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ORDINANCE NO. 14-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, THE LAND DEVELOPMENT CODE, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, BY AMENDING ARTICLE IX ENTITLED SIGNS; AMENDING SECTION 10-9.104 REGARDING PROHIBITED SIGNS; ADDING A NEW DIVISION TO BE ENTITLED "SIGNS ON RIGHT-OF-WAY"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Leon County is authorized to use the police power to promote "the health, safety, morals, or the general welfare of the community;" and

WHEREAS, a local government may exercise its police powers to adopt regulations to protect the aesthetic values of the community; and

WHEREAS, Leon County is authorized to adopt regulations governing the manner that signs may be erected in the unincorporated area of the County; and

WHEREAS, the County and other public entities are responsible for maintaining public rights of way and ensure that safety of the general travelling public; and

WHEREAS, cluttered rights-of-way distract drivers and pose a safety risk to drivers, their passengers, and pedestrians.

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending Chapter 10, Article IX of the Leon County Code of Laws, regarding signs;

BE IT ORDAINED by the Board of County Commissioners of the County of Leon, Florida, as follows, that:

Section 1. Chapter 10, Article IX, Division 1, Section 10-9.104 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

Sec. 10-9.104. Prohibited signs.

- 1 (a) No person shall erect any signs which:
- 2 (1) Attempt or appear to attempt to regulate, warn or direct the movement of traffic or
3 which interfere with, indicate or resemble any official traffic sign.
4
- 5 (2) Are erected or maintained upon trees or painted or drawn upon rocks or other
6 natural features, with the exception of "posted property" signs.
7
- 8 (3) Are animated, with the exception of public service signs.
9
- 10 (4) Are banners, pennants, streamers, balloons, or flying paraphernalia, with the
11 exception of official federal, state, county, or educational institution flags, and
12 one symbolic flag for each institution or business except as permitted in section
13 10-9.201(b)(5) of this Code.
14
- 15 (5) Emit visible smoke, vapor, particles, or odor.
16
- 17 (6) Contain a motion picture mechanism in conjunction with an outdoor advertising
18 structure, accessory sign, or advertising statuary used in such a manner as to
19 permit or allow the images to be visible from any public street or sidewalk.
20
- 21 (7) Are attached to or painted onto a vehicle parked on a public thoroughfare for the
22 sole purpose of advertising.
23
- 24 (8) Are sandwich signs, except as permitted in section 10-9.201.
25
- 26 (9) Are window signs identifying or advertising activities, services, goods, or
27 products available within the building, and collectively covering more than 25
28 percent of the window glass surface area.
29
- 30 (10) Are bench signs and other signs on bus stop facilities, except for existing public
31 school bus shelter signs which have been authorized for placement through the
32 county's contract(s) for bus shelters.
33
- 34 (11) Contain any flashing light, including flashing signs incorporated onto or attached
35 to portable signs.
36
- 37 (12) Are tethered inflatable signs, whether on-site or off-site, except as permitted in
38 section 10-9.201(b)(5) of this Code.
39

1 ~~(13) Are on or within any public property, street, or right-of-way, except traffic, safety,~~
2 ~~and information signs erected and maintained by governmental authority.~~

3
4 (1314) Are bandit signs, either on-site or off-site, except as permitted in section 10-9.201.
5

6 **Section 2.** Chapter 10, Article IX, of the Code of Laws of Leon County, Florida, is hereby
7 amended by adding a Division 4, entitled, Signs on Right-of-Way, which section reads as
8 follows:

9 DIVISION 4. SIGNS ON RIGHT-OF-WAY

10 **Sec. 10-9.401. Signs on Right-of-Way.**

11 (a) This Section is enacted to protect the public health, welfare and safety of the residents of
12 Leon County, Florida. It shall be unlawful for any person, firm, corporation or other entity, to
13 erect, place, post, install, affix, attach, or in any other way locate or maintain a sign upon, within
14 or otherwise encroaching on a right-of-way or upon a structure located within such a right-of-
15 way except signs installed by governmental units having jurisdiction as may be required by law
16 or to protect the public health, safety and welfare, or signs authorized to be placed on transit
17 shelters or other governmental fixtures approved for placement in the right-of-way.

18 (b) Information contained in any sign, including names, addresses, or telephone numbers of
19 persons or entities benefiting from or advertising on the sign, shall be sufficient evidence of
20 ownership or beneficial use or interest for purposes of enforcing this Section. More than one
21 person or entity may be deemed jointly and severally liable for the placement or erection of the
22 same sign. Each unlawful sign shall be deemed a separate violation of this Section.

23 **Sec. 10-9.402. Removal.**

24 Except as provided otherwise in this Chapter, any sign on a right-of-way in violation of Section
25 10-9.401 shall be subject to immediate removal and destruction without notice, by any code

1 inspector or designee, and at the joint and several expense of the person, firm, corporation or
2 other entity having beneficial use of the sign, or the sign contractor.

3 **Sec. 10-9.403. Enforcement.**

4 (a) The County may apply any one or a combination of the remedies available at law,
5 including but not limited to: the Code of Laws of Leon County, Florida, Florida Statutes
6 Chapter 162 and §403.413, as may be amended from time to time, or equity in the event of a
7 violation of this Division.

8 (1) Whenever a violation of Section 10-9.401 occurs or exists, or has occurred or
9 existed, any person, firm, corporation or other entity, who has legal, beneficial, or
10 equitable interest in the facility or instrumentality causing or contributing to the
11 violations, shall be liable for such violation.

12 (2) Failure of the County to enforce any requirements of this Division shall not
13 constitute a waiver of the County's right to enforce Section 10-9.401 with respect
14 to that violation or subsequent violations of the same type or to seek appropriate
15 enforcement remedies.

16 **Section 3. Conflicts.**

17 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are
18 hereby repealed to the extent of such conflict, except to the extent of any conflicts with the
19 Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail
20 over any parts of this ordinance which are inconsistent, either in whole or in part, with the said
21 Comprehensive Plan.

22 **Section 4. Severability.**

1 If any provisions or portion of this Ordinance is declared by any court of competent
2 jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and
3 portions of this Ordinance shall remain in full force and effect.

4 **Section 5. Effective Date.**

5 This ordinance shall have effect upon becoming law.

6 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
7 County, Florida, this 13th day of May, 2014.

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LEON COUNTY, FLORIDA

By: *Kristin Dozier*
Kristin Dozier, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE CIRCUIT
COURT AND COMPTROLLER
LEON COUNTY, FLORIDA

By: *Betsy Coxen*

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By: *Herbert W. A. Thiele*
Herbert W. A. Thiele, Esq.
County Attorney