TNZ	Residential uses	Non-commercial	X	X	1 per building or lot**	6 sq.ft.	No limit	No

Article 13. Signs

Zoning District	Primary Use of Property	Type of Event*	Banner	Right	Numbers Allowed	Maximum Sign Area	Time Limit**	Sign Permit Required
PRO PO CP-1 CP-2 CBD CS PI PMIX	Residential uses	Non-commercial	X	X	1 per building or lot**	40 sq.ft.	No limit	No
PRO PO CP-1 CP-2 CBD CS PI PMIX	Commercial uses	Commercial advertising of permitted use	X	No	1 per building or lot	40 sq.ft.	15 days, 6 times per year, 90 days total/yr	Yes
PRO PO CP-1 CP-2 CBD CS PI PMIX	Commercial uses	Non-commercial	X	X	2 per building or lot, provided the aggregate sign area does not exceed the maximum sign area allowance	40 sq.ft.	No limit	No

*If a special event permit is required, as set forth in Article 11, Special Events, signs are considered as part of the special event application and approval process. Additional signs or larger signs may be considered. Separate sign permits are not required.

**NOTE: See Section 13.220.D.4. for additional non-commercial temporary signs. At no time shall there be more than 4 additional temporary signs on the property.

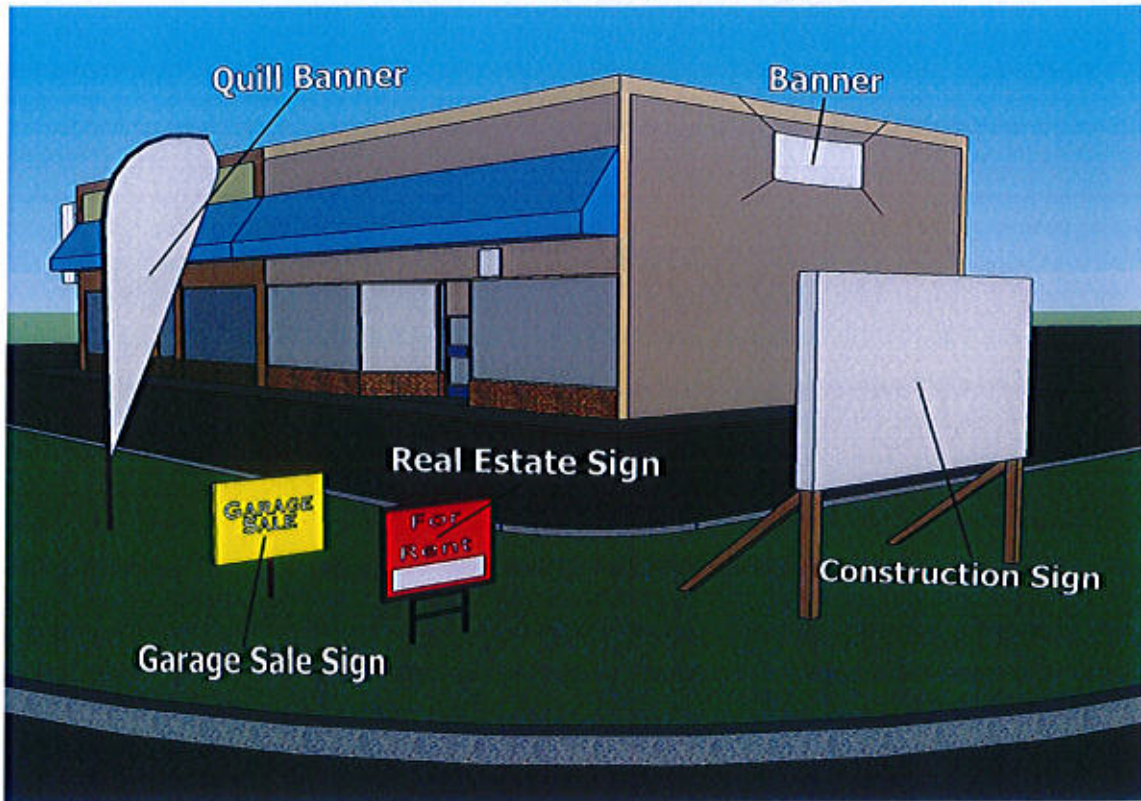
Permitted Permanent Sign Types



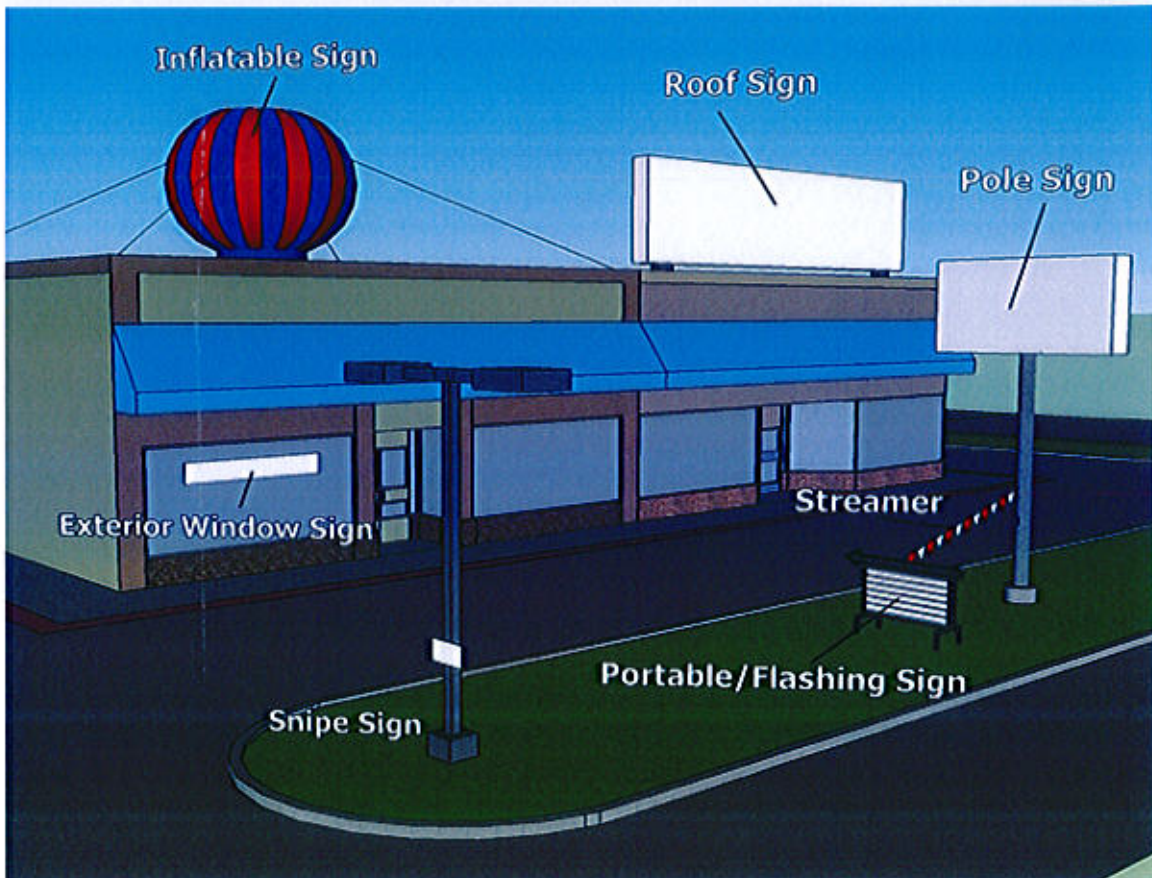
Permitted Wall Sign



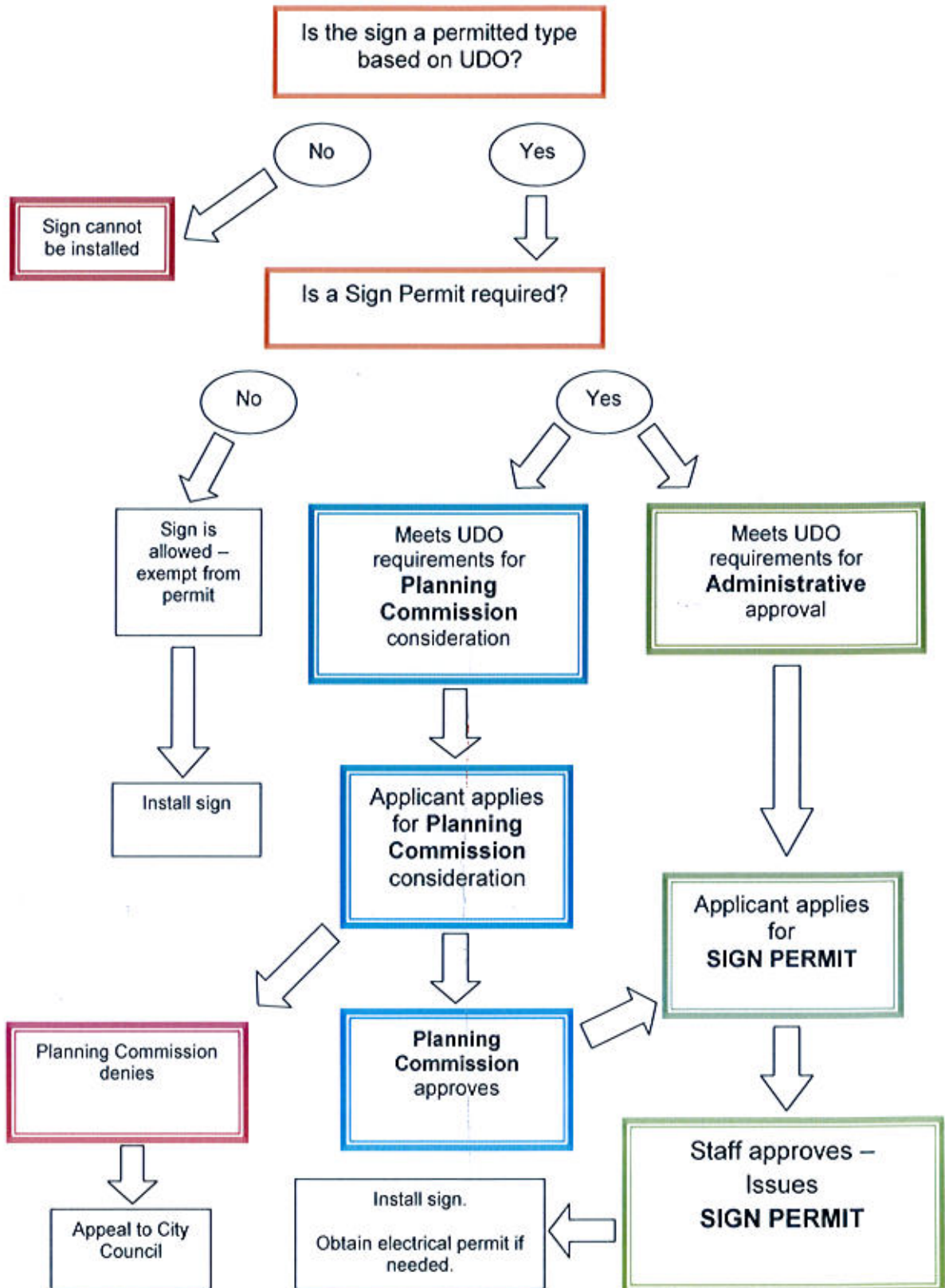
Permitted Temporary Sign Types



Prohibited Sign Types



Sign Permit Process



Packet Information

File #: 2018-1851, **Version:** 1

Discussion on Quality Housing Program

Issue/Request:

Discussion over progress developing the Quality Housing Program.

Key Issues:

To preserve the integrity and safety of housing options within the City, protect the rights of owners, landlords, tenants, and preserve the standards of the surrounding neighborhoods, it is desired to have a discussion on updates to the Property Maintenance Code.

This discussion will be an update on the progress made since the January 2017 CEDC meeting. A proposed alternative approach and framework for the Quality Housing Program will be discussed. Based upon feedback from various stakeholder groups, a program that applies to all housing is more desirable than a market specific program. The current Property Maintenance Code (Chapter 16 of the Lee's Summit Code of Ordinances) is based upon the International Property Maintenance Code (IPMC) published by the International Code Council (ICC), however the IPMC is not currently adopted in a similar fashion as the rest of the Building Codes. The IPMC provides an internationally recognized basis for the code, while also allowing for local amendments. All of the safety provisions previously discussed are also located in the IPMC, and would apply to all housing within Lee's Summit. Review and adoption of the IPMC will also place the Property Maintenance Code on a more regular review schedule for continual updates.

A large portion of the overall program is proposed to be dedicated towards educating the public and creating community awareness about safety standards for all housing. Additional program components can include a voluntary certification program, and increased participation in Business Licensing for landlords.

Proposed Committee Motion:

N/A

Background:

In December of 2011, Mr. Mark Dunning presented information to the CEDC regarding potential Rental Inspection programs for discussion.

In August of 2017, a discussion with CEDC occurred, and staff was directed to prepare an ordinance for review and discussion within 6 months. As part of the program development process, we are updating CEDC on the progress made each month and having a public discussion.

In September of 2017, a review of existing programs located throughout the metro was presented along with a proposed framework for a Lee's Summit program. The discussion also included the proposed next steps in the program development process.

In October of 2017, an estimate of program staffing requirements and associated costs were discussed.

In December of 2017 and January of 2018 various stakeholder meetings were held and feedback was incorporated into the overall program development process.

Presenter: Ryan Elam, Director of Development Services and Josh Johnson, Assistant Director of Plan Services