

ORDINANCE NO. 6323

AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE CHAPTER 46, ARTICLE IV, OFFENSES INVOLVING NUISANCE, ADDING REGULATIONS LIMITING THE TIME PERIOD TEMPORARY SIGNS, INCLUDING POLITICAL SIGNS, CAN BE DISPLAYED WITHIN THE CITY OF FAIRBANKS

WHEREAS, Alaska Statute §19.25 prescribes restrictions for outdoor advertising and billboards, including political signage, to preserve Alaska's uniqueness and its scenic beauty; and

WHEREAS, the U.S. Supreme Court held in *Metromedia, Inc. v. City of San Diego* (1981), explicitly adopted by the Alaska Supreme Court in *Barber v. Municipality of Anchorage* (1989), that a municipality's aesthetic interests are sufficiently substantial to provide justification for a content-neutral restriction of signs; and

WHEREAS, State statute and case law currently regulate time, manner, and place of political signage with AS 19.25.105(d) not permitting signs within a right of way and Alaska's Superior Court holding in *ACLU of Alaska, et al. v. State of Alaska, et al.* (2018) that small, temporary, political signs can be located on private property outside of any highway right of way as long as no compensation is provided for the right to do so; and

WHEREAS, sections 18.04.010 and 18.96.070(B)(7) of the Fairbanks North Star Borough code limit temporary signs in all zoning districts to no more than six months of display and permits display only during the months of June through November; and

WHEREAS, the intent of this ordinance, and the direction given for its implementation, is to limit temporary signs within the city to mitigate nuisance and blight and protect the aesthetic interests of the community in a content-neutral manner.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Chapter 46, Article IV is amended by inserting a new division 3, entitled Temporary Signs, after Division 2 as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font] and renumbering the remaining divisions in the Article:

DIVISION 3. – TEMPORARY SIGNS

Sec. 46-138. – Definition

"Temporary Signs" means any device, structure, fixture, placard, signboard, sign, display, notice, or form of outdoor advertising displaying graphics, symbols, and/or writing

for the primary purpose of communicating with the public that is not permanently affixed to the ground or otherwise affixed in a permanent manner to a supporting structure in accordance with applicable permitting and regulation.

Sec. 46-139. – Limitation of Period Temporary Signs Can Be Displayed

In addition to any applicable governing rules and restrictions, temporary signs can be on display within the city limits for no more than 90 days.

Sec. 46-140. – Remedy

- a. A temporary sign that violates the provisions of this Article is a public nuisance. The City will give 15 days' notice, by certified mail, to the owner of the land on which the sign is located, ordering its removal if it is prohibited. If the owner of the property fails to comply within 15 days as required in the notice, the City will remove the sign at the expense of the owner of the land.
- b. The City retains sole discretion whether to store or dispose of any sign that has been removed in accordance with this Article.

SECTION 2. The effective date of this ordinance is six days after adoption.

David Pruhs, Mayor

AYES: None
NAYS: Therrien, Marney, Sprinkle, Ringstad, Tidwell, Cleworth
ABSENT: None
FAILED: September 8, 2025

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Thomas A. Chard II, City Attorney