

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING CHANGES TO THE REGULATIONS THAT GOVERN CERTAIN TYPES OF SIGNS BY AMENDING CHAPTER 415.420 SIGN REGULATIONS FOR ALL "C" AND "M" DISTRICTS, SECTION B. (8.), BY ADDING NEW LANGUAGE TO IT, ALONG WITH DELETING CHAPTER 415.440 TEMPORARY SIGNS, SECTION F., AND REPLACING SUCH WITH A NEW SECTION F. AND ADDING A NEW SECTION G., TO BE EFFECTIVE IN MULTIPLE ZONING DISTRICT DESIGNATIONS OF THE CITY OF WILDWOOD, MISSOURI, WHICH WILL ADDRESS CURRENT APPLICATION INCONSISTENCIES AND IMPROVE THE ENFORCEMENT OF THE SAME, ALL BEING CONSISTENT WITH THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION IN ITS REPORT DATED MARCH 4, 2019. (Wards - All)

**WHEREAS**, Supreme Court of the United States recognized that "signs are a form of expression protected by the Free Speech Clause," but "pose distinctive problems that are subject to municipalities' police powers." *City of Ladue v. Gilleo*, 512 U.S. 43, 48 (1994); and

**WHEREAS**, the Court further identified that "signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation." *Id.*; and

**WHEREAS**, the City Council finds and determines that it is necessary to regulate signage to protect against visual clutter, diminished property values, and traffic and pedestrian hazards; and

**WHEREAS**, the City Council further finds and determines that the regulation of living signs and the placement of signs on public property furthers the significant governmental interests of preserving esthetics and traffic and pedestrian safety; and

**WHEREAS**, the City Council is exercising its authority under Chapter 89 Revised Statutes of Missouri (RSMo) and its Charter, and related items, to protect and promote the public's health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:**

**Section One. *Subject and Action.*** The City Council of the City of Wildwood, Missouri hereby approves modifications to Chapter 415.420 Sign Regulations for All "C" and "M" Districts, Section B. (8.) by adding new language to it, along with deleting **Chapter 415.440 Temporary Signs – Section F. and replacing such a new Section F. and adding new Section G.** of the City of Wildwood Zoning Ordinance, being consistent with the recommendation of the Planning and Zoning Commission contained in its Letter of Recommendation, which is dated March 4, 2019, and now being indicated below by the following references:

### **Chapter 415. Zoning Regulations**

#### **Section 415.420. Sign Regulations For All "C" and "M" Districts.**

[Ord. No. 1324 App. A §1003.168B, 8-14-2006; Ord. No. 1364 §1, 12-11-2006; Ord. No. 1644 §1, 8-24-2009; Ord. No. 1710 §1, 4-26-2010]

A. Signs in the "C" Commercial Districts, including the "C-8" Planned Commercial District and the "M" Industrial Districts, including the "M-3" Planned Industrial District, shall only be allowed in each district as follows, premised on Architectural Review Board review and action upon them prior to the issuance of a building permit for certain types, as specifically noted herein:

B. *Specific regulations and exceptions.*

8. Living signs of any kind used as advertising devices for commercial businesses, organizations, or other entities are prohibited. **Nothing contained herein shall be interpreted as prohibiting any person from stopping on any sidewalk or other public place to communicate (verbally, by gesture, or in writing, including any writing on a sign), talk or to make a speech, provided that such person shall not loiter, loaf, wander, stand or remain idle, either alone or in concert with others, in a public place in such a manner so as to obstruct any public street, public highway or public sidewalk or any other public place or building by hindering or impeding the free and uninterrupted passage of vehicles or pedestrians.**

**Section 415.440. Temporary Signs.**

[Ord. No. 1324 App. A §1003.168D, 8-14-2006]

- F. **Signage on Public Property Prohibited.** No person, except a public officer or employee in the performance of a public duty, shall paint, post, paste, print, nail, stamp, tack or otherwise fasten any card, banner, handbill, sign, sticker, poster or advertisement, notice or advertising device of any kind calculated to attract the attention of the public or cause the same to be done on any curbstone, curb, lamppost, pole, hydrant, bridge, wall or tree, or upon any fixture of the City, or upon or over any public sidewalk, street, alley or other public place except as may be required by ordinance or law, or construct or maintain any sign or sign device upon or over any sidewalk, street, alley or other public place.
- G. **Nothing contained in this Section shall be interpreted as prohibiting any person from stopping on any sidewalk or other public place to communicate (verbally, by gesture, or in writing, including any writing on a sign), talk or to make a speech, provided that such person shall not loiter, loaf, wander, stand or remain idle, either alone or in concert with others, in a public place in such a manner so as to obstruct any public street, public highway or public sidewalk or any other public place or building by hindering or impeding the free and uninterrupted passage of vehicles or pedestrians.**

**Editor's Note:** Changes to the City's current regulations are reflected by red type.

**Section Two. *Effective Date.*** This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

**Section Three. *Savings.*** Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

**Section Four. *Severability.*** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer valid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

This Bill was passed and approved this \_\_\_\_\_ day of March 2019, by the Council of the City of Wildwood, Missouri after having been read by title or in full two times prior to passage.

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Presiding Officer

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The Honorable James R. Bowlin, Mayor

**ATTEST:**

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Jessica Meyer, Deputy City Clerk

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