

ORDINANCE NO. 1748

AN ORDINANCE AMENDING SECTIONS 53-3, 53-35, AND 53-60 OF THE CODE OF ORDINANCES, CITY OF MERRIAM KANSAS AS THEY RELATE TO SIGNAGE.

WHEREAS, on January 11, 2016, the City Council received public comment from a downtown business owner concerning allowable signage;

WHEREAS, this ordinance has been drafted to address some of the concerns raised at that City Council meeting.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MERRIAM, KANSAS THAT:

Section 1. That Section 53-3 be amended to read as follows:

Sec. 53-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attention-attracting device means any device or object visible from any public street which is primarily designed to attract the attention of the public to a business, institution, sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects often times incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other devices or objects designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices for purposes of this Code.

Sandwich Board Signs means a freestanding temporary sign, with no moving parts or lights, no larger than 8 square feet, standing no taller than 42 inches, and no wider than 2.5 feet. They must be constructed of materials that present a finished appearance, as an example, but not limited to, rough-cut plywood is not acceptable. The sign is displayed outside a business during business hours to advertise the business, hours of operation, an event, a promotion, etc.

Section 2. That Section 53-5(2) be amended to read as follows:

- (2) *Portable signs.* Portable signs (except sandwich board signs) or attention-attracting devices.

Section 3. That the following be added to Sec. 53-35. **Signs allowed without sign permit issuance** of the Merriam Code:

(24) Sandwich Board Signs. One sandwich board sign is allowed for a business with street frontage subject to the following requirements.

- a. The sign must be placed directly in front of the business the sign is advertising. The sandwich board sign may not be placed in a street, driveway, parking lot, alley, or any other location intended for vehicles.
- b. Signs may be placed in the right-of-way.
- c. Signs on a sidewalk must be placed to provide a minimum of 4 feet of continuous open sidewalk space for pedestrian use.
- d. The sign must not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 1. Transit stop areas;
 2. Accessible parking stations;
 3. Pedestrian access ramps; or
 4. Exterior doors and building exits, including fire escapes.
- e. The sign must be placed so that it does not create a hazard of any kind for pedestrians, vehicles or vehicle drivers.
- f. The sign must be taken inside when the business is not open to customers.
- g. Signs placed in the right-of-way must be portable and may not be attached or anchored in any manner.
- h. The sign may not be illuminated.

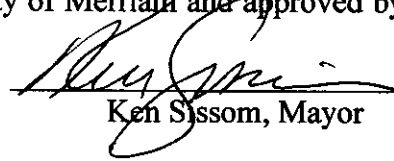
Section 4. That Section 53-60(a) amended to read as follows:

- (a) *Not in public right-of-way.* No sign, except government approved traffic-control signs or sandwich board signs, shall be located within the public right-of-way. A projecting sign located on a building abutting the right-of-way may extend into and over the right-of-way, provided such projecting sign shall not exceed 24 square feet and shall be mounted so that the lowest part of the sign is at least eight feet above the adjacent grade.

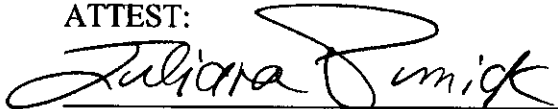
Section 5. This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately after the date of its final passage, adoption and publication in the official City newspaper, all as provided by law.

PASSED by the Governing Body of the City of Merriam and approved by the Mayor on the 11th day of April, 2016.

(Seal)


Ken Sissom, Mayor

ATTEST:


Juliana Pinnick, City Clerk

APPROVED AS TO FORM:


Michelle D. Daise, City Attorney

