

**SALLISAW PLANNING COMMISSION
REGULAR MEETING**

June 1, 2021

5:30 pm

**Wheeler Event Center
103 N Wheeler**

A G E N D A

- 1. Meeting called to order**
- 2. Declaration of a quorum**
- 3. Consider approval of minutes of regular meeting of May 4, 2021**
- 4. Discuss, consider, and take possible action concerning an amendment to the City of Sallisaw Code of Ordinances; Adding Chapter 19, Advertising and Signs**
- 5. Adjourn**

Posted: MAY 27, 2021

Time: 11:30 AM

KIM JAMISON

SALLISAW PLANNING COMMISSION

REGULAR MEETING

MAY 4, 2021

MINUTES

The Sallisaw Planning Commission met in a regular meeting on May 4, 2021, in the Wheeler Event Center, located at 103 N. Wheeler Ave, Sallisaw. Notice of the meeting given by posting at city hall on April 30, 2021 at 3:36 p.m.; by posting on the City's website; by emailing Sequoyah County Times; and by giving notice to the City Clerk's Office.

MEMBERS PRESENT:	Joe Velasquez	Scott Looper	Brady Bauer
	Ronnie Woodward	Matt Duke	

MEMEBERS ABSENT:	Crystal Sides	Tim Brown
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STAFF PRESENT:	Keith Miller	Kim Jamison
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Meeting called to order at 5:30 p.m. and a Quorum declared present.

MINUTES

The minutes of regular meeting of February 2, 2021, presented for approval. Motion made by Looper, seconded by Bauer, for approval of minutes as presented. Vote: Velasquez aye, Looper aye, Bauer aye, Woodward aye, and Duke aye. Motion carried 5-0.

Discuss, consider, and take possible action concerning an amendment to the City of Sallisaw Code of Ordinances, adding zoning regulations; RT-1, Medium Density Residential District and RT-2, High Density Residential Housing District

After discussion of ordinance, motion made by Looper, seconded by Woodward, for approval of ordinance as presented. Vote: Velasquez aye, Looper aye, Bauer aye, Woodward aye, and Duke aye. Motion carried 5-0.

Motion made by Woodward, seconded by Duke, to adjourn the meeting there being no further business. Vote: Velasquez aye, Looper aye, Bauer aye, Woodward aye, and Duke aye. Motion carried 5-0. Meeting ended at 5:53 p.m.

APPROVED this 1st day of June, 2021

Chairman, Sallisaw Planning Commission

ATTEST:

Secretary

AGENDA ITEM COMMENTARY

Meeting Date: June 1, 2021
Board: Sallisaw Planning Commission
Subject: City of Sallisaw Code of Ordinances adding Chapter 19, Advertising and Signs

ITEM TITLE: Discuss, consider, and take possible action concerning an amendment to the City of Sallisaw Code of Ordinances; Adding Chapter 19, Advertising and Signs

INITIATOR: Keith Skelton and Keith Miller

STAFF INFORMATION SOURCE: Keith Miller

BACKGROUND: An ordinance amending the Code of Ordinances by establishing a new Chapter 19, Advertising and Signs. This a draft and staff seeks comments from the Board before presenting to City Council. Staff tried to make ordinance simple, yet enforceable and easy for any business owner or person to abide by.

EXHIBITS: 1. Sallisaw Sign Ordinance.NEW.V2.DRAFT

KEY ISSUES: None

FUNDING SOURCE: N/A

RECOMMENDATION:

Note: Need to repeal or edit

1. Search “billboards” in code. Section 102.320, 102-349, 102,441, 102-320, 102-411, 102-261, 102-291, 102-380, 102,373, 102-9, 102-2 definitions
2. Search “signs” in code.
3. https://library.municode.com/il/mundelein/codes/code_of_ordinances?nodeId=TIT2_1SIRE
- 4.

ORDINANCE 2021-DRAFT

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SALLISAW BY ESTABLISHING AND ADOPTING A NEW CHAPTER 19, ADVERTISING AND SIGNS, TO THE CITY OF SALLISAW CODE OF ORDINANCES, TO PROVIDE FOR REGULATION OF SIGNS, DEFINITIONS, STANDARDS, PERMITS, PENALTY, ENFORCEMENT, REPEAL AND SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1.

That the Sallisaw Code of Ordinances be amended by establishing, adopting and enacting Chapter 19 as follows, to-wit:

CHAPTER 19

ARTICLE I. GENERAL

Section 19-1. Definitions

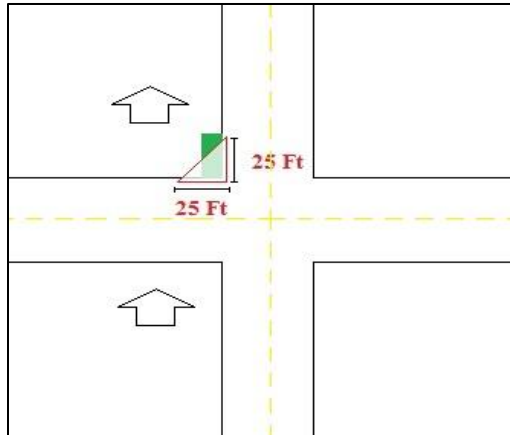
The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. *A-frame sign* means an advertising device which is ordinarily in the shape of an "A," spring mounted on a fixed base, or some variation thereof, located on the ground, but not otherwise attached thereto, and which is usually two-sided.
- B. *Accessory sign* means any advertising device which identifies or displays information concerning the business conducted on the premises.
- C. *Attached sign* means an accessory sign attached to, painted on or in any other way represented on a building, or other structural element of a building. An attached sign includes a canopy sign, combination sign, fascia sign, marquee sign, module sign, parapet wall sign, projecting sign, roof sign and wall sign.

- D. *Banner* means any pennant, streamer, flag, sign, picture, figure or other object, regardless of the materials of which it is made, which is suspended or otherwise designed for decoration or advertisement or to attract the attention of passersby; excepting, however, official warning devices, public service facilities, streetlights and similar safety devices.
- E. *Billboard* means any sign structure upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.
- F. *Directional and information sign* means signs which direct attention to the location of a facility or group of facilities on the same property on which the sign is located
- G. *Ground Sign* means freestanding accessory sign of limited height, which is secured to a fixed base, usually at ground level or at a slight elevation above ground, rather than being pole mounted. A sign attached to a wall or fence which serves as the boundary of a parcel shall be considered a ground sign.
- H. *Moving sign* means any sign or device which has any visible moving part, visible revolving part, or visible mechanical movement. Movement may be caused by mechanical, wind or other means.
- I. *Non-Accessory Sign* means a sign or advertising device which directs attention to an activity, service or product sold or offered elsewhere than on the premises on which the sign is located.
- J. *Pole sign* means a freestanding on premise sign in excess of ten (10) feet in height that is detached from a building and is supported by one or more structural elements that are either: (a) architecturally dissimilar to the design of the sign; or (b) less than ¼ the width of the sign face.
- K. *Political Sign* means any sign concerning the candidacy of an individual, or individuals, for public office, whether such public office is in the local, county, tribal, state, or federal government, or any subdivision thereof, or concerning support or opposition to any public issue.
- L. *Portable Display Signs* means a display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure, or place to place, at periodic intervals. Portable display signs may be displayed on a trailer, vehicle or other transportable means.
- M. *Public Right-of-Way* means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality, or state, has an interest.
- N. *Sexually Oriented Signs* means any sign associated with and or pertaining to sexually oriented businesses, movie theaters or movie rental.
- O. *Sign* means any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, or illuminated service which shall be constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever which is displayed in any manner whatsoever outdoors. Every

sign shall be classified and conform to the requirements of that classification as set forth in this Chapter.

- P. *Site Triangle (also referred to as Clear Site Triangle)* means a triangle formed by the intersection of two streets, measured twenty five (25) feet from the intersection along the edges of the two streets.



- Q. *Swinging sign* means a sign having one side connected to a post or structure which is allowed to freely move with wind.
- R. *Temporary sign* means any sign or advertising device constructed of cloth, canvas, light fabric, portable cardboard, wood, wallboard, metal or other light materials, with or without frames, which is intended to be displayed for a limited period of time only and which is portable.

Section 19-2 Purpose and Intent

It is the purpose of this Chapter to establish effective sign regulations that benefit the community and promote a safe environment.

Section 19-3 Applicability

This Chapter shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within the city, including any sign erected or constructed prior to the effective date of the ordinance from which this Chapter is derived.

Section 19-4 Exemptions

Except as specifically provided, the signs listed in this section shall be exempt from this Chapter, but location and installation shall be approved by the Building Development Director. All of the following signs shall be securely attached to a structure or to stakes or posts that are firmly embedded in the ground; with the exception of the United States Flag, they shall not be illuminated:

- A. The United States Flag.

- B. State of Oklahoma Flag.
- C. Real estate signs, temporary construction signs, school flags or insignia, holiday or seasonal decorations.
- D. Signs placed on public property for the purpose of indicating the location of a local Farmers Market.
- E. Signs placed on public property by community non-profit organizations which have been approved by the City Manager.
- F. Public signs. This Chapter shall not apply to signs erected by the city, county, state or federal government for public notices, information, traffic direction or street identification.
- G. Historical markers placed by a city, county, state or national historical preservation organization.
- H. Underground utility warning signs.
- I. Temporary signs, or other types of signs, placed on public property to provide public information and approved by the City Manager.

Section 19-5 thru 19-20: Reserved

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 19-21 Continuation of Legal Nonconforming Signs.

Any sign located within the city on the date of the adoption of the ordinance from which this Chapter is derived or located in an area annexed to the city thereafter, which does not conform with this Chapter, shall be considered as a legal nonconforming sign and is permitted, provided that the sign was in all respects in compliance with the applicable law on the date of adoption of the ordinance from which this Chapter is derived. If such sign is not in conformance with the existing law, such sign must be brought into conformance or removed according to procedures established in this Chapter. Such sign shall be maintained in a good condition and shall be allowed to remain in existence so long as such sign is not altered. If altering is required, the sign must be brought to current standards.

Section 19-22 Removal by Impoundment

Any sign situated in, or that becomes situated in, any public right-of-way or public street, which has been damaged by storm or collision, and its presence constitutes a threat to the health, safety and welfare of the public, may be removed and impounded by the Building Development Director or other employees of the City, including any police officer. Damaged signs removed by impoundment shall be disposed of in an approved manner unless claimed by the owner within seven (7) days.

Section 19-23 Discontinuance of Prohibited Signs

Any nonconforming sign which is listed as a prohibited sign shall be removed or brought in conformance with this Chapter within six months after the effective date of the ordinance. Signs in these categories which is in existence on such effective date shall be altered in such a manner that its movement or illumination does not continue operating in a prohibited manner. Any nonconforming sign erected or displayed more than 90 days prior to the effective date of the ordinance from which this Chapter is derived, which is defined as a portable or temporary sign under this Chapter, shall be removed forthwith.

Section 19-24 Enforcement and Violations

- A. The City Manager, Building Development Director, or their designee is authorized and directed to enforce all sections of this Chapter. They shall appear on behalf of the city in all matters regarding the interpretation and application of this Chapter.
- B. Any sign erected, placed, or displayed in violation of the provisions of this Chapter, or otherwise unlawfully erected, placed or displayed, shall be a public nuisance and may be removed by the City, in addition to any other penalty imposed for such violation.
- C. Unless specifically required in this Chapter, or by specific zoning requirements or building permitting processes, permits for placement of signs shall not be required. If required, the cost of the permit shall be adopted in the City of Sallisaw Master Fee Schedule.

Section 19-25 Appendix H of the International Building Code

For other types of signs or items not specifically referenced in this Chapter, City officials shall use Appendix H of the International Building Code for further reference and/or enforcement.

Section 19-26 thru 19-40: Reserved

ARTICLE III. PROHIBITIONS AND CERTAIN OTHER REQUIREMENTS

Section 19-41 Prohibitions

- A. Unless specifically permitted in another section of this Chapter, or the Sallisaw City Code, no sign shall be erected on or over the public right-of-way. Merchandise such as tires, produce, automotive vehicles and any other articles for display or sale shall not be located in any manner in the public right-of-way.
- B. The use of boulevards, streets, drives, lanes, public parking lots, also park roads or parks under the control of the city, for any political, social, civic or charitable non-accessory advertising purpose within full view of those traveling on a public road is prohibited. However, the government use of these areas to display public information, the placement of decorations or the placement of neighborhood identification signs shall not be included

in this restriction.

- C. No person shall erect or place signs displaying any obscene matter.
- D. The erection, construction or maintenance of any sign which will prevent free ingress to or egress from any door, window or fire escape, stairway or standpipe, or be attached to or supported by a fire escape or stairway that would interfere with human exit through any emergency opening. Signs shall not obstruct the exterior door or required exit of any building or obstruct any legally required light or ventilation is prohibited.
- E. No sign shall occupy any parking space required under the minimum standards of the zoning code, unless additional parking is provided.
- F. No sign shall be erected in such a manner that would create electrical interference with radio or other electronic communications between the airport and aircraft; make it difficult for flyers to distinguish between airport lights and others; result in glare in the eyes of flyers using the airport; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft. No sign shall interfere with established glide slope paths established for the Sallisaw Municipal Airport.

Section 19.42 Certain Other Requirements

- A. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon, any sign shall be safely attached to the sign structure.
- B. Signs abandoned, or otherwise not used for a period of 365 days or greater shall be removed from any property it sits upon. If not removed, the Building Development Director, or their designee, may take steps to declare the sign a public nuisance.
- C. Unless otherwise allowed in this Chapter, no sign(s) shall interfere with a site triangle of any intersection of roadways.

Section 19-43 thru 19-100: Reserved

ARTICLE IV. SIGNS AND SIGN STANDARDS

Section 19-101 Political Advertising Signs

- A. No person, firm, or corporation shall erect or display any political advertising sign on any public right-of-way, property, public facility or utility poles. Any sign placed in this manner will be disposed of by the City without notice.
- B. All political signs, ground or portable, placed upon residential or commercial property must be removed within seven (7) days after the final election, including runoff elections, where outcome is decided.
- C. Political advertising signs in disrepair must be repaired or removed immediately.

- D. Political signs may not be placed on private property without the consent of the property owner.

Section 19-102 Grand Opening Signs

All businesses shall be permitted to display Grand Opening Signs on a one (1) time basis for a maximum of thirty (30) consecutive days. Grand Opening Signs include sign banners, balloons, streamers, flags, pennants, inflatable structures, merchandise, and other attention-attracting media and devices, as well as vehicle-mounted signs and portable display surface. Grand Opening Signs shall not be placed on public property or any public right-of-way or easement.

Section 19.103 Portable Display Signs

- A. A portable display sign may be used on premises for a period not to exceed thirty (30) days. At the end of the period, the portable display sign must be removed. Unless otherwise authorized, portable display signs shall not be placed on public property or any public right-of-way or easement.
- B. Portable display signs shall not exceed 128 square feet in size and not be over 8 feet tall, or 16 feet in length. (quantity of 4, 4x8 sheets of plywood).
- C. No strobe or high intensity flashing lights shall be placed on portable signs.
- D. To avoid traffic conflicts, lights of a single color, or combination of colors, which could be confused with emergency or service vehicles and equipment shall not be placed on portable signs.
- E. Portable display signs may not be placed in a site triangle of any intersection or driveway.
- F. When a spectator or special entertainment event is proposed for the enjoyment of the community, the City Manager may authorize one or more portable signs for a period not to exceed 30 days per event, subject to all regulations for signs in this Chapter. Such signs may be placed on public (city owned) property if approved by the City Manager.

Section 19.104 A-Frame Type Advertising Signs

- A. A-Frame type advertising signs shall be permitted if placed adjacent to the entry door of a business. Signs of this type must not interfere with the normal walkway of a sidewalk. The maximum size of signs of this type placed on sidewalks shall be 48 inches tall x 24 inches wide.
- B. A-Frame type signs placed on private property adjacent to public right-of-way shall be anchored to the ground. For A-Frame signs not placed on sidewalks, the maximum size shall be 48 inches tall x 36 inches wide across the front.
- C. Any A-Frame signs not being used for advertising, or allowed to become damaged or dilapidated, shall be repaired or removed by the owner. Dilapidated signs, or A-Frame signs unused for a period of six (6) months or more, may be removed by the Building Development Director, or his designee.

Section 19.105 Flashing, Moving, Electronic and Sound Emitting Signs

- A. Flashing, moving, electronic and sound emitting signs shall not be placed for use without first being reviewed by the Building Development Director, or their designee. These types of signs shall also include time-temperature and moving message signs.
- B. The Building Development Department shall review any complaint by the public, or a public official, in reference to a possible traffic hazard caused by any sign. Where a hazard is determined to exist, the Building Development Director shall request the sign be removed or altered to eliminate the traffic hazard.
- C. Moving signs shall not be placed in any public right-of-way.
- D. No sign shall emit any sound which is designed to attract attention.
- E. Flashing Signs.
 - 1. No strobe or high intensity flashing lights shall be permitted on signs except where required on structures for aircraft warning lights.
 - 2. Flashing signs shall not be located within 150 feet of a residential district if such lighting can be seen from the residential district. Flashing signs shall not be placed in any public right-of-way.
 - 3. To avoid traffic conflicts, lights of a single color, or combination of colors, which could be confused with emergency or service vehicles and equipment shall not be used on signs.

Section 19.106 Ground Signs

- A. Maximum Height. The maximum height of ground signs shall be 20 feet above grade level, unless specifically addressed by specific zoning requirements.
- B. Ground signs shall not interfere with a site triangle of an intersection.
- C. No strobe or high intensity flashing lights shall be placed on ground signs.
- D. To avoid traffic conflicts, lights of a single color, or combination of colors, which could be confused with emergency or service vehicles and equipment shall not be used on ground signs.

Section 19-107 Garage Sale Signs

- A. All garage sales shall follow the requirements of Article IV of Chapter 22 of the Sallisaw City Code.
- B. Garage sale signs shall not be affixed to, or placed upon, any public property or public right-of-way. Signs placed upon any public property or public right-of-way are subject to removal by any city personnel with no notice.
- C. Garage sale signs shall be affixed into the ground and be no more than 288 square inches in size, being no more than 36 inches in height.
- D. Persons conducting garage sales shall be limited to three garage sale signs for each

permitted sale.

- E. All garage sale signs may be placed in a location no more than 48 hours prior to the sale and must be removed immediately after the ending date and time of the sale.

Section 19.108 Sexually Oriented Signs

- A. Sexually oriented signs shall require a permit issued by the City. Requests for sexually oriented signs shall be made through the Building Development Department. Such requests shall be reviewed by the Zoning Board of Adjustment prior to approval and issuance of permits.
- B. In addition to being permitted and regulated in specified zoning districts. Sexually Oriented signs shall not:
 - 1. Display shapes resembling the entire human body or other suggestive material.
 - 2. The letters XXX or verbiage acknowledging the same.
 - 3. References to adult toys or products.
 - 4. Be permitted in Agricultural, Residential, Manufactured or Mobile Home zoned districts or within 1,000 feet of a church, public or private school, daycare, park or other complex, facility or location where children may gather or play.

Section 19.109 Maintenance of Sign Vicinity

The owner of any property on which a sign is located, and those responsible for maintenance of the sign, shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean and free of rubbish, weeds and other waste materials.

Section 19-110 Advertising Searchlight

- A. The purposes of this section, an “advertising searchlight” means a searchlight used to direct beams of light upward for advertising purposes.
- B. Use of an advertising searchlight at any location is authorized upon issuance of a permit by the Building Development Director, or their designee. The permit shall be effective for a maximum period of five (5) days per calendar year to any business or group.
- C. The advertising searchlight shall not be operated between the hours of 11:00 p.m. and 6:00 p.m.

Section 19-111 Pole Signs

- A. All pole signs must be permitted through the Building Development Department of the City.
- B. All pole signs shall be constructed on the premise of the business property.
- C. On premise pole signs shall not be placed closer than two (2) feet to any street or public

right-of-way, unless the size of the sign dictates otherwise.

- D. All pole signs shall have a minimum clearance between the ground and the lowest portion of such sign of not less than ten (10) feet.
- E. Pole signs shall not be allowed to become dilapidated. Upon notification that an existing pole sign is, or is becoming, structurally deficient, the owner shall have ninety (90) days to begin repairs. If the pole sign is not repaired within one hundred twenty (120) days of notification, the Building Development Director, or designee, may take action to declare the pole sign a public nuisance and abate as necessary.

Section 19-112 thru 19-149: Reserved

ARTICLE V. BILLBOARDS

Section 19.150 Billboards

- A. All Billboards shall be considered as non-accessory type signs.
- B. Billboards existing upon the adoption of this Chapter shall be allowed to remain provided the Billboard is being utilized and is structurally sound. Advertising on existing Billboards may be changed, provided the advertising meets the requirements of this Chapter.
- C. Billboards existing upon the adoption of this Chapter shall be allowed to be modernized and repaired and to remain operational. Repairs of existing Billboards shall be approved through the permitting process of the Building Development Department.
- D. Billboards shall not be constructed within the city limits of Sallisaw without first obtaining a permit for such construction.
- E. If constructed new, Billboards are only permissible in I-1 and A-1 zoning districts. Spot zoning is not allowed for Billboards.
- F. All work to construct, modify or to maintain Billboards shall only be completed by contractors registered with the Building Development Department of the City.
- G. Billboards shall not be allowed to become dilapidated. Upon notification that an existing Billboard is, or is becoming, structurally deficient, the owner shall have ninety (90) days to begin repairs. If the Billboard is not repaired within one hundred twenty (120) days of notification, the Building Development Director, or designee, may take action to declare the Billboard a public nuisance and abate as necessary.

Section 19-151 Prohibition

Billboards shall not be constructed in the U.S. Highway 59 North or South corridor, north or south of State Highway 64, within the city limits of Sallisaw.

Section 19-152 Billboard Size

- A. Unless specifically addressed in this Chapter, or other zoning requirements, the maximum height of a non-accessory Billboard type sign shall be fifty (50) feet above road grade. The minimum clearance between ground level and the lowest display surface, exclusive of supports shall not be less than ten (10) feet. Display surface shall not exceed six hundred seventy-two (672) square feet per sign face. Design of Billboards shall meet the wind load requirements of the International Building Code.
- B. Spacing of Billboards;
 - 1. In areas properly zoned, regardless of size or height, no non-accessory sign shall be constructed, erected, placed, or replaced closer than one thousand three hundred twenty (1,320) feet to another non-accessory sign facing in the same direction and on the same side of the roadway from which the sign is intended to be read.
 - 2.

Section 19-____ thru 19-____: Reserved

SECTION 2.

Any ordinance inconsistent with the terms and provisions of this ordinance is hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 3.

If, regardless of cause, any section, subsection, paragraph, sentence, phrase, portion or clause of this ordinance is held invalid or determined to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, phrases, portions or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this ordinance.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

DRAFT ONLY

PASSED AND APPROVED this _____ day of _____, _____.

CITY OF SALLISAW, OKLAHOMA

By: _____
Ernie Martens, Mayor

ATTEST:

DIANNA DAVIS, City Clerk
[SEAL]