

Section

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§ 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

APOLITICAL CAMPAIGN SIGN. Any sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but does not mean or include any billboard owned or maintained by a commercial firm or advertising company.

APUBLIC PROPERTY. All publicly owned property, including streets, rights-of-way, easements, and everything affixed thereto and thereover.

ASIGN. Any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

§ 97.02 POSTING OF SIGNS IN CITY LIMITS.

(A) Public Property. No signs shall be posted on public property unless as herein provided, or unless prior approval has been obtained from the City Clerk/Treasurer.

(B) Private Property. No signs shall be posted upon private property without first securing the express permission of the owner of the property on which any person seeks to post such signs.

(Ord. 97-20, passed 11-12-97)

§ 97.03 SIGN POSTING TIME LIMITS.

(A) It shall be unlawful for any person to post any signs advertising events or activities other than those as specifically set

forth herein earlier than seven days prior to the date of the planned event. Any signs posted for such events or activities shall be removed within 24 hours following the conclusion of such event or activity.

(B) Not for Profit Activities. It shall be unlawful for any person to post any signs advertising events, services or activities sponsored or conducted without profit to the person, group, agency, or organization which is sponsoring such earlier than two weeks prior to the date of the planned event. Any signs posted for such events, services or activities shall be removed within one week following the conclusion of such event, service or activity.

(C) Political Campaign Sign Limits. It shall be unlawful for any person to post a political campaign sign anywhere, whether on public or private property, within the city more than 30 days prior to the election for which the sign is posted. It shall be unlawful to fail to remove a political campaign sign within ten days after the election for which the sign was posted.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97) Penalty, see ' 97.99

' 97.03 REMOVAL OF ILLEGAL SIGNS.

The Chief of Police or his authorized agents are hereby authorized to remove any sign found posted within the corporate limits of the city when such sign is in violation of the provisions of this chapter.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.05 REMOVAL OF POLITICAL SIGNS.

For the purpose of removing signs, the Chief of Police or his authorized agents are empowered to enter upon the property where the signs are posted, and the Chief of Police or his authorized agents are further authorized to enlist the aid or assistance of any other department of the city and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.06 REMOVAL PROCEDURE; CHARGE FOR REMOVAL.

(A) When the Chief of Police or his authorized agents find that a sign has been posted in violation of this chapter, he shall attempt to contact the candidate, committee, or person responsible for the posting of such sign. If successful, he shall give 24 hours advance telephonic notice of his intention to remove the sign. If, after such notification, the illegal sign remains in violation, the Chief of Police or his authorized agent shall remove such sign and store it in a safe location. If, after reasonable diligence, the Chief of Police or his authorized agent is unable to contact the candidate, committee, or person responsible for the sign, he may dispense with the notice requirement and remove the sign, storing it in a safe location.

(B) The city shall be entitled to receive the sum of \$100 for every sign removed by the Chief of Police or his authorized agents, to cover the expense or removal, notice, and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of Atrailer signs, or other unusual situation, the city shall collect from the person responsible a sum sufficient to cover the costs and hourly wages of employees so utilized. (Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.07 STORAGE; NOTICE; RETURN.

(A) If the Chief of Police or his authorized agents remove any sign, he shall keep a record of the location from which the sign was removed. He shall store the sign in a safe location for at least 90 days and shall immediately notify by telephone the candidate, committee, or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the Chief of Police or his authorized agents is unable to make telephone contact, he shall provide written notice, if the address of the candidate, committee, or person is known or can be ascertained.

(B) The Chief of Police or his authorized agents shall return any sign upon the payment of the fee provided in ' 97.06(B). (Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.08 PERSONS RESPONSIBLE.

(A) In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of signs, unless he first notifies the City Clerk/Treasurer and the Chief of Police or another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person.

(B) In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the City Clerk/Treasurer and Chief of Police or some other person responsible, in the manner described above.

(C) The candidate, or in the case of a ballot measure, the committee president, or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Further, such candidate, committee president, or other designated person, shall be subject to prosecution for any violation of this chapter. Nothing in this section shall be interpreted to make any person liable, civilly or criminally, for any signs posted by persons unknown to him or by persons over whom he has no control.

(D) With regards to signs posted for a purpose other than to advertise a political campaign or platform, liability shall be imposed against property owner or tenant of the property, person, agency, group or organization referred to in the sign which is the subject of penalty for noncompliance with this section

(Ord. 89-23, passed 8-9-89; Am. Ord. 91-07, passed 5-8-91; Am. Ord. 97-20, passed 11-12-97) Penalty, see ' 97.99

' 97.09 ILLEGAL SIGNS DEEMED PUBLIC NUISANCE.

Signs in violation of this chapter are hereby declared to be public nuisances and may be abated as such by the city. The collection of removal fees shall not preclude the city from prosecuting any person for violating this chapter.

(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97)

' 97.99 PENALTY.

(A) Whoever violates any provision of this chapter shall be guilty of a violation and shall be fined not more than \$100 for each offense.

(B) In addition to the penalties as set forth in subsection (A) hereinabove, any person who violates any provision of this chapter shall be subject to a civil penalty of \$50. If the offender does not pay the penalty within 30 days after he or she has been cited for the offense then the civil penalty shall be recovered by the city in a civil action in the nature of a debt.

(C) Each day the violation exists shall constitute a separate offense.
(Ord. 89-23, passed 8-9-89; Am. Ord. 97-20, passed 11-12-97; Am. Ord. 07-14, passed 3-26-07)