

ORDINANCE NO. ~~04~~ 14
AMENDMENT TO ORDINANCE # 00-02,

AN ORDINANCE AMENDING ORDINANCE # 00-02 THE MADISON COUNTY PLANNING AND ZONING REGULATIONS, REGARDING POLITICAL SIGNS.

BE IT ORDAINED BY THE FISCAL COURT OF MADISON COUNTY, COMMONWEALTH OF KENTUCKY:

WHEREAS, the members of the Fiscal Court of Madison County have heard from many interested and concerned residents relating to the abundance of political signs in recent elections within Madison County; and

WHEREAS, the Fiscal Court is concerned about the number of political signs being displayed in the County, the placement of said signs within public right of ways, the size of the signs, as well as the length of time they are being placed prior to elections and the length of time they remain displayed after the elections; and

WHEREAS, the Fiscal Court finds that in order to preserve the beauty of our county and to promote and encourage a more aesthetically pleasing community, reasonable restrictions upon placement of political signs are necessary; and

WHEREAS, the previously stated goals must be balanced with the recognized fundamental rights of free speech and expression which we all enjoy; and

WHEREAS, §406 of the Madison County Planning and Zoning regulation requires certain amendments to implement these regulations:

NOW THEREFORE, be it ordained by the Madison County Fiscal Court that §406 of the Madison County Planning and Zoning regulations is hereby amended as follows:

406.1 Purpose:

The purpose of this section is to promote and protect the public health, welfare,

and safety by regulating existing and proposed signs of all types, to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty of areas, reduce sign distractions and obstructions that may contribute to vehicular accidents, and reduce hazards to the public that may be caused by overhanging or projecting signs.

406.2 Permits Required:

No sign (except those excluded below in Section 406.3) may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with provisions of these regulations. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial revision.

406.3 Signs Excluded from Permitted:

The following signs are exempt from regulations under this section:

1. Signs not exceeding four (4) square feet in area that are normally associated with residential use. (such as for property identification, trespassing, etc.)
2. Signs erected by or on behalf of or pursuant to authorization of a governmental body.
3. Official signs of a non-commercial nature erected by public utilities.
4. Church bulletin boards or identification signs.
5. Signs used to designate the name of a subdivision. Such signs shall be located at the entrance into the subdivision (may be within the right-of-way) and shall not exceed twenty-four (24) square feet in size.
6. Real estate signs indicating property for sale, rent, or lease. Such signs should not exceed six (6) square feet in residential areas, and twelve (12) square feet in commercial/industrial areas, shall be located on the property that is being advertised or promoted for sale, and shall be removed immediately after the transaction is completed.
7. Construction site identification signs, one per site, not to exceed forty (40) square feet. Such signs shall not be erected prior to issuance of a building permit and shall be removed within ten (10) days after occupancy.
8. Displays (including lighting) erected in connection with the observance of holidays (to be removed within 10 days following the holiday).

9. ~~Signs erected in connection with elections or political campaigns no more than thirty two (32) square feet in size and to be removed within three (3) days following the election or campaign. (Now see 406.6 Political Signs).~~
10. Signs indicating a special event such as a grand opening, fair, carnival, circus, festival or similar event that is to take place on the lot where the sign is located. Such sign shall not exceed thirty (30) square feet, may be erected no sooner than two (2) weeks before the event, and must be removed within three (3) days after the event.

406.4 Types of Signs:

1. Wall or facade sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure or sign surface, and that does not project more than two (2) feet from the building or structure.
2. Freestanding sign: A sign that is attached to, erected on, or supported by some structure (such as a pole or frame) that is not an integral part of or attached to a building or other structure whose principal function is other than support of a sign.
3. Internally illuminated sign: A sign where the source of illumination is inside the sign and light emanates through the message of the sign.
4. Off-premise sign: A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located (a billboard is an example).
5. On-Premise sign: A sign that draws attention to or communicates information about a business, service, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.
6. Temporary sign: A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to be completed within a reasonably short time, not to exceed sixty (60) days.
7. Political Sign: A sign that promotes a particular candidate for an election or one which promotes an issue or a question on a ballot.

406.5 Number of Signs:

For the purpose of determining the number of signs, a sign shall be considered to be a display surface or display device containing elements organized, related, and composed to form a unit. A two-sided or multi-sided sign shall be regarded as one sign.

Property having more than one street frontage shall be allowed one free-standing sign per street frontage. A shopping center or other multiple business building shall be limited to one free-standing sign per street frontage. An out-lot within a shopping center shall be allowed a separate free-standing sign. Each separate business (free-standing) shall be allowed one wall sign per street frontage.

A new section to § 406 is created as follows:

406.6 Political Signs:

1. A candidate for any elected office or a proponent for any issue or question on a ballot, shall obtain a permit from the Madison County Codes Enforcement Officer prior to the display of any sign relating to said election or question within the unincorporated territory of Madison County. There shall not be a fee assessed or charged for said permit, but each candidate or proponent shall acknowledge being given a copy of these regulations and further acknowledge that he or she understands same. These regulations place no burden on any landowner not a candidate or proponent to obtain a permit or comply with these sections relating to political signs.
2. No political signs shall be placed in a public right of way or on private property without the consent of the landowner, nor shall any signs be placed in a location which interferes with site visibility on any roadway.
3. Political signs shall be displayed no earlier than thirty (30) days prior to an election. All signs shall be removed within seven (7) days after the same election.
4. No political sign shall exceed the size of 4' x 8' (32 square feet), and no signs exceeding the size of 3' x 4' (12 square feet) shall be placed on residential property.
5. Only one political sign per candidate or question shall be allowed per lot.
6. In the event any sign is displayed or allowed to remain in violation of this

ordinance, a notice of said violation shall be mailed to the candidate or proponent or his or her filing papers. In the event the violation is not corrected within five (5) days from the mailing of said notice, a \$10.00 fee per violation shall be imposed upon the candidate of proponent and the county shall correct the violation. The fee imposed shall be used to defray the costs the county incurs for removing the signs determined to be out of compliance with these regulations. While a landowner is encouraged to remove any signs on his or her property in violation, this ordinance does not impose any duties in him or her. Instead, it is presumed that a candidate for which the sign promotes or a proponent for whose cause is promoted is responsible for complying with the terms of this ordinance.

THIS ORDINANCE NO. 04-14 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, SECONDED AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Madison County, Kentucky held on the 24th day of February, 2003.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Madison County, Kentucky, held on the 9th day of March, 2003, and of record in Fiscal Court Order Book _____, Page _____.

DATE ADOPTED: 3-9-2004

MOTION BY: Larry Combs

SECONDED BY: Roger Barger

VOTE: YES NO

Magistrate Billy Ray Hughes	<input checked="" type="checkbox"/>	_____
Magistrate Roger Barger	<input checked="" type="checkbox"/>	_____
Magistrate William Tudor	<input checked="" type="checkbox"/>	_____
Magistrate Larry Combs	<input checked="" type="checkbox"/>	_____
Judge Kent Clark	<input checked="" type="checkbox"/>	_____

[Signature]
MADISON COUNTY JUDGE/ EXECUTIVE

Attest:
[Signature]
County Clerk

PREPARED BY:

A handwritten signature in cursive script, appearing to read "Marc Robbins", is positioned above a horizontal line.

Marc Robbins
Madison County Attorney
116 West Main Street, Suite D
Richmond, Kentucky 40475
(859) 623-4595

ORDINANCE NO. 06 - 03

AN ORDINANCE OF THE CITY OF BEREA, KENTUCKY, AMENDING § 81.502 OF THE BEREA CITY CODE, PROVIDING FOR REGULATION OF TEMPORARY SIGNS RELATING TO POLITICAL CAMPAIGNS.

WHEREAS, the City Council takes notice of the proliferation of political campaign signs placed within the City prior to elections; and

WHEREAS, many such signs are placed on public rights-of-way or on private property without permission of the property owner; and

WHEREAS, many political signs are not removed in a timely manner after the election to which they relate; and

WHEREAS, the City Council has received many complaints from citizens regarding the above abuses of political signs; and

WHEREAS, while the City Council recognizes the constitutional right of free expression inherent in political signs, it is necessary that some reasonable time, place, and manner regulation of such signs be implemented;

NOW, THEREFORE, the City Council of the City of Berea, Kentucky, does ordain as follows:

SECTION I

That the Code of Ordinances of the City of Berea, Kentucky, be amended by revising Section 81.502 so that such section shall read as follows:

§ 81.502 SIGNS ALLOWED IN ALL DISTRICTS NOT REQUIRING A PERMIT

The following signs are permitted in all districts and do not require the procurement of a permit:

- (A) A sign advertising the sale, lease, or rental of the premises upon which the sign is

located shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. Sign must be removed not more than fifteen (15) days after the sale, lease, or rental of premises.

(B) Professional name plates, not to exceed four (4) square feet in area.

(C) Signs denoting the name and address of the occupant of the premises, not to exceed two (2) square feet in area.

(D) Temporary signs not exceeding thirty-two (32) feet in surface area, denoting firms such as architectural, engineering, or construction, engaged in the work on a construction site. Sign must be removed not more than fifteen (15) days after construction is completed at the site.

(E) Temporary signs announcing or relating to a campaign, drive, or event of a civic, philanthropic, education, or religious organization. Signs must be removed not more than fifteen (15) days after the completion of the drive, event, or campaign.

(F) ~~Temporary signs announcing or relating to a political campaign, not to exceed three (3) by four (4) feet in area. Signs must be removed not more than fifteen (15) days after the conclusion of the campaign.~~ Temporary signs announcing or relating to a political campaign, not to exceed three (3) by four (4) feet in area, are permitted in all districts under the following conditions:

1. Any candidate desiring to display temporary political campaign signs shall obtain a permit from the code enforcement officer prior to installation of any such signs. No fee shall be assessed to issue the permit, but each candidate shall sign an agreement to indemnify the city for the actual costs of removing signs violating the ordinance. No drawing or evidence of written permission from any landowner shall be required to issue the permit.

2. No political sign shall be placed on public right-of-way, or private property

without permission from the land owner.

3. Political signs may only be displayed within the city limits of Berea for a period beginning no more than thirty (30) days prior to any election and no longer than five (5) days after the same election day.

4. No penalty shall be assessed for violation of this ordinance; provided, however, that any candidate who violates the ordinance shall pay the cost of removing the sign. The cost shall be based upon \$10.00 per sign removed, provided that the candidate shall be notified a sufficient time before removal so that the candidate has the opportunity to remove the sign. It shall be presumed that a candidate is responsible for any sign that bears the name of the candidate.

(G) Identification sign containing the name of a community and the names of various civic organizations.

(H) One non-illuminated or indirectly illuminated sign or bulletin board customarily incidental to places of worship, libraries, museums, schools, or other public institutions with sign or bulletin board shall not exceed twelve (12) square feet in area and which shall be located on the premises of the institution.

SECTION II

All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be published according to law.

FIRST READING: March 18, 2003.

SECOND READING & ENACTMENT JUNE 3, 2003.



CITY OF BERE, KENTUCKY

ATTEST:

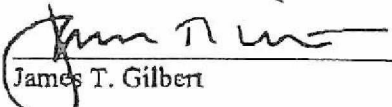

Clerk of the City Council

APPROVED:


Steven Connelly, Mayor

PREPARED BY:

COY, GILBERT & GILBERT
212 North Second Street
Richmond, Kentucky 40475
(859) 623-3877


James T. Gilbert

2. No spot light, flood light, luminous tubes or lighted signs shall be installed in so as to permit the direct rays of such light to penetrate into any residential building, or create a traffic safety hazard.
3. No advertising device, of which all or part is set in motion by movement of the atmosphere, including fluttering or rotating, except as permitted as a temporary sign as stated in Section 411.2
4. No sign, whether illuminated or not, shall project into the line of vision of a motorist or an official traffic sign at a street or railroad intersection within one hundred fifty (150) feet of such signal and no sign visible from the street shall contain the word "danger" or "stop" with the intent of simulating street traffic, or other signs.
5. No wall sign shall be attached to or obstruct any window, door, stairway, fire escape, or other opening intended for egress or ingress of for needed ventilation and light.
6. No sign shall be attached to any tree, fence, or utility pole.
7. No flashing signs shall be permitted.
8. No mobile signs shall be permitted

411.35 Signs Allowed in All Districts and Not Requiring a Permit

The following signs may be erected in any land use district without obtaining a permit:

1. A sign advertising the sale, lease, or rental, of the premises upon which the sign is located. Such sign shall not exceed six (6) square feet in area in all residential districts and twelve (12) feet in all other districts.
2. Professional name plates, not to exceed four (4) square feet in area.
3. Signs denoting the name and address of the occupant of the premises, not to exceed two (2) square feet in area.
4. Temporary signs not exceeding thirty-two (32) square feet in surface area, denoting architectural, engineering, construction, or related firms engaged in the work on a construction site. The sign shall be removed not more than ten (10) days after construction is completed.
5. Temporary signs announcing or relating to a campaign, drive, or event of a civic, philanthropic, educational, or religious organization. Signs are not to be installed more than thirty (30) days prior to the activity, and must be removed no more than five (5) days after its completion.
6. Temporary signs announcing or relating to a political campaign, not to exceed four (4) by eight (8) square feet in area are permitted in all districts provided, 1) the candidate shall obtain a permit from the codes enforcement officer, 2) the sign not be placed on a public right-of-way or private property without permission from the land owner, 3) the sign shall