

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

Held in Room 522, at the Statehouse at 3:30P.M., on February 15, 1978.

All members were present except: Representatives Baker, Hoagland, Lorentz and Whitaker, who were excused

The next meeting of the Committee will be held at 3:30P.M., on February 16, 1978.

These minutes of the meeting held on Feb 2, 3, 6, and 7, 1978 were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

Mr. Bill Griffin
Mr. Bob Storey
Mr. Victor Method
Mr. Ben Ivey
Mr. Bob Hume

The meeting was called to order by the Chairman who reminded members that previously they have heard Mr. Bill Griffin from the Attorney General's office on House Bill 2525 dealing with consumer protection. It was moved by Representative Frey and seconded by Representative Mills that the bill be recommended favorably. Motion carried by a majority vote.

The Chairman introduced former Senator Bob Storey to discuss House Bill 3121, and Mr. Storey in turn introduced Mr. Victor Method of Kansas City, Vice President and General Manager of Eller Outdoor Advertising of Kansas City.

He testified that with regard to outdoor signs there are numerous occasions where there is unjust taking of property without proper compensation (see printed statement). Mr. Storey told members of the committee he was counsel for outdoor advertising firms in Kansas and Missouri, and that he had represented them for a number of years. He mentioned the Federal Highway Beautification Act and stated it had in many cases deprived individuals of their property without compensation. He explained he had worked with Federal Agencies and had come up with some language which was acceptable to both, but never-the-less there are areas where there is still unlawful taking of property. He cited in particular an ordinance which has been passed in Lawrence, Kansas. He distributed a copy of the ordinance (See exhibit). Representative Stites inquired where the language was obtained for this bill and Art Griggs explained it came from present statute, as well as the Highway Beautification Act.

Mr. Bob Hume of Martin Outdoor Advertising testified that with regard to the Lawrence ordinance this is no small matter to them; that with the zoning changes coupled with the Highway Beautification Act completely puts them out of business within the City of Lawrence.

Mr. Ben Ivy of National Advertising of Dallas, Texas, testified they have been doing business in Kansas for over thirty years and they are talking about private property and protection of individual rights. In particular he expressed concern about long term advertisers and explained that in those cases with the passage of such ordinances they have no rights at all. The Chairman advised conferees the committee would take their statements under consideration.

The Chairman noted that previously the committee had recommended House Bill 2713 favorably and further that there had been an ammendment added when the bill was previously discussed, which ammendment had not been taken care of in the committee report. It was moved by Representative Frey that the previous action be reconsidered, which motion was seconded by Representative Roth and carried. Thereupon, Representative Roth moved to amend House Bill 2713 by inserting Section 24 from the model bill, and renumbering the subsequent sections. The motion was seconded by Representative Matlack and carried without dissent. It was then moved by Representative Roth and seconded by Representative Frey that House Bill 2713 as amended, be recommended for passage. Motion carried.

The Chairman asked for a discussion on House Bill 2154 which had been previously heard before the committee, and Mr. Art Griggs noted the bill needed to be amended in Section 1 so that it will be consistent with the rest of the Act. It was moved by Representative Hurley and seconded by Representative Roth that the word "direction" be changed to "request". Representative Frey noted the hand out proposes one thing and the bill seems to say something else, and asked if they were amending the Act. The Chairman explained there had apparently been an error in 1977 and while there had not been a specific request for this change, never-the-less it would seem consistent. Representative Hurley expressed the desire to use the word request rather than direct. It was moved by Representative Ferguson and seconded by Representative Heinemann that the substitute bill be accepted, which bill shows the changes as discussed. Motion carried by a majority vote. Thereupon, it was moved by Representative Ferguson and seconded by Representative Heinemann that the substitute bill be recommended favorably. Motion carried.

The Chairman asked for a report from the sub-committee on House Bill 2717. Representative Ferguson explained various suggestions which incorporate requests from contractors, sub-contractors, lumbermen and others. He explained they proposed to change the existing law with regard to one and two dwelling homes, and with a new section which primarily comes from the Missouri Law, declaring that if a contractor fails to give notice to a homeowner when there are sub-contractors, he will be guilty of a misdemeanor, and that the omission with intent to defraud will make the principal contractor liable.

The Chairman suggested an authorization for the preparation of a substitute bill along the lines of the sub-committee's recommendation. Mr. Art Griggs noted that it would take considerable drafting. It was moved by Representative and seconded by Representative Ferguson that a substitute bill be prepared.

Minutes of February 2, 3, 6, and 7 were approved.

The Chairman urged members of the committee that if there are bills in which they have an interest, they should let him know immediately.

The Chairman appointed a sub-committee to study House Bill 2212 as follows: Representative Augustine, Chairman; and members Representatives Lorentz and Mills.

The Chairman called attention to House Bill 3222 which had previously been in the Insurance Committee, and which bill deals with attorney fees for certain types of lawsuits. It was moved by Representative Ferguson and seconded by Representative Frey that the bill be reported favorably. Representative Stites stated that he would oppose the motion because the legislature had raised fees last year. Representative Gillmore explained that he would oppose the motion because he does not want to explain to the people at home why they are raising fees. After further discussion, motion carried by a majority vote.

A Representative of the Kansas League of Municipalities asked if there would be consideration of House Bill 3178. Mr. Art Griggs explained the bill deals with cruelty to animals, provisions and authorizes killing of animals for population control and some other reasons. He stated he did not see any substantial change from the present law. There was no further discussion.

The Chairman inquired if there were proposed amendments to House Bill 2679, explaining he had some suggestions from Mr. Jim James. He explained the bill relates to qualifications of judges of the district court. Representative Dave Heinemann

stated he had not had an opportunity to work on proposed amendments and asked to wait.

With regard to House Bill 3062 and 3063, Representative Hayes explained he had not had an opportunity to visit with people who had expressed an interest, and he asked that the matters be delayed.

The Chairman urged members to study bills which had previously been heard and to be prepared to vote at the appropriate time.

The meeting was adjourned.

Presented February 15, 1978
To The Judiciary Committee
Regarding House Bill No. 3121

Presented By: Victor A. Method
Vice President and General Manager
Eller Outdoor Advertising Co. of Kansas City
A Company of the Combined Communication Corporation

Combined Communication Corporation is a diversified media company with three principle lines of business - outdoor advertising, broadcast, and newspaper publishing.

I will take a moment to explain what outdoor advertising is and the service it performs. In Kansas City Eller represents the standardized outdoor advertising medium. In the past outdoor advertising took on many forms, but today it is highly disciplined and tightly regulated.

There are two types of standard outdoor structures - the poster panel and the painted bulletin. The poster panel is an outdoor structure, 12' x 25', designed to accommodate a sales message printed on paper, normally sold for 30 day periods in packages based on gross rating points. Gross rating points are units of measure. One G.R.P. will deliver daily exposure opportunities equal to one percent of the market population.

The standard painted bulletin is a larger unit 14' x 48'. Unlike posters, most bulletins are painted by skilled artists. Normally bulletins are sold for a longer period of time - four to six months.

The outdoor advertising industry operates approximately 270,000 signs in some 9,000 communities across the nation. Outdoor advertising is not the random shaped signs that identify a place of business. These are called on premises signs. Outdoor companies build their business structures on private land which they own or lease. The company then sells advertising space on the structures the same way newspapers and magazines sell space, or radio and television sell time on the air. These business structures offer a viable

alternative to today's high media costs by providing an efficient message which can be targeted at the consumer. Many times radio, television, and newspapers cover a larger area than required by the corner merchant. The solution could be a billboard located in the businessman's trading area. Advertising cannot work properly unless it reaches potential customers.

In two of the cities where my company operates outdoor plants, Denver and San Diego, the city councils voted to eliminate outdoor advertising by amortization. What is amortization? What does it mean? Amortization is defined in Webster's New World Dictionary as "money put aside for amortizing a debt". In the context of billboards, it has come to have a special meaning. It means that rather than the government requiring the billboards to come down immediately, it would happen at a later time. In theory to allow the owners to amortize their investment. Amortization in the accounting sense; however, is usually referring to the payment of a debt over a period of time or in the context of depreciation of intangible property for the purpose of income tax deduction. The fact that an income tax deduction is available has nothing to do with the value of the property to the owner. It may in fact be of more value after the period of depreciation than it was before as in the case of the outdoor advertising industry.

In both Denver and San Diego the courts determined that the abolition of outdoor advertising violates the U. S. Constitution and state law. Most significantly it attacks one avenue for freedom of speech guaranteed by the first amendment, and would thereby endanger other media of public expression. The fifth amendment to the U. S. Constitution prohibits taking of property

without just compensation. For these reasons we strongly urge this Committee to consider and recommend the adoption of the language in House Bill 3121.

The following States, Washington, North Dakota, Florida, and Missouri, have recently adopted similar language that mandates the payment of just compensation for the taking of property.

POSTER PANEL 12' X 25'



PAINTED BULLETIN 14' X 48'





CHARLES M. NEINAS
COMMISSIONER

IOWA STATE UNIVERSITY
KANSAS STATE UNIVERSITY
OKLAHOMA STATE UNIVERSITY
UNIVERSITY OF COLORADO

UNIVERSITY OF KANSAS
UNIVERSITY OF MISSOURI
UNIVERSITY OF NEBRASKA
UNIVERSITY OF OKLAHOMA

RIVER HILLS / MARK I 600 EAST EIGHTH STREET
KANSAS CITY, MISSOURI 64106 816 421-3444

January 4, 1978

Mr. Ken Rhoads
Eller Outdoor Advertising Company
2459 Summit Street
Kansas City, Missouri 64108

Dear Ken:

We have used outdoor advertising to help promote our tournaments.

Outdoor advertising gives us an alternate means of reaching Big Eight basketball fans with our message, and it gives us an opportunity to reach the whole metropolitan area or to zero in on a particular area.

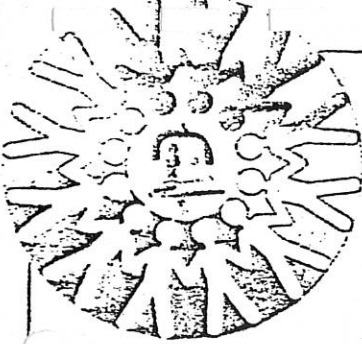
Johnson County residents have certainly supported the Big Eight tournaments. Additional posters and bulletins in that area might be beneficial.

Sincerely,

A handwritten signature in cursive script that reads "DeLoss" with "c.m." written in smaller letters below it.

DeLoss Dodds
Assistant Commissioner

DD/cm



A Division of the National Association for Mental Health, Inc.

MENTAL HEALTH ASSOCIATION IN KANSAS, INC.

1205 Harrison, Topeka, Kansas 66612

913/357-5119

800/432-2422

President —

Charles Gray,
Clay Center

Vice Presidents —

Dale Finnart,
Pittsburg

Betty Stowers,
Topeka

Marv Bray,
Topeka

Secretary —

Bernice Buchanan,
Leavenworth

Treasurer —

Bette Gragson,
Topeka

Past President —

Mrs. C. A. Vernon, Jr.,
Topeka

N.A.M.H. Board Delegate —

Jerry W. Cole, C.L.U.,
Wichita

Ass'n. Administrator —

Patricia Schlyer,
Topeka

January 18, 1977

Mr. P. Martin Nohe
Director, Community Affairs
Eller Outdoor Advertising Co.
2459 Summit St.
Kansas City, Mo. 64108

Dear Mr. Nohe:

On behalf of the Board of Trustees of the Mental Health Association in Wyandotte County, we wish to express our deepest appreciation for your help in furnishing the bill board space in promoting our Association in Wyandotte County the past few months.

It is the businesses like yours within our community that truly make the difference. Again our sincerest thanks.

Yours for better mental health,

Marion C. Vernon
Chairman
Board of Trustees, MHA in Wyandotte County

MCV:ss

January 4, 1978

Mr. Ross Smith
Account Executive
Eller Outdoor Advertising Company
2459 Summit Street
Kansas City, Missouri 64108

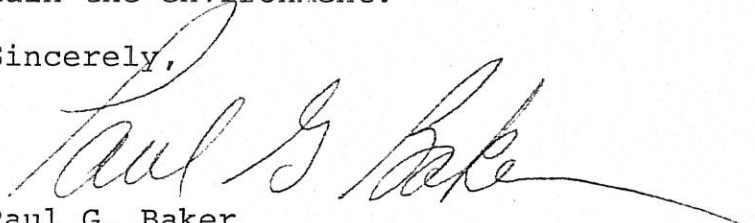
Dear Ross:

We have used outdoor advertising using poster panels to help promote our products and services.

Outdoor advertising gives us an alternate means of reaching our customers with our message and it gives us an opportunity to reach the whole metropolitan area or to zero in on a particular area without wasting our advertising dollars.

We are particularly interested in having more opportunity to expose our product or services through the use of outdoor advertising to the Johnson County area. We feel that with reasonable controls that posters and bulletins can be worked into the commercial and industrial areas of the city and still maintain the environment.

Sincerely,

A handwritten signature in cursive script that reads "Paul G. Baker". The signature is written in dark ink and extends across the width of the page.

Paul G. Baker
General Manager
BONANZA SIRLOIN PIT

vlb

Office of the President

September 23, 1976

Mr. P. Martin Nohe
Eller Outdoor Advertising Co.
2459 Summit
Kansas City, Missouri 64108

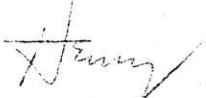
Dear Marty:

I wish to thank you for the extremely valuable coverage which Eller Outdoor Advertising provided for Minority Business Week. The 23 billboards displayed throughout the city greatly enhanced the visibility of the week's activities and, combined with other media coverage, gave unprecedented publicity to the cause of minority business in our community.

Be assured that the Chamber will continue its role in furthering the objectives of the awareness program.

Again, many thanks for your contribution to the success of the program.

Cordially,



Henry W. Bloch

KANSAS
HIGHWAY ADVERTISING
CONTROL ACT
OF
1972
AND
ADMINISTRATIVE
REGULATIONS

68-2238. Compensation for removal of signs. (a) From and after March 31, 1972, just compensation shall be paid upon the removal of any of the following signs which are not then in conformity with the provisions of this act:

(1) Signs lawfully in existence prior to March 31, 1972; and

(2) Signs lawfully existing or lawfully erected on or after March 31, 1972.

(b) Just compensation shall be paid for the taking: (1) From the owner of such sign, all right, title and interest in and to such sign, and his leasehold related thereto; and (2) from the owner of the real property on which such sign is located immediately prior to its removal, the right to erect and maintain signs thereon, other than those signs described in subsections (a), (b) and (c) of section 3 [68-2233]; and full compensation therefor shall be included in the amounts paid to the respective owners. [L. 1972, ch. 251, § 8; March 31.]

SUBSTITUTE SENATE BILL NO. 2956

State of Washington
45th Regular Session

By Committee on Transportation
(Originally sponsored by
Senator Henry)

Filed by Committee on TRANSPORTATION, and ordered printed February
28, 1977.

1 AN ACT Relating to outdoor advertising; amending section 9, chapter
2 62, Laws of 1971 ex. sess. as amended by section 5, chapter
3 271, Laws of 1975 1st ex. sess. and RCW 47.42.065; adding a
4 new section to chapter 47.42 RCW; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 Section 1. Section 9, chapter 62, Laws of 1971 ex. sess. as
7 amended by section 5, chapter 271, Laws of 1975 1st ex. sess. and RCW
8 47.42.065 are each amended to read as follows:

9 Notwithstanding any other provision of chapter 47.42 RCW,
10 signs may be erected and maintained ((more than six hundred and sixty
11 feet from the nearest edge of the right of way)) within commercial
12 and industrial areas which are visible from the main traveled way of
13 the interstate system, primary system, or scenic system when designed
14 and oriented to be viewed from highways or streets other than the
15 interstate system, primary system, or the scenic system and the
16 advertising or informative contents of which may not be clearly
17 comprehended by and have no advertising value to motorists using the
18 main traveled way of the interstate system, primary system, or scenic
19 system.

20 NEW SECTION. Sec. 2. There is added to chapter 47.42 RCW a
21 new section to read as follows:

22 (1) Just compensation shall be paid upon the removal of any
23 sign pursuant to the provisions of any resolution or ordinance of any
24 county, city, or town of the state of Washington by such county,
25 city, or town if:

26 (a) Such sign was lawfully in existence on May 10, 1971 (the
27 effective date of the Scenic Vistas Act of 1971); or

28 (b) Such sign was erected subsequent to May 10, 1971 (the
29 effective date of the Scenic Vistas Act of 1971), in compliance with
30 existing state and local law.

HIGHWAYS, BRIDGES, AND FERRIES

Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected and maintained under state law, provided that federal matching funds are appropriated, allotted, and made available to this state under Title 23, United States Code, for the purpose of providing just compensation for the removal of such signs, displays, or devices. Should any outdoor advertising sign, display, or device which was erected upon the issuance of an outdoor advertising permit pursuant to the interim policy of the highway commissioner or the highway corridor board be determined to have been erected and maintained under state law for purposes of compensation as provided herein, then payment not to exceed the value of such sign at the expiration date of the existing permit, or at the date the removal is initiated, whichever is earlier, shall be deemed just compensation as required under the provisions of this section. No municipalities, county or local zoning authorities, or political subdivision shall remove or cause to be removed any advertising structures, except such structures that encroach upon the right of way, without paying compensation in accordance with this section.

Source: N.D.C.C.; S. L. 1975, ch. 244, § 2.

24-17-06. Highway corridor board—Members.—There is hereby established, to serve as an agency of the state and to perform the functions conferred upon it in this chapter, the highway corridor board, hereinafter referred to as the board. The board shall be composed of the following five members: the North Dakota state highway commissioner or his authorized agent; the director of the economic development commission or his authorized agent; the commissioner of agriculture or his authorized agent; a representative of the North Dakota outdoor advertising association to be designated by its president and to serve a term of four years; a representative of the North Dakota motel association designated by its president to serve a term of two years. At the expiration of the term of any member appointed to the board, his successor shall be appointed for a term of four years.

Source: S. L. 1967, ch. 291, § 6.

24-17-07. Organization of the board.—The permanent chairman of the board shall be the state highway commissioner or his duly authorized agent, and the board may elect such other officers as it may deem appropriate from its membership. The majority of the board in meeting duly assembled, may perform and exercise all the duties and powers devolving on the board. Staffing for the board shall be furnished by the state highway department, which shall also be responsible for furnishing it such other supplies and equipment as may be required. The state highway department shall furnish the board with such maps, charts, plats, photographs and all other information and assistance as may be required by it, relating to the affected areas and its duties as hereinafter set forth. The board shall meet upon call of the chairman or upon written notice of two members of the board.

Source: S. L. 1967, ch. 291, § 7.

24-17-08. Compensation of the board shall be of twenty dollars. Members shall be compensated for their services in the same manner as provided for members submitted prior to the issuance of the board, and shall be paid out of the highway fund for outdoor advertising. The fees or permits shall be placed in the highway fund, and should be subject to chapter or to meet the expenses expended to meet the purpose of this chapter.

Source: S. L. 1967, ch. 291, § 8.

24-17-09. Duties of the board shall be the following functions:

1. For the purpose of providing convenience to the users of highways, the board shall develop a system and plan for the use of the right of way on the state highway system, including more zoning regulations, which is a minimum of sixty feet wide, and which is a suitable regulation. These regulations shall be subject to the use of the board. No regulations shall be subject to the use of the board. The board shall regulate the use of the right of way on the state highway system, including more zoning regulations, which is a minimum of sixty feet wide, and which is a suitable regulation. These regulations shall be subject to the use of the board. No regulations shall be subject to the use of the board.
2. These regulations shall be comprehensive plan.
 - a. To provide for the use of the right of way on the state highway system, including more zoning regulations, which is a minimum of sixty feet wide, and which is a suitable regulation. These regulations shall be subject to the use of the board. No regulations shall be subject to the use of the board.
 - b. To regulate the use of the right of way on the state highway system, including more zoning regulations, which is a minimum of sixty feet wide, and which is a suitable regulation. These regulations shall be subject to the use of the board. No regulations shall be subject to the use of the board.
 - c. To develop a system and plan for the use of the right of way on the state highway system, including more zoning regulations, which is a minimum of sixty feet wide, and which is a suitable regulation. These regulations shall be subject to the use of the board. No regulations shall be subject to the use of the board.
 - d. To regulate the use of the right of way on the state highway system, including more zoning regulations, which is a minimum of sixty feet wide, and which is a suitable regulation. These regulations shall be subject to the use of the board. No regulations shall be subject to the use of the board.

New part added 1974

A bill to be entitled

An act relating to outdoor advertising; amend-
ing section 479.15, Florida Statutes, adding
subsections (b) and (c); providing that no
political subdivision shall remove or cause
to be removed any advertisement or advertising
structure without compensation; providing that
such compensation may be paid out of secondary
road funds; providing for responsibility of
removal of advertisement on federal highway
system; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 479.15, Florida Statutes, is
amended by adding subsections (b) and (c) to read:

(a) No zoning board or commission nor any other
public officer or agency shall permit any advertisement or
advertising structure which is prohibited under the pro-
visions of this chapter nor shall the department permit any
advertisement or advertising structure which is prohibited
by any other public board, officer or agency in the lawful
exercise of its or their powers.

(b) No municipality, county, local zoning authority
or political subdivision shall remove or cause to be removed
any advertisement or advertising structure without paying
compensation in accordance with section 479.24(1). Said

78th GENERAL ASSEMBLY
4-30-76
HCS for HB 1478

SB 382

(L. 1965 2d Ex. Sess. p. 900 †4,
A.L. 1972 S. B. 382)
Effective 3-30-72

SB 382

(L. 1972 S. B. 382)
Effective 3-30-72

78th GENERAL ASSEMBLY
4-30-76
HCS for HB 1478

secretary of transportation and federal funds required to be contributed to this state under section 131(g) of Title 23, United States Code, to pay compensation for such removal have been appropriated and allocated and are immediately available to this state, and in such event, such sign shall be removed pursuant to section 226.570.

3. In the event any portion of this chapter is found in non-compliance with Title 23, United States Code, Section 131, by the Secretary of Transportation or his representative, and any portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are withheld, or declared forfeited by the Secretary of Transportation or his representative, all removal of outdoor advertising by the Missouri State Highway Commission pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full. Such cessation of removal shall not be construed to affect compensation for outdoor advertising removed or in the process of removal pursuant to this chapter.

4. In addition to any applicable regulations set forth in sections 226.500 through 226.600, signs within an area subject to control by a local zoning authority and wherever located within such area shall be subject to reasonable regulations of that local zoning authority relative to size, lighting, spacing, and location; provided, however that no local zoning authority shall have authority to require any sign within its jurisdiction which was lawfully erected and which is maintained in good repair to be removed without the payment of just compensation.

226.530. Permits — rules, effective when. — The state highway commission is required to issue one-time permanent permits as provided in section 226.550 for the erection and maintenance of outdoor advertising along the interstate and primary highway systems and subject to section 226.540 to promulgate only those rules and regulations of minimal necessity and consistent with customary use to secure to this state any federal aid contingent upon compliance with federal laws, rules and regulations relating to outdoor advertising. Such commission rules and regulations shall be filed in the office of secretary of state of the state of Missouri. Such rule or regulation, or any amendment thereto, shall become intermly effective thirty days after such filing, and shall remain in effect pending amendment, approval or rejection by the general assembly in the next regular or special session.

226.535. Travel information signs, where erected — rules to be consistent with national standards. — Signs, displays, and devices giving specific information of interest to the traveling public shall be erected and maintained within the right-of-way in such areas, in an appropriate distance from interchanges on the interstate system as shall conform with the rules and regulations promulgated by the highway department. Such rules shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government, pursuant to Title 23, section 131, paragraph f, of the United States Code.

226.540. Notwithstanding any other provisions of sections 226.500 to 226.600, outdoor advertising shall be permitted within six hundred and sixty feet of the nearest edge of the right-of-way of any interstate or primary highway in areas zoned industrial, commercial or the like and in unzoned commercial and industrial

AN ORDINANCE PROVIDING FOR THE CONTROL OF SIGNS BY DISTRICTS; SETTING OUT THE PURPOSE OF THIS ORDINANCE; PROVIDING DEFINITIONS RELATING TO SIGNS AND SPECIFYING REQUIREMENTS FOR PERMITS, FEES, EXCEPTIONS, AND EXEMPTIONS; PROVIDING FOR REVOCATION OF SIGN PERMITS; ESTABLISHING CONSTRUCTIONS AND DESIGN STANDARDS; PROVIDING FOR ABATEMENT AND/OR REMOVAL OF NON-CONFORMING SIGNS; AUTHORIZING APPEAL FROM ADMINISTRATIVE DECISION TO THE GOVERNING BODY; PROVIDING FOR VARIANCE FROM THE STRICT TERMS OF THIS ORDINANCE UNDER CERTAIN SPECIFIC CIRCUMSTANCES; PROVIDING PENALTIES FOR THE VIOLATION OF THE ORDINANCE; AND REPEALING CHAPTER V, ARTICLE VII, OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 1974, IN ITS ENTIRETY.

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

SECTION I. PURPOSE. The purpose of this ordinance is to regulate signs, bulletin boards and other advertising devices in the City; to regulate or prohibit such devices in zoning districts where commercial and industrial activities are prohibited; and to control location, size, number, illumination and construction where these devices are permitted. This sign ordinance permits only those signs essential for the conduct of business and is intended to prevent needless clutter in appearance within the City by signs unreasonable in number, location, area and illumination. (Ord. 3594, Sec. 1)

SECTION II. DEFINITIONS.

- A. Awnings. Any structure made of cloth or metal with a metal frame attached to a building and projecting over public property when so erected to permit its being raised to a position over public property and to permit its being raised to a position flat against a building when not in use.
- B. Canopy. A roof-like structure of a permanent nature which projects over a public way.
- C. Fire Limit. The following area is the fire limit within the City of Lawrence: commencing at a point where the center of Rhode Island Street extended north would intersect the Kansas River; thence south along the center of such street to the center of 11th Street; thence west to the center of New Hampshire Street; thence south to South Park; thence west to the center of Vermont Street; thence north to the center of 11th Street; thence west to the center of Kentucky Street; thence north to the Kansas River; thence down the Kansas River to the place of beginning.
- D. Incombustible Material. Any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.
- E. Marquee. A roof-like structure of a permanent nature which projects from the wall of a building and which may overhang a public way.
- F. Sign. A sign includes any billboard or other device which displays or includes any letter, work, model, banner, flag, pennant, insignia, propeller, device or representation used as, or which is in the nature of, an advertisement or announcement or which directs attention to an object, product, place, activity, person, institution, organization or business; but the term shall not include any display of official notice nor flag, pennant, emblem or insignia of any nation or group of nations, or of any state or political unit.
- G. Sign, Advertising. A sign which directs the attention of the public to any goods, merchandise, property (real or personal), business, service, entertainment or amusement conducted, produced, bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.

- H. Sign, Bulletin. A sign or board erected by a church, school, community center, public agency or institution on its premises for announcement purposes.
- I. Sign, Business. A sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "for sale" or "for rent" or "for lease" sign relating to the property, the name, address and occupation of the occupant shall also be deemed a business sign.
- J. Sign, Flashing. Any sign which incorporates in any manner apparent movement achieved by electrical pulsations or by other means such as sequential light phasing.
- K. Sign, Ground. A sign which is supported by one or more poles, uprights or braces in the ground, and which is not a part of a building.
- L. Sign, Illuminated. Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
- M. Sign, Moving. Any sign, or part of a sign, whether illuminated or unilluminated, that does not remain stationary at all times regardless of power source which effects movement.
- N. Sign, Projecting. A sign other than a wall or ground sign suspended from or supported by a building and projecting out therefrom. "Projection" means the distance by which a sign extends over public property or beyond the building line.
- O. Sign, Roof. A sign erected upon or above a roof or parapet of a building.
- P. Sign, Structure. The supports, uprights, bracing and framework for the sign or outdoor display.
- Q. Sign, Temporary. A sign, banner, valance, advertising display or special flag used for commercial or political promotion and constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a specified short period of time only.
- R. Sign, Wall. A sign painted on the exterior surface of a building or a structure attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall. (Ord. 3594, Sec. 2)

SECTION III. GENERAL REQUIREMENTS.

- A. Permit Required. Except as provided in Paragraph C of this section, no sign shall hereafter be erected, constructed or altered except as provided by this article and until a permit has been issued by the City Building Inspector. Application for a sign permit shall be made in writing upon forms furnished by the City Building Inspector and shall include such information as he may require for a complete understanding of the proposed work. A permit shall not be issued until a certificate of insurance or surety bond in the amount of five thousand dollars (\$5,000) has been filed with and approved by the City Building Inspector. Penalty amounting to a double permit fee shall be charged for failure to make application for sign permit as required.
- B. Permit Fees. Every applicant before being granted a permit hereunder shall pay to the Building Inspector the following permit fee for each sign regulated by this article:

1. Advertising Sign or Awning (Temporary) \$ 5.00
2. Wall Sign (Non-electric) 15.00
3. Marquee Ground Sign or Roof Sign -
(Non-electric)..... 20.00
4. Marquee Ground, Wall or Roof Sign -
(Electric) 30.00

C. Exemptions. A permit will not be required for the following listed signs. These exemptions, however, shall apply only to the requirement of the permit and shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in a safe condition:

1. Real estate signs not exceeding eight (8) square feet in area which advertise only the sale, rental or lease of the premises upon which such signs are located.
2. Professional name plates not exceeding one (1) square foot in area.
3. Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions.
4. Signs denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.
5. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house and not exceeding one (1) square foot in area.
6. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
7. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary, emergency or non-advertising signs as may be approved by the City Commission.
8. Political signs, not exceeding thirty-two (32) square feet in area, which make known the name of and information about a person running for an office, or any other information concerning a political campaign of any nature; Provided, such signs shall not be placed or erected sooner than six (6) weeks before the applicable election or campaign and shall be removed no later than two (2) weeks after the general election.

D. Permit Revocable at any time. All rights and privileges acquired under the provisions of this ordinance, or any amendment thereto, are mere licenses revocable at any time by the Building Inspector, and all such permits shall contain a statement of this limitation.

E. Inspection. As soon as a sign has been erected, the permittee shall notify the Building Inspector, who shall inspect such sign and approve the same if it is in compliance with the provisions of this article. The Building Inspector may, from time to time as he deems necessary, inspect all signs or other advertising structures regulated by this ordinance, for the purpose of ascertaining whether it is secure or whether it is in need of removal or repair.

- F. Alterations. A sign which was erected before the adoption of this article shall not be rebuilt or relocated without conforming to the requirements set forth herein.
- G. Maintenance. All signs, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of this ordinance.
- H. Removal of Certain Signs. Any sign now or hereafter existing which no longer advertises a bona fide business being conducted, or a product being sold, shall within thirty (30) days after written notification from the Building Inspector, be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.
- I. Obscene Matter. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.
- J. License Required. No person, firm or corporation shall engage in the business of sign hanging or the erection of signs within the corporate limits of the City without complying with the provisions of this ordinance. There shall be an initial yearly license fee of fifty dollars (\$50) for each such person, firm or corporation engaged in the business of sign hanging and the erection of signs. There shall also be a yearly license renewal fee of twenty-five dollars (\$25). All persons engaged in the business of sign hanging and the erection of signs must obtain such a license except those who are employed by contractors carrying a license. There shall be a separate license for each place of business in the City conducted by any person, firm, or corporation. Nothing in this section shall prevent any person, firm or corporation from hanging or erecting any sign or signs to be used in advertising the business or merchandise offered for sale of such a person, firm or corporation, but strict compliance with the provisions of this article must be made at all times in the hanging and maintenance of such signs. (Ord. 3594, Sec. 3)

SECTION IV. DESIGN REQUIREMENTS.

- A. Unsafe and Unlawful Signs. If the Building Inspector shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public or has been constructed or erected or is being maintained in violation of this article, he shall give written notice to the permittee thereof, to remove or alter the structure so as to comply with the standard herein set forth within ten (10) days after such notice.
- B. Number, Date and Voltage to be on Sign. Every sign or other advertising structure hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.
- C. Wind Pressure Requirements. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area.
- D. Obstruction to Doors, Windows or Fire Escapes. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- E. Signs Not To Constitute Traffic Hazard. No sign or other advertising structure as regulated by this article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the intensity, position, shape, or color, it may interfere with, obstruct the view, or be confused with any authorized traffic sign,

signal or device; or which makes use of the words "Stop," "Look," "Drive-In," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

- F. Gooseneck Reflectors. Gooseneck reflectors and lights shall be permitted only on ground signs, roof signs and wall signs; Provided, that the reflectors shall be equipped with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.
- G. Spotlight and Floodlights Prohibited. It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights. (Ord. 3594, Sec. 4)
- H. Moving and Flashing Signs Prohibited. No moving signs shall be permitted in any district except for pennants used in connection with real estate "Open Houses" and maintained for less than forty-eight (48) hours. No flashing signs shall be permitted in any district except those signs which impart general information unrelated to the commercial enterprise involved, such as "time and temperature" signs, or "message center displays."

SECTION V. CONSTRUCTION REQUIREMENTS.

A. Awnings.

1. Materials. Awnings may be constructed of cloth or metal; Provided, that all frames and supports shall be of metal.
2. Height Above Sidewalk. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of public property.
3. Setback from Curb Line. No awning shall be permitted to extend beyond a point two (2) feet inside the curb line.
4. Support. Every awning shall be securely attached to and supported by the building. (Ord. 3594, Sec. 5.1)

B. Ground Signs.

1. Material Required. All ground signs for which a permit is required under this article shall have a surface or facing of incombustible material, or material approved by the City Building Inspector; Provided, that combustible structural trim may be used thereon.
2. Letters, etc. To Be Secured. All letters, figures, characters, or representation in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any ground sign shall be safely and securely built or attached to the sign structure.
3. Height Limitation. It shall be unlawful to erect any ground sign whose total height is greater than thirty (30) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
4. Space Between Sign and Ground and Other Signs and Structures. Ground signs shall have an open space not less than eight (8) feet between the base line of the sign and the ground level. No ground sign shall be nearer than four (4) feet to any sign, building or structure unless constructed entirely of non-combustible material.

5. Setback Line. No ground sign shall extend beyond the property line.
6. Bracing, Anchorage and Supports. All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three (3) feet below the natural surface of the ground and shall be supported and braced by noncombustible material or metal rods in the rear thereof extending from the top thereof to a point in the ground at least a distance equal to one-half the height of such sign, measured along the ground, from the posts or standards upon which the same is erected. If posts are sunk six (6) feet into the ground and are continuous to the top of the sign, braces shall not be required.
7. Premises to be Kept Free of Weeds, etc. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. (Ord. 3594, Sec. 5.2)

C. Marquees.

1. Materials Required. All marquees, including the anchors, bolts, supports, rods and braces thereof, shall be constructed of incombustible materials and approved by the Building Inspector.
2. Drainage. The roofs of all marquees shall be constructed so as not to permit water to flow on any sidewalk.
3. Roofs, Use. The roofs of all marquees shall be used for no other purpose than to form and constitute a roof.
4. Height Above Sidewalk. No portion of a marquee shall be less than eight (8) feet above the level of the sidewalk or other public thoroughfare.
5. Setback from Curb Line. No marquee shall be permitted to extend beyond a point two (2) feet inside the curb line.
6. Bracing, Anchorage and Supports. Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefor.
7. Advertising Matter. No marquee shall display any advertising matter, except those goods and services offered for sale upon the premises.
8. Live Load. Marquees shall be constructed with a minimum live load requirement of forty (40) pounds per square inch. (Ord. 3594, Sec. 5.3)

D. Projecting Signs.

1. Projection Over Public Property. No projecting sign shall be maintained less than eight (8) feet above the public sidewalk over which it is erected. No projecting sign shall project beyond six (6) feet of the face of a building and shall not extend over any public driveway, alley or thoroughfare used for vehicular traffic, except as provided in Section VI, D, of this ordinance. (Ord. 3594, Sec. 5.4)

E. Roof Signs.

1. Materials Required. Every roof sign, including the supports, braces and structural trim, shall be constructed entirely of

incombustible materials; Provided, that combustible structural trim may be used thereon.

2. Height and Area Limitations. No roof sign shall have a surface or facing exceeding two hundred (200) square feet, nor have its highest point extended more than fifteen (15) feet above the roof level.
3. Setback from Roof Edge. No roof sign over four (4) feet in height shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.
4. Space Between Sign and Roof. All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level, and have at least five (5) feet clearance between the vertical supports thereof.
5. Prohibited Obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of the roof to any other part thereof or interfere with openings in the roof.
6. Bracing, Anchorage and Supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. (Ord. 3594, Sec. 5.5)

F. Temporary Signs.

1. Materials and Area Limitations. No temporary sign of combustible material shall exceed sixty (60) square feet in area; Provided, that if the sign is to be located on a tract or lot having a lineal footage in excess of one-hundred (100) feet, and is the only sign to be located on the tract, additional square footage may be allowed on each side of the sign equal to thirty (30) per cent of the lineal front footage in excess of the first one hundred (100) feet of the tract or lot up to a maximum allowable square footage of ninety (90) square feet; Provided, further that no political sign shall exceed thirty-two (32) square feet in area; Provided, further, that such signs in excess of sixty (60) square feet shall be made of rigid materials, that is, of wall board or other light materials with frames.
2. Weight Limitation. Every temporary sign weighing in excess of fifty (50) pounds must be approved by the Building Inspector.
3. Projecting from Wall and Over Public Property. No temporary sign, except one approved by the Governing Body, shall extend over or into any street, alley, sidewalk or other public thoroughfare a distance greater than four (4) inches from the wall upon which it is erected, and shall not be placed or project over any wall opening.
4. Anchorage and Support. Every temporary sign shall be attached to the wall with wire or steel cables; no strings, ropes or wood slats for anchorage or support purposes shall be permitted.
5. Duration of Permits. Permits for temporary signs shall authorize the erection of such signs and their maintenance for a period not exceeding thirty (30) days.
6. Advertising Permitted. The advertisement contained on any temporary sign shall pertain only to the business, industry or use conducted on or within the premises on which such sign is erected or maintained. This provision shall not apply to signs

1. **Materials.** All wall signs for which a permit is required under this article shall have a surface or facing of incombustible material; Provided, that combustible structural trim may be used thereon. However, the surface or facing and structural trim of a wall sign which is attached to a stone, brick, or masonry wall may be of exterior grade plywood having a thickness of not less than one-half of one inch (1/2"). No plywood wall sign shall be illuminated or in any manner be operated or serviced by electricity.
2. **Limitation on Placement and Area.** No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached. No wall sign shall exceed twenty-five (25) per cent of the wall to which it is attached, or ninety (90) square feet, whichever is less. Individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass a letter of irregular dimensions.

If more than one establishment is located on a tract, lot, or unified shopping center, a wall sign may be placed on each business; Provided, That no wall sign shall exceed twenty-five (25) per cent of the wall to which it is attached, or ninety (90) square feet, whichever is less.
3. **Projection Above Sidewalk and Setback Line.** No wall sign shall be permitted to extend more than eighteen (18) inches beyond the building line, nor shall be attached to a wall at a height of less than eight (8) feet above any public or private sidewalk or walkway.
4. **Obstructions to Doors, Windows, or Fire Escapes.** No wall sign shall be erected, relocated, or maintained as to prevent free ingress to or egress from any door, window or fire escape.
5. **Supports and Attachments.** All wall signs shall be safely and securely attached to the building wall. (Ord. 4155, Sec. 1)

SECTION VI. DISTRICT SIGN REGULATIONS. The permitted signs in each zoning district are set forth below. The signs listed below are permitted in the stated zoning districts subject to all of the general provisions and conditions set forth elsewhere in this ordinance.

- A. **Signs Permitted in Residential Districts, RS (Single-Family), RM (Multiple-Family), RD (Residence-Dormitory) and RO (Residence-Office).**
 1. **Bulletin signs, for public, charitable, or religious institutions, in residential districts, subject to the following conditions:**
 - a. Only one (1) sign or bulletin board shall be located on the same lot as the principal building.
 - b. If sign or bulletin board is illuminated, it shall be by indirect lighting directed away from adjoining residential uses.
 - c. No sign or bulletin board shall exceed twenty-four (24) square feet in area.
 - d. No sign shall be located closer than eight (8) feet from any side or rear of property line.
 - e. A sign or bulletin board located in a front yard shall be no closer than ten (10) feet from the front property line.

- f. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
 - g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.
 - h. Buildings constructed on the property line shall be allowed one identification sign only when the sign is a flat wall sign permanently attached to the building.
 - i. On corner lots, no sign shall be so constructed or so located that it will obstruct the view of traffic approaching the street intersection.
(Ord. 3594, Sec. 6.11)
2. Business signs unilluminated, in residential districts, subject to the following conditions:
- a. Professional or occupational name plates not over two (2) square feet in area and showing only the name and/or address and occupation of the occupant. There shall be only one (1) name plate for each dwelling. The name plate shall be affixed to the principle building flat against the wall.
 - b. Real estate signs, single or double faced, advertising "for sale" or "for rent" or "for lease" of the premises upon which the sign is located subject to the following conditions:
 - 1. Only one (1) sign for each real estate company shall be permitted per lot, or for each fifty (50) feet of street frontage.
 - 2. No sign shall exceed eight (8) square feet in area.
 - 3. Signs shall be located no closer than five (5) feet from any side or rear lot line.
 - 4. When a sign is affixed to a building, it shall not project higher than one (1) story or ten (10) feet above the ground level.
 - 5. Ground signs shall be securely anchored to the ground and shall not project higher than four (4) feet above the ground grade.
 - c. A sign denoting the architect, engineer or contractor may be placed upon the building site while a structure is under construction provided it does not exceed twenty-four (24) square feet in area.
 - d. A sign or signs advertising a subdivision each not exceeding one hundred (100) square feet in area may be placed in a subdivision during the initial sales and development, provided the sign or signs are located at least twenty-five (25) feet from any right-of-way or street line, and are removed within ninety (90) days after completion of the last house or sale of the last lot in the subdivision. (Ord. 3594, Sec. 6.12)

B. Signs Permitted in Commercial Districts C-1 (Off-Street Parking), C-2 (Neighborhood Shopping) District and Industrial District, M-1 (Limited Industrial). (Ord. 3594, Sec. 6.2)

1. Bulletin signs, as set forth in Section VI A1 of this ordinance.
2. Business signs, unilluminated, as set forth in Section VI A2 of this ordinance.
3. Business signs, illuminated, subject to the following conditions:
 - a. One ground sign may be erected in an off-street parking lot, a unified shopping center, or industrial tract in single ownership or control for the purpose of identifying the development. The sign shall display only the name and the location of the parking lot, the shopping center or industrial tract and names of stores, occupations or businesses located in the development. The size of the sign shall not exceed thirty (30) feet in height nor one hundred (100) square feet in area. The bottom of the sign shall be at least eight (8) feet above the ground level. No ground sign shall be permitted to project into a right-of-way and shall be located in a manner not to constitute a traffic hazard.
 - b. Illuminated signs shall be permitted providing such signs in direct view of traffic signals are not red, green or amber in color, and providing such signs are illuminated only during business hours or eleven o'clock p.m. (11 p.m.), whichever is later. When the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building or into any residential district or into any street.
 - c. Temporary signs shall be permitted, subject to the general restrictions set forth elsewhere in this ordinance.
 - d. Wall signs which advertise or indicate only services or products which are sold or offered for sale within the building to which the sign is attached shall be permitted, provided:
 1. The applicant presents a detailed plan to the Building Inspector showing the location of the signs on the building, size of letters and the clearance between the walls and signs;
 2. Only one sign is permitted for any one (1) establishment for each facade which faces or fronts onto a public right-of-way and each such sign is attached to the corresponding facade.

C. Signs Permitted in Commercial Districts C-3 (Central Commercial) (Exception in fire limits), C-4 (General Commercial), and C-5 (Limited Commercial), and Industrial District M-2 (General Industrial). (Ord. 3594, Sec. 6.3)

1. Awnings, subject to the provisions set forth in Section V of this ordinance. (Ord. 3594, Sec. 6.31)
2. Bulletin signs, as set forth in Section VI A1 of this ordinance. (Ord. 3594, Sec. 6.32)
3. Business signs, unilluminated, as set forth in Section VI A2 of this ordinance. (Ord. 3594, Sec. 6.33)
4. Business signs, illuminated, as set forth in Section VI B3 of this ordinance with the following changes:

- a. Two (2) wall signs shall be permitted on each facade for each establishment which faces or fronts onto a public right-of-way; Provided, that both such signs shall be attached to the corresponding facade, subject to the provisions set forth in Section VI B3 of this ordinance. (Ord. 3594, Sec. 6.34a) Wall signs as permitted in C-4, C-5, and M-2 zoning districts may be constructed instead of a ground sign on building walls which do not face or front a public right-of-way, provided that such signs are unilluminated. (Ord. 3733)
- b. Single-Establishment: One ground sign shall be permitted for each establishment; Provided, that the size of the sign shall not exceed sixty (60) square feet in area. However, if an establishment is located on a tract or lot having a lineal front footage in excess of one hundred (100) feet and is the only establishment located on the tract or lot, additional square footage may be allowed on each side of the sign equal to thirty (30) per cent of the lineal front footage in excess of the first one hundred (100) feet of said tract or lot; Provided further, that the size of the sign shall not exceed ninety (90) square feet.

Multi-Establishment: If more than one (1) establishment is located on a tract or lot, one (1) ground sign may be installed to display names of stores, occupations, or businesses located on the tract or lot. The size of the sign shall not exceed thirty (30) feet in height nor one hundred (100) square feet in area. The bottom of the sign shall be at least eight (8) feet above the ground.

- c. Projecting signs shall be permitted subject to the provisions as set forth in Section V D of this ordinance.
- d. Projecting signs below a canopy, or marquee, erected over a public way shall be permitted subject to the following conditions:
 1. A sign erected beneath a canopy shall not exceed three (3) square feet in area and shall be hung at right angles to the building. A minimum clearance of seven (7) feet shall be maintained between the bottom of the sign and the public way below.
 2. A sign erected beneath a marquee shall not extend beyond a point within two (2) feet of the front edge of the marquee and shall maintain a minimum clearance of eight (8) feet between the bottom of the sign and the public way below. (Ord. 3594, Sec. 6.34)

5. Temporary signs shall be permitted, subject to the provisions set forth in Section V F of this ordinance. (Ord. 3594, Sec. 6.36)

D. Signs Permitted in Fire Limits.

1. Awnings, subject to the provisions set forth in Section V A of this ordinance.
2. Bulletin signs, as set forth in Section VI A1 of this ordinance.
3. Business signs, unilluminated, as set forth in Section V C of this ordinance.
4. Business signs, illuminated, nonflashing, as set forth below:
 - a. Two (2) wall signs shall be permitted on each facade for each establishment which faces or fronts onto a public right-of-way, provided that both such signs shall be attached to the corresponding facade, subject to the provisions set forth in Section V G of this ordinance.
 - b. One (1) ground sign shall be permitted for each establishment, provided that the size of the sign shall not exceed sixty (60) square feet in area. No ground sign shall be located in a manner to constitute a traffic hazard.
 - c. Projecting signs below a canopy or marquee erected over a public way shall be permitted subject to the following conditions:
 1. A sign erected beneath a canopy shall not exceed three (3) square feet in area and shall be hung at right angles to the building. A minimum clearance of seven (7) feet shall be maintained between the bottom of the sign and the public way below.
 2. A sign erected beneath a marquee shall not extend beyond a point within two (2) feet of the front edge of the marquee and shall maintain a minimum clearance of eight (8) feet between the bottom of the sign and the public way below.

E. Permitted Signs in Industrial District M-3 (Intensive Commercial) and F-P (Flood Plain) District. (Ord. 3594, Sec. 6.5)

1. Advertising signs (billboards or poster boards), including roof signs, subject to the following conditions:
 - a. The owner shall agree, at the time of issuance of the permit to place and maintain on such advertising sign the name of the person owning, in charge or in control of the sign.
 - b. No advertising sign shall be erected, altered, constructed, reconstructed or moved until an application and plans have been filed with the Building Inspector and shall have been approved by the Building Inspector as to size, location and construction.
 - c. The owner, lessee and manager of such advertising sign and the owner of the sign shall maintain and keep the ground area around the sign clean, sanitary, inoffensive and free and clean of weeds and noxious substances.

- d. Plans for advertising signs in the fire limits shall be referred to the Fire Chief for review and recommendation.
 - e. No advertising sign shall project beyond the front side or rear building line established for the district in which it is located. (Ord. 3594, Sec. 6.5 through 6.51)
2. Bulletin signs, as set forth in Subsection A1 of this section (Ord. 3594, Sec. 6.52).
 3. Business signs, unilluminated, as set forth in Subsection A2 of this section. (Ord. 3594, Sec. 6.53)
 4. Business signs, illuminated, as set forth in Subsection C4 of this section. (Ord. 3594, Sec. 6.54)

SECTION VII. NON-CONFORMING SIGNS.

- A. All flashing and moving signs as defined above shall come into conformance with the provisions of this ordinance within one (1) year from the effective date of this ordinance.
- B. All other non-conforming signs within the City shall be removed within five (5) years from the effective date of this ordinance.

SECTION VIII. PENALTY. Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined in a sum not exceeding one hundred dollars (\$100) or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ordinance. 3594, Sec. 8)

SECTION IX. APPEAL AND VARIANCE. Appeal may be taken within ten (10) days from the decision of any administrative officer to the City Governing Body; and the Governing Body may hear and decide the matter de novo, and after review may authorize in specific cases a variance from the terms of this ordinance, providing all of the following circumstances are found to apply:

- A. That the variance request arise from conditions which are unique to the location in question and which are not ordinarily found in the same district zone; and are not created by an action or actions of the property owner or applicant.
- B. That the granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in such zoning districts or neighborhood in which the property is located.
- C. That the strict application of the ordinance requirements would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the ordinance. (Ord. 3594, Sec. 10)

SECTION X. REPEAL. Chapter V. Article VII, of the "Code of the City of Lawrence, Kansas, 1974", is hereby repealed and of no further force and effect, it being the intent of this ordinance that its provisions be substituted in place thereof.

SECTION XI. This ordinance shall be included in a supplement to the "Code of the City of Lawrence, Kansas, 1974", as provided by K. S. A. 1973 Supplement 12-3015 but shall be in full force and effect as a regular ordinance from and after its passage and publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 15th day of October, 1974.

APPROVED

H. A. H.