

ORDINANCE NO. 2016-O-41

AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA REPEALING CHAPTER 3 (ADVERTISING SIGNS) OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR CODIFICATION, AN EFFECTIVE DATE AND ADOPTION.

WHEREAS, the City Council of the City of Edgewater, Florida, has made the following determinations:

1. In 2000, Chapter 3 (Advertising Signs) was relocated/added to Chapter 21 (Land Development Code).
2. Criteria regarding Outdoor Advertising has not been updated since 1963 and are regulated pursuant to F.S. 479.

NOW, THEREFORE, BE IT ENACTED by the People of the city of Edgewater, Florida:

PART A. REPEALING CHAPTER 3 (ADVERTISING SIGNS), OF THE CODE OF ORDINANCES FOR THE CITY OF EDGEWATER, FLORIDA.

Chapter 3 (Advertising Signs) is hereby repealed in its entirety and will now read pursuant to Exhibit "A"

PART B. CONFLICTING PROVISIONS.

All conflicting ordinances and resolutions, or parts thereof, in conflict with this ordinance, are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provisions thereof shall be held to

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be inapplicable to any person, property, or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Edgewater, Florida, and the word “ordinance”, may be changed to “section”, “article”, or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through F shall not be codified.

PART E. EFFECTIVE DATE.

This Ordinance shall take place upon adoption.

PART F. ADOPTION.

After Motion to approve by Councilwoman Bennington and Second by Councilwoman Power, the vote on first reading of this ordinance which was held on August 1, 2016 was as follows:

	<u>AYE</u>	<u>NAY</u>
Mayor Mike Ignasiak	<u> X </u>	_____
Councilwoman Christine Power	<u> X </u>	_____
Councilwoman Gigi Bennington	<u> X </u>	_____
Councilman Dan Blazi	<u> X </u>	_____
Councilman Gary Conroy	<u> X </u>	_____

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After Motion to approve by _____ and Second by _____
 _____ the vote on second reading of this ordinance which was held on September 6, 2016 was as follows:

	<u>AYE</u>	<u>NAY</u>
Mayor Mike Ignasiak	_____	_____
Councilwoman Christine Power	_____	_____
Councilwoman Gigi Bennington	_____	_____
Councilman Dan Blazi	_____	_____
Councilman Gary Conroy	_____	_____

PASSED AND DULY ADOPTED this _____ day of _____, 2016

ATTEST:

**CITY COUNCIL OF THE
 CITY OF EDGEWATER, FLORIDA**

Robin L. Matusick
 City Clerk/Paralegal

By: _____
Mike Ignasiak
 Mayor

For the use and reliance only by the City of Edgewater, Florida. Approved as to form and legality by: Aaron R. Wolfe, Esquire City Attorney Doran, Sims, Wolfe, & Ciochetti	Approved by the City Council of the City of Edgewater, Florida during the City Council meeting held on this 6 th day of September, 2016 under Agenda Item No.
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EXHIBIT "A"

CHAPTER 3. RESERVED

~~Chapter 3 – ADVERTISING SIGNS~~

~~ARTICLE I. – IN GENERAL~~

~~Secs. 3-1 – 3-19. Reserved.~~

~~ARTICLE II. – HOTELS, MOTELS, ETC.~~

~~Sec. 3-20. Definitions.~~

~~As used in this article, the following terms shall have the respective meanings ascribed to them:~~

~~Outdoor or outside sign. Any sign visible to passersby whether the same be located within or without buildings.~~

~~Owner or operator. Owner, tenant, manager or any person in charge of the operation of any hotel, apartment house, rooming house, motor court, tourist camp, trailer camp, motel, tourist court and like establishments.~~

~~Room rates. The rates at which a room or other accommodations are rented to occupants.~~

~~Sec. 3-21. Scope.~~

~~This article shall apply to operators and owners of hotels, apartment houses, rooming houses, motor courts, tourist camps, trailer camps, motels, tourist courts and like establishments, and to such establishments.~~

~~Sec. 3-22. Requirements for outdoor and outside advertising signs.~~

~~It shall be unlawful for any owner or operator of any establishment within the scope of this article located within the city to post or maintain posted on any outdoor or outside advertising sign pertaining to such establishment unless the sign shall have posted thereon both the minimum and maximum room, apartment or other rental unit rates for all accommodations offered for rental; all posted rates and descriptive data required by this article being further required to be in type and material of the same size and prominence as the aforesaid data stating the number of rooms available in each price level where such sign indicates varying rates. This article shall not be held to be complied with by signs stating the rate per person or bearing the legend "and up." Such signs shall also state in type and material of the same size and prominence as the aforesaid data the dates or period of time during which said posted rates are available.~~

~~Sec. 3-23. Misleading, false or fraudulent signs.~~

~~It shall be unlawful for any owner or operator of any establishment within the scope of this article within the city, to post or maintain outdoor or outside advertising signs in connection with any such establishment which shall have thereon any misleading, false or fraudulent representation.~~

~~Sec. 3-24. Construction of article.~~

~~Nothing contained in this article shall be construed so as to require establishments within the scope of this article to have outdoor or outside signs. This article, however, shall be liberally construed so as to prevent misleading, false or fraudulent representations being placed upon outdoor or outside signs pertaining to such establishments. Nothing in this article shall be construed to repeal or affect in any manner whatsoever any requirement contained in the zoning or other ordinances of the city.~~

~~Sec. 3-25. Handbills, advertising matter, soliciting upon streets.~~

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~~It is unlawful for any person on a public street, roadway, highway or sidewalk in the city to throw into or attempt to throw into any motor vehicle, or offer, or attempt to offer to any occupant of any motor vehicle, whether standing or moving, or to place in any motor vehicle, any advertising matter relating to hotels, restaurants, apartment houses, tourist homes, tourist camps, motor courts, trailer parks, or other lodging facilities, or the rates in connection therewith; or upon such public street, roadway, highway or sidewalk, to solicit or attempt to solicit by folder or other printed matter patronage for any such place from any occupant of any motor vehicle whether standing or moving or to cause or secure any person to do any one of such unlawful acts. It shall be unlawful to throw or place, or cause to be thrown or placed, in any motor vehicle while the same is moving along any public street, roadway or highway in the city, or is stopped on any public street, roadway or highway in the city for the purpose of observing traffic rules, warnings or regulations, any pamphlet, booklet, literature or other advertising information or matter relating to hotels, restaurants, apartment houses, tourist camps, motor courts, trailer parks and other lodging and eating facilities in the city, or the accommodation to be had thereat or the rates in connection therewith; or to solicit any occupant of said motor vehicle to become a guest of any hotel, restaurant, apartment house, tourist camp, motor court, trailer park, inn, or other lodging or eating place in the city.~~

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