

**COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE**

ORDINANCE NO. 309

**AN ORDINANCE BANNING BILLBOARDS WITHIN THE
CITY LIMITS OF TAYLORSVILLE, KENTUCKY.**

WHEREAS, the City of Taylorsville seeks to improve the beautification of the City and is in the process of revitalizing the City by addressing unsightly, unsound and unsafe structures, having completed Phase I of the Main Street Program and is waiting on funding for Phase II of the Main Street Program, and,

WHEREAS, to eliminate unsightly, unsound and/or unsafe structures within the city limits of the City of Taylorsville, and pursuant to the authority granted cities under the Kentucky Constitution and under KRS 82.082, known as Home Rule, and considering the analysis of Court cases upholding cities rights to restrict and/or prohibit signs as discussed in "The Takings Issue in Billboard Control", by Charles F. Floyd, Terry College of Business The University of Georgia.

NOW THEREFORE, BE IT ORDAINED by the City of Taylorsville as follows:

1. That any and all billboards, as defined herein, are prohibited within the city limits of the City of Taylorsville, Kentucky, effective with the passage and publication of this Ordinance.
2. That any existing billboards, as defined herein, shall be removed from the city limits of the City of Taylorsville, Kentucky, forthwith, provided however, if the City receives a written request within 30 days from the

passage of this Ordinance for an extension of time to remove the billboards explaining why the billboard cannot be removed immediately, the City, at it's option, may grant a reasonable time for the billboard to be removed but not more than one year from the date of the written request.

3. Billboard's, also referred to as Outdoor Advertising Signs, include but are not limited to:

Any "off premises sign" used to display, advertise, promote, inform or otherwise direct attention to, including but not limited to, any business, enterprise, commodity, service, entertainment conducted, activity sold or offered at a location other than the premises on which the sign is located.

4. Ordinance #91, regulating Outdoor Advertising Structures dated June 30, 1983, by and is hereby repealed.

5. Penalties are defined as follows:

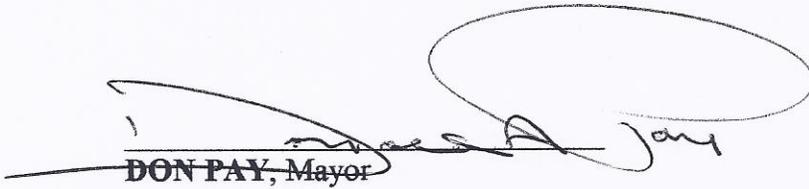
- A. Criminal: Any person, firm or corporation violating any of the terms or provisions of this Ordinance and any person, firm or corporation failing to conform to any of the provisions of this Ordinance shall be deemed guilty of a violation and upon conviction thereof, shall be fined not less than \$50.00, nor more than \$500.00 and where such violation is of a continuing nature, each day such a person, firm or corporation violates any such ordinance, or fails to conform to any provision of this Ordinance of the City, shall be deemed a separate offense.

- B. Civil: In lieu of or in addition to the above criminal penalties, the City, at its option, may proceed in a civil action to have the billboard removed and seek civil penalties of not less than \$50.00 nor more than \$500.00 for each

day the billboard violates this Ordinance and in addition, to recover any costs incurred by the City including but not limited to, court costs and attorney's fees.

Any fines shall incur to the benefit of the City and any paid to the City, which shall be deposited into the City General Fund.

Dated, this the 28 day of OCTOBER, 2009.



DON PAY, Mayor

ATTESTED BY:



STEVE BIVEN, City Clerk

Date of First Reading	October 6, 2009
Date of Second Reading	October 8, 2009
Date Published	<u>October 28, 2009</u>