SUBJECT: 9:00 AM PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING SECTION 9.03.04 OF THE CODE OF ORDINANCES AS TO POLITICAL SIGNS

MEETING: Regular Session April 28, 2016

FINANCIAL IMPACT:
None.

REQUESTED ACTION:
That the Board of County Commissioners hold a public hearing to consider adoption of an ordinance amending Section 9.03.04 of the Code of Ordinances, as to Political Signs.

BACKGROUND:
As was discussed at the March 24, 2016 Board meeting, an alternate interpretation has been advanced this political season that caused staff to review Section 9.03.04 of the Code of Ordinances, as to political signs. Such interpretation was not the intent of the ordinance as originally drafted, and would cause substantial additional work for County staff.

The attached Ordinance amends Section 9.03.04, to provide a clear start date for the erection of political signs. In this manner, County staff will be able to readily determine whether a political sign complies with the County Code.

Staff recommends that the Board hold a public hearing to consider adoption of the attached Ordinance.

ATTACHMENTS:
• [POLITICAL SIGNS] ORDINANCE 2016-0001. (258422)  (PDF)
OKEECHOBEE COUNTY BOARD OF COUNTY COMMISSIONERS
ORDINANCE NO: 2016-001

AN ORDINANCE AMENDING ARTICLE IX - SIGNS, SECTION 9.03.04-
RESTRICTIONS ON CONTENT OF TEMPORARY SIGNS, OF THE
CODE OF ORDINANCES OF OKEECHOBEE COUNTY TO CLARIFY
THE PROVISIONS RELATING TO POLITICAL SIGNS; PROVIDING
FOR APPLICABILITY, CODIFICATION, SEVERABILITY AND AN
EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Okeechobee County is authorized, pursuant
to Sections 1 and 6, Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to
adopt ordinances; and

WHEREAS, the Board has determined that it is necessary to amend Article IX - Signs, Section
9.03.04- Restrictions on Content of Temporary Signs, Part II, Land Development Regulations, of the Code
of Ordinances of Okeechobee County to remove any ambiguity as to the original intent and to avoid varying
interpretations regarding the permitted time for placement and removal of political signs.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF OKEECHOBEE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 9.03.04 of Article IX, Part II, of the Code of Ordinances of Okeechobee
County, Florida, shall be amended as to subsection 6 only to read:

Section 9.03.04 - Restrictions on content of temporary signs.
A temporary sign may display any message so long as it is not:

A. Harmful to minors as defined by this code.

B. Advertising as defined by this code, except that advertising for the following purposes may
be displayed:
   1. To indicate that an owner, either personally or through an agent, is actively
      attempting to sell, rent or lease the property on which the sign is located.
   2. To indicate the grand opening of a business or other activity. Such message may be
      displayed for a period not exceeding 30 days within the first three months that the
      occupancy is open for business.
   3. To identify construction in progress. Such message shall not be displayed more than
      60 days prior to the beginning of actual construction of the project, and shall be
      removed when construction is completed. If a message is displayed pursuant to this
      section, but construction is not initiated within 60 days after the message is displayed,
      or if construction is discontinued for a period of more than 60 days, the message shall
      be removed, pending initiation or continuation of construction activities.
4. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 60 days or until installation of permanent signs, whichever shall occur first.

5. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be removed within five days after the special event.

6. To promote initiatives, issues, or referenda that have obtained a position on the ballot for a general election as defined in Section 100.031, F.S. or to promote candidates for a general election as defined in Section 100.031, F.S. or for a primary election as defined in Section 100.061, F.S., where such candidates are deemed to be filed candidates by their qualifying officer, provided that temporary signs displaying such advertising shall not be displayed prior to March 1 of the general election year. Such temporary signs promoting a candidate shall be removed within 15 days of withdrawal of a candidacy, having been eliminated as a candidate, or having been elected to office. For initiatives, issues, or referenda, such temporary signs shall be removed within 15 days following the election that determined its outcome. For federal, state, county, or district elections other than a general election or primary election as specified above, temporary signs promoting a candidate, initiative, issue, or referenda shall not be displayed more than 180 days prior to the election and shall be removed within 15 days following the election.

Section 2. Applicability. - This amendment to the Code of Ordinances of Okeechobee County, Florida shall apply within the unincorporated areas of Okeechobee County.

Section 3. Severability - That it shall be the legislative intent that if any section, subsection, or sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 4. Codification - That the sections, subsections, paragraphs and other divisions contained in this Ordinance may be re-numbered for incorporation or consistency with any existing or future codification of the Ordinances of Okeechobee County, Florida.

Section 5. Effective Date - That this Ordinance shall take effect upon being filed in the office of the Secretary of the State of Florida in the manner prescribed by law.

APPROVED AND ADOPTED this ______ day of April, 2016.