

(Published on the 18th day of September, 2013, in the Official City Newspaper)

ORDINANCE NO. 13-8

AN ORDINANCE REGULATING SIGNS AND BILLBOARDS; DEFINING TERMS; AND, REGULATING SIZE AND LOCATION THEREOF.

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

Section 1. Article 12 of Chapter 4 of the Codebook of the City of Galena is hereby amended as follows:

4-1204 DEFINITIONS. As used in this Article 4 of Chapter 12 of the Code the following words and phrases shall have the meanings respectively ascribed to them herein:

- (a) "Adjacent area" "controlled area" means an area which is adjacent to the right-of-way on any interstate, primary highway, or street, and is visible from the main traveled way.
- (b) "Center line of the highway or street" means a line equidistant from the edges of the median separating the main traveled ways on a divided highway or street, or the center line of the main traveled way on a non-divided highway or street.
- (c) "Comprehensive zoning" means zoning by the city of Galena, of each parcel of land under the jurisdiction of the city placed in a zoning classification pursuant to a comprehensive plan or reserved for future classification.
- (d) "Department" means the Kansas Department of Transportation.
- (e) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising or customary maintenance or repair of a sign structure.

- (f) "Freeway" means any primary highway which is a divided arterial highway with four or more lanes available for through traffic with full control of access and grade separation at intersections.
- (g) "Highway" means a highway as defined by K.S.A.8-1424, and amendments thereto. For the purpose of this act, a highway shall be considered a highway when the project for improvement and final alignment has been approved by the appropriate authorities.
- (h) "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the secretary of transportation and approved by the appropriate authority of the federal government.
- (i) "Local zoning authority" means the city of Galena, Kansas, which is authorized by law to zone areas within its jurisdiction and which is hereby deemed to have an active zoning authority of a city with comprehensive zoning.
- (j) "Main traveled way" means the traveled way of a highway or street on which through traffic is carried. On a divided highway or street, the traveled way of each of the separate roadways for traffic in opposite directions is a main traveled way, but such term does not include such facilities as frontage roads, turning roadways or parking areas.
- (k) "Maintain" means to keep in a state of continuing existence. A sign must remain substantially the same as it was when permitted on the effective date of compliance with this ordinance. Customary maintenance of a sign includes only change of message, replacing electrical wiring and bulbs, painting of the face and structure, clearing of vegetation on the parcel the sign is located, reinforcing the structure and repairing the apron or catwalks or any addition or enhancements to safety equipment on structures including safety cables, railings and other modifications necessary to meet current safety standards. An increase in dimension, a change in dimension, any change in location, increase in height or the addition of lighting does not constitute customary maintenance. Additional maintenance activities, other than customary maintenance, require a new sign permit.

- (l) "Primary highway" means any highway, other than an interstate highway, that was part of the federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the national highway system.
- (m) "Safety rest area" means an area or site established and maintained within or adjacent to the highway right-of-way, which area is under public supervision or control and for the convenience of the traveling public.
- (n) "Sign" or "outdoor advertising device" means any outdoor sign structure, display, light, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard, vehicle or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents which is visible from any place on the main traveled way or any portion of an interstate or primary highway.
- (o) "Sign facing" means and includes a sign display or displays at the same location and facing the same direction.
- (p) "Sign display" means a single panel or part of the sign, including trim and background, which contains a message or messages.
- (q) "Sign structure" means and includes all components of the sign, which may include poles, bracings, lateral supports, vehicles, displays and other materials of every kind and nature used to support a facing or facings on which advertising is placed.
- (r) "Street" means a traveled way on which traffic is carried. For the purpose of this article, a street shall be considered a street when the project for improvement and final alignment has been approved by the appropriate authorities.
- (s) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- (t) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

4-1205 SIGNS; TRAFFIC SIGN RESEMBLENCE PROHIBITED. Signs shall not be erected or maintained which imitate or resemble any official traffic sign, signal or device or are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

4-1206 CONFIGURATION AND SIZE.

(a) Signs shall not be erected with sign faces which exceed 30 feet in height, 60 feet in length or 900 square feet in area, per facing, including border, trim and embellishments, but not including base or apron, supports, and other structural members.

(b) The maximum size limitations shall apply to each sign facing;

(c) Two sign displays not exceeding 450 square feet each may be erected in a facing, side by side or "double decked," and double-faced, back-to-back or V-type signs shall be permitted and shall be treated as one structure with a maximum area of 900 square feet permitted for each side or facing. In order to be classified as "back-to-back" there must not be more than 15 feet between structures or faces, to all for cross-bracing.

(d) The area of any sign structure shall be measured by the smallest square, rectangle, circle or combination thereof which will encompass the area of the sign display or displays.

(e) The height of any portion of the sign structure, excluding cutouts or extensions, as measured vertically from the adjacent edge of the road grade of the main traveled way shall not exceed 60 feet.

(f) Cutouts or extensions shall be permitted on legal conforming signs at a size not to exceed 30% of the size of the main display area, with a maximum extension of five feet along the top edge, two feet along the sides and 3 feet along the bottom of the main display area. Cutouts or extensions shall not be permitted where the configuration and size requirements of this subsection will be exceeded.

4-1207 SPACING.

(a) Signs shall conform to all applicable building codes and ordinances of the city.

(b) Signs shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with a driver's view of approaching, merging or intersecting traffic.

(c) Except for official and on-premise signs, as defined in K.S.A. 68-2233(a) through (c), and amendments thereto, any signs or sign structures visible from any a street shall not be spaced less than 400 feet apart within Galena, Kansas, unless located within 50 feet of an intersection regulated by traffic control lights, in which event the distance limitation shall be 90 feet rather than 400 feet.

(d) Any signs or sign structures visible from any interstate highway shall not be spaced less than 500 feet apart, except for official and on-premise signs, as defined in 23 U.S.C. 131(c), and as provided in K.S.A. 68-2233, and amendments thereto.

(e) The minimum distance between two signs prescribed by paragraphs (c) and (d) of this section shall be measured along the nearest edge of the pavement between points directly opposite the signs along the same side of the highway. Such minimum distance shall not apply to signs described by subsection (a), (b) or (c) of K.S.A. 68-2233, and amendments thereto, nor shall such signs be counted or be used in measuring distances for the purpose of determining compliance with the spacing requirements of this subsection.

(g) The minimum distances between two signs prescribed by paragraphs (3) and (4) of this subsection shall not apply where such signs are separated by a building, structure, roadway or other obstruction which prevents a view of both signs at the same time by traffic proceedings on any one highway.

(h) Nothing in this subsection shall be construed as preventing the erection of double-faced, back-to-back or V-type signs with a maximum of two sign displays per sign facing, as permitted by Section 4-1206. Nothing in this subsection shall prevent the owner of a single face sign to change the position of the sign face to a different or opposite direction of traffic flow so long as an additional face or additional square feet are not added to the sign structure. No such change may be affected until approval is granted by the planning commission.

4-1208 LIGHTING.

(a) Signs shall not be erected which contain, include or are illuminated by any flashing, intermittent, revolving or moving light, except those giving public service information such as, but not limited to, time, date, temperature, weather or news; steadily burning lights in configuration of letters or pictures are not prohibited.

(b) Signs shall not be erected or maintained which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any interstate, primary highway, or street, and are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor

vehicle or to otherwise interfere with any driver's operation of a motor vehicle;
and

(c) Signs shall not be erected or maintained which are so illuminated that they obscure any official traffic sign, device or signal, or imitate or may be confused with any official sign, device or signal.

4-1209 AUTOMATIC CHANGEABLE FACING SIGNS.

(a) Automatic changeable facing signs shall be permitted within adjacent or controlled areas under the following conditions:

(1) The sign does not contain or display flashing, intermittent or moving lights, including animated or scrolling advertising;

(2) The changeable facing remains in a fixed position for at least five seconds;

(3) If a message is changed electronically, it must be accomplished within an interval of two seconds or less;

(4) The sign is not placed within 400 feet of another automatic changeable facing sign on the same side of the highway, street or road, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway, unless such sign is located within 90 feet of an intersection regulated by traffic control lights, in which event the distance limitation shall be 40 feet rather than 400 feet;

(5) If the sign is a legal conforming structure it may be modified to an automatic changeable facing sign upon compliance with the standards and approval by the planning commission. A nonconforming structure shall not be modified to create an automatic changeable facing sign;

(6) If the sign contains a default design that will freeze the sign in one position if a malfunction occurs; and

(7) If the sign application meets all other permitting requirements.

(8) Such sign is located with a C-1, C-2, M-1 or M-2 zone.

(b) Any outdoor advertising sign use that does not comply with this Article may be ordered discontinued by the planning commission upon notice and opportunity to be heard by the owner or operator thereof at a hearing to be conducted before the planning commission.

4-1210 INTERSTATE, HISTORIC AND SCENIC HIGHWAYS. Along interstate highways, the size and spacing requirements of subsections (b) and (c) of K.S.A.

68-2233, and amendments thereto, shall apply to zoned commercial or industrial areas. The provisions of K.S.A. 68-2233(g)(1) through (4) shall not apply to signs and billboards within the city of Galena, Kansas.

4-1211 LEGISLATIVE FINDING. This section of the Code regulating outdoor advertising is deemed a part of the city's comprehensive zoning and is not created primarily to permit outdoor advertising structures.

Section 2. Any ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect upon one publication in the official city newspaper.

Passed and approved by the City Council of the City of Galena, Kansas, this 16th day of September, 2013.

Executed by the Mayor, of the City of Galena, Kansas, this 16th day of September, 2013.



Dale Oglesby
Mayor of Galena, Kansas

Attest:



Flora R. Charles

Flora R. Charles

City Clerk

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Prepared by:

Kevin Cure, City Attorney