

III. E.



Memorandum
Department of Planning and Public Works

To: Mike Herring, City Administrator
From: Michael O. Geisel, ^{me}Director of Planning and Public Works
Date: December 22, 2009
Re: Public Rights of Way

In the process of our communications with City Attorney, Rob Heggie, we became aware of what appears to be an inadvertent action which has created some level of confusion. Early in the year 2000, there was discussion at the council level to put regulations for all election signs into one place, in the zoning ordinance or as a stand alone ordinance. Subsequently, language regarding political signs was incorporated into the zoning appendix, chapter 1003.168 of the City Code. Subsequently, Ordinance #1607 was also passed to supplement existing City Code which prevents any private installations within the right of way other than required traffic signage. For reasons currently unknown, a bill came out of the Planning and Zoning Committee to repeal restrictions for installations within the right of way. It would have been expected that such a bill would have been reviewed and considered by the Public Works Committee. Regardless, Ordinance 1654 was passed which repealed Ordinance #1607, thus creating confusion with regard to control of our rights of way.

With the assistance and consent of City Attorney, Rob Heggie, Staff has drafted the attached legislation to clarify the City's control and authority within the right of way. Accordingly, I request that the attached ordinance be forwarded to the Planning and Public Works Committee for consideration at their 1/7/2010 meeting, and subsequently to be forwarded to City Council for adoption.

If you have any questions or require additional information, please advise.

Attachments

Cc Rob Heggie, City Attorney
Brian McGownd, Public Works Director\City Engineer
Aimee Nassif, Planning and Development Services Director

[Handwritten signature]
1/3/10

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CREATING SECTION 26-3 OF THE CITY CODE TO PROHIBIT THE PLACEMENT OF SIGNS WITHIN THE RIGHTS-OF-WAY AND ESTABLISHING THE CITY'S AUTHORITY TO REMOVE ANY AND ALL SIGNS IN THE RIGHTS-OF-WAY WITHIN THE CITY OF CHESTERFIELD, MISSOURI.

WHEREAS, the City of Chesterfield recognizes the danger of placing signs in the rights-of-way and the visual distraction caused by such signs to vehicular traffic and pedestrians; and,

WHEREAS, the City of Chesterfield seeks to promote the safe operation of vehicles and provide for safe pedestrian travel within the publicly maintained rights-of-way; and,

WHEREAS, the City of Chesterfield seeks to promote safety and attentive driving; and,

WHEREAS, appropriate signage and traffic control devices are identified within the Manual on Uniform Traffic Control; and,

WHEREAS, the City of Chesterfield is continuously concerned with the aesthetics of its community and desires to avoid visual clutter within the rights-of-way; and

WHEREAS, the City of Chesterfield seeks to append Chapter 26 – STREETS AND SIDEWALKS, of the City Code by creating Division 3. SIGNS AND OBJECTS WITHIN THE RIGHT OF WAY to regulate the placement of signs in the rights-of-way and authorize the City to remove any signs or other attention getting devices placed within the rights-of-way that are not related to traffic control..

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. This ordinance shall be codified as section 26-3 of the Municipal Code of the City of Chesterfield.

Chapter 26 shall be appended by incorporating Division 3 as follows:

ARTICLE I. IN GENERAL

DIVISION 3. SIGNS AND OBJECTS WITHIN THE RIGHT OF WAY

Sec. 26-3. Signs Placed in Rights of Way - Prohibited

- (a) *Signs in the rights-of-way.* It shall be unlawful for any person to place, post, attach or in any way deposit or cause to be placed, posted, or attached any sign, poster, handbill, attention getting device, paper or other similar article or item at any time within the rights-of-way adjacent to any public street or upon any utility pole or official traffic-control

device, or cause the same to be done by another within the public right-of-way.

- (b) Any sign, poster, attention getting device, paper or other similar article or item placed in the right-of-way in violation of section (a) may be removed and confiscated by the City of Chesterfield.
- (c) It shall be unlawful for any person to litter, scatter, place or in any way deposit or cause to be scattered, placed or deposited any article or thing within the public right-of-way or upon public property.
- (d) *Traffic control devices.* Nothing in this section shall prevent the City of Chesterfield, its personnel, agents or contractors from placing, erecting, or otherwise constructing appropriate traffic control devices or other devices necessary within the roadway for the safe and efficient flow of vehicular and pedestrian traffic.
- (e) *Rights of the City.* Nothing in this section shall prevent the City of Chesterfield from implementing any traffic or roadway measures deemed necessary, or prevent the City of Chesterfield or other public service agency serving Chesterfield from blocking streets, erecting barricades, or using other means to protect life and/or property, or preserve the peace.
- (f) *Continuing violation.* Each location, occurrence and day that such object shall be in place shall be a separate violation punishable as established by subsection (g).
- (g) *Penalties.* Any person who violates the provisions of this section shall be subject to a fine of not more than One Thousand dollars (\$1,000.00), or imprisonment of not more than ninety (90) days or by both such fine and imprisonment for each separate offense.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2010.

MAYOR

ATTEST:

CITY CLERK

First Reading Held: _____

BILL NO. 1780**ORDINANCE NO. 1607**

AN ORDINANCE PROHIBITING THE PLACING OF SIGNS WITHIN THE RIGHT OF WAY AND ESTABLISHING THE CITY OF CHESTERFIELD'S AUTHORITY TO REMOVE ANY AND ALL SIGNS PLACED IN THE RIGHTS-OF-WAY.

WHEREAS, the City of Chesterfield recognizes the danger of distraction caused by signs placed in rights-of-way; and,

WHEREAS, the City of Chesterfield seeks to provide safe conditions for automobile operators in its rights-of-way; and,

WHEREAS, the City of Chesterfield seeks to promote safety and attentive driving; and,

WHEREAS, the City of Chesterfield is continuously concerned with the aesthetics of its community.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1.

- (a) It shall be unlawful for any person to place, post, attach or in any way deposit or cause to be placed, posted, or attached any sign, poster, handbill, paper, or similar article or thing at any time within the rights-of-way adjacent to any public street or upon any utility pole or official traffic-control device, or cause the same to be done by another within the public right-of-way.
- (b) It shall be unlawful for any person to litter, scatter, place or in any way deposit or cause another to scatter, place or deposit any article or thing with the public right-of-way or upon public property.
- (c) Any sign, poster, handbill, paper or similar article placed in violation of section (a) may be removed and confiscated by the City.

Section 2. Any person convicted under the provisions of this ordinance shall be guilty of a violation and shall be punished by a warning upon the first conviction. Any person convicted under the provisions of this ordinance for a second offense shall be fined not less than Five Dollars (\$5.00) and not more than One Hundred Dollars (\$100.00) and any subsequent offense may be punished by a fine of not less than Fifty Dollars (\$50) and not more than Two Hundred Fifty Dollars (\$250).

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 6TH day of MARCH, 2000.

Barry Sheets
MAYOR PRESIDENT PRO TEM

ATTEST:

Maria L. DeMay
CITY CLERK

BILL NO. 1834

ORDINANCE NO. 1654

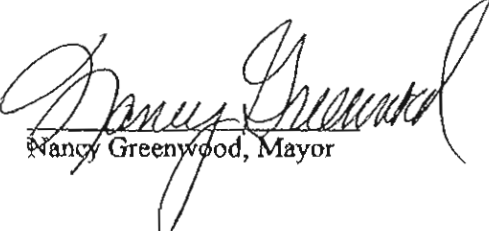
An Ordinance Repealing Ordinance 1607 relative to Prohibiting the Placing of Signs within the Right of Way.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THIS CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:

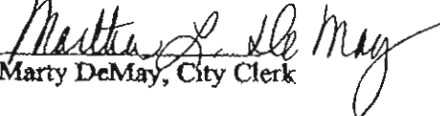
Section 1. Ordinance 1607 of the City of Chesterfield is hereby repealed.

Section 2. This Ordinance shall be in full force and effect from and after its approval.

APPROVED this 7TH day of AUGUST, 2000.


Nancy Greenwood, Mayor

ATTEST:


Marty DeMay, City Clerk

7/17/00
P&Z Committee

**CITY OF CHESTERFIELD
POLICY STATEMENT**

PUBLIC WORKS
SUBJECT Posting of Speed Limit Signs
DATE
ISSUED 8|16|2004

NO. 49
INDEX PW
DATE
REVISED

POLICY

It is accepted and understood that redundant and unnecessary signs create clutter, safety concerns, may create confusion and do not improve regulatory compliance. In addition, unnecessary signs are costly and create an additional maintenance burden. Motorists are expected to be aware of speed limits within the City of Chesterfield. The City of Chesterfield Code of Ordinances provides for a uniform speed limit, except where road design and conditions specifically warrant a different speed limit. Streets or street segments with "special speed limits" are identified Schedule III - SPECIAL SPEED LIMITS ON HIGHWAYS, ROADS, OR STREETS of the City Code, Ordinance #35.

Where special speed limits are required, regulatory signage shall be erected by the public agency or authority in control of the right of way, in accordance with the Manual on Uniform Traffic Control Devices and sound engineering practice.

In all other locations, where the City's uniform speed limit applies, motorists are expected to be aware of the speed limit and reasonably informed as to the speed limit. The general principle to be considered when determining the location and placement of regulatory speed limit signs, is that motorists should not be able to drive on a street without having passed a sign indicating "Speed limit 25 MPH unless posted otherwise" in their travel(s) into an area.

Speed limit signs will be posted at or near each entrance of a subdivision, where such entrance street intersects a road, street, or highway that is not maintained by the City of Chesterfield, and/or at or near each subdivision entrance intersecting a City maintained through street with a special speed limit. Internal subdivision streets shall not be posted with individual speed limit signs. Existing speed limit signs that are not necessary shall be removed by Department of Public Works personnel as manpower is available.

RECOMMENDED BY:

Department Head/Council Committee (if applicable)

Date

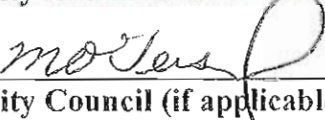
APPROVED BY:



City Administrator



Date

 (Approved by Council)

City Council (if applicable)



Date

Chapter 26

STREETS AND SIDEWALKS*

Art. I.	In General, §§ 26-1—26-15
	Div. 1. Generally, §§ 26-1—26-5
	Div. 2. Opening and Excavation of Public Streets, §§ 26-6—26-15
Art. II.	Parades, §§ 26-16—26-50
Art. III.	Driveway Access Location and Design Standards, §§ 25-51—26-17

*Cross references—Department of Public Works, § 2-166 et seq.; Division of Streets and Engineering established, § 2-178; Office of Superintendent of Streets, § 2-179; Division of Engineering, § 2-180; advertising and signs, Ch. 2.5; sale or consumption of intoxicating liquor in vehicle upon any public street, sidewalk, etc., prohibited, § 4-10(a); consumption of any beverage containing alcohol on streets, public walkways, or public parking lots prohibited, § 4-10(b); buildings and building regulations, Ch. 7; numbering of buildings, § 7-91 et seq.; emergency management, Ch. 11; flood damage prevention, Ch. 14; health and sanitation, Ch. 15; persons licensed to engage in any business required to remove snow and ice from sidewalk in front of business location, § 17-9; sale of goods or services prohibited in public rights-of-way, § 17-35; motor vehicles and traffic, Ch. 18; use of closed roadways, alleyways, etc., prohibited, § 18-35; fire lanes, § 18-110; abandoned vehicles, § 18-141 et seq.; bicycle regulations, § 18-151 et seq.; subdivision street standards, App. B, § 1005.180; subdivision street names, App. B, § 1005.190; subdivision street improvements, App. B, § 1005.260; disclosure of responsibility for street maintenance in subdivisions, App. B, § 1005.265; sidewalks in subdivisions, App. B, § 1005.270.

State law references—Municipal control of streets, sidewalks, etc., RSMo. § 77.520; public works and special assessments therefor, RSMo. § 88.010 et seq.

ARTICLE I. IN GENERAL

DIVISION 1. GENERALLY

Sec. 26-1. Blocking vehicular traffic on public streets; prohibited.

(a) *Blocking of vehicular traffic.* No person or entity shall block vehicular traffic by placing an obstruction anywhere in a public roadway unless written permission has been granted by the City of Chesterfield. This includes, but is not limited to, construction materials, organic materials, traffic barricades and sports/recreation equipment.

(b) *Protest; civil disobedience.* No person or entity shall block vehicular traffic as a form of protest or civil disobedience.

(c) *Rights of the City.* Nothing in this section shall prevent the City of Chesterfield from implementing any traffic or roadway measures deemed necessary, or prevent the City of Chesterfield or other public service agency serving Chesterfield from blocking streets, erecting barricades, or using other means to protect life and/or property, or preserve the peace.

(d) *Continuing violation.* Each day that such obstruction shall be in place after notice shall be a separate violation punishable as established by subsection (e).

(e) *Penalties.* Any person who violates the provisions of this section shall be subject to a fine of not more than five hundred dollars (\$500.00), or to imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. No. 1844, §§ 1—5, 5-6-02)

Editor's note—Ord. No. 1844, §§ 1—5, adopted May 6, 2002, was not specifically amendatory of the Code and has been added as § 26-1 at the editor's discretion. Formerly, said section pertained to a county maintenance contract which expired in 1989 and has been removed at the request of the City. See the Ordinance Disposition Table.

Sec. 26-2. Regulation of portable storage units.

(a) As used in this section the following terms shall mean as follows:

Accessory building. A subordinate building customarily incidental to and located on the same lot

occupied by a main building, subordinate in area, extent, or purposes to the main building, limited to and contributing to the comfort, convenience or necessity of the occupants of the main building. For purposes of this section, an accessory building differs from a temporary storage device, portable on demand storage unit and storage shed in that it is constructed pursuant to a building permit, and is permanently affixed to realty.

Storage trailers. Includes trucks, trailers, and other vehicles or parts of vehicles designed to be hitched or attached to trucks, tractors or other vehicles for movement from place to place used as a temporary storage device.

Portable storage unit. A container designed, constructed and commonly used for non-permanent placement on property for the purpose of temporary storage of personal property.

Storage shed. A prefabricated structure designed, intended and installed on property primarily for the long term storage of yard, pool and garden equipment and similar personal property.

(b) It shall be unlawful for any person to park, place or suffer placement of a portable storage unit or similar device in or upon any street, highway, roadway, designated fire lane or sidewalk in the City.

(c) It shall be unlawful for any person to park, place or suffer placement of a portable storage unit or similar device upon any lot or property in the City other than on a concrete, asphalt or other improved surface.

(d) It shall be unlawful for any person to park, place or suffer placement of portable storage unit or similar device upon any lot or property in the City used for commercial purposes or containing three (3) or more dwelling units in such a way as to block or interfere with access to a garage or off-street parking areas.

(e) It shall be unlawful for any person to park, place or suffer placement of portable storage unit or similar device upon any lot or property in the City for more than ten (10) consecutive days or on more than three (3) occasions in any twelve-month period.

(f) It shall be unlawful for any person to park, place or suffer placement of portable storage unit or similar device upon any front yard, as defined in the zoning ordinance, for more than ten (10) consecutive days.

(g) This section shall not apply to the use or placement of construction trailers and equipment on property in association with ongoing construction activities carried out pursuant to a valid building permit, nor to the placement of accessory buildings or storage sheds.
(Ord. No. 2270, § 1, 5-15-06)

Secs. 26-3—26-5. Reserved.

DIVISION 2. OPENING AND EXCAVATION OF PUBLIC STREETS

Sec. 26-6. Work in streets; permit.

(a) *Required.* Except in case of municipal work authorized by the Director of Public Works, no person or entity shall make any opening or excavation or place any object in any public street, alley, sidewalk, parkway or other public place or thoroughfare, without a written special use permit from the Director of Public Works.

(b) *Work requiring permit authorization.* All work which results in a physical disturbance of the public right-of-way shall require permit authorization. This requirement shall include, but not be limited to, all excavations and installations relating to conduit, poles, pole lines, wires, mains, pipes, valves, conductors, sewers, drains, drive-ways, sidewalks or appurtenances thereof.

(c) *Other work.* Work which does not result in a physical disturbance of the public right-of-way and does not interrupt traffic shall not require permit authorization or telephone notification. Examples of this type of work shall include the following: the opening and/or inspection of man-holes, vaults, and other structures located outside the pavement surface, maintenance of lighting fixtures, maintenance and/or replacement of drive-ways and sidewalks, etc.

(d) *Record.* The Director of Public Works shall keep a full and complete account of all permits issued showing the date, the person to whom issued, and the location of proposed work.

(e) *Permit placard.* Any person having occasion to make any such excavation shall make written application for a permit therefore to the Director of Public Works, who is given authority to issue such permits. The application shall state the location and nature of the proposed work and when the work is to be commenced. No permit shall be issued for a period in excess of ninety (90) days.

(f) *Emergency work,* where the public safety and welfare are endangered, which results in a physical disturbance of the public right-of-way, shall require immediate notification of the proposed work to the Director of Public Works during regular work hours or by telephone to the City Police Department at all other times. Notification should be followed by permit application to the Director of Public Works as soon as possible.

(g) The Director of Public Works shall provide each permittee at the time a permit is issued here under a suitable placard plainly written or printed in English letters at least one inch high with the following notice: "City of Chesterfield, Permit No. _____ Expires _____" and in the first blank space there shall be inserted the number of said permit and after [the] word "expired" shall be stated the date when permit expires. It shall be the duty of any permittee hereunder to keep the placard posted in a conspicuous place at the site of the work. It shall be unlawful for any person to exhibit such placard at or about any site not covered by such permit, or to misrepresent the number of the permit or the date of expiration of the permit.
(Ord. No. 1337, § 1, 11-3-97)

Sec. 26-7. Deposits.

The applicant shall accompany the permit application with an escrow, bond, insurance, affidavit, etc., indicated herein as necessary for that type of permit.

(1) *Escrows.* Special use permits shall be issued upon the approval of the Department of Public Works and the developer

300.125. Public inspection of reports relating to accidents.

1. All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department or other governmental agencies having use for the records for accident prevention purposes, except that the Police Department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

2. No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the Police Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating officers.

TRAFFIC CONTROL DEVICES

300.130. Authority to install traffic control devices.

The City Traffic Engineer shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances of the City to make effective the provisions of said ordinances, any may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the traffic ordinances of the City or under State law or to guide or warn traffic.

300.135. Manual and specifications for traffic control devices.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highway Commission or resolution adopted by the legislative body of the City. All signs or signals required hereunder for a

particular purpose shall go so far as practicable be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of this ordinance shall be official traffic control devices.

300.140. Obedience to traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a Traffic or Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

300.145. When official traffic control devices required for enforcement purposes.

No provision of this ordinance for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

300.150. Official traffic control devices—Presumption of legality.

1. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

2. Any official traffic control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

MUTCD

300.155. Traffic control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

- (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications, when at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent cross walk and to other traffic lawfully using the intersection;
- (c) Unless otherwise directed by a pedestrian control signal as provided in Section 300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked cross walk.

(2) Steady yellow indication:

- (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection;

- (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 300.160 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication:

- (a) Vehicular traffic facing a steady red signal alone shall stop before entering the cross walk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown.
- (b) Unless otherwise directed by a pedestrian control signal as provided in Section 300.160, pedestrians facing a steady red signal alone shall not enter the roadway.

- (4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

300.160. Pedestrian control signals.

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place such signals shall indicate as follows:

- (1) "Walk," pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by drivers of all vehicles.
- (2) "Wait" or "don't walk," no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

300.165. Flashing signals.

1. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

- (1) Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) Flashing yellow (caution signal), when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 300.295 of this ordinance.

300.170. Lane direction control signals.

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

300.175. Display of unauthorized signs, signals or markings.

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

300.180. Interference with official traffic control devices or railroad signs or signals.

No person shall, without lawful authority, attempt to or in fact alter, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

300.185. Authority to establish play streets.

The City Traffic Engineer shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

300.190. Play streets.

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

300.195. City Traffic Engineer to designate cross walks and establish safety zones.

The City Engineer is hereby authorized:

- (1) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, cross walks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;
- (2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

300.200. Traffic lanes.

1. The City Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

manual or supplement is required, that manual or supplement shall be in substantial conformance with the national Manual on Uniform Traffic Control Devices.

23 CFR 655.603 also states that traffic control devices on all streets and highways open to public travel in each State shall be in substantial conformance with standards issued or endorsed by the Federal Highway Administrator.

Support:

The "Uniform Vehicle Code" (see Section 1A.11) has the following provision in Section 15-104 for the adoption of a uniform Manual:

"(a)The [State Highway Agency] shall adopt a manual and specification for a uniform system of traffic control devices consistent with the provisions of this code for use upon highways within this State. Such uniform system shall correlate with and so far as possible conform to the system set forth in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, and other standards issued or endorsed by the Federal Highway Administrator."

"(b) The Manual adopted pursuant to subsection (a) shall have the force and effect of law."

Additionally, States are encouraged to adopt Section 15-116 of the "Uniform Vehicle Code," which states that, "No person shall install or maintain in any area of private property used by the public any sign, signal, marking or other device intended to regulate, warn, or guide traffic unless it conforms with the State manual and specifications adopted under Section 15-104."

Section 1A.08 Authority for Placement of Traffic Control Devices

Standard:

Traffic control devices, advertisements, announcements, and other signs or messages within the highway right-of-way shall be placed only as authorized by a public authority or the official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

When the public agency or the official having jurisdiction over a street or highway has granted proper authority, others such as contractors and public utility companies shall be permitted to install temporary traffic control devices in temporary traffic control zones. Such traffic control devices shall conform with the Standards of this Manual.

Guidance:

Any unauthorized traffic control device or other sign or message placed on the highway right-of-way by a private organization or individual constitutes a public nuisance and should be removed. All unofficial or nonessential traffic control devices, signs, or messages should be removed.

Standard:

All regulatory traffic control devices shall be supported by laws, ordinances, or regulations.

Support:

Provisions of this Manual are based upon the concept that effective traffic control depends upon both appropriate application of the devices and reasonable enforcement of the regulations.

Section 1A.09 Engineering Study and Engineering Judgment

Standard:

This Manual describes the application of traffic control devices, but shall not be a legal requirement for their installation.

Guidance:

The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment. Thus, while this Manual provides Standards, Guidance, and Options for design and application of traffic control devices, this Manual should not be considered a substitute for engineering judgment.

Engineering judgment should be exercised in the selection and application of traffic control devices, as well as in the location and design of the roads and streets that the devices complement. Jurisdictions with responsibility for traffic control that do not have engineers on their staffs should seek engineering assistance from others, such as the State transportation agency, their County, a nearby large City, or a traffic engineering consultant.

similar device upon any lot or property in the City other than on a concrete, asphalt or other improved surface.

(d) It shall be unlawful for any person to park, place or suffer placement of portable storage unit or similar device upon any lot or property in the City used for commercial purposes or containing three (3) or more dwelling units in such a way as to block or interfere with access to a garage or off-street parking areas.

(e) It shall be unlawful for any person to park, place or suffer placement of portable storage unit or similar device upon any lot or property in the City for more than ten (10) consecutive days or on more than three (3) occasions in any twelve-month period.

(f) It shall be unlawful for any person to park, place or suffer placement of portable storage unit or similar device upon any front yard, as defined in the zoning ordinance, for more than ten (10) consecutive days.

(g) This section shall not apply to the use or placement of construction trailers and equipment on property in association with ongoing construction activities carried out pursuant to a valid building permit, nor to the placement of accessory buildings or storage sheds.

(Ord. No. 2270, § 1, 5-15-06)

Secs. 26-3--26-5. Reserved.

DIVISION 2. OPENING AND EXCAVATION OF PUBLIC STREETS

Sec. 26-6. Work in streets; permit.

(a) *Required.* Except in case of municipal work authorized by the Director of Public Works, no person or entity shall make any opening or excavation or place any object in any public street, alley, sidewalk, parkway or other public place or thoroughfare, without a written special use permit from the Director of Public Works.

(b) *Work requiring permit authorization.* All work which results in a physical disturbance of the public right-of-way shall require permit authorization. This requirement shall include, but not be limited to, all excavations and installations relating to conduit, poles, pole lines, wires, mains, pipes, valves, conductors, sewers, drains, driveways, sidewalks or appurtenances thereof.

(c) *Other work.* Work which does not result in a physical disturbance of the public right-of-way and does not interrupt traffic shall not require permit authorization or telephone notification. Examples of this type of work shall include the following: the opening and/or inspection of manholes, vaults, and other structures located outside the pavement surface, maintenance of lighting fixtures, maintenance and/or replacement of driveways and sidewalks, etc.

(d) *Record.* The Director of Public Works shall keep a full and complete account of all permits issued showing the date, the person to whom issued, and the location of proposed work.

(e) *Permit placard.* Any person having occasion to make any such excavation shall make written application for a permit therefore to the Director of Public Works, who is given authority to issue such permits. The application shall state the location and nature of the proposed work and when the work is to be commenced. No permit shall be issued for a period in excess of ninety (90) days.

(f) Emergency work, where the public safety and welfare are endangered, which results in a physical disturbance of the public right-of-way, shall require immediate notification of the proposed work to the Director of Public Works during regular work hours or by telephone to the City Police Department at all other times. Notification should be followed by permit application to the Director of Public Works as soon as possible.

(g) The Director of Public Works shall provide each permittee at the time a permit is issued here under a suitable placard plainly written or printed in English letters at least one inch high with the following

ing business sign facing each roadway on which its lot or lots has frontage. For the purpose of these regulations, an aggregation of two (2) or more structures connected by a wall, firewall, facade or other structural element, except for a sidewalk shall constitute a single building.

The height of all business and identification signs shall not exceed six (6) feet when located within the minimum front yard setback of a particular zoning district.

(2) *Specific regulations and exceptions.*

- (a) A freestanding business sign shall not exceed six (6) feet in height above the average existing finished grade at the base of the sign, or the elevation of the adjacent street, whichever is higher. The total outline area per face shall not exceed fifty (50) square feet or twenty-five one hundredths (0.25) square feet of signage per linear foot of street frontage up to one hundred (100) feet of street frontage and one-tenth (0.1) square foot of signage per linear foot of street frontage thereafter, whichever is less. (See exceptions below.)

Said sign face shall be attached to a proportionate enclosed base, integrated planter or structural frame, the width of which shall be a minimum of one-half ($\frac{1}{2}$) the width of the widest part of the sign face. The bottom of the sign face shall not exceed a height of three (3) feet above the average existing finished grade at the base of the sign, or elevation of the adjacent street, whichever is higher. An enclosed sign base or integrated planter shall not be required if the sign face is within one (1) foot of the average finish grade at the base of the sign.

Exceptions:

For each additional four (4) foot setback from the minimum yard requirement, one (1) additional foot may be

added to the sign height to a maximum of ten (10) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. However, at no time shall the bottom of the sign face exceed a height of three (3) feet above the average existing finished grade at the base of the sign or the elevation of the adjacent street, whichever is higher, or;

The maximum outline area and/or height of any freestanding business sign may be increased to a maximum of one hundred (100) square feet in outline area and/or twenty (20) feet in height above the average existing finished grade elevation at the base of the sign or elevation of the adjacent street, whichever is higher, with no height restriction for the bottom of the sign face subject to Planning Commission approval as outlined in Section 1003.168.3(2) Sign Regulations-General.

- (b) An individual lot having a minimum of eight hundred fifty (850) feet of frontage on any roadway and a minimum size lot of twenty (20) acres or more, shall be allowed two (2) freestanding business signs on each roadway frontage exceeding seven hundred fifty (750) feet of frontage. However, a minimum of four hundred (400) feet shall separate the two (2) permitted signs.

In lieu of the two (2) permitted freestanding signs, one (1) freestanding business sign may be permitted, the maximum outline area of which may be increased to one hundred fifty (150) square feet, subject to Planning Commission approval as outlined in Section 1003.168.3(2) Sign Regulations-General.

- (c) A single commercial or industrial development or subdivision which is in excess of twenty (20) acres in size

shall be permitted a project identification sign at each main entrance to the subdivision or development identifying the name of the project and/or containing a directory of tenants. The sign may include the name and/or logo of the development or subdivision. Such sign may be located on any platted lot or common ground of a development or subdivision or any unplatted portion of the development or subdivision identified as part of a particular development on an approved preliminary plat, site development concept plan, site development section plan, or site development plan.

A project identification sign shall not exceed six (6) feet in height average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher, with the total outline area per face not to exceed fifty (50) square feet or twenty five one hundredths (0.25) square feet of signage per linear foot of street frontage up to one hundred (100) feet of street frontage and one tenth (0.1) square foot of signage per linear foot of street frontage thereafter, whichever is less.

Exceptions:

For each additional four (4) foot setback from the minimum yard requirement, one (1) additional foot may be added to the sign height of a project identification sign to a maximum of ten (10) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. However, at no time shall the bottom of the sign face exceed a height of three (3) feet above the average existing finished grade at the base of the sign or the elevation of the adjacent street, whichever is higher; or,

The minimum outline area and/or height of any project identification

sign may be increased to a maximum of one hundred (100) square feet in outline area and/or twenty (20) feet in height above the average existing finished grade elevation at the base of the sign or elevation of the adjacent street, whichever is higher, with no height restriction for the bottom of the sign face subject to Planning Commission approval as outlined in Section 1003.168.3(2) Sign Regulations General.

- (d) Commercial, industrial or mixed-use subdivisions of ten (10) lots/units or more that are less than twenty acres shall be permitted a subdivision identification sign at each main entrance to the subdivision and may include the name, logo and/or the directory of tenants of the subdivisions. Such sign shall not exceed fifty (50) square feet in outline area per face, nor extend more than six (6) feet above the average existing finished grade at the base of the sign or elevation of the adjacent street, whichever is higher. Commercial, industrial or mixed-use subdivision identification signs shall be located within an easement on any platted lot or on common ground of subdivision. Such sign may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat, site development concept plan, site development section plan, or site development plan. No subdivision identification sign shall be permitted for a development permitted a project identification sign.
- (e) Developments over 20 acres located adjacent to Primary Arterials may increase the height and the size of the project identification sign by decreasing the number of permitted project identification signs with approval of the Planning Commission. The maximum size of one (1) sign

utilizing this section shall be thirty (30) feet in height and one hundred and fifty (150) square feet of outline area per face. Total square footage is not to exceed the original allowed by the Planning Commission.

- (f) **Landscaping.** All permanent freestanding business and identification signs shall have landscaping, which may include, but not be limited to, shrubs, annuals, and other materials, adjacent to the sign base or structural supports. If the outline area and/or a height increase for any permanent freestanding sign is requested the required landscaping for such a sign will be subject to Planning Commission approval.

- (3) A service station shall be permitted one (1) separate price sign attached to the same structure of any one (1) permitted freestanding business sign on the lot or lots on which the use may be located. The outline area of a separate price sign shall not exceed twenty (20) square feet per face.
- (4) A movie theater shall be permitted one (1) additional freestanding business sign, with manual changeable copy only, facing each roadway on which the lot containing the movie theater has frontage.

3. Business signs - Attached to wall.

(1) General provisions.

- (a) Subject to the specific regulations set out below, each business occupying a tenant space or being the sole occupant of a freestanding building shall have no more than one (1) attached business sign on any two (2) walls of a building that are exterior walls of the particular building or tenant space. In addition to identifying a particular business, such signs may be used for the name and logo of the building or development project.

- (b) The outline area of each sign shall not exceed five (5) percent of the wall area of the business on which said sign is attached. No business sign shall exceed three hundred (300) square feet in outline area.

- (c) Countable wall area shall include the entire surface of a wall, such as gable and similar areas, and the vertical face of a mansard roof whether real or artificial, which extends above the wall of the business on which the sign is attached. However, the countable area of mansard roofs shall be limited to the area not greater than six (6) feet above the eave line of the roof times the length of associated wall.

(2) Specific regulations and exceptions.

- (a) For a business being the sole occupant of a building located on a corner lot or a lot with double frontage, said business may have one (1) attached business sign on any three (3) walls of a building that are exterior walls.
- (b) Where a lot or parcel of land is developed with more than one (1) building, interior buildings shall be permitted the same type and number of wall signs on the interior buildings as are allowed on peripheral buildings. The mounting requirements of the permitted signs shall be the same as any attached business sign.
- (c) In buildings containing single or multiple tenants where public access to individual tenant space(s) is gained via interior entrances, said building shall be allowed no more than one (1) attached business sign on any two (2) walls having roadway frontage. Said attached business signs shall be the same, each identifying either the building or major tenant.
- (d) Individual letters (exclusive of words), a symbol or graphic logo pertaining