

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
LINN COUNTY, KANSAS

A RESOLUTION REGULATING SIGNS IN LINN COUNTY, KANSAS

SECTION 1. PURPOSE:

The purpose of this Resolution is to provide minimum standards to safeguard life, health, property, public welfare, and community aesthetics, by regulating and controlling the design and quality of maintenance of signs visible to public places.

SECTION 2. DEFINITIONS:

- a) Banner Sign. A sign made of fabric or any non-rigid material with no enclosing framework.
- b) Billboard. A free-standing sign having a sign area of up to one hundred square feet (100 sq. ft.) as provided by Section 5(A).
- c) Sign Inspector. The Zoning Administrator of Linn County, Kansas, or his duly authorized representative.
- d) Construction Sign. A sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property upon which the sign is located.
- e) Flashing Sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include animated signs, or signs which, through reflection of natural or automobile light sources, create an illusion of flashing or intermittent light, or signs using movement or change of lighting to depict action, or signs on which the copy changes automatically or through mechanical means, e.g., electronic time/temperature displays.

- f) Freestanding Sign. A sign supported upon the ground only by its own structural foundation, and not attached to any building or other object or structure.
- g) Garage/Porch/Yard Sale Sign. A sign advertising sale of goods from residential property.
- h) Government or Historical Sign. A sign used solely by local, state, or federal government, or agencies thereof, including state or local historical societies, or by any public utility company, for the purpose of giving notice of matters of public safety, of governmental concerns, or of sites of local or historical interest.
- i) Height of a Sign. The vertical distance measured from the highest point of the sign and/or structural foundation, to the grade of the adjacent street or of the ground surface beneath the sign, whichever grade is lower.
- j) Pennants. Triangle pennants or flags on strings; also includes strip pennants, poly pennants, slogan pennants, race track starter pennants.
- k) Person. Any individual, corporation, association, firm, partnership, or legal entity whatsoever.
- l) Political Sign. A sign advertising any candidate, or any position on an issue upon which the citizens of the county may vote.
- m) Projecting Sign. A sign other than a Wall Sign, which extends from and/or is supported by a wall or roof of a building or other structure.
- n) Real Estate Sign. A sign advertising the availability of any particular real property.
- o) Sign. Any device, structure, fixture, display field, or placard designed for display of, or displaying, graphics, any communicative symbols or message, and/or written copy, and the structural foundation thereof, which is located outdoors, or which is not entirely located under the roof, and entirely surrounded by the vertical plane of interior walls including windows and doors, of a permanent building.
- p) Sign Area. The aggregate square foot area enclosed by the perimeter of the sign face(s), including framework and decorative roofing or other embellishments, but not including structural foundation, with each face contributing to the aggregate area. The wall area of wall signs composed of letters or symbols displayed against the wall as background, with no distinguishing background coloration/decoration, shall be calculated by measuring the area encompassing all the letters or symbols constituting the sign. The combined areas of the individual figures shall be considered the total sign area.

- q) Special Occasion Sign. A sign advertising a special occasion such as a family reunion, birth of a child, school play, special church event, or similar non-commercial function.
- r) Structural Foundation. A structure or supporting member affixed to the premises for the purpose of supporting or displaying a sign, but carrying no graphic or communicative symbol other than that within the sign area.
- s) Temporary Sign. A sign meeting the requirements of Section 5 (J) hereof.
- t) Traffic/Directional Sign. A sign bearing only property numbers, post box numbers, names of occupants on premises, or words or symbols guiding traffic or parking on private property, and having no other message, or commercial connotation.
- u) Wall Sign. A sign which is attached to, and supported by, the vertical wall of a permanent building, and which is entirely within a plane which is (i) co-planar with the wall, or is (ii) parallel with the plane of the wall and is removed therefrom only by structural foundation.

SECTION 3. SIGN PERMITS REQUIRED; EXEMPTIONS.

- A. Permits Required. No sign shall be erected, maintained or utilized within the County except by permit issued by the Sign Inspector. No permit shall be issued except for signs in compliance with this Resolution. A separate permit shall be required for each sign.
- B. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the Sign Inspector. Such application shall include the location, by street and number, of the proposed sign structure, the name and address of the owner and the sign contractor or erector, and a description of the sign dimensions, its location on the lot or parcel, and the sign lighting and construction design. A permit decal will be issued upon payment of the appropriate fees and must be displayed in the lower left corner of one face or on the structural support of the sign. Any application for billboard advertising must be accompanied by a written statement from the owner of record of the property, or other proof, that permission has been granted for the construction, erection and installation of a sign at that site.
- C. Fees. Permit fees shall be Ten Dollars (\$10.00) for all signs.
- D. Inspection; Permit Revocation. All signs shall be subject to inspection by the Sign Inspector in accordance with law. The Sign Inspector may revoke any permit, and/or may order any sign removed, at any time upon notice and for good cause, including without limitation for failure to erect, use or maintain the sign in compliance with this Resolution.

E. Appeal. Any revocation or order of the Sign Inspector pursuant to this Resolution may be appealed to the Linn County Planning Board and then to the Board of County Commissioners, provided that written notice of appeal must be delivered to the Sign Inspector by the appellant within ten (10) weekdays following notice of the revocation and/or order. Except during the pendency of a timely appeal, failure to comply with the order of the Sign Inspector shall constitute a violation of this Resolution.

F. Removal of Sign. All unpermitted signs, including signs for which the permit is revoked without appeal or after unsuccessful appeal, shall be removed or brought into full compliance with law within five (5) days; provided, however, and subject to the provisions of Section 8 (B), that any sign determined by the Sign Inspector to present a great and present hazard to public safety shall be removed within one (1) day, whether or not appeal is taken from the determination, and whether or not any sign permit has been revoked.

G. Exemptions.

1. The following signs placed on private property do not require permits:

- a) Garage or Yard Sale Signs
- b) Construction Signs
- c) Political Signs
- d) Government Signs
- e) Real Estate Signs
- f) Traffic/Directional Signs
- g) Special Occasion Signs

2. Any lawful change of the advertising copy or message on a painted or printed sign which does not cause a structural change, shall not require an additional permit.

SECTION 4. GENERAL REQUIREMENTS, ALL SIGNS.

A. Prohibited Signs. No sign shall be permitted, erected, used, or maintained in the County which:

- 1. Contains or consists of such animation, flashing or focused light, lighting, noise, or illumination of such intensity so as to impair the safety of the public, unduly disturb the use of any property or otherwise constitute a nuisance or hazard, or is constructed,

erected, used and/or maintained so as to be an obstruction of vision near any driveway, parking lot, or roadway, or interferes with, obstructs the view of, or is likely to be confused with any authorized traffic sign, signal, or device, by such location as may interfere with, mislead, or confuse traffic;

2. No longer identifies a bona fide business, service, current interest or activity; or which
3. Is in a state of structural, mechanical, or cosmetic disrepair or such that it is a visual blight or eyesore clearly visible from public rights-of-way.

B. Prohibited Locations. No sign shall be erected, used, or maintained which is:

1. Located within eight (8) feet radial clearance from overhead electrical conductors which are energized from zero to seven hundred fifty (750) volts, or within ten (10) feet radial clearance from any conductors energized at more than seven hundred fifty (750) volts (the term overhead electrical conductors as used in this section shall include any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other metal covering of equal strength);
2. Located within ten (10) feet of a fire hydrant;
3. Located on public property, within or above any public property or right-of-way, or upon any utility pole, unless placed by authorization of a government agency;
4. Attached to any rock or tree; or which is
5. Erected upon or directly above the roof of any building.

C. Setback Requirements. No sign shall be erected, used, or maintained except in conformance with the following:

1. Front Setback:
 - a) Signs of no more than six (6) square feet in sign face area and with a height of no more than six (6) feet shall be set back ten (10) feet from the property line.
 - b) All other signs shall be set back a minimum of fifteen (15) feet from the property line.
2. Side Setback: All signs shall be set back a minimum of ten (10) feet from the nearest side property line.

3. Wall Signs: The setback requirements of this section shall not apply to wall signs which otherwise conform to all provisions of this ordinance, and which are mounted on building walls lawfully sited within the setback space.

SECTION 5. REQUIREMENTS, SPECIFIC SIGN TYPES.

A. Billboards. No billboard shall be constructed, erected, used or maintained within the County except in compliance with the following provisions:

1. Billboards shall be located only in commercial, agricultural and industrial zones, and shall not be placed within one hundred (100) feet, measured laterally along the road where the billboard is located, of any residential zone.

2. Each billboard shall have a maximum of two (2) sign faces, supported by the same structural foundation. Each face shall have a maximum sign area of one hundred (100) square feet, and the maximum total sign area shall be two hundred (200) square feet. V-shaped signs are allowed provided that the angle of the "V" shall not exceed fifteen (15) feet at the widest point of the "V".

3. No billboard shall be located within three hundred (300) feet of another billboard, nor shall there be more than four (4) billboards within the space of one (1) mile on both sides of the roadway.

4. Every billboard shall be placed at least fifteen (15) feet above ground level, with no obstruction to vision within that fifteen (15) feet, other than necessary structural supports.

B. Construction Signs shall have a maximum sign face area of thirty-two (32) square feet, and a maximum sign area of sixty-four (64) square feet. All such signs shall be removed within five (5) days of completion of the project.

C. Garage, Porch, Yard or Auction Sale Signs shall advertise only occasional farm or residential sales of used goods. Each sign shall have a maximum sign face area of six (6) square feet and a maximum sign area of twelve (12) square feet. Each sign shall meet all requirements specified for Temporary Signs, except that it shall be erected no more than two (2) days prior to the first date of the sale and will be removed by the beginning of the first business day following the last day of the sale and shall be displayed without lighting having a primary purpose or effect of illuminating the sign.

- D. Government and Historical Society Signs shall be exempt from the provisions of this Resolution.
- E. Neon Signs have an enclosed vented transformer box, and shall be constructed according to standard industry safety practices. For purposes of this provision, "neon signs" shall include all signs using neon or argon gas, whether or not located within or outside of a permanent building.
- F. Political Signs shall meet all requirements specified for Temporary Signs, and shall be dismantled and removed within five (5) days after the date of the election.
- G. Projecting Signs shall be located a minimum of ten (10) feet from any other such sign.
- H. Real Estate Signs will be displayed only on the premises being advertised and will not exceed a maximum sign face area of six (6) square feet and a maximum sign area of twelve (12) square feet; provided, however, that any sign giving notice of, and directions to, any property for sale, may be displayed off the premises advertised, however, not on or above any public property or right-of-way.
- I. Special Occasion Signs shall advertise only occasional non-commercial special events of no more than seven (7) days duration. Each sign shall meet the requirements of Section 5 (J), except that it shall be erected no more than seven (7) days prior to the first day of the special occasion or event and shall be removed by the end of the third day after the end of the special occasion or event.
- J. Temporary Signs of rigid material shall not exceed six (6) feet in height, and shall have a maximum sign face area of thirty-two (32) square feet, and a maximum sign area of sixty-four (64) square feet. Non-rigid temporary signs shall not exceed a sign area of two hundred (200) square feet. Temporary signs shall be erected, used or maintained on any lot or parcel for a period not exceeding ninety (90) days in any twelve (12) month period; provided, however, that banners or pennants may be used on any lot or parcel a maximum of thirty (30) days in any twelve (12) month period. Private banners or pennants may be extended onto or above public property or public right-of-way only by authorization from the Sign Inspector.
- K. Traffic/Directional Signs shall not exceed sixteen (16) square feet in area except upon special permit issued by the Sign Inspector upon showing of clear necessity, and shall be permissible in all zones.
- L. Wall Signs. No wall sign shall extend above any adjacent parapet or roof of the supporting building, nor exceed a sign area of one hundred (100) square feet or thirty

percent (30%) of the area of the wall face on which the sign is located, whichever is less. Wall signs shall be mounted in compliance with the specifications of Table No. 1:

TABLE NO. 1

PROJECTION OF WALL SIGNS FROM BUILDING WALL

Clearance (Above Grade)	Maximum Projection
Less than 9'	2"
9'	1'
9' to 16'	1' plus 6" for each foot of clearance in excess of 9'
Over 16'	5'

SECTION 6. NONCONFORMING USES.

- A. **Grace Period.** Signs in place on the effective date of this Resolution which are not in compliance with its terms shall be removed or brought into full compliance as follows:
1. Signs not in compliance with Section 3, Section 4 (A) (1) through (3), Section 4 (B), and Section 5, all provisions except (A) and (L), within thirty (30) calendar days after the effective date; and
 2. All other signs, when there is expansion or abandonment of use of the non-conforming sign.
 3. The grace periods herein provided are not applicable to signs described in Section 8.
- B. **Expansion of Use.** No person shall cause any expansion of use of any non-conforming sign, including without limitation, enlargement or illumination of any non-conforming sign. A non-conforming sign shall not be removed or replaced except to bring the sign into complete conformity with this Resolution. The message of a non-conforming sign may be changed so long as this change does not create any new or expanded non-conformity.
- C. **Permit.** All non-conforming signs shall obtain a permit within ninety (90) days of passage of this Resolution.

SECTION 7. ABANDONED SIGNS; UNSAFE SIGNS.

A. Any sign which:

1. Continues in a state of structural, mechanical, or cosmetic disrepair for thirty (30) calendar days after the Sign Inspector gives written notice that it constitutes a safety hazard or is a visual blight or eyesore clearly visible from any public right-of-way; or which

2. For thirty (30) consecutive calendar days advertises, or gives notice of a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted or is otherwise obsolete, shall be deemed abandoned, and shall be removed ~~within~~ or brought in compliance with this Resolution within thirty (30) days after written notice of abandonment from the Sign Inspector.

B. Any sign presenting a clear and imminent threat to public safety may be summarily removed by the Sign Inspector or his duly authorized representative, who shall give notice of the action as soon as reasonably possible.

C. Signs not timely removed in compliance with paragraph (A) above may be removed by the Sign Inspector, who shall give reasonable notice of the action.

D. Persons who, according to the provisions of (A), are responsible for signs removed by the Sign Inspector pursuant to paragraphs (B) and (C) of this section, shall be jointly and severally liable for all costs of the removal, which costs shall also constitute a lien against the real property on which the sign is located. The costs shall be paid within ten (10) days following notice thereof; provided, however, that appeal may be taken to the Board of County Commissioners by written notice delivered to the Sign Inspector within ten (10) weekdays of notice of costs. Failure to pay costs when due shall constitute a separate violation of this Resolution.

SECTION 8. VARIANCES.

- A. Upon written application delivered to the Sign Inspector, and containing such information as he may reasonably require, the Linn County Planning Board may grant variances from the provisions of this Resolution, with terms and conditions, for periods not to exceed sixty (60) calendar months. Variances may be granted for historic, aesthetic, or other reasonable cause, which shall be stated upon the record.
- B. Variance shall be granted for no more than one sign used or maintained on any one lot or parcel.

SECTION 9. ENFORCEMENT.

- A. Any and all persons having express or implied authority over the size, appearance, content, and/or location of a sign, together with the landowner and/or lessor of the real property upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with law, and shall be jointly and severally liable for any violations of this Resolution or other law pertaining to the sign. The real property landowner shall be presumed to be the person recorded as such in county records.
- B. Citations for violation of the provisions of this Resolution shall be issued by the Linn County Sheriff, by the Sign Inspector upon proper authority, or by complaint filed by the Linn County Attorney.

SECTION 10. PENALTIES.

- A. Any person responsible for a sign in violation of any of the provisions of this Resolution shall be cited and fined in the amount of Twenty-Five Dollars (\$25.00) for each offense. Each day the violation exists shall constitute a separate offense.

SECTION 11. SEVERABILITY CLAUSE.

Should any section or provision of this Resolution be judicially declared to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. Any County Resolution or part thereof in conflict with the provisions of this Resolution is hereby repealed to the extent of such conflict.

SECTION 12. EFFECTIVE DATE.

This Resolution shall be effective on the date of its publication in the official county newspaper.

SECTION 13. REPEAL CLAUSE.

Resolution #91-10 is hereby repealed.

PASSED AND ADOPTED by the Linn County Board of County Commissioners this 4th day of April, 2011.



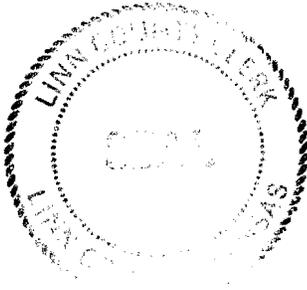
Chairman



Vice-Chairman



Member



Attest:



David Lamb – County Clerk