

STATE OF ALABAMA
COUNTY OF DEKALB
CITY OF FORT PAYNE



ORDINANCE NO. 2004-18

PROHIBITING THE POSTING OF SIGNS ON RIGHTS-OF-WAY WITHIN THE CITY

- WHEREAS, City street rights-of-way are designed to provide safety margins for the traveling public with adequate neutral spacing along either side of the actual street pavement; and,
- WHEREAS, These rights-of-way margins also function to service utility placements; and,
- WHEREAS, There is traditional and legal exclusive use and control of these rights-of-way margins for strictly public purposes;
- WHEREAS, Advertising by political parties and/or individuals seeking public office, commercial advertising, yard sale notices, etc., or any private sign use on City rights-of-way, or any City-owned property, is not an intended use, and also causes unsightly detractions and/or obstructions that may thus generate safety hazards to the traveling public.

BE IT THEREFORE ORDAINED BY THE MAYOR AND CITY COUNCIL, AS THE GOVERNING BODY OF THE CITY OF FORT PAYNE, ALABAMA, AS FOLLOWS:

SECTION 1. That *Ordinance No. 2004-10*, duly adopted by the Mayor and City Council on June 1, 2004, is hereby rescinded and repealed in its entirety.

SECTION 2. That use of City rights-of-way or any City-owned property for political advertising by political parties and/or individuals seeking public office, commercial advertising, yard sale notices, etc., or any sign promoting a private use is hereby prohibited. Directional signs, only, for government, quasi-government, schools, or charitable agency buildings or facilities are specifically excluded from this provision.

SECTION 3. In instances where the right-of-way boundaries cannot be easily determined, citizens may contact the Public Works Department of the City for assistance. In any case, the above-described prohibited signs must be placed a minimum of 15 feet from the street pavement or established roadbed for the safety of the traveling public.

SECTION 4. That any ordinances heretofore adopted by the City Council that conflict with any provisions of this ordinance are hereby repealed, except to the extent that any existing ordinance to the contrary is hereby repealed only in that respect only as to being in conflict with the provisions of this ordinance.

SECTION 5. That any person, firm or corporation who violates the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not less than \$1.00 nor more than \$500.00 and/or sentenced to hard labor for the City not exceeding six (6) months.

ADOPTED AND APPROVED this 21st day of December, 2004.

CITY OF FORT PAYNE BY:
/s/ Johnny Eberhart
Johnny Eberhart

ATTEST:
/s/ James C. McGee
James C. McGee, CMC/MMCA