

Sec. 3-65. Use of modular units.

Modular units as defined in section 3-61 may be used for commercial, industrial, service and residential purposes in all areas of the city outside of the historical district of the city. (Ord. No. 02-04[A], § 6, 8-26-02; Ord. No. 06-09, § 5, 10-2-06)

Sec. 3-66. Penalties for violation.

Any person who shall violate any term of this article shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) for each violation. Each day that a violation remains in effect will constitute a separate offense. Proper action for injunction to enforce this article by injunctive relief can be instituted in a court of record for McDowell County, West Virginia.

(Ord. No. 02-04[A], § 5, 8-26-02; Ord. No. 06-09, § 4, 10-2-06)

Secs. 3-67—3-80. Reserved.**ARTICLE V. BILLBOARDS, SIGNS AND SIMILAR STRUCTURES*****DIVISION 1. GENERALLY****Sec. 3-81. Regulation of placement of signs on city maintained property.**

(a) *Regulation of placing signs in areas maintained or owned by the City of Welch.* It shall be unlawful for any person, firm or corporation to erect or place any sign, placard or notice in any area maintained by the City of Welch or place any sign, placard or notice on any building or structure owned by the City of Welch for any commercial or political purpose. Any other sign, placard or notice not restricted by this section shall not remain in place for a period of time greater than two (2) weeks.

(b) *Removal of signs violating section.* Any sign, placard or notice found in a prohibited area or longer than the time allowed by this section will be subject to immediate removal by the city. Any sign, placard or notice confiscated pursuant to this section will be stored for five (5) days. Any sign not claimed within five (5) days will be destroyed.

(Ord. No. 07-09, §§ 1, 2, 12-10-07)

Editor's note—Ord. No. 07-09, §§ 1, 2, adopted December 10, 2007, did not specifically amend the Code; hence, inclusion herein as § 3-81 was at the discretion of the editor. See also the Code Comparative Table.

Secs. 3-82—3-95. Reserved.

***Editor's note**—Formerly article IV.

DIVISION 2. BILLBOARDS*

Sec. 3-96. Billboard defined.

A billboard is any free-standing sign or sign fixed to another structure that is greater than sixteen (16) square feet, which is designed and intended to be used as a commercial advertisement, public service announcement or convey some other written message.

(Ord. No. 03-04, § 1, 4-15-03; Ord. No. 04-06, § 1, 8-23-04)

Sec. 3-97. Constructing or erecting billboard, except as provided herein unlawful.

(a) It shall be unlawful for any person, firm or corporation to construct or erect a billboard in the corporate limits of the city, except as provided in this division. Nor shall any property owner construct or erect a billboard on their property.

(b) Any existing billboard that falls into a state of disrepair or decay and is condemned by the proper federal, state or local governmental inspection authorities, may be demolished and removed at the direction of the city. The city shall send a certified letter requesting removal of any such condemned billboard to the last known addresses of the real estate owner and the billboard owner giving said owners thirty (30) days from the receipt or return of the said notice to remove the condemned billboard. If the condemned billboard has not been removed within the thirty (30) days, the city may remove it. The owner(s) of the billboard and/or the owners of the real estate where it is situated shall be jointly and severally liable for any expense incurred by the city in accomplishing this demolition.

(Ord. No. 03-04, § 2, 4-15-03; Ord. No. 04-06, § 2, 8-23-04)

Sec. 3-98. Exceptions to the enforcement of division.

Any person who constructs, erects or maintains a billboard in the corporate limits of the city prior to the effective date of this division shall not be subject to the provisions of this division. Furthermore, any business may on its own premises construct, erect or maintain signage of any type, that advertises that particular business conducted on that premises.

(Ord. No. 03-04, § 3, 4-15-03; Ord. No. 04-06, § 3, 8-23-04)

Sec. 3-99. Penalties for violation.

Any person who shall violate any term of this division shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) for each violation. Each day that a violation remains in effect will constitute a separate offense. Proper action for injunction to enforce this division by injunctive relief can be instituted in a court of record for McDowell County, West Virginia.

(Ord. No. 03-04, § 4, 4-15-03; Ord. No. 04-06, § 4, 8-23-04)

***Editor's note**—Ord. No. 03-04, §§ 1—4, adopted Apr. 15, 2003, pertained to billboards, but did not specify manner of codification; hence, inclusion herein as Div. 2, §§ 3-96—3-99, was at the discretion of the editor.