

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, DELETING 405.370(B)(1)(b) ZONING REGULATIONS, SIGNS, SIGN REGULATIONS, PERMITTED SIGNS.

WHEREAS, durational limits on political signs contained in Section 405.370.B.1.b were found to be an invalid content based restriction of free speech in the case of *Whitton v. City of Gladstone*, Missouri, 54 F3d 1400 (8th Cir. 1995), and to bring the City Code into compliance with the current state of the law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. That Chapter 405.370(B)(1)(b) Sign Regulations – All Zoning Districts, Zoning Regulations, Permitted Signs, Temporary Signs Generally of the Osage Beach Code of Ordinances be and is hereby repealed as follows:

Chapter 405. Zoning Regulations

ARTICLE V. Signs

Section 405.370. Sign Regulations — All Zoning Districts.

B. *Permitted Signs.* Except as otherwise limited in this Article, the following types of signs are permitted, without a sign permit, in all zoning districts within the City of Osage Beach:

1. Temporary Signs, Generally.

a. Temporary signs allowed at any time: a) A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time. b) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

~~b. One temporary sign per 0.25 acre of land may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located.~~

be.“One temporary sign may be located on a property when the owner consents and that property is being offered for sale or lease any time prior to and up to the date of possession by a person purchasing or leasing the property.”

~~cd~~ One temporary sign may be located on the owner's property two days prior two and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than two days in a year and the days must be consecutive and may not use this type of sign in any Commercial District for more than 14 days in a year and the days must be consecutive. For purposes of this Section a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.

~~de~~ A property owner may place and maintain one temporary sign on the property on July 4.

~~ef~~ A person exercising the right to place temporary signs on a property as described in this Section must limit the number of signs on the property per 0.25 acre at any one time to 2 plus a sign in the window as allowed in 1 (a).

~~fg~~ The sign face of any temporary sign, unless otherwise limited in this Section must not be larger than two (2) square feet.

2. Construction signs provided only one (1) such sign of no more than thirty-two (32) square feet may be erected on each street frontage for the duration of such construction activities. Such sign(s) shall be located on the property in which the construction activity is taking place.
3. Official public notices and notices posted by a public authority in accordance with public notice requirements as may be required by law.
4. Business directional signs posted by the City of Osage Beach where a business located on a lake road or other commercial or secondary collector street is not visible upon approaching the intersection, a business directional sign may be erected on public property. Such directional signs shall be constructed by the City and shall be of the type determined by the City. Businesses with existing off-premises advertising within three hundred (300) feet and/or located at the same intersection will not be allowed on the City directional sign until such existing signage is removed. All other directional signage on private property at such intersections shall be considered non-conforming. Businesses who otherwise are complying with all sign ordinances may request that their sign be placed on the business directional sign and a fee of no more than thirty dollars (\$30.00) per month for each space rented on City directional signs shall be charged by the City for the privilege. No such device shall be erected without the approval of the Planning Commission and Board of Aldermen. Business directional signs are provided by the City for the convenience of the City and are subject to removal at any time.

5. Governmental signs for the control or direction of traffic and other public purposes, such as neighborhood watch program signs, historical markers and plaques, or temporary emergency signs.
6. (Reserved)
7. "No Parking" or "No Trespassing" signs which are no larger than two (2) square feet in gross sign area.
8. Single identification signs not exceeding five (5) square feet in gross sign area which are hung below a canopy or awning, provided they allow a clearance of at least seven (7) feet above the sidewalk or other pedestrian way.
9. Painted graphics when located in a non-residential zoning district.
10. Tablets or plaques in building walls denoting names of buildings, names of officers and officials and date of erection when cut into any masonry surface or when constructed of bronze or other similar material.
11. Address numbers.
12. Subdivision or development identification signs. Up to two (2) permanent subdivision or development signs (one (1) on each corner of the entry street) not exceeding fifty (50) square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple-family (apartment) or condominium development with ten (10) or more lots or units, or for any commercial or industrial subdivision, or commercial/industrial planned development with five (5) or more lots. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance on one (1) street, identification signs shall be allowed at each entrance.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall

continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: July 19, 2018

READ SECOND TIME: August 2, 2018

I hereby certify that Ordinance No.18.37 was duly passed on August 2, 2018, the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	6	Nays:	0
Abstentions:	0	Absent:	0

This Ordinance is hereby transmitted to the Mayor for his signature.


August 3, 2018
Date


Cynthia Lambert, City Clerk

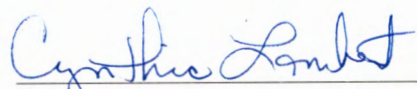
Approved as to form:


Edward B. Rucker, City Attorney

I hereby approve Ordinance No.18.37.


John Olivarri, Mayor

ATTEST:


Cynthia Lambert, City Clerk