



# MEMORANDUM

Office of the City Attorney

Legistar No. 000145

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commission

**DATE:** September 25, 2000  
SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-00-81  
An ordinance of the City of Gainesville, Florida, amending section 17-2 of the Code of Ordinances, repealing exemptions to the prohibition on fliers; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The City Commission at its meeting of July 10, 2000, authorized the City Attorney to draft and the Clerk of Commission to advertise an ordinance repealing certain exemptions to the prohibition of fliers on utility poles and similar structures.

After adoption of the ordinance at first reading on August 14, 2000, the City Commission continued the second reading and hearing of the ordinance to September 25, 2000.

Prepared by:

Patricia M. Carter,  
Sr. Assistant City Attorney

Approved and  
Submitted by:

Marion J. Radson,  
City Attorney

MJR:PMC:sw

**D R A F T**

7-6-00

Ordinance No. \_\_\_\_\_  
0-00-81

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4 **An ordinance of the City of Gainesville, Florida, amending**  
5 **section 17-2 of the Code of Ordinances, repealing exemptions to the**  
6 **prohibition on fliers; providing directions to the codifier; providing a**  
7 **severability clause; providing a repealing clause; and providing an**  
8 **immediate effective date.**  
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10 **WHEREAS**, at least 10 days notice has been given once by publication in a newspaper of  
11 general circulation notifying the public of this proposed ordinance and of a Public  
12 Hearing in the Auditorium of City Hall in the City of Gainesville; and

13 **WHEREAS**, a Public Hearing was held pursuant to the published notice described at  
14 which hearing the parties in interest and all others had an opportunity to be and were, in  
15 fact, heard;

16 **NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
17 CITY OF GAINESVILLE, FLORIDA:

18 **Section 1.** Section 17-2 of the Code of Ordinances of the City of Gainesville is amended  
19 to read as follows:

20 **Sec. 17-2. Advertising matter; affixing fliers to poles, waste containers, or other**  
21 **fixtures.**

22 ~~(a) — General prohibition. Except as provided in subsection (b), it~~ It shall be unlawful  
23 for any person, firm or corporation to affix, or cause the affixing of, fliers or other  
24 advertising matter to and upon poles, waste containers, fixtures and ancillary utility  
25 equipment including but not limited to metering devices, transformers and traffic signal  
26 control devices, erected in the streets or rights-of-way of this city and used by any person,  
27 firm or corporation for CATV, telecommunications, traffic signalization and control, or

1 electric light or power purposes.

2 ~~(b) — Exemption. Fliers may be affixed to concrete utility poles located along West~~  
3 ~~University Avenue from the east side of North South Drive to the east side of West 6<sup>th</sup>~~  
4 ~~Street and along W. 13<sup>th</sup> Street (US 441) from the south side of NW 5<sup>th</sup> Avenue to Archer~~  
5 ~~Road, as more particularly indicated on the map titled “Area Designated for Pedestrian~~  
6 ~~Fliers,” dated October, 1997, adopted by reference and on file with the Clerk of the~~  
7 ~~Commission and the Community Development Department, in accordance with~~  
8 ~~administrative policy implemented by the city manager or designee and approved by the~~  
9 ~~city commission.~~

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

14 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
15 or unconstitutional by any court of competent jurisdiction, then said holding shall in no  
16 way affect the validity of the remaining portions of this ordinance.

17 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
18 such conflict hereby repealed.

19 **Section 5.** This ordinance shall become effective immediately upon final adoption.

20  
21 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

22  
23 \_\_\_\_\_  
24 PAULA M. DeLANEY  
25 MAYOR

**D R A F T**

7-6-00

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ATTEST:

Approved as to form and legality

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON  
CITY ATTORNEY

This Ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

This Ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2000.