

## **ORDINANCE 409**

### **AN ORDINANCE PROVIDING SPECIFIC RULES AND REGULATIONS CONCERNING SIGNS PLACED WITHIN THE CITY OF STILWELL AND REPEALING ORDINANCE 299.**

**WHEREAS**, Rules governing the erecting, placement, size, type, repair, maintenance and alteration of signs within the City of Stilwell are vital to the health and safety of the residents of the City of Stilwell

**WHEREAS**, it is the opinion of this Council that adequate guidelines are essential for the placement, type, and size of signs within the City limits of Stilwell.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:**

#### **SECTION 1. Definitions:**

- A. Sign - A sign is defined as any fabricated display structure including its structure, consisting of any letter, figure, character, mark, point, plane, marquee, design, poster, pictorial, window sticker, stroke, strike, line, trademark, reading or illuminating device, which is constructed, attached, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise and displayed in any manner out of doors for recognized advertising purposes.
- B. Temporary sign - Any sign intended for a limited period of time, including decoration displays for holidays or public demonstrations, discount sales and the like.

#### **SECTION 2. Permit**

- A. No person may erect or display a sign within the City limits without first obtaining a permit from the City. Permits can be obtained at City Hall Monday through Friday 8:00 a.m. to 4:00 p.m. Permit fees will be established in the most current version of Ordinance 385.
- B. All signs placed on poles or other structures must have a certified architectural drawing included with the permit application to ensure wind load requirements are being met.

#### **SECTION 3. Abatement**

- A. Violations of this ordinance leading to abatement shall be proceeded against as follows;
  - 1. The owner or their designee of any property where a sign is in violation of this ordinance shall be notified by mail, utilizing a certificate of mailing that contains the date and postal stamp, personal service and/or posting of the violation notice at the location of the violation. The notice shall contain the violation, the due process notification, and that the sign is in violation and must be removed from the premises or the violation otherwise corrected within ten (10) days from the service of notice.
  - 2. If violation continues after ten (10) days, the matter will be summarily abated. The owner of said property can request an Administrative Hearing if they file a request with the mayor or their designee, or the Code Enforcement Officer within the ten (10) day notification period.

3. If at the requested Administrative Hearing the sign(s) are found to still be in violation, the owner or their designee of said sign(s) may – within ten (10) days – appeal to the City Council by filing a request for appeal to the City Clerk.
4. If the sign(s) are found to still be in violation by ruling of the City Council, the property owner or their designee will be dealt with in the following manner:
  - i. Any sign(s) in violation of this ordinance shall be removed and impounded at the expense of the owner of subject sign(s).
  - ii. All fees and expenses shall be in paid before said sign(s) are returned to owner. Any unpaid fees and/or fines shall be handled through City Court and/or property liens as per Oklahoma State Law.

#### **SECTION 4. Dilapidated**

- A. Signs must be constructed of durable materials, be maintained in good condition and not be permitted to become dilapidated.
- B. Dilapidated would include a sign that:
  1. Can no longer be read because of fading and wear,
  2. A sign with lights that no longer operate,
  3. Plastic or glass paneled signs that have been broken or have visible cracks,
  4. Excessive rust on the base or other construction materials, etc.
- C. Signs that fall in disrepair can be abated if the owner of the property does not correct the noted issues. Such abatement shall occur according to the following:
  1. The cost of abatement will be the responsibility of the property owner.
  2. The abatement procedures will be to advise the owner of the deficiency and allow them 10-days to correct the problem.
  3. If after 10-days the problem has not been resolved, the owner will be notified via certificate of mailing or hand delivery that the violation was not corrected and that the sign will be removed.
  4. The sign will then be removed.
  5. The owner will be advised of the cost of the removal and then given 30 days to pay.
  6. Failure to pay within 30-days will result in a lien being placed on the property through the County Treasurer for the amount owed plus administrative fees.

#### **SECTION 5. Prohibitions**

- A. Signs shall not be erected or maintained which:
  1. Imitate or resemble any official traffic sign, signal or device.
  2. Are maintained upon trees, drawn upon rocks or other natural feature
  3. Are maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device.
  4. Will obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.
  5. Are overly bright or flashing.
    - i. This includes but is not limited to lights that are flashing, intermittent, revolving or moving.
    - ii. With the exception of public service information such as time, date, temperature, on signs that are on-premises.

6. Emit beams of light from or rays of light from being directed at any portion of the traveled way on any streets or primary highway and/or are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.
7. The light of which encroaches on any other property. This would include but not be limited to any residence, apartment, hotel, motel, park, recreation area or any other business.

## **SECTION 6. Size of Signs**

- A. The maximum size limitations shall apply to each sign facing.
  1. Temporary signs (as defined above):
    - i. can be no bigger than 12 square feet in size.
  2. Signs (non-temporary):
    - i. Two signs not to exceed 60 square feet each may be erected in a facing, side by side or “double-decked”. Back-to-back or V-type signs will be permitted and shall be treated as one structure with a total allow space of 120 square feet, with 15 feet between structure or faces to allow for cross-bracing.
    - ii. Signs placed on the face of a building cannot extend above the roof line or beyond the width of the building.
    - iii. Signs placed on separate poles or structures on the property for the advertising of the specific business or location may not exceed 25 feet in height and 60 square feet on either side of the sign.
    - iv. Billboards within the City limits cannot be greater than 240 square feet on either side, may not exceed 25 feet in height and placement will have to approved.

## **SECTION 7. Temporary Signs**

- A. Temporary signs are permitted in the City if they meet the conditions listed below;
  1. Temporary signs used for holidays, public demonstrations, promotions of civic welfare or charitable purposes, which extend across streets or other public spaces will be subject to approval by the City Council.
  2. Temporary signs are not allowed up for longer than a period of 30 days. The exception is the residential sale signs, which will be removed daily and only be allowed for the dates of the sale.

## **SECTION 8. Placement**

- A. No sign, temporary or permanent can be placed on any City owned property, right of way or areas of easement without approval from the City Council.

## **SECTION 9. Regulations**

- A. Signs will be erected and maintained in accordance with all other building codes and ordinance previously adopted, as well as those listed in this ordinance.
- B. Any conflict in codes or ordinances will be resolved at the discretion of Code Enforcement, with the option to appeal to the City Council.

**SECTION 10. Enforcement**

- A. Violations of this ordinance can be handled through the City Police Department and/or Code Enforcement office.
- B. Persons, firms or corporations in violation of this ordinance can be fined and/or subject to abatement.

**SECTION 11. Repeal and Severability**

- A. Existing Ordinance 299 is hereby repealed.
- B. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.
- C. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
- D. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 8<sup>th</sup> day of September, 2020.

APPROVED by the Mayor this 8<sup>th</sup> day of September, 2020.

ATTEST:

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Jean Ann Wright, Mayor

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Larry A, Nettles, City Clerk-Treasurer