

ORDINANCE NO. 3535

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 9 BUILDING AND BUILDING REGULATIONS; ARTICLE I, IN GENERAL, SECTION 9-3, BUILDING AND DWELLING ADDRESSES; ARTICLE VII, SIGN REGULATIONS; SECTION 9-382, DEFINITIONS; SECTION 9-391, TEMPORARY SIGNS; SECTION 9-394, ILLEGAL, NONCONFORMING DETERIORATED AND VACANT SIGNS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

**Section 1.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations, Article I, In General, Section 9-3, Building and dwelling addresses; is hereby amended to read as follows:

**Sec. 9-3. - Building and dwelling addresses.**

It shall be unlawful for any person being the owner of any non-residential building, structure or dwelling which abuts a public street to fail to place and maintain thereon, in a place visible from the street, figures at least four (4) inches high, in accordance with the International Fire Code, as adopted by reference, showing the number of the dwelling, building or structure.

**Section 2.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations, Article VII, Sign Regulations, Section 9-382, Definitions; is hereby amended to read as follows:

**Section 9-382, Definitions.**

As used in this Code, the following terms shall have the indicated definitions:

*"A" frame sign:* A sign, ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily moveable, not permanently attached and usually two (2) sided.

*Automatic, changing sign:* An electronically or electrically controlled sign that automatically changes the visible message copy on a preprogrammed cycle through the use of illumination.

*Awning:* Any structure made of a lightweight material attached to a building and projecting over a walkway.

*Banner:* A sign printed or displayed on cloth, fabric or other flexible material, with or without frames.

1           *Billboard:* A sign upon which advertising or other message may be posted, painted,  
2 pasted or affixed, and which directs attention to a business, organization, event, person, place,  
3 commodity, service or entertainment conducted, sold, located, manufactured, used or offered at  
4 a location other than the premises on which the sign is located.

5  
6           *Bulletin board sign:* A sign that indicates the name of a governmental, religious,  
7 educational or other noncommercial institution on whose premises it is located, and which may  
8 contain the names of individuals connected with it and general announcements of events or  
9 activities occurring at the institution, or similar messages not advertising a specific product or  
10 business service.

11  
12           *Canopy:* A fixed shelter of any material and of any length projecting from a building and  
13 supported by columns or posts from the ground, or a freestanding shelter supported by columns  
14 or posts from the ground.

15  
16           *Changeable copy sign:* A permanent ground or pole sign consisting of nonstructural  
17 panels or individual message elements such as letters, numbers or symbols that are designed and  
18 intended for manual replacement or alteration after the sign is erected.

19  
20           *Civic center:* An area described as a part of the west one-half (W½) of the southwest  
21 quarter (SW¼) of Section 35, Township 12 North, Range 2 West of the Indian Meridian,  
22 Oklahoma County, Oklahoma, beginning at a point fifty (50) feet north and fifty (50) feet east  
23 of the southwest corner of said section, north 758.33 feet, thence east 1,267.98 feet, thence south  
24 758.33 feet, thence west to the point of beginning.

25  
26           *Commercial temporary sign:* A temporary sign that is not a noncommercial temporary  
27 sign and that identifies, advertises or directs attention to a business or is intended to induce  
28 purchase of a good, property or service including, without limitation, any sign naming a brand  
29 of good or service.

30  
31           *Construction sign:* A sign identifying a construction project erected on the premises  
32 where construction is taking place, during the period of such construction, and containing  
33 information pertinent to the construction project such as the names of the architects, engineers,  
34 landscape architects, contractors or similar artisans, and the owners, lending institutions and  
35 other parties having a role or interest in the structure or project.

36  
37           *Decoration:* Illustration, symbol, flag, streamer, bunting, wreath, figure, insignia or other  
38 devices employed to express and/or illustrate a message or patriotic holiday or seasonal  
39 character.

40  
41           *Deteriorated sign:* A permanent sign that is partially dilapidated or in need of repair.

42  
43           *Digital sign:* are a form of electronic display that show television programming, menus,  
44 information, advertising and other messages, utilizing technologies such as LCD, LED, plasma  
45 displays, or projected images to display content.

1           *Directional sign:* A sign that directs the movement or placement of pedestrian or  
2 vehicular traffic on the premises where the sign is located.

3  
4           *Display surface:* The surface of a sign upon, against or through which the message is  
5 displayed or illustrated.

6  
7           *Display surface area:* The net geometric area enclosed by the display surface of the sign  
8 including the outer extremities of all letters, figures, characters and delineations; provided,  
9 however, display surface area shall not include the structural supports for freestanding signs if  
10 the structural supports are so arranged so as not to become a part of the attention-attracting aspect  
11 of the sign; provided, further, that only one (1) face of a double-faced sign as defined herein  
12 shall be considered in determining the display surface area.

13  
14           *Double-faced sign:* Any sign that has more than one (1) display surface.

15  
16           *Erect:* To build, attach, hang, place, suspend, affix, construct or allow to be constructed,  
17 including the painting of wall signs.

18  
19           *Flashing sign:* An illuminated sign, other than an automatic, changing sign, on which  
20 artificial or reflected light is not maintained stationary and constant in light intensity and color  
21 at all times when in use.

22  
23           *Freestanding sign:* Any sign that is attached to or a part of a completely self-supporting  
24 structure that is not attached to any building or any other structure and is anchored firmly to or  
25 below the ground surface (see ground sign and pole sign).

26  
27           *Frontage:* The area between the boundary lines of a lot or parcel of land along the street  
28 right-of-way.

29  
30           *Ground sign:* A freestanding sign that is secured to a fixed base, usually at ground level  
31 or a slight elevation above ground, rather than being pole-mounted.

32  
33           *Identification nameplate:* A wall sign giving any combination of the name, address, and  
34 recognized symbol or logo of a building, business or establishment that is attached to and flat  
35 against the wall of a building.

36  
37           *Illegal sign:* Any sign that in any manner does not conform to all of the requirements of  
38 this Code.

39  
40           *Illuminated sign:* Any sign that has characters, letters, figures, designs or outlines  
41 illuminated by electric lights or luminous tubes whether such sources of illumination are a part  
42 of the sign or not.

43  
44           *Illumination:* Lighting from a source concealed or contained within a sign which  
45 becomes visible through a translucent surface or lighting performed by spotlights or other  
46 lighting devices that are not a part of the sign display surface including those lighting devices

1 that are extended from the sign by means of a rod or rods from which the illumination is directed  
2 toward the display surface area of the sign.

3  
4 *Marquee:* A permanent roof-like structure projecting beyond a building wall at an  
5 entrance to a building or extending along and projecting beyond the building's wall and generally  
6 designed and constructed to provide protection against the weather.

7  
8 *Memorial sign:* A sign, tablet or plaque commemorating a person, event, structure or site.

9  
10 *Noncombustible:* Any material that does not ignite below twelve hundred (1,200) degrees  
11 Fahrenheit or disintegrate, melt or give off toxic odor or fumes.

12  
13 *Noncommercial temporary sign:* A temporary sign that in no way identifies, advertises  
14 or directs attention to a business, good, property or service, or is intended to induce purchase of  
15 a good, property or service, or portrays or symbolizes a good, property or service especially but,  
16 without limitation, a brand or trade name, an identifiable container shape or a trademark.

17  
18 *Nonconforming sign:* A sign that was lawfully erected, altered, moved or maintained  
19 under previous ordinances of the city but does not conform to the provisions of this article.

20  
21 *Owner:* The fee owner of a sign, the lessee of the sign, the fee holder of the property  
22 upon which the sign is located, the leaseholder of such property or the individual, person or  
23 business who has purchased the copy on a sign, or the agent of any of the listed entities.

24  
25 *Parcel:* A contiguous area of land described in a single description in a deed or as one of  
26 a number of lots on a plat; separately owned, either publicly or privately; and capable of being  
27 separately conveyed.

28  
29 *Permanent sign:* A sign that, by its construction and made of such materials, is intended  
30 to remain erected and in use for an extended period of time.

31  
32 *Pole cover:* A decorative covering constructed of materials that are attractive,  
33 aesthetically pleasing and architecturally consistent with the sign and/or the main building on  
34 the premises, built the full length of and entirely surrounding the freestanding poles on which  
35 the sign is mounted.

36  
37 *Pole sign:* A freestanding sign that is mounted on one (1) or more freestanding poles or  
38 other supports.

39  
40 *Political sign:* A sign announcing or supporting one (1) or more political candidates or  
41 issues in connection with any national, state, county or local election.

42  
43 *Portable sign:* A sign, whether mounted on a chassis with tires or wheels for transport  
44 from one place to another, designed to be movable from one location to another and not  
45 permanently attached to the ground or to any immobile structure, the primary function of which

1 is to provide advertisement of products or services in connection with a business or activity  
2 located on the same site as the portable sign or elsewhere.

3  
4 *Projecting sign:* A sign, other than a banner, that is attached to, and is wholly or partially  
5 dependent upon a building for support and that extends beyond the line of the building or beyond  
6 the surface of that portion of the building to which it is attached.

7  
8 *Public use or public service sign:* A sign of a governmental or noncommercial nature  
9 including public transit and public utility information signs, traffic control signs and any other  
10 sign erected by a public officer in the performance of a public duty.

11  
12 *Real estate sign:* A temporary sign pertaining to the sale or lease of a parcel or tract of  
13 land or to the sale or lease of one (1) or more structures.

14  
15 *Roof sign:* A sign that is erected, constructed and maintained wholly upon or over the  
16 roof of any building with the principal support of the sign on the roof structure.

17  
18 *Setback:* A distance measured horizontally from, and perpendicular to, the right-of-way  
19 line of a street or a property line to the nearest edge of the sign.

20  
21 *Sight triangle:* As defined by subsections 4.8.3(a) and (b) of appendix A of this Code.

22  
23 *Sign:* Any object, announcement, declaration, demonstration, display, illustration,  
24 insignia, device, display or structure or part thereof, including a digital sign, situated outdoors  
25 in view of the general public that is used to advertise, identify, promote, display, direct or attract  
26 attention to or promote the interest of an object, person, institution, corporation, organization,  
27 business, product, service, event or location by any means including words, letters, figures,  
28 designs, symbols, fixtures, colors, motion, illumination or projected images, whether illuminated  
29 or not, including, but not limited to, every billboard, wall sign, roof sign, projecting sign, ground  
30 sign, pole sign, window sign, changeable copy sign, temporary sign, portable sign, commercial  
31 bills, commercial posters, commercial pictures, commercial lithographs, commercial maps,  
32 commercial plats, commercial samples or other commercial devices or advertisements of any  
33 kind or any other attention-getting device or other display whether affixed to a building or  
34 separate from a building.

35  
36 *Sign contractor:* Any person, firm, partnership, association or corporation involved in  
37 the installation, repair, alteration or service of any electric sign, all permanent or temporary signs  
38 involving structural requirements of the building code and/or electrical requirements of the  
39 electric code and/or billposting.

40  
41 *Structure:* Anything built or constructed whether or not permanently attached to the  
42 ground.

43  
44 *Subdivision construction sign:* An on-premises sign with a display surface area of fifty  
45 (50) square feet or less containing information about a particular subdivision as a whole, which

1 information may include, but may not be limited to, the location, price range and/or amenities  
2 of the subdivision.

3  
4 *Swinging sign:* A sign, all or part of which is animated, revolves, swings or is otherwise  
5 designed to move by mechanical means or by the force of the wind.

6  
7 *Temporary sign:* Any sign, either commercial or noncommercial, that is not a permanent  
8 sign which may include, but shall not be limited to, a balloon or other inflatable, banner, thirty  
9 (30) feet or shorter section of pennant and/or valance, or any other advertising display.

10  
11 *Temporary sign setback:* A twelve-foot distance measured horizontally from, and  
12 perpendicular to, the curb or, where there is no curb, other discernible edge of the street or road.

13  
14 *Vacant sign:* A sign that pertains to a building or is on a parcel of land that:

- 15  
16 (1) Has been unoccupied for a period of six (6) consecutive months; or  
17 (2) Refers to a business, product, service, event or purpose that has been  
18 inapplicable for three (3) consecutive months or is no longer provided on the premises  
19 where the sign is located; or  
20 (3) Identifies a time, event or purpose that has passed or no longer applies; or  
21 (4) In the case of a billboard, is vacant of copy or that advertises an  
22 establishment, good or service that no longer exists.

23  
24 *Wall sign:* Any sign painted on or attached to and erected parallel to the face of, or erected  
25 and confined within the limits of, the outside wall of any building and supported by such wall or  
26 building; and which displays only one (1) advertising surface including awning and canopy,  
27 identification, marquee, module and projecting signs.

28  
29 *Window display:* Any sign placed inside a structure on a window.

30  
31 **Section 3.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations,  
32 Article VII, Sign Regulations, Section 9-391, Temporary signs; is hereby amended to read as  
33 follows:

34  
35 **Section 9-391, Temporary signs.**

36  
37 (a) No commercial temporary sign located on nonresidential property shall exceed sixteen  
38 (16) square feet in display surface area and shall not be taller than three (3) feet measured from  
39 ground level. The maximum size of the display surface area of the sign shall not exceed two (2)  
40 feet in any one (1) of its dimensions. No temporary sign located on residential property shall  
41 exceed eight (8) square feet in display surface area.

42  
43 (b) Balloons shall not be used as commercial temporary signs.

44  
45 (c) Every temporary sign weighing more than fifty (50) pounds must be approved by the city  
46 as conforming to the safety requirements of the building code of the city.

1  
2 (d) No temporary sign shall extend over or into any street, alley, sidewalk or other public  
3 thoroughfare. Temporary signs shall not extend a distance greater than four (4) inches from the  
4 wall upon which it is erected, and such signs shall not be placed or projected over any wall  
5 opening.

6  
7 (e) Every temporary sign shall be in full compliance with this article.

8  
9 (f) No temporary sign shall be placed, installed, erected or maintained within the temporary  
10 sign setback on arterial streets and on nonresidential property.

11  
12 (g) No commercial temporary sign may be erected or maintained without a permit except as  
13 noted in subsection 9-391(h) of this Code. Each city utility account or separate parcel identified  
14 by a legal address in the city is entitled to eight (8) commercial temporary sign permits each  
15 year. The fee for each commercial temporary sign permit shall be fifty dollars (\$50.00); however,  
16 nonprofit organizations that produce their letter from the Internal Revenue Service proving their  
17 nonprofit status shall be exempt from the fee. Permits for commercial temporary signs shall  
18 authorize the erection of the signs and their maintenance for a period not exceeding seven (7)  
19 consecutive days. Any commercial temporary sign maintained in excess of seven (7) consecutive  
20 days shall be deemed an illegal sign and must be removed by the owner. If the owner fails to  
21 remove the sign, the city may do so and charge the cost of such removal and any storage of the  
22 sign, the minimum of which shall be one hundred dollars (\$100.00) to the owner, which amount  
23 shall be assessed to the owner's utility account.

24  
25 (h) One (1) commercial freestanding, temporary sign may be erected or maintained on  
26 residential property without a permit only under the following conditions:

- 27  
28 (1) The display surface area of the sign shall be no more than one (1) square foot in  
29 area;  
30 (2) The height of the sign shall be no more than three (3) feet above ground level;  
31 and  
32 (3) The sign must be located within an area not to exceed five (5) feet in distance  
33 from the front of the front elevation of the residential structure.

34  
35 (i) A permit for the erection for a maximum of thirty (30) days of one (1) grand opening  
36 sign for a new business may be issued upon the submission to the city of an application for a  
37 certificate of occupancy for a new business. Banners used as temporary signage attached to the  
38 facade of a building announcing the opening of a business. A change of ownership or an existing  
39 business does not qualify for a grand opening sign. There shall be no fee for a temporary grand  
40 opening sign. A temporary sign permit must be obtained in accordance with subparagraph (g) of  
41 this section.

42  
43 (j) One temporary directional sign per business of eight (8) square feet may be erected no  
44 closer than twelve (12) feet to the curb line at the entrance to the business when access to the  
45 business has been partially or completely blocked due to a public construction project when the  
46 access will be impeded in excess of seven (7) days. The sign shall contain only the "name of the

1 business" and the word "entrance," or a direction arrow. It shall be removed within forty-eight  
2 (48) hours after the project has been substantially completed as determined by the city. A permit  
3 shall be required, but the fee shall be waived. All other regulations of this section shall be  
4 followed.

5  
6 (k) Temporary signage associated with a sales event, anniversary or holiday may be attached  
7 to shopping cart collection and/or gas station pump topper areas without penalty or permit  
8 requirements.

9  
10 **Section 3.** That the Midwest City Municipal Code, Chapter 9, Building and Building Regulations,  
11 Article VII, Sign Regulations, Section 9-394, Illegal, nonconforming, deteriorated and vacant  
12 signs; is hereby amended to read as follows:

13  
14 **Sec. 9-394. - Illegal, nonconforming, deteriorated and vacant signs.**

15  
16 In order to achieve the general purpose and objectives of this article, it is necessary to provide  
17 for the removal or conformance of signs that are designated as illegal, nonconforming,  
18 deteriorated or vacant. The following subsections identify circumstances under which such  
19 designations occur and the method of correction and/or disposition required:

20  
21 (1) Any permanent sign erected or altered that does not comply with the provisions of this  
22 article shall be removed from the premises upon which it is located within thirty (30) days from  
23 the notice of violation and shall not be erected anywhere in the city until a sign permit is issued.  
24 Any temporary sign erected that does not comply with the provisions of this article is subject to  
25 immediate seizure and removal by the city.

26  
27 (2) It is the declared intent of the city to have nonconforming signs brought into conformity.  
28 The right to operate and maintain nonconforming signs shall terminate in accordance with the  
29 following schedule:

30  
31 a. All signs that are nonconforming for the following reasons shall immediately be  
32 removed or brought into conformance with the provisions of this section upon notification to the  
33 owner by the city:

34  
35 1. They constitute a traffic hazard, or block or restrict the visibility of  
36 motorists; or

37  
38 2. They constitute a possible hazard to the general health, safety and welfare  
39 of the public of the city.

40  
41 b. Signs located within the public right-of-way, as set out in subsection\_9-385(c) of  
42 this Code, are not in compliance with the provisions of this article. Those signs that are not  
43 covered by subsection (2)a. of this section shall be removed or brought into conformance on or  
44 before the effective date as noted in this section.



1 c. Billboards that are not in compliance with the provisions of this article shall be  
2 brought into compliance upon notification to the owner by the city.

3  
4 d. Freestanding signs that are not in compliance with:

- 5  
6 1. The height limitation contained in subsection 9-386(b) of this Code;  
7 2. The display surface area limitation contained in subsection 9-386(h) of  
8 this Code;  
9 3. The number and/or spacing limitations contained in subsection 9-386(c)  
10 of this Code; or  
11 4. The pole cover requirements contained in subsection 9-386(j) of this  
12 Code.

13  
14 e. Freestanding signs shall be brought into compliance with the provisions above, at  
15 the time any modifications or repairs are made to the sign:

- 16  
17 1. That would cause an increase or decrease to the height of the sign; and/or  
18 2. That would cause an increase or decrease in the display surface area of the  
19 sign; and/or  
20 3. That would cause a change to the shape of the sign; and/or  
21 4. That would cause any modifications to, additions to or removal of any  
22 structural components of the sign; and/or  
23 5. That would cause the overall sign area to be increased or decreased due  
24 the number of reader boards on the sign or the area of signs.

25  
26 f. Routine maintenance and repair will not require a sign to be brought into  
27 compliance with the provisions above. Such repairs would include, but are not limited to:

- 28  
29 1. The painting of the structural elements of the sign; and/or  
30 2. Simple refacing of an existing sign where no structural changes are made;  
31 and/or  
32 3. Electrical repairs to an existing sign made while the sign remains in place.  
33 4. The addition of a digital sign component is allowed as long as the overall  
34 structural design of the sign is not altered.

35  
36 g. All other nonconforming signs except as outlined by subsections (2)a—d. of this  
37 section that are not in compliance with the provisions of this article shall be allowed to remain  
38 for such period as subsection (5)b. of this section is complied with.

39  
40 (3) Vacant signs may remain until they become deteriorated signs and shall be removed by  
41 the owner of the sign and/or by the owner of the property on which the sign is located.

42  
43 (4) Deteriorated signs shall be removed by the owner of the sign and/or by the owner of the  
44 property on which the sign is located.

1 (5) If the building official shall find that any sign is in violation of the provisions of this  
2 section, he shall give written notice to the owner.

3  
4 a. The notice shall be personally served on or mailed to the owner by certified mail  
5 at the address shown on the current years tax rolls in the county treasurer's office. If the owner  
6 is unable to be personally served or notified by mail, then notice of the violation shall be posted  
7 on the sign.

8  
9 b. Any illegal, nonconforming or deteriorated sign, except for nonconforming signs  
10 described in subsection (2)a. of this section, that is not removed from the premises or brought  
11 into compliance with this article within thirty (30) days after the service of notice shall be  
12 considered in violation of the provisions of this article and shall be subject to the penalties as set  
13 forth in this article. Each day that the sign remains in violation of this article after the expiration  
14 of the thirty (30) days' time shall constitute a separate offense. Signs described in subsection  
15 (2)a. of this section shall be brought into compliance or removed immediately upon notification.

16  
17 c. Signs placed within the public right-of-way or on utility poles shall be removed  
18 by the city upon discovery.

19  
20 (6) Removal by the city.

21  
22 a. The city may remove any deteriorated sign that the owner fails to remove after  
23 notification. Storage and renewal charges shall be borne by the owner and, if unpaid upon  
24 demand, the city clerk shall cause the charges to be placed on the tax rolls for any property  
25 owned by the owner of the sign within the city.

26  
27 b. Any sign located within the city that constitutes an immediate danger shall be  
28 removed without notice and the costs shall be borne as provided by subsection (6)a. of this  
29 section.

30  
31 c. Any sign placed within the public right-of-way or on a utility pole shall be  
32 removed immediately by the city and shall be disposed of as provided by ordinance for the  
33 disposition of unclaimed property.

34  
35 d. Any nonconforming sign that must be removed or brought into conformance with  
36 the requirements of this article shall be removed by the city upon the owner's failure to bring the  
37 sign into conformance with this article. Costs shall be borne by the owner as provided in  
38 subsection (6)a. of this section.

39  
40 e. Any sign that is removed by the city under subsections (6)a., b. or d., of this  
41 section shall be stored for a period of two (2) months at which time the sign shall be deemed  
42 abandoned and disposed of as provided by ordinance for the disposition of unclaimed property.

43  
44 f. The addition of a digital sign to an existing sign without changing the overall  
45 structure of design of the existing sign will not be subject to this section.

1 **Section 4.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
2 repealed.

3  
4 **Section 5.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
6 of the ordinance.

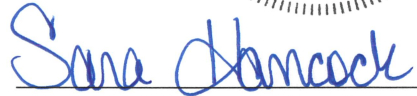
7  
8 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
9 Oklahoma, this 14 day of November, 2023.

10 **THE CITY OF MIDWEST CITY, OKLAHOMA**



11  
12  
13  
14   
15 MATTHEW D. DUKES, II, Mayor

16  
17 ATTEST:

18  
19   
20  
21 SARA HANCOCK, City Clerk

22  
23  
24 Approved as to form and legality this 14 day of November, 2023.

25   
26  
27  
28 DONALD D. MAISCH, City Attorney