

ORDINANCE NO. 2009-01

AN ORDINANCE RELATING TO THE REGULATION OF SIGNS AND PROVIDING PENALTIES FOR VIOLATION OF THE REGULATIONS WITHIN THE CITY OF HEBRON ESTATES, BULLITT COUNTY, KENTUCKY.

WHEREAS, the City Council of the City of Hebron Estates has received numerous complaints about the location, size and duration of signs within the City of Hebron Estates, and

WHEREAS, there is currently regulation of signs within the City of Hebron Estates which need modification to address changes in circumstances; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON ESTATES, BULLITT COUNTY, KENTUCKY AS FOLLOWS:

SECTION ONE (1) GENERAL PROVISIONS.

(A) Scope. The provisions of this Ordinance shall govern the construction, alteration, repair, maintenance, and inspection of all signs, together with their appurtenant and auxiliary devices in respect to structural and fire safety.

(B) Zoning law. When there is a conflict the zoning laws shall not take precedence over the regulations of this Ordinance.

(C) Construction standards. The provisions of the applicable standards listed in the Kentucky Building Code shall apply.

(D) Other standards. The provisions of any health, fire, or safety code of the City shall apply.

SECTION TWO (2): PLANS, SPECIFICATIONS, AND PERMITS.

(A) PLANS, SPECIFICATIONS, AND OWNER'S CONSENT. Before any permit is granted for the erection of a sign, plans and specifications shall be filed with the City Clerk or her designated agent showing the dimensions, materials, and required details of construction, or alteration, including loads, stresses, and anchorage, and the sign's location in relation to other structures and to property lines and all required information on the permit application. The location shall include an address and tax map number. The applications shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected. The application shall also include a copy of the approved permit issued by the Administrator of the Bullitt County Joint Planning Commission.

(B) PERMITS. A new sign shall not hereafter be erected, constructed, or altered, except as herein provided and only after a permit has been issued by the City Clerk or her designated agent after approval by the City Council. Any permit issued shall become invalid if

the authorized work is not commenced within 180 days after issuance of the permit, or if the authorized work is suspended or abandoned for a period of three (3) months after the time of commencing the work. This shall include signs which are located upon unattached transient containers which are located at one site for more than fourteen (14) days.

(C) IDENTIFICATION. Every sign for which a permit has been issued and every sign hereafter erected, constructed, altered, or maintained shall be plainly marked with the name of the person, firm, or corporation owning, maintaining, or operating the sign, in letters of not less than 5/8 inch in height. The method and location of this identification shall appear on the plans and within the specifications filed with the City Clerk. In addition, any existing sign not so identified and required to be registered under Section 2A shall have affixed to it a decal which evidences compliance with standards contained in this Ordinance and which shall be obtained from the City Clerk. This decal shall be maintained on the face or edge of the sign in a location legible from the sidewalk level, ground level, or easily accessible place below the sign.

(D) ALTERATIONS. A sign shall not be enlarged or relocated; except in conformity to the provisions of this Ordinance for new signs; nor until a proper permit has been secured. The changing of movable parts of an approved sign that is designed for such changes, or the repainting or reposting of display matter, shall not be deemed an alteration provided the conditions of the original approval and the requirement of this Ordinance are not violated.

SECTION THREE (3): PERMITS AND INSPECTION.

(A) GENERAL. Neither a permit nor an inspection shall be required for the signs covered by the provisions of this section. These exceptions, however, shall not be construed to relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner or from compliance with all other applicable requirements of this and other regulations and codes.

(B) MALL INTERIOR SIGNS. Signs located within the interior of malls shall conform with the provisions of the Kentucky Building Code.

(C) GROUND SIGNS. The ground signs listed in the following divisions shall not require a permit:

(1) SALE OR RENT. Signs erected to announce the sale or rent of the property so designated, provided such signs are not more than twelve (12) square feet in area.

(2) TRANSIT DIRECTIONS. The erection or maintenance of a sign designating the location of a transit line, a railroad station, or other public carrier, when not more than three (3) square feet in area.

(3) STREET SIGNS. Signs erected by a jurisdiction for street direction.

(D) PROJECTING SIGNS. A projecting sign not exceeding one (1) square foot of display surface.

(E) CONSTRUCTION SIGNS. Construction signs, repair signs, remodeling signs, engineers' and architects' signs and other similar type signs may be authorized by the City clerk in connection with construction operations on the real estate where the sign is erected. No such sign shall be located upon any public right of way nor shall such sign be erected more than thirty (30) days before actual work begins and the sign shall be removed within seven (7) days after completion of the construction.

(F) POLITICAL SIGNS. Any type of sign which refers only to issues or candidates involved in any political or nonpartisan, special, primary, or general election, provided any such sign shall be erected no more than thirty (30) days before and shall be removed within seven (7) days after the election to which the sign pertains and provided such sign is not more than sixteen (16) square feet of display surface.

(G) VEHICLE SIGNS. Any sign on a motorized vehicle.

(H) VENDING MACHINE SIGNS. Any signs on vending machines which exclusively identify the product in the machine.

(I) GOVERNMENTAL SIGNS. Signs authorized by municipal, state, or federal agencies, including signs erected on a municipal, state, or federal building which announce the name or nature of the occupancy and information as to use or admission to the premises.

(J) TEMPORARY SIGNS regulated by Section Eight (8) hereinafter.

(K) TEMPORARY HOLIDAY DECORATIONS.

(L) SIGNS DESIGNATING HANDICAPPED PARKING.

SECTION FOUR (4): UNSAFE AND UNLAWFUL SIGNS.

(A) NOTICE OF UNSAFE AND UNLAWFUL SIGNS. When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this chapter, the owner thereof or the person or firm maintaining it shall upon written notice of the City Clerk, or her designee forthwith in the case of immediate danger and in any other case within not more than ten (10) days, make such sign conform to the provisions of this Ordinance or shall remove it. If within ten (10) days the order is not complied with, the City Clerk or her designee may cause the removal of the sign at the expense of the owner or lessee thereof.

(B) UNLAWFUL SIGNS. The location or positioning of signs listed in the following divisions shall be considered unlawful:

(1) EGRESS OBSTRUCTIONS. A sign shall not be erected, constructed, or maintained so as to obstruct any fire escape, required exit way, window, or door opening used as an element of a means of egress or access thereto as required by the provisions of the Kentucky

Building Code or for the firefighting forces having jurisdiction.

(2) OBSTRUCTION TO VENTILATION. A sign shall not be attached in any form, shape, or manner which will interfere with any opening required for ventilation by the Kentucky Building Code; except that such signs may be erected in front of and may cover transom windows when not in violation of the provisions of this Ordinance.

(3) PROJECTING SIGNS. A projecting sign erected at other than right angles to the wall of a building or structure outside of the building line which extends above the roof cornice or parapet walls and which obstructs access to the roof is unlawful. Such signs shall be reconstructed or removed as herein required.

(4) PROJECTING SIGNS shall not be permitted to project beyond alley lot lines and property lines.

(C) REMOVAL OF UNSAFE AND UNLAWFUL SIGNS. Whenever the City Council determines that an emergency exists which requires immediate action to protect the public health or safety, it may without notice or hearing, order that such actions be taken, including, but not limited to repair or removal. The amount of the costs of any repairs, or removal, carried out by the City pursuant to this section, including all costs for labor, materials, and administrative costs of 15% of the above, shall be charged against the owner of the real estate upon which the sign is located and/or the owner of the sign.

SECTION FIVE (5): EXISTING SIGNS.

(A) REMOVING OR RECONSTRUCTING SIGNS. A sign heretofore approved and erected shall not be repaired, altered, or moved, nor shall any sign, or any substantial part thereof, which is blown down, destroyed, or removed be reerected, reconstructed, rebuilt, or relocated unless it is made to comply with all applicable requirements of this Ordinance.

(B) REPAIR OF UNSAFE SIGN. This section shall not be construed to prevent the repair or restoration to a safe condition as directed by the City Clerk or her designated agent of any part of an existing sign when damaged by storm or other accidental emergency.

(C) RELOCATING SIGNS. Any sign that is moved to another location either on the same or to other premises shall be considered a new sign and a permit shall be secured for any work performed in connection therewith as required by this ordinance.

SECTION SIX (6): MAINTENANCE AND INSPECTION.

(A) REMOVAL. The City Council may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

(B) MAINTENANCE. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in repair in accordance with the provisions of this Ordinance and when not galvanized or constructed of approved corrosion-resistant

noncombustible materials shall be painted when necessary to prevent corrosion.

(C) HOUSEKEEPING. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary, and healthful condition.

(D) INSPECTION. Inspections such as are required for the erection of structures by the Kentucky Building Code shall be made upon the erection, construction, or alteration of any sign.

SECTION SEVEN (7): GENERAL REQUIREMENTS FOR ALL SIGNS.

(A) CONSTRUCTION. All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the Kentucky Building Code, Bullitt County Zoning Regulations and the requirements of this Ordinance.

(B) DESIGN LOADS. Loads listed in the following divisions shall be as the minimum for the design of signs:

(1) WIND. All signs shall be designed and constructed to withstand wind pressure as provided for structural load sections of the Kentucky Building Code for ground signs.

(2) EARTHQUAKE. Signs adequately designed to withstand wind pressures shall generally be considered capable of withstanding earthquake shocks, except as provided in the structural load and combination loading sections of the Kentucky Building Code.

(C) ILLUMINATION. A sign shall not be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code listed in the Appendix of the Kentucky Building Code.

(D) USE OF COMBUSTIBLES. The following divisions shall apply to combustible material for signs:

(1) ORNAMENTAL FEATURES. Wood or approved plastic as provided in the Kentucky Building Code, or other materials of combustible characteristics similar to wood may be used for moldings, cappings, nailing blocks, letters, and latticing when permitted and for other purely ornamental features of signs in accordance with the Code.

(2) SIGN FACINGS. Sign facings may be made of approved combustible plastic, providing the area of such facing section is not more than one hundred twenty (120) square feet, and the wiring for electrical lighting is entirely enclosed in the sign cabinet with the clearance of not less than two (2") inches from the facing material.

(E) SERVICING DEVICES. Ladders, platforms, hooks, rings, and all other devices for the use of servicing personnel shall have safety devices and design loading in accordance with the safety requirements in the Kentucky Building Code.

(F) ANIMATED DEVICES. Signs which contain moving sections or ornaments shall have fail-safe provisions to prevent the section or ornament from releasing and falling or shifting its center of gravity more than fifteen (15) inches. The fail-safe device shall be in addition to the mechanism and its housing which operate the movable section or ornament. The fail-safe device shall be capable of supporting the full dead weight of the section or ornament when the moving mechanism releases.

SECTION EIGHT (8): MISCELLANEOUS AND TEMPORARY SIGNS.

(A) SMALL FREE STANDING YARD SALE SIGNS, BANNERS AND CLOTH SIGNS. Temporary yard sale signs and/or banners shall not be erected more than three (3) days before the sale being advertised and must be removed no more than one (1) day after the sale date.

(B) SUPPORTS. Temporary signs and banners shall be constructed and fastened to supports capable of withstanding the design loads listed in the Kentucky Building Code.

(C) SPECIAL PERMITS. Temporary signs used for holidays, public demonstrations, or promotions of civic welfare or charitable purposes, which extend across streets or other public spaces, shall be subject to the approval of the City Council.

(D) No sign or banner shall be attached to any public utility pole.

SECTION NINE (9): ILLUMINATED SIGNS.

(A) CERTIFICATES. All electrically illuminated signs shall be certified as to electric wiring and devices by the authoritative agency having jurisdiction, and all wiring and accessory electrical equipment shall conform to the requirements of the National Electrical Code listed in the Appendix B of the Kentucky Building Code.

(B) ADDITIONAL PERMITS. Electrical permits shall be obtained before the erection or maintenance of illuminated signs.

(C) RELETTERING SIGNS. The requirements of this section shall not apply to the relettering of illuminated signs, except where such relettering requires a change of wiring or piping of the sign.

SECTION TEN (10): PORTABLE SIGNS.

(A) CONFORMANCE. Portable signs shall conform to all requirements for small free standing signs when they are used in a similar capacity. The stipulations in this section shall not be construed to require portable signs to have connections to surfaces, tie-downs, or foundations when provisions are made by temporary means or configuration of the structure to provide stability for the expected duration of the installation.

(B) REMOVAL. Unlawful portable signs shall be removed from the public right-of-way.

(C) ELECTRICAL. Portable, outdoor electrical signs shall not be permitted.

SECTION ELEVEN (11): REGISTRATION OF OUTDOOR ADVERTISING SIGNS.

Each year all outdoor advertising signs, commonly referred to as billboards or off-premises signs, shall be registered with the City Clerk. For purposes of registration, this section shall apply only to freestanding sign structures or to the above described signs which are structurally attached or mounted to buildings or other objects.

SECTION TWELVE (12): FEES.

The fees to be charged by the City Clerk for the actions required to be taken pursuant to this Ordinance shall be as follows:

(A) INITIAL PERMIT - \$35.00 plus the actual cost of the review of the plans and specifications by a competent sign design professional.

(B) PORTABLE SIGNS - which are defined as an inscribed board, placard, or the like bearing a warning, advertisement, or other information and displayed for public view which is capable of being easily carried, transported, and/or conveyed - \$35.00

(C) TEMPORARY SIGNS - \$0.00

SECTION THIRTEEN (13): PENALTY.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$100. Each day the violation continues shall be a separate offense.

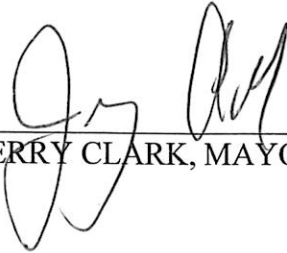
SECTION FOURTEEN (14): This Ordinance shall take effect upon publication.

SECTION FIFTEEN (15): Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION SIXTEEN (16): All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 7th day of April, 2009. Given second reading, voted upon, and passed at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 5th day of May, 2009.

Votes for 3; Votes against 0; Not Voting 0.



JERRY CLARK, MAYOR

ATTEST:



JENNIFER PICHEO, CITY CLERK