

Org. No. _____

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ORDINANCE NO. 52-192

AN ORDINANCE AMENDING SECTIONS 24.04.045, 24.04.190 AND 24.04.215 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO BILLBOARDS AND SIGNS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. Section 24.04.045 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Definitions.

- (a) 1. **A-frame or Sandwich Sign** means any sign supported from the ground utilizing one or more supporting braces in which a combination of sign and support forms the letter "A."
- 2. **Abandoned Sign** means any sign or any building, structure or premises which has been vacated for a six-month period or longer.
- 3. **Abutting** means touching or directly contiguous to.
- 4. **Adjacent** means no farther than one hundred fifty (150) linear feet unless otherwise provided by this Code.
- 5. **Animated Sign** means an Electronic Message Sign depicting action, motion, light or color changes through electrified or mechanical means. Although

technologically similar to flashing signs, the animated sign emphasizes graphics and artistic displays and may include video displays.

6. **Athletic Stadium** is an open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports or the viewing of sporting events.
7. **Balloon Sign** is a Sign that is inflated and exceeds five (5) square feet in area. Balloons may be tethered or mounted to a structure.
8. **Banner** means a Sign of lightweight fabric or similar non-rigid material with no fully enclosed framework and designed to be attached securely at each end or corner of the Banner to a wall, canopy, post(s) or stakes. Flags shall not be considered a Banner.
9. **Billboard** means a Junior or Standard Billboard Sign. Billboards do not include Off-Site Signs that meet the criteria set forth in Sections 24.04.190(2), 24.04.190(6), 24.04.190(10), 24.04.190(18) or 24.04.251.2(j) of this Code.
10. **Board of Code Standards and Appeals** means the Metropolitan Board of Code Standards and Appeals established by the Wichita-Sedgwick County Unified Building and Trade Code (UBTC).
11. **Board of Zoning Appeals** means the Board of Zoning Appeals as designated by the City Council of the City of Wichita.
12. **Building Sign** is an On-Site Sign attached to or painted on a wall, awning, canopy, building or structure or that is attached to, but not painted on, a roof structure or roof surface, the height of which shall not exceed the height of the roof or wall parapet, or any of the following: (1) the highest point of the coping of

a flat roof; (2) the deck line of a mansard roof; (3) the average height between the eaves and ridge line of a gable, hip or gambrel roof; or (4) three (3) feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three (3) feet above the bottom or lowest edge of the roofline; except that of a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three (3) feet tall and twenty (20) feet wide above a glazed portion of the building elevation, the bottom of which is at least seven (7) feet above grade, may have a Building Sign which shall not exceed four (4) feet, six (6) inches above the roof or parapet.

13. **Commercial Sign** means any Sign that directly or indirectly names, advertises or calls attention to a business, product, service or both, or other commercial activity.
14. **Directional Sign** means any Sign that provides direction for the safe and efficient flow of vehicular or pedestrian traffic and shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premises.
15. **Director** means the Director of the Metropolitan Area Building and Construction Department (MABCD) or designee.
16. **Directory Sign** means an On-Site Sign containing information in a list or map form of the individual components making up a planned unit development, master plan development, shopping center or other development.
17. **Election Period** shall mean the forty-five (45) days prior to and the two (2) day period following any election. Such period shall also include the time period between any primary and general election.

18. **Electronic Message Sign** means a Variable Message Sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and may also enable changes to be made to messages from locations other than at the sign. Electronic Message Signs shall be classified as animated, flashing or moving signs when the rate of copy and/or graphic changes is more than one change per second.
19. **Flashing Sign** means a Sign that contains flashing lights or exhibits noticeable changes in light intensity with a basic on-off of the same light source or display pattern, or that includes the illusion of intermittent or flashing light by means of animation, or an externally-mounted intermittent light source. Generally, the sign's message, copy or flashing pattern is constantly repeated.
20. **Ground Sign** means a Sign placed upon or supported by the ground independently of any building or structure on the property.
21. **Identification Signs** mean any Sign or set of numbers, letters or characters with respect to streets or to those homes or buildings around a principal building.
22. **Institution** means the building, group of buildings, place of confinement or use of an established organization or foundation.
23. **Junior Billboard** means an Off-Site Sign with a Sign Surface not greater than three hundred (300) square feet in area, and not exceeding ten (10) feet in height and thirty (30) feet in length, plus any allowed extensions.
24. **Menu Board Sign** means an On-Site Sign designed and used for the display of menu items and pictures and/or prices of menu items.

25. **Metropolitan Area Planning Commission** means the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) as established by a joint resolution/ordinance between Sedgwick County and the City of Wichita.
26. **Monument Sign** means a detached Ground Sign for which the width of the widest part of the base, pole or pylon cover of the sign is at least one-half the width of the widest part of the Sign Surface or for which the Sign or Sign Cabinet supports consist of visible poles or pylon supporting a Sign Cabinet and the height of the base is not more than two (2) feet above the average grade of the ground.
27. **Moving Sign** is a Sign that includes motion or movement or the illusion of motion or movement.
28. **Nameplate Sign** means any single-faced, non-illuminated Wall Sign that displays information regarding the person or persons occupying space in a building. Nameplate Signs may be incorporated within a Wall Sign and shall otherwise be subject to regulations restricting Wall Signs.
29. **Nit** means a unit of luminance equal to one candela (one candle) per square meter.
30. **Noncommercial Sign** means any sign that is not a Commercial Sign.
31. **Nonconforming Sign** means any sign that does not comply with the provisions of this Title or any other ordinance of the City of Wichita.
32. **Official Sign** means any Sign installed, authorized or erected by a governmental body or agency, public utility or railroad such as traffic signs, signals, regulatory devices or warnings, signs designating properties or structures officially designated by the federal, state or local government as being of historical significance or other similar signs.

- 33. **Off-Site Sign** means a Sign delivering a message or advertisement which is unrelated to the activities conducted on the premises or the products sold or manufactured thereon.
- 34. **On-Site Sign** means a Sign which conveys a message or advertisement directly related to the lawful use of the premises on which it is located.
- 35. **Owner** means the property owner of record, manager, leasee, designated agent or any person exercising control over the sign.
- 36. **Pennant** means a Sign constructed of fabric or any non-rigid material with no enclosed framework, and designed to be attached securely to a permanent pole or post.
- 37. **Permanent Sign** means a Sign designated and intended for long-term use which is placed on private property and is attached to a wall, building, roof or to the ground by poles, metal braces or masonry.
- 38. **Planning Director** means the Director of the Metropolitan Area Planning Department.
- 39. **Pole, Pylon Cover or Wrap** means an enclosure for concealing and/or decorating poles or other structural supports of a Ground or Pole Sign.
- 40. **Pole or Pylon Sign** means a free-standing Sign supported by uprights, braces, columns, poles or other vertical members that are not attached to a building.
- 41. **Portable Sign** means a temporary On-Site Sign designated in such a manner as to be readily moveable and not permanently attached to the property; such as A-Frames, trailer signs, signs placed on vehicles, beacon lights and other similar

signs. Any such sign shall not exceed a height of ten (10) feet above grade and shall not exceed sixty (60) square feet per side in gross surface area.

42. **Projecting Sign** means an On-Site Sign suspended from or supported by a building or structure and projecting therefrom a distance exceeding one (1) foot from the face of the building or structure to which it is attached.

43. **Public Property** for the purposes of this Title means:

- (1) Any public building or premises owned by a governmental entity;
- (2) Any sidewalk, public bridge, crosswalk, curb, paved portion of any street, highway, alley or the median strip of any divided street or highway;
- (3) The paved or unpaved area between the street lines of any street adjacent to a tract of land;
- (4) Any street sign, traffic sign or signal;
- (5) Any telephone, electric wire, powerline, street lamppost or any other utility pole or fire hydrant located in the public Right-of-Way;
- (6) Any tree or other vegetation on public property, including without limitation, those in the public Right-of-Way; and
- (7) Any public park, open space, bench, drinking fountain or other property owned or leased by a governmental entity and used for governmental purposes.

44. **Right-of-Way** means the area on, below or above the present and future City streets, alleys, bridges, bikeways, parkways and sidewalks that is owned or controlled by the City, county, state or federal government.

45. **Roof Sign** means a Sign erected, constructed and maintained fully upon or over the roof or parapet of a building or structure and having the roof or parapet as its principal means of support that does not meet the definition of a Building Sign.
46. **Rotating Sign** is a Sign that turns, spins on or around a pole or other similar axis point.
47. **Scrolling Sign** means an Electronic Message Sign that includes a message transition where the message that is leaving or appearing to move horizontally, vertically or diagonally across the sign display surface.
48. **Sign** means any device, object or surface, constructed, installed or painted, the purpose of which is to visually deliver a message of either a commercial or noncommercial nature, by attracting attention to the device, object or item.
49. **Sign Alteration** means the replacement, enlargement, reduction, reshaping, changing or adding to a Sign or Sign Structure or supporting members.
50. **Sign Cabinet** means the structural frame that encloses one or more Sign Surfaces.
51. **Sign Structure** means the support, poles, upright bracing or brackets and framework for any sign that is mounted on or affixed to a building, structure or the ground.
52. **Sign Surface** means the entire area within a square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop of structure against which it is placed.

53. **Special Event** means a seasonal or temporary event lasting no longer than thirty (30) days occurring on private property.
54. **Standard Billboard** means an Off-Site Sign with a Sign Surface greater than three hundred (300) square feet in area, but not exceeding fourteen (14) feet in height and forty-eight (48) feet in length plus any allowed extension.
55. **Street Frontage** means the linear feet of a zoning lot directly adjacent to an adjoining street or street Right-of-Way. In determining Street Frontage, one-half the width of an adjoining alley may be considered as frontage.
56. **Temporary Decoration(s)** means displays erected on a seasonal or temporary basis that are not intended to be permanent in nature and that do not constitute Commercial Signs.
57. **Temporary Sign** means any sign intended to be displayed for a limited period of time which is supported by any means other than by a person and is typically constructed from nondurable materials, including but not limited to paper, cardboard, cloth, plastic or wallboard. Temporary Decorations, Banners, Portable Signs, Balloons or Window Signs shall be regulated by specific provisions set forth in this Title. Unless otherwise limited by specific provisions of this Title, or by the terms of any required permit, a Temporary Sign shall not be displayed for more than ninety (90) days. Temporary Signs shall be removed from a property for not less than thirty (30) days at the end of the maximum time period as set forth in this Title before another Temporary Sign can be located on a property.
58. **Variable Message Sign** means a Sign that includes the electronic or mechanical means for message or copy changes. These signs may include changeable

messages or copy with letters and/or numbers mounted in or on a track system, Electronic Message Signs, and signs with rotating sections or panels (i.e., tri-vision and similar type displays).

- 59. **Wall** means the exterior or surface of a building or structure. For the purposes of this Title, walls shall include mansard-type or sloped-roof structures.
- 60. **Wall Sign** means a Sign attached to and erected parallel to and within one (1) foot of the face or wall of a building.
- 61. **Window Sign** means on On-Site Sign either temporary or permanent that is placed on the inside of a window or upon the windowpanes and is visible from the exterior of the window.
- 62. **Zoning Administrator** means the Director of the Wichita-Sedgwick County Metropolitan Area Planning Department (MAPD) or their designee.
- 63. **Zoning District** means the zoning classifications established in the Wichita-Sedgwick County Unified Zoning Code (UZC).
- 64. **Zoning Lot** means a parcel of land that is designated by its Owner or developer, at the time of applying for a building permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirement of the above and the requirements of the Subdivision Rules and Regulations of the MAPC, such lot may consist of (1) a single lot of record, (2) a portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record. For purposes of this Title, approved Community Unit Plans, Planned Unit

Developments or "P-O" Protective Overlays, as defined in the Wichita-Sedgwick County Unified Zoning Code (UZC), shall be considered as a single Zoning Lot.

- (b) To the extent they are not inconsistent with this Title, the definitions adopted by the Unified Zoning Code (UZC), as amended, shall apply to the terms used in this Title.
- (c) Whenever a Sign could be subject to more than one classification, the Zoning Administrator shall determine the most appropriate classification and apply all applicable regulations.”

SECTION 2. Section 24.04.190 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs permitted in all Zoning Districts.

The following signs shall be permitted in all Zoning Districts:

1. Directional On-Site Signs, not exceeding six (6) square feet in area, displayed on private property for the convenience of the public.
2. Permanent markers located on private property for the convenience of the public in the identification of a subdivision or the streets therein; provided, that they shall first have been submitted to the Planning Director for approval. The markers shall be determined to be in keeping with the general design of the area and the size shall be limited in height and area dependent upon their location on the property.
3. Identification Signs when consisting of letters fifteen (15) inches or less in height, carved into or securely attached in such a way that they are an architectural detail of the building or entrance way, and; provided further, they are not illuminated apart from the building or entrance way, are not made of reflecting material and

do not project more than two (2) inches from the surface to which they are attached.

4. During the time that property is under construction, additional temporary signs may be displayed subject to the following limitations:
 - (a) One sign per Street Frontage;
 - (b) Gross surface area per sign - thirty-two (32) square feet in "SF-10", "SF-5" and "TF-3" districts, one hundred twenty-eight (128) square feet in all other districts; and
 - (c) Sign may include illustration of project under construction.
5. During the time that a property is listed for sale, lease or rent, additional temporary signs may be displayed with the following limitations:
 - (a) Any such sign shall be unlighted and all lettering shall be permanently affixed to the sign;
 - (b) The maximum gross surface area per sign, in all residential Zoning Districts, except "B" multifamily, is eight (8) square feet; in all other Zoning Districts, including "B" multifamily, it is forty (40) square feet;
 - (c) There shall be only one sign per Street Frontage per listing in "MF-29" multifamily and more restrictive Zoning Districts, provided, that there shall be no more than two (2) Temporary Signs per Zoning Lot in all "MF-29" multifamily and more restrictive Zoning Districts; and
 - (d) In all Zoning Districts other than "MF-29" Multi Family and more restrictive Zoning Districts, there shall be no more than two (2) Temporary Signs per Street Frontage unless the signs can be separated by a minimum

distance of 150'. In no event shall there be more than four (4) Temporary Signs per Zoning Lot in Zoning Districts other than "MF-29" multifamily and more restrictive Zoning Districts.

6. During the time that a construction project is being marketed, developed or is under construction, additional Temporary Signs with the following limitations, unless otherwise indicated in an approved Community Unit Plan:
 - (a) Time period, two (2) years; however, the Zoning Administrator may grant extensions every six (6) months until all lots in the subdivision are sold provided the sign is adequately maintained;
 - (b) Unlighted or indirectly lighted from an external source only and constructed with neither reflective nor luminous materials;
 - (c) Permit issued only after the final subdivision plat has been duly recorded; except that a permit may be issued for a property which is governed by an approved Community Unit Plan or for which a preliminary subdivision plat has been approved, for a period of six (6) months, and then may be extended as provided for in subsection a. above if the final plat has been recorded;
 - (d) Located at or near entrances to tract sections under construction;
 - (e) Not more than two (2) Sign Structures shall be maintained in any one subdivision less than forty (40) acres in size. For each additional forty (40) acres or major fraction thereof, one additional sign may be erected;
 - (f) Maximum area of two hundred (200) square feet for each sign;
 - (g) Maximum height of twenty (20) feet; and

- (h) Up to two (2) Temporary Signs to direct the public to the project may be permitted off-site, subject to the limitations set forth above and the following additional limitations:
 - (1) Must be located on a vacant lot or tract that is at least five hundred (500) feet, and no more than one mile, from the project.
 - (2) May not be located within one hundred and fifty (150) feet of a residential structure, or from any other sign facing the same direction of travel, or in a location prohibited by Section 24.04.200 of this code.
 - (3) Off-Site Signs permitted under this subsection are not required to be placed on a single pole.
 - (4) This provision is not intended to further limit the number or location of Off-Site Signs as established in Subsection 24.04.222 or other Sections of this code.
- 7. Nameplate Signs with a maximum area of three (3) square feet.
- 8. Temporary Banner Signs shall not exceed a total of sixty-four (64) square feet. Banner Signs shall be limited to one banner per business or location. Banners shall only be temporarily displayed. Such Banners shall not be displayed for more than thirty (30) days and shall be limited to being on display only on property during special events occurring on such property.
- 9. Temporary Signs displayed during a licensed miscellaneous sale not to exceed four (4) square feet in area, when located in a residential district, and not on public property.

10.
 - (a) No more than one (1) Temporary Sign per fifteen (15) linear feet of street frontage or portion thereof may be located on private property with the permission of the Owner or tenant.
 - (b) Such signs shall not exceed eight (8) square feet in area, no more than five (5) feet in height and be located no closer than eight (8) linear feet to a side property line. Such signs may not be lighted or illuminated.
 - (c) The provisions of subsection (a) shall not be applicable to signs displayed during any Election Period, as defined by Section 24.04.045 of the Code of the City of Wichita.
11. Signs for an Institution only, not exceeding twenty-five (25) square feet gross area, which may be lighted by direct or internal illumination of white light only except that Institutions located along designated collector, arterial or expressway streets may have one sign for each collector, arterial or expressway frontage, not exceeding forty-eight (48) square feet in size for each sign. Exception: Institutions located along designated collector, arterial or expressway streets with two hundred (200) feet or more of frontage along such street may have one sign for each collector, arterial or expressway frontage, not exceeding one hundred (100) square feet in size for each sign, or up to two (2) signs for which the combined total sign area does not exceed one hundred (100) square feet, and where such signs are separated by a minimum distance of one hundred fifty (150) linear feet.
12. Building Sign unlighted and not exceeding two (2) square feet in area when allowed by UZC IV. E.

13. Portable Sign for an Institution, provided only one Portable Sign shall be permitted on a Zoning Lot. Any such sign shall not be located closer than one hundred fifty (150) feet to any other Ground or Portable Sign, 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 Sign Surface per side.
14. Banners are permitted, except in the "SF-5" or "SF-10" Single Family or "TF-3" Two-Family Zoning Districts subject to the following limitations:
Only one Banner shall be permitted for each building elevation, any such building elevation shall be required to have any one of the following:
- (a) Street Frontage,
 - (b) Be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "OW" Office Warehouse, "IP" Industrial Park, "LI" Limited Industrial or "GI" General Industrial Zoning District, or
 - (c) If adjacent to a residential use or Zoning District, there must be a parking, loading or open space area with a depth of one hundred fifty (150) feet or more as measured from the sign surface to the property line which adjoins the Residential Zoning District or use.

No Banners shall exceed thirty (30) square feet of Sign Surface area except as otherwise allowed by subsection (8) of Section 24.04.190, and shall be securely attached to a building, wall or fence.

15. Menu Board Signs, except in any residential Zoning District or any "NO" Neighborhood Office, "GO" General Office or "NR" Neighborhood Retail Zoning District, provided that any Ground Menu Board Sign is located no closer to a front property line than the front wall elevation of the principal use structure, and no closer to a rear or side property line than the building or compatibility setback allowed by the (UZC) or a special purpose or overlay Zoning District standard or requirement. Menu Board Signs shall be limited to a maximum of two (2), fifty (50) square foot signs per business, or one (1) maximum one hundred (100) square foot sign per business. Smaller Signs of up to six (6) square feet may be located at individual parking stalls without meeting the building or compatibility setback requirements outlined above.
16. Pennant Signs, except in the "SF-5" Single Family, "SF-10" Single Family, or "TF-3" Two-Family Zoning Districts, with the following limitations:
 - (a) Limited to a maximum area per Pennant of twenty-four (24) square feet;
 - (b) Limited to two (2) Pennants for each permanent pole, provided the total area of the Pennants does not exceed twenty-four (24) square feet per pole;
 - (c) Limited to a minimum horizontal separation between Pennants, or between dual Pennants as set forth above where attached to poles, of fifty (50) feet;

- (d) Limited to a minimum height of ten (10) feet above adjacent grade at the lowest part of the Pennant;
 - (e) Limited to a maximum height of thirty (30) feet above adjacent grade at the highest part of the Pennant; and
 - (f) If along an undesignated street which is adjacent to residential use or zoning, every Pennant must be set back a minimum of fifty (50) feet from the property line.
17. Other Signs which the Zoning Administrator may determine fall within the intent and purpose of this Section.”

SECTION 3. Section 24.04.215 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

“Signs in the Right-of-Way or on Public Property.

- (a) An unauthorized Temporary Sign in the Right-of-Way or on public property which is not supported or held by a person or persons is hereby declared to be a nuisance.
- (b) The following acts are prohibited:
 - (1) No person shall place or cause the placement of a Temporary Sign in the Right-of-Way or on Public Property, including but not limited to any street, sidewalk, park, tree or utility poles. The act of placement will be deemed to continue until such sign is removed.
 - (2) Any Temporary Sign placed or installed in the Right-of-Way will be deemed an unlawful sign and an abandoned sign and will be subject to immediate removal by the City of Wichita, or as authorized herein.

- (3) The existence of a Temporary Sign in the Right-of-Way or on Public Property directing attention to a person is prima facie evidence that such person has caused the placement of such sign in the Right-of-Way or on Public Property.
 - (4) The existence of a Temporary Sign in the Right-of-Way or on Public Property directing attention to a business, product or service is prima facie evidence that the Owner or the agent for the Owner of that business, product or service caused the placement of such sign in the Right-of-Way or on Public Property.
 - (5) The existence of a Temporary Sign in the Right-of-Way or on Public Property directing attention to an event is prima facie evidence that the promoter of that event or the agent for the promoter caused the placement of such sign in the Right-of-Way or on Public Property.
- (c)
- (1) The provisions of Subsection (a) shall not be applicable to signs which have an installed height not exceeding thirty inches from the ground and which are less than four (4) square feet placed in the public rights-of-way during an Election Period as defined by Section 24.04.045.
 - (2) Temporary Signs placed during an election period may not be displayed in center medians between roadways, attached to traffic control devices or attached to or displayed on city bridges or overpasses or in any manner or location which, in the opinion of the City Engineer, creates a vehicle or pedestrian traffic safety concern due to impeded sight lines or sight_

distance or which obstructs a sidewalk or cross walk in violation of the Americans With Disabilities Act.

- (3) Temporary Signs placed during an election period are prohibited in areas adjacent to or on any other public property.
- (4) Temporary Signs placed during an election period which cause an obstruction to automobile or pedestrian traffic or to the use of such public property for its designated public purpose or which are contrary to the provisions of this subsection, constitute a nuisance and may be removed as set forth below.
- (5) All Temporary Signs placed during an election period must be removed from the rights-of-way immediately following such Election Period.
- (6) The owner(s) and tenant(s) of property where such signs are displayed in violation of this section shall be jointly and individually liable for such violation. The person, party, or parties responsible for the placement or distribution of a political sign shall be jointly and individually liable for the removal of such signs.

(c) **Exception.**

Temporary Signs installed by any of the following and directly related to the use of the Right-of-Way or Public Property, including the control and direction of traffic shall be exempted from the provisions of subsections (a) and (b):

- (1) City, county or state government entities;
- (2) Any road construction work;

- (3) Any public utility with a franchise or other agreement with the City of Wichita; or
 - (4) Any other government entity or person expressly authorized by local, state or federal law or contract to install a sign in the Right-of-Way.
- (d) **Enforcement.**
 - (1) Penalties. Any violation of this Section may be prosecuted as a misdemeanor in municipal court. The penalty for the first violation of this Section shall be fifty (50) dollars. The penalty for the second or subsequent violation of this Section shall be a fine of not less than fifty (50) dollars but not more than one thousand (1,000) dollars for each sign.
 - (2) Other remedies and enforcement powers.
 - (a) The City, or its authorized representative as described herein, may remove any unauthorized sign in the Right-of-Way at any time.
 - (b) The City may notify the presumed Owner of the sign through the contact information on the sign (or through any other available information) that the Owner has seventy-two (72) hours (or three (3) business days) to remove the sign before a citation may be issued. This seventy-two (72) hour (or three (3) business days) enforcement delay will not be offered to any person or business that has previously been notified regarding the sign at issue or any other sign.
 - (c) Any Temporary Sign removed pursuant to which is six (6) square feet or larger and composed entirely of metal or wood shall be kept

by the City or other department designated to remove such sign for a period of twenty (20) days, after which it may be disposed of in any manner deemed appropriate by the City. All other signs removed pursuant to these provisions may be disposed of in any manner deemed appropriate by the City.

- (d) Any such metal or wooden sign removed pursuant to these provisions may be recovered by the Owner within twenty (20) days upon payment of a service charge of twenty-five (25) dollars per sign.

The City may seek such other remedies and use such other enforcement powers as allowed by law.

(3) **Citizen enforcement.**

- (a) For any Temporary Sign posted in violation of this Section, any individual authorized by the Zoning Administrator, after appropriate training provided by the City of Wichita, may:
 - (i) remove the sign; and
 - (ii) either:
 - (A) discard the sign in an appropriate manner; or
 - (B) submit the sign to the Zoning Administrator for further enforcement proceedings.
- (b) A submission to the Zoning Administrator for further enforcement proceedings must be accompanied by an affidavit, in the form required by

the Zoning Administrator that describes the circumstances of the violation and removal of the sign.

(4) **Right of adjacent property owner to remove signs.**

Any property owner or tenant may remove an unauthorized Temporary Sign which is placed in the Right-of-Way when such Right-of-Way immediately abuts or is adjacent to the owner or tenant's property in compliance with Sections 10.04.100 or 10.04.125 of the Code of the City of Wichita.”

SECTION 4. The originals of Sections 24.04.045, 24.04.190 and 24.04.215 are hereby repealed.

SECTION 5. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 13th day of June, 2023.

Brandon J. Whipple, Mayor

ATTEST:

Jamie Buster, City Clerk

Approved as to Form:

Jennifer Magaña
City Attorney and Director of Law