

CITY OF WESTWOOD HILLS, KANSAS  
Ordinance No. 226

3 originals

1) Allen Roth

10/16/08

2) Ron Reuter

3) Duncan Samuel

AN ORDINANCE AMENDING CHAPTER 8 OF THE WESTWOOD HILLS MUNICIPAL CODE BY REPEALING THE CURRENT SECTION 8-203(H) AND ADOPTING AMENDED SECTION 8-203(H) CONCERNING RESIDENTIAL SIGNS.

WHEREAS, the governing body of the City of Westwood Hills, Kansas, deems it advisable and necessary to amend Section 8-203(H) of the Municipal Code of the City to provide revised regulations concerning temporary signage within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD HILLS, KANSAS AS FOLLOWS:

SECTION 1. Section 8-203(H) of Chapter 8 of the Code of the City of Westwood Hills, Kansas is hereby amended to read as follows:

8-203. RESIDENTIAL DISTRICT.

(H) RESIDENTIAL SIGNS. No signs are permitted in the area of the City zoned as residential district, except as permitted in this paragraph (H). Regulation of the location, size, placement and certain features of signs is necessary to prevent hazards to life and property, to avoid visual clutter, to assure the continued attractiveness of the community and to protect property values.

(1) Temporary Sign. A Temporary Sign is a sign that is intended for a temporary period of posting on public or private property and is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic and/or wall board, and does not constitute a structure subject to the City's Building Code and Zoning provisions. Such signs include, but are not limited to, For Sale signs, Open House signs, and political signs.

(2) Purpose and Findings. The City is enacting this Ordinance to establish reasonable regulations for the posting of Temporary Signs on public and private property. Temporary Signs, left completely unregulated, can become a threat to public safety as a traffic hazard and a detriment to property values as an aesthetic nuisance. By implementing these regulations, the City intends to:

(a) balance the rights of individuals to convey their messages through Temporary Signs with the right of the public to be protected against the unrestricted proliferation of signs;

(b) protect the public health, safety and welfare;

(c) reduce traffic and pedestrian hazards;

(d) protect property values by minimizing the possible adverse effects and visual blight caused by signs;

(e) promote economic development; and

(f) ensure the fair and consistent enforcement of the temporary sign regulations specified herein.

(3) General Regulations. Temporary Signs may be posted on property in the City, subject to the following requirements:

(a) The total square footage for temporary signs in the City on any one residential lot, in the aggregate, shall not exceed ten (10) square feet, with no individual sign exceeding six (6) square feet. The total square footage of a sign is measured to include all of the visible display area of only one side of the sign, and only the area of one side of a double sided sign is included in the aggregate calculation.

(b) Signs shall not exceed five (5) feet in height measured from the average grade at the base of the sign nor be located closer than eight (8) feet to the curb line of the street.

(c) No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.

(d) No sign shall be illuminated or painted with light reflecting paint.

(e) A sign shall only be posted with the consent of the property owner or occupant. Signs posted in the public right-of-way may only be posted with the permission of the abutting property owner.

(f) A temporary sign may be posted for a period of up to ninety (90) days, at which time the sign shall be removed or replaced.

(g) Signs shall not be posted on trees, utility poles, and other similar structures within the rights-of-way.

(h) No sign shall be erected in a manner or at a location that would hinder or impede the unobstructed view of a driver stopped at or approaching the intersection of two streets.

(4) Specific Regulations. Certain Temporary Signs may be posted on property in the City, also subject to the following requirements:

(a) During the period that a single-family residence is offered for sale or for lease, one temporary "For Sale" or "For Lease" sign shall be permitted on the premises being offered for sale or lease. The overall area of such sign shall not exceed six (6) square feet, and the sign shall not be more than four and one half (4.5) feet in height nor be closer than eight (8) feet to the curb-line of the street.

(b) During the period commencing thirty (30) minutes before and ending thirty (30) minutes after such time that the property is actually open to the public for inspection, three "Open House" signs shall be permitted for each residence that is open to the public for inspection. One such sign may be placed upon the property that is being offered for sale. The area of an "Open House" sign shall not exceed three hundred sixty (360) square inches per side. "Open House" signs shall not be placed upon any public property or right-of-way, but they may be placed on private property with the permission of the property owner upon whose property such sign is being placed.

(c) The language "Sold" may be placed on a "For Sale" sign in such a manner so as not to increase the height or the area of said sign in excess of the size limitations otherwise prescribed hereir., for a total period not to exceed seven (7) consecutive calendar days following the date of the sale. The date of sale shall be the day that the contract between the buyer and the seller is executed by all parties.

(d) Yard and Garage Sale signs may only be posted on the day of the sale.

(e) During the period that a single family residence or duplex is undergoing rehabilitation, repair or alteration, one Temporary Sign naming the prime contractor or construction contractor shall be permitted on the premises. The overall area of such sign shall not exceed six (6) square feet, and the sign shall not be more than 4.5 feet in height nor be closer than eight (8) feet to the curb line of the street. When the permit is closed on the dwelling unit, the sign shall be removed.

(5) Removal or Replacement of Temporary Signs:

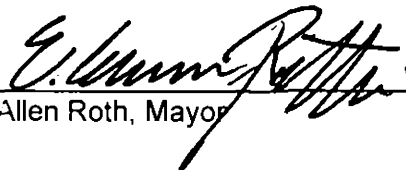
(a) The person who has posted or directed the posting of the sign is responsible for the removal or replacement of that sign.

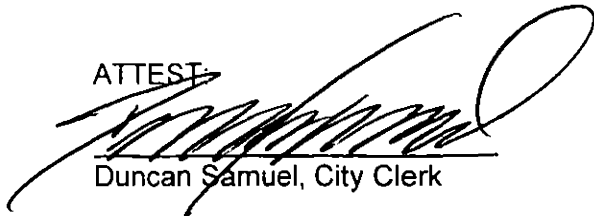
(b) If that person does not remove or replace the sign in accordance with these regulations, then the property owner or occupant of the building or lot where the sign is posted is responsible for the sign's removal or replacement.


(c) If any official of the City, including the Building Official, finds that any sign is posted in violation of these regulations on public property, such official is authorized to remove any such signs. If the Building Official finds any sign posted in violation of these regulations on private property, he or she shall give written notice to the person who has posted or directed the posting of the sign. If that person fails to remove or replace the sign so as to comply with the standards herein set forth within seventy-two (72) hours after such notice, such sign may be removed by the Building Official.

SECTION 2. This ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official city newspaper.

PASSED by the Governing Body and APPROVED by the Mayor this 6<sup>th</sup> day of October, 2008.

  
E. Allen Roth, Mayor

ATTEST:  
  
Duncan Samuel, City Clerk

APPROVED AS TO FORM:  
  
Ronald S. Reuter, City Attorney

# The Legal Record

P.O. Box 273  
Olathe, KS 66051-0273  
(913) 780-5790

Publication Fees: \$42.12

Rec'd 10/23/08

CITY OF WESTWOOD HILLS  
ATTN: MR. DUNCAN SAMUEL  
PO BOX 922  
SHAWNEE MISSION, KS 66201-0922

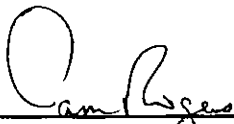
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STATE OF KANSAS, JOHNSON COUNTY, SS;  
Pam Rogers, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Billing Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any)

for 1 consecutive week(s), as follows:

ORDINANCE NO. 226--10/21/08



Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

October 22, 2008

  
Notary Public

**PENNY KNIGHT**  
Notary Public - State of Kansas

My appointment expires: December 31, 2009.

\$42.12

00164471

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First published in The Legal Record, Tuesday, October 21, 2008.

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(2) **Purpose and Findings.** The City is enacting this Ordinance to establish reasonable regulations for the posting of Temporary Signs on public and private property. Temporary Signs, left completely unregulated, can become a threat to public safety as a traffic hazard and a detriment to property values as an aesthetic nuisance. By implementing these regulations, the City intends to:

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- (e) promote economic development; and
- (f) ensure the fair and consistent enforcement of the temporary sign regulations specified herein.

(3) **General Regulations.** Temporary Signs may be posted on property in the City, subject to the following requirements:

(a) The total square footage for temporary signs in the City on any one residential lot, in the aggregate, shall not exceed ten (10) square feet, with no individual sign exceeding six (6) square feet. The total square footage of a sign is measured to include all of the visible display area of only one side of the sign, and only the area of one side of a double sided sign is included in the aggregate calculation.

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ATTEST:

  
Duncan Samuel, City Clerk

APPROVED AS TO FORM:

  
Ronald S. Reuter, City Attorney

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