

St. Louis City Ordinance 63227

FLOOR SUBSTITUTE

BOARD BILL NO. [94] 45

INTRODUCED BY ALDERMAN JOSEPH RODDY

An ordinance pertaining to outdoor general advertising devices; suspending and tolling the provisions of Ordinance 63153; amending Section Five of Ordinance 60704, which is codified as Section 24.18.040 of the Heritage and Urban Design Title of the Revised Code, by adding and regulating outdoor general advertising devices in areas zoned commercial and industrial along interstate and primary highways as an additional exemption to the provisions of said Ordinance 60704; and containing severability and emergency clauses.

WHEREAS, Ordinance 60704, approved March 11, 1988, prohibited the erection of new general outdoor advertising devices in the City of St. Louis with certain exceptions; and

WHEREAS, two trial courts decreed that said prohibition was valid and not preempted by the Missouri Billboards Act (Sections 226.500 to 226.600, RSMo. Cum. Supp. 1990); and

WHEREAS, subsequent to the last trial court decision and effective August 28, 1992, the Missouri Legislature amended said Billboards Act specifically to permit outdoor general advertising devices within six hundred and sixty feet of the nearest edge of the right-of-way of any interstate or primary highway in areas zoned commercial and industrial subject to certain regulations, and to require state permits for such devices; and

WHEREAS, subsequent to, and based upon, said amendments, the Missouri Court of Appeals-Eastern District reversed said previous last trial court decision in *National Advertising Company v. Missouri State Highway and Transportation Commission and the City of St. Louis*, because "[h]owever praiseworthy is the ordinance's purpose," it can not totally prohibit what the amended act specifically permits; and

WHEREAS, Section 82.190 of the Revised Statutes of Missouri provides that the City has exclusive control over its public highways, streets, avenues, alleys and public places; and

WHEREAS, this Board deems the regulation of outdoor general advertising devices as contained in this ordinance in the best interest to promote convenience and enjoyment of highway travel, traffic safety and to preserve the natural scenic beauty of highways and adjacent areas.

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

SECTION ONE. The provisions of Ordinance 63153, approved May 6, 1994, are hereby suspended and tolled as long as this Ordinance remains in effect.

SECTION TWO. Section Five of Ordinance 60704, approved March 11, 1988, which is codified as Section 24.18.040 of the Revised Code of the City of St. Louis, 1980, Annotated, is hereby repealed, and hereby enacted in lieu thereof is a new Section Five and Section 24.18.040 as follows:

Exemptions. The following devices are hereby exempted from the provisions of this Ordinance:

- A. All on-premise signs;
- B. All non-commercial signs, flags, emblems, or insignia of any national, state or political subdivision;
- C. Governmental signs of any type;
- D. Notice of any judicial or public proceeding posted by public officers or employees in the performance of their duties pursuant to laws, ordinances, orders of the court, regulations, policies and procedures;
- E. Political signs are permitted as regulated by Chapter 26.68 of the Revised Code of the City of St. Louis.
- F. Signs required or specifically authorized for a public purpose by a law, statute, regulation or ordinance.
- G. Signs of government, public utility, public service, railroad companies, or their contractors which aid safety, indicate installations or repairs, or which show the location of underground facilities.
- H. Devices that encroach the public right-of-way that have been lawfully erected.

I. Any device designated as a city landmark pursuant to Title 24 of the Revised Code of the City of St. Louis.

J. Pursuant to Sections 226.500 to 226.600, RSMo, Cum. Supp. 1993, any lawfully erected or proposed device located within six hundred and sixty feet of the nearest edge of the right-of-way of any interstate or primary highway in areas zoned commercial or industrial subject to the following regulations which are consistent with said Missouri statutes and customary use in the City of St. Louis:

1. No permit to allow a device to be newly erected shall be issued without a permit issued by the Missouri Highways and Transportation Commission.

2. Lighting:

a. No revolving or rotating beam or beacon of light that simulates an emergency light or device shall be permitted as part of any sign. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, or temperature, or similar information, will be allowed;

b. External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the interstate or federal-aid primary highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle; provided the light source is effectively shielded so as to prevent beams or rays of light from shining onto any lot which is used or zoned residential.

c. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal;

3. Size of signs:

a. The maximum area per face for any one sign shall be one thousand two hundred square feet, inclusive of border and trim but excluding the base of apron, supports, and other structural members.

b. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, or in V-type construction with not more than one display to each facing.

c. The maximum height of any sign shall be no more than thirty-five feet from the highest point on the device to the grade of the highway from which the sign is intended to be read.

4. Spacing and location of signs:

a. No sign structure shall be erected within five hundred feet of an existing sign on the same side of the highway;

b. No sign structure shall be erected within three hundred feet of any lot which is used or zoned residential, nor shall any sign structure be located:

(1) within fifty feet of any property line of the lot on which the sign structure is located;

(2) within thirty feet from the nearest building;

(3) within one hundred feet of any on- premise sign.

(4) in or within 300 feet of any park, playground, school, library, hospital, church, historic district, landmark, an area on the National Register of Historic Places or the Jefferson Memorial District.

c. The spacing between structure provisions of subdivision (4)(a) of this section do not apply to signs which are separated by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions;

d. No sign shall be located in such manner as to obstruct or otherwise physically interfere with effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic;

e. The measurements in this section shall be the minimum distances between outdoor advertising sign structures measured along the nearest edge of the

pavement between points directly opposite the signs along each side of the highway and shall apply only to outdoor advertising sign structures located on the same side of the highway involved;

f. No sign shall be located adjacent to or within five hundred feet of an interchange, intersection at grade, or safety rest area. Such distances shall be measured from beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

g. No sign shall be located on the roof of a building or non-sign structure.

SECTION THREE: Severability Clause. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining sections of this Ordinance are valid unless the Court finds the valid sections of the Ordinances are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed that the Alderman would have enacted the valid sections without the void one, or unless the Court finds that the valid sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION FOUR: Emergency Clause. This Ordinance, being deemed necessary for the immediate preservation of the public welfare and safety, is hereby declared to be an emergency measure under the terms and provisions of Article IV, Section 19 and 20 of the Charter of the City of St. Louis and shall become effective immediately upon its passage and approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
04/19/94	04/19/94	HUDZ	06/29/94	06/29/94
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
63227				
ORDINANCE	VETOED		VETO OVR	

