

SCOTT COUNTY FISCAL COURT
ORDINANCE NO. 24 - 05

AN ORDINANCE AMENDING THE SCOTT COUNTY
SIGN ORDINANCE REGARDING FLAGS

WHEREAS, the Scott County Fiscal Court desires to amend the County's sign ordinance in order to address flags;

NOW THEREFORE, be it Ordained by the Scott County Fiscal Court:

SECTION ONE

Section 2 – Definitions of Ordinance No. 12-01 is amended as follows:

11. Non-Commercial Flag – Any fabric, banner, or bunting containing distinctive colors, patterns, words or symbols, ~~used as a symbol of a government, political subdivision, or other entity, including businesses. Also known as banners, pennants, streamers, and similar items attachable by one edge to a pole or rope, and not containing a commercial message or being displayed for a commercial purpose.~~

SECTION TWO

A new subsection of Section 2 – Definitions of Ordinance No. 12-01 is added to read as follows:

Commercial Flag – Any fabric, banner, or bunting containing distinctive colors, patterns, words or symbols, attachable by one edge to a pole or rope, and containing a commercial message or being displayed for a commercial purpose.

SECTION THREE

Section 4 – Exempt Signs of Ordinance No. 12-01 is amended as follows:

P. ~~Flags of the United States and/or the State of Kentucky. Poles over thirty-two (32) feet tall shall not be permitted when displayed in accordance with the provisions of SECTION FIVE of this Ordinance.~~

SECTION FOUR

Table 2: Standards for Exempt Signs of Section 4 of Ordinance No. 12-01 is amended as follows:

Table 2: Standards for Exempt Signs:

Flags and Institutional insignias	24	32	10	k
Flags, business or institutional	1	32	35	10

SECTION FIVE

A new section of Ordinance No. 12-01 is created to read as follows:

Flags:

1. Non-Commercial Flags not exceeding 32 square feet in area and attached to a pole not exceeding 32 feet in height are exempt from the requirements in this code, except for maintenance and relationship to building and electrical codes, and may be displayed without a permit in every zoning District.
2. One (1) Non-Commercial Flag, per parcel, exceeding 32 sq. ft. in area and/or attached to a pole exceeding 32 ft. in height may be displayed in the B-2, B-4, B-5, I-1, I-2, P-1, and P-1B Districts with a conditional use permit.
3. The Board of Adjustments may grant a conditional use permit for a Non-Commercial Flag upon a showing by the applicant that:
 - a. The flagpole meets all of the minimum distance requirements applicable to Interstate Signs;
 - b. The size of the flag and height of the pole will not interfere with public health, safety or welfare; and
 - c. The flagpole meets all Engineering, Foundation, Building, Fire and Electrical Code Requirements applicable to signs under this code.
4. The Board of Adjustments may approve a smaller flag and/or shorter pole than requested by an applicant, when doing so is necessary to satisfy the requirements of Subsection 3 of this Section.
5. When a permitted Non-Commercial Flag otherwise satisfies the requirements for a conditional use permit, the Flag shall not be considered a sign for purposes of a limit on the number of signs in the applicable District.
6. One (1) Commercial Flag, per parcel, not exceeding 32 sq. ft. in area and attached to a pole not exceeding 32 ft. in height shall be exempt from the requirements in this code, except for maintenance and relationship to building and electrical codes, and may be displayed without a permit in all Commercial, Industrial, and Professional Office zoning Districts.
7. Commercial Flags exceeding 32 sq. ft. in area or attached to poles exceeding 32 ft. in height shall be considered Interstate Signs under this code.

SECTION SIX

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

SECTION SEVEN

All ordinances not consistent with this Ordinance are hereby repealed.

SECTION EIGHT

This Ordinance shall become effective upon passage and publication according to law.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 27, 2024

PUBLICLY READ SECOND TIME AND PASSED: July 12, 2024

APPROVED: 

JOE PAT COVINGTON, JUDGE/EXECUTIVE

ATTEST: 

STACY HAMILTON, FISCAL COURT CLERK