

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**SECTION 1.** That *Ordinance No. 2004-10*, duly adopted by the Mayor and City Council on June 1, 2004, is hereby rescinded and repealed in its entirety.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any ordinances heretofore adopted by the City Council that conflict with any provisions of this ordinance are hereby repealed, except to the extent that any existing ordinance to the contrary is hereby repealed only in that respect only as to being in conflict with the provisions of this ordinance.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 21<sup>st</sup> day of December, 2004.

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

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

Council President

City Clerk

[Seal]

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TRANSMITTED TO THE MAYOR of the City of Fort Payne on the 21<sup>st</sup> day of December, 2004.

/s/ James C. McGee  
James C. McGee, CMC/MMCA  
City Clerk

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APPROVED:  
/s/ William H. Jordan  
William H. Jordan  
Mayor

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

Date of Mayor's approval: December 22, 2004

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