

ORDINANCE 10-2005

**AN ORDINANCE ESTABLISHING CERTAIN CONDITIONS AND RESTRICTIONS FOR THE
PLACEMENT OF SIGNAGE AND PROVIDING FOR PENALTIES FOR VIOLATIONS IN THE
CITY LIMITS OF GRAND RIVERS, KENTUCKY**

WHEREAS; The City of Grand Rivers has and will continue to experience significant population growth in it's residential and business, and

WHEREAS; The City of Grand Rivers recognizes certain conditions exist that if left unrestricted could cause visual annoyances, have a negative effect on the physical beauty of the community and create distractions to the public that could develop into traffic safety hazards, and

WHEREAS; The City of Grand Rivers wishes to implement and ordinance defining the conditions and restrictions for the construction and locations of signage and providing penalties for violation for same.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GRAND RIVERS, KENTUCKY,

Sections:

- I. Definitions
- II. Sign and Billboard Restrictions
- III. Variances
- IV. Grand Father Clause
- V. Abatement Procedure
- VI. Penalties

Section I.

DEFINITIONS:

For the purpose of this chapter the following definitions shall apply unless the context clearly indicate or require a different meaning.

AGRICULTURAL. The use of the land for the cultivation of crops, vegetables or forestry; the raising of animals or for the preservation of the land in its natural state.

ADVERTISING. To announce publicly esp. by printed notice or broadcast, to call public attention to, by emphasizing desirable qualities so that to arouse a desire to buy or patronize.

BILLBOARD. A sign that is attached to the ground by posts or other supporting structure and which equals or exceeds forty-eight square feet in length.

RIGHTS-OF-WAY. A legal right of passage. The area of land over which is built a public road.

INDUSTRY. Those Enterprises which are engage in the manufacturing of products, the process of foods, hydrocarbons, chemicals or other substances; the mining and processing of minerals, the sale, rental and repair of industrial equipment and any other activity which is generally considered to be industrial activity.

ILLUMINATE. To brighten with light.

SETBACK. A withdrawal of the face of a building or sign to a line some distance to the rear of a building line of the wall below, a restricted area, a space or distance from one set point to another.

SIGN. A lettered board or other display used to identify or advertise a place of business, a posted command, warning or direction.

Section II.

SIGN AND BILLBOARD RESTRICTIONS:

- 1. No sign or billboard shall be permitted in any single family or multifamily residential district other than real estate signs advertising the sale or rental of the premises or signs

- advertising an in-home business on the premises. Such signs shall not exceed four (4) square feet in area and shall be located / setback at least ten (10) feet from all lot lines.
2. No sign or billboard shall be permitted in any Recreational District other than real estate signs advertising the sale or rental of the premises.
3. No sign shall be permitted in the Central or Highway Commercial District other than signs advertising the business or businesses being conducted on the premises where the sign is located. Signs attached to the ground by posts or other structures shall not exceed thirty-two (32) feet in area and shall be located / setback at least ten (10) feet from all sides of lot lines. Signs on the face of a building shall not exceed in area 10% of the total square footage of the face of the building upon which the sign is located.
4. Advertising signs, structures or lights for illuminating signs, where permitted, shall in no case be placed in or extend over any street, road or highway right-of-way.
5. No sign or billboard shall be allowed on any city street right-of-way without the approval of the Mayor and City Council, with the exception to signs that are described and listed in the Grandfather Clause section of this ordinance.
6. Outdoor advertising signs and billboards shall be permitted in agricultural (AOS) and industrial (I) districts. Only billboards shall not exceed three hundred (300) square feet in area and shall be set back from the established right-of-way of any street, road or highway at least as far as the required front yard depth for the principle building in such district.
7. No sign shall be allowed to exist in the city limits that becomes (dilapidated) in physical or visual disrepair, or that is in any way considered to be inappropriate, offensive or pornographic in nature.

Section III.

VARIANCES

1. Variances may be allowed only at the strict discretion of the Mayor or his designee and the City Council. Anyone wishing to request a variance shall do so at a regular scheduled City Council Meeting. The individual or their representative upon his request of a variance shall submit to the City Council a diagram depicting the actual size and requested location of the sign and an accurate drawing showing the signs colors and content. Allowances or denials of variances will be sent out in writing to the requesting individual or their representative within thirty (30) days of the request.

Section IV.

GRANDFATHER CLAUSE

1. In the city limits there does exist a situation where several signs have been placed on a City right-of-way. In each case the individual/business has mistakenly located the sign on City property thinking the location was within their property boundary. The City has determined the street right-of-ways and found the location of these signs to be on City property. The City believes it to be in the best interest of all concerned to allow variances for these locations under the following conditions.
 - A. All signs involved in this variance must stay in good condition and in compliance with the existing ordinance.
 - B. No additions or other signage or structure to the existing structure without the consent of the City Council.
 - C. A site rental agreement by and between the City of Grand Rivers and the business owner declaring a site rent in the amount of ten (10) dollars per month or one hundred twenty (120) dollars per year.
 - D. Upon the closing or termination of operation of the existing business at the time of this ordinance, the sign shall be removed from City property at the cost of the owner.
 - E. Upon change of ownership of an existing business, the new owner must apply to the City for a newly executed rent agreement at the previous rental agreement rate.
 - F. The City of Grand Rivers reserves the right to review sign rental agreement rates each fiscal year for the purpose of reevaluating rates.

Section V.

ABATEMENT PROCEDURE

1. Whenever a violation is discovered the authorized City Officer shall give five (5) days written notice to remedy the violation. The notice shall be mailed to the last known address of the owner/operator of the business, individual or company the sign represents. Upon the failure of the owner of the sign in violation to comply with the City's request to resolve the matter, or to petition to bring the matter before the City Council, the Mayor or his designee is authorized to send City employees upon the property to remedy the situation.

Section VI.

PENALTIES

1. Any person who violates any provision of Section II (Sign and Billboard Restrictions) shall be deemed guilty of a violation and shall be fined not less than twenty-five (25) dollars nor more than two hundred fifty (250) dollars for each offence. Each day that any person fails or refuses to comply with this section after receiving notice of violation herein referred to shall constitute a separate offence.

Section VII.

Any and all existing ordinances in conflict with this ordinance are hereby repealed.

Section VIII.

This ordinance shall take effect upon publication.


Publicly Read First Time: September 13, 2005

Publicly Read Second Time: November 8, 2005

Adopted November 8, 2005

Published: Livingston Ledger: November 24, 2005

Referenced: Minutes Book 1, Page ____



Max Webb, Mayor

ATTEST:



Joe Dry, City Clerk

Certification

I, Joe Dry, do hereby certify that I am the duly appointed clerk of the City of Grand Rivers, Kentucky, that the foregoing Ordinance is a true and correct copy of an ordinance duly adopted at a meeting of the City Council on November 8, 2005, that the Ordinance referred to therein is in the form presented to said meeting and in the form executed, and the said ordinance appears as a matter of public record in the Official City Ordinance Book and is still in full force and effect.

IN TESTIMONY WHEREOF, witness my signature on this 8th day of November, 2005.



Joe Dry, City Clerk