

ORDINANCE NO. 2013 - 39

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3 **AN ORDINANCE AMENDING CHAPTER 24 (ROADS AND BRIDGES), ARTICLE I,**
4 **SECTION 24-4 OF THE HERNANDO COUNTY CODE OF ORDINANCES**
5 **PROVIDING FOR REVISIONS TO RIGHT OF WAY SIGNAGE; PROVIDING FOR**
6 **APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
7 **CONFLICTING PROVISIONS; PROVIDING FOR FILING WITH THE**
8 **DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CODE AND**
9 **PROVIDING FOR AN EFFECTIVE DATE**

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11 **WHEREAS**, the County desires to update and modernize its code of ordinances to provide
12 modified regulations for right of way signage, as provided for herein.

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14 **WHEREAS**, this proposed amendment to the Hernando County Code of Ordinances has
15 received public hearings before the Board of County Commissioners as applicable, as required
16 by state and local law; and

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18 **WHEREAS**, the Board of County Commissioners finds that the proposed amendment is
19 consistent with the goals, objectives and policies of the Comprehensive Plan.

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21 **NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY**
22 **COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:**

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24 **SECTION I.** Hernando County Code of Ordinances, Chapter 24 (Roads and Bridges), Article I
25 (In General), Section 24-4 (Right-of-way signage) is hereby amended to provide for revisions as
26 more precisely delineated with strike-through and underlined text below:

27 **Sec. 24-4. Right-of-way signage.**

28 The board of county commissioners hereby finds that regulation of signage within
29 public rights-of-way is not a land development regulation appropriate for inclusion within
30 the county zoning ordinance, and that such regulations should be placed under the
31 department of public works for administrative purposes, provided that nothing herein
32 shall affect the responsibility for enforcement of codes.

33 (1) Except for official signs regulating or directly related to authorized uses of
34 a public right-of-way, or temporary directional signs related to a specific
35 governmental activity identified as a public purpose by the board of
36 county commissioners, it shall be unlawful to erect or post any sign on any
37 public street right-of-way, drainage right-of-way, utility right-of-way or
38 utility pole or tree, and no right-of-way use permit for any sign other than
39 such official signs shall be issued.

40 (2) Advertising displayed on benches or transit shelters may be installed
41 within the right-of-way limits provided that such benches or transit
42 shelters are at designated stops on official bus routes and provided that
43 such signs on benches or transit shelters are installed or approved by the

44 county. All installations shall be in compliance with all applicable federal,
45 state, and local laws, including, without limitation, the Americans with
46 Disabilities Act.

47 ~~(2)~~(3) Unlawful signs placed on such right-of-way shall be removed by any
48 county official employed in the enforcement of this ordinance, the
49 maintenance of such right-of-way, or the protection of public health,
50 safety and welfare. Such signs are considered to be abandoned property
51 and may be disposed of at the convenience and discretion of the county
52 without notice or compensation to the person, firm, or entity promoted on
53 the face of such sign.

54 ~~(3)~~(4) It shall be prima facie evidence of a violation of this section if signs of any
55 kind are placed in a manner other than outlined in this section and such
56 sign can be established as having originated with a particular person, firm,
57 partnership, corporation or business.

58 ~~(4)~~(5) Subdivision or non-commercial community entrance signs may be placed
59 upon county right-of-way, with the permission of the board of county
60 commissioners, if they conform to the following requirements:

- 61 a. The applicant for such sign must show that the sign will serve a
62 public purpose;
- 63 b. The applicant enters into a lease agreement with the county
64 providing for fire and casualty insurance; liability insurance on the
65 property, described in the lease, in an amount to be determined by
66 the county; indemnification of the county against any claims
67 arising from activities of the lessee on the property;
- 68 c. Lessee will pay all applicable charges and utility costs incurred in
69 construction on the property;
- 70 d. Lessee will provide the county with engineering drawings signed
71 and sealed by a state licensed professional engineer meeting all
72 applicable sign standards as well as all other applicable county
73 standards;
- 74 e. The lessee shall maintain the sign and adjacent right-of-way in
75 good condition. If the applicant/lessee transfers any or all
76 responsibility for care and maintenance of the sign and adjacent
77 right-of-way to a homeowners' association or other entity, the new
78 lessee shall conform to all requirements as stated above. If the
79 lessee allows any liability coverage to lapse, the county shall have
80 the right to remove any such sign and other facility permitted
81 hereunder. No transfer of responsibility for care and maintenance
82 of a sign shall occur without the consent or concurrence of the
83 county.

84 f. By entering into any such lease, lessee agrees that the lease shall
85 terminate upon determination of need and demand by the county
86 for the use of the leased right-of-way for roadway expansion or
87 other improvements to public facilities which require use of the
88 leased premises.

89 ~~(5)~~(6) Notwithstanding the provisions of this section, signs existing in or upon
90 any public street right-of-way, drainage right-of-way, utility right-of-way
91 or utility pole or tree, as of the date of enactment of this section, which
92 were lawfully erected pursuant to a right-of-way use permit or pursuant to
93 a lease approved by the board of county commissioners, may remain in
94 place for the duration of such permit or lease.

95 ~~(6)~~(7) For purposes of this section:

- 96 a. "Sign" shall be defined to mean any structure, display, device,
97 painting, drawing, message, placard poster, billboard or notice
98 bearing a name, direction, advertisement or other message that is
99 displayed or posted for public view, provided that authorized
100 improvements or fixtures associated with permitted utility use of
101 rights-of-way may bear such identifying marks as may be
102 reasonably required for the purpose of such use, so long as such
103 marks are not intended for view by the general public; and
104 b. "Right-of-way" means land which by deed, conveyance,
105 agreement, easement, dedication, usage or process of law, is
106 owned or dedicated or otherwise vested in the control of the county
107 for use by the general public for street, highway, alley, pedestrian
108 walkway, sidewalk, storm drainage, bicycle path, traffic
109 engineering safety, setback or other purposes.
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111 **SECTION III. SEVERABILITY.** It is declared to be the intent of the Board of County
112 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
113 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
114 the validity of the remaining portions of this ordinance.
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116 **SECTION IV. CONFLICTING PROVISIONS.** Special acts of the Florida Legislature
117 applicable only to unincorporated areas of Hernando County, Hernando County ordinances,
118 County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this
119 ordinance to the extent of such conflict except for ordinances concerning either adoption or
120 amendment of the Comprehensive Plan, pursuant to Chapter 163, part II, Florida Statutes.
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122 **SECTION V. FILING WITH THE DEPARTMENT OF STATE.** The clerk shall be and is
123 hereby directed forthwith to send a certified copy of this ordinance to the Bureau of
124 Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street,
125 Tallahassee, FL 32399-0250.
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127 **SECTION VI. INCLUSION IN CODE.** It is the intention of the Board of County
128 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of
129 this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
130 Florida. To this end, any section or subsection of this Ordinance may be renumbered or re-
131 lettered to accomplish such intention, and the word "ordinance" may be changed to "section,
132 "article," or other appropriate designation. Whereas Clauses, and Sections II through Section VII
133 need not be codified.

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135 **SECTION VII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon filing
136 with the Department of State.

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139 **DULY PASSED AND ADOPTED IN REGULAR SESSION THIS** 10 **DAY OF**
140 December, 2013.

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143 BOARD OF COUNTY COMMISSIONERS
144 HERNANDO COUNTY, FLORIDA

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148 Attest: 
149 DONALD C. BARBÉE JR., CLERK

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148 By: 
149 DAVID D. RUSSELL, JR., CHAIRMAN



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157 By: 
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