

RESOLUTION TO AMEND SEDGWICK COUNTY SIGN CODE

RESOLUTION NO. _____

Published on: _____

Effective Upon Publication

WHEREAS, the Board of County Commissioners of Sedgwick County adopted a new sign code on August 16, 2017, with Resolution No. 141-2017; and

WHEREAS, Sedgwick County believes that a compelling governmental interest would be served by allowing certain real estate signs to be exempted from permitting requirements; and

WHEREAS, this Resolution proposes to amend Section 6-344 of the Sedgwick County sign code.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

SECTION 1.

Section 6-344 of the Sedgwick County Code, entitled "Sign Code", is hereby amended to state as follows:

Sec. 6-344. - Permit procedures and requirements; sign hanger license.

- (a) Permit. Except for signs listed in subsection (g) of this section, no sign shall be painted, constructed, erected, repainted, remodeled, relocated, or expanded unless such sign complies with the requirements of this article. A permit must be obtained from the director prior to such act. Fees for said sign permits, as specified in subsection (i) of this section, shall be paid to the county before any permit is issued. For all signs requiring permits and exceeding one hundred (100) square feet or ten (10) feet in height, said permits shall only be issued to a licensed sign hanger.
- (b) Application for permit. Application for a permit shall be made in writing upon forms provided by the director and shall contain, or have attached, such information as the director shall deem necessary to show full compliance with this and all other applicable laws and regulations of Sedgwick County, Kansas. This may include drawings indicating the sign legend or advertising message, location, dimensions, construction and structural design. If the director deems it necessary, he may also require that a licensed engineer furnish information concerning structural design of the sign and the proposed attachments.
- (c) Issuance of permit.
 - (1) Upon the filing of an application for a sign permit, the director shall examine such plans and specifications, along with the premises on which the sign is proposed to be erected, and other pertinent data, to determine if the provisions of this article are complied with. If all such requirements are met, the permit shall be issued. If the work authorized by

such permit is not started within one hundred eighty (180) days from the date of its issuance, such permit shall become null and void. The director may authorize up to a one hundred eighty (180) day extension.

- (2) The issuance of the sign permit as required by this article shall not act in lieu of any other permits or fees required by any other provisions of this article or any other rules or regulations applicable to such sign and its placement.
- (d) Inspections; right of entry. All signs for which a permit is required shall be subject to inspection by the director. Footing inspections may be required by the director for all signs having footings. The director may order the removal of any sign that is not maintained in accordance with the provisions of this article. All signs may be reinspected at the discretion of the director. The director may also enter any building and upon any premises at any reasonable time for the purpose of inspection or to prevent a violation of this article, upon presentation of the proper credentials.
- (e) Sign removal.
 - (1) All abandoned signs and their supports shall be removed within thirty (30) days from the date of notification of abandonment by the director. The director may grant a time extension not exceeding an additional thirty (30) days for an abandoned, non-damaged sign. All damaged signs shall be repaired or removed within thirty (30) days of the date of notification by the director.
 - (2) The director shall remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited sign subject to removal under the provisions of this article which has not been removed within the time period specified in this article, or any other sign maintained in violation of the provisions of this article. If such sign cannot be demolished because it is painted on a building or other non-sign structure, such sign shall be painted over or removed by sandblasting. The Director shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within thirty (30) days, the sign shall be removed in accordance with the provisions of this article.
 - (3) The notice shall be mailed or given to the owner of the sign, or the occupant of the property upon which the sign is located or their employee or representative, or to the owner of the property on which the sign is located as shown on the records of the Sedgwick County Register of Deeds.
 - (4) In addition, any temporary sign placed on private property in violation of any provision of this article may be removed and impounded by the director. The director shall prepare a notice and specify the violation involved which shall state that if the sign is not removed or the violation not corrected within seventy-two (72) hours, the sign shall be impounded. This notice shall be served upon the owner or agent of such sign and where possible, upon the occupant of the property where the sign is located. Such sign shall be retained by the director for a period of thirty (30) days, after which it may be disposed of in any manner deemed appropriate by the county. Such sign may be recovered by the owner within thirty (30) days upon payment of a service charge of fifteen dollars (\$15.00) per sign.
 - (5) When in the opinion of the director any sign is in such condition as to constitute an imminent hazard requiring immediate action to protect the public, he may erect barricades or cause the sign to be taken down, repaired, shored, or otherwise made safe

without delay. Such action, under such circumstances, may be taken without prior notice to or hearing of the owner, agents, lien holders, and occupants.

- (6) Any person having an interest in a sign or the property on which the sign is located may appeal the determination of the director ordering removal or compliance by filing a written notice of appeal to have their appeal heard by the board of zoning appeals.
 - (7) Any cost incurred by the county associated with the demolition, removal or repair of any sign under the provisions of this article shall be levied, certified, and collected as a special assessment against the lot or tract of ground upon which the sign was located. Said assessment, if not paid when due, shall be certified to the county clerk for collection with other special assessments.
- (f) Exemptions from permits. The following signs shall be exempt from paying fees and obtaining a sign permit; however such signs shall be subject to the size restrictions within this article. (This exemption shall not be construed as relieving the owner of the sign from the responsibility for its meeting the structural and maintenance requirements as specified in this article):
- (1) Small outdoor signs not exceeding six (6) square feet in area.
 - (2) Any indoor signs, even though such signs may be visible from outside the building.
 - (3) Signs of a duly constituted governmental body, including official signs, directional signs for public buildings and uses, traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping and other similar signs.
 - (4) Flags or emblems displayed on private property.
 - (5) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.
 - (6) During the time a property is for sale, lease or rent, signs advertising such and not exceeding 32 square feet maybe erected or placed until such time the property is no longer for sale, lease or rent. Signs greater than 32 square feet will require permitting as an on-site sign.
- (g) Temporary sign permits. Unless expressly exempted by this article, no temporary sign shall be placed on any property without first obtaining a temporary sign permit. Such permit shall be subject to the following requirements:
- (1) Temporary signs limited to no more than two (2) per business and limited to a maximum display time of thirty (30) consecutive days and ninety (90) cumulative days per calendar year.
 - (2) Portable signs will be limited to one (1) per zoning lot. Any such sign shall be located no closer than one hundred fifty (150) feet to any existing sign structure and shall be located in accordance with all other applicable regulations including, but not limited to, the location of the portable sign in relation to the street right-of-way line and the distance from driveway approaches. Any portable sign permitted by this section shall not exceed sixty (60) square feet in gross surface area per side.
- (h) Fees. Fees for sign permits shall be paid to the county before any permit is issued. For all signs requiring permits, said permits shall only be issued to a licensed and bonded sign hanger. The fees to be paid shall be as follows:
- (1) For each new sign that is placed, located, erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting, the sign permit fee

shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per each ten (10) square feet in gross surface area or fraction thereof.

- (2) For each existing sign that is altered to increase the area of height of the sign, the sign permit fee shall be twenty-five dollars (\$25.00), plus six dollars (\$6.00) per each ten (10) square feet in gross surface area or fraction thereof.
 - (3) For each existing on-site sign where the copy is altered or changed by painting or replacing sign faces, and where there are no structural changes and no increase in height or area occurs, the sign permit fee shall be twenty-five dollars (\$25.00). This fee shall not apply when a change is made to add an additional face to a single face sign. Further, no permit or fee is required for mere repainting or replacement of a damaged sign face when there is no substantive change or alteration to existing copy and no increase in the height or area of the sign.
 - (4) For temporary signs permits, including special event signs, the sign permit fee shall be fifteen dollars (\$15.00), plus one dollar (\$1.00) for each ten (10) square feet in gross surface area.
 - (5) For commercial balloon signs, the sign permit fee shall be fifteen dollars (\$15.00) for each seven-day permit issued under the provisions of this article. Such commercial balloon sign permits shall be obtained by a licensed sign hanger.
- (i) Sign hanger licensing and bonding.
- (1) It shall be unlawful for any person, firm, corporation, or other entity, to engage in the business of hanging signs, which involves, in whole or part, the erection, alteration, creating by painting, relocation or maintenance of signs, or other sign work, without a valid sign hanger license issued by the director of the MABCD. This shall be an annual license, the annual fee for which shall be one hundred dollars (\$100.00). Said annual license shall be for a calendar year. A violation of this section shall be a Class I violation.
 - (2) To obtain or renew an annual sign hanger license, a person, firm, corporation, or other entity, shall:
 - a. Submit a completed application on a form provided by the MABCD, for an original sign hanger license, and for each renewal thereof.
 - b. Provide proof of liability insurance to the MABCD in the minimum amount of five hundred thousand dollars (\$500,000.00) per occurrence.
 - c. Pay a nonrefundable license fee of one hundred dollars (\$100.00) either by cash or a certified check, cashier's check or money order, payable to Sedgwick County. The processing of the application and issuance or denial of the license will not take place until the nonrefundable license fee is paid.
 - d. Agree to obtain all required permits.
 - (3) Annual sign hanger licenses are not transferable.
- (j) Violations of sign hanger license requirements; hearing; penalties. At the request of the director of the MABCD, a hearing before the board of code standards and appeals, as established within the Wichita-Sedgwick County Unified Building and Trade Code, shall be held to determine whether there has been any violation of any of the licensing requirements contained herein and whether the sign hanger license should be suspended or revoked. If any violation is found, the board may order any or all of the following:
- (1) No further sign permits will be issued to the violating licensee until such time as the violation is abated.

- (2) All inspections of further work performed by the violating licensee will be suspended until such time as the violation is abated, except extreme hazard or life-safety inspections.
- (3) A license review, subjecting the violating licensee to possible suspension or revocation of the sign hanger license.

If a sign hanger license is revoked as provided herein, the violating licensee shall be barred from obtaining another sign hanger license for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a violating licensee who wishes to obtain a sign hanger license shall follow the application procedure set forth in subsection 6-344(i)(2). Any determination of revocation or suspension of a sign hanger license by the board of building examiners and appeals may be appealed to the Sedgwick County Board of County Commissioners.

SECTION 2.

Should any section, clause or provision of this Resolution be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this Resolution as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION 3.

The Sedgwick County Clerk is directed to publish this Resolution upon its approval. This Resolution shall be effective upon publication.

[Remainder of the page is intentionally blank]

Commissioners present and voting were:

DAVID M. UNRUH _____
MICHAEL B. O'DONNELL, II _____
DAVID T. DENNIS _____
RICHARD RANZAU _____
JAMES M. HOWELL _____

Dated this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

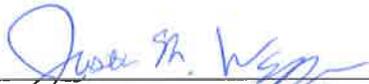
ATTEST:

KELLY B. ARNOLD, County Clerk

DAVID M. UNRUH, Chairman
Commissioner, First District

MICHAEL B. O'DONNELL, II, Chair Pro Tem
Commissioner, Second District

APPROVED AS TO FORM:



JUSTIN M. WAGGONER,
Assistant County Counselor

DAVID T. DENNIS
Commissioner, Third District

RICHARD RANZAU
Commissioner, Fourth District

JAMES M. HOWELL
Commissioner, Fifth District