

CITY OF SANIBEL
ORDINANCE 23-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW OR FURTHER REGULATE THE USE OF PROHIBITED TEMPORARY SIGNAGE FOR A DEFINED PERIOD OF TIME VIA RESOLUTION OR MAYORAL PROCLAMATION FOLLOWING THE DECLARATION OF A STATE OF LOCAL EMERGENCY RELATED TO A NATURAL OR MANMADE DISASTER BY AMENDING CHAPTER 106, SIGNS, ARTICLE III, RESTRICTIONS AND REGULATIONS, DIVISION 2, PROHIBITED SIGNS, SECTION 106-112, CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 7, 2023, the City Council discussed allowing the use of temporary signs prohibited in Section 106-122, Code of Ordinances, for a defined period of time to allow Sanibel businesses improved visibility as they reopen following closures caused by Hurricane Ian on September 28, 2022; and

WHEREAS, the Code does not currently permit the City Council to authorize the temporary use of prohibited temporary signs during a declared state of local emergency by resolution or mayoral proclamation; and

WHEREAS, the City Council wishes to have the authority to temporarily relieve the prohibitions of certain temporary signs as defined in the Code by issuing a resolution or mayoral proclamation to assist businesses reopening following a natural or manmade disaster; and

WHEREAS, it is in the best interest of residents and businesses of the City of Sanibel to allow the City Council to authorize the temporary use of prohibited temporary signs and otherwise further regulate the use of temporary signs during a declared state of local emergency by resolution or mayoral proclamation following a natural or manmade disaster.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. The Sanibel Code of Ordinances is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 106 – SIGNS

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ARTICLE III. – RESTRICTIONS AND REGULATIONS

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DIVISION 2. – PROHIBITED

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Sec. 106-112. – Adjacent to public areas.

The following signs are prohibited to the extent that they, or any portion of them, including ambient light, sound, odor, or other visible matter, are visible or detectable from a publicly owned or public access area or from adjacent property:

- (1) Any blank temporary sign.
- (2) Any sign with visible moving, revolving, or rotating parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means.
- (3) Any sign with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (4) Any sign with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- (5) Any snipe sign.
- (6) Any neon sign.
- (7) Any sign, commonly referred to as wind sign, consisting of one or more banners, flags, pennants, ribbons, spinners, streamers, windsocks, or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind. It also includes hot air balloons. (See figure A in section 106-291 and see division 5 of this article relative to flags.).
- (8) Any sign that incorporates projected images, emits any sound that is intended to, or has the purpose or effect of, attracting attention, or involves the use of live animals.
- (9) Any sign that emits audible sound, odor, or visible matter such as smoke or steam.
- (10) Any sign that is painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk, bike path, or street, except governmentally authorized traffic control signs.
- (11) Any sign placed upon benches or waste receptacles, except as may be authorized pursuant to section 106-3.
- (12) Any vehicle sign exceeding one square foot in area per side and two square feet per vehicle, where a purpose or effect is to advertise, and where either of the following are present:
 - a. The vehicle is not in use for normal deliveries or normal service purposes; or
 - b. The vehicle is parked at a time other than during the regular hours of operation of the business.
- (13) Any vehicle, whether or not carrying a sign, which, because of its nature, style, placement, or location has a purpose or effect of advertising.
- (14) Any changeable copy sign (manual), and changeable copy sign (automatic), except as expressly authorized in this chapter.

- (15) Any abandoned sign.
- (16) Any electric sign or sign with internal illumination.
- (17) Any sign with phosphorescence or reflectors that depend upon automobile headlights, or other artificial source of light, for any image; any sign containing phosphorescent or "Day Glo" type paints.
- (18) Ground signs covered with a roof.
- (19) Notwithstanding the provisions within this section or elsewhere in this division, when the city has declared a state of local emergency related to a natural or manmade disaster, the city council may allow the use of temporary signs prohibited in this section or further regulate the use of certain other temporary signs for a defined period of time via resolution or by mayoral proclamation.

SECTION 3. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 5. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 6. Effective date. This Ordinance shall be effective immediately upon adoption.

Attest:

Scotty Lynn Kelly, City Clerk

Richard Johnson, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Smith _____
 Johnson _____
 Crater _____
 Henshaw _____
 Miller _____

First Reading: April 12, 2023
 Publication Date: _____
 Second Reading: _____