

BILLBOARD ORDINANCE FOR THE VILLAGE OF INNSBROOK, MO.

This billboard Ordinance is adopted under the Zoning Authority of the Village of Innsbrook in furtherance of the more general purposes set forth in the Zoning Ordinance. This ordinance is adopted and hereafter amended pursuant to 71.288, Revised Statutes of Missouri.

SECTION 1. STATEMENT OF PURPOSE

- a. To preserve and promote the public health, safety, and welfare of the citizens of the Village of Innsbrook;
- b. To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy the Village of Innsbrook's scenic beauty;
- c. To improve pedestrian and traffic safety;
- d. To minimize the possible adverse effect of billboards on nearby public and private property.

SECTION 2. DEFINITIONS

a. ABANDONED BILLBOARD.

A billboard which has carried no message for more than 180 days or which no longer identifies a bona fide business, lessor, service, owner, product, or activity, date or time of past event, and/or for which no legal owner can be found. The definition shall also include any billboard structure which no longer supports the billboard for which it was designed.

b. ADMINISTRATOR.

The designated government official whose responsibility it is to administer the provisions of this ordinance. These activities may include, but are not limited to, reviewing applications for billboard permits, corresponding and/or meeting with applicants, issuing and denying billboard permits, inspecting billboards, and interpreting and enforcing the provisions of this ordinance.

c. ARCHITECTURAL, SCENIC, OR HISTORIC AREA.

An area of special control that contains unique visual or historic characteristics or whose natural beauty requires special regulations to ensure that all billboards displayed within the area are compatible with the area.

d. BILLBOARD.

A billboard is an object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

e. BILLBOARD AREA.

The facing of a billboard, including copy, insignia, background, structural supports, and border and trim. The measurement shall be determined by the smallest rectangle inclusive of all letters and images. The structural supports shall be excluded if they do not constitute a major part of the billboard or if the structure is not used to identify or attract attention to the business or product.

f. BILLBOARD PLAZA.

An area of special control which the Board of Trustees designates as appropriate for the display of billboards.

g. CHANGEABLE COPY.

Copy that changes at intervals of more than once every six seconds.

h. COMMERCIAL BILLBOARD.

A billboard which identifies goods or services that are not sold on the premises where the billboard is located.

i. DIRECTIONAL SIGN.

A sign erected and maintained by local officials within the public right-of-way, to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of billboards in public rights-of-way.

j. EXPRESSWAY OR FREEWAY.

A highway to which access is restricted except by ramps or interchanges.

k. FLASHING ILLUMINATION.

A light source which, in whole or in part, physically changes in light intensity or gives the appearance of such change at intervals of less than six seconds.

l. HEIGHT.

The vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the billboard.

m. ILLEGAL BILLBOARD.

A billboard that was constructed in violation of regulations that existed at the time it was built.

n. INDIRECT ILLUMINATION.

A light source not seen directly.

o. INTERNAL ILLUMINATION.

A light source that is concealed or contained within the billboard and becomes visible in darkness through a translucent surface.

p. MOVEMENT.

Physical movement or revolution up or down, around, or sideways that completes a cycle of change at intervals less than six seconds.

q. NON-CONFORMING BILLBOARD.

A billboard which was lawfully erected and maintained at the effective date () of this Ordinance, or any amendment thereto, that does not conform to the regulations of the district in which it is located.

r. POLITICAL BILLBOARD.

A billboard that advertises a candidate or an issue which is to be voted on in a local, state, or federal election.

s. PREMISES.

The contiguous land in the same ownership or control which is not divided by a street.

t. SCENIC ROADSIDE.

Scenic roadsides include those land areas within the municipal limits which lie within the viewshed of either side of the outermost edge of any of the roads, which are of uncommon visual importance or scenic attractiveness.

u. SPACING.

Spacing of billboards shall be the minimum distance between outdoor advertising billboard structures measured along the nearest edge of pavement between points directly opposite the billboards along each side of the highway and shall apply to outdoor advertising billboard structures located on both sides of the highway involved.

v. **STRUCTURE.**

Anything built that requires a permanent location.

w. **VIEWSHED.**

An area visible from the road that provides vistas over water or across expanses of land, such as farmland, woodlands, coastal wetlands, mountaintops or ridgelines.

SECTION 3. BILLBOARD REGULATIONS: Permitted

a. *New billboards:*

1. No new billboards shall be erected within the political boundaries of the Village of Innsbrook in all locations beyond 660 feet from interstate and primary highways except in Billboard Plazas in designated areas of Special Control pursuant to Section 6.
2. Such new billboards as may be permitted by this Ordinance shall conform to the height, size, lighting, and spacing requirement prescribed by this Ordinance, as modified by the designation of any area of Special Control in which the billboard is located.

b. *Height:* All billboards shall be no greater than 8 feet in height.

c. *Size:* All billboards shall be no greater than 12 square feet in area. Except for exempted billboards in Section 5, only one billboard shall be permitted on each billboard structure.

d. *Lighting:* In addition to the lighting restrictions of 226.504(1), RSMo. (Supp. 1997), which shall apply to all billboards in the Village of Innsbrook, no billboard shall be so illuminated that it:

1. Interferes with the safety of aircraft flight in the vicinity of the billboard.
2. Interferes with the use and enjoyment of property of any adjacent landowners.
3. Allows the illumination source to be directly visible from any right-of-way or adjoining property.

- e. *Spacing* (All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.):
1. Interstate highways and freeways on the federal-aid primary system:
 - a. No billboard shall be erected within two thousand feet of an existing billboard on either side of the highway.
 - b. No billboard shall be erected within two thousand feet of an interchange, intersection at grade, or safety rest area.
 2. Within the limits of the Village of Innsbrook, no billboard shall be erected within one thousand feet of an existing billboard on either side of the highway.
- f. Designated Scenic Roadside: No billboards shall be permitted in areas designated as Scenic Roadside.
- g. Minimum Setbacks: All billboard structures must be located at least 20 feet from any property line and placed so as not to pose a visibility or other hazard to vehicular traffic in the vicinity of the sign.
- h. Areas of Special Control: Areas of Special Control established under Section 6 may have regulations more or less restrictive than those of this section, consistent with the character of the area of Special Control.

SECTION 4. BILLBOARD REGULATIONS: Prohibited

The following are expressly prohibited unless specifically stated otherwise in this Ordinance:

- a. *Animated and Moving Billboards:* Billboards employing movement including, but not limited to, changeable copy signs, pennants, flags, banners, streamers, propellers, discs, and searchlights.
- b. *Flashing Billboards:* Billboards that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.

- c. *Glaring Billboards:* Billboards employing direct, indirect, internal, flashing, or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the Administrator.
- d. *Inflatable Billboards and Objects:* Including, but not limited to, balloons.
- e. *Roof Billboards:* Billboards which are erected or painted on a roof or which extend in height above the roofline of the building on which sign is erected.
- f. *Simulated Traffic Signs and Obstructions:* Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street or highway intersection, or extend into the public right-of-way.
- g. *Vehicular Billboards:* Signs displayed on parked or stationary vehicles, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of this ordinance, vehicular billboards shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

SECTION 5. BILLBOARD REGULATIONS: Exempted Signs

The following signs do not require permits or fee payments under Section 9 but must meet the other requirements of the Ordinance:

- a. Traffic control signs.
- b. Traffic flow informational signs.
- c. Directional signs.
- d. Temporary signs.
- e. Safety control signs.
- f. Community affairs informational signs.

SECTION 6. AREAS OF SPECIAL CONTROL

- a. The Board of Trustees by Ordinance and following notice and hearing, may designate any of the following areas of Special Control:
 1. Architectural, historic, or scenic areas or scenic roadsides.
 2. Billboard plazas.
- b. The Administrator shall maintain and shall continually revise a zoning map of the Village of Innsbrook on which the Administrator shall indicate the boundaries of all designated Areas of Special Control.
- c. Our Board of Trustees shall adopt special regulations for billboards in Areas of Special Control which shall be consistent with the character of the Area of Special Control.

SECTION 7. GENERAL DESIGN AND CONSTRUCTION STANDARDS

All billboards shall be designated, constructed, and maintained in accordance with the following standards:

- a. All billboards shall comply with applicable provisions of the B.O.C.A. Building Code and the electrical code of the Village of Innsbrook at all times.
- b. All billboards regulated by this ordinance shall be constructed of permanent materials and shall be attached to the ground, by direct attachment to a rigid wall, frame, or structure.
- c. All billboards shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

SECTION 8. NON-CONFORMING BILLBOARDS

- a. *Continuance:* Each non-conforming billboard and billboard structure shall be allowed to be displayed for one (1) year from the adoption of this Ordinance, to provide a reasonable opportunity for the owner to benefit from the investment made in the billboard.

- b. *Removal:* Non-conforming billboards and billboard structures shall be removed at the owner's or lessor's expense under the following circumstances:
1. Not later than one (1) year from the date of the adoption of this Ordinance, if not brought into compliance with this Ordinance.
 2. The billboard is abandoned.
 3. The billboard becomes damaged or dilapidated to 50% or more of its physical structure or economic value.

SECTION 9. ADMINISTRATION AND ENFORCEMENT

- a. *Enforcement Officer:* All administration and enforcement of this Ordinance shall be primarily implemented by the designated Code Enforcement Officer (the "Administrator") in the Village of Innsbrook Department of Planning and Zoning. The Administrator shall have the responsibility and full authority to administer and enforce all provisions of this Ordinance, other than those provisions specifically reserved for the authority of the Board of Trustees or the Board of Zoning Appeals. However, other staff in the Department will also be prepared to enforce this Ordinance. Anyone who wishes to report a billboard that may be in violation of this Ordinance should do so to the Administrator.
- b. *Permit Procedure:* All billboards, except as otherwise provided in Section 5 of this Ordinance, shall require a billboard permit prior to being constructed, reconstructed, moved, altered, placed, or repaired. Billboard permits shall be issued by the Administrator.
- c. *Permit Application:* All applications for billboard permits for the erection or relocation of a billboard shall be submitted to the Administrator and shall contain or have attached at a minimum the following information in either written or graphic form:
- (1) Application date.
 - (2) Name, address, and telephone number of the billboard owner and, if different, the owner of the land on which the billboard will be erected.
 - (3) Address of the property where the billboard or billboard structure will be erected.

- (4) Signature(s) of the billboard owner and, if different, the owner of the land on which the billboard will be displayed.
 - (5) Location of the billboard on the property in relation to public rights of way, lot lines, buildings, sidewalks, streets, zoning districts, other existing billboards, and intersections.
 - (6) General description of structural design and construction materials of billboard.
 - (7) Drawing(s) of the proposed billboard which shall contain specifications indicating height, perimeter, and area dimensions, means of support, methods of illumination if any, and any other significant aspect of the proposed billboard.
 - (8) Certification from registered professional engineer that the soil is capable of sustaining the proposed load and that the structural strength and electrical design of the sign is satisfactory.
 - (9) Any other information requested by the Administrator in order to carry out the purpose and intent of these regulations.
- d. *Permit Fees:* Each application for a billboard permit shall be accompanied by the applicable fees, which shall be established by the governing body of the Municipality from time to time.
- e. *Permit Application Completeness:* Within five (5) working days of receiving an application for a billboard permit, the Administrator shall review it for completeness. If the Administrator finds that it is complete, the application shall then be processed. If the Administrator finds that it is incomplete, s/he shall, within such five (5) day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.
- f. *Permit Issuance/Denial Action:* All billboard permits shall be dated and numbered in the order of their issuance. Within ten (10) working days of the submission of a *complete* application for a billboard permit, the Administrator shall either:
- (1) Issue the billboard permit, if the billboard that is the subject of the application conforms in every respect with the requirements of this Ordinance; or

(2) Deny the billboard permit if the billboard that is subject of the application fails in any way to conform with the requirements of this Ordinance. In case of a rejection, the Administrator shall specify in the rejection the section or sections of the Ordinance or application plan with which the billboard is inconsistent.

- g. *Inspection Upon Completion:* Any person installing, structurally altering, or relocating a billboard for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator shall then conduct an inspection within seven (7) working days. If the construction is complete and in full compliance with this Ordinance and with the building and electrical codes, the Administrator shall affix to the billboard a permanent symbol identifying the billboard and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Administrator shall affix to the billboard the permanent symbol described above.

The provisions of Paragraph c(8) shall apply to any sign structurally altered or relocated.

- h. *Lapses of Billboard Permit:* A billboard permit shall lapse if the billboard is an abandoned billboard, or if the permittee's business license lapses, is revoked, or is not renewed. A billboard permit shall lapse if use of the billboard is discontinued for a period of one hundred eighty (180) days or more. A billboard that was constructed or maintained in conformance with a permit under this Ordinance, but for which the permit had lapsed, shall be in violation of the Ordinance.

- i. *Assignment of the Billboard Permit:* A current and valid billboard permit shall be freely assignable to a successor, as owner of the property where the billboard is located or of the leasehold of the billboard, subject to filing such application as the Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

- j. *Violations:* The Administrator, upon finding that any provision of this Ordinance or any condition of a permit issued under this Ordinance is being violated, is authorized to institute legal proceedings to enjoin violations of this Ordinance.
- k. *Complaints and Revocations:* The Administrator shall investigate any complaints of violations of this Ordinance and may revoke a permit if there is any violation of the provisions of this Ordinance or there was misrepresentation of any material facts in either the application or plans.
- l. *Appeal Procedure:* Any person applying for a billboard permit who is denied a permit or disagrees with any ruling by the Administrator may appeal to the Board of Trustees. The Board of Trustees may review or overturn the ruling, but may not issue a billboard permit. The findings of the Board of Trustees are then remitted back to the Administrator.
- m. *Permits for Existing Billboards:* For any billboard in the municipality in the effective date of this Ordinance, an application for a billboard permit must be submitted to the Administrator within thirty (30) days. For any billboard on property annexed at a later date, applications for billboard permits shall be submitted within one (1) month of the effective date of annexation or within such periods as may be established on an annexation agreement between the municipality and the landowner. Applications for permits for existing billboards submitted within thirty (30) days of the effective date of this Ordinance shall be exempt from the initial fees adopted under authority of this Ordinance, but not from any subsequent fees.
- n. *Business Tax:* All new and existing billboards subject to this Ordinance shall be taxed at a rate to be established by the governing body of the Municipality, not to exceed two percent of the gross annual revenue produced by the billboard.
- o. *Expiration of Billboard Permits:* If an approved billboard is not erected within a period of 6 months from the date the permit was originally issued, the permit shall expire and become null and void.
- p. *Fines:* A person who violates the provisions of this Ordinance or the conditions of a permit shall be guilty of a civil violation. Each day of the violation constitutes a separate offense subject to a \$100.00 fine. Such persons shall also be liable for court costs and reasonable attorney fees incurred by the local jurisdiction.

- q. *Illegal Billboards:* The Administrator may remove or order the removal at the expense of the billboard owner or lessor of any illegal billboard and any billboard, other than a non-conforming billboard governed by Section 8, not in compliance with the provisions of this Ordinance.
- r. *Immediate Peril:* If the Administrator shall find any billboard which poses an immediate peril to persons or property, the billboard shall be removed. If the Administrator cannot locate the billboard owner or lessor for immediate removal of the billboard, he shall remove or order the removal of the billboard at the expense of the billboard owner or lessor.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 11. PROTECTION OF FIRST AMENDMENT RIGHTS

Any billboard, display, or device allowed under this Ordinance may contain, in lieu of any other copy, any otherwise lawful, noncommercial message, including any political message, that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Ordinance.

SECTION 12. FULL FORCE AND EFFECT

This ordinance shall be in full force and effect from and after its passage and approval by the Board of Trustees.

This Bill No. 36 having been read by title or in full two times prior to passage and having been duly considered and voted upon was finally passed and approved this 3 day of Nov, 1999.

VILLAGE OF INNSBROOK



President (or)
President Pro Tempore
of the Board of Trustees

ATTEST:


Village Clerk