

1 AN ACT relating to outdoor advertising.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. A NEW SECTION OF KRS 177.830 to 177. 890 IS CREATED
4 TO READ AS FOLLOWS:

5 **(1) A local government may allow an advertising device to be placed on any side of a**
6 **building located in an urban area under its jurisdiction.**

7 **(2) Advertising devices erected under this section shall be exempt from:**

8 **(a) Section 2 of this Act;**

9 **(b) Section 3 of this Act; and**

10 **(c) Subsections (1)(a), (b), and (c) of Section 4 of this Act.**

11 ➔Section 2. KRS 177.841 is amended to read as follows:

12 (1) Except as otherwise provided in KRS 177.830 to 177.890 **and Section 1 of this Act,**
13 the erection or maintenance of any advertising device upon or within six hundred
14 sixty (660) feet of the right-of-way of any interstate highway or federal-aid primary
15 highway is prohibited.

16 (2) The erection or maintenance of any advertising device located outside of an urban
17 area and beyond six hundred sixty (660) feet of the right-of-way which is legible
18 and/or identifiable from the main traveled way of any interstate highway or federal-
19 aid primary highway is prohibited with the exception of:

20 (a) Directional and official signs and notices;

21 (b) Signs advertising the sale or lease of property upon which they are located; or

22 (c) Signs advertising activities conducted on the property on which they are
23 located.

24 ➔Section 3. KRS 177.860 is amended to read as follows:

25 The commissioner of the Department of Highways shall prescribe by regulations
26 reasonable standards for the advertising devices hereinafter enumerated, designed to
27 protect the safety of and to guide the users of the highways and otherwise to achieve the

1 objectives set forth in KRS 177.850, and the erection and maintenance of any of the
 2 following advertising devices, if they comply with the regulations, shall not be deemed a
 3 violation of KRS 177.830 to 177.890:

- 4 (1) An advertising device which is to be erected or maintained on property for the
 5 purpose of setting forth or indicating:
- 6 (a) The name and address of the owner, lessee, or occupant of the property; or
 - 7 (b) The name or type of business or profession conducted on the property; or
 - 8 (c) Information required or authorized by law to be posted or displayed on the
 9 advertising device;
- 10 (2) An advertising device which is not visible from any traveled portion of the
 11 highway;
- 12 (3) An advertising device indicating the sale or leasing of the property upon which it is
 13 placed; ***and***
- 14 (4) Advertising devices which otherwise comply with the applicable zoning ordinances
 15 and regulations of any county or city, and which are to be located in a commercially
 16 or industrially developed area, in which the commissioner of highways determines,
 17 in exercise of his sound discretion, that the location of the advertising devices is
 18 compatible with the safety and convenience of the traveling public.

19 ***This section does not apply to advertising devices erected under Section 1 of this Act.***

20 ➔Section 4. KRS 177.863 is amended to read as follows:

21 ***(1) Except as provided in subsection (2) of this section,*** within any commercial or
 22 industrial zone or unzoned commercial or industrial area adjacent to a federal-aid primary
 23 highway, advertising devices shall be subject to the following standards:

24 ~~(a)(1)~~ Prohibited advertising devices:

25 ~~1.(a)~~ Advertising devices that are not clean and in good repair.

26 ~~2.(b)~~ Advertising devices that are not securely affixed to a substantial
 27 structure.

1 ~~3.(c)~~ Advertising devices which attempt or appear to attempt to direct
2 the movement of traffic or which interfere with, imitate or resemble any
3 official traffic sign, signal or device.

4 ~~4.(d)~~ Advertising devices which obstruct the view of official signs, or
5 approaching and merging traffic.

6 ~~5.(e)~~ Advertising devices on trees, or painted upon natural features.

7 ~~6.(f)~~ Advertising devices exceeding one thousand two hundred fifty
8 (1,250) square feet on each face including border and trim, but
9 excluding supports.

10 ~~7.(g)~~ Advertising devices advertising an activity that is illegal under
11 state or federal law.

12 ~~8.(h)~~ Obsolete advertising devices.

13 ~~(b)(2)~~ Spacing of advertising devices:

14 ~~1.(a)~~ No advertising device structure designed to be primarily viewed
15 from a non-limited access federal-aid primary highway shall be erected
16 within three hundred (300) feet of any other such advertising device
17 structure on the same side of the highway, unless separated by a
18 building, natural obstruction or roadway. Provided, however, that in an
19 incorporated municipality such required distance shall be reduced to one
20 hundred (100) feet.

21 ~~2.(b)~~ Double-faced -- V-type and/or back-to-back advertising device
22 structures shall be one advertising device for spacing purposes.

23 ~~3.(c)~~ The minimum distance between advertising devices shall be
24 measured along the nearest edge of the pavement between points directly
25 opposite the advertising devices.

26 ~~4.(d)~~ Advertising devices advertising the sale or lease of the property on
27 which they are located, or advertising the activity conducted thereon, are

1 permitted, and shall not cause any other advertising device to be in
2 violation of this chapter; notwithstanding any contrary provision.

3 ~~(c)~~~~(3)~~ Size of advertising devices:

4 ~~1.~~~~(a)~~ The maximum area for any advertising device shall be one
5 thousand two hundred fifty (1,250) square feet, including border and
6 trim but excluding supports.

7 ~~2.~~~~(b)~~ An advertising device structure may contain one (1) or two (2)
8 advertisements per facing, not to exceed the maximum area.

9 ~~3.~~~~(c)~~ Double faced structures will be permitted with the maximum area
10 being allowed for each facing.

11 ~~(d)~~~~(4)~~ Lighting of advertising devices:

12 Advertising devices may be illuminated, subject to the following restrictions:

13 ~~1.~~~~(a)~~ Advertising devices which contain, include or are illuminated by
14 any flashing, intermittent, or moving light or lights are prohibited,
15 except those giving public service information such as time, date,
16 temperature, weather, or similar information.

17 ~~2.~~~~(b)~~ Advertising devices which are not effectively shielded as to
18 prevent beams or rays of light from being directed at any portion of the
19 traveled way of the highway which are of such intensity or brilliance as
20 to cause glare or to impair the vision of the driver of any motor vehicle,
21 or which otherwise interfere with any driver's operation of a motor
22 vehicle are prohibited.

23 ~~3.~~~~(c)~~ No advertising device shall be so illuminated that it interferes with
24 the effectiveness of or obscures an official traffic sign, device or signal.

25 **(2) Subsection (1)(a), (b), and (c) do not apply to advertising devices erected Section 1**
26 **of this Act.**