



## Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>. D-1

Meeting Date May 18, 2016

☐ Consent Section

☐ Regular Section

☒ Public Hearing

**Subject:**

Public Hearing to consider adoption of an Ordinance amending the Hillsborough County Pole Banners in Rights-of-Way Ordinance.

Department Name: County Attorney's Office

Contact Person: Cameron S. Clark

Contact Phone: 262-5670

**Sign-Off Approvals:**

Susan Fernandez

05/05/2016

Managing County Attorney

Date

Charles Fletcher

05/06/2016

County Attorney

Date

NA

Joint Department Director

Date

Tom Fesler

05/06/2016

Management and Budget – Approved as to Financial Impact Accuracy

Date

Cameron Clark

05/05/2016

Assistant County Attorney

Date

**Staff's Recommended Board Motion:**

Conduct a public hearing and adopt an Ordinance amending Chapter 42, Article VII of the Hillsborough County Code of Ordinances, Part A (the Hillsborough County Pole Banners in Rights-of-Way Ordinance) in order to add an additional roadway segment where pole banners may be permitted.

This action does not increase or decrease any County Departmental budgets in any year.

**Financial Impact Statement:**

This action does not increase or decrease any County Departmental budgets in any year.

**Background:**

On June 3, 2015, the Board of County Commissioners (Board) adopted the Hillsborough County Pole Banners in Rights-of-Way Ordinance (Ordinance) that created a permitting process to allow temporary pole banners to be attached to light poles in public rights-of-way along designated roadway segments. Modeled on Tampa's code, the Ordinance designates specific roadway segments in unincorporated Hillsborough County along which applicants can request permits for temporary pole banners to promote special events.

Subsequent to the Ordinance's adoption, the County has received requests from various parties regarding

ways to make the Ordinance more accessible to organizations wishing to promote special events. The purpose of this proposed amendment is to allow pole banners to be attached to light poles in public rights-of-way along the length of Dale Mabry Highway from the City of Tampa boundary to the Pasco County line.

List Attachments:

Draft Ordinance and Exhibit "A"

**ORDINANCE NO. 16- \_\_\_\_\_**

**AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF ORDINANCES AND LAWS CHAPTER 42, ARTICLE VII, THE POLE BANNERS IN RIGHTS-OF-WAY ORDINANCE, PROVIDING FOR AN ADDITIONAL ROADWAY SEGMENT WHERE TEMPORARY POLE BANNERS MAY BE PERMITTED; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 125.01(1)(m), Florida Statutes, the Board of County Commissioners is empowered to regulate roads and related facilities, including the placement of signs and other structures within the rights-of-way of the county road system; and

**WHEREAS**, pursuant to Section 337.408(6), Florida Statutes, public service messages and advertisements may be attached to street light poles within the right-of-way limits of county roads in accordance with county ordinances; and

**WHEREAS**, pursuant to Section 337.408(6), Florida Statutes, public service messages and advertisements may be attached to street light poles within the right-of-way limits of the State Highway System in accordance with permitting requirements established by administrative rule of the Florida Department of Transportation, provided that such signage is authorized by the local government entity within whose jurisdictional boundaries the subject signage is sought to be placed; and

**WHEREAS**, Section 14-43.001 of the Florida Administrative Code creates specific permitting standards for the placement of pole banners in rights-of-way along state roads.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
HILLSBOROUGH COUNTY, FLORIDA:**

**SECTION 1:** The aforementioned recitations contained herein are true and correct, but are not required to be incorporated into the Hillsborough County Code of Ordinances.

**SECTION 2:** Chapter 42, Article VII of the Hillsborough County Code of Ordinances, Part A, the “Hillsborough County Pole Banners in Rights-of-Way Ordinance,” is hereby amended as set forth in Exhibit “A”, with deleted text marked as struck-through, and added text marked as underlined. This Ordinance amends the Hillsborough County Pole Banners in Rights-of-Way Ordinance only to the extent expressly marked herein; all other language that is not expressly modified in Exhibit “A” shall remain unchanged.

**SECTION 3:** This ordinance shall be applicable in the unincorporated areas of Hillsborough County.

**SECTION 4:** If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 5:** Nothing in this ordinance is intended to conflict with the provisions of the Florida Constitution or any Florida Statute. In the event of a direct and express conflict between this ordinance and either the Florida Constitution or the Florida Statutes, then the provisions of the Florida Constitution or Florida Statutes, as applicable, control.

**SECTION 6:** The provisions of this ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code.

**SECTION 7:** In accordance with the provisions of §125.66, Florida Statutes, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall take effect upon filing with the Florida Department of State.

**STATE OF FLORIDA                    }**  
**COUNTY OF HILLSBOROUGH }**

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2016, by a vote of \_\_\_\_\_ voting yes and \_\_\_\_\_ voting no, as the same appears in record in Minute Book \_\_\_\_\_ of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PAT FRANK  
CLERK OF THE CIRCUIT COURT

BY: \_\_\_\_\_  
Deputy Clerk

Approved By County Attorney  
As To Form and Legal Sufficiency:

By: \_\_\_\_\_  
Assistant County Attorney

# EXHIBIT “A”

## Chapter 42 – Roads and Bridges

### Article VII – Pole Banners in Rights-of-Way

#### Sec. 42-405. – Designated Roadways.

Pole banners may be permitted to be installed and maintained on light poles that are located in public right(s)-of-way alongside the segments of state and county roadway that are designated in this subsection. No pole banners shall be installed or maintained unless a permit has been issued by the Administrator or FDOT, depending on whether the subject roadway segment is a County or state road. Pole banners shall be permitted to be installed and maintained on eligible light poles within unincorporated Hillsborough County at the locations listed below:

#### (1) State Roads.

State law and the Florida Administrative Code allow FDOT to permit pole banners to be placed on light poles along certain, non-limited access state roads, provided said pole banners are authorized in writing by the local governmental entity within whose jurisdictional boundaries the pole banners are to be placed. Hillsborough County hereby authorizes FDOT to permit the placement of pole banners on the roadway segments listed below. Permits for the roadway segments listed below will be issued by FDOT and will be subject to the terms of this Ordinance and to the applicable provisions of the Florida Administrative Code governing pole banner placement along state roads:

- W. Hillsborough Ave. between Memorial Hwy. and Montague St.
- Dale Mabry Hwy. between ~~Van Dyke Rd.~~ the Pasco County line and ~~W.~~ County Line Rd the City of Tampa boundary.
- W. Busch Blvd. between Dale Mabry Hwy. and N. Armenia Ave.
- US 41 (N. Nebraska Ave.) between E. Fowler Ave. and W. County Line Rd.
- N. Florida Ave. between E. Fletcher Ave. and US 41 (N. Nebraska Ave.)
- N. 56<sup>th</sup> St. between Martin Luther King, Jr. Blvd. and Puritan Rd.
- US 301 between CR 672 (Balm Rd.) and Raulerson Ranch Rd.
- Causeway Blvd. between S. 45<sup>th</sup> St. and US 301
- SR 60 between US 301 and Clarence Gordon, Jr. Rd.