

CHAPTER 11

BILLBOARDS AND ADVERTISING STRUCTURES

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[HISTORY: Adopted by the Common Council of the City of Dunkirk 5-23-1922 as Chapter VIII of the Ordinances of the City of Dunkirk. Amendments noted where applicable.]

GENERAL REFERENCES

- Building construction - See Ch. 15.
- Unsafe buildings or structures - See Ch. 18.
- Permits - See Ch. 51.

§ 11-1. Definitions.

**BILLBOARD** - Shall include any structure erected for the purpose of posting or painting advertising matter thereon.

**ADVERTISING** - Shall include all advertising matter, whether pasted to, nailed or fastened to or painted upon any fence, building, pole or other structure, excepting property owners advertising their own wares or merchandise on their own building or property.

**PERSON** - Shall mean natural "persons", corporations, partnerships, associations, joint-stock companies, societies, and all entities of every kind capable of suing and being sued.

**§ 11-2. Billboard specifications.**

All billboards or other advertising structures shall be erected within the building line and be properly secured, supported and braced, and shall be so constructed as not to be or become dangerous to persons or traffic. All such billboards or advertising structures shall be erected and constructed in a safe and workmanlike manner and in accordance with the following specifications:

- A. Posts to which the same are to be attached shall be not less than four by six (4 × 6) inches in size; shall be placed at least three (3) feet in the ground: shall be not farther than ten (10) feet apart; and shall extend to the top of said billboard or advertising structure. Anchor posts shall be not less than four by six (4 × 6) inches in size; each shall be placed at least three (3) feet in the ground; and there shall be one (1) such anchor post directly back of each of the posts above mentioned and to which the billboard or advertising structure shall be attached. Braces shall extend from each of the posts to which the billboard or advertising structure is to be attached; to be attached to its corresponding anchor post, which braces shall not be less than three by four (3 × 4) inches in size and shall be securely nailed at each end.
- B. All billboards or advertising structures erected in the fire limits of the City of Dunkirk shall have the entire surface, excepting capping and facing, manufactured from fireproof materials.
- C. All materials used in the erection of such billboards or advertising structures shall be free from all defects and of first quality.

**§ 11-3. Maximum height of billboards.**

All billboards or advertising structures hereafter erected shall not exceed in height twelve (12) feet, clear posting or painting surface, provided that this section shall not apply to any billboard or advertising structure attached to, or advertising which may be painted upon, a building for the exclusive use of the

owner in advertising goods, wares and merchandise offered by the owner of said building for sale by him.

**§ 11-4. Required clearance from ground.**

All billboards or advertising structures hereafter erected shall have a clear space of at least eighteen (18) inches between their lower edges and the highest point of ground immediately thereunder. For the purpose of ornamentation, two (2) narrow strips of structure, not exceeding three (3) inches in width, may be placed lengthwise across such clear space.

**§ 11-5. Illegal and immoral bills prohibited.**

No picture, bill, poster or advertisement of any kind, of an obscene, indecent, licentious, treasonable, illegal or immoral character shall be displayed in any advertisement painted or posted in the City of Dunkirk.

**§ 11-6. Removal of old posters and other debris required.**

Every person owning or maintaining a billboard or advertising structure shall take away and remove all old posters and other debris therefrom and shall not permit the same to remain on the street or be blown about by the wind or to accumulate upon the lot upon which such structure is maintained.

**§ 11-7. Display of name of owner required.**

Every billboard or advertising structure existing or hereafter erected shall have displayed, upon the top thereof, a strip showing the name of the person owning same or who is in possession, charge or control thereof. Such strip shall not be included in any of the heights hereinbefore specified, but may be in addition thereto.

**§ 11-8. Posting on public and private structures without written consent prohibited.**

No person shall paint, post, place or affix any business or commercial advertisement, or cause same to be done, on or to any curbstone, flagstone or any other portion of any street, lamppost, hitchingpost, telegraph pole, hydrant, bridge or any other structure within the limits of any street within the City of Dunkirk, and no person shall paint, post, place or affix any business or commercial advertisement, or cause same to be done, on or to any wall, window, floor, fence, gate, advertising structure, building or other object which is the property of another, without first securing the written consent of such owner thereof, provided, however, that nothing in this section shall apply to any notice required by the ordinances of Dunkirk or legal notices by public officers and

attorneys in the manner and places prescribed by law, or to circulation and distribution or any daily newspaper throughout the City.

**§ 11-9. Advertising matter not to hang loose.**

No paper, cloth or advertising matter shall be allowed to hang loose from any billboard or advertising structure, but the same shall be kept securely pasted or otherwise fastened to the surface thereof.

**§ 11-10. License for maintenance of billboards required.**

Any person maintaining within the limits of the City of Dunkirk a billboard or billboards shall, between January 1 and April 1 of each year, file with the Common Council of the City of Dunkirk an application for a license hereunder, which application shall state the full and true name of the owner or owners of such billboard or billboards, give the exact location of each billboard and the number and size of panels on each billboard.

**§ 11-11. License for erection of new billboards required.**

Any person contemplating the erection of a new billboard or billboards within the limits of the City of Dunkirk shall apply for the Common Council of the City of Dunkirk for permission to erect the same; said application must be accompanied by complete plans and specifications for the erection of such billboard or billboards, and shall contain a statement as to the exact location where such billboard or billboards are to be erected and maintained, also giving the approximate cost of the billboard or billboards.

**§ 11-12. Relocation of billboards without permission prohibited.**

No billboards or other advertising structures erected or maintained in this City shall be taken down and removed from the place where they are now located, with the intention of erecting them in a different location in the City of Dunkirk, without securing the consent of the Common Council therefore.

**§ 11-13. Fees for licenses.**

The following fees are hereby established for the erection, maintenance and inspection of billboards or advertising structures within the limits of the City of Dunkirk: every person erecting or maintaining a billboard or billboards in the City of Dunkirk shall pay an annual license fee of Fifty Dollars (\$50.00), and in addition thereto Fifty Cents (\$0.50) for each panel, whether of the standard size or less, erected or maintained hereunder.

**§ 11-14. Issuance and expiration of licenses.**

All licenses under this act, when directed by the Common Council, shall be issued by the City Clerk. The City Clerk, upon direction of the Common Council and the receipt of the license fee, together with the panel fee, shall issue a license certificate in the name of the person, firm or corporation making the application. Such license certificate shall state the date of its issue, the name of the person, firm or corporation to whom issued, and the date of its expiration, which shall be May 1 in each year, and the amount of the license fee paid therefore.

**§ 11-15. Property owners not to permit erection of unlicensed billboards.**

No property owner within the City of Dunkirk shall permit the erection of any billboard or advertising structure upon his property or painted upon his building or attached to the buildings, by any person, until such person shall have obtained the required license hereunder.

**§ 11-16. Annual inspection of billboards; condemnation and razing authorized.**

The City Engineer of the City of Dunkirk each year shall, during the month of April, inspect all billboards or advertising structures covered by this chapter and report to the Common Council the location of each, the condition of each and the number and size of the panels thereon; and all billboards or advertising structures erected or maintained in the City of Dunkirk shall be subject to inspection by the City Engineer; and in the event that the City Engineer shall find upon an inspection that any such billboard is, or is liable to become dangerous, he may condemn and raze the same forthwith

**§ 11-17. Police to inspect billboards and report violations.**

The Chief of Police of the City of Dunkirk shall inspect all billboards or advertising structures in the City of Dunkirk and report all violations of this chapter to the Common Council.

**§ 11-18. Certain advertising by local businesses exempted.**

The provisions of this chapter relating to the securing of a license shall not be deemed to apply to any person, firm or corporation having a fixed place of business in said City, who circulates advertising matter in connection with their business, or who shall erect or maintain any advertising sign on the premises where their said business is carried on; provided, that such advertising sign shall

advertise goods, wares and merchandise for sale by him only, at said place of business.

**§ 11-19. Penalties for offenses.**

The violation of any of the provisions of this chapter is hereby declared to be a misdemeanor, and any person, upon being convicted of such violation, shall be punishable as provided in Chapter 1, General Provisions, Article I, of the Code of the City of Dunkirk