

Figure 6

b. Multiple-occupancy development.

1. Each multiple-occupancy development may display one wall-mounted, roof, projecting or marquee sign on any one side of the principal building in which such occupancy is located.
2. The signs shall be no greater than 20 percent of the surface area of such building side or 200 square feet, whichever is the smaller.
3. Where a multiple-occupancy development consists of only one principal building, one additional sign (a secondary sign) may be allowed if a second public street abuts the multiple-occupancy development.
4. The size of the secondary sign may not exceed an area of 50 square feet.
5. The secondary sign for a multiple-occupancy complex shall only include identification of the multiple-occupancy complex.
6. Wall-mounted signs for a multiple-occupancy complex shall only include identification of the complex itself.
7. No secondary sign shall be allowed to be located on any face of a building or any roof which would be directly opposing any property having a single-family land use designation on the future land use map or zoned for single-family use. This provision shall not apply to single-family land uses designated on arterial roadways (shown in the City of Gainesville Comprehensive Plan, Data and Analysis Report).

c. Signs for occupants of a multiple-occupancy development.

1. Each occupant of a multiple-occupancy complex may display such signs on the principal building in which such occupant is located, with the following limitations.
2. The sign may be placed only on the exterior surface of the principal building, or portion thereof, which is included as part of the occupant's individually leased or owned premises in accordance with the following:
 - i. On the side which is the primary entrance/exit to the occupancy, the occupant may display in the leased or owned area as many as two signs.
 - ii. Only one building side will be considered as being any occupant's primary entrance/exit.
 - iii. The two signs may have a combined maximum size of ten percent of the surface area of the exterior wall included in such occupant's individually leased or owned premises or 100 square feet, whichever is the less.

- iv. If the occupant has an entrance/exit on a corner or on more than one side, the occupant may choose which building side shall count as having the primary entrance/exit.
- v. One additional sign may be placed on the non-entrance/exit side of the occupant's leased or owned area.
- vi. The maximum size of a sign on a non-entrance/exit side of an occupancy shall be 24 square feet. Such sign shall be allowed if the property adjacent or opposite to the non-entrance/exit side is zoned nonresidential.

3. Each occupant, the individually owned or leased premises of which do not include part of an exterior wall of a principal building, may nevertheless display one such sign of up to six square feet of sign area on one side of the principal building in which such occupant is located.

4. A common or jointly owned area shall not be included as part of the exterior surface of any one occupancy. The allowable sign area of two or more occupants may be placed on a common or jointly owned area providing:

- i. The common area is an integral part of all occupants which will be included in the sign.
- ii. Only one sign, common to all occupants of the common area, may be displayed.
- iii. The common area may not be used to display a sign for any one single occupant, regardless of whether the other occupants agree to placement of the sign.
- iv. The sign may display the names, products or service of all participating occupants.

(2) General restrictions. All signs permitted pursuant to subsection (c) of this section shall comply with the following general restrictions:

- a. The maximum height for wall-mounted signs is the roofline or eaves, whichever is lower.
- b. Roof signs shall not project above the roofline. (See section 30-23, Definitions.) (See Figure 7.)

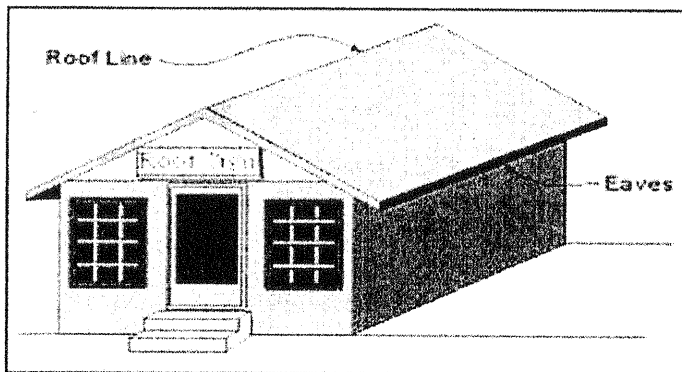


Figure 7

- c. Marquee and projecting signs shall not project above the roofline or 18 feet, whichever is the lower. (See section 30-23, Definitions.)
- d. The height of a marquee or projecting sign shall be measured vertically from the established average grade directly below the sign to the highest point of the sign.
- e. Where a wall supporting a wall sign is less than 12 inches back from a right-of-way line, the wall sign may project over the right-of-way, provided it does not project more than 12 inches from the wall.
- f. Marquee or projecting signs under which a pedestrian walkway passes must have at least a nine-foot vertical clearance.
- g. Projecting signs may project no more than four feet horizontally from the wall. (See Figure 8.)

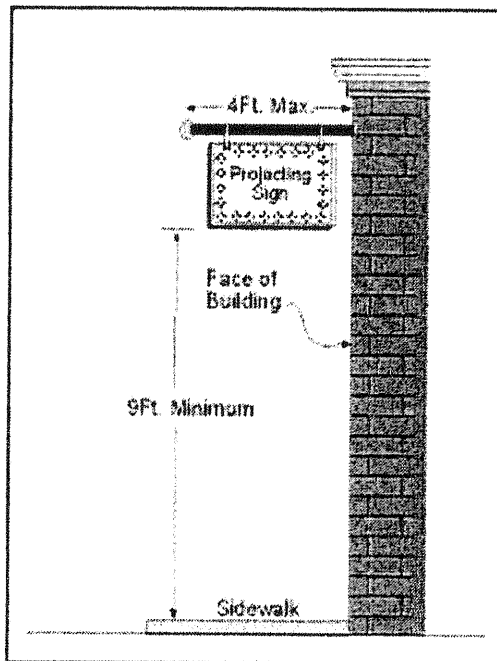


Figure 8

- h. Marquee signs are permitted only on marquees, canopies or awnings otherwise lawfully permitted or in existence. Marquee signs shall not extend horizontally beyond the edges of the canopy, marquee or awning to which they are attached or from which they are suspended.
- i. Signs on service station canopies are not permitted unless the canopy is connected to the principal building, in which case the face of the canopy is considered a part of the face of the principal building. Signage will be regulated in accordance with subsection (c)(1).
- j. All roof and projecting signs may have a border of up to six inches in width surrounding the permitted sign area.
- k. No sign permitted by this subsection (3) shall contain any advertising message concerning any business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises upon which the sign is erected or maintained.

(d) Permanent development identification signs and structures for subdivisions and neighborhoods.

(1) Generally. Any platted subdivision or neighborhood may display one sign identifying the name of the subdivision or neighborhood. Such subdivision or neighborhood may be permitted one additional sign at a secondary entrance.

a. Freestanding signs for residential subdivisions or neighborhoods.

1. The size of the sign shall be dependent on whether it is the main or secondary entrance sign.

2. The main entrance sign for a residential subdivision or neighborhood shall be no greater than 24 square feet. Such signs may be double-faced.

3. The secondary entrance sign shall be no more than 16 square feet. Such signs may be double-faced.

4. Such signs may be located in the public right-of-way provided there is compliance with the restrictions delineated in subsection 30-188(g), as applicable.

5. The maximum height of the sign shall not exceed eight feet measured from average grade; and

6. No information other than the subdivision or neighborhood name may be shown.

(See Figure 9.)



Figure 9

b. Freestanding sign for nonresidential subdivisions. The size of a sign for a nonresidential subdivision shall be based on the number of individual lots in the subdivision. It may have a minimum of 24 square feet up to a maximum of 96 square feet. The size of the identification sign shall be based on six square feet per lot, not to exceed a maximum size of 96 square feet or 115 square feet for a monument sign. However, any subdivision or minor subdivision may have a minimum of 18 square feet. The maximum height of the sign shall not exceed eight feet measured from average grade.

1. Such signs may be illuminated with a steady light, but not animated.

2. Such signs may be located in the public right-of-way provided there is compliance with the restrictions delineated in subsection 30-188(g).

3. Such signs may have tenant panels, listing the tenants of the subdivision, provided that only those businesses located within the subdivision are identified, and all tenant panels are the same size.

(2) Multiple-family residential developments, community residential homes with more than fourteen residents, mobile home parks and other allowable uses in multi-family districts for which signage is not otherwise regulated. Signs of a permanent nature, designed only to identify the development and indicate availability of dwelling units or mobile home sites and including structural features may be erected in accordance with the following regulations:

a. Permanent identification signs and structures shall be permitted only for a total development as originally or subsequently approved as shown on the latest approved development plan for developments that require development plan approval. Such signs and structures shall be erected entirely on private property in accordance with the requirements of subsections (d)(2)b. and c. of this section.

b. Such signs and structures shall be permitted on one entrance into such development from an abutting street. Any sign structures for such permitted signs shall not exceed 16 square feet in size, excluding structural elements and decorative features. Multi-family developments consisting of six or more units shall be allowed a sign up to 24 square feet in size, excluding structural elements and decorative features. Such signs may be wall- or ground-mounted and may be a single sign unit with two faces or a single-faced sign mounted on each side of such entranceway.

Where more than one entranceway is exceeding four square feet in size, shall be permitted at each entranceway.

c. Such signs may be illuminated with a steady light but shall not be animated.

d. The maximum height of the freestanding sign shall not exceed eight feet.

(e) Permanent identification signs and structures for non-residential uses in residential districts.
~~for places of religious assembly and associated private schools and day care centers.~~

~~(1) In all non-residential zoning districts as listed in section 30-41, the sign provisions of section 30-318(a), (b), (c) and (f) shall apply to places of religious assembly and associated private schools and day care centers.~~

~~(2) In all residential zoning districts as listed in section 30-41, a non-residential primary use places of religious assembly shall be allowed one ground-mounted sign and one wall-mounted sign. If the place of religious assembly has an associated private school or day care center~~ If there is also a non-residential accessory use housed in a separate building or buildings from the primary use place of religious assembly, one additional wall-mounted sign is allowed on the separate building private school or day care center building. The sign areas shall not be combined to form a single sign area larger than that permissible for each sign type as follows:

~~(1)a.~~ The maximum sign area for the ground-mounted sign shall be 24 square feet, except the maximum sign area for the ground-mounted sign when the primary use fronts for a place of religious assembly having frontage on a four-lane road shall be 32 square feet provided the sign fronts the four-lane road. The maximum height of the ground-mounted sign shall be eight feet. The sign may be externally or internally illuminated. The light sources shall

1 be shielded from all adjacent residential buildings and shall not shine on or increase the
2 lighting adjacent residential districts or properties.

3
4 (2) ~~b.~~ The maximum sign area for the wall-mounted sign on the building housing the primary
5 use on the place of religious assembly shall be 24 square feet. The sign shall not be
6 internally illuminated. The light sources for external illumination of the wall-mounted
7 sign shall not shine on or increase the light in adjacent residential districts or properties.

8
9 (3) ~~e.~~ The maximum sign area for the wall-mounted sign on the building housing the
10 accessory use a private school or day care building associated with a place of religious
11 assembly shall be 18 square feet. The sign shall not be internally illuminated. The light
12 sources for external illumination of the wall-mounted sign shall not shine on or increase
13 the light in adjacent residential districts or properties.

14
15 (f) Pedestrian-oriented signs. Pedestrian-oriented signs shall be allowed for businesses to attract
16 pedestrian traffic. A pedestrian-oriented sign may be used to advertise changing specials such as
17 food items, menus or other promotions; and shall only be used to advertise products or services
18 available or for sale at the site where the sign is located. The allowable sign area for pedestrian-
19 oriented signs shall not be counted against the total allowable sign area for a development or
20 business. A permit must be obtained for pedestrian-oriented signs.

21
22 (1) Permitted number of signs.

- 23 a. Each single-occupancy development and each occupant of a multiple-occupancy
24 development may display one under-canopy sign.
25 b. Each single-occupancy development and each occupant of a multiple-occupancy
26 development may display either one message-board sign or one pedestal-type sign.

27
28 (2) Under-canopy signs.

- 29 a. The maximum area of an under-canopy sign is four square feet.
30 b. A minimum nine foot vertical clearance must be maintained when an under-canopy
31 sign is above a pedestrian-walkway.
32 c. Under-canopy signs shall not be internally illuminated.
33 d. An under-canopy sign shall contain only the business name and logo.

34
35 (3) Pedestal-type signs. Figures 10a and 10b illustrate samples of pedestal-type signs.

- 36 a. The maximum height of a pedestal-type sign is five feet.
37 b. Pedestal-type signs shall be permanently mounted in the ground, and shall not be
38 placed in the public right-of-way or any pedestrian walkway.
39 c. Pedestal-type signs shall have a maximum sign length and width of 18 inches, for a
40 maximum sign area of 2.25 square feet.
41 d. Pedestal-type signs may be internally illuminated.

42
43 (4) Message-board signs, including chalk boards and bulletin boards. Figure 11
44 illustrates a sample message-board sign.

- 45 a. The maximum area of a message-board sign is six square feet.
46 b. Message-board signs must be mounted on a wall, door, or window of a business.

- c. Message-board signs may be mounted in a protective frame with a covering of up to six inches deep; and may project into the public right-of-way by six inches.
- d. Message-board signs may be internally illuminated.

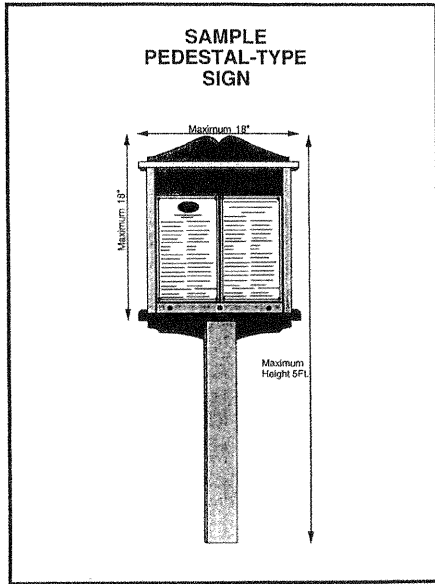
(g) Determination of sign area, size of sign structure and distance between signs.

- (1) Distance between signs. The minimum required distance between signs shall be measured from the closest parts of any two sign areas.
- (2) Sign area. The sign area of any sign shall be determined by considering all adjoining or contiguous surfaces upon which any part of such sign appears as being one continuous surface. Signs contained on noncontiguous surfaces shall be considered as separate signs. Signs contained on different parts of a contiguous surface, except for the surface of a sign structure, may be considered as separate signs, and the intervening surface area not counted as part of the sign area, if more than one sign is permitted and if the distance between the signs is sufficient. The sign area of an irregularly shaped surface shall be determined by using an imaginary surface with the shape of a common geometric figure approximating the actual surface as closely as possible. (See Figure 12.) For all signs except wall-mounted signs, roof signs which are applied to the roof surface, ground-mounted signs applied to the surface of a fence or accessory building and marquee signs which are applied to the surface of the marquee, canopy or awning, the sign area shall be determined by the largest surface area viewable at one time from any one direction parallel to the ground; and any sign which appears on the remaining surface area shall not count against the sign areas permitted hereunder. The base of a monument sign shall count towards the sign area unless the base area is landscaped sufficiently to screen it from view. This applies to up to three feet of the height of the base. A landscape plan is required with the permit application in order to use this provision. (See Figure 13.)
- (3) Size of sign structure. The size of any sign structure shall be limited so as to appear, from any direction from which any part of the sign area is viewable, to have borders no greater than six inches in width. Larger borders, or larger apparent borders, are allowed only if that part greater than six inches in width is counted as part of the sign area.

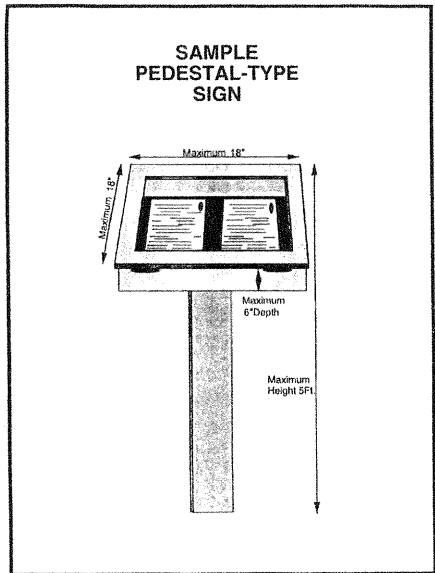
(h) Directional signs, certain nonresidential developments. Directional signs are allowed for nonresidential developments with a minimum of 300,000 square feet of floor area. These signs shall be limited to the name of the development and/or the names of the occupants of the development, and shall comply with the following conditions:

- (1) The signs shall not be located within 100 feet of any public right-of-way line.
- (2) A single business or activity shall be limited to two square feet per individual sign face.
- (3) The directional sign shall not exceed a total area of 50 square feet. Sign area shall be measured in accordance with section 30-318(g).
- (4) The maximum height of a directional sign shall not exceed six feet.

1
2 Figure 10A



3
4
5 Figure 10B



6
7
8
9 Figure 11

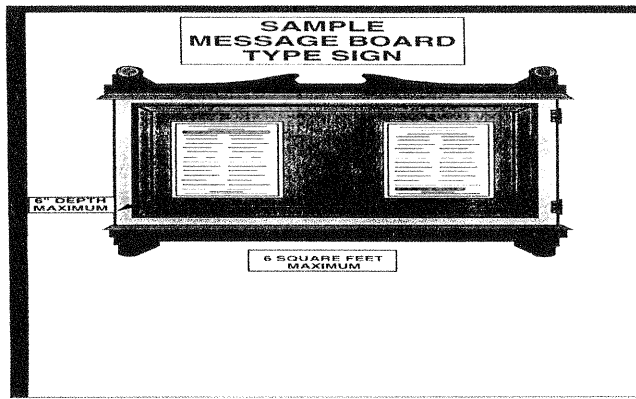


Figure 12

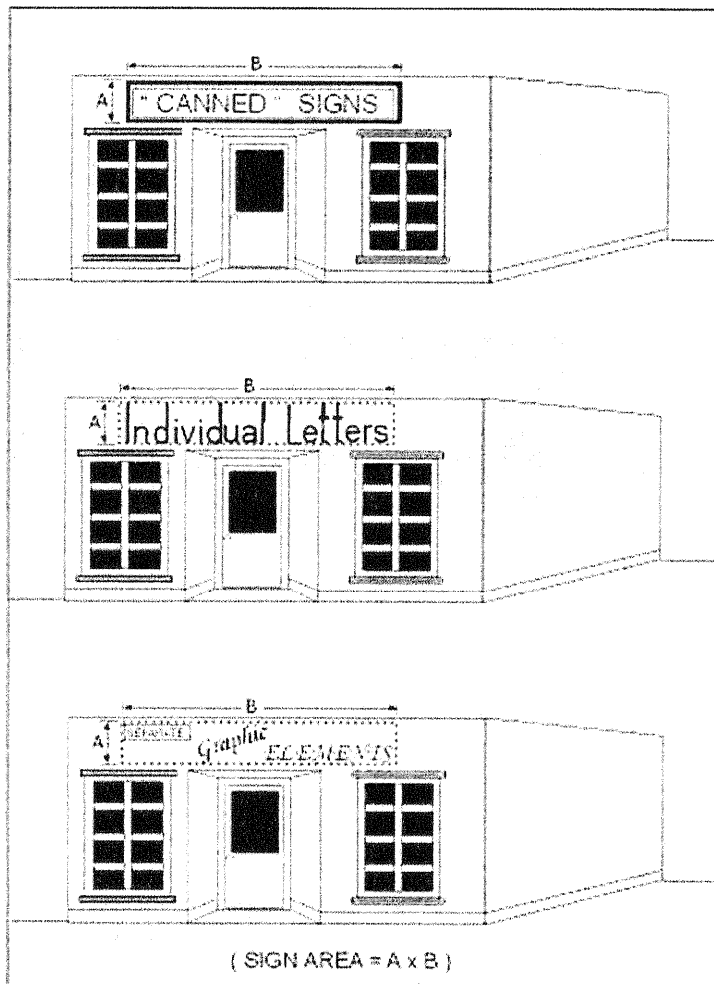
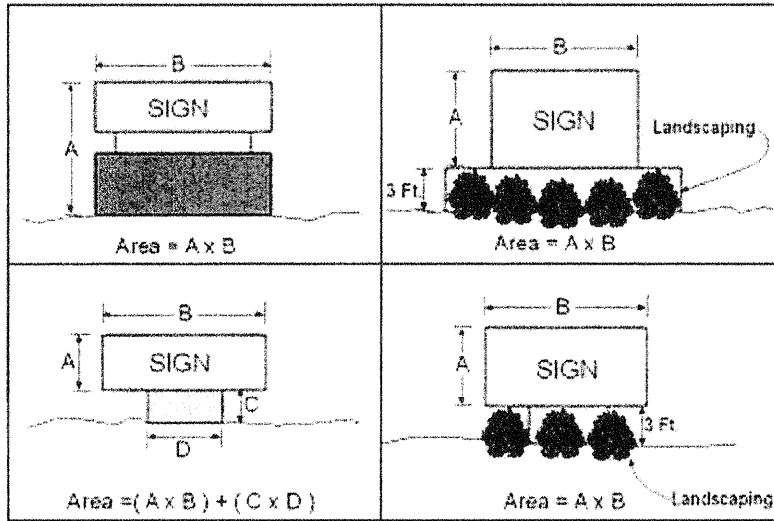


Figure 13



(i) Flags and flagpoles. The display of flags shall be limited by the following regulations:

- (1) A flagpole may be ground-mounted or building-mounted.
- (2) No flag may contain a commercial message.
- (3) Height of flagpoles shall not exceed 25 feet in a residential district.
- (4) The vertical dimension of the flag shall be a maximum of 20% of the height of the flagpole.
- (5) Ground-mounted flagpoles shall be set back at least ten feet from any property line.
- (6) Flag and flagpole standards are as follows:

	<u>Flagpole Height</u>	<u>Recommended Flag Dimensions</u>
<u>Residential Zone Districts</u>	<u>15'</u>	<u>3'x5'</u>
	<u>20'</u>	<u>3'x5'</u>
	<u>25'</u>	<u>4'x6'</u>
<u>Non-residential Zone Districts</u>	<u>20'</u>	<u>4'x6'</u>
	<u>25'</u>	<u>5'x8'</u>
	<u>30'</u>	<u>6'x10'</u>
	<u>40' and above</u>	<u>6'x10' to 8'x15'</u>

Sec. 30-319. Political signs. Reserved.

1 ~~(a) Generally. In residential districts, as defined in subsection 30-318(a), including residential~~
2 ~~portions of planned development, nonilluminated political signs not exceeding six square feet in~~
3 ~~sign area and four feet in height are permitted. In all other districts, political signs not exceeding~~
4 ~~32 square feet in sign area and eight feet in height are permitted. Political signs do not require a~~
5 ~~permit as delineated in section 30-322. Political signs shall not be placed in public rights of way~~
6 ~~and shall be set back at least 15 feet from street intersections to avoid creating a visual~~
7 ~~obstruction for pedestrians and motorists. No sign shall be attached to a building or placed in~~
8 ~~such a manner as to prevent ingress and egress through any door or window required or designed~~
9 ~~for access to any building, nor shall any sign obstruct or be attached to a fire escape.~~

10
11 ~~(b) Removal of political campaign signs. Candidates or their representatives shall remove all~~
12 ~~political signs within seven days following the election or referendum. Failure to do so shall~~
13 ~~constitute a violation of this Code.~~

14
15 **Sec. 30-320. Time and temperature devices. Reserved.**

16
17 ~~Time and temperature devices are permitted in business, office and industrial districts. They may~~
18 ~~be ground mounted, projecting, or attached to the wall, and are subject to the regulations~~
19 ~~applicable to the ground mounted, projecting and wall mounted signs.~~

20
21 **Sec. 30-321. Illumination of signs.**

22
23 (a) Colored lights. Colored lights shall be designed to prevent confusion with traffic lights.

24
25 (b) Floodlight illumination. Floodlight illumination of signs is permitted provided that the
26 floodlight or spotlight is positioned so that none of the lights shine onto an adjoining property or
27 in the eyes of motorists or pedestrians.

28
29 (c) Bare-bulb illumination. Bare-bulb illumination of signs is permitted only in districts zoned
30 MU-1, MU-2, BUS, BA, BT, CCD, W, I-1 and I-2.

31
32 (d) Flame. Flame as a source of light for signs is permitted if adequate fire safety standards as
33 prescribed by the city manager or designee are met.

34
35 **Sec. 30-322. Permit required; inspection; fees.**

36
37 (a) Permit required. It shall be unlawful to erect, cause to be erected, maintain, cause to be
38 maintained, alter or extend any new or existing sign without first obtaining a permit indicating
39 compliance with the provisions and regulations of this article, except as noted below. No permit
40 shall be required for the following signs, provided that such signs are in compliance with the
41 terms and provisions of this article, and provided further that such signs have no electrical parts
42 or usage:

43
44 (1) Signs exempt from the provisions of this article;

(2) Temporary ~~real-estate~~ signs, except those for businesses awaiting their permanent signs pursuant to sec. 30-317(c);

~~(3) Political signs;~~

(4) ~~(3)~~ Signs which are a permanent architectural feature of the building or structure, such as a cornerstone or other identifying letters carved into or embossed on the building, provided such letters are not illuminated apart from the building, are not made of a reflective material and do not contrast in color with the building;

~~(5)~~ (4) Signs with a sign area of six square feet or less, at a height of four feet or less;

~~(6)~~ (5) Panels or letters incorporated in larger signs ~~identifying the tenants or occupants of premises which are identified by the larger signs,~~ provided a permit has been issued for the larger signs; and

~~(7)~~ (6) Any change in the advertising content of a sign, provided a permit has been issued for the sign and the advertising content does not violate any provisions of this article.

(b) Inspection. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign requiring a permit which has not been inspected at the time of initial installation.

(c) Fees. Applications for a permit to erect, construct, alter or extend a sign shall be accompanied by a fee in the amount established by the building code as set out in Appendix A.

(d) Expiration of permit. Any permit issued pursuant to this section shall expire six (6) months after its date of issuance unless the permitted sign is erected or unless its erection is substantially underway.

(e) Penalty. In addition to other penalties provided by this article, a fee of double the amount specified for a permit shall be charged for any work commenced before a permit therefore has been issued, or renewed after the expiration date.

Sec. 30-323. Applications for permits.

All applications for sign permits required by this article shall be filed by the owner, or his/her agent, in the office of the building official, after appropriate development review, upon forms furnished by the city. The applications shall describe and set forth the following:

(1) The type of sign as defined in this article.

(2) The actual cost of the sign.

(3) The street address of the property upon which the sign is to be located and the proposed location of the sign on the property. In the absence of a street address, a method of location acceptable to the city manager or designee shall be used.

(4) The height, shape and dimensions of the sign structure, if any, and the dimensions and shape of the sign area.

(5) The name and address of the owner or other person in control or possession of the real property upon which the sign is to be located.

(6) Written consent of such owner, his/her lessee, or his/her agent, granting permission for the construction, operation, maintenance or display of the sign.

(7) A plan, sketch, blueprint, blue line print or similar presentation drawn to scale, showing all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of the Standard Building Code.

(8) A map showing the location of the proposed sign and all trees having a diameter of 12 inches or more at a height of 4 1/2 feet above the ground that will be removed for the construction and display of the sign.

(9) The name of the sign contractor, if any.

(10) Any other information reasonably required by the city manager or designee to determine whether such sign is in compliance with the requirements of his article.

(11) Procedure.

a. Investigation/time limits: Upon the receipt of a completed permit application and upon payment of the appropriate permit fee by the applicant, the city manager or designee shall promptly conduct an investigation of the application, the proposed sign and the premises. The city manager or designee shall grant or deny the permit application within 30 days from the date the completed application with application fee was filed with the city manager or designee.

b. Issuance or denial of permit:

1. If, after review and investigation as required herein, the city manager or designee determines that the application meets the requirements contained in this chapter and determines the proposed sign will not violate any building, electrical or other adopted codes of the City, the city manager or designee shall issue the permit.

2. If, after review and investigation as required herein, the city manager or designee determines that one or more reasons for denial exist, the permit shall be denied and the city manager or designee shall make a written report of the denial and the reasons therefore. A copy of the report shall be sent by certified mail to the designated return address of the applicant on the application. The application for a permit shall be denied if

1 it does not comply with the requirements of this chapter; or the proposed sign would
2 violate any building, electrical or other adopted codes of the City.

3
4 3. If the application is denied, the applicant may submit a corrected application within 15
5 of the notice of denial without additional cost, and staff will review the corrected plan
6 within 15 days. If the applicant does not resubmitted a corrected application within 15
7 days of the notice of denial, a new sign permit application and fee will have to be
8 submitted, and the City will have an additional 30 days to review the new application.
9

10 c. Appeal. The decision of the city manager or designee to grant or deny a sign permit is an
11 administrative decision that can be appealed as provided in Sec. 30-354 of this Chapter.
12
13

14 **Sec. 30-324. Nonconforming signs; limitations; removal of signs.**
15

16 (a) Nonconforming signs. Any sign not allowed by this article, but for which a permit has
17 previously been issued by the city, shall automatically become a lawful nonconforming sign. The
18 owner of any other sign not allowed by this article, or the owner of any property upon which such
19 sign is located, shall have a period of six months from the effective date of this article to
20 establish to the satisfaction of the building official that such sign was in compliance with the
21 laws and ordinances of the city when it was constructed. The building official shall maintain the
22 list of such signs, which shall continue to be lawful nonconforming signs. At the expiration of
23 the six-month period, all other signs which are not in compliance with the terms of this article
24 shall immediately be removed or brought into compliance with this article.
25

26 (b) Limitations. All nonconforming signs shall be permitted to continue as nonconforming uses
27 with the following limitations:
28

29 (1) Signs not conforming to the requirements of this article shall be removed or made to
30 conform when the structure housing the occupancy is demolished or requires renovations
31 the cost of which exceeds 50 percent of the assessed value of the structure.
32

33 (2) All nonconforming signs shall be removed or made to conform when the sign is
34 substantially demolished. Substantially demolished shall be determined by the city
35 manager or designee on the basis of the extent of the physical damage of the sign.
36

37 (3) Neither the overall size nor the sign area of a nonconforming sign may be increased, nor
38 may the height be increased, nor may the location be changed, nor may the use of the
39 property on which it is located be changed, unless the sign is made to conform to the
40 requirements of this article.
41

42 (4) A nonconforming sign may be changed to a sign allowed in the district in accordance with
43 and in relation to allowable modification under section 30-346. Review and approval of
44 such signs shall be by the plan board or development review board.
45

1 (5) A sign which on March 16, 1981, became nonconforming as an off-premises sign shall be
2 removed or made to conform to the requirements of this article within five years from
3 March 16, 1981.
4

5 (6) For purposes of this section, a channel/block letter wall-mounted sign means any wall-
6 mounted sign where the letters of the sign are mounted directly to the face of a principal
7 building wall. A lawful nonconforming channel/block letter wall mounted sign may be
8 replaced with another nonconforming channel/block letter wall-mounted sign under the
9 following terms and conditions:
10 a. Existing electrical components of the existing nonconforming sign are used;
11 b. The size of the nonconforming sign's area shall be measured in accordance with
12 subsection 30-318(g); and
13 c. Either a permit for the replacement sign must be applied for before the existing sign is
14 removed, or sufficient existing information must be provided so that a determination of
15 the size of the existing nonconforming sign can be made by the city manager or designee.
16 If the city manager or designee cannot determine the size of the sign due to insufficient
17 information, then scaled drawings of the building and the previously existing sign shall be
18 provided to the city manager or designee.
19

20 (c) Removal of signs. A sign, including the sign structure, now or hereafter existing, which no
21 longer advertises a bona fide business conducted, or a product sold, on the premises and becomes
22 dilapidated, run down, or a safety hazard, shall be taken down and removed by the owner, agent
23 or person having beneficial use of the building, structure or land upon which such sign shall be
24 found, within 30 days after written notice by the city manager or designee.
25

26 **Sec. 30-325. Maintenance.**

27
28 It shall be unlawful to own, maintain or cause to be maintained any sign without full compliance
29 with the following requirements:
30

31 (1) Weeds shall be kept cut in front of, underneath and around the base of ground mounted and
32 other signs, and no rubbish or debris shall be permitted so near the base that it shall constitute a
33 fire hazard.
34

35 (2) Signs shall be kept clean, neatly painted and free from all hazards, such as but not limited to
36 faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so
37 as not to be detrimental to the public health and safety.
38

39 **Sec. 30-326. Enforcement.**

40
41 (a) Duties of enforcing official. The city manager or designee shall be the enforcing official. The
42 enforcing official is charged with the duty of administering the provisions of this article and
43 securing compliance with it. In furtherance of this responsibility, the enforcing official shall:
44

1 (1) Make such inspections as may be necessary to bring about the purposes and intent of this
2 article and initiate appropriate action to bring about compliance with this article if such
3 inspection discloses any instance of noncompliance.

4
5 (2) Investigate thoroughly any complaints of alleged violations of this article, and indicate
6 clearly in writing as a public record in his/her office the disposition made of such
7 complaints.

8
9 (3) Order in writing as set out below the remedy of all conditions or all violations of the
10 article found to exist in or on any premises.

11
12 (4) State in the violation order a time limit for compliance herewith as hereinafter set out.

13
14 (5) Request the assistance of the city attorney and the state attorney in taking appropriate
15 legal action upon the failure of the responsible party to comply with such violation order
16 by the time specified therein.

17
18 (b) Right of entry. The enforcing official or his/her agent is authorized and directed to lawfully
19 enter in and upon all premises at reasonable times to determine their condition insofar as the
20 provisions of this article are applicable, and to obtain search warrants when necessary to do so.

21
22 (c) Contents of notice of violation. Whenever the enforcing official determines that a violation of
23 this article exists, the official is authorized to issue a citation pursuant to section 2-337 of the
24 Code. Time for compliance shall be as follows:

25 1. Nonpermanent signs. For all portable signs as defined in section 30-23, unlawful and
26 prohibited signs as specified in subsections 30-316(a) and (b), temporary signs as defined
27 in section 30-317 and all other signs of a nonpermanent nature, the time may not be less
28 than one hour nor more than 24 hours from the time of such written notice; provided,
29 however, that any condition found to exist in violation of this article which constitutes a
30 hazard to the public safety shall be required to be abated immediately.

31 2. All other signs. For all signs not specified in subsection (c)1. of this section, the time may
32 not be less than ten days nor more than 90 days from the date of such written notice;
33 provided, however, that any condition found to exist in violation of this article which
34 constitutes a hazard to the public safety shall be required to be abated immediately.

35
36 (d) Unauthorized signs in right-of-way. Any sign placed in the public right-of-way in violation of
37 this Article shall be deemed to be abandoned and may be removed immediately by an enforcing
38 official or agent. Any sign so removed may be disposed of without notice or compensation. This
39 removal shall not preclude prosecution or imposition of penalties for violation of this Article.

40
41 **Section 2.** Section 30-327 is hereby created and added to the Land Development Code to read as
42 follows:

43
44 **Sec. 30-327. Severability.**

45
46 (a) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term,

1 or word of this Article is declared unconstitutional by the valid judgment or decree of any
2 court of competent jurisdiction, the declaration of such unconstitutionality shall not affect
3 any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause,
4 term, or word of this Article.

5
6 (b) Without diminishing or limiting in any way the declaration of severability set forth in
7 subsection (a), or elsewhere in this Article, this code, or any adopting ordinance, if any
8 part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or
9 word of this Article is declared unconstitutional by the valid judgment or decree of any
10 court of competent jurisdiction, the declaration of such unconstitutionality shall not affect
11 any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause,
12 term, or word of this Article, even if such severability would result in a situation where
13 there would be less speech, whether by subjecting previously exempt signs to permitting
14 or otherwise.

15
16 (c) Without diminishing or limiting in any way the declaration of severability set forth in
17 subsection (a), or elsewhere in this Article, this code, or any adopting ordinance, if any
18 part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or
19 word of this Article or any other law is declared unconstitutional by the valid judgment or
20 decree of any court of competent jurisdiction, the declaration of such unconstitutionality
21 shall not affect any other part, section, subsection, paragraph, subparagraph, sentence,
22 phrase, clause, term, or word of this Article that pertains to prohibited signs, including
23 specifically those signs and sign-types prohibited and not allowed under Sec. 30-316(b)
24 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph,
25 sentence, phrase, clause, term, or word of Sec. 30-316(b) is declared unconstitutional by
26 the valid judgment or decree of any court of competent jurisdiction, the declaration of
27 such unconstitutionality shall not affect any other part, section, subsection, paragraph,
28 subparagraph, sentence, phrase, clause, term, or word of Sec. 30-316(b), thereby ensuring
29 that as many prohibited sign-types as may be constitutionally prohibited continue to be
30 prohibited.

31
32 (d) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term,
33 or word of this Article and/or any other code provisions and/or laws are declared invalid
34 or unconstitutional by the valid judgment or decree of any court of competent
35 jurisdiction, the declaration of such unconstitutionality shall not affect the regulation of
36 Off-premises signs in this Article.

37
38 **Section 3.** It is the intention of the City Commission that the provisions of Sections 1
39 and 2 of this ordinance shall become and be made a part of the Code of Ordinances of the City of
40 Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered
41 or relettered in order to accomplish such intentions.

Section 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 6. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 24th day of March, 2008.

Peggy Hanrahan
PEGEEN HANRAHAN
MAYOR

ATTEST:

Approved as to form and legality

KURT M LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

MAR 25 2008

This Ordinance passed on first reading this 10th day of March, 2008.

This Ordinance passed on second reading this 24th day of March, 2008.

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