

SUMMARY OF ORDINANCE NO. 1108

On October 10, 2023, the City of Haysville, Kansas adopted Ordinance No. 1108 AN ORDINANCE AMENDING APPENDIX D, THE SIGN REGULATIONS OF THE CITY OF HAYSVILLE. A complete copy of this ordinance is available at www.haysville-ks.com or at City Hall, 200 W. Grand, Haysville, Kansas. This summary certified by Joshua Pollak, City Attorney.

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1108

**AN ORDINANCE AMENDING APPENDIX D, THE SIGN REGULATIONS OF THE
CITY OF HAYSVILLE.**

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

SECTION 1. Appendix D, the Sign Regulations of the City of Haysville, Kansas is amended and restated as follows:

APPENDIX D SIGN REGULATIONS

D-01 TITLE. This article shall be referred to as the “Sign Code” for the City of Haysville, Kansas. It may be referenced herein as “this Sign Code,” “this Code,” or “these Regulations.”
(Code 2020)

D-02 PURPOSE. These regulations are intended to balance the need to protect the public health, safety, welfare, and aesthetics of the community with the need for adequate identification, communication, economic development, and advertising. These sign regulations have the following specific objectives:

- (a) To ensure that signs are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare;
 - (b) To allow for and promote positive conditions for sign communication;
 - (c) To reflect and support the desired ambiance and development patterns of the various zoning districts, overlay zones and adopted plans of the City;
 - (d) To promote an attractive, urban environment; and
 - (e) To allow for adequate and effective signs whose dimensions further the interest of public safety and the needs of the motorist in locations where signs are viewed from the street or roadway.
- (Code 2020)

D-03 APPLICABILITY. The requirements of this Code apply to all signs, sign structures, awnings and other types of sign devices located within the jurisdiction of the City of Haysville that are visible from a roadway or other public location and which are clearly intended to attract the attention of the public.
(Code 2020)

D-04 DEFINITIONS. All terms used within this Code not otherwise defined in accordance with the Zoning Code of the City of Haysville, Kansas. If not defined herein or within the Zoning Code of the City, such terms shall be defined as appropriate within the context such term is used.

- (a) A-frame sign. A temporary, freestanding sign constructed in such a manner that the faces of the sign form an “A” shape when viewed from the side.

(b) Abandoned sign. A sign that no longer identifies or advertises an ongoing business, product, location, service, idea or activity conducted on the premises where the sign is located. Abandonment includes signs which are non-commercial in nature when the content of the sign pertains to a time, event or purpose in which the event has concluded. Finally, abandonment includes conduct associated with failure to maintain a valid permit.

(c) Administrative Committee. A review committee comprised of the Mayor, Chief Administrative Officer, and Public Works Director. The Administrative Committee also serves as the Appeals Committee for any appeal of an action by an enforcement officer pursuant to this Code.

(d) Air-filled moving sign. A temporary sign comprised of canvas-like, plastic or similar material that is moved by forced air.

(e) Alteration, structural. A change in the size or shape of an existing sign. Replacing a sign cabinet, altering or replacing sign supports and altering the cabinet frame are alterations. Refacing, changing copy or changing color of an existing sign is not an alteration. Changing or replacing a sign face or sign panel is not an alteration.

(f) Architectural projection. A projection from a building that is decorative and/or functional and not an occupiable part of the building, and that extends beyond the face of an exterior wall of a building. See also: Awning, Canopy and Marquee.

(g) Awning. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering made of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

(h) Awning sign. A sign displayed on or attached flat against the surface(s) of an awning.

(i) Banner sign. A temporary sign using a flexible substrate as its display surface. (Code 2023)

(j) Bench sign. A sign applied or affixed to the seat or back of a bench and intended to be read by occupants of a bench and pedestrians in the immediate vicinity of a bench.

(k) Billboard. An off-premises sign displaying messages pertaining to the use of products sold or leased, services provided, or events which do not occur on the property where the sign is located, and which contains copy that is intended to change on a regular basis.

(l) Building face. The portion of any exterior elevation of a building extending vertically from the ground grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

(m) Canopy, attached. A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

(n) Canopy, freestanding. A multi-sided overhead structure supported by columns but not enclosed or supported by walls.

(o) Canopy sign. A sign affixed to the visible surface(s) of an attached or freestanding canopy.

(p) Center identification sign. A sign that contains advertising for three or more tenants located on the same lot or on adjacent lots. Two-tenant signs or signs advertising multiple functions of the same or related companies are not center identification signs for the purposes of this article.

- (q) Channel letter sign. A sign comprised of individual letters or numbers, lit or unlit, which make up the name of an establishment, services offered or other information of interest to the public.
- (r) Cladding. A non-structural covering designed to conceal the actual structural supports of a sign.
- (s) Conforming sign. A sign that is legally installed in conformance with this article.
- (t) Dilapidated sign. A sign that is unmaintained; has missing pieces, inserts or cabinets; has broken pieces or parts; poses a hazard or is otherwise in poor condition.
- (u) Directional sign. A sign that is designed and erected solely to provide direction and/or orientation for pedestrians and/or vehicles.
- (v) Double-faced sign. A sign with two faces that are placed back to back.
- (w) Electric sign. A sign activated or illuminated by means of electrical energy.
- (x) Electronic message center (EMC) or sign. A sign that utilizes computer-generated messages or some other electronic means of changing sign copy. EMC signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to sign copy, message or content to be made remotely.
- (y) Exterior sign. A sign placed outside of a building.
- (z) Fence sign. A sign mounted upon a fence.
- (aa) Flag. A piece of cloth or similar flexible material which is typically oblong or square and which is attached by one edge to a pole or rope.
- (ab) Flashing sign. An electrically activated sign that uses intermittent light to attract attention. Signs containing lights that spin, flicker or turn alternately off and on are flashing signs.
- (ac) Freestanding sign. A sign principally supported by one or more columns, poles, braces or pedestals placed in or upon the ground.
- (ad) Frontage, lot. The full length of that part of a property which abuts a public street.
- (ae) Home occupation sign. A sign on a residential lot advertising the approved home occupation conducted on the premises.
- (af) Illegal sign. A sign that does not meet the requirements of these regulations and which does not have nonconforming status.
- (ag) Illuminated sign. A sign characterized by use of artificial light, either projecting through its surface or reflecting on its surface.
- (ah) Interior sign. Any sign located within the interior of a building.
- (ai) Marquee sign. A roof-like projection typically located at the entrance to a theatre or hotel which contains sign copy.
- (aj) Moving sign. Any sign that employs motion and which is activated either electrically, mechanically or environmentally.
- (ak) Multiple-faced sign. A sign containing more than two faces.
- (al) Mural. A painting or other work of art generally applied to the entire face of a building that does not contain an advertising message. Murals with advertising messages are wall signs.
- (am) Nonconforming sign. A sign that was legally installed in conformance with the regulations in effect at the time of installation, but which does not comply with current sign regulations.

(an) Off-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on a property different from that where the sign is located. A sign displaying both on-premises and off-premises messages shall be considered off-premises.

(ao) On-premises sign. A sign displaying messages pertaining to the use of products sold or leased, services provided, or events which occur on the property where the sign is located.

(ap) Parapet. The extension of a building face above the line of the structural roof.

(aq) Portable sign. A temporary sign not permanently attached to the ground which can be readily removed and relocated.

(ar) Projecting sign. A sign that is attached to a building face and which projects from the face at a perpendicular angle.

(as) Revolving sign. A sign that has the capability to revolve or spin about an axis.

(at) Roof integral sign. A sign incorporated into, but not projecting above, the roof of a building. A roof integral sign is a wall sign.

(au) Roof sign. A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building.

(av) Searchlight. An apparatus used to attract attention to a property using a powerful beam of light or lights aimed skyward, usually constructed to be swiveled about.

(aw) Sight/Vision Triangle. A triangular area on a lot that is located adjacent to the area where two streets intersect. The triangle has two sides measured from the center of right-of-way, and a third side across the lot which connects the ends of the two sides. In all districts, the two lot lines establishing the sight triangle shall be a minimum distance of 60 feet. However, such standards may be increased to reflect unusual topography, sight distance, angle of street or roadway, vegetation, or intensity of traffic volumes or speed. (Code 2023) At street intersections, which are provided automatic traffic signalization, the Administrative Committee may modify the sight triangle restrictions. The Zoning Administrator shall determine, upon request, the location of any sight triangle. (Code 2023)



(ax) Sign. A device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

(ay) Sign area. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. See Sec. 16B-207 for examples of how to calculate the sign area.

(az) Sign copy. The physical sign message including any words, letters, numbers, pictures and symbols, exclusive of a street address.

(ba) Sign embellishment. A decorative detail or feature of a sign that is not part of the sign copy and is not a necessary part of the sign structure.

(bb) Sign face. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, embellishments, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

(bc) Sign height. The distance from the lowest point of the adjacent ground to the highest point of the sign or sign structure.

(bd) Sign structure. A support feature, including a pole, pedestal or cabinet that is designed to hold a sign.

(be) Site. The location where the sign is to be placed.

(bf) Streamers. A sign display made of rope, string or wire affixed with flexible materials, often in triangular shape or reflective strips of material, that comprise a fluttering linear display.

(bg) Temporary sign. A sign intended to display messages of a transitory or temporary nature (either commercial or noncommercial). Portable signs and signs not permanently embedded in the ground, or affixed to a building or sign structure that is permanently embedded in the ground, are temporary signs. Pennants and streamers are temporary signs.

(bh) V sign. A wall sign containing two faces of equal size, positioned at an interior angle subtending less than 145 degrees at the point of juncture of the individual faces.

(bi) Wall sign. A sign that is in any manner affixed to any exterior wall of a building or structure, which is oriented on a parallel plane to the building face, and that projects not more than eighteen inches from the building or structure wall at the farthest point. This also includes signs affixed to architectural projections of a building provided the sign area of such signs remains on a parallel plane to the face of the building face or to the face(s) of the architectural projection to which it is affixed.

(bj) Wayfinding sign. A sign located in the public right-of-way and owned by the City, County, State or other public entity, specifically designed to provide directional or destination information pertaining to community attractions.

(bk) Window sign. A sign affixed to the interior surface of a window with its message intended to be visible to the exterior environment.

(bl) Zoning Administrator. The person appointed by the City to carry out the provisions of this Code. Any reference within this Code to the Zoning Administrator shall be deemed to include reference to such individual's designee.

(Code 2020)

D-05 EXEMPTIONS.

(A) The following types of signs shall not require permits and shall be exempt from the requirements of this article. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility for its erection, maintenance, and appearance.

(1) Flags or emblems of a governmental body or of a political, civic, philanthropic, educational or religious organization not to exceed thirty-five (35) feet in height. These flags or emblems shall not be displayed as part of a commercial promotion or advertising.

(2) Signs required by law containing address numerals or related information needed for the convenience of the public.

(3) Signs erected by government agencies or utilities, including traffic, speed measurement trailer, utility, safety, railroad signs, and wayfinding signs. (Code 2023)

(4) Signs required by federal, state or local law.

(5) Holiday decorations.

(6) Signs painted on or otherwise permanently attached to currently licensed motor vehicles, which vehicles are not primarily used as signs.

(7) Signs not visible from a roadway

(8) Window signs not exceeding seventy-five (75) percent of window coverage, that do not prevent visibility by safety services into that portion of the commercial enterprise open to the public.

(9) Public art approved by the Administrative Committee.

(10) Bench signs and bus shelter signs with sign copy lettering height smaller than 6 inches.

(11) Official notices authorized by a court, public body, or public officer.

(12) Temporary double-sided and A-Frame (also known as Menu Board) type freestanding signs advertising for an adjacent business or public institution. The size of the sign shall not exceed 32 inches wide and 48 inches tall above the adjacent sidewalk. The sign shall be located on private property where the advertised business exists. The sign shall not be located in a public right-of-way. No sign shall be placed on any public sidewalk or Bicycle/Pedestrian Path. One sign shall be permitted per business or public institution. Signs shall not be illuminated, contain any digital display, and shall not be displayed during non-business hours. Signs shall be constructed of durable, sturdy material (no banners, flags, streamers, balloons, or other moving parts) and shall be maintained in good repair.

(13) Structures resembling a sign which are clearly displayed as art, and not for informational purposes, within a residential zone may be exempted from this Code, within the discretion of the Zoning Administrator. Signage within commercial districts may only be designated as serving a primary artistic purpose, rather than an informational purpose, at the discretion of the Administrative Committee.

(B) The following signs are exempt from the sign permit requirements but shall in all other respects conform to the requirements of this article.

(1) Directional/informational signs not exceeding six square feet in gross surface area for non-residential uses.

(2) All signs associated with the sale of fireworks pursuant to a valid fireworks sale permit issued by the City shall be in conformance with this Code, unless a standard is waived by the Zoning Administrator or Administrative Committee due to the limited sales period associated with fireworks.

(3) One project, or “for sale” or “for rent”, sign is permitted per street frontage; it must be located on the premises; and it must be removed upon completion of the project or within ten days after sale or letting of the property. In addition, one “open house” sign per street frontage, located on the premises, is allowed four (4) days prior to the event.

(4) “Construction project” signs, with a maximum sign area of 32 square feet with a maximum height of nine feet.

(5) “Coming soon” signs for businesses with a 32 square feet with a maximum

height of nine feet. These types of signs shall be allowed in conjunction with any existing signs on the property six months prior to a building permit being issued.

(6) Subdivision, commercial and industrial acreage or structure “for sale” or “for rent” signs. The maximum height shall be nine feet. The maximum sign area shall be 32 square feet.

(7) Signs inside buildings, inside windows, or painted on windows or on glass portions of doors of buildings.

(8) Any sign covered by KSA 25-2711: KSA 25-2711 (political signs) allow cities to regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons. The city has determined signs must be placed at least 15 feet behind the back of the curb. If the roadway has no curb, signs must be placed at least 15 feet from the edge of the road surface. Signs located at the intersection of two roads must be at least 15 feet from both roads. (Code 2023)

(9) Signs customarily associated with residential uses and having a gross surface area not exceeding three (3) square feet, including but not limited to signs:

- (A) Giving property identification names or numbers;
- (B) Names of occupants;
- (C) On mailboxes or newspaper tubes;
- (D) On private property and relating to private parking; and
- (E) Warning the public against trespassing or danger from animals including those identifying a security system. (Code 2023)
- (F) Garage and estate sale signs;

(10) Temporary signs for special events for public, charitable, religious, educational, or fraternal organizations, subject to the following limitations:

- (A) May be located on-premises or off-premises, subject to approval of the Zoning Administrator.
- (B) These signs are prohibited on public property and public right-of way.
- (C) May be placed up to four weeks prior to the event and shall be removed within 48 hours after the event's completion.

(C) The following signs are exempt from the sign permit fees but shall in all other respects conform to the requirements of this article including sign permit applications.

(1) Temporary signs for charitable, religious, educational, or fraternal organizations, subject to the following limitations:

- (A) May be located on-premises or off-premises, subject to approval of the Zoning Administrator.
- (B) These signs are prohibited on public property and public right-of-way.

D-06 PROHIBITED SIGNS. The following signs are prohibited:

- (a) Signs containing strobe lights, flashing parts, beacons, spotlights, reflective surfaces, mirrors and other such features that could be hazardous to the vision of passing motorists (see sight triangle). (Code 2023)
- (b) Dilapidated signs, as defined by this article.
- (c) Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by these regulations. This section does not

prohibit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

(d) Signs that imitate or resemble official traffic or governmental signs. Signs which, in the opinion of the City Engineer, will impair intended operation of traffic control signals or constitute a safety and traffic hazard. Signs using red, yellow and green lights, or the words “stop,” “look,” “danger,” etc. and which give the appearance of traffic control.

(e) Moving signs, including but not limited to spinners, propellers, searchlights, revolving signs and air-filled moving signs.

(f) Inflatable signs, including balloons. Balloons smaller than 3 feet in diameter shall be exempt.

(g) Posters, signs and handbills affixed to any tree, vegetation, rock or utility pole.

(j) Signs that emit smoke, visible vapors, sounds or odors. Open flames used to attract public attention are not permitted.

(k) Signs placed in the public right-of-way, other than governmental signs or wayfinding signs.

(l) Signs that infringe upon the sight triangle, as defined in this Code.

(m) Street spanning banner signs, except as permitted by the Haysville City Council.

(o) Portable or temporary electronic message center signs.

(p) Off-premises signs except those permitted in the “LC”, “HC”, “LI” and “HI” Zoning Districts. Existing off-premises signs shall be nonconforming. (Code 2023)

(q) Abandoned signs.

(r) Signs that display any obscene, indecent or immoral matter.

(Code 2020)

D-07 SIGN AREA. Sign area shall be calculated based upon the following. The Zoning Administrator is authorized to make interpretations of these regulations in cases where a specific sign does not fit into the categories described.

(a) Sign cabinets. The area of sign faces enclosed in frames or cabinets shall be based upon the outer dimensions of the frame or cabinet and shall be calculated by multiplying the width by the length of the cabinet or frame.

(b) Double-sided signs/V-signs. Only one side of a double-sided sign or v-sign shall be counted when calculating sign area. The larger sign face shall be used in cases where the sign faces are not of an equal size.

(c) Multiple-faced signs. The sign area of multiple-faced signs shall be calculated by adding the area of all sign faces together and multiplying by 50%.

(d) Round, oval or irregularly shaped signs. The sign area of said signs shall be calculated using the appropriate mathematical formula or by dividing the sign into smaller geometric shapes that are then added together to calculate the sign area.

(e) Channel letter signs. The sign area for channel letter signs shall be calculated using the area of a rectangle enclosing the letters for each word or logo in the sign.

(f) Awnings, canopies and marquees. Sign area for awnings, canopies and marquees is calculated by computing the area of a standard geometric shape or combination of shapes drawn around the sign copy area or graphics. The side parallel to the plane of the building shall be counted as one sign face. Perpendicular sides shall count as a second sign face and shall be included in the total area as a double-faced sign. (Code 2020)

D-08 MAXIMUM SIGN AREA AND HEIGHT – FREESTANDING SIGNS. Except as otherwise noted in this article, the maximum sign area and height for freestanding signs shall be based upon the adjacent roadway type as follows:

Adjacent Roadway Classification	Maximum Sign Area (square feet)	Maximum Height (feet)
Residential/Other	100	20
Collector	150	25
Arterial	150	25
State Highway	250	35

(Code 2020)

D-09 SIGN HEIGHT EXCEPTION. Freestanding signs abutting a roadway with a higher-grade level in comparison to the sign or sign structure shall have sign height measured from the roadway level adjacent to the sign to the highest point of the sign or sign structure.

(Code 2020)

D-10 SIGNS PERMITTED FOR RESIDENTIAL USES.

(a) Signs permitted for single family dwellings and duplexes in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Wall	1 per unit for home occupations	6 square feet	N/A	No
Temporary	No limit	16 square feet, total square footage of all temporary signs	3 feet	Yes

(b) Signs permitted for multi-family dwellings (3+ units) in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	1 per lot frontage or building	64 square feet	6 feet	Yes
Wall	1 per lot frontage or building	10% of the area of the building face	N/A	Yes
Temporary	No limit	16 square feet, total square footage of all temporary signs	3 feet	Yes
Directional	2 per drive entrance	6 square feet	3 feet	No

(c) Signs permitted for residential subdivisions in any zoning district are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	2 per subdivision entrance	64 square feet	8 feet	Yes

Temporary	1 per development while under construction	64 square feet	6 feet	No
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(d) Signs permitted for vacant lots in residential zoning districts:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Temporary	1 per lot frontage for lots that are for sale or lease	64 square feet	6 feet	No

(Code 2020)

D-11 SIGNS PERMITTED FOR COMMERCIAL ZONING DISTRICTS

(a) Signs permitted for all commercial and industrial uses located in the HMC, OC, LC and HC zoning districts are as follows. For residential uses, please refer to Sec. D-10. For public and institutional uses, please refer to Sec. D-14.

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per each 150 feet of lot frontage • Minimum of 1 sign permitted regardless of frontage • Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	See SecD-08	See SecD-08	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary a. Freestanding b. Wall	1 sign per street frontage. 75 ft between each sign. A maximum of 4 signs per lot. b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	Yes
Directional	2 per drive entrance	6 square feet	4 feet	No
Projecting/V-Sign	1 per façade	32 square feet	8 feet minimum clearance over pedestrian walkways	Yes
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Off-premises sign (billboard)	<ul style="list-style-type: none"> • 1 per lot • Billboards count toward the total sign allotment for the property. • Minimum separation of 1500 feet between billboards along the same side of the road 	300 square feet	40 feet	Yes
Off-premises sign (non-billboard)	Permitted in cases where a legally platted lot does not have public road frontage, provided: <ul style="list-style-type: none"> • The sign shall be placed in a permanent sign easement. • The sign is placed along the nearest public street to the establishment it serves. • The establishment the sign serves is visible from the sign location 	See Sec. D-08	See SecD-08	Yes

(b) Electronic Message Center signs shall be permitted in all zoning districts pertaining to this section and shall be classified in accordance with the sign type (wall,

freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

(c) Center Identification Signs To encourage efficiency in signage and reduce the aesthetic impact of multiple freestanding signs advertising businesses on the same or adjoining properties, Center Identification Signs are encouraged. Center identification signs shall comply with the following:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Center Identification	<ul style="list-style-type: none"> • 1 per each 200 feet of lot frontage • Separated by a minimum distance of 200 feet from other freestanding signage located on the same zoning lot 	300 square feet	40 feet	Yes

(Code 2023)

D-12 SIGNS PERMITTED IN INDUSTRIAL ZONING DISTRICTS.

(a) Signs permitted for all commercial and industrial uses located in the LI and HI zoning districts are as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per each 150 feet of lot frontage • Minimum of 1 sign permitted regardless of frontage • Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	See Sec. D-08	See Sec. D-08	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary c. Freestanding d. Wall	a. 1 sign per street frontage. 75 ft between each sign. A maximum of 4 signs per lot. b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	Yes
Directional	2 per drive entrance	25 square feet	5 feet	No
Awning/Canopy/Marquee	1 per face	50% of awning, canopy or marquee face	N/A	Yes
Center Identification Sign	See Sec. 16B-211.c	See Sec. D-11.c	See Sec. D-11.c	Yes
Off-premises sign (billboard)	<ul style="list-style-type: none"> • 1 per lot • Billboards count toward the total sign allotment for the property • Minimum separation of 1500 feet between billboards along the same side of the road 	300 square feet	40 feet	Yes

(c) Electronic Message Center signs shall be permitted in all zones pertaining to this section and shall be classified in accordance with the sign type (wall, freestanding, etc.), except that portable or temporary electronic message center signs are not permitted.

(Code 2020)

D-13 SIGNS PERMITTED FOR PUBLIC AND INSTITUTIONAL USES. Signs permitted for all public and institutional uses regardless of zoning district are permitted as follows:

Sign Type	Maximum Number of Signs Per Lot	Maximum Sign Area	Maximum Sign Height	Permit Required
Freestanding	<ul style="list-style-type: none"> • 1 per each 150 feet of lot frontage • Minimum of 1 sign permitted regardless of frontage • Separated by a minimum distance of 75 feet from other freestanding signage located on the same zoning lot 	<ul style="list-style-type: none"> • See Sec. D-08 • Lots larger than 5 acres shall be allowed a 50% increase 	<ul style="list-style-type: none"> • See Sec. D-08 • Lots larger than 5 acres shall be allowed a 50% increase 	Yes
Wall	N/A	20% of the building face where signs are mounted	N/A	Yes
Temporary/Portable e. Freestanding f. Wall	a. 1 per lot frontage b. N/A	a. 64 square feet b. 20% of building frontage where mounted	a. 6 feet b. N/A	Yes
Directional	No maximum number	24 square feet	8 feet	No
Projecting/V Sign	1 per face	20 square feet	Minimum of 8 feet clearance over pedestrian walkway	Yes
Awning/Canopy/Marquee	1 per face	90% of awning, canopy or marquee face	N/A	Yes
Roof	1	20% of building face	6 feet, plus 1 foot per story above the first story	Yes

(b) Electronic Message Center signs shall be permitted for public and institutional uses in any zoning district. Electronic message boards shall be classified in accordance with the sign type (wall, freestanding, etc.). Temporary or portable electronic message signs shall not be permitted.

(Code 2020)

D-14 SIGN REGULATIONS PERTAINING TO ALL ZONING DISTRICTS AND USES

(a) Sign Placement.

(1) Unless specifically authorized by these regulations, all signs shall be erected totally upon the property to which they pertain and shall not overhang into or be located upon the public right-of-way, sidewalk, street, public easement or any other public travel way.

(2) Sign placement exceptions: Projecting signs, awning, canopy and marquee signs shall be permitted to extend over a public sidewalk when located in the LC or HC Zoning District, when approved by the City Engineer.

(3) Wall signs shall not extend above the top of the building wall upon which they are mounted and shall not protrude more than 18 inches on average from the wall or structure to which they are attached.

(4) No part of any freestanding sign or center identification sign shall be placed closer than 50 feet to an existing sign on an adjacent lot.

(b) Permanent construction. All signage, other than temporary signage, shall be constructed of permanent weatherproof materials typically associated with sign construction, including solid plastic, wood, masonry, metal or other rigid materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. Signs printed on pliable plastic, fabric, cardboard, streamers or other non-rigid materials are temporary signage for the purpose of these regulations. (Code 2023)

(c) Illumination.

(1) Illuminated signs located in, or adjacent to, any residential district shall be shaded as necessary to avoid casting bright light upon adjacent property.

(2) Brightness limits shall be set at a maximum of 5,000 nits between sunrise and sunset, and at a maximum of 500 nits between sunset and sunrise. Each electronic message sign shall be equipped with a light sensing device to automatically adjust the brightness in accordance with these standards.

(3) Electronic message center signs shall be equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.

(d) Structural and engineering standards. All signs, sign structures, sign foundations and sign anchors shall meet the applicable provisions of the adopted building codes of the City of Haysville.

(e) Obstruction prohibited. No sign shall obstruct any fire escape, required exit, window, opening, door or vent. Signage shall not interfere with property storm water drainage.

(f) Proximity to electrical lines. Signs shall not be placed any closer than 8 feet vertically or horizontally from electrical lines, conductors or electrical guy wires.

(g) Sight triangle. Signs shall not impede the sight triangle.

(Code 2020)

D-15 TEMPORARY SIGNS

(a) A permit is required for all signs, except in conformance with exemptions as set forth in Sec. D-05.

(b) Sign permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application

(c) Each business or person is entitled to six (6) temporary signs per calendar year. (Code 2023)

(d) Temporary sign permits are valid for thirty (30) days. At the end of the thirty (30) days temporary signs must be removed and are required to wait a thirty (30) day period before applying for another temporary permit. (Code 2023)

(e) Except in accordance with exemptions as set forth with D-05 of these Regulations, a temporary sign may not be erected or displayed in the public right-of-way, easement or attached to utility poles.

(f) These signs shall not be displayed for a duration longer than the permit allows, or the City may remove the sign.

(Code 2020)

D-16 NONCONFORMING SIGNS. Existing signs which were lawful at the time, but made nonconforming by adoption or amendment to this Code, shall be legal provided they are maintained in good condition. Nothing in this Code shall prohibit the ordinary maintenance, repair or refurbishment of a nonconforming sign or replacement of a broken part of a nonconforming sign, including replacement and upgrade of Electronic Message Center/electronic technology. Replacement of copy, content or message may be considered ordinary maintenance.

(a) A legal nonconforming sign shall not be:

(1) Changed to another type of nonconforming sign, except that conversion of changeable copy signs to electronic message center signage shall not be considered a change in sign type;

(2) Physically changed or structurally altered to increase the square footage or height, however, the shape can be changed;

(3) Continued after more than 12 months of abandonment or vacancy of the property;

(4) Re-established in a different location on the lot;

(b) In the event that any existing nonconforming sign, as provided for in this section, is damaged by acts outside of the control of the property owner to an extent of 50 percent or more of the replacement, restoration or reconstruction value of the sign, or 50 percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of these regulations. Any nonconforming sign which remains damaged or in disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three months following the date of damage without the issuance of a valid sign permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

(Code 2020)

D-17 ABANDONED SIGNS. If a building, structure or premise is vacated for a three-month period of time, the owner of said property shall be responsible for removing any commercial sign or signs, along with the structure supporting the sign(s), located thereon with the exception of advertisements dealing with the sale or leasing of the facility. In addition, the owner shall be responsible for restoring the facade of the building, structure or premise to its normal appearance.

(Code 2020)

D-18 ADMINISTRATION.

(a) The Zoning Administrator shall administer these sign regulations and is authorized to enforce and carry out all provisions thereof.

(b) Administrative authority shall include development of application forms, permit fees and procedures consistent with this section.

(c) The Zoning Administrator is permitted to enter onto any property in the City to inspect a sign, its structural supports and electrical connections, and to ensure compliance with all adopted codes. Such inspections shall be conducted during regular business hours of the City unless an emergency exists.

(d) Sign installation. The work necessary to construct, install, erect, illuminate or modify signage within the City shall be performed by a licensed contractor in conformance with the provisions of the Municipal Code of Haysville, Kansas.

(1) Work required to be performed by a licensed contractor:

(A) Construction, installation, erection or electrical connection of any sign which is internally illuminated.

(B) Construction, installation or erection of any permanent freestanding sign requiring wind load calculations.

(C) Construction, installation or erection of any sign which is located above a pedestrian walkway or on a canopy over a pedestrian walkway.

(D) Construction, installation or erection of any sign not described in subsection D-18(d)(2).

(2) Work which may be performed by a property owner or lessee:

(A) Installation or attachment of any individual letters which do not require electrical service or structural modification of the surface to which such letters are being attached.

(B) Construction and erection of any temporary sign.

(e) Sign Permit required.

(1) A sign permit shall be required, as established in this code, except for replacement of existing faces or panels, provided no structural alterations are made and the sign does not change in shape, size or area. Normal maintenance on a sign shall not require a sign permit.

(2) A sign permit application shall be completed on forms provided by the Zoning Administrator and shall be completed by the owner, tenant, authorized agent or licensed sign installer.

(f) Issuance of permits.

(1) Within 14 days of receipt of a complete sign permit application, the Zoning Administrator shall:

(A) Issue the permit;

(B) Deny the permit, including a written statement of the reasons for denial; or

(C) Request additional information pertaining to the permit.

(2) Sign permits may be revoked if:

(A) There is any false statement or misrepresentation made in the application;

(B) Work authorized by the permit has not commenced within 180 days from the date of permit issuance; or

(C) The work authorized by the permit has not been completed within 365 days from the date of permit issuance.

(3) The Zoning Administrator may levy a charge of triple the permit fee for signs erected, placed, relocated, altered or substantially repaired without obtaining permits, as required in this article.

(4) The City may require removal of a sign even if a permit was issued, if the permit was issued in error and in violation of these regulations.

(g) Sign permit fees.

(1) Sign permit fees shall be as established in Chapter 17 of the Municipal Code of Haysville, Kansas and shall be paid at the time of permit application.

(2) Substantial changes to an issued permit may result in additional permit fees being assessed.

(h) Enforcement.

(1) All signs shall be maintained in a safe and attractive manner and shall be free from structural, material and electrical defect or hazard. The property owner is responsible for assuring that signs on their property comply with the provisions of these regulations.

(2) The Administrator is authorized to exercise the following enforcement authority:

(A) Arranging for immediate removal of any dangerous sign that poses an immediate threat to the public safety. Such removal may be conducted without notice.

(B) Ordering, via written notification, removal or repair of any sign which endangers the public safety, health or welfare and/or which has become a public nuisance. The order shall specify the defect or hazard and require correction within 30 days of the date of the letter.

(C) Ordering, via written notification, removal of an abandoned sign within 30 days of the date of the letter.

(D) Ordering, via written notification, removal of any illegal temporary signs within 7 days of the date of the letter.

(E) Confiscating any signs located in the public right-of-way or on public property, other than those specifically required to be permitted under state statute. Confiscated signs may be recovered by the sign owner within 14 days of the date of confiscation, pursuant to payment of a service charge as established in Chapter 17.

(F) Deny issuance of a sign permit for property that has outstanding sign violations or assessments, as established in this article.

(i) Administrative correction, removal and forfeiture.

(1) The Zoning Administrator may correct a violation of this code or remove any defective, dilapidated, abandoned or illegal sign if an order has been correctly issued and mailed or delivered and if:

(A) The sign has not been removed or repaired within the specified time limit; and

(B) The property owner or authorized representative has failed to file an appeal with the Administrative Committee by the specified time limit.

(2) The City shall have the right to recover from the owner or tenant placing such a sign the full costs of removal and disposal of said sign. If the cost is not recovered, the expenses may be assessed as a special assessment against the parcel on which the sign was located.

(3) For the purposes of this section, the term "sign" shall include all sign embellishments and supporting structures.

(j) Appeals.

(1) Any applicant, property owner or authorized representative may appeal the following decisions/determinations of the Zoning Administrator:

(A) Denial of a sign permit.

(B) A written order issued pertaining to a sign.

(2) Appeals shall be filed within 14 days of the date of determination and shall be made on forms as provided by the City.

(3) If the enforcement officer who issued the decision from which the appeal is being taken usually sits upon the Administrative Committee, such official shall recuse themselves upon the record from participating in the decision of the Administrative Committee and shall take no further part in such action except such individual may be called to provide evidence as a witness.

(4) If the nuisance condition is deemed by the Zoning Administrator to represent an immediate menace or danger to the health of the inhabitants of the community, such nuisance

condition shall be made safe by either the party responsible for the property, or the City, regardless of the timing of the hearing. Costs of such temporary action shall be additional costs of this nuisance abatement action.

(5) At the hearing, the Board of Zoning Appeals Administrative Committee shall hear all evidence submitted by the appealing party and other parties in interest in the property upon which the nuisance is situated and all evidence submitted by the City. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(6) The Administrative Committee shall prepare a written description of findings and an appropriate order. The order shall be sent by certified mail, or delivered via in person delivery, to all parties with a legal interest in the property within five (5) days of the conclusion of the hearing, unless otherwise stated at the hearing. The Administrative Committee's order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the Administrative Committee. If abatement is ordered, the order shall also fix a reasonable period of time, not less than ten (10) days from the date the Order was rendered, to complete the abatement of any nuisances found by the Administrative Committee, and a statement that if the appellant or Responsible Party fails to complete the abatement, the Zoning Administrator shall cause the nuisance to be removed and abated in compliance with the Municipal Code of Haysville, Kansas.

(7) The determination by the Administrative Committee shall be a final order of the City, and appeals of this action may be taken as allowed by law. Such appeal shall be filed within 30 days of the final decision of the Administrative Committee. A decision of the Administrative Committee shall be deemed final the day such decision is rendered.

(k) Penalties. Any person violating any of the provisions of these regulations or causing, permitting, or suffering the same to be done is guilty of a misdemeanor and shall be punished by a fine of not more than five-hundred dollars. The issuance or granting of a permit shall not be deemed or construed to be a permit for approval of any violation of any of the provisions of this code.

(l) Violations. Any of the following shall be a violation of these regulations and shall be subject to the enforcement remedies and penalties

(1) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.

(2) To install, create, erect or maintain any sign requiring a permit without such permit.

(3) To fail to remove any sign that is installed, created, erected or maintained in violation of these regulations, or for which the sign permit has lapsed.

(4) To continue any such violation. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of these regulations.

(5) Each sign installed, created, erected, or maintained in violation of these regulations shall be considered a separate violation when applying the penalty portions of these regulations.

(Code 2020)

SECTION 2. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of the any remaining provisions herein.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication once in the City's official newspaper as provided by State law.

Passed and Approved by the Governing Body of the City of Haysville, Kansas, on this 10th day of October, 2023.

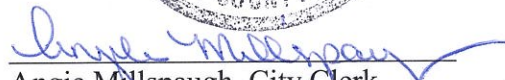
Approved by the Mayor 10th day of October, 2023.






Russ Kessler, Mayor

ATTEST



Angie Millsbaugh, City Clerk

Approved as to form:



Joshua Pollak, City Attorney