

PERRY COUNTY, KENTUCKY
ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING REGULATIONS AND POSTING PERIODS FOR
MISCELLANEOUS TEMPORARY ADVERTISING AND ELECTION SIGNAGE

WHEREAS, the Perry County Fiscal Court, pursuant to KRS 67.083, has the authority to enact an ordinance relating to the posting of temporary advertising and non-commercial election signs; and

WHEREAS, temporary advertising, consisting of non-permanent signs, handbills and the like, creates garbage and litter which detracts from the appearance of our County; and

WHEREAS, the Perry County Fiscal Court recognizes the importance of protecting the natural beauty of our County and preserving the aesthetic qualities of our County; and

WHEREAS, the Perry County Fiscal Court hereby finds that this Ordinance is necessary for the preservation of the public welfare, health and safety:

Now, therefore, be it Ordained by the Perry County Fiscal Court as follows:

SECTION 1. HANDBILLS CREATING PUBLIC NUISANCE.

The Perry County Fiscal Court declares that the posting of non-permanent signs, handbills, notices, and similar items, and the attaching of same to public and private property in the county for the purpose of advertising, whether political, commercial, or otherwise, creates a public nuisance in that the practice creates garbage and litter which detracts from the appearance of the county and creates a nuisance to its government and citizens.

SECTION 2. PERMIT REQUIRED.

All persons or organizations of whatever type or nature wishing to post handbills, signs, posters, or other notices on the public streets and highways of the County, or wishing to post notices on public or private property, without the permission of the owner, in such a manner as to be seen from the streets, sidewalks, and highways of the County shall, before commencing these activities, apply at the office of the County Judge Executive for a permit to allow such activities to be conducted within the territorial boundary of Perry County.

SECTION 3. APPLICATION FOR PERMIT; DEPOSIT.

(A) The application for the permit shall be on a form prescribed by the County Judge Executive, which shall identify the names and addresses of the person or persons who shall be responsible for the activity, along with the nature and extent of the activity to be performed, and the duration for which the posting of the advertising is desired.

(B) Each application shall be accompanied by \$100, which shall be a refundable deposit for the purpose of insuring that the advertising is removed in an orderly and timely manner following the completion of the activities which resulted in its posting. No permit shall be granted by the County Judge Executive under this section unless the application for the permit is full and complete and is accompanied by the \$100 deposit. All deposits shall be fully refundable by the County Treasurer upon the timely removal of the posted materials prior to the date specified in the application for removal.

(C) No permit shall be granted by the County Judge Executive for the activities described in this Ordinance in any instance where the application for the permit does not pledge and guarantee the removal of the material which has been posted under the permit before the expiration of seven days from and after the expiration of its term.

SECTION 4. PLACES WHERE SIGNS ARE PROHIBITED.

(A) No sign is permitted within the street, road or highway rights-of-way, unless approved by the County or the Kentucky Department of Transportation. Signs located within the street, road or highway rights-of way may be removed by the County.

(B) No signs shall be painted on, nailed, stapled, pasted, taped or otherwise attached to utility poles, trees, fences, fire hydrants, road signs, speed limit sign posts, guard rails, signal control boxes, or in an unauthorized manner to other signs.

(C) Any sign placed on a property without the owner's permission or consent, may be removed by the owner. This includes all County owned property.

SECTION 5. TIMELY REMOVAL OF POSTED MATERIALS; FORFEITURE OF DEPOSIT.

(A) In the event that removal of posted materials is not completed before the date specified in the permit application for the removal, then no portion of the deposit set forth in Section 3 shall be refunded, but instead the deposit shall be completely forfeited to the County for the purpose of removal and destruction of the posted materials.

(B) In determining whether or not an individual or organization having posted materials under this chapter has complied with the removal provisions of this chapter and is therefore entitled to refund of the deposit set forth in Section 3, the County Treasurer shall be guided by the reported observations and recommendations of the Code Enforcement Officer.

(C) All signs advertising any specific event shall be removed prior to seven (7) days following the end of said event. All election signs shall be removed prior to seven (7) days following the end of an election. The return of the posted deposit shall be conditioned upon the removal of all signs. This requirement shall not apply to signs posted in front of a dwelling or business with permission of the owner of such property.

SECTION 6. IMPACT OF THIS ORDINANCE.

Nothing in this Ordinance shall be construed to in any way affect or have impact on the right or lack thereof of any organization or person posting advertising materials or any other forms of notice on any public or private property within the limits of the County except as set out in this chapter. This chapter shall have no effect on the rights of any person against any other person for trespass or any other cause of action arising out of the posting of advertising material.

SECTION 7. ADVERTISEMENT OF YARD SALES OR GARAGE SALES.

Nothing contained in this Ordinance shall restrict the right of an individual to advertise a yard sale or garage sale upon his/her real property.

SECTION 8. PENALTIES.

(A) In addition to the forfeiture provided for in Section 3, violation of this Ordinance shall be punishable by a fine of \$100 for each violation.

(B) Each day materials are posted in violation of this chapter and each sign not removed shall constitute separate offenses.

(C) Violation of this Ordinance shall constitute a civil offense which shall be enforced according to the procedures set forth in the Perry County Code Enforcement Board Ordinance by the Code Enforcement Board, Code Enforcement Officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

FIRST READING 2/19/19

SECOND READING 3/19/19

PASSED AND APPROVED THIS 19th day of March, 2019

[Signature]
County Judge/Executive

ATTEST:

[Signature]
County Fiscal Court Clerk

Approved as to form and legality:

[Signature]
County Attorney