



CITY OF BALLWIN
14811 Manchester Road, Ballwin, MO 63011

BILL NO. 3711

ORDINANCE NO. 11-54

INTRODUCED BY
ALDERMEN TERBROCK, FINLEY, HARDER, DOGAN, FLEMING, LEAHY, BOERNER, KERLAGON

AN ORDINANCE AMENDING THE SIGN CODE OF THE CITY OF BALLWIN WITH RESPECT TO MOVABLE DYNAMIC DISPLAY SIGNS OWNED AND OPERATED BY THE CITY OF BALLWIN.

WHEREAS, the Board of Aldermen has determined that it is in the best interest of the businesses and citizens of Ballwin to exempt dynamic display signs, owned and operated by the City of Ballwin for public safety and police power purposes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section One: Chapter 22, Section 22-6 of the Code of Ordinances shall be amended by adding a new subparagraph (11) thereto, as follows:

(11) A dynamic display sign owned and operated by the City of Ballwin or other governmental agency for the purpose of warning motorists, providing notification of a dangerous condition or otherwise operated in furtherance of the public safety and police power authority of the City of Ballwin shall be exempt from the standards contained in Chapter 22 with respect to dynamic display signs.

Section Two: This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this 28 day of Nov, 2011.

Tim Pogue
TIM POGUE, MAYOR

APPROVED this 28 day of Nov, 2011.

Tim Pogue
TIM POGUE, MAYOR

ATTEST: Robert Kuntz
ROBERT KUNTZ, CITY ADMINISTRATOR

MINUTES – November 14, 2011

CITY ADMINISTRATOR'S REPORT

Portable Message Signs: City Administrator Kuntz said the city has 3 or 4 of these signs. They were inherited as a result of prior construction projects that required traffic messages. Some are as old as the reconstruction of Ries Road, when we received MoDOT funding. Upon completion of the project, we were able to retain those units. The signs have been used for community information purposes, including the notification of the Ballwin Days parade route on Manchester Road. Standards and criteria have been established by this Board for the use of these message signs by outside agencies, such as the Rockwood School District, Drug-Free Coalition, etc. It's been determined that these units do not meet the current standards that are reflected in our flashing message sign regulations that was recently adopted, which includes the timing of the message and the size of the amount of message in relation to the board.

City Administrator Kuntz said asked for Board authorization to work with the City Attorney, Police Chief, and City Engineer to determine the best alternative to bring our message signs into compliance with our commercial establishments as much as possible, or at least figure out a way to not be inconsistent. He said that a report could be brought back to the Board before the end of the year.

Alderman Harder asked what is out of compliance. City Administrator Kuntz said, "There's a very specific time frame in terms of the repetition of the message so that there is no distraction to motorists. These older signs cannot be programmed slow enough to meet the ordinance requirements." City Attorney Jones said, "To the extent that we are using these signs as a police power purpose, such as redirecting traffic in the event of emergency or construction project, the City is exempt from the ordinance. If we're using it to advertise Ballwin Days, Drug Take-back, tournaments, as examples, I don't think we are exempt from the requirements of the ordinance. I will look into this in more detail if a motion is adopted to draft legislation."

A motion was made by Alderman Harder and seconded by Alderman Kerlagon to draft legislation. A voice vote was taken with a unanimous affirmative result and the motion passed.

MINUTES – November 28, 2011

LEGISLATION

BILL # 3711 - AN ORDINANCE AMENDING THE SIGN CODE OF THE CITY OF BALLWIN WITH RESPECT TO MOVABLE DYNAMIC DISPLAY SIGNS OWNED AND OPERATED BY THE CITY OF BALLWIN.

A motion was made by Alderman Boerner and seconded by Alderman Finley for a first reading of Bill No. 3711. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3711 was read for the first time.

Alderman Harder said "This came up because of the two or three signs that we have, that we purchased used from the State. They are different than what we required stores on Manchester Road to do. I have a problem with that because we've told the businesses that this is what you have to do and spend your money, yet, I see a conflict. If a business came to us and said they didn't want to do theirs, but yours are okay, but I have to do "X", I don't know if this is the way to handle this."

Mayor Pogue said, "The way the bill is written, it addresses the times that Ballwin uses these signs for warning motorists of notification of dangerous conditions. The language here would not allow us to use the signs for advertising Concerts in the Parks etc. The signs could only be used to warning motorists of dangerous conditions." City Attorney Jones said this is correct. The drug-take back would be another example of an exempted use of the signs. The Ballwin Days parade would be a proper use of the city's

police power exemption of its own regulation because it would be notifying of detour and traffic conditions.”

Alderman Finley said, “There is a legitimate public interest, the public safety and Police power. That gets me on board with it.”

Alderman Boerner said, “This is for the purpose of providing warning to the motorists. It should get attention and you want people to see it.”

Alderman Harder said, “The criteria is the delay between changing the message. These signs cannot be set to have long enough timing between message changes.”

City Administrator Kuntz said, “Every city that I know is using the same technology. The signs are portable, easy to put at a strategic location for a short period of time, very specific to a message, and then easily removed.”

Alderman Harder asked, “Should a statement be made that this is a temporary sign, as opposed to a permanent sign?” Alderman Terbrock said, “For us or another governmental agency, this does not apply.” Alderman Harder said, “From the standpoint of it being a temporary or emergency situation, if the sign is up for a month or a day, what is temporary?”

City Attorney Jones said, “In the first phrase, we could add ‘*a movable or a temporary dynamic display sign owned and operated*’. By adding this, we haven’t changed the character of this bill. The word movable is in the title.”

Alderman Finley said, “From a cost perspective, the City already owns the movable digital signs, they work, we need them for the public safety and police power. I don’t think we can justify explaining to our citizens that we need to buy new movable signs in order to comply with what we have already approved into law. Our signs function, do the task that we need them to do, and therefore, I’m satisfied with this bill.”

A motion was made by Alderman Finley and seconded by Alderman Terbrock for a second reading of Bill No. 3711. A voice vote was taken with a unanimous affirmative result and the motion passed. Bill No. 3711 was read for the second time.

A roll call was taken for passage and approval of Bill No. 3711 with the following results:
Ayes – Finley, Terbrock, Boerner, Leahy, Fleming, Dogan, Kerlagon. Nays – Harder. Bill No. 3711 was approved by a vote of 7-1 and became **Ordinance No. 11-54**.