

# JOURNAL OF THE CITY COUNCIL

*Regular Session - June 27, 2005*

## COUNCIL & STAFF PRESENT:

Debbie Masten	Mayor
Tim Crist	Mayor Pro Tem
Martha Rowe	Councilmember
Ron Stewart	Councilmember
Howard Hickman	City Attorney
Kris McKim	Assistant City Manager
Vickie Brumbaugh	City Clerk
Randy Behrens	Fire Chief
John Buckwalter	Engineer
Marty Cupp	Airport Director
Paul Frazier	Codes Administrator
Laura Guy	Finance Director
Jim Hughes	Police Chief
Jack Schuster	Assistant Public Works Director

## ABSENT:

Rich Scott	Councilmember
Mari Macomber	City Manager

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Monday, June 27, 2005, at 7:00 p.m. in the City Hall Council Chambers.

## **PLEDGE**

Mayor Masten and the Council led the Pledge of Allegiance.

## **MINUTES**

Mayor Masten asked for corrections or changes to the minutes of the Regular Session of May 23 and the Special Session of June 20, 2005. Councilmember Stewart moved to approve the minutes, as distributed; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

## **ORDER OF AGENDA**

No changes.

## **CITIZEN PARTICIPATION**

None.

**ACTION PRESENTATIONS**

**BILL NO. 2005-29**

**RESOLUTION NO. R6-27-517**

**A RESOLUTION OF THE CITY COUNCIL OF KIRKSVILLE, MISSOURI, PROVIDING FOR THE TENTATIVE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE WATER SYSTEM IMPROVEMENTS FOR SOUTH WATER LINE EXTENSION U.S. HWY 63 SOUTH TO AIRPORT, PURSUANT TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES SRF LOW INTEREST LOAN PROGRAM SUBJECT TO REGULATORY APPROVAL, PROVIDING FOR SUBSEQUENT EXECUTION OF THE CONTRACT DOCUMENTS BY THE MAYOR, FOR PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Kirksville wishes to utilize funds from the Missouri Department of Natural Resources SRF Low Interest Loan Program to construct the Water System Improvements; and

WHEREAS, the City of Kirksville, has heretofore advertised for bids for construction of the project known as South Water Line Extension U.S. Hwy 63 South to Airport; and

WHEREAS, on June 7, 2005, Bids were duly received, publicly opened and read aloud for the Water System Improvements for South Water Line Extension U.S. Hwy 63 South to Airport; and

WHEREAS, Benton & Associates, Inc., the City's Engineer for the project, has recommended tentative award of the Contract for South Water Line Extension U.S. Hwy 63 South to Airport to Lan-Tel Communication and Underground Services, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KIRKSVILLE:

Section 1. The City of Kirksville tentatively awards the Contract for the construction of the Water System Improvements for South Water Line Extension U.S. Hwy 63 South to Airport to Lan-Tel Communication and Underground Services, Inc. in the amount of Seven Hundred Twenty-five Thousand Six Hundred Nineteen Dollars and 98/100, (\$725,619.98), subject to the City of Kirksville securing financing for the project, and approval by the Missouri Department of Natural Resources and authorizes subsequent execution of the Contract Documents by the Mayor of the City Council of Kirksville, Missouri.

Section 2. FURTHER, BE IT RESOLVED that the successful bidder for this project be notified of this tentative award of contract, and that the Bid Bonds be returned to the unsuccessful bidders by said City Clerk when a signed contract has been secured.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption by the City Council of Kirksville, Missouri.

Councilmember Stewart moved to approve Bill No. 2005-29; seconded by Mayor Pro Tem Crist.

Engineer Buckwalter reported seven bids were received, with Lan-Tel Communications and Underground Services of Blue Springs, Missouri being the low bid at \$725,619.98.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-30**

**RESOLUTION NO. R6-27-518**

**A RESOLUTION FORMALLY ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE REQUISITE EMERGENCY MANAGEMENT SYSTEM FOR THE CITY OF KIRKSVILLE, MISSOURI.**

WHEREAS, emergency response to critical incidents, whether natural or manmade, requires integrated professional management; and

WHEREAS, unified command of such incidents is recognized as the management model to maximize the public safety response; and

WHEREAS, the National Incident Management System, herein referred to as NIMS, has been identified by the Federal Government as being the necessary emergency management system for all political subdivisions; and

WHEREAS, failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF KIRKSVILLE, MISSOURI, THAT IT SHALL BE THE PUBLIC POLICY OF THE CITY OF KIRKSVILLE TO ADOPT THE NIMS CONCEPT OF EMERGENCY PLANNING AND UNIFIED COMMAND. IT SHALL FURTHER BE THE POLICY TO TRAIN PUBLIC OFFICIALS RESPONSIBLE FOR EMERGENCY MANAGEMENT.

Councilmember Stewart moved to approve Bill No. 2005-30; seconded by Mayor Pro Tem Crist.

Police Chief Hughes reported the Federal government has identified NIMS as the requisite emergency management system for all political subdivisions of the United States. NIMS has been adopted by the Police and Fire Services in Kirksville.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-31**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE PARKING OF MOTOR VEHICLES AND SPEED LIMITS ON CERTAIN STREETS.**

Councilmember Stewart moved to adopt Bill No. 2005-31 on first reading; seconded by Mayor Pro Tem Crist.

Police Chief Hughes reported the tenants at St. Andrews Apartments requested a signal light or stop sign at the intersection of Scott and Osteopathy. Staff recommends extending the hospital zone by two blocks, and decreasing the speed limit to 20 miles per hour on Osteopathy Street.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-32**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, REGARDING FIRE LANES.**

Mayor Pro Tem Crist moved to adopt Bill No. 2005-32 on first reading; seconded by Councilmember Stewart.

Fire Chief Behrens reported Home Depot had the signs made and did the striping of the fire lanes, therefore no cost to the City. Home Depot's fire lane is the 34<sup>th</sup> in the city.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-33**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI CONCERNING WATER AND SEWERS.**

Councilmember Rowe moved to adopt Bill No. 2005-33 on first reading; seconded by Mayor Pro Tem Crist.

Finance Director Guy explained due to the closing of the local landfill and the increase in volume of items picked up during spring cleanup, it has become necessary to assess a \$1.00 bi-monthly fee to water customers to offset the out of pocket costs. The 2005 cleanup cost the city \$120,983, and the fee will produce \$34,500 in revenue.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-34**

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI, BY ADDING A NEW ARTICLE V - SPRING CLEANUP.**

Councilmember Rowe moved to adopt Bill No. 2005-34 on first reading; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-35**

**AN ORDINANCE APPROVING A DEVELOPMENT PLAN FOR REAL ESTATE COMMONLY ADDRESSED AS 4410 NORTH BALTIMORE STREET, KIRKSVILLE, MISSOURI.**

Mayor Pro Tem Crist moved to adopt Bill No. 2005-35 on first reading; seconded by Councilmember Stewart.

Code Administrator Frazier reported that Richard Hatcher submitted a site development plan to the Planning and Zoning Commission, and a public hearing was held on June 8, 2005. Mr. Hatcher plans to construct a fenced in storage area to secure customer wrecked vehicles and to construct a 50' x 50' hard surfaced area for automobile sales display. The Planning and Zoning Commission recommend approval.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**BILL NO. 2005-36**

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, PROVIDING FOR THE REPEAL OF SECTIONS 163 THROUGH 168 OF CHAPTER 6 OF THE CODE OF ORDINANCES, CITY OF KIRKSVILLE, MISSOURI, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.**

Councilmember Stewart moved to adopt Bill No. 2005-36 on first reading; seconded by Mayor Pro Tem Crist.

Paul Frazier reported the Council had some concerns on how to control temporary signs. The language has been revised to allow for more advertising potential for the business community. The Old Town District is the most regulated due to the overall scope of the Development Plan. Businesses in the Old Town District must keep their banners inside the business building.

Terry Baker, Chairperson of the Sign Code Committee, recommended that the Committee get together in the future to keep the Code updated. He recommended that grant money be searched after for revitalizing the downtown.

Patty Bolz, a business owner, said she is included in the historic downtown area and cannot have a temporary sign, and stated dissatisfaction with the new Sign Code.

Mayor Masten recommended adding a time line for updating the Sign Code.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Council Policy # 15 - Airport Fuel Billing Amended**

Mayor Pro Tem Crist moved to approve amending Council Policy #15 - Airport Fuel Billing; seconded by Councilmember Stewart.

Airport Director Marty Cupp explained that the City discounted fuel at the airport during Osh Kosh Week. Several inquires have been made as to whether they will continue to offer a discount. The current Policy requires the Airport Director to ask the Council for approval to discount fuel. The change would allow the Airport Manager to discount all fuels 25 cents per gallon from the current pump price. Mr. Cupp recommends increasing the late fee charge of 8 cents to 10 cents; increasing the avgas full service to 60 cents; changing avgas self service to 50 cents, and JET A would stay at 72 cents.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Council Policy #3 - Budget Amended**

Councilmember Rowe moved to approve amending Council Policy #3; seconded by Mayor Pro Tem Crist.

Laura Guy explained there would be no fiscal impact due to this amendment. Some dollar amounts have changed, and the policy's wording is being changed to reflect what the City has been doing. GFOA requirement was added, time lines for the budget process, reserve requirements under the SRF program, deletion of references to the Debt Service Fund since the fund was eliminated, elimination of the Debt Management/Financing section which is covered by the Debt Management Policy.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Bid - Fire Hydrants**

Mayor Pro Tem Crist moved to approve a bid for fire hydrants, water pipe and valves from Water and Sewer Supply of Columbia; seconded by Councilmember Stewart.

John Buckwalter reported three bids were received on the hydrants, and the low bid was \$24,621 for 24 hydrants. Four bids were received on the pipe and fittings, with the lowest bid at \$26,469.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**A RESOLUTION REGARDING THE BID/CONTRACT FOR CITY OF KIRKSVILLE NORTH ANNEXATION SANITARY SEWER IMPROVEMENT PROJECT NO. SE-03-003. (C295250-07)**

**WHEREAS**, The City of Kirksville has publicly advertised and opened bids for the City of Kirksville North Annexation Sanitary Sewer Improvement, and

**WHEREAS**, the lowest and best bid in the amount of \$994,209.50 was submitted by Willis Brothers, Inc., of Macon, Missouri,

**NOW, THEREFORE, BE IT RESOLVED** that the City does accept the bid of Willis Brothers, Inc.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute on behalf of the City any agreements or documents regarding the bid upon approval and notification of authorization by the Missouri Department of Natural Resources.

Councilmember Stewart moved to approve Bill No. 2005-37; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Bid - Asphalt**

Councilmember Rowe moved to approve a bid from W. L. Miller for street resurfacing in the amount of \$143,091.35; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Bid - Concrete**

Councilmember Stewart moved to approve a bid to Mihalevich Construction for concrete in the amount of \$221,284; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Agreement with Il Spazio's**

Mayor Pro Tem Crist moved to approve a permit with Il Spazio Restaurant on the northwest side of the city parking lot located south of Il Spazio's; seconded by Councilmember Stewart.

Kris McKim reported the permit will allow for an already existing use. The City allowed owners of Il Spazio to locate their dumpster on the corner of the city parking lot. The use has been working and they agree to build an enclosure around the dumpster, and the formal agreement will allow them to do this.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Agreement with Home Depot & MoDOT**

Mayor Pro Tem Crist moved to authorize the City Manager to enter a three-party agreement with Home Depot and MoDOT; seconded by Councilmember Stewart.

Kris McKim explained that the agreement requires the City to complete the extension of Cable Street through to Industrial Road, with no time line for that completion

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Reliant Hardwoods**

Mayor Pro Tem Crist moved to authorize the City Manager to execute an Industrial Development Incentive Agreement with Reliant Hardwoods, Inc.; seconded by Councilmember Rowe.

Kris McKim distributed an addendum to the agreement that was just received before 5:00 p.m. Phil Tate introduced KREDI President Ron Winkler, Secretary Annette Sweet and Board Member Alisa Kigar as present. Mr. Tate explained that an agreement was faxed over the weekend that was agreeable, and then some changes were faxed at 4:45 p.m. today.

Council consensus was that the interest rate was rather high due to a change in the default years, and asked City Attorney Howard Hickman to review the changes.

Councilmember Stewart moved to table the motion; seconded by Councilmember Rowe. The motion to table carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**OATS Agreement**

Councilmember Rowe moved to authorize the City Manager to execute an agreement with OATS for Kirk Tran services from July 1, 2005 through June 30, 2006.

Kris McKim reported this is an annual renewal of the Kirk Tran bus service.

The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Liquor License Renewals**

Councilmember Stewart moved to approve the annual renewal of liquor licenses; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**All American Red, White & Blue Fourth of July Parade Street Use**

Mayor Pro Tem Crist moved to approve the use of city streets for the Fourth of July parade on July 4; seconded by Councilmember Rowe. The motion carried by the following vote:

Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**KRXL Car Show Street Use**

Mayor Pro Tem Crist moved to approve the use of city streets for the KRXL Car Show on the downtown square on August 6; seconded by Councilmember Rowe. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**Second Reading**

**BILL NO. 2005-31**

**ORDINANCE NO. 11715**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING THE PARKING OF MOTOR VEHICLES AND SPEED LIMITS OF CERTAIN STREETS.**

WHEREAS, a number of citizens have requested a change in the design of the traffic flow in the area of Scott Street and Osteopathy Avenue; and

WHEREAS, this intersection encompasses the entrance to St. Andrews Apartments (500 South Osteopathy); and

WHEREAS, the proposed changes are recommended in order to make this intersection safer for those leaving or entering the St. Andrews Apartments.

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

I. Chapter 15, Section 15-345 of the code is amended as follows:

Add as a new entry the west curb of South Osteopathy starting 139 feet north of the center line of Scott Street extended, into the main entrance driveway to 500 South Osteopathy, and ending 50 feet south of the center line of Scott Street extended.

II. Chapter 15, Section 448 of the code is amended as follows:

Add as a new entry Osteopathy Street; extending the twenty (20) miles per hour zone authorized in section 15-447, two blocks south of Scott Street to Normal Avenue.

III. Effective Date

The modifications to this ordinance shall be effective from and after its date of passage.

IV. Incorporation into the City of Kirksville Code of Ordinances

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri as an addition or amendment thereto.

**BILL NO. 2005-32**

**ORDINANCE NO. 11716**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CITY CODE OF THE CITY OF KIRKSVILLE, MISSOURI, REGARDING FIRE LANES.**

BE IT ORDAINED BY THE CITY COUNCIL OF KIRKSVILLE, MISSOURI AS FOLLOWS:

Section 1. That Section 15-324.6 Fire Lanes - Commercial and Industrial Locations - of the Code of Ordinances of the City of Kirksville, Missouri, be amended by adding, and such section shall read as follows:

(34)

(Home Depot)

**BILL NO. 2005-33**

**ORDINANCE NO. 11717**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI CONCERNING WATER AND SEWERS.**

WHEREAS, the City provides an annual community-wide clean-up service for residential customers; and

WHEREAS, with the closing of the local landfill and increasing cost to provide this valuable service to its citizens, it has become necessary to assess each residential customer a nominal fee for the collection of such bulk refuse; and

WHEREAS, certain changes are required to Chapter 25 to bring the wording into conformance with this fee assessment; and

WHEREAS, an update to the ordinance, as well as policies and procedures in the Finance Department, concerning the billing of this service is necessary for enforcement purposes.

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

**SECTION ONE:** Section 25-1, "Word definitions", of the Code, is amended by adding the following definition:

***Clean-up fee means the charge assessed to each residential customer service account to defray the cost of the city-wide annual bulk refuse collection.***

**SECTION TWO:** Section 25-52, "Rendering and payment of bills", of the Code, is amended by amending and adding the following highlighted wording and amending Paragraph (l):

Paragraph (a) The finance director shall have the right to read meters and render bills on either a monthly or bimonthly basis. A service bill may include any of the

following:

- (1) Water charges at the applicable rate;
- (2) Sewer charges at the applicable rate;
- (3) Any applicable state or local taxes;
- (4) Trash service charges on a pro-rata basis at the applicable rate for the duration of time that the city is responsible for such billing.

**(5) Clean-up fee assessed as necessary at the applicable rate.**

~~(5)~~ **(6)** Any other cost, charge, or deposit provided for in this article.

Paragraph (l) Payments will be applied to an outstanding bill in the following order: trash service, **clean-up fee**, sewer service and then “water” service, inclusive of applicable taxes. Partial payment of an outstanding bill will subject the customer to the above provisions in Sections 25-52© through 25-52(g).

**SECTION THREE:** This ordinance shall be in full force and effect from and after its date of passage.

**BILL NO. 2005-34**

**ORDINANCE NO. 11718**

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI, BY ADDING A NEW ARTICLE V - SPRING CLEANUP.**

WHEREAS, the City of Kirksville provides an annual community-wide cleanup service for all residential customers; and

WHEREAS, with the closing of the local landfill and increasing costs to provide this valuable service to its citizens, it has become necessary to assess each residential customer a minimal fee of \$1.00 for the collection of such bulk refuse.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE:

Section 1. That Chapter 11 of the Code of Ordinances of the City of Kirksville, Missouri, be amended by adding a new Article V to read as follows:

**ARTICLE V. SPRING CLEANUP**

The City of Kirksville provides an annual spring cleanup for all residential customers within the City limits of Kirksville. Specified items, other than everyday household trash and recycling material, are picked up at curb side by City crews.

**Spring Cleanup Fees.**

The City of Kirksville shall assess a \$1.00 cleanup fee, as defined in Chapter 25-1,

on all residential customers' bi-monthly water/sewer/trash bill. This fee will help to defray the landfill and operational costs to provide the annual spring cleanup within the city limits of Kirksville, Missouri.

Section 2. This Ordinance shall be of full force and effect from and after the date of its passage.

Section 3. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**BILL NO. 2005-35** **ORDINANCE NO. 11719**  
**AN ORDINANCE APPROVING A DEVELOPMENT PLAN FOR REAL ESTATE**  
**COMMONLY ADDRESSED AS 4410 NORTH BALTIMORE STREET, KIRKSVILLE,**  
**MISSOURI.**

WHEREAS, Richard W. Hatcher, hereinafter referred to as the Owner/Developer, is the owner of the following described real estate, situated in Kirksville, Adair County, Missouri, to-wit:

A tract of land situated in the Southeast Quarter of Section 21, Township 63 North, Range 15 West, Adair County, Missouri and being more particularly described as follows: Commencing at the Northeast Corner of said Section 21; thence, South 0 degrees 51 minutes 40 seconds West, a distance of 2638.80 feet; thence South 88 degrees 56 minutes 40 seconds West, a distance of 1652.70 feet; thence South 0 degrees 50 minutes West, a distance of 1336.7 feet to set iron rod, being the true point of beginning; TO WIT: thence continuing South 0 degrees 50 minutes West 140 feet; thence South 89 degrees 20 minutes West, a distance of 918.6 feet to a set iron rod on the East right of way line of U.S. Highway 63; thence along said right of way line, North 0 degrees 40 minutes 40 seconds East, 140 feet to set concrete fill 2 ½ inch pipe; thence North 89 degrees 20 minutes East 919 feet to the point of beginning and further described as;

A tract of land situated in the Southeast Quarter of Section 21, Township 63 North, Range 15 West, Adair County, Missouri, and being more particularly described as follows: Commencing at the Northeast corner of said Section 21; thence South 0 degrees 25 minutes 49 seconds West a distance of 2638.80 feet; thence South 88 degrees 30 minutes 49 seconds West a distance of 1652.70 feet; thence South 0 degrees 24 minutes 09 seconds West a distance of 1476.70 feet to the Southeast corner of tract 4; thence along the South line of said tract South 88 degrees 54 minutes 09 seconds West a distance of 405.56 feet to the point of beginning of the description herein; TO WIT: thence leaving the last described line South 1 degree 12 minutes 05 seconds West a distance of 49.52 feet; thence North 87 degrees 13 minutes 21 seconds West a distance of 349.12 feet; thence North 78 degrees 56 minutes 03 seconds West a distance of 28.65 feet; thence North 38 degrees 01 minutes 15 seconds West a distance of 24.83 feet to a point on the aforementioned South line of tract 4; thence along said line, North 88 degrees 54 minutes

09 seconds East a distance of 393.23 feet to the point of beginning; said tract containing .3 acre more or less.

**WHEREAS**, the Owner/Developer has submitted a site development plan, and the development of the property shall be in complete accord with said development plan, which was approved by the Planning and Zoning Commission of the City of Kirksville, Missouri, and furthermore, shall be subject to the following conditions:

- All automobiles that are for sale be parked on the hard surface area.
- Fenced in area be used for wrecked customer's cars, and not for salvage.
- The fence and gates to be a minimum of eight (8) foot high and be built to a standard similar to the photographs submitted.
- The storage trailers be painted and their appearance to be in an acceptable condition.
- All wrecked vehicles to be in the enclosed area; at no time will wrecked vehicles or parts be allowed to be left outside of the fenced area.

**WHEREAS**, the aforesaid site development plan was duly referred to the Planning and Zoning Commission of the City of Kirksville, Missouri, for hearing, report and recommendation and it is the finding of this Council that a hearing was held by said Planning and Zoning Commission on June 8, 2005, and after hearing thereon it is the recommendation of said Commission to this Council that the development plan be approved; and

**WHEREAS**, after due hearing herein, it is the finding of this Council that the greatest benefit can be derived for the City of Kirksville and the inhabitants thereof by granting approval of the development plan attached hereto, and would not be detrimental or hazardous to the adjoining property owners or the inhabitants of the City of Kirksville, Missouri, as a whole but would in fact, enhance the orderly development of said property; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, AS FOLLOWS:**

The development plan as submitted and approved by the Kirksville Planning and Zoning Commission subject to the following;

- All automobiles that are for sale be parked on the hard surface area.
- Fenced in area be used for wrecked customer's cars, and not for salvage.
- The fence and gates to be a minimum of eight (8) foot high and be built to a standard similar to the photographs submitted.
- The storage trailers be painted and their appearance to be in an acceptable condition.
- All wrecked vehicles to be in the enclosed area; at no time will wrecked vehicles or parts be allowed to be left outside of the fenced area.

**AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, PROVIDING FOR THE REPEAL OF SECTIONS 163 THROUGH 168 OF CHAPTER 6 OF THE CODE OF ORDINANCES, CITY OF KIRKSVILLE, MISSOURI, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Sections 163 through 168 of Chapter 6 of the Code of Ordinances, City of Kirksville, Missouri, are hereby repealed and declared null and void and of no effect; and new Sections 163 through 168 are enacted to read as follows:

**ARTICLE XI. SIGNS**

**Sec. 6-163. Definitions.**

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

*Abandoned Sign* – Any sign or portion thereof, (see definition this section) that does not represent any business in whole or in part, is considered to be an abandoned sign.

*Attention attracting device.* Any flasher or blinker, with a strobe like effect or other object designed or intended to attract the attention of the public to an establishment, which because it is flashing could create a safety hazard.

*Awning.* A structure constructed of various materials which projects from the front or surface of a building. The awning may or may not have a message on it. If an awning carries an advertising message or symbol or corporate logo, it shall be considered a facia sign.

*Banner.* A strip of cloth or other synthetic material that displays or projects a message for an event or product. Banners are normally meant to be used for intermediate events, or advertisement needs.

*Billboard or poster panel signs.* A freestanding sign structure especially built for the display of characters, letters, or illustrations produced on paper sheets, vinyl, or painting applied directly to the surface or sign structure.

*Building code.* The current building code adopted by the City of Kirksville.

*Central business district (CBD).* An area of the city described as follows: South right-of-way line of Normal Street on the south; west right-of-way line of Osteopathy on the west; east right of way of Mulanix Street on the east and the north right of way line of Cottonwood Street on the north (see map next page).

*Code enforcement officer.* The person charged with the administration and enforcement of this chapter, or his duly authorized deputy.

*Curb line.* The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city code official.

*Detached sign.* Any sign located on the ground or on a structure located on the ground or a pole and not attached to a building.

Central Business District & Old Town Boundary

*Illuminated sign.* Any sign that is partially or completely illuminated by use of internal electricity or other lighting source.

*Mansard.* A sloping roof which projects from the wall of a building. For purposes of this regulation a mansard having a pitch not exceeding one (1) foot horizontal in three (3) feet vertical shall be deemed a wall. A mansard having a lesser vertical slope shall be deemed as a roof.

*Marquee sign.* Any sign attached flat against the marquee or permanent sidewalk canopy of a building.

*National Electrical Code.* The current electrical code that is currently adopted by the City of Kirksville, Missouri as published by the National Fire Protection Association.

*Projecting sign.* Any sign extending more than one (1) foot from the face of the building to which it is attached or any sign mounted under a canopy or on a wall and having its face approximately at right angles to the face of the building. A time and temperature instrument mounted on the face of a building shall be included in this definition.

*Old Town.* That area contained within the CBD and further described as follows: The Old Town district is an area bounded from the south side of Illinois Street to the north, east to the alley east of Marion Street, south to Jefferson Street, west to Marion Street, south to Normal Street, west to Main Street, north to Pierce Street, west to Osteopathy Street, north to Washington Street, east to First Street, then north to Illinois Street. (See Map. Page 2)

*Roof sign.* Any sign erected, constructed and maintained upon or over the roof of a building and using the roof as a principal means of support.

*Sandwich Board Sign.* A sign that is so designed to be self-supporting by design. Often times this sign is of the folding type and when collapsed is flat in nature, therefore “sandwiches” together.

*Sign.* Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter contained thereon, which shall include paint on the surface of the building when used for the purposes of advertising. This shall include, but is not limited to pole signs, billboard or poster panels, illuminated signs, marquee signs, roof signs, electric signs, wall signs, and projecting signs. Murals shall not be considered signs. Signs normally consists of four (4) types:

(5) Freestanding sign: An off-premise sign erected on a freestanding framework supported and affixed by one (1) or more uprights or braces in or upon the ground.

(6) Canopy signs and projecting signs. A sign affixed to a building or structure not mounted flush with a wall.

(7) Temporary Sign. Any sign which has no structural support, footing, foundation, pier, pole, grade beam or any other accepted method of frost heave prevention. It shall include any sign which is not designated or manufactured to be permanently anchored or affixed to the ground, building or structure, but rather is designed or primarily used as a sign which is moveable from place to place. This shall include, but is not limited to, signs affixed to a trailer or other

portable structure, and "A" frame or sandwich signs and yellow-flashing signs. This shall include signs of a material such as cardboard, paper, pressed woods, plastic or metal which is attached to a fence, tree, or temporary structure.

(4) Wall sign. Any sign attached to and erected parallel to and/or within one (1) foot of the face or wall of a building, including signs painted on the walls of buildings.

*Sign area.* The area of a sign set out in these regulations shall mean the total area of the surface "or face" of the sign. Such signs as projecting, detached and outdoor advertising panels and bulletins may have more than one (1) face, in which case the maximum area allowed herein shall apply to the total face or surface per sign side. The area of the sign, for purposes of these regulations, shall be computed from the dimensions of the entire surface upon which the letters, logo, etc., are placed, except that when individual letters, logos, etc., are mounted individually and directly upon a building wall surface without change in the color or appearance of the wall, the area of the sign shall be deemed to be the rectangle or other geometric form that encompasses the letters, logo, etc. When some question exists as to the area of a sign, the method of computing the same shall be determined by the code administrator.

*Sign height (how measured).* Sign height shall be measured from the average grade level of the land or surface directly beneath the sign that serves the parcel or lot where the sign is located to the highest projection on the sign.

**Sec. 6-164. Where permitted.**

Signs may be permitted in all districts as follows: (the reference to zoning classes are taken from the city zoning ordinance).

(1) One and two-family residential districts. (R-1, single-family residential; R-2, two-family residential; R-2S, two-family special residential.

a. One (1) permanent nonilluminated detached or wall sign per building, not more than two (2) square foot in area, indicating a permitted home occupation.

b. One (1) permanent nonilluminated detached "For Sale" or "For Rent" sign per lot, not more than fifteen (15) square feet in area.

c. Not more than two (2) permanent illuminated or nonilluminated wall signs per church or other institutional use, not more than fifty (50) square feet in area each, providing location information, public activities, use, and directional information related to the property on which the sign rests.

d. One (1) temporary nonilluminated detached sign per building, not more than fifty (50) square feet in area, showing names of architects, engineers, builders, or contractors on the premises of a building being constructed, provided such sign shall be removed upon completion of the building.

e. Height of any sign not to exceed eight (8) feet.

(2) Multifamily districts. (R-3, multifamily residential; R-3S, multifamily special residential; R-4, general residential; R-4S, general residential special.

Signs shall be permitted as provided under District R-1, and R-2 above, except that for any one (1) ownership containing a multifamily use there shall be permitted only one (1) nonilluminated or indirectly illuminated detached sign for each ten thousand (10,000) square feet of land area, identifying the building or project, not more than thirty-two (32) square feet in area and not more than eight (8) feet high overall, and such sign shall be located not more than one (1) foot in front of a front or side building setback line. Such signs shall be limited to location information, public activities, use and directional information, related to the property on which the sign rests.

(3) District O-1-P, office planned district, C-1, local business district, and CBD, central business district.

a. Signs shall be permitted for residential, governmental, churches, and similar permitted uses, which are located in these districts as provided under residential sign regulations contained in this chapter.

b. Each business or commercial establishment shall be permitted not more than two (2) wall signs provided the total area of signs on a facade shall not exceed fifteen (15) percent of the total area of that facade. In addition to the above wall signs, one (1) projecting sign or freestanding sign 200 square feet or less shall be permitted, provided no projecting sign shall extend more than six (6) feet from the face of the building. Such signs shall not extend above the height of the wall upon which they are mounted, and any signs painted directly upon wall surfaces shall not be larger than one hundred (100) square feet in area, nor shall any signs extend over public property.

c. As aforementioned in lieu of a projecting sign, one (1) detached sign shall be permitted for each commercial building. It shall be located not less than five (5) feet from a property line and shall not exceed twenty-five (25) feet in height (The sign size may be 2.0 square feet for each lineal foot of lot frontage. However, in no case shall the sign exceed two hundred (200) square feet in area). In the case of a corner lot, (in determining the primary allowable signage dimension), the street side that has the greatest length shall be used. In addition to the primary allowable sign size, where a commercially zoned lot has more than one (1) street frontage, the maximum allowed fascia signage size may be increased by fifty (50) percent for each street side of the lot. Example; a multi-frontage lot having a dimension of one hundred (100) feet by one hundred eight (108) feet (with three (3) sides exposed), would be permitted to have two hundred (200) square feet of fascia sign area on the primary side with one hundred (100) square feet of sign area for each secondary street side, or a total signage area four hundred (400) square feet.

d. In case of a local planned shopping center or office park, the complex may have one (1) detached identification sign provided such sign shall not exceed

twenty-five (25) feet in height and shall not exceed two hundred (200) square feet in area. In the case of office parks or multi-use tenant occupancy, each business may be permitted to have one (1) additional identification sign which shall be no greater than thirty-two (32) square feet.

e. Nonilluminated signs inside buildings and signs in enclosed malls shall not be subject to these regulations.

f. Billboards shall not be permitted in the Old Town District, O-1-P, C-1 and CBD zones.

(4) Old Town District – Signs serve multiple purposes and have the ability to detract from or enhance the surroundings where they are placed. Signs placed in the Old Town District are encouraged to meet the following criteria:

a. All Signs must meet all applicable city codes.

b. Sign Types should enhance and fit the building architecture. Although signs should be clearly visible, the character of the building architecture, including detailing and materials, should not be obstructed by signs.

c. The size of the sign should be in scale with the building and street. The use of large signs should be avoided. Large signs frequently found in strip shopping centers are designed to be perceived by motorists. The Old Town district is intended to be quaint, historic and pedestrian friendly. Accordingly, signs should be smaller in scale and clearly seen at a pedestrian scale.

*Scale of Sign* – The size and placement of signs attached to buildings should be coordinated with those of adjacent buildings. Signs should be placed so they are similar in scale and do not significantly vary up or down from those on adjacent buildings or storefronts. If the sign is replacing existing ones not in scale or character with Old Town design objectives the design of the sign should be one that will set a standard for future sign replacement.

*Sign Band* – If permissible, a sign band should be incorporated into the design of the façade, located above storefront clerestory and below the second story window. Sign letters and background should be designed in character with the building architecture. Sign letters painted on the building, in the band or elsewhere on the building is prohibited. Raised letters should not project out from the building façade more than three (3) inches. The sign band height should not exceed thirty (30) inches.

*Wall/Window Signs* – Wall signs shall not exceed ten percent (10%) of the area of the first fifteen (15) vertical feet of wall area. The length of wall signs shall not exceed two-thirds (2/3) of the building wall length. Painted window signs are encouraged when under twenty-five percent (25%) of the glass area. Wall signs should not exceed the height of the building cornice.

*Street Address* – Street numbers should be prominently displayed at each business entrance and be clearly visible from the street. Street numbers should not be painted on the building except on doors or transoms. Building addresses on the facades of buildings shall be individual cast or cut letters of a material compatible with the building architecture.

*Projecting Signs* – Only in the case of the downtown area, projecting signs may not project over public property more than one (1) half the distance from the building to the curb, and may not project into a public alley or parking lot. A sign may not project over the street line. The bottom of the projecting sign shall be a minimum of eight (8) feet above the ground and must be no larger in size than one square foot of area for each linear foot of the side of the building to which the sign is attached, not to exceed thirty-two (32) square feet per face. The use of corner projecting signs shall follow the above guidelines and when used shall preclude the use of any other signs.

*Pole Signs* – One pole sign shall be permitted; however, it must be located entirely on private property.

*Illumination* – Illuminated signs are permitted as provided for in the city sign code. External direct or indirect illumination must be provided by a continuous light source positioned to prevent light shining directly into the street or adjacent properties. Light sources may be incandescent or fluorescent. Frames and support for these signs should blend with the building architecture.

*Neon Signs* – Exterior neon signage and lighting that is visible from public streets shall be allowed with approval by the city. Exterior neon signage shall not be a safety hazard. Exposed interior neon signs should be mounted on the interior of storefront windows on the first floor only.

*Awnings and Building Canopy Signs* – Signage on awnings shall be limited to the vertical flap of the awning. The color of the flap and letters should be compatible with the colors and materials of the building. Signboards under awnings or canopies shall be limited in size to 14" x 48" and should be consistent in color and material with the building architecture.

*Color* – The color contrast between the letters and background should make the sign easy to read. The sign color should complement the color of the building and adjacent signs. Strive to avoid stark color contrasts between the sign and the adjacent building.

*Franchise Signs* – Sign colors that are mandated by franchise company regulations shall be permitted but must adhere to the standards contained herein.

*Banners* – Banners shall be permitted. Banners shall not be permitted to be displayed from canopies. Banners shall be attached to the building fascia. Permanent banners and pennants shall not be used on the building exterior or site.

*Murals* – Signs painted directly on a building are not permitted. Murals painted on a building are permitted if done for artistic purposes or for expressing a historic or cultural idea. Mural advertising is not permitted.

*Roof Signs* – Roof signs shall be allowed on multi-story buildings (three or more stories) and shall identify only the building or business therein. No roof sign shall project more than sixteen (16) feet above the roofline. See Sec. 6-168. Other signs, General. (d) Variances.

*Billboards* – Billboards are prohibited.

*Abandoned Signs* – When a business ceases operation the on-premise signage shall be removed by the building owner according to the following schedule:

- A. Sign and/or cabinet – within thirty (30) days.
- B. Supporting structure – within one hundred and eighty (180) days.

*Maintenance* – All signs, including their structural supports, anchors, electrical devices shall be kept in good repair and working order. The display surfaces of all signs shall be kept painted or posted at all times.

*Non-conforming Signs* – Non-conforming signs shall comply with the requirements of the city code.

*Multiple Business Signs* – When two or more businesses occupy the same building, sharing the same entrance, identifying signs should be grouped together in a single panel. The letters and background contained in the panel or directory should be similar.

*Temporary Signs* – Temporary signs, except sandwich board signs, are prohibited. (Exception see page 12 item b. temporary signs.)

(5) District C-3, extensive business district, M-1, light industrial district, and M-2, heavy industrial district.

a. Signs shall be permitted for residential, governmental, churches, and similar uses, that are located in this district as provided under the residential section previously addressed in this chapter.

b. Signs of all types and degrees of illumination shall be permitted, excluding attention-attracting devices. No signs shall be located closer than five (5) feet to a property line and no such sign shall exceed thirty-five (35) feet in height measured from the grade level beneath the sign. (The sign size may be determined by 1.0 square feet for each lineal foot of lot frontage. Signs shall not exceed two hundred (200) square feet in area for each exposed face.) In addition to this primary allowable sign size, where a commercially zoned lot has more than one (1) street frontage, the maximum allowed signage size may be increased by fifty (50) percent for each street side of the lot. Example; a multi-

frontage lot having a dimension of one hundred (100) feet by one hundred eight (108) feet, (with three (3) sides exposed) would be permitted to have two hundred (200) square feet of sign area on the primary side with one hundred (100) square feet of sign area for each secondary street side, or a total signage area four hundred (400) square feet.

c. Each business or commercial establishment shall be permitted not more than two (2) wall projecting or marquee signs. The total area of signs on each facade shall not exceed twenty (20) percent of the total area of the facade upon which they are placed and in no case be over two hundred (200) square feet in total area. Such signs shall not extend above the average roof level of one (1) story buildings more than ten (10) feet, and shall not extend above the average roof level of a two (2) or more story building.

d. In the case of a shopping center or office park, one (1) detached identification sign no greater in size than thirty-two (32) square feet may be permitted in addition to the business facia signs for separate tenants. However, the parks identification sign shall not exceed thirty-five (35) feet in height and (the sign size may be 1.0 square feet for each lineal foot of lot frontage). In no case shall the sign exceed two hundred (200) square feet in area. When a detached sign is mounted on a column or similar support and the bottom of such sign is not less than ten (10) feet above ground level, said sign edge may extend to but not beyond a public right-of-way line.

e. Equivalent zoning districts (planned and corridor zoning). The sign regulations contained in the sections R-1 through M-2 shall be the same regulation governing the equivalent planned zoning district and corridor zoned district. Example, sign regulations in a C-3P and HDCZ zone would be the same as in the C-3 conventional zone district.

## (6) By Pass Signs

The following specific regulations pertain to any sign located along these corridors, highways, or streets regardless of zoning.

a By-pass only. Signs may be permitted along the Highway 63 by-pass subject to the following:

1. Two hundred eighty-eight (288) square feet per face, two (2) back-to-back faces per sign only. Signs must be set back fifteen (15) feet from right-of-way or property line. Maximum height of signboards from grade elevation may not exceed thirty-five (35) feet.
2. Spacing of signs that are more than two hundred (200) square feet shall conform to MoDOT spacing of seven hundred fifty (750) feet between each structure where zoning permits.
3. No side-by-side signs shall be permitted.

(7) Other Major Corridor Signs

- a. South Baltimore Street (Highway 63). From the southern right-of-way line Highway 6 East, south to city limits both sides (where zoning permits).
- b. North Baltimore Street (Highway 63). From Highway 6 West, north to city limits (where zoning permits).
- c. Highway 11 East. From Baltimore Street east to the city limits (where zoning permits).
- d. Highway 6 East. From eastern right-of-way line of South Baltimore Street east to the city limits (where zoning permits).
- e. Highway 6 West. From west right-of-way line of North Baltimore Street (Highway 63) west to the city limits (where zoning permits).

Signs permitted in the above referenced areas are subject to the following criteria:

Sign size, two hundred sixty (260) square feet per face.

Sign spacing, seven hundred fifty (750) lineal feet from any other off premise sign.

Sign height, thirty-five (35) feet from grade level.

No side-by-side signs permitted.

**Sec. 6-165 Temporary Signs.**

Except where otherwise prohibited; In addition to the allowed advertising signage set forth herein, each business shall be allowed to use a portable sign for their advertising needs. These signs shall be permitted by the Code Administrator after a site plan has been submitted and approved by the Code Administrator. The fee for the temporary sign shall be \$10.00 ten dollars. The temporary sign shall be located on private land and shall not exceed 32 square feet in total area. In cases where businesses do not have sufficient land for the placement of a temporary sign, a sandwich sign shall be permitted in the adjacent sidewalk area if the sign does not create a safety hazard and is removed at the end of the business day.

Temporary signs shall be clean and maintained in a sound state of repair.

Temporary signs that are in need of repair shall be removed or repaired as ordered by the Code Administrator.

Banners: Banners shall be regulated in the following manner.

- a. Each commercial business may be allowed up to three (3) banners.

Each banner shall be limited to no greater size than thirty two (32) square feet. Businesses that display banners in commercial zones are not required to obtain a permit. In cases where businesses have similar advertisement methods; wraps symbols, etc., these methods of advertisement shall be allowed; however, they will not be counted as banners. Banners over thirty two (32) square feet will be considered temporary signs and will be subject to the regulation contained in this section. Except in b & c below, no banners will be allowed on or over the public right-of-way.

b. In all districts, including Old Town Districts, temporary signs or banners of a public or semi-public nature shall be permitted. Banners of a public or semi-public nature or function shall be permitted to be displayed on private property or in the right-of-way subject to approval of the city.

c. Banners, signs displayed on vehicles or persons. Banners and signs, displayed on vehicles or persons shall not be regulated by this article.

### **Sec. 6-166. Additional regulations.**

(a) Permit required. Sign permit fees will be established by the cost of construction of said sign. Permit fees, except for temporary signs, shall be based on the current fee schedule established for all structures, buildings, and signs in the building code.

(b) All signs shall be structurally sound, be maintained in good repair, have a clean and neat appearance, and land adjacent shall be kept free from debris, weeds, and trash. All signs shall be designed and installed to withstand not less than eighty (80) pounds per square foot of wind pressure, except where otherwise provided. All signs as permitted above shall be so constructed and installed to meet the requirements of the city's building code.

© Signs which are essential and necessary for the safety and welfare of the public, including historical markers on premises officially recognized by city, county, state, or federal units of government, and which are not of an advertising or promotional nature shall be exempt from these regulations.

(d) Prohibited signs. No attention attracting device, flashing sign, temporary signs, or other sign that could interfere with traffic safety or constitute a nuisance shall be allowed.

(e) Government signage, road improvement signs, and emergency informational signs shall not be regulated by this article.

(f) Seasonal signage, Christmas, Thanksgiving, Fall Deer and Spring Turkey (firearm hunting season), shall be authorized without city permission, however, they shall be removed within fourteen (14) days after the holiday or event.

(g) Nonconforming signs: All existing signs which do not conform to these regulations shall be subject to the following procedures:

(1) All existing nonconforming portable signs (including banners and signs on the right-of-way) as defined herein shall be removed not later than ninety (90) days from the effective date of this article.

(2) Any nonconforming sign, if it is showing signs of collapse or facial mending, shall be repaired or removed.

(3) Signs that are altered, in size, height, or structure, shall conform to this article.

(h) Removal of Abandoned Signs: Any sign that is so old or dilapidated and is structurally deficient shall be considered an abandoned sign and shall be acted on by the City in the same manner as the abandoned signs. All owners or agents will be served with notice by the City to remove the sign.

#### **Sec. 6-167. Other signs, general.**

(a) Signs, posters, and similar devices used by candidates for public office shall be regulated by applicable codes and ordinances of the City of Kirksville and shall not be within jurisdiction of this section.

(b) The code administrator may waive the permit fee for those signs which are for the sole purpose of promoting an event or effort of a philanthropic, civic, or public service nature.

© Removal of signs which were engraved, carved in stone, or were otherwise a permanent part of a building prior to the adoption of these regulations will not be required. In addition, signs that are a part of the buildings design or landscape are not to be regulated per this article.

(d) Variance. The City of Kirksville's, Board of Adjustment may grant variances in special cases where this regulation creates a unique situation that would pose a direct hardship upon the owner. A variance shall not be granted because of economic reasons as a basis only. The board of adjustment shall not grant variance to height and size of a sign. Requests for variance in height and size of signs shall be heard by the city council. The criteria for public hearing in the case of request for variance shall be followed as regulated in Appendix A, Kirksville Zoning Ordinance, Article II, 25-[18](c).

#### **Sec. 6-168. Violation - Penalties.**

Any person convicted of a violation of this section shall be punished as provided in section 1-7 of the Code.

Section 2. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri, as an addition or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

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

Councilmember Stewart moved to adopt Bill Nos. 2005-31, 2005-32, 2005-33, 2005-34, 2005-35 and 2005-36 on second reading; seconded by Mayor Pro Tem Crist. The motion carried by the following vote: Mayor Masten, aye; Mayor Pro Tem Crist, aye; Councilmember Rowe, aye; Councilmember Scott, aye; Councilmember Stewart, aye. Nays, none.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Masten adjourned the meeting at 8:37 p.m.

Vickie Brumbaugh, CMC, MRCC