

SUMTER COUNTY ORDINANCE 2008-12

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, PROVIDING FOR THE PROHIBITION OF UNPERMITTED PRIVATE SIGNS ON PUBLIC PROPERTY OWNED BY SUMTER COUNTY, PROVIDING FOR PENALTIES FOR NONCOMPLIANCE, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sumter County expends significant funds for the necessary maintenance of public property, including landscaping and the maintenance of lawns abutting government buildings, and maintenance of right of way along Sumter County roads, and;

WHEREAS, private signs, especially those which are political in nature, have caused aesthetic harm to real property owned by Sumter County and have frustrated the practical maintenance of same, and;

WHEREAS, Sumter County wishes to ban the placement of all private signs on public property, including but not limited to private signs placed on Sumter County right of way.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION 1. This ordinance shall be known as the 2008 Sumter County Public Property Aesthetics Protection Ordinance, and shall be codified as Chapter 13, Article IV, Division 16, Section 13-693 of the Sumter County Code, and is intended to supplement Chapter 13, Article IV, Division 15, Section 13-691(b)(2) of the Sumter County Code.

SECTION 2. DEFINITIONS

The following terms shall be understood to have the following corresponding meanings when utilized in this Ordinance:

- (1) Board: The Board of County Commissioners of Sumter County, Florida.
- (2) Private Sign: A sign of any size or shape which is placed on (above ground) or in (anchored below ground) property owned by the Board, including Right of Way as defined herein, which represents, advertises, or promotes any private business, commercial activity, political candidate, political position, or nonprofit organization, or which promotes any event related to the foregoing.
- (3) Right of Way: Lands owned by Sumter County and governed by the Board which abut county roads and provide a buffer between improved county roads and private property.

SECTION 3. PROHIBITION OF PRIVATE SIGNS

No person shall erect or display, or cause or authorize any person or entity to erect or display, any Private Sign on property owned by the Board or controlled by the Board under a lease which through its terms requires that the Board maintain said property. All Private Signs erected or displayed on property owned by the Board or controlled by the Board under a lease as described herein shall be photographed and then immediately removed and destroyed upon their discovery by agents or employees of the Board. Said agents or employees of the Board shall record by written log the location and appearance of the confiscated Private Sign(s), and process and preserve photographs as evidence for hearings before the Special Master as allowed herein. Signs placed by agents or employees of the Board to aid in traffic control, public safety or other general governmental concerns shall not be subject to the limitations of this ordinance. However, political or election related Private Signs affiliated with an individual's candidacy for a County Commission seat are governed and prohibited by this ordinance in the same manner as any other political Private Sign related to a candidacy for public office.

SECTION 4. EXEMPTIONS

Private Signs specifically licensed and approved by the Board for placement on property owned or leased by the Board prior to the effective date of this ordinance, including private signs licensed for placement in Sumter County Right of Way, are exempt from the prohibitions and penalties enumerated herein. Moreover, the Board may grant permits for the installation of a Private Sign on Sumter County Property or Right of Way if there is a rational basis for the granting of the permit which furthers the interests of the health, safety and welfare of the public at large.

SECTION 5. PENALTY

The entity or individual responsible for the placement of a Private Sign on property owned or leased by the Board, or, in the case of Private Signs related to the promotion of political candidates, the candidate whose name appears on the Private Sign, shall be issued upon discovery and removal of a Private Sign on Sumter County property one warning citation, served via certified mail. The person or entity shall then have fourteen (14) days to remove any additional affiliated Private Signs from County Property. Following this fourteen (14) day period, any subsequently discovered Private Signs affiliated with that same person or entity shall result in a fine not to exceed five hundred dollars (\$500.00), levied by Sumter County Code Enforcement. Any appeal of such a fine shall be to the Special Master in the same manner as an appeal of any other code violation. The Appellant may put forth any admissible evidence available which

indicates that the Appellant was not responsible for the placement of the Private Sign on County property before the Special Master.

SECTION 6. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Sumter County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 7. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the Ordinance which can be given the effect without the invalid provision or application, and to this end, the provision of this act are declared severable.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect on May 1, 2008.

DONE AND ORDAINED this 25 day of March 2008, in regular session by the Sumter County Board of County Commissioners.

ATTEST: GLORIA HAYWARD
CLERK OF CIRCUIT COURT

SUMTER COUNTY, FLORIDA

Cornie Webb

Deputy Clerk

Richard Hoffman

By: Richard Hoffman
Chairman

