

CITY OF HERCULANEUM

#1 Parkwood Court, Herculaneum, MO 63048

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Sign Permit Application

Date: _____

Permit #: _____

Applicant: _____

Address: _____

Phone #: _____

Location of Service: _____

Remarks: Signs must not obstruct views & must be maintained at ALL TIMES. Must meet Herculaneum's Municipal Codes for signage.

Estimated Cost: \$ _____

Permit Fee: \$ _____

Inspection Approvals:
1. Footing/Bracing/Attachment
2. Framing
3. Electrical
4. Final

A 24 HOUR NOTICE MUST BE GIVEN TO SCHEDULE FOR INSPECTIONS

Applicant Signature: _____

Building & Code Official: _____

Dodie Graves

All inspections may not be appropriate for all signs. Need specs submitted for evaluation

ARTICLE III. SIGN REGULATIONS

Editor's Note—Ord. No. 036-2007 §2, repealed sections 410.220 "signs" and 410.230 "outdoor general advertising or billboards" and enacted new provisions set out herein. Former sections 410.220—410.230 derived from ord. no. 366; ord. no. 577 §410.230, 1-23-95; ord. no. 630 §§1—2, 11-24-97; ord. no. 99-032 §§1—3, 12-13-99; ord. no. 02-017 §1, 6-10-02.

SECTION 410.211: PURPOSE

The purpose of Sections 410.211 through 410.237 shall be to coordinate the type, placement and scale of signs within the different land-use zones to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstance; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs and the use of signs regulated according to zone. The placement and scale of signs are regulated primarily by type and length of street frontage, though lot size, investment and sounding conditions must also be considered. No sign shall be permitted as a main or accessory use except in accordance with the provisions of Sections 410.211 through 410.237. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.212: SCOPE

Sections 410.211 through 410.237 shall not relate to building design. Nor shall Sections 410.211 through 410.237 regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from public right-of-way; window display; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or non-commercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign. Thus, the primary intent of this Chapter shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.213: SIGNS PROHIBITED

The following types of signs are prohibited in all districts:

1. Abandoned signs.
2. Banners, pennants, festoons, searchlights except as allowed in Section 410.220(6).
3. Signs imitating or resembling official traffic or government signs or signals.
4. Snipe signs or signs attached to trees, telephone poles, public benches, street lights or placed on any public right-of-way.
5. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed portable signs or to signs or lettering on buses, taxis or vehicles operating during the normal course of business).
6. Off-premises signage except as permitted in areas zoned commercial or industrial that are within six hundred sixty (660) feet of primary and interstate highways (see Sections 410.222 and

410.223 and political signs).

7. Portable signs.
8. Illegal signs.
9. Detached advertising signs of two (2) or more separate business on a single lot, except as allowed under Section 410.222(9).
10. Any sign determined by the Administrator to be in a deteriorated state or condition. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.214: PERMITS REQUIRED

Unless otherwise provided under this Chapter, all signs shall require permits and payment of fees as described in Sections 410.229 and 410.230 of this Chapter. No permit is required for the maintenance of a sign or for a change of a copy on changeable copy signs. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.215: SIGNS NOT REQUIRING PERMITS

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Chapter:

1. Directional/informational signs of four (4) square feet or less.
2. Holiday or special events decorations, none of advertising nature.
3. Nameplates of two (2) square feet or less.
4. Political signs.
5. Public signs or notices or any sign relating to an emergency.
6. Real estate signs.
7. Window signs.
8. Incidental signs.
9. Garage/sale signs. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.216: MAINTENANCE

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The administrator shall have the right under Section 410.235 to order the repair or removal of any sign which is defective, damaged or substantially deteriorated as defined in the Building Code. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.217: LIGHTING

Unless otherwise prohibited by another provision of this Code, including, but not limited to, Section

205.390, all signs may be illuminated. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.218: CHANGEABLE COPY

Unless otherwise specified by this Chapter, any sign herein allowed may use manual, automatic or electrically or mechanically activated changeable copy. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.219: SIGN CONTRACTOR'S LICENSE

No person shall engage in the business of erecting, altering, relocating, constructing or maintaining signs without a valid City contractor's license and all required State and Federal licenses. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.220: SIGNS PERMITTED IN ALL ZONES

The following signs are allowed in all zones:

1. All signs not requiring permits (Section 410.215).
2. One (1) non-illuminated sign for each street frontage of a construction project, not to exceed thirty-two (32) square feet in sign area in residential zones or forty-eight (48) square feet in sign area in all other zones. Such signs may be erected sixty (60) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
3. One (1) non-illuminated attached building nameplate per occupancy, not to exceed two (2) square feet in sign area.
4. Political signs shall not exceed eight (8) square feet per sign in residential zoned districts. Political signs located in non-residential zoned districts shall not exceed thirty-two (32) square feet. Political signs and signs promoting any candidate for any elected position shall not be erected, posted, placed or displayed within the City of Herculaneum before the first (1st) day of the preceding calendar month prior to any general, regular or special election nor more than seven (7) days after the election for which the sign has been posted. No political sign shall be located within the right-of-way of any street or road.
5. Directional/informational sign(s) per lot as required.
6. Temporary special events sign(s) arbitrary for special events, grand openings or holidays. Such signs may be erected thirty (30) days prior to a special event or holiday and shall be removed five (5) days following the event or holiday. Limited to two (2) times per year.
7. Temporary signs shall be located no closer than fifteen (15) feet from the driving lane or shoulder of any street or road.
8. Signs shall contain only the name of the business establishment of the principal business conducted on the premises or both. A maximum of two (2) signs shall be permitted on regular lots and a maximum of three (3) signs shall be permitted on corner lots. No signs shall be posted on City property or on public right-of-way. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.221: SIGNS PERMITTED IN RESIDENTIAL ZONES

Signs are allowed as follows in residential zones:

1. All signs as permitted in Section 420.220.
2. Residential subdivisions of ten (10) lots/units or more shall be permitted a subdivision identification sign at each main entrance to the subdivision which may include the name or logo or both of the subdivision. Such sign shall not exceed thirty-two (32) 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. Residential subdivision identification signs shall be located within an easement on any platted lot or on common ground of a subdivision. Such sign may also be located on an entrance island located between opposing traffic lanes when approved by the Planning Commission or City Council as part of a particular development plan.
3. One (1) identification sign per entrance to apartment or condominium complex, not to exceed thirty-two (32) square feet in sign area.
4. For permitted non-residential uses, including churches and synagogues, one (1) freestanding sign not to exceed thirty-two (32) square feet in sign area and one (1) wall sign not to exceed thirty-two (32) square feet in sign area.
5. All allowed freestanding signs shall have a maximum height of six (6) feet and all have a setback of fifteen (15) feet from any public right-of-way. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.222: SIGNS PERMITTED IN GENERAL COMMERCIAL ZONES

Signs are allowed as follows in "C-1" commercial zones:

1. All signs as permitted under Sections 410.220 and 410.221.
2. One (1) freestanding sign or low profile sign per street frontage not to exceed one (1) square foot in sign area for each lineal foot of property frontage. Such signs shall not exceed a height of twenty-five (25) feet and must be set back at least ten (10) feet from property lines.
3. One (1) wall sign or electric awning sign not to exceed fifteen percent (15%) of aggregate area of building elevation on which the signs are installed.
4. One (1) under-canopy sign for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of eight (8) feet to grade.
5. Incidental signs not to exceed two (2) square feet of sign area per occupancy.
6. Directional/information signs as required.
7. Where an occupancy is on a corner lot, a minimum clearview zone is to be maintained in a triangulated area at the point of intersection to allow an unobstructed view of oncoming traffic.
8. Freestanding signs shall maintain clearance of ten (10) feet over any pedestrian use and fourteen

(14) feet over any vehicular use.

9. *Commercial center sign.* Shall be approved only through a conditional use permit and shall be substituted in lieu of the allowable pole sign and shall not exceed the maximum height and setback requirements for the zoning district and shall not exceed one (1) square foot of sign area for each one thousand (1,000) square feet of gross floor area within the commercial center or one (1) square foot of sign area for each one (1) lineal foot of street frontage. That which provides the greater area shall be used as the maximum allowable sign area.
10. All off-premises freestanding signs within six hundred sixty (660) feet of any highway or within the view of any highway within the City, whichever is less, shall not be installed to exceed a height of fifty (50) feet or shall not be located any closer than one thousand two hundred (1,200) feet of any residential district and no billboard shall be erected where another billboard exists within one-half (½) mile along said highway. Such signs shall require the approval and issuance of a conditional use permit.
11. No sign shall be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/information signs. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.223: SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL ZONES

Signs are allowed as follows in "C-1" commercial and "I-1" and "I-2" industrial zones:

1. All signs as permitted in Sections 410.220, 410.221 and 410.222.
2. One (1) freestanding sign per street frontage not to exceed one (1) square foot of sign area for each lineal foot of property frontage. Such signs may not exceed a height of fifty (50) feet and must be set back at least ten (10) feet from the property line. Where street frontage exceeds three hundred (300) lineal feet, one (1) additional freestanding sign may be allowed per three hundred (300) foot increments.
3. Wall signs not to exceed fifteen percent (15%) of the aggregate square footage of the wall area upon which they are installed. Electric awning signs not to exceed fifteen percent (15%) of the aggregate square footage of the wall area upon which they are installed. The combination of wall signs and electric awning signs shall not exceed fifteen percent (15%) of the allowed wall area.
4. Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond fifteen (15) feet from the building face and in no case shall encroach within fifteen (15) feet from a property line and maintain a clearance of ten (10) feet over pedestrian areas and fourteen (14) feet over vehicular ways.
5. Roof signs may be allowed (where no other sign types can provide effective identification). Roof signs shall be constructed so as to conceal all structure and fastenings. The height of the roof sign shall not exceed twenty percent (20%) of the total height of the building to which it is attached, specific engineering for sign and the supporting structure shall be provided.
6. One (1) under-canopy sign for each separate occupancy or separate entrance not to exceed eight (8) square feet in sign area. Under-canopy signs must have a minimum clearance of eight (8) feet to grade.

7. Incidental signs not to exceed two (2) square feet in aggregate area per occupancy.
8. All signs (freestanding, projecting, awning, marquee, canopy, under-canopy, etc.) must maintain minimum clearances and construction electrical standards.
9. All off-premise freestanding signs within six hundred sixty (660) feet of any highway or within view of any highway within the City shall not be installed to exceed a height of fifty (50) feet or shall not be located any closer than one thousand two hundred (1,200) feet of any residential district and no billboard shall be erected where another billboard exists within one-half (½) mile along said highway or any other freestanding sign. Such signs shall require the approval and issuance of a conditional use permit.
10. No sign shall be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/information signs. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.224: DETERMINATION OF LEGAL NON-CONFORMITY

Existing signs which do not conform to the specific provisions of the Chapter may be eligible for the designation "legal non-conforming" provided that:

1. The administrator determines such signs are properly maintained (as per Section 410.216) and do not in any way endanger the public.
2. The sign was installed in conformance with a valid permit or variance or complied with all applicable laws on date of adoption of Sections 410.211 through 410.237. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.225: LOSS OF LEGAL NON-CONFORMING STATUS

A legal non-conforming sign may lose this designation if:

1. The sign is relocated or replaced.
2. The structure or size of the sign is altered in any way except toward compliance with this Chapter. This does not refer to change of copy or normal maintenance.
3. Existing portable and temporary signs shall have ninety (90) days after the effective date of this Chapter to be brought into conformity with this Chapter. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.226: MAINTENANCE AND REPAIR OF NON-CONFORMING SIGNS

The legal non-conforming sign is subject to all requirements of this Chapter regarding safety, maintenance and repair. However, if the sign suffers more than fifty percent (50%) damage or deterioration as based on appraisal, it must be brought into conformance with this Chapter or removed. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.227: CONSTRUCTION SPECIFICATIONS

All signs shall be installed in compliance with building and electrical codes as required by the administrator. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.228: CODE ADMINISTRATOR

- A. The administrator is authorized to process applications for permits and variances, hold public hearings as required and enforce and carry out all provisions of this Chapter. The administrator is authorized to promulgate regulations and procedures consistent with this function.
- B. The administrator is empowered, upon presentation of proper credentials, to enter or inspect any building, structure or premises in the City for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.229: APPLICATION FOR PERMITS

Application for permit for the erection or relocation of a sign shall be made to the administrator upon a form provided by the administrator and shall include the following information:

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign or sign structure as defined in this Chapter.
4. A site plan with measurements showing the proposed locations of any and all existing and proposed signs on the same premises.
5. Specifications and drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.230: PERMIT FEES

- A. All applications shall be filed with the administrator. Permit fees shall be based on the cost of construction. The cost of construction shall be based on the total cost of materials and labor and shall be at the following rate: Eleven dollars (\$11.00) for the first five hundred dollars (\$500.00) of costs or any part thereof, plus two dollars (\$2.00) for each additional five hundred dollars (\$500.00) of cost or any part thereof up to two hundred thousand dollars (\$200,000.00), then one dollar (\$1.00) per one thousand dollars (\$1,000.00) of cost or any part thereof with a minimum fee of fifty dollars (\$50.00).
- B. Any newly-constructed off-premise sign shall be inspected by the administrator. The owner of the structure shall pay, to the City, an initial inspection fee of five hundred dollars (\$500.00).
- C. The owner of each off-premise sign within the City of Herculaneum shall pay a business tax of one

hundred dollars (\$100.00) per year. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.231: ISSUANCE AND DENIAL

- A. The administrator shall issue a permit for the erection, structural alteration or relocation of a sign within a reasonable period of time upon receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the City and State. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail.
- B. When a permit is denied, the administrator shall give written notice to the applicant along with a brief statement of the reasons for denial, citing Code Sections and interpretation of possible non-conformity. The administrator may suspend or revoke an issued permit for any false statement or representation of fact in the application. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.232: INSPECTION UPON COMPLETION

- A. Any person installing, structurally altering or relocating a sign for which a permit has been issued shall notify the administrator to conduct inspections as prescribed by the administrator. The administrator may require a final inspection including an electrical inspection of footings on freestanding signs.
- B. The administrator may require at the time of issuance of a permit that written notification for an inspection be submitted prior to the installation of certain signs. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.233: VARIANCES

- A. When requesting a permit, the applicant may apply to the administrator for a variance from certain requirements of this Chapter. A variance may be granted by the Board of Adjustment where the literal application of this Chapter would create a particular hardship.
- B. In granting a variance, the Board of Adjustment may attach additional requirements necessary to carry out the spirit and purpose of this Chapter in the public interest. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.234: VIOLATIONS

- A. When a violation of the Code exists, the administrator shall issue a written order to the alleged violator. The order shall specify those Sections of this Chapter which the individual may be in violation of and shall state that the individual must promptly correct the alleged violation or register an appeal to the Board of Adjustment.
- B. If upon inspection the administrator finds that a sign is abandoned or structurally, minimally or electrically defective or in any way endangers the public, the administrator shall issue a written order to the owner of the sign and/or occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within six (6) working days of the date of the order.
- C. Notwithstanding other provisions of the Code to the contrary, any sign that has been erected upon

the right-of-way of any street or highway, other than a bona fide traffic sign erected by a governmental agency, shall be immediately removed by the Building Commissioner or designee without notice to the owner of the sign. The owner of a sign removed under the provisions of this Section shall be notified in writing of the removal of the sign, the reason for its removal and informed of the location and times the sign can be recovered by the owner. Any sign not picked up by the owner within seven (7) days of the date of the aforesaid written notice shall become the property of the City and disposed of by the City. In the event that the owner of such sign cannot be identified or located after reasonable effort, such sign shall become the property of the City and disposed of ten (10) days after its original removal from the right-of-way.

- D. In case of emergency, the administrator may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present hazard to the public safety as defined in the City's building or traffic codes or ordinances. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.235: REMOVAL OF SIGN BY THE ADMINISTRATOR

- A. The administrator shall, as stipulated elsewhere in this Chapter, cause the removal of an illegal sign in cases of emergency or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the administrator.
- B. If the amount specified in the notice is not paid within thirty (30) days of the date of the notice, then said amount shall be charged against the property of the sign owner as a municipal lien. Said lien shall bear interest at a rate of eight percent (8%) per annum until paid. The administrator shall cause notice of said lien to be filed in the Jefferson County Recorder of Deeds office. The lien hereby created may be enforced by suit or foreclosure.
- C. The sign owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the administrator, such as the case of a leased sign.
- D. For the purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.236: PENALTIES

Any person who fails to comply with the provisions of this Chapter shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment for not more than one (1) year or both. Each day a violation after service of written notice to state such violation, shall constitute a separate offense. (Ord. No. 036-2007 §2, 12-10-07)

SECTION 410.237: CONFLICT

- A. If any portion of Sections 410.211 through 410.237 is found to be in conflict with any other provision of any zoning, building, fire, safety or health ordinance or codes of the City, the provision which establishes the higher standard shall prevail.
- B. If any Section, Subsection, sentence, clause or phrase of this Code or its application to any person

or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Code, or application to other person or circumstances is in effect and shall remain in full force and effect. (Ord. No. 036-2007 §2, 12-10-07)

ARTICLE IV. COMMUNICATIONS ANTENNAS AND TOWERS

SECTION 410.240: COMMUNICATIONS ANTENNAS AND TOWERS

A. *Purpose.* The purpose of this Section is to:

1. Provide for the appropriate location and development of communication facilities and systems to serve the citizens and businesses of the City.