

Posted at City Hall, 17 Hospital Drive, Eufaula, OK 74432 July 15, 2021 at 4:00 p.m.

## **CITY OF EUFAULA, OK**

Community Center  
121 High Street  
Eufaula, OK 74432



### **SPECIAL MEETING NOTICE AND AGENDA MONDAY JULY 19, 2021 5:00 p.m.**

City Council

The City of Eufaula encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes. Any person desiring to address the Council during such period is required to sign in with the City Clerk, provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted ten (10) copies should be made available, and may not be returned. Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.

The complete packet of information for the agenda items is available online at [CityofEufaulaOK.com](http://CityofEufaulaOK.com)

City Council

Mayor Todd Warren  
Vice Mayor Nancy Mouser  
Council Member Frank Davis  
Council Member Dan Kirby  
Council Member Jamie Upton

SPECIAL MEETING  
AGENDA  
EUFAULA CITY COUNCIL  
JULY 19, 2021  
5:00 p.m.

1. CALL TO ORDER
2. ROLL CALL /ATTENDANCE
3. Consideration of Acceptance, Approval, Adoption, Rejection, Amendment, and/or Postponement of ordinances pertaining to signage including temporary and permanent business signs.
4. Consideration and possible approval, revision and/or amendment of Ordinance 21-07-02 enacting a moratorium on the enforcement of all City of Eufaula Ordinances which specifically relate to temporary signs for a limited period of time.
  - a. Motion to approve or disapprove attaching emergency clause to Ordinance 21-07-02.
5. Consideration and possible approval, revision and/or amendment of local ambulance services including the review of community survey responses, potential contractors and proposals, and identification of funding sources.
6. Adjournment.



## Agenda Item Memo

**Item Title:** 3. Consideration of Acceptance, Approval, Adoption, Rejection, Amendment, and/or Postponement of ordinances pertaining to signage including temporary and permanent business signs.

4. Consideration and possible approval, revision and/or amendment of Ordinance 21-07-02 enacting a moratorium on the enforcement of all City of Eufaula Ordinances which specifically relate to temporary signs for a limited period of time.

a. Motion to approve or disapprove attaching emergency clause to Ordinance 21-07-02.

**Initiator:** Councilmember Dan Kirby.

**Staff Information Source:** Kay Wall, City Attorney.

**Background:** On July 12, 2021 the City Council voted to hold a special meeting for this matter on July 19, 2021.

To address Councilmember Kirby's immediate concern about temporary signs, the attached ordinance provides the City Council the option to place a temporary moratorium on the enforcement of ordinances specific to temporary signs for the period of Whole Hawg Days.

**Council Pillar:** N/A.

**Financial Impact:** N/A.

**Attachment:** Sign Code and Ordinance 21-07-02.

**Recommended Action:** No immediate action. For the City Council to review the sign ordinances and make modifications as desired.

**ORDINANCE #21-07-02**

**AN ORDINANCE ENACTING A MORATORIUM ON THE ENFORCEMENT OF ALL CITY OF EUFAULA ORDINANCES WHICH SPECIFICALLY RELATE TO TEMPORARY SIGNS FOR A LIMITED PERIOD OF TIME AS EXPRESSED HEREIN;**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUFAULA, OKLAHOMA:**

That a moratorium be placed on all City of Eufaula Ordinances which specifically relate to temporary business signs. This moratorium shall be in effect for the limited period of Thursday July 29, 2021 to Sunday August 1, 2021.

**WHEREAS**, that it being necessary for the preservation of public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and said ordinance shall be in full force and effect from and after its passage by the Eufaula City Council, Eufaula, Oklahoma and publication and posting as required by law. Adopted this 19<sup>th</sup> day of July, 2021.

SEAL

\_\_\_\_\_  
Todd Warren  
Mayor  
City of Eufaula

ATTEST:

\_\_\_\_\_  
Valarie Cox  
City Clerk

## **CHAPTER 15**

### **SIGN CODE**

1500	PURPOSE
1505	GENERAL LOCATION REQUIREMENTS
1510	GENERAL USE CONDITIONS
1515	AGRICULTURE DISTRICT USE CONDITIONS
1520	RESIDENTIAL DISTRICT USE CONDITIONS
1525	OFFICE DISTRICT USE CONDITIONS
1530	COMMERCIAL AND INDUSTRIAL DISTRICT USE CONDITIONS
1535	OTHER SIGNS
1540	BANNERS, PORTABLE AND PROMOTIONAL SIGNS
1545	PERMIT PROCESS
1550	PENALTIES
1555	DEFINITIONS
1560	PROHIBITED SIGNS
1565	EXEMPT SIGNS
1570	GENERAL SIGN VARIANCE
1575	OFF-SITE ADVERTISING VARIANCE

#### **1500 PURPOSE**

1. To provide for the appropriate use and location of signs in a manner that will not adversely affect or impact property values, compatibility of land use, community appearance and identity, and to otherwise promote the general welfare, public safety, convenience and order to the City of Eufaula.
2. To establish standards and guidelines for the design, erection and installation of signs and other visual communication devices so that the City of Eufaula may appear orderly and to prevent the needless clutter in appearance within the City by signs unreasonable in number, location, area and illumination.
3. To provide for the issuance, revocation, inspection and identification of signs within the City.
4. To provide for the removal of any sign that is in violation of or nonconformance with the intent and purpose of this Code

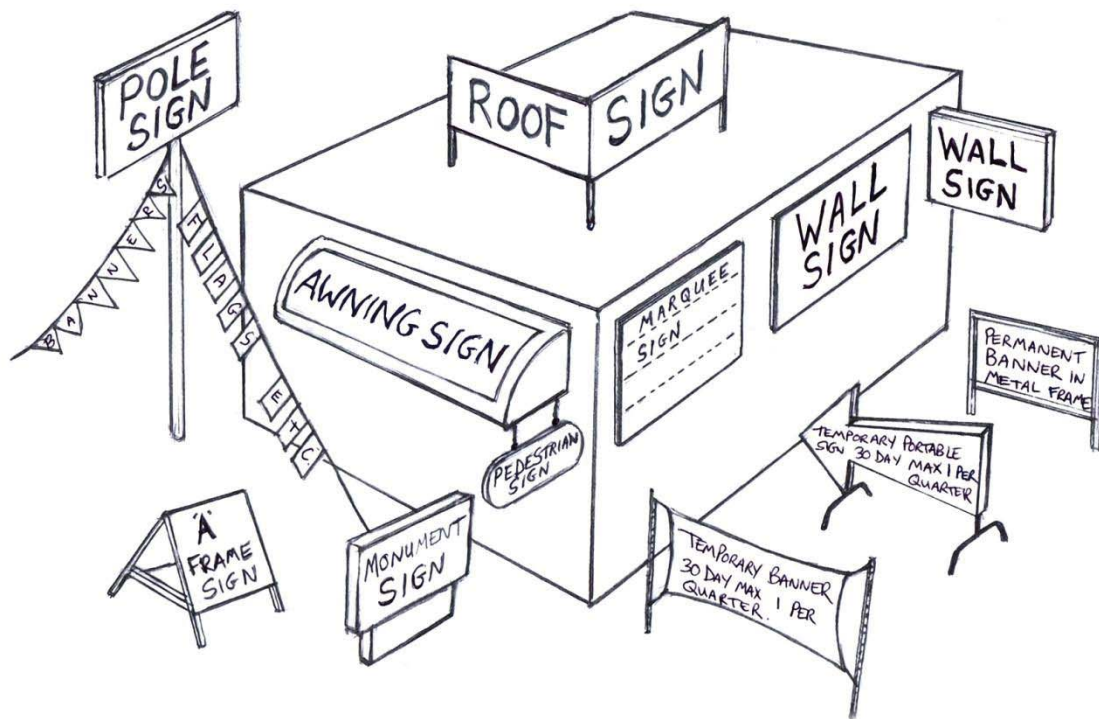
#### **1505 GENERAL LOCATION REQUIREMENTS**

1. Street Setback – No sign or portion thereof shall be permitted in the right-of-way of any street or area designated in the most recently adopted Eufaula Major Street and Highway

Plan as a future street under any circumstances except authorized traffic signals, signs or devices.

2. Intersection Setback – No sign shall be located less than thirty-five (35) feet from the intersection of the pavement of two (2) streets or from the intersection of street pavement and a railroad track. The point of intersection shall be measured from the edge of the paving.
3. Traffic Signal Clearance – No sign shall be located in such a manner as to obstruct or obscure or in any manner interfere with any traffic signal light or public warning sign.
4. Obstruction of View – Signs when located in such a manner so as to prevent any motorists from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along any public right-of-way are prohibited.
5. No business sign shall be located within fifty (50) feet of an R district or City of Eufaula Park if visible from such district.
6. All permanent ground signs shall maintain separation of fifty (50) feet from any other ground sign.
7. All permanent ground signs shall install a landscaped area at the base of the sign equal to the area of the sign, if located outside the Downtown Historical District.
8. No signage of any kind shall be affixed to any type of Utility Pole, Line, Fence, Tree, Wire, Transformer, Mailbox or similar device or structure.

# SIGN TYPES



## 1510 GENERAL USE CONDITIONS

1. For the purpose of display surface area calculations, where a lot abuts more than one public street, that street frontage which is the larger shall be used.
2. Only one side of a double-faced sign shall be included in the computation of display surface area. Double-sided signs may be separated, as long as the interior angle formed by the intersection of the two display surfaces does not exceed thirty (30) degrees.
3. Illumination, if any shall be by constant light. No signs with flashing lights/strobes or similar feature are permitted.
4. The following signs shall not be prohibited by this Code if located outside the right of way, and further will not be included in the computation of display surface area for other permitted signs:
  - a. Nameplates, attached to the face of the wall and not exceeding two (2) square feet in surface area.
  - b. On-Site Temporary real estate signs on said property, indicating that said property is for sale or rent.

- c. On-Site Temporary construction signs, which are faced to display along arterial street frontages, and not exceeding one-half square foot per linear foot of arterial street frontage; however such temporary construction signs shall be restricted to thirty-two (32) square feet of display area.
  - d. Signs which are not visible from the public street.
  - e. Tablets built into the wall of a building or other structure being used for inscriptions, memorials, or similar historic or dedicatory purpose.
  - f. Non-Commercial signs of warning, directive, or instruction nature erected by a public agency, franchised transportation, utility company, or governmental agency.
  - g. Legal notices required by law to be posted.
  - h. Election campaign signs, if erected not more than sixty (60) days prior to an election and removed within seven (7) days following the election and not exceeding thirty-two (32) square feet of display surface area (additional restrictions provided in Section 1535).
  - i. Signs, which are attached by the manufacturer and function as labels.
  - j. Signs located on accessory equipment or structures, which identify the manufacturer, make or model, and which are limited to fifteen (15) square inches or less for each piece of equipment or structure. By way of example, such equipment may include, but not be limited to, satellite dishes, air conditioners, fence components and similar items.
  - k. Street address numbers painted on the structure or curb at the property owners' discretion approximately 3" tall and readable from the abutting street.
  - l. Sign(s) painted or posted on the glass surface of windows or doors and pertaining to the business conducted therein.
5. Signs that have not been issued a sign permit by the City of Eufaula shall not be located in any zoning district of the City of Eufaula, provided that signs which were legally permitted by the previous sign regulations prior to the adoption of this ordinance, or signs which were permitted by the County under previous regulations prior to annexation may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of six (6) months, or the structure of the sign is damaged or destroyed in excess of fifty (50) percent of its value, at which time such sign must fully comply with the requirements of this ordinance. Banners, Portable and Promotional signs are covered in Section 18.9.
6. Permanent use of a Temporary Portable Signs shall not be allowed in any zoning district.



7. No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred (100) feet of the point of intersection of two (2) or more public streets. No revolving red or blue lights shall be allowed. No sign containing light shall exceed an illumination of seventy (70) foot candles as measured at a two (2) foot distance from the source of illumination.
8. Signs in Planned Unit Developments (PUD) shall be governed by this Code, but may be modified by the express terms of the PUD.
9. INSPECTIONS: As part of the sign permit process, the permittee shall notify the City Manager or his designee, who shall inspect such signs and approve the same as if it is in compliance with the provisions of this ordinance
10. ALTERATIONS: A lawful sign that was erected with a sign permit before the adoption of this ordinance shall not be rebuilt, refurbished, revised or relocated without conforming to the requirements set forth herein.
11. MAINTENANCE: All signs, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The City Manager or his designee may order the removal of any sign that is not maintained in accordance with the provisions of this ordinance.
12. REMOVAL OF CERTAIN SIGNS: Any unlawful sign (without a sign permit) in the City of Eufaula and those signs which no longer advertises a bona fide business being conducted, or a product being sold, shall within thirty (30) days after written notification from the City Manager or his designee be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. See section 1510, 4-(v).
13. OBSCENE MATTER: It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter, and is subject to immediate removal at the direction of the City Manager or his designee.
14. ENFORCEMENT OF UNLAWFUL OR UNSAFE SIGNS: The violation of any provision of this Ordinance shall be a municipal offense and shall be subject to a maximum \$500 fine. Every day of violation shall be a separate and distinct offense. If a City of Eufaula Code Enforcement Officer, or other employee designated by the City Manager to enforce provisions of the Ordinance, shall find that any sign or other advertising structure regulated by this Ordinance is unsafe or insecure, or is a nuisance to the public or has been constructed or erected or is being maintained in violation of this Ordinance, he or she shall have the authority to issue a Notice to Appear citation. In addition to the issuance of a Notice to Appear citation, the City shall have the authority to cause the removal of the unlawful sign and to have the reasonable costs of such removal, and related administrative cost, assessed against the property where the unlawful sign was located.

15. For unlawful signs located on City property, the right-of-way shown on the City of Eufaula Major Street Plan and/or City easements, including signs in violation of this Ordinance, the City Code Enforcement Officer, or other employee designated by the City Manager, shall have the authority to immediately remove said sign.
16. No placards, leaflets, handbills or other similar signs shall be placed on the exterior wall or window of any building or public property in any district. All persons placing such materials, and all occupants and owners of buildings upon which such materials are placed shall be responsible for violation of this ordinance and punishable under this ordinance.

### **1515 AGRICULTURE DISTRICT USE CONDITIONS**

1. Signs as a Principal Use are not allowed in the Agricultural District.
2. Signs as Accessory Use are subject to the following conditions:
  - a. Business signs may only be erected on a lot upon which a business is located, advertising products or services available on the property where the sign is located. All signs erected on such lots shall be oriented to be read from such highways and meet all state and federal regulations.
  - b. The maximum display surface of ground signs shall be limited to an aggregate of one (1) square foot of display area per each lineal foot of street frontage, provided that no single sign shall exceed three hundred (300) square feet.
  - c. A minimum five hundred (500) feet spacing shall be maintained between signs except in the case of back-to-back signs, v-shaped signs subject to Section 1505, or signs separated by a building or other obstruction.
  - d. A ground sign shall not exceed thirty (30) feet in height, measured from the mean curb level of the lot upon which it is erected, unless in addition to the minimum setbacks prescribed in Section 1505 General Location Requirements, the sign is setback one (1) foot for each foot of height exceeding thirty (30) feet provided the sign shall not exceed fifty (50) feet regardless of setback. Within one hundred (100) feet of the right-of-way of an abutting elevated street, a ground sign may be erected to a height fifteen (15) feet above the elevation of the street if the sign is designed to be viewed primarily from the elevated street and the sign does not exceed sixty (60) feet.
  - e. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twenty (20) square feet in area or ten (10) feet in height.

- f. One identification sign may be erected on each street frontage of a permitted non-residential use. The sign shall not exceed thirty-two (32) square feet in surface area, or fifteen (15) feet in height.
- g. A real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of the premises. The sign shall not exceed eighty (80) square feet in surface area, or fifteen (15) feet in height.

## **1520 RESIDENTIAL DISTRICT USE CONDITIONS**

1. Signs as Principal Uses are not allowed in residential districts.
2. Signs as Accessory Uses are subject to the following conditions:
  - a. One bulletin board may be erected on each street frontage of an educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed twelve (12) square feet in area or ten (10) feet in height.
  - b. One subdivision identification sign may be erected on each street frontage of a permitted non-residential use. The sign shall not exceed thirty-two (32) square feet in surface area, or ten (10) feet in height.
  - c. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be erected on each perimeter street frontage of the development. The sign shall not exceed sixty-four (64) square feet in surface area, or fifteen (15) feet in height, and illumination, if any, shall be by constant light. All such signs must be removed upon completion of construction or revocation of the building permits being issued on more than seventy-five percent (75%) of the lots in the subdivision.
  - d. A temporary real estate sign advertising the sale, rental, or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed six (6) square feet in surface area, in an R district. and shall not be illuminated in any way.
  - e. No signs are permitted in residential districts for Home Occupations per section 228 or Neighborhood Group Homes per section 232.
3. Temporary Directional Real Estate Signs in Residential Districts.
  - a. No signage shall be placed or maintained on public right-of-way or easements. In addition to other allowed signage, one (1) temporary direction sign may be placed on private property in residentially zoned districts, with the consent of the property owner, provided that:

- i. Such sign shall not exceed four square feet in area per side and forty-two (42) inches in height;
  - ii. Such sign shall remain in place only from 9 a.m. Friday until 9 a.m. Monday;
  - iii. Such sign directs traffic to property in the residentially zoned district
- 4. Garage/Yard Sale Signs.
  - a. The sign shall not exceed 4 square feet in surface area if the signs single faced or 8 square feet in surface area if the sign is double-faced.
  - b. Only one (1) sign shall be permitted for each lot where the garage/yard sale is being held; provided, however, that one (1) sign shall be permitted along each side of a lot abutting a public street up to a maximum of two (2) signs per lot.
  - c. The sign shall not exceed five (5) feet in height from grade.
  - d. The sign shall be placed on private property on the premises of the sale and setback from any public right-of-way.
  - e. Any Garage Sale sign not picked up by the operator of the garage sale will be deemed a nuisance and subject to removal and fine pursuant to the Code of Ordinances.
  - f. Two (2) Temporary Off-Site Garage Sale signs are permitted at the closest major intersections to the site of the Garage Sale, provided permission is obtained from the landowner, which the off-site sign is placed.
  - g. No sign shall be allowed in public right of way, on street signs, or any utility pole(s).

**1525 OFFICE DISTRICT USE CONDITIONS**

- 1. Signs as a Principal Use are not allowed in the Office District.
- 2. Signs as Accessory Uses are subject to the following conditions:
  - A. In the Office district, one business sign not exceeding thirty-two (32) square feet in surface area may be erected on each street frontage of a lot. Ground signs shall not exceed the height of the building in which the principal use is located or not fifteen (15) feet in height, whichever is lower.

- B. During the period of construction, a temporary sign advertising the construction of improvements on the premises may be located on each street frontage of the development. The sign shall not exceed thirty-two (32) square feet in surface area nor fifteen (15) feet in height.
- C. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed thirty-two (32) square feet in surface area nor ten (10) feet in height.

### **1530 COMMERCIAL AND INDUSTRIAL DISTRICT USE CONDITIONS**

- 1. Signs as a Principal use are not allowed in the Commercial and Industrial Districts.
- 2. Signs as Accessory Uses are subject to the following conditions:
  - A. Height Requirements:
    - 1. A ground sign shall not exceed twenty (20) feet in height, measured from the mean curb level of the lot upon which it is erected, unless in addition to the minimum setback prescribed in Section 1505, the sign is setback one (1) foot for each foot of height exceeding twenty (20) feet provided the sign shall not exceed fifty (50) feet regardless of setback. Within one hundred (100) feet of the right-of-way of an abutting elevated street, a ground sign may be erected to a height fifteen (15) feet above the elevation of the street if the sign is designed to be viewed primarily from the elevated street and the sign does not exceed sixty (60) feet.
    - 2. A roof sign shall not extend more than twelve (12) feet above the mean roof level of the structure to which it is affixed.
    - 3. A projecting sign shall not extend more than nine (9) feet above the mean roof level of the structure to which it is affixed.
  - B. Display Surface Area Requirements:
    - 1. The maximum display surface area of ground signs in a commercial or industrial district shall be limited to an aggregate of one (1) square foot of display area per each lineal foot of street frontage.
    - 2. The maximum display surface area for wall, canopy, roof and projecting signs in commercial and industrial districts shall be limited to one (1) square foot per each lineal foot of building wall to which the sign or signs are attached.

3. Signs are permitted as accessory uses in the CN- Commercial Neighborhood District subject to the following conditions:
  - A) All business signs shall not exceed an aggregate display surface area of one (1) square foot of display area per each lineal foot of street frontage.
  - B) A ground sign shall not exceed twenty (20) feet in height, measured from the mean curb level of the lot upon which erected.
4. During the period of subdivision construction, a temporary sign advertising the construction of improvements on the premises may be located on each street frontage of the development. The sign shall not exceed thirty-two (32) square feet in surface area nor ten (10) feet in height.
5. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of a lot. The sign shall not exceed thirty- two (32) square feet in surface nor ten (10) feet in height.

### **1535 OTHER**

A. Political campaign signs are allowed in any zoning district. No political campaign sign shall be erected more than sixty (60) days prior to any election, nor shall any sign be permitted to remain on any property more than seven (7) days following an election; no political campaign signs shall be permitted on public property or right of way and they shall be permitted on private property only with the consent of the property owner; the display surface area of each political campaign signs located in R or O zoning districts shall not exceed thirty-two (32) square feet in surface area; only one side of a double faced sign shall be computed in the computation of display area. These signs are not to be located in any public park or city owned property.

B. Memorials not to be located in any public park or City owned property. A 10 day permit may be issued with a sign permit through the City of Eufaula.

C. Special Events signs shall be professionally designed and constructed to compliment the community.

### **1540 BANNERS, PORTABLE AND PROMOTIONAL SIGNS**

1. A banner, portable or promotional sign shall be permitted only as provided herein, and such permits will be limited to no more than four (4) per year for any single business. Such banners, portable or promotional signs shall be used for a period of no more than thirty (30) days on any one occasion. Permits issued under this ordinance must be used within twelve (12) months from the date the first permit is issued; are not transferable, and may not be renewed by the permit holder or by others for that location within (one) 1 year.
2. Signs previously permitted or allowed shall not be exempt from this amendment to the sign code.
3. All banners, portable or promotional signs shall conform to the zoning requirements for the location in which they are used, as well as those in Section 1505 General Location Requirements and Section 1510 General Use Conditions.
4. Banners, portable and promotional signs shall be located only on privately owned or leased property, advertising products or services available on the property where the sign is located.
5. The banner, portable or promotional sign designation does not apply to business identification signs on company vehicles used in the daily operation of the business.
6. Vehicles with signage may not be parked Off-site or On-Site for the principal use of advertising.
7. No portable sign shall be placed unless such sign is anchored at each support by a steel rod driven at least eighteen (18) inches into the ground, or unless said sign is attached by a steel chain having at least three-quarters (3/4) inch links or by a steel cable of at least one-half (1/2) inch diameter to a building or to a permanent ground sign, or similar upright supporting structure. Regardless of any other provisions to the contrary, all signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, or of materials which are unlikely to become dangerous projectiles when propelled by windstorms.
8. Real estate signs are regulated in the usage guidelines for the zoning district in which they are located.
9. Banners, portable and promotional signs must follow the same permit procedure as a permanent sign.
10. Signs for Temporary Fireworks stands must follow the same permit procedure as a permanent sign.
11. Permanent banner signs are permitted in non-residential zoning. One sign is permitted per street frontage, per lot of record.

12. Shall be constructed professionally designed and constructed to compliment the Community.

### **1545 PERMIT PROCESS**

1. No signs, except for temporary real estate signs located on and offering property for sale or for rent, having six (6) square feet or less of display surface, may be constructed or erected within the City, without first receiving a sign permit.
2. All permanent signs, which are permitted under this ordinance, or any future amendments thereto shall be installed by licensed sign contractors in accord with the locations and plans approved at the time of application for a sign permit.
3. A sign permitted for use shall not be changed at a later time to a different use without receipt of a permit for the new intended use.
4. Applications for sign permits must include but are not limited to the following information:
  - a. Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed.
  - b. A detailed site plan of the property showing the proposed sign location and all structures and easements and driveways.
  - c. The proposed dimensions of the sign and a description of the method of supporting the sign.
  - d. The measurement of distances from the proposed signs to the designated state or federal highway, turnpike, street or relevant boundary of different zoning districts from the district in which the proposed sign is to be located.
  - e. The name and business address of the licensed sign contractor and the licensed electrical contractor or licensed electrical sign contractor if the sign is electrically powered.
  - f. The name and contact information of the sign owner.
  - g. Type of sign requested: Ground/Wall/Projecting etc., permanent or temporary, illuminated or not illuminated.



- h. Sign permit fees are as per the fee schedule as set by the Eufaula City Council by resolution.

\* Included in the permit fee is an inspection that is required by the City of Eufaula. It is the responsibility of the Owner/Erector of the sign to contact the City of Eufaula for an inspection upon completion of the installation of the sign.

## **1550 PENALTIES**

1. The installation of any sign without obtaining the required permit is punishable under Part 1, Section 1-108 General Penalty, of the City of Eufaula Code of Ordinances and shall be subject to double the permit fees as per fee schedule.
2. In addition to available penalties, violation of any portion of this Code may be abated as a public nuisance in accordance with Part 8, Health and Sanitation, of the City of Eufaula Code of Ordinances.
3. Based upon the determination of the City of Eufaula, any sign that was erected inside the City Limits of the City of Eufaula without a sign permit after the effective date of this ordinance, the owner shall pay twice the normal sign permit fee.

## **1555 DEFINITIONS**

1. Abandoned Sign. Any sign that advertises a business, lessor, owner, product, service or activity that is no longer located on the premises where the sign is displayed.
2. Advertising Devices. Banners, streamers, wires, rope, wind operated devices, flashing lights or other similar contrivances affixed to poles to highlight a sign.
3. A-Frame Sign: Any Sign of a structural framework with steeply angled sides meeting at the top like the sides of the letter A. Such signs may also be know as sandwich board signs.
4. Area Marker: A sign that designates or identifies a subdivision or development.
5. Awnings: Any structure made of cloth or metal with a metal frame attached to a building and not projecting over public right of way when so constructed to permit its being lowered to a position not over the public right of way and to permit its being raised to a position flat against a building when not in use.
6. Billboard: A sign that is designed for changeable messages which advertise or direct attention to a business, commodity, service or entertainment conducted, sold or

offered elsewhere than on the premises upon which the sign is located or to impart a public service message. The billboard sign is usually larger than eight feet by four feet (8' x 4') in dimensions and may be owned by a commercial company that leases or rents the billboard space for advertising purposes.

7. Business Sign. Any display, device, figure, plaque, poster or sign maintained or used to advertise or to inform or to direct the attention of the public to a business or activity conducted upon the premises upon which such sign is located or to a product or service sold or rendered thereon.
8. Changeable Copy/Text Sign. A sign designed to allow changing of copy/text manually.
9. Contractor Sign Signs that denote the architect, engineer, contractor, lending institution or other related business when placed upon work under construction.
10. Copy. Words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.
11. Double Face Sign. An advertising structure with faces in opposing directions and using the same supports, hardware and frame.
12. Face of Building. The total area of the main wall of a building, including windows, doors and openings, that abuts the front yard of a building or walls that are located on the front property line. On corner lots the face of the building shall include main walls facing the front yard and side yard or main walls fronting on all front and side property lines.
13. Face. That area of a business sign containing the advertising information, painting, drawing or message intended or used to advice or informs, and excludes trim and supports.
14. Flashing Signs. Any sign, the illumination of which is not constant in intensity when in use except illuminated signs, which indicate the date, time or temperature, or other public service information shall not be considered a flashing sign. Flashing signs are not permitted inside the City Limits of Eufaula.
15. Garage Sale Sign. Signs advertising garage sales, or the sale of tangible personal property and include lawn sales, attic sales, flea market sales and similar sales of personal property are allowed on-site only.
16. Ground Sign. Any business sign which is not attached to a building but is supported by braces, post, or by any other means than by attachment to a building support.
17. Height of Sign. The vertical distance from ground level to uppermost point of sign.

19. Inflatable: Any sign or inflatable device of more than 2 cubic feet in capacity designed to be filled with air or a gas lighter than air, used singly or in cluster, displayed to attract the attention of the public. This definition shall include balloons and balloon signs.
20. Marquee: A roof-like structure of a permanent nature that projects from the wall of a building and may overhang public way. Changeable lettering may be a part thereof.
21. Maximum Display Surface. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the face of the sign. The area of any double-sided or V shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.
22. Menu Board Sign: Any sign, which directs attention to a restaurant menu as an accessory structure to the restaurant with drive-through facilities. Such as a sign may be illuminated and freestanding, and contain a two-way communication system for the purpose of food ordering only.
23. Monument Sign. A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the monument.
24. Moving Sign. Any sign which moves or has moving parts other than parts which indicate time, temperature; or other moving devices which provide needed public service information.
25. Nonconforming Sign. An advertising structure or sign which was lawfully erected and maintained prior to the adoption of this Zoning Ordinance, and which has subsequently come under the requirements of this Zoning Ordinance but does not now completely comply.
26. Off-Site Advertising Sign Any sign which directs the attention of the public, the business or activity conducted or product or service sold or offered at a location not on the same premises where such outdoor advertising sign is located.
27. Pole Sign. A freestanding sign with a base supported from the ground by a pole or a similar support structure of narrow width.
28. Premises. An area under a single ownership or a single lease, no part of which is separated from the other by any land under a different ownership or lease agreement.
29. Projecting Sign. Any sign, which is firmly attached to a building and extends outward there from.

30. Right of Way. Defined by the Major Street Plan. The actual street pavement plus the defined distance for future expansion of individual streets and highways located within the City of Eufaula corporate limits.
31. Roof Sign. Any sign erected, constructed, or maintained upon the roof of any building.
32. Sign Area. The entire area of the actual message or copy area. Sign area, unless specifically stated otherwise in this Code, shall include decorative trim or embellishments but shall not include structural elements outside the limits of such display surface and not forming an integral part of the display, and on all signs all faces shall be counted in computing the sign area.
33. Sign. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution or business.
34. Special Event: An event, activity, sale or service or other occasion that is temporary or seasonal in nature, is limited in duration and is not regularly repeated within the same calendar year. For the purposes of this definition, a Special Promotion or other similar occasion shall be deemed to be synonymous. A slogan e.g. (the store with the best bargains) shall not be deemed a special event. This shall be defined as, once a year for less than 30 days at a time.
35. Street or Highway Frontage. The distance along any one side or any public street or highway, street or alley, measured along the right of way line or parallel to the normal right of way line where the right of way line is not affixed.
36. Temporary Signs. Any sign intended to be displayed for a limited period of time and capable of being viewed from any public right of way, parking area or neighboring property. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure are considered temporary signs.
37. Vehicle Sign. A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.
38. Wall Sign. Any sign which is painted on or firmly attached to a wall of any building and which does not extend beyond the building more than twelve (12) inches.
39. Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign that faces a window exposed to public view that is located within three feet of the window is also considered a window sign.

## **1560 PROHIBITED SIGNS**

1. Off-Site Advertising Signs
2. Billboard Signs regulated by other Sections of this Code.
3. Signs erected in violation of the City's building, electrical or sign codes, or other applicable local regulations.
4. Illuminated signs being powered by extension cords, except for temporary fireworks stands.
5. Signs erected in violation of federal or state law.
6. Portable signs and plastic arrow signs, except as allowed as temporary signage or in the Downtown District (DT).
7. Animated flashing, rotating or revolving signs. Nothing contained herein shall be construed to prohibit time and temperature or other public interest electronic message signs which otherwise conform to the provisions of the Sign Code.
8. Signs on vehicles used or intended to be used as an on-premise sign. It shall be prima facie evidence that a sign is used as an on-premise sign if a vehicle is parked on site for a continuous period exceeding 48 hours.
9. Temporary Off-Site Signs including portable, portable flashing arrow signs and banners.
10. Any inflatable sign.
11. Any advertising flag, except as provide for special events.
12. Any Obsolete sign, if not deemed Historical by the City of Eufaula City Council.

## **1565 EXEMPT SIGNS**

The following signs shall be exempt from the provisions of this chapter.

1. Official notices authorized by a court, public body or public safety official.
2. Directional, warning or informational signs authorized by federal, state, or municipal governments.

3. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
4. The flag of a government or noncommercial institution such as a school.
5. Religious symbols and seasonal decorations within the appropriate public holiday season.
6. Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain.
7. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed (4) square feet in area.
8. Any sign, whether temporary or permanent, authorized by the City Manager or City Council that serves a specific public purpose.

#### **1570 GENERAL SIGN VARIANCES**

The Board of Adjustment may grant a variance to the requirements of this Code only if the applicant demonstrates compliance with the following criteria:

1. That the variance is necessary due to extraordinary or peculiar circumstances related to the size, shape, topography, or location of the subject property.
2. That the extraordinary or exceptional conditions of the subject property are not a direct result of the actions of the applicant.
3. That the variance as granted represents the least deviation from the prescribed regulations necessary to accomplish the purpose for which the variance is sought and which is consistent with the stated intent of this Code.
4. That the granting of the variance shall result in greater convenience to the public in identifying the business location for which a sign code variance is sought.
5. That the granting of the variance will not be detrimental to the public welfare, and will not constitute a public nuisance or adversely affect public safety.
6. That the granting of the variance will not interfere with the location and identification of adjacent businesses, buildings, or activities.

## 1575 OFF-SITE ADVERTISING VARIANCE

The City of Eufaula Board of Adjustment may grant a variance to the requirements of this Code only if the applicant demonstrates complete compliance with the following criteria:

All requests for off-site advertising will be required to submit a request to the Board of Adjustment for approval. The request must contain a detailed drawing of the sign, the requested location for said sign and a statement of hardship as to why off-site signage is a necessity for said business. Any sign approved for off-site advertising must meet the following requirements:

1. There will be a minimum separation of 400 feet between all off-site signs.
2. No sign will be placed closer than 65 feet from centerline of the roadway and no closer than 25 feet from any railroad tracks and not within the public right of way.
3. No sign shall be placed closer than 125 feet from the corner of any intersection.
4. Any sign to be placed on private property must have a lease agreement, from the property owner, submitted with request package.
5. All signs will be permitted for 12 months, and at the end of the permit period will require reapplication and issuance of a permit, without costs, to insure compliance. Any sign that is deemed out of compliance will be given 14 business days to fix any and all problems or sign will be subject to removal in accordance with this Code.

A. Design and construction requirements are as follows:

1. Signs shall be professionally designed and constructed to compliment the community.
2. Signs placed near intersection will be no larger than 8 feet by 8 feet, and shall not obstruct visibility for vehicular or pedestrian traffic.
3. Signs placed in between intersections will be limited to the following dimensions: four (4) feet by four (4) feet, four (4) feet by six (6) feet, or four (4) feet by eight (8) feet.
4. All signs may be 2-sided advertising and may be shared by separate businesses. If not, then the backside must be encased with MDO board white in color; no other color will be allowed.
5. All signs must be built to withstand wind loads and cannot have any braces placed to support the sign other than the poles used to place the sign in the ground.
6. No sign will have metal poles to support sign in order to prevent breakaway ability.
7. All signs shall be made of ½-inch, pre-finished MDO board and framed with 4 inch by 4 inch, 5 inch by 5 inch or 6 inch by 6 inch treated lumber, which must be encased with finished white MDO board; no other color for encasement will be allowed.
8. The bottom of all signs will be no higher than 24 inches and no lower than 12 inches from the ground surface.

B. Side Street Directional Offsite signs

1. Any side street business may request directional signs by submitting a request through the Board of Adjustment and must follow the same requirements as outlined above.
2. Directional signs, placed on buildings, at the alley or intersection, to direct traffic to businesses down a side street and/or alleys, may be permitted if permission is granted by the building owner. This permission must be in writing and submitted with the request.
3. All signs shall be 2 feet by 3 feet and shall be professionally designed and constructed, and must compliment the colors and material of the building in which it is applied to.





City Council Agenda Item No. 5

Meeting Date: July 12, 2021

## Agenda Item Memo

**Item Title:** Consideration and possible approval, revision and/or amendment of local ambulance services including the review of community survey responses, potential contractors and proposals, and identification of funding sources.

**Initiator:** Mayor Todd Warren.

**Staff Information Source:** Kay Wall, City Attorney.

**Background:** Mayor Warren requested that a review be made of the funding options for ambulance services for one year, to ensure ambulance coverage during the construction period of north Highway 69.

The attached budget sheet shows several funding options. With explicit understanding by the City Council that this was only evaluated for a one year period, up to \$100,000 could reasonably be pulled from the General Fund's fund balance (unreserved cash). That commitment of funds would not impact the City's current budget.

The City Manager notes that this would not currently be sustainable beyond a one year period. A more extensive review of funding options would be necessary.

**Council Pillar:** Health Care.

**Financial Impact:** Depends on the decision by City Council.

**Attachment:** Ambulance Service Expense Budget.

**Recommended Action:** For the City Council to review and consider for action at the August 2, 2021 meeting.

	\$4/mo.	\$2.5/mo.	\$5.5/mo.	100% Customer	100% City
<b>Ambulance Service</b>					
Monthly Cost	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Annual Cost	\$ 180,000	\$ 180,000	\$ 180,000	\$ 180,000	\$ 180,000
<b>Customer</b>					
Monthly Charge	\$ 4.00	\$ 2.50	\$ 5.50	\$ 8.34	\$ -
Number of Accounts	1,800	1,800	1,800	1,800	-
Monthly Collection	\$ 7,200	\$ 4,500	\$ 9,900	\$ 15,012	\$ -
Annual Collection	\$ 86,400	\$ 54,000	\$ 118,800	\$ 180,144	\$ -
<b>City</b>					
Monthly Contribution	\$ 7,800	\$ 10,500	\$ 5,100	\$ (12)	\$ 15,000
Annual Contribution	\$ 93,600	\$ 126,000	\$ 61,200	\$ (144)	\$ 180,000