

ORDINANCE NO. 2004-08

AN ORDINANCE PROHIBITING ELECTIONEERING WITHIN A DISTANCE OF ONE HUNDRED (100) FEET OF THE MAIN ENTRANCE TO A BUILDING USED BY VOTERS IN WHICH A VOTING MACHINE IS LOCATED; PROVIDED THAT NOTHING IN THIS SECTION SHALL PROHIBIT ESTABLISHMENTS OTHER THAN THAT IN WHICH THE POLLING PLACE IS LOCATED BY PERSONS HAVING AN OWNERSHIP OR LEASED INTEREST IN SUCH PROPERTY.

WHEREAS, the Scott County Government has a compelling interest in protecting the right of every citizen voter to vote freely for the candidates of their choice; and

WHEREAS, the Scott County Government has a compelling interest in protecting the integrity and reliability of elections; and

WHEREAS, the State of Kentucky has no existing valid prohibition of electioneering; and

WHEREAS, a widespread and time-tested consensus demonstrates that some restricted zone is necessary in order to serve the County's compelling interest in preventing voter intimidation and election fraud.

NOW THEREFORE, BE IT ORDAINED

Sec. 1. Electioneering and exit polling.

(a) As used in this section, the following shall have the stated meaning:

(1) Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any candidate or question on the ballot in any manner.

(2) The main entrance is the principal entrance to be used by voters for entrance to the polling place in which a voting machine is located.

(b) To fulfill the government's obligation to protect the voter and the integrity of the election process from actual or attempted fraud, from obstruction, from intimidation real or inferred, from attempted or actual vote buying, from invasion of privacy, from harassment real, threatened or implied, from hindrance or delay, all done under the

disguise of electioneering, an electioneering-free zone is established within one hundred (100) feet of the entrance to any building containing a polling place on any Election Day:

(i) No person shall, on the day of any election as established in KRS 118.025, do any electioneering at the polling place or within a distance of one hundred (100) feet of the main entrance of a building used by voters in which a voting machine is located on Election Day.

(ii) No person shall, on the day of any election as established in KRS 118.025, intentionally invade the right of privacy of any person on his or her way to vote, or cause interference, harassment, or alarm to any person on his or her way to vote.

(iii) No person shall loiter or congregate in, or hinder or delay a voter, or solicit, or attempt to influence any voter in casting his or her vote within this one hundred (100) foot campaign-free zone.

(iv) Nothing contained in this section shall prohibit electioneering conducted within the interior of a private residence or business establishment by persons having a leased or ownership interest in such property within the campaign-free zone; provided that electioneering activities are confined to the interior of the buildings and cannot be heard or observed by any voters going to the polling place.

(v) Nothing in this section shall prohibit the displaying of political signs on private property or private establishments by a person having a leased or ownership interest in that private property or private establishment within the campaign-free zone, regardless of the distance from the polling place; provided that the sign is not accompanied by a person, does not emit any sound, is not audio-visual or mechanical, and is no larger than four (4) square feet in size.

(vi) Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce this Ordinance at the polls within one hundred (100) feet of the main entrance to the building used by voters in which the voting machine is located. Assistance may be requested of any law enforcement officer.

(vii) Any property used for a polling location on Election Day shall not be considered a public place in any manner for public purposes.

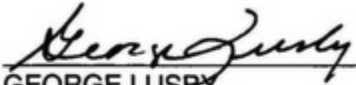
discourse. The grounds, buildings, sidewalks, and parking lots at all polling locations are designated non-public forums for the Election Day.

(c) Any person who violates any provision of this section after he has been duly notified of such provisions by the sheriff of the election precinct shall, for each offense, be fined not more than five hundred dollars (\$500.00) or be imprisoned for a term not to exceed twelve (12) months, or both so fined and so imprisoned.

Sec. 2. That this Ordinance shall become effective upon its passage.

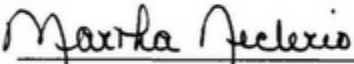
The foregoing Ordinance was read for the first time on September 10, 2004, for the second time passed and approved on September 23, 2004.

APPROVED:



GEORGE LUSBY
SCOTT JUDGE EXECUTIVE

ATTEST:



MARTHA NECLERIO
FISCAL COURT CLERK

sfelectioneeringordinance

SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 12-01

ORDINANCE REGULATING THE LOCATION, SIZE, CONSTRUCTION, DESIGN AND
ARCHITECTURAL COMPATIBILITY FOR THE DISPLAY OF SIGNS AND OUTDOOR
ADVERTISING

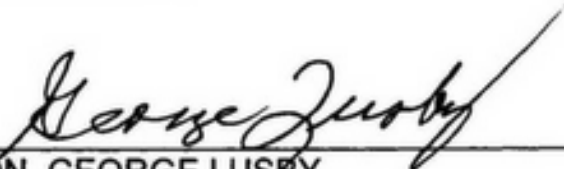
WHEREAS, the Scott County Fiscal Court recognizes the need for the regulation of signs and outdoor advertising in an effort to prevent annoyance, disturbance or nuisance to the citizens of Scott County, Kentucky; and

WHEREAS, the Scott County Fiscal Court has reviewed the recommended changes in the previous sign ordinance and is in agreement to make said modifications;

NOW, THEREFORE, BE IT RESOLVED by the Scott County Fiscal Court as follows:

1. That the attached SIGN ORDINANCE (#12-01) is hereby adopted and approved.
2. That the attached SIGN ORDINANCE (#12-01) shall replace the existing sign ordinance rendering it null and void.
3. That the attached SIGN ORDINANCE (#12-01) may be waived, amended, modified or suspended only by a change of ordinance.
4. That a copy of the complete document is attached hereto and may be found in the Office of the Scott County Judge/Executive.
5. That this Ordinance shall become effective upon adoption and publication.

ADOPTED this 23rd day of February, 2012.



HON. GEORGE LUSBY
SCOTT COUNTY JUDGE/EXECUTIVE

ATTESTED:



STACY HAMILTON
SCOTT FISCAL COURT CLERK

FIRST READING HELD: February 10, 2012
SECOND READING HELD: February 23, 2012
PUBLICATION DATE: February 28, 2012

SIGN ORDINANCE
ADOPTED BY
SCOTT COUNTY FISCAL COURT
FEBRUARY 23, 2012

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Section 1 – Administration

A. Purpose

The purpose of this section is to regulate the location, size, construction, design, and architectural compatibility with the surrounding areas and manner of display of signs and outdoor advertising in a manner which will prevent annoyance, disturbance, or nuisance to the citizens of Scott County, City of Sadieville, City of Stamping Ground, and City of Georgetown.

B. Responsibilities

The Georgetown-Scott County Planning Commission (GSCPC) staff shall provide guidance and education of the policy and procedures of the sign ordinance to the general public. GSCPC and/or Building Inspection staff shall educate the public on the location, type, and size of the sign that are required in each zoning district. Building Inspection shall create and administer a sign application.

The Georgetown Public Works Department and Scott County Roads Department are responsible for disseminating information on public rights-of-way, which have restrictions on the placement of signs as defined in this Ordinance.

C. Enforcement

The Georgetown-Scott County Building Inspection Department/Code Enforcement (GSCBI) shall enforce the provisions of this Ordinance and shall utilize its powers to ensure compliance with its provisions and the provision of any approved permit. The Building Inspection Department/Code Enforcement shall maintain written records of enforcement actions taken.

D. Permit Application and Expiration

1. Permanent Signs

To obtain a sign permit, the applicant shall file an application on a form furnished by the Georgetown-Scott County Building Inspection Department.

The applicant shall follow all regulations and standards set forth by Building Inspection and this Ordinance.

2. Temporary Signs

Such signage is subject to the following general requirements for temporary signs and the listed standards for specific types of temporary signs.

a. Permit Application

To obtain a temporary sign permit, the applicant shall file an application on a form furnished by Building Inspection. All applications shall be accompanied by the written consent of the owner, lessee, agent, or trustee having charge of the property on which the sign is proposed.

b. Duration

A temporary sign shall be removed within six (6) months of the date of approval unless otherwise specified by this ordinance. Building Inspection may approve an extension of time upon receipt of a written request from the applicant.

c. Location

Applicant shall verify that the sign is located outside of the public right-of-way.

E. Changes to Signs

No sign shall be structurally altered, enlarged, or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, business names, lettering, sign face, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

F. Permit Fees

Permit fee schedules are available in the GSCBI office. Where work for which a sign permit is required by this ordinance is begun before a permit has been obtained, the sign permit fees shall be doubled. The payment of such double fee shall not relieve any person from complying fully with the requirements of this ordinance in the execution of the work or from any penalties prescribed herein.

G. Non-Conforming Signs

1. Any sign that was legal at the time of adoption of this Ordinance but finds itself illegal under this ordinance shall be given Legal Non-Conforming status and shall be subject to the Non-Conforming Use standards as found in Sections 2.41 (Non-Conforming Structures) and 2.42 (Non-Conforming Uses).

2. Any sign that was illegal at the time of adoption of this Ordinance and finds itself illegal under this ordinance is subject to immediate removal following the Enforcement standards in this Ordinance.

H. Revocation of Permits

The GSCBI shall have the authority to revoke any permit authorizing the erection of a sign which has been constructed or is being maintained in violation of the permit.

1. Notice of the Chief Building Official decision to revoke a sign permit shall be served upon the person to whom the permit was issued:

a. By delivering in person a copy of the notice to the holder of the permit, or to one of its officers; or

b. By leaving a copy of the notice with any person in charge of the premises on which the sign is to be constructed or maintained; or

c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mail delivery by the U.S. Postal Service of another copy of the notice to the last known address of the permit holder.

2. The holder of the permit may appeal the decision to revoke the permit to the appropriate Board of Adjustment, in writing, fourteen (14) days from the date when the notice was served.

3. If no appeal has been filed by the permit holder at the end of fourteen (14) days, the permit is revoked. The Board of Adjustment shall then initiate the process for the removal of the illegal sign.

I. Removal of Signs

1. The GSCBI is hereby authorized to require the removal of any illegal signs. Removal shall be accomplished through the Code Enforcement Official.

2. Whenever the GSCBI determines a sign to be structurally unsafe through lack of proper maintenance or for other reasons, or endangers the safety of the building or endangers the public safety, the Chief Building Official/Enforcement Officer shall order that such sign be made safe or removed. Such order shall be complied with within thirty (30) days of the receipt thereof by the person owning or using the sign or the owner of the building or premises on which such a sign is affixed

or erected. If the Chief Building Official/Code Enforcement Official considers the unsafe situation to be an emergency, the order shall be complied with within twenty-four (24) hours.

3. Removal of Temporary Signs located on Private Property

a. Before bringing an action to require removal of any illegal sign, the Chief Building Official shall give written notice to the owner of the sign and the owner of the premises on which such sign is located. If the Chief Building Official has the owner's telephone number, he may also call the sign's owner at the time of the written notice. The notice shall describe the violation and the reasons for removal of the sign.

b. Notice period

i. The notice period for temporary signs shall be forty-eight (48) hours.

ii. Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation if compliance with this ordinance has not been demonstrated.

c. If the owner or lessee of the premises upon which the sign located has not demonstrated compliance with this ordinance, then the GSCBI shall certify the violations and refer the case to the County Attorney for prosecution.

d. Notwithstanding the above, the GSCBI may cause the immediate removal or repair {without notice to the owner of the sign, or of the property on which it is located} of any unsafe or defective sign or signs that create immediate hazard to persons or property.

e. The cost of removal or repair of a sign by the GSCBI shall be borne by the owner of the sign and of the property on which it is located. An action for recovery of this cost may be brought by the GSCBI.

4. Removal of Temporary Signs located on Public Property or Public Right-of-Way

a. The GSCBI may cause the immediate removal (without notice to the owner of the sign, or of the property on which it is located) of any unsafe or defective sign that creates immediate hazard to persons or property.

b. The cost associated with the removal of a temporary sign by the GSCBI shall be borne by the sign owner and/or the property owner on which it is located and an action for cost recovery thereof may be brought by the GSCBI.

5. Removal of Permanent Signs

a. The GSCBI may remove any illegal sign which is maintained or re-erected after the expiration of the notice period, if the owner or lessees of the premise has been issued a compliance notice at least once before for the same violation involving the same or a similar sign.

b. Notice period

i. The notice period for permanent signs shall be fourteen (14) calendar days.

II. A sign which no longer identifies or advertises a bona fide business, lesser, services, owner, product, or activity and is no longer maintained.

c. The costs of removal of a sign by the City/County shall be borne by the sign owner and/or the property owners on which the sign is located and an action for recovery thereof may be brought by the City/County Attorney.

6. Removal of an Abandoned Sign

a. Notice Period

i. The notice period for abandoned permanent signs shall be fourteen (14) days.

ii. The notice period for abandoned temporary signs shall be forty-eight (48) hours.

iii. Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.

b. Notwithstanding the above, the GSCBI may cause the immediate removal or repair of any unsafe or defective sign that creates immediate hazard to persons or property without notice to the owner of the sign, or of the property on which it is located.

c. The costs of removal or repair of a sign by the GSCBI shall be borne by the owner of the sign and of the property on which it is located and an action for recovery of this cost may be brought by the GSCBI.

J. Right to Appeal

Any person who has been ordered to alter or remove any sign, or whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the appropriate Board of Adjustment.

K. Liability for Damages

The provisions of this ordinance shall not be construed to relieve or to limit in any way, the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage caused by the sign; nor shall the provisions of this ordinance be construed to impose upon Scott County, City of Georgetown, City of Stamping Ground, and City of Sadieville, its officers or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this ordinance.

L. Requirement of Permit

1. Nothing contained herein shall prevent the erection, construction, and maintenance of official traffic, fire, and police signs, signals, devices, or markings of the Commonwealth of Kentucky, Scott County, City of Georgetown, City of Stamping Ground, and the City of Sadieville, or other public authorities, as may be identified by the GSCPC staff, or the posting of notices required by law.
2. A sign permit shall be required before the erection, re-erection, construction, alteration, placing, or installation of all signs regulated by this ordinance. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the National Electric Code.
3. All non-exempt signs proposed in the Georgetown Historic Main Street Business Zone (identified as the B-3 zoned property within the Main Street District) shall be reviewed by the Main Street Design Committee. Such review shall be exercised within thirty (30) days of the application or be considered waived.

The Design Committee shall determine whether a proposed sign is appropriate in the proposed location based on the following criteria:

1. Proposed locations of new signs shall not be found to obscure or cover significant historical architectural features on its host building or any adjacent building.
2. Sign materials shall be compatible with those of the host building.
3. Signs shall be attached to the building carefully, both to prevent damage to historic fabric and to ensure the safety of pedestrians. Fittings should penetrate mortar joints rather than brick, for example, and sign loads should be properly calculated and distributed.

Applications found to be inappropriate shall be denied, but the applicant shall have the right to make changes to the proposed sign and resubmit without filing a new application. In no case shall the Design Committee deny a sign based on color, text, or any technical issue within the purview of the GSCBI or GSCPC.

M. Violations

Any person or persons found to be in violation of this Sign Ordinance shall be liable to and held to the standard of any and all remedies and/or penalties as described in Section 5.6 – Violations of the Zoning Ordinance.

Section 2 – Definitions

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Ordinance shall be given the meanings set forth in such ordinance. Any remaining terms shall have the usual meaning.

The terms to be defined have been grouped according to the specific aspects of sign control to which they pertain in order to provide a clearer understanding of the regulations contained later in this section.

1. **Abandoned Sign** - A sign which no longer identifies a business conducted or product sold on the premises, or any advertising sign which no longer directs attention to a bona fide business conducted, product sold, or activity or campaign being conducted for at least one hundred twenty (120) consecutive days.

2. **Area of a Sign** - The area of a sign shall be measured in conformance with the following regulations:

a. In computing the area of a sign, standard mathematical formulas for common regular geometric shapes shall be used.

b. In the case of an irregularly shaped sign, or a sign with letters and/or symbols directly affixed to or painted on a wall, the area of the sign is the area within the perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of similar character. This area includes any material or color forming an internal part of a background of the display or used to differentiate the sign from the backdrop or wall.

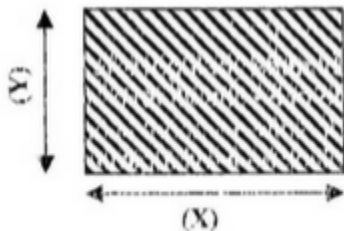


Figure 1: For any irregularly shapes the applicant must draw a box to figure the area of the sign.

c. When determining the area of a Double-Faced Sign, the area of the largest face shall be used in determining the sign area.

d. The area of a Freestanding Sign which is supported by a base, pedestal, or pole which is architecturally distinct from the sign face itself shall not include the area of the base.

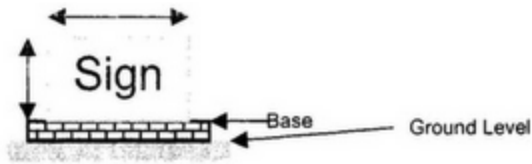


Figure 2: Sign area for a monument sign shall not include base, if the base is architecturally distinct.

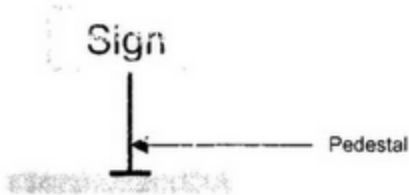


Figure 3: Pedestal not counted as part of sign area.

e. Sign area shall include vertical and horizontal spacing between letters, characters, emblems, etc., that convey the sign's message.



Figure 4: Sign area shall include vertical and horizontal spacing between letters conveying the sign's message.

f. The area of spherical, cylindrical, or other three-dimensional signs shall be measured by calculating the area of the elevation drawing of the sign.

g. The area of any Double-Faced Sign shall be calculated using the largest face of the sign.

h. Any sign with three or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two.

2. Awning - A roof-like cover, often of fabric, plastic, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a primary structure over a window, sidewalk, or the like.

3. Billboard - A type of Interstate Sign.

4. Board of Adjustment - A local body, appointed by the City Council or Fiscal Court, whose responsibility is to hear appeals from decisions of the Planning Commission and/or the Director of Development Services and to consider requests for conditional uses and/or dimensional variance requirements of the Zoning Ordinance.

5. Cabinet - The module or background containing the advertising message but excluding sign supports, architectural framing, or other decorative features which contain no written or advertising copy.

6. Canopy - A permanently roofed shelter covering a sidewalk, driveway, or other similar area, which may be wholly supported by a building, or may be wholly or partially supported by columns, poles, or braces extended from the ground.

7. Changeable Copy - The capability of a permanent sign to change content, whether by means of manual or electronic input.

8. Clearance - The least vertical distance between the lowest point of any sign, including the framework, and the established grade at the sign.

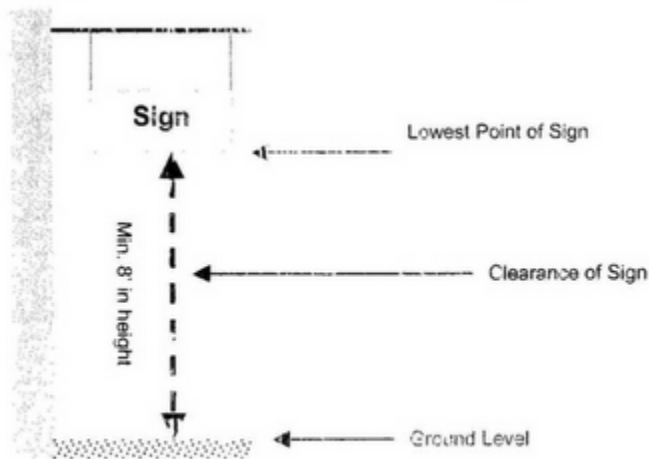


Figure 5: How to measure the clearance of sign

9. Facing - That vertical portion of a sign upon which advertising is affixed or painted and visible in one direction at one time.

10. Flag - Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity, including businesses. Also known as banners, pennants, streamers, and similar items.

11. GSCPC - Abbreviation for the Georgetown-Scott County Planning Commission.

12. Grade - The final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of the final grade for sign height computation.

13. Graffiti - Any unauthorized inscription, word, figure, picture, or design that is sprayed, marked, cut, posted, pasted, or otherwise affixed, drawn, or painted on any surface of public or private property.

14. Ground Elevation - The average elevation of the ground within six (6) inches of the base of a sign, or in the case of a Projecting or Awning Sign, the elevation of the closest point directly below the sign.

15. Height of a Sign - The vertical distance measured from the highest point of the sign, including the frame and any embellishments, and the established ground elevation.

16. Issuing Authority - The Georgetown-Scott County Planning Commission and Georgetown-Scott County Building Inspection.

17. Main Street Design Committee- One of four committees as required by the National Historic Trust for all Main Street programs; charged with public education of historical preservation, the aesthetics of the downtown community, and the preservation of the historical nature of Georgetown.

18. Marquee - Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

19. Off-Premise Sign - A sign that communicates information on any enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. Directional or official signs authorized by law shall not be considered off-premise signs for the purposes of this ordinance.

20. On-Premise Sign - A sign that communicates information on any enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises on which the sign is located.

21. Public Property - Any and all real or personal property over which any governmental entity has or may exercise control, whether or not the entity owns the property. It includes, but is not limited to, public buildings, public streets, alleys, sidewalks, rights-of-way, whether improved or unimproved, and all property appurtenant thereto.

22. Right-of-Way - Land reserved for streets, sidewalks, alleys, or other public uses. Right-of-way also refers to the distance between lot property lines across a street from each other which generally contains not only the street pavement, but also sidewalks, grass areas, storm drainage, and underground and above-ground utilities.

23. Roof Line - The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

24. Sidewalk - A way or portion of a way constructed and intended primarily for pedestrian traffic.

25. Setback - The minimum amount of space required between a lot line or road right-of-way and a building line.

26. Sight Triangle - A triangular-shaped portion of land established at street intersections in which there are restrictions on things erected, placed, or planted which would limit or obstruct the sight distance of motorists entering or leaving the intersection.

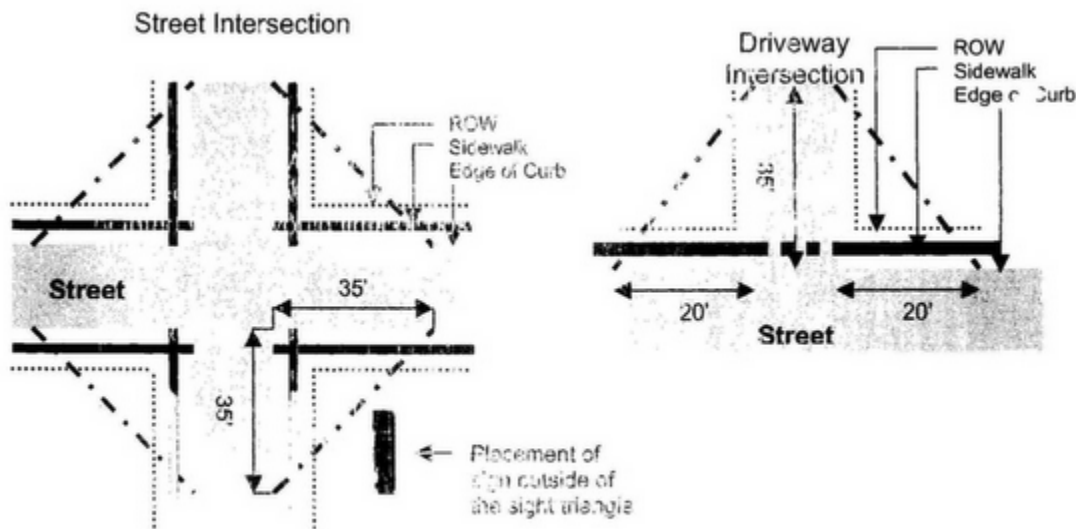


Figure 6: Street Intersection Sight Triangle and Driveway Intersection Sight Triangle

27. Sign - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The definition includes interior signs that are directed at persons outside the premises of the sign owners and exterior signs, but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods for sale displayed in a business window. The definition also does not include religious symbols or paintings which do not display lettering and do not advertise a business, product, or service and which are not a trademark or logo. Such types are as follows:

a. A-Frame or Sandwich Board – A temporary freestanding movable sign composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, intended to be placed in a sidewalk or pedestrian way.

b. Animated Sign – Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

c. Sign, Awning – A permanent sign painted on, printed on, or attached flat against the surface of an awning or canopy.

d. Sign, Blade – A permanent freestanding sign which is completely self-supporting, has its sign face or base on the ground, has no air space or visible supports between the ground and the bottom of the sign face, and exceeds six (6) feet in height.

e. Sign, Construction – A temporary sign used to identify the architects, engineers, contractors, or other individuals or firms involved with the construction of a building and to show the design or purpose for which the building is intended.

f. Sign, Dimensional Wall – A wall sign consisting in part or in whole of three-dimensional letter forms applied directly to the building surface or to a separate flat background. The message may be in relief or depressed by means of carving, etching, routing, positive or negative cut-out, and the like.

g. Sign, Directional – A temporary sign, either on-premise or off-premise, intended to provide location and/or directional information to buildings, events, or developments.