

ORDINANCE NO. 4022-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA AMENDING CHAPTER 90, ZONING, ARTICLE 16, SIGNS; SECTION, 90-16-07., COMMERCIAL AND INDUSTRIAL DISTRICT SIGN REGULATIONS, BY AMENDING SECTION 90-16-07.A., TEMPORARY SIGNS; PROVIDING FOR REPEALER, SEVERABILITY AND, CODIFICATION.

WHEREAS, it is the desire of the City Council to provide retail and commercial establishments within the City of Muskogee an additional option for the placement of temporary signs; and

WHEREAS, the City Council deems it necessary and in the best interest of the citizens to amend the Sign Regulations regarding the use of temporary signs; and

WHEREAS, regulations for temporary signs will provide an appropriate balance between commercial property owners rights to advertise and projecting and maintaining a positive image of the City; and

WHEREAS, the City of Muskogee finds that the regulations adopted herein allow for a reasonable use of temporary signs by businesses and commercial property owners for the advertisement of said business or property; and

WHEREAS, regulating the display of temporary signs will preserve the character, protect property values, and reduce traffic hazards caused by undue distractions; and

WHEREAS, the purpose of this Ordinance amendment is to promote the health, safety and general welfare of the public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:

Section 1. The City of Muskogee Code of Ordinances, Chapter 90, Zoning, Article 16, Signs, Section 90-16-07, Commercial and Industrial District Sign Regulations are hereby amended.

Section 90-16-07.A. Commercial and Industrial District Sign Regulations

- A. The following signs shall be allowed in Commercial Districts:
1. Any sign allowed in a Residential District and subject to the same regulations as to number, height, location, manner and area unless otherwise specified;
 2. Temporary signs, within a “C-1”, “C-2”, or “C-3” Commercial District, that comply with the following regulations;
 - a. A sign permit shall be required prior to installing a temporary sign.
 - b. Two temporary signs shall be allowed per business, if attached to the building structure and which do not project beyond the surface

of that portion of the building greater than 12 inches. The maximum area allowed shall be eighteen (18) square feet per sign area.

- c. One flag or balloon may be directly attached to each parking lot light pole, if located within the Highway Commercial District and zoned “C-2” or “C-3”. Balloons shall not exceed a height of thirty (30) feet, unless said balloon is setback from the closest property line a distance of one-hundred ten (110) percent of the height of the balloon.
- d. Additional on-premise temporary signs shall be allowed, subject to the following requirements;
 - (i) A minimum of one temporary sign shall be allowed per business or one additional temporary sign for every fifty (50) feet of street frontage with a maximum of four (4) signs per business, and
 - (ii) The maximum area allowed shall be eighteen (18) square feet per sign area, and
 - (iii) Temporary signs shall not be placed any closer than twelve (12) feet from the curb or edge of the street, or on private property, and
 - (iv) No temporary sign shall be placed in a required parking space or obstruct vehicular or pedestrian traffic, and
 - (v) The sign permit will be valid for one year, with an annual renewal, and
 - (vi) The sign(s) shall be displayed only during the hours the premises or business is open to the general public. Such sign shall be removed by the end of business each day. It shall be the responsibility of the sign and/or business owner to ensure removal of the sign at the end of each business day, and
 - (vii) The Building Official shall cause to be removed any sign that is damaged, abandoned, dangerous, faded or materially defective, or a sign for which no permit has been issued, and
 - (viii) A sticker issued by the City of Muskogee must be attached to the sign for the duration of display. For enforcement purposes, the sticker shall be prominently displayed on each sign so as to be viewable from the street, and
 - (ix) City staff shall be authorized to immediately remove or cause the removal of any sign found to be in violation of the requirements of this ordinance.

- e. One sandwich board sign shall be permitted within the public right-of-way in the “CBD” (Central Business District) zoning district subject to the following requirements:
- (i) Sandwich board sign, also known as A-frame sign shall be defined as a temporary sign composed of two (2) sign faces mounted or attached on one side so as to form a basically triangular vertical cross section through the faces allowing the sign to stand in an upright position, and
 - (ii) The sign area is limited to eight (8) square feet per side, and the sign height is limited to a maximum height of four (4) feet, and
 - (iii) Sign may be placed on the public right-of-way adjacent to the commercial or business activity advertised on the sign, and
 - (iv) Sign shall not be placed in such a manner as to obstruct or otherwise interfere with pedestrian traffic, or official traffic signs, signals, or devices, and
 - (v) The sign permit will be valid for one year, with an annual renewal, and
 - (vi) The sign shall be displayed only during the hours the premises or business is open to the general public. Such sign shall be removed by the end of business each day. It shall be the responsibility of the sign owner to ensure removal of the sign at the end of each business day, and
 - (vii) No sign shall be placed in median strips, planter/traffic islands, or in the roadway. No sign shall block a sidewalk, and shall not encroach into any portion of a required handicapped ramp. No sign shall be located closer than two (2) feet from the face of curb to the nearest edge leaving a minimum width of five (5) feet of unencumbered access way for pedestrian use, and
 - (viii) The sign shall include the name of the company of business. Any sign which does not have the name of the company or business is prohibited, and
 - (ix) Parties placing such sign within public right-of-way shall obtain a sign permit, and as a condition of obtaining said permit, the applicant must provide the City with proof of continuous liability insurance during the life of the sign, relative to damage or injuries resulting from placement of the sign. Said insurance shall be sufficient in amount to a level established by the City. For enforcement purposes, a

sticker issued by the City of Muskogee shall be prominently displayed on the sign so as to be viewable from the street, and

- (x) City staff shall be authorized to immediately remove any sign found to be in violation of the requirements of this ordinance.

Section 2. CODIFICATION. Chapter 90, Zoning, Article 16, Signs, Section 90-16-07.A., Commercial and Industrial District Sign Regulations set forth in this ordinance is hereby codified as Chapter 90, Zoning, Article 16, Signs, Section 90-16-07.A., Commercial and Industrial District Sign Regulations in the City of Muskogee Code of Ordinances.

Section 3. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS _____ DAY OF _____, 2017.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

TAMMY TRACY, CITY CLERK

(seal)

Approved as to form and legality this _____ day of _____, 2017.

ROY D. TUCKER, CITY ATTORNEY