

**SIGNAGE ALONG COUNTY ROADS**

**BOYD COUNTY FISCAL COURT**  
**ORDINANCE NO. #2016-04**

AN ORDINANCE RELATING TO SIGNAGE ALONG COUNTY ROADS, COUNTY ROAD RIGHT-OF-WAY AND PUBLIC WAYS OR ROADS

BE IT ORDANINED by the Fiscal Court of the County of Boyd, Commonwealth of Kentucky:

WHEREAS, pursuant to KRS 67.080(2)(b), the Boyd County Fiscal Court is responsible for the maintenance and upkeep of approximately 500 miles of roadway including all rights of way adjacent thereto;

WHEREAS, under certain circumstances, KRS 178.415 establishes a minimum width of thirty (30) feet for county roadway right of way purposes;

WHEREAS, in the absence of public record, KRS 178.025 provides that the width of a public road right of way shall be presumed to extend and include the area lying outside the shoulders and ditch lines and within any landmarks or, in the absence of record or landmark, to the top of cuts or toe of fills where such exists;

WHEREAS, the unrestricted posting or signage along roadway rights of way unreasonably interfaces with mowing and other required maintenance interferes with visibility at intersections, distracts motor vehicle operators and otherwise often constitutes a general nuisance;

IT IS HEREBY ORDAINED AS FOLLOWS:

No person, firm, corporation, partnership, entity or other shall construct nor cause to be constructed, placed, located, established or maintained any sign, placard, billboard, advertisement or other similar printed or electronic signage upon any portion of the roadway right of way unless done in accordance with the provisions of this Ordinance. Signage in

violation of this Ordinance is hereby declared abandoned property subject to immediate forfeiture and disposal by the County of Boyd. Any and all existing signage currently on roadway right of way shall be removed within 14 days following final publication of this Ordinance or thereafter be deemed abandoned and subject to forfeiture and disposal by the County of Boyd. The foregoing includes prohibition against attaching signage to any pole, post, fence, marker or monument that is upon the right of way.

#### TEMPORARY SIGNS PERMITTED

Subject to the following terms, conditions or restrictions certain signage may be temporarily placed upon the right of way:

1. NEW BUSINSESS. Signage, advertising or promoting a new business, product or service may be posted for not more than 20 days following the issuance of a business license. No such signage shall be posted prior to the date of issuance of the license.
2. POLITICAL. No signage promoting the approval, election or defeat of any person, candidate, issue, referendum or question may be posted any sooner than 60 days preceding the date of the election corresponding thereto.
3. YARD AND/OR ESTATE SALES. Signage promoting yard sales, estate sales, auctions or similar events shall not be posted any sooner than 10 days preceding the commencement of the event.
4. MEMORIALS AND CELEBRATIONS. Signage pertaining to the memory or celebration of any person(s) or event may be posted for a maximum of 30 days.
5. MISCELLANEOUS. Except as specified above, any other signage placed, located constructed or established upon the roadway right of way shall be temporary and shall

not remain longer than \_\_\_\_\_ days from the date first posted. Temporary signs shall not be relocated or re-established after expiration of \_\_\_\_\_ days from the date first posted.

#### GRANDFATHERING

Any person, firm, or other organization that has kept and maintained signage on or along the County road right way, for a period of not less than five (5) years may petition the County Judge-Executive to allow said signage to remain. It shall be within the discretion of the Judge-Executive to grant, deny or condition such an exemption or petition.

#### AUTHORITY OF COUNTY JUDGE EXECUTIVE

The County-Judge Executive shall have the authority to cause, order or direct the repair, maintenance or removal of any sign located on or upon the right of way if it is determined said sign presents a hazard, constitutes an eyesore or it not in the public interest. Failure to comply with any such order or directive may result in removal of said sign at the owner's loss and the cost of said removal shall be borne by the owner if the owner or responsible person can be determined with reasonable effort.

#### REQUIRED REMOVAL

All signage that is lawfully posted pursuant to numerical paragraphs one (1) through five (5) above or as may otherwise be posted in accordance with this ordinance shall be removed within 7 (seven) days of the close of the period for which it was posted or permitted to be posted. Failure to remove signage in accordance with this provision shall result in assessment of a civil penalty of \$ \_\_\_\_\_ per day each and every day said signage remains following the aforesaid seven (7) day period.

#### LIABILITY AND PENALTY

not remain longer than 7 days from the date first posted. Temporary signs shall not be relocated or re-established after expiration of 14 days from the date first posted.

Any and all existing Ordinances, Orders, or Resolutions in conflict with this Ordinance be and hereby repealed to the extent of such conflict.

Should any part of this Ordinance be deemed or declared unconstitutional or otherwise unenforceable the remaining parts shall withstand such finding.

This Ordinance shall be effective upon its adoption, re-adoption and publication according to law.

This Ordinance may be published by summary.



STEVE TOWLER  
BOYD COUNTY JUDGE EXECUTIVE

FIRST READING

SECOND READING

Judge Towler Yes

YES

Commissioner Greer Yes

YES

Commissioner Tolliver Yes

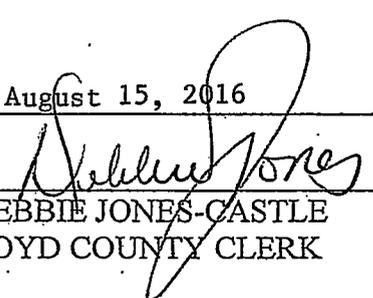
YES

Commissioner Jackson Yes

YES

Published August 15, 2016

ATTEST:

  
DEBBIE JONES-CASTLE  
BOYD COUNTY CLERK

Vote as Follows: Steve Towler Yes  
John Greer Yes  
Tom Jackson Yes  
Carl Tolliver Yes

