

ORDINANCE NO.: 2006-11

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES RELATING TO REGULATION OF SIGNS IN THE RIGHT-OF-WAY; AMENDING SECTION 24-4, RELATING TO SIGNAGE, TO AUTHORIZE CERTAIN DIRECTIONAL SIGNS RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY IDENTIFIED AS A PUBLIC PURPOSE BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. AMENDING HERNANDO COUNTY CODE OF ORDINANCES, SECTION 24-4, TO ADD A CLAUSE TO PERMIT TEMPORARY DIRECTIONAL SIGNS RELATED TO A SPECIFIC GOVERNMENTAL ACTIVITY IDENTIFIED AS A PUBLIC PURPOSE BY THE BOARD OF COUNTY COMMISSIONERS, AS INDICATED BY THE UNDERLINED LANGUAGE BELOW:

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

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

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

(2) Unlawful signs placed on such right-of-way shall be removed by any county official

employed in the enforcement of this ordinance, the maintenance of such right-of-way, or the protection of public health, safety and welfare. Such signs are considered to be abandoned property and may be disposed of at the convenience and discretion of the county without notice or compensation to the person, firm, or entity promoted on the face of such sign.

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

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

- a. The applicant for such sign must show that the sign will serve a public purpose;
- b. The applicant enters into a lease agreement with the county providing for fire and casualty insurance; liability insurance on the property, described in the lease, in an amount to be determined by the county; indemnification of the county against any claims arising from activities of the lessee on the property;
- c. Lessee will pay all applicable charges and utility costs incurred in construction on the property;
- d. Lessee will provide the county with engineering drawings signed and sealed by a state licensed professional engineer meeting all applicable sign standards as well as all other applicable county standards;
- e. The lessee shall maintain the sign and adjacent right-of-way in good condition. If the applicant/lessee transfers any or all responsibility for care and maintenance of the sign and adjacent right-of-way to a homeowners' association or other entity, the new lessee shall conform to all requirements as stated above. If the lessee allows any liability coverage to lapse, the county shall have the right to remove any such sign and other facility permitted hereunder. No transfer of responsibility for care and maintenance of a sign shall occur without the consent or concurrence of the county.
- f. By entering into any such lease, lessee agrees that the lease shall terminate upon

determination of need and demand by the county for the use of the leased right-of-way for roadway expansion or other improvements to public facilities which require use of the leased premises.

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

(6) For purposes of this section:

a. "Sign" shall be defined to mean any structure, display, device, painting, drawing, message, placard poster, billboard or notice bearing a name, direction, advertisement or other message that is displayed or posted for public view, provided that authorized improvements or fixtures associated with permitted utility use of rights-of-way may bear such identifying marks as may be reasonably required for the purpose of such use, so long as such marks are not intended for view by the general public; and

b. "Right-of-way" means land which by deed, conveyance, agreement, easement, dedication, usage or process of law, is owned or dedicated or otherwise vested in the control of the county for use by the general public for street, highway, alley, pedestrian walkway, sidewalk, storm drainage, bicycle path, traffic engineering safety, setback or other purposes.

SECTION 4. Severability.

It is declared to be the intent of the board of county commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Inclusion in the Code.

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this Ordinance may be renumbered or relettered to accomplish

such intention, and the word "ordinance" may be changed to "section, "article", or other appropriate designation.

SECTION 6. Effective date.

This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 18th day of July, 2006.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attorney *Maime E. Nimer, Deputy*
KARL NICOLAI
Clerk
SEAL
BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: *Diane B. Rowden*
DIANE B. ROWDEN
Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]* *kw 7/18/06*
County Attorney's Office