

## ORDINANCE NO. 25-20

### AN ORDINANCE AMENDING SECTION 1147.02 OF CHAPTER 1147 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON AND DECLARING AN EMERGENCY

WHEREAS, this Council adopted an ordinance that created general sign regulations in Section 1147.02 of the Codified Ordinances of the City of Port Clinton; and

WHEREAS, this Council finds and determines that portions of Section 1147.02 of the Codified Ordinances of the City of Port Clinton dealing with political sign regulations should be amended; and

WHEREAS, this Council finds and determines amending portions of Section 1147.02 of the Codified Ordinances of the City of Port Clinton dealing with political sign regulations would encourage free speech and sign compliance in the City of Port Clinton.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

**Section 1.** Section 1147.02 of the Codified Ordinances of the City of Port Clinton as enacted by Ordinance 28-03 is hereby amended to read as follows:

#### **1147.02 SIGN REGULATIONS APPLICABLE TO ANY DISTRICT.**

(a) General.

(1) No sign shall be erected or maintained at any location, where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of or be confused with any authorized traffic control signal, sign, or device.

(2) No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.

(3) All fittings, wiring, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the local electrical code in effect.

(4) Only signs pertaining to the primary use of the property may be located on that property. No sign pertaining to a business located elsewhere shall be permitted on the property.

(5) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. Any sign, which the zoning inspector interprets as performing a public service function, such as displaying the time or temperature, shall be excepted from this requirement. Holiday display lighting shall also be exempted from this requirement.

(6) No projecting sign shall be erected or maintained from the front or face of a building where the nearest edge of the sign extends a distance of more than two (2) feet from the front or face of the building. Awning, canopy or marquee signs are not considered projecting signs.

(7) No portable or temporary sign shall be placed on the front or face of a building or on any premises except for temporary signs not exceeding twenty-four (24) square feet in area

announcing special public or institutional events or forty-eight (48) square feet for the erection of a building. Said signs may be placed for a maximum of thirty (30) days in any calendar year.

(8) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices shall not be used for the purpose of advertising or attracting attention. Banners may be part of a temporary sign as regulated herein.

(9) No sign erected, placed, stored, or maintained in the window of a building, visible from any public or private street or highway shall occupy more than forty (40) percent of the window surface.

(10) No sign shall be placed in any public right-of-way except publicly owned signs such as traffic control signs and directional signs including those used by churches, hospitals, schools, museums and libraries.

(11) No advertising sign shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine, or public shelter.

(12) Signs for the purpose of advertising an undeveloped lot for sale, rent, or lease, or for such purpose as the notification of present danger or the prohibition of trespassing shall not exceed sixteen (16) square feet in area.

(13) No sign shall be placed on the roof of any building if it exceeds the height limits for signs in the district in which the sign is to be placed.

(14) No off-premise sign which advertises goods, products, services, or facilities not sold on the premises on which the sign is installed or which directs persons to a different location from where the sign is installed shall be permitted.

(b) Types of Signs. For the purpose of these regulations, signs shall be divided into the following categories and defined as follows:

(1) Awning - A movable or fixed shelter supported entirely from the exterior wall of a building and composed of rigid or non-rigid materials, except for the supporting framework.

(2) Canopy or Marquee - A permanent roof-like shelter extending from part or all of a building face over a right-of-way or sidewalk and constructed of some durable material such as metal, glass, or plastic.

(3) Awning, Canopy, or Marquee Sign - A sign that is mounted, painted, or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.

The sign may not project above, below, or beyond the awning, canopy, or marquee.

(4) Bulletin Board - A sign that identifies an institution or organization on the premises on which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution.

(5) Directional Sign - Signs limited to directional messages, principally for pedestrian or vehicular traffic purposes including those for churches, libraries, schools, hospitals, and museums.

(6) Free Standing Sign - Any non-movable sign not affixed to a building.

(7) Portable Sign - A sign that is not free standing, not affixed to a building, structure or the ground.

(8) Projecting Sign - A sign that is wholly or partly dependent upon a building for support and the nearest edge of the sign extends no more than two (2) feet from the face of the building. No projecting sign shall be closer than ten (10) feet between the bottom of the sign and the ground and shall not exceed the height limit specified in the district.

(9) Temporary Sign - A sign or advertising display designed or intended to be displayed for a maximum of thirty (30) days in any calendar year.

(10) Wall Sign - A sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and does not project more than twelve (12) inches for such building.

(11) A Frame or Sandwich Board Sign. An advertising device in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto and which is usually two-sided.

(12) Political Sign – A sign intended to advance a political statement, cause, issue or candidate for office.

(c) Measurement of Sign Area. Sign area shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message or symbol. Only one (1) side of a double faced sign shall be included in calculating sign area provided the two (2) display surfaces are joined at an angle not greater than sixty (60) degrees. All sides of multi-faced signs, visible from any one (1) street, shall be included in the calculation of surface area.

(d) Signs Permitted in Any District. The following signs shall be permitted in any district.

(1) Directional signs for pedestrian and vehicular traffic restricted to one (1) sign of not more than two (2) square feet in area for each entrance and exit and one (1) sign not exceeding nine (9) square feet in area identifying or designating the conditions or use of such area.

(2) One (1) "for sale", "for rent" or "for lease" sign of not more than twelve (12) square feet in area per dwelling or building. Though these signs meet the definition of a temporary sign, these signs are not restricted to the thirty (30) days in any calendar year criteria.

(3) Signs established by any governmental agency.

(4) One (1) temporary sign not exceeding thirty-two (32) square feet in area for construction and development, giving the name of the contractors, engineers, financial institutions or architects during the time construction or development activity is under way.

(5) For an event of public interest, signs (including banners) not over twenty- four (24) square feet in area shall be permitted. Such signs shall be erected not more than thirty (30) days before the event and shall be removed within forty-eight (48) hours of its conclusion. Directional signs of not more than six (6) square feet in area shall be permitted if erected on the first day of the event and removed within forty-eight (48) hours of its conclusion.

(6) Works of art, commemorative tablets, public plaza recognitions and similar types of civic projects where individuals or companies are recognized for their contributions, shall be permitted.

(7) Political signs shall be permitted in all zoning districts and shall not require zoning clearance or permit and shall be subject to the following limitations:

A. The political sign, poster or like device shall legibly bear the name of the party responsible for placement of the sign and shall not exceed twenty square feet per side, with no single dimension, greater than eight feet; except the above restriction shall not apply to political signs using billboards located in conformity with applicable provisions of the zoning code.

B. The owner or person in control of the property upon which the political sign, poster or like device is displayed shall consent to the placement of the sign, poster, or like device.

C. No political sign, poster or like device shall be erected on, in or infringe in any way into the right-of-way of any street, road, or public way, nor be attached to any utility facility located within any such right-of way.

D. No political sign, poster or like device shall be erected near the intersection of any street, road, alley, other public way or private drive in such a manner as to be hazardous to the

vision of pedestrians or drivers of vehicles along such street, road, alley, other public way or private drive.

E. The provisions of this section shall not operate to restrict the placement of political signs at polling places on an election day contrary to applicable State and Federal laws.

(e) Enforcement. The provisions of this section shall be enforced by the City's Zoning Inspector.

**Section 3.** Existing Section 1147.02 of the Codified Ordinances of the City of Port Clinton as currently enacted is hereby repealed.

**Section 4.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 5.** This Ordinance is hereby declared to be an emergency measure necessary to protect public peace, encourage free speech, and ensure political sign compliance prior to the upcoming election, and for further reason the immediate implementation of this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City; **wherefore**, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2020

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor