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## **14-504-10 Signs in the public right-of-way and on public property**

**14-504-10-A.Signs Permitted.** Only the following signs are permitted in the public right-of-way and on public property:

1. Signs installed by any of the following and directly related to the use of the right-of-way or of public property, including the control and direction of traffic:
  - (a) The City of Independence;
  - (b) Jackson County;
  - (c) State of Missouri;
  - (d) Any public transit company authorized to provide service to or through Independence;
  - (e) Any public utility with a franchise or other agreement with the City of Independence; or
  - (f) Any other government entity or person expressly authorized by state or federal law to install a sign in the right-of-way.
2. Except where otherwise permitted in this subsection, no sign may bear a commercial message other than one related to a utility or transit service, and no such sign may be animated or lighted, unless the commercial message, animation or lighting is expressly required by a valid and applicable state or federal law or for other governmental purposes. Any transit company authorized by the City of Independence to provide local only service may display commercial advertising on trash receptacles, benches and shelters associated with its service
3. "Adopt a highway" signs acknowledging voluntary efforts to provide landscaping, litter control, or other maintenance, when the signs are installed pursuant to a written policy of the City of Independence or the State of Missouri.

**14-504-10-B.Other Signs.** Any other sign installed or placed in the public right-of-way will be deemed an unlawful sign and an abandoned sign and will be subject to immediate removal and disposal by the City, without compensation to the owner. The owner or other person placing the sign will, nevertheless, be subject to the penalty provisions of Article 14-801.

(Ord. No. 17942)

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the expiration of the original temporary sign permit. Additional extensions may be allowed until 90 percent of building permits have been issued for the subdivision. The signs are not permitted outside the boundary of the subdivision.

2. Temporary signs must be constructed of a rigid material.
3. Pennants and banners of any kind are prohibited.

**14-504-14-F.Flags and Flagpoles.** For the purpose of this section, the term "flagpole" includes both freestanding and wall-mounted poles and supports. The display of flags will be subject to the following limitations:

1. There may be no more than two flags per pole;
2. No flag may be larger than five feet by eight feet;
3. A flagpole must be set back at least five feet from any lot line;
4. Rooftop flagpoles are prohibited;
5. Each flagpole must be designed and constructed to support the number and size of flags used;
6. In residential districts, there may be no more than one flagpole on a lot, and in other districts there may be no more than three flagpoles per lot;
7. No flagpole may have a height greater than 25 feet, measured by the same methods used to measure the height of signs; and
8. Each flagpole must be within 30 feet of the principal entrance to the building to which it is oriented.

**14-504-14-G.Changeable Copy.** Up to ~~25~~**65** percent of the permitted sign face area of any freestanding sign in C districts may be used for changeable copy, subject to the illumination requirements of this article. For electronic changes of copy, see Section 14-504-14-H.

**14-504-14-H.Electronic Message Centers.**

1. No more than one electronic message center sign is allowed per lot or development site.
2. The electronic message center component of a sign may comprise no more than ~~25~~**65** percent of a sign's total sign face area.
3. **Electronic message center signs shall be freestanding and** Freestanding electronic message center signs must be mounted on a base with a width that is at least 75 percent of the width of the sign's face, based on the greatest horizontal dimension of the sign face. **Monument signs with electronic message boards shall have a sign base, consisting of a masonry or concrete substructure with an exterior base consisting of durable masonry materials and include brick, split or scored concrete masonry units, natural or synthetic stone.**
4. The maximum height of the electronic message center component of a freestanding sign is 12 feet.
5. ~~Lamp size may not exceed 54 watts of incandescent lighting for daytime use. An automatic dimmer must be installed to reduce nighttime wattage to a maximum of 30 watts. LEDs (light emitting diodes) and magnetic discs may be used, provided that light intensity is no greater than allowed for incandescent lighting. The use of red LED is prohibited.~~ **For brightness, signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of 0.3 foot candle above ambient light, as measured using a foot candle (lux) meter calibrated within the past 12 months and in conformance with the following process:**

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1. Light measurement shall be taken with a meter aimed perpendicular to the sign message face or at the area of the sign emitting the brightest light if that area is not the sign message face, at a preset distance depending on sign size. Distance shall be determined by taking the square root of the product of the sign area and 100. Example using a 12 square foot sign:  $\sqrt{12 \times 100} = 34.6$  feet measuring distance.
  2. An ambient light measurement shall be taken using a foot candle meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the sign turned off to a black screen.
  3. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating sign light measurement shall be taken with the sign turned on to full white copy.
  4. The brightness of a sign conforms with the brightness requirements of this subsection if the difference between the ambient light measurement and the operating sign light measurement is 0.3 foot candle or less.
  5. The electronic message center shall include a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the foot-candle requirements of this subsection.
  6. Any display on the electronic message center must ~~remain illuminated and visible for at least eight seconds.~~ contain a static display only, and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign. Each static display shall not include any flashing or the varying of light intensity, and the display shall not scroll. The static display shall remain in a fixed position for at least eight seconds.
  7. Messages displayed may flash only when the displayed message is replaced by another message. An interval change time of 2 seconds or less is required.
  8. In the event of a malfunction, and electronic message center sign shall turn to a dark screen. The dark screen shall remain until the malfunction is corrected.
  9. An electronic message center located within 250 feet of a residential district, ~~noncommercial park, public open land, street intersection, community park or nature preserve ("protected areas")~~ may not operate between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
  10. Electronic message center signs are prohibited within 100 feet of a ~~"protected area" (as described in the preceding paragraph)~~ if any part of the sign face would be visible from the ~~protected area.~~ Residential district.
  11. Prior to permitting the applicant shall submit a signed letter from the EMB manufacturer stating that the sign in question is equipped with the ability to comply with all applicable regulations of this section.

#### **14-504-14-I. Illumination**

1. **Interpretation.** As pertains to signs, illumination means any light directed at, attached to or otherwise related to a sign, including exposed tubing or bulbs on the sign; lamps or lights shining onto its surface; or illumination transmitted through the sign face.
  - (a) "Direct illumination" means a light source that is placed outside of or away from the sign in a manner so as to illuminate the sign externally.
  - (b) "Internal illumination" means a light source that is enclosed within the sign and viewed through a translucent panel.