

**INTRODUCED BY:
COUNCILOR PARDEE**



ORDINANCE NO. 2010-03

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE XV ADVERTISING, CHAPTER 27, SECTION 27-581, PROHIBITED SIGNS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Neptune Beach has determined that it is necessary to amend the following.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, that:

Section 1. Sec. 27-581. Prohibited Signs shall be amended as follows:

Section. 27-581. Prohibited Signs.

The following signs are expressly prohibited unless otherwise exempted or expressly authorized:

- (1) Signs that violate the building code or electrical code.
- (2) Any sign that presents safety, traffic or pedestrian hazard including signs, which obstruct visibility.
- (3) Blank temporary signs.
- (4) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for governmental traffic devices and signs.
- (5) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (6) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, to include animated signs and automatic changeable message devices except for signs of this type that provide time and temperature only.
- (7) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- (8) Wind signs, as defined by this Code.
- (9) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- (10) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (11) Signs or sign structures that interfere with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the City of Neptune Beach.
- (12) Non-governmental signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.

- (13) Non-governmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol, or which is a copy or imitation of an official sign that may be reasonably confused with or construed as, or conceal a traffic device.
- (14) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets thereby creating a safety hazard for the public.
- (15) Signs, within ten (10) feet of public right-of-way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights, thereby creating a safety hazard for the public.
- (16) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (17) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- (18) Searchlights used to advertise or promote a business or to attract customers to a property.
- (19) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, and traffic control signs.
- (20) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to F.S. § 337.407.
- (21) Signs erected on public property, without the permission of the appropriate public authority (such as private utility poles, rights of way, parks streets and other public properties) located on public property, other than signs erected by public authority for public purposes and signs authorized in writing pursuant to F.S. § 337.407.
- (22) Signs erected over or across any public street except as may otherwise be expressly authorized by this Code.
- (23) Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:
 - a. Is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right-of-way;
 - b. Is visible from the street right-of-way that the vehicle is within one hundred (100) feet of; and
 - c. Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.
- (24) Portable signs as defined by this Code.
- (25) Roof signs as defined by this Code.
- (26) Signs placed, posted, or erected upon land or upon trees upon land adjacent to adjoining all public streets and highways of the city, without the written consent of the owner of such land, or the written consent of the attorney or agent of such owner.
- (27) Signs placed upon any tree, telephone pole, electric pole, lamppost, hydrant or fence or on any public building, or within any public park or public property.
- (28) Billboards, as defined by this Code.
- (29) Signs with obscene language, or obscene graphic representation of the human body.
- (30) Snipe signs, as defined by this code, ~~located in public rights of way.~~

(Ord. No. 2005-12, § 1, 6-6-05)

Section 2. The Ordinance shall become effective immediately upon its passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette	Yes
Vice Mayor Fred E. Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes
Councilor John Weldon	Absent

Passed on First Reading this day, February 1, 2010.

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	No
Vice Mayor Fred E. Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes
Councilor John Weldon	Yes

Passed on Second and Final Reading this March 1, 2010.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
CITY ATTORNEY