

ORDINANCE 16-99

AN ORDINANCE OF THE CITY OF MAYFIELD REPEALING THE EXISTING SIGN ORDINANCE AND ASSOCIATED SIGN REGULATIONS AND ADOPTING A NEW SIGN ORDINANCE WITH THE FOLLOWING SECTION NUMBERS AND NAME

WHEREAS, The designated sign code committee has been assigned to rework and make our existing sign code more business-friendly, and

WHEREAS, The existing sign code has required many variance applications that the sign committee feels should not be necessary, and

WHEREAS, The sign code of our city has been reviewed, revised, compared, and combined with other neighboring Kentucky cities, and with our state code, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAYFIELD, KENTUCKY TO REPEAL THE EXISTING CHAPTER 13.5, "SIGNS," AND REPLACE IT WITH THE FOLLOWING:

Sec. 13-5 MAYFIELD SIGN CODE 2000

ARTICLE IN GENERAL

Sec. 13-5-1 Purpose and Scope.

The purpose of this Ordinance shall be to be business-friendly taking into consideration the rights of all citizens. It shall further be to coordinate the type, placement, and scale of signs within the different land-use zones, to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and, to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zoning code. The placement and scale of signs are regulated primarily by type and length of street frontage, through lot size, investment, and surrounding conditions must also be considered. No sign shall be permitted as a main or accessory use except in accordance with provisions of this Ordinance.

Scope.

This Ordinance shall not relate to building design. Nor shall this Ordinance regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Signs in existence when this ordinance is adopted (“grandfather exemption clause”) will not be affected except as required under maintenance, repair, or removal of dangerous signs.

Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

Sec. 13.5-2. Definitions.

~~Words and terms shall be defined according to Webster’s Dictionary of the English Language. The interpretation of all words and phrases in the following code by the permit application department will be the responsibility of the department director. Any applicant differences of opinion will have Kentucky Revised Statutes and/or City of Mayfield Code right to appeals. All past disputed terms that have caused departmental concern will have current appropriate board interpretations outlined on permit application form. Complete list of the disputed words and/or phrases will be on file with permit applications office.~~

Sec. 13.5-2. Definitions.

As used in this chapter, the following words and terms shall have the meanings respectively ascribed.

Area, or surface area, of sign: That area enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structures which do not form any part of the sign proper or of the display. The area of the sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest rectangle which encloses the whole group.

Building line: A line beyond which no building may extend, as established by ordinance. A building line in some instances may coincide with the property line.

Location: A lot, premise, building, wall, or any place whatsoever upon which a sign is located.

Marquee: A canopy or covering structure projecting from and attached to a building.

Multiple Dwelling: Any building housing more than two (2) families, unless otherwise defined by the zoning ordinance.

Person: Any individual corporation, association, firm, partnership, and the like, singular plural.

Portable sign: Portable signs are signs which are affixed to a frame having wheels and capable of being carried, or otherwise portable, and designed to stand free from a

building or other structure. Signs designed to be affixed to the surface of real estate shall be deemed freestanding signs and not portable signs, but the mere removal of wheels or temporary securing of a sign onto the surface of real estate shall not prevent its being a portable sign within this definition. This type of sign not permitted in any zone.

Projection: The distance by which a sign extends over public property or beyond the building line.

Roof line: This shall mean either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Sign: Any letters, figures, symbol, trademark, or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise whatsoever and painted, printed or constructed and displayed in any manner whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school or religious group when displayed for official purposes. Interior signs, if located on a window or within a distance equal to the greatest dimension of the window and if obviously intended for viewing from the exterior, shall be considered an exterior sign for the purposes of this ordinance, except as provided under temporary signs.

Sign, electric: Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

Sign, identity: Any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises or a combination of these.

Sign, projecting: A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Sign, roof: A sign located on or above the roof of any building.

Sign, temporary: A banner, pennant or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and intended to be displayed for a limited period of time.

Sign, wall-flat: One affixed directly to an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

Vehicles: Automobiles, trucks, trailers, railroad cars, construction equipment and other such mobile equipment whose major purpose is other than the display of advertising.

Sec. 13.5-3 Permit to construct, alter or repair.

It shall be unlawful for any person to construct, erect, repair or alter any sign, or cause or permit the same to be done, without first obtaining a permit therefor from the Building inspector, provided that a permit shall not be required for ~~minor~~ repairs which do not affect the construction or safety of the sign. If there is already electrical work being done at the construction site for which an electrical permit has been pulled, an additional electrical permit will not be necessary.

Before a permit shall be issued:

(1) The Building and Electrical Inspector shall be satisfied that the building or structure to which the sign is to be attached is sufficiently strong to support same and that the sign support or bracing is safe and secure.

(2) Application form must be filled out completely and fee paid. Form must have scaled detail drawing to include method of illumination, type of construction materials, dimensions, building size, lot size with street frontage, location of proposed sign and all existing signs, footings detail and/or method of supports, braces, type of fasteners and other similar information. All sign drawings must include distances of proposed sign from adjoining property lines and pavement/curb and any existing structure.

The fee for a permit shall be computed under the fee schedule prepared by permit department. Variance application fees are included in same schedule.

(1) Detached sign under 30 foot in height will be \$25 per sign.

(2) Detached sign over thirty feet \$50 per sign.

(3) All attached signs will be minimum \$15 per sign.

(4) Directional signs require permit-no fee.

(5) Permit fees will be double the above fees for any sign placed prior to permit.

(6) Additional fees for electrical sign inspection to be paid to electrical inspector under city contract to preform all city required electrical compliance inspections. Sign electrical inspection fee will be \$20, **this fee does not apply if wiring and installation of sign is part of new construction already included in building plans.**

Sec. 13.5-4 General construction requirements.

All signs must meet all current state adopted building codes, fire codes, and electrical codes. This includes, but is not limited to, the chapters in the KBC building code referencing this area's requirements of earthquake zone 3 and minimum 70 mph wind speed resistance. Fasteners and methods of fastening of all material have minimum guidelines in the KBC building code. Structural integrity must meet minimum code safety standards regardless of sign design.

Sec. 13.5-5 Liability Insurance required for signs extending over or into street.

Before any person may be issued a permit under this chapter for a sign suspended over a ~~street “right of way” or extending into a street more than one foot beyond the building line~~, such person shall obtain and file with the city sign permit department; and continue to keep in force while such sign remains suspended; a liability insurance policy conditioned for the benefit of persons suffering injury, loss or damage to their person or property resulting from the suspension and maintenance of such sign, or resulting from any accident which might occur by reason of the falling of such sign, or resulting from any cause in connection with the suspension or maintenance thereof.

The liability policy shall be in the sum of not less than \$100,000.00.

The City must be notified thirty days prior to cancellation of insurance. The City would have the option of continuing the insurance until the sign is removed. If insurance is canceled, the sign would become a non-conforming sign that has been abandoned. The sign owner would be responsible for cost of removal under Sec. 13.5-6 of this ordinance.

Street Banner: Applicant wanting sign attached to any utility pole or private structure must provide signed written approval from the structure’s owner or appropriate utility company stating structural stability of proposed sign mounting point with their approval. Copies of all state highway approvals must be received prior to city approvals. There must be city council approval and placing/removal of the banner will be done by city public works department when applicant pays the installation fee of \$150 to sign permit department.

Sec. 13.5-6 Maintenance, repair, or removal of dangerous signs.

All signs, including bracing and support, shall be kept in good repair, and whenever a sign becomes dangerous in any manner it shall be repaired and made safe, or taken down by the owner.

Applicability: All existing signs regardless of any “grandfather exemption clause” that the city sign permit department considers any type safety hazard (sight visibility or life safety fire hazard) will be reviewed by the Board of Zoning Adjustments. General maintenance issues brought before the BZA board will require owner to obtain a repair permit and complete the repair in an allotted time period. In the event of “immediate” safety hazards, the sign code department may barricade area around the hazard to prevent any injuries. Compliance with this code per BZA board conditions will be enforced by sign code department.

Abandoned signs: A sign which is abandoned shall be removed or covered by the owner or lessee of the premises upon which the sign is located within four weeks of the close of the business.

Sec. 13.5-7 SPECIFIC TYPES OF SIGNS

Electric signs.

All electric signs shall be so constructed as to provide weather-proof construction to wiring and wiring terminals, where the construction features of the sign will permit. All parts, including supports and bracing, shall be constructed entirely of metal or other approved noncombustible materials, except that wood may be employed for external decoration, if it is kept a distance of at least two inches from any socket or receptacle.

All electric work shall conform with the requirements of the national electrical code. ~~Electrical parts of sign must be UL approved. All wiring between the sign and the service wiring shall be in rigid conduit or armored cable, except in detached or isolated signs, where the current supply is taken from the service of the building in connection with which such sign is used, the wires between such sign and the building shall be insulated, but need not be in metal conduit or armored cable.~~

No revolving or rotating beam or beacon of light that simulates an emergency light or device shall be permitted as part of any sign. No sign having flashing, intermittent, or animated illumination shall be permitted within 150 feet of any residential zone boundary unless all written or graphic portions of that sign and all direct sources of illumination of that sign are shielded from view from all portions of that residential zone located within 150 feet thereof. Minimum distance will be 100 feet, regardless of shields. ~~Maximum watts and color to be regulated by state sign code.~~ Maximum watts of any bulb will be 25 watts with total watts of a group of bulbs within any square foot not to exceed two hundred watts.

Moving picture marquee: To be regulated same as flashing signs in paragraph above.

Illuminated signs.

Illuminated signs shall be constructed of metal or any other approved noncombustible material and shall be wired in accordance with the provisions of the electrical code. Illuminated signs may be constructed of fire resistant wood if they are no larger than 12 square feet in area. ~~All wiring between the sign and the service wiring shall be in rigid metal conduit or armored cable, except in detached or isolated signs, where the current supply is taken from the service of the building associated therefore, the wires between such building and such signs may be of unprotected wiring per National Electric Code requirements.~~

Off premise outdoor advertising signs

Off premise advertising shall be permitted only after the following:

- 1. "Conditional use" application and approval by BZA board.**
- 2. Site approval, size of sign, placement of sign-all has to be approved by Planning Commission.**
- 3. Sign permit from Building/Planning office.**

4. Business advertised have current city occupation license.

Off premise outdoor advertising signs.

In addition to complying with all other provisions of the code of Ordinances, all off-premises outdoor advertising signs shall conform with the following requirements:

———(1) Size

(a) The maximum area of a face of any off-premises outdoor advertising sign shall be 400 square feet with maximum length of 55 feet, inclusive of any border and trim, but excluding the base supports, or other structural members; provided, however, that the foregoing restriction shall not apply to any sign located within 850 feet of an interstate highway, where the maximum area of the face of any sign shall be 1200 square feet inclusive of border and trim.

(b) When two off-premise outdoor advertising signs are placed back to back, or v-type, with an angle between them of not more than 90 degrees, on the same structure each sign face shall conform to the maximum size limitations.

———(2) Spacing

(a) For the purpose of this section, each side of the roadway shall be considered separately.

(b) V-type, with an angle between them of not more than 90 degrees, or back to back signs on the same structure shall be considered one sign.

(c) No two off-premises outdoor advertising signs shall be less than 300 feet apart; provided however, that, if two such signs are so placed that existing structures prevent both of them from being seen from the public roadway at the same time, no minimum spacing shall be required.

———(3) Height.

(a) There shall be a height restriction of 65 feet measured from the ground at the base of the sign supports to the top of the sign or from the grade of the thoroughfare immediately adjacent to the sign, whichever is of greater height.

(4) Illumination.

(a) Off-premises outdoor advertising signs may be illuminated, subject to the following restrictions: External lighting such as floodlight, thin line and goose neck reflectors are permitted, provided the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of a traveled way.

~~————(5) Proximity to churches and residences.~~

~~(a) For the purpose of this subsection, the word church shall mean a structure designed and constructed as a place for the gathering of individuals for worship and used at the time of the proposed construction for such purpose.~~

~~(b) No off-premise outdoor advertising sign shall be installed upon the area of any lot adjoining a roadway within 300 roadway feet from any church or residence. Roadway feet as used in the preceding sentence, shall be the distance along the center line of the roadway, from a point upon that center line perpendicular to the nearest edge of the church to a point in that center line perpendicular to the nearest edge of such sign. Notwithstanding subsection (2)a of this section, this provision applies to both sides of the roadway.~~

~~(c) No off-premise outdoor advertising sign shall be constructed closer to any church or residence, which does not abut the roadway upon which the sign is located, than 50 feet, measured directly from the portion of the sign nearest to the church or residence to the portion of the church or residence nearest to the sign.~~

~~(d) The provisions of this subsection may be waived in writing by the action of the governing body of any involved church or residence. Such waiver, so obtained, shall be notarized and filed with the building inspector before any building permit is issued or construction is initiated.~~

~~(e) For the purpose of this subsection, a residence shall be assumed to include any structure regardless of the zone in which it is situated, designed and constructed primarily for the purpose of human habitation and in use at the time of the proposed sign construction as a human habitation.~~

Wall Bulletins.

A wall bulletin may be placed on the front, rear, and side court wall of any building, provided it does not extend beyond the building line more than six inches, and does not extend beyond the top and ends of the wall surface on which it is placed. All wall bulletins must be sufficiently and adequately attached to the building wall by means of metal anchors, belts or expansion screws.

The surface of a wall bulletin shall not exceed 40 square feet and ~~must be of sheet metal, but the ornamental molding surrounding the same may be of wood.~~

Roof signs.

Any sign erected upon the roof of any building or structure shall be of metal or other approved noncombustible materials, except trims, runners, and section batting, **and shall not exceed 480 square feet in total area size shall be based on sign design standards.** Roof signs shall be of solid construction and approved in design and anchoring by the building and electrical inspector. The vertical width of the display of any solid area sign shall not exceed 12 feet. The distance between the top of the roof and the lower edge of the sign shall be not less than four feet.

For fire code reasons, no roof sign shall be supported by, or braced to, wooden beams or other wood construction of a building or structure over 40 feet in height. Adequate provisions shall be made for grounding metallic parts of roof signs exposed to lightening.

Roof signs must have minimum separation of ten (10') feet and/or five (5') feet from adjacent property lines.

Roof sign must not occupy more than fifty (50 %) per cent of roof's lineal length on any edge.

Sec. 13.5-8 Minimum Sign Design Standards.

Provisions applicable to all zones. The following regulations shall be applicable to all zones in the city:

- (1) No sign shall be erected or maintained at any location where it may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device.
- (2) No sign shall contain or make use of any word, phrase, symbol, shape, form, or character in such a manner as to interfere with or confuse vehicular or pedestrian traffic.
- (3) No sign shall contain statements, words or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
- (4) No portion of any sign and no portion of the mounting of any mast of any sign within the public right of way shall be placed at an elevation less than eight feet above the sidewalk, surfaces of adjoining streets at intersections, or above the surface of the land adjacent to the roadway, whichever is higher, nor shall any portion of any such sign, mast, or mounting (in the space above ten feet) be placed nearer to the traveled portion of the roadway or the vertical space above the traveled portion of the roadway than ten foot, as measured from the face of the

curb or if there is no curb, from the edge of the pavement. Exception being in a B-3 zone projecting or detached sign may come within three feet back of edge of pavement. All supports and posts of any sign shall not be closer than one foot from any edge of public side walk in area that is in height of eight foot above approved elevation.

(5) Sign with base support having a diameter or more than twelve (12") inches or less than eight foot ground clearance must be a minimum of fifteen (15') feet back of edge of pavement.

(6) No sign shall obstruct any door or window leading to a fire escape or be attached to any part of a fire escape.

(7) All charitable and fund raising signs: Up to a maximum of 30 total signs shall be permitted throughout the city for schools, churches, charities, and non-profit organizations for a period of up to 30 days, once per calendar year, per organization (i.e. school, church, not per group i.e. band, cheerleaders), for the purpose of fund raising events only. These signs shall be limited to six (6) square feet in residential zones and 32 square feet in non-residential areas. Posting of these signs shall require the approval of the property owner. ~~A list of the addresses where the signs will be displayed and a security deposit of \$50 shall be required before any signs are erected.~~

(8) No sign shall advertise a use which is not permitted (illegal by local or state law) in the zoning district wherein the sign is located.

(9) **Banners**, pennants, ribbons, streamers, and balloons are allowed. The same shall not be used as a permanent sign. The same shall be removed after sun fading or any cause for them to be determined unsightly by code director.

(10) Banners are to be limited to one per 6000 square feet of exterior wall area. The placement of banners at/on any location other than the existing surface of main building shall be director approved. None will be allowed on detached signs that will reduce ground clearance that affects corner or parking lot exit visibility.

(11) Directional signs which provide direction or instruction may include business name. Maximum six square feet in area unless director-approved. Location and/or set backs to be director-approved.

(12) Signs within Public Areas. No sign shall be permitted which is placed in any public right-of-way, curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property, or over or across any street or public thoroughfare except as may otherwise be expressly authorized by this chapter.

(13) Bench signs are allowed with restriction of only one on premise's **business/product business** name per bench. Bench will not be allowed at location that it would be considered detached sign only. Location will have to be director approved. Side walk handicap accessibility cannot be obstructed.

(14) There shall not be more than one projection sign per building facade.

(15) All signs over 20 feet in height must have minimum of 16 cubic feet of **reinforced** concrete footing. Signs over 30 feet must have state of Kentucky licensed engineer or architect design.

(16) All attached signage (combined total) at any one site shall not be more than four (4) square feet for each lineal foot of building frontage on a street. Corner sites will be allowed to count frontage on both streets. Maximum total attached signage shall not exceed three hundred (300) square feet.

(17) All detached signage shall not be more than one and a half square feet in area for each lineal foot of road frontage. Maximum of two signs per site. Minimum distance between signs will be twenty five (25') and/or fifteen (15') from adjoining property lines. Maximum size of any individual sign will be three hundred (300) square feet. Total combined square footage of detached signs will be five hundred (500) square feet.

(18) All electrical signs with less than eight feet of ground clearance or located less than ten foot from any structure will require an additional inspection from a city approved electrical inspector. Fee will be paid directly to electrical inspector.

(19) All signs must meet all applicable sections of entire code.

Addition to original code:

Banners.

All banners shall be attached securely so as to be in compliance with Kentucky Building Code requirements of 80 mile per hour wind loads. Banners have a specific time limited time allowed for use. Businesses will be allowed use of banner for a "grand opening" or "going out of business" announcement for a period of not more than sixty consecutive days. All other banner use by any business will be limited to fourteen consecutive day placement at any one location not to exceed six (6) placements per twelve (12) month period. Restrictions of Sec 13.5-8 Minimum Sign desing Standards item (10) also apply.

(10) Banners are to be limited to one per 6000 square feet of exterior wall area. The placement of banners at/on any location other than the existing surface of main building shall be director approved. None will be allowed on detached signs that will reduce ground clearance a that affects corner or parking lot exit visibility.

Sec. 13.5-9 Signs permitted in all zones.

Subject to the provisions contained in minimum sign standards above, and except where such signs may violate some other section of this chapter or any other applicable provisions of this code or other ordinances of the city, the following signs shall be permitted in all zones, no permit required:

(1) Integral: Names of buildings, dates of erection, monumental citations, commemorative tablets, and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

(2) Signs located wholly within a building or structure

(3) Signs affixed to a motor vehicle operating upon public thoroughfares.

(4) Any sign painted on the windows of any industrial, business, or commercial building. Area below six foot height shall not have more than fifty (50%) of view blocked for police and fire fighter's view.

(5) Any sign created or erected by any governmental body or agency while acting in the scope of its governmental authority, as opposed to proprietary, capacity.

(6) Any unlighted sign denoting the architect, engineer or contractor when placed upon work under construction. This is to be limited in size to 32 square feet in a residential zone and limit to one sign per site. It is to be removed upon occupancy of building by tenant and/or owner.

(7) Any unlighted sign advertising the sale of real estate, not exceeding nine square feet in area; provided no more than one sign shall be permitted for each ~~50~~ 100 feet of the lot to be sold.

(8) Auction signs to be placed not more than twenty one (21) days prior to date of auction and removed within three days of close of auction. Placement cannot be closer than ten (10') feet back of edge of pavement. Intersection/corner lot locations must meet ground sign setback of fifteen(15') back of curb/edge of pavement. Size restriction of maximum thirty-two square feet.

(9) No sign advertising a candidate for political office or an issue to be submitted to the electorate shall be posted more than 90 days before the election to which the sign relates, or permitted to remain posted more than 10 days following such election. All signs must be fifteen (15') back of edge of street pavement or attached flatly against existing structure.

Sec. 13.5-10 All Residential zones. No signs shall be permitted in any of the residential zones in the city except as provided in subsection Sec. 13.5-9 “signs permitted in all zones” above and except as follows:

(1) Signs advertising a candidate for political office or an issue to be submitted to the electorate, provided that the total area of such signs shall not exceed 34 square feet.

(2) Unlighted nameplates affixed to the exterior wall of the structure and not exceeding 18 inches by 24 inches in area shall be permitted for each dwelling unit. Such nameplates shall indicate nothing other than the name of the premises, and announcements soliciting boarders or roomers, customary home occupation, or the name and or address of the occupants.

(3) A sign identifying the name of the premises shall be permitted at each multiple family or group dwelling, which sign may be illuminated to an intensity of no more than 90 foot-candle when measured at eight feet; provided that no such sign shall be located closer than ten feet to any property line.

(4) Identification signs and church bulletin boards shall be permitted at churches provided such identification signs or bulletin boards do not exceed 48 square feet in area. Such signs may indicate the name and or address, and activities relating to the premises, may be illuminated to an intensity of no more than 90 foot-candle when measured at eight feet, and shall not be closer than 10 feet to any property line unless attached to the building structure.

(5) Conditional uses will be allowed one attached non-illuminated sign not to exceed nine square feet.

Sec. 13.5-11 Conflicts with Zoning Code.

Where more restrictive, the limitations of the Zoning Code shall take precedence over the regulations of this chapter.

Sec. 13.5-12 Enforcement & Penalty

Enforcement: The code ~~department administrator~~ *enforcement director* is hereby authorized and directed to enforce provisions of this code.

Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law or city ordinance. The remedies shall include the following:

(1) Issuing a stop-work order for any and all work on any signs for a particular site.

(2) Seeking an injunction or order of restraint or abatement that requires the removal of the sign or the correction of nonconformity.

Whoever violates any provision of this chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall, upon conviction be subject to a fine of not more than \$500.00 or imprisonment for not more than 30 days or both for each offense.

Sec. 13.5-13 Director Authority

Code Enforcement Director shall have enforcement authority for this sign code ordinance.

The Code Enforcement Director may require any sign permit applicant to submit the requested sign permit application to the Board of Zoning Adjustments if he feels the proposed sign would be in conflict with the intent of this code.

The Code Enforcement Director can make a variance of five percent from the code specified sign area limitations (size) and a variance of ten percent in the code set back limits if code director feels that the variance does not jeopardize the intent of this code.

Sec. 13.5-14 Right of Appeal

Interpretation: Where there is any ambiguity or dispute concerning the interpretation of this code, the decision of the code director shall prevail, subject to appeal as provided herein.

Right of appeal: Any person aggrieved by any decision or order of the code director may appeal to the board of adjustment by serving written notice to the director who, in turn, shall immediately transmit the notice to the board, which shall meet to hear it within thirty days thereafter. The director shall take no further action on the matter pending the board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided elsewhere in this code.

Duties of the board: The board shall hold public hearings on all appeals and shall permit all interested persons to offer oral or written testimony. The board shall send public notices of the appeals and public hearings to all interested persons at least (7) days prior to the hearing. The charges for the first time publication shall be borne by the City of Mayfield, subsequent charges shall be borne by the appellant. After the close of the hearing, the board, by a majority vote of members present, may affirm, annul, or modify the order of action of the director or shall grant a variance to this code where it finds that a strict application of its provisions would result in practical difficulties or unnecessary hardships, and hereby has the authority so to do.

Appeal from decision of board: Anyone may appeal the decision of the board directly to the city council upon written notice of appeal to the director. This appeal shall be heard at

the next regularly scheduled meeting of the city council. The city council may except, reject or modify the action of the board or shall grant a variance to this code where it finds that the variance requested meets the findings necessary to grant a variance as provided for in Kentucky Revised Statutes. Any modification of the ruling of the board shall require a majority of the city council present.

Severability:

(1) If any part of this code is found to be invalid, then all valid parts which are severable from the invalid parts shall remain in effect. If any part of this code is found to be invalid in one or more of its several applications, the part shall remain in effect in all valid applications that are severable from the invalid applications.