



# MEMO

## Legal Department

**To:** Mayor Campbell and Members of the City Council

**From:** Judy K. Parks, City Attorney

**Date:** March 20, 2017

**Subject:** Proposed ordinance to clarify sign code provisions

Chapter 21 of the Municipal Code regulates signs, and among its provisions, it describes regulations for several specific categories of signs. For most sign categories, the code prohibits them from being on or across city property except with approval of the City Council. When that exception language is present, an encroachment permit is the process used for a sign application to come before council so that a determination can be made whether that specific sign should be allowed in the right-of-way.

Apparently, the exception process was at one time applicable to ground and projecting signs, since there are encroachment permits in existence allowing them in or over the right-of-way. However, the exception language was inadvertently omitted at some point in the past from the sign code regulations for those two categories of signs, even though encroachment permits continued to be granted for those two types of signs.

To clarify that the process for seeking exceptions to allow ground and projecting signs in the right-of-way is authorized, staff is proposing to amend the two sign code provisions by specifically putting in the exception language which is missing. This amendment will align the language in the code with the encroachment permit procedures so that code and practice are consistent with each other. Staff believes an amendment to those two regulations is appropriate since the existence of encroachment permits for these types of signs is evidence that the City had never intended to prohibit those two types of signs from ever being present in the right-of-way.

I have prepared an amendment that would add the language allowing exceptions to be granted by council for those two categories of signs.

Your favorable consideration of this clarifying amendment is requested.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING EXISTING SECTIONS 21.122(2)(c) AND 21.125(6) ENACTING NEW SECTIONS 21.122(2)(c) AND 21.125(6) THEREOF, FOR THE PURPOSE OF CLARIFICATION OF PERMITTING GROUND SIGNS AND PROJECTING SIGNS ACROSS CITY PROPERTY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.122(2)(c) and enacting a new Section 21.122(2)(c) as follows:

...

**“Sec. 21.122. GROUND SIGNS.**

All ground signs subject to sign regulations shall meet the following requirements:

...

(2) Signs and location:

...

(c) No ground sign shall be erected or permitted nearer the street than the property line; provided, however, such placement is not in conflict with special building line setbacks as established from time to time by city council. No part of said sign shall be permitted to overhang the public domain except **with approval of the City Council.**

...

*(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)*

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.125(6) and enacting a new Section 21.125(6) as follows:

**Sec. 21.125. PROJECTING SIGNS.**

All projecting signs subject to the sign regulations shall meet the following requirements:

...

(6) Location. The bottom line of every projecting sign shall be placed at least ten (10) feet above any sidewalk over which it is erected. No projecting signs shall be erected in an alleyway. No projecting signs shall project across or over any portion of public right of way **except with approval of the City Council.**  
*(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92). ”*

Section Three. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Four. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Five. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor