

**ORDINANCE NO: 13 – 1084**

**AN ORDINANCE TO AMEND SECTION 1185.03 AND SECTION 1185.10 OF THE RUSSELLS POINT CODIFIED ORDINANCES IN THE VILLAGE OF RUSSELLS POINT, OHIO**

**WHEREAS**, the Village of Russells Point has recently received and reviewed the ordinances regarding signs in the Village; and

**WHEREAS**, the codified ordinances of the village contain a specific prohibition against certain billboards; and

**WHEREAS**, this Council believes it is necessary to amend such an ordinance in the village to allow local and regional businesses to advertise services in the village; and

**WHEREAS**, this council has recently been informed that its political sign ordinance may be in effect in conflict with current constitutional protections; and

**WHEREAS**, this Council believes it is necessary to amend such an ordinance in the village to allow political signs in accordance with constitutional protections; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Council of the Village of Russells Point, Ohio:

**SECTION I:** That Section 1185.03 and 1185.10 of the Village of Russells Point Codified Ordinances be amended and written as follows:

**1185.03 DEFINITIONS.**

As used in this chapter, the terms listed below shall be interpreted according to the following definitions.

(a) "Sign" or "street graphic" means any display, figure, painting, placard poster, drawing, letter, word, symbol, number, or any combination of these or any other device visible, with or without verbiage, which can be seen from the right-of-way and are designed to inform or attract the attention of persons not on the premises on which the sign or street graphic is located. Used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product.

(b) "Sign panel" means a structural object or portion of structural object designed to form a distinct background area or frame for the display of a sign's information.

(c) Signs by Use Type. For the purpose of determining permitted signs, all signs are classified by use type and defined as follows:

(1) "Billboard" means a sign, of any size, directing attention to a specific business, product, service, entertainment or other activity that is sold, offered or conducted elsewhere than upon the lot on which the sign is located for public service and information or for political advertising by an entity that has its principal place of business located beyond 50 miles of the Village Corporation Limits.

(2) "Bulletin board" means a sign for the display of announcements of a public or semipublic institution and located on the grounds of the institution.

(3) "Business sign" means generally, a sign containing product advertisements or other detailed information about the operation of a business. Specifically, such sign is one which contains brand names of goods sold or services rendered on the premises, a listing of numerous specific types of goods or services, prices or special "sale" information, forms of payments accepted, hours of operation, telephone number or other similar information. A business sign may also include items permitted on an "identification sign".

(4) "Directional sign" is an on-premise sign indicating a direction or a location to which pedestrian or vehicular traffic is requested to move.

(5) "Identification sign" means generally, a sign identifying or naming a business institution, residential development or other use. Specifically, such sign may indicate the name, owner, or manager and address of an existing building, business or other use, including the general type of goods sold or services rendered, but without a listing of numerous specific goods or services and without reference to brand names, prices, "sales" or telephone numbers.

(6) "Information sign" means a sign which presents miscellaneous information or instructions intended to serve the public rather than to promote a business, product or issue. Such sign may not contain information included in the definition of any other sign by use type. Typical information signs include signs presenting travel information and other signs concerning weather, time, historic and scenic sites, public recreation facilities, miscellaneous instructions and warnings, etc.

(7) "Logo" (or "trademark") means a letter or group of letters (usually stylized) or a symbol or symbols that represent a word, group of words, or business name. Usually used as part of a business identification scheme that is meant to identify goods, products, services or a business entity itself.

(8) "Nameplate" means a sign indicating the name, address and/or profession of a person or persons occupying a residence, excluding name and address on mail box.

(9) "Off-premise sign". See definition of "Billboard".

~~(10) "Political sign" means a temporary sign advocating action on a public issue or indicating a candidate for public office.~~

~~(11)~~ (10) "Real estate sign" means a temporary sign promoting the development, construction, rental, sale or lease of property.

~~(12)~~ (11) "Sold sign" means a temporary sign announcing that a property has been sold, leased or is no longer available.

~~(13)~~ (12) "Temporary sign" means a sign intended for use for a limited period of time, ~~as specified elsewhere in this chapter,~~ generally not over thirty days.

(d) Signs by Structural Type. For the purpose of determining permitted signs, all signs are classified by structural type and defined as follows:

(1) "Awning sign" means a non-illuminated sign affixed flat to the surface of an awning (known as the base material) or which does not extend vertically or horizontally beyond the limits of such an awning.

(2) "Banner" means a temporary sign composed of light weight material not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by the movement of the atmosphere.

Includes those used to announce open houses, grand openings, make special announcements, or communicate events. Banners may be secured or unsecured.

A. "Decorative banner" means a banner attached to a light pole or similar fixture that is meant purely for decorative purposes and containing no business logo or advertisement of any kind.

B "Festival banner" means a temporary sign or banner displayed by public or quasi public organizations for special purposes (such as County Fair, special school event, etc.).

C. "Special event business banner" means a temporary banner, used by businesses for special events ~~such as grand openings, "Fall Sale", "Anniversary Sale", etc. Cannot promote specific products and/or products.~~

(3) "Canopy signs" means a sign attached to or painted on the fascia or hanging from the soffit of a canopy or covered entrance or attached to a permanent awning or marquee. Mansard roofs shall be considered as canopies.

(4) "Changeable copy sign (automatic)" means a sign or portion thereof on which the copy changes automatically or animation is displayed through electrical or electronic means (e.g., time and temperature units and message centers); considered business sign.

(5) "Changeable copy sign (manual)" means a sign or portion thereof on which copy is changed manually through placement of letters or symbols on a sign panel; considered a business sign.

(6) "Freestanding sign" means a sign which is not attached to a building and which is either attached directly to the ground or elevated on a supporting structure attached to the ground.

(7) "Logo flag" means a sign made of flag-like material containing logo or identifying symbol.

(8) "Portable sign" means a sign which is designed to be moved and is not permanently attached to any part of a building or to the ground.

(9) "Projecting sign" means a sign erected on the outside wall of a building and projecting out at an angle therefrom.

(10) "Roof sign" means a sign erected upon and either partially or completely over the roof of any building.

(11) "Wall sign" means a sign integral with or painted on the exterior face of an exterior wall of a building or structure, or attached to the wall, and parallel with the wall and projecting not more than fifteen inches therefrom.

(12) "Window sign" means a sign painted, attached or affixed to the interior or exterior surface of windows or doors of a building or suspended on the inside or outside of the windows or doors.

(e) "Unit of a building" or "building unit" refers to a space occupying a portion of the ground floor of a building, containing an entrance from the building exterior, and separated from other such spaces by a party wall or walls.

(f) "Panel sign" means a sign which is mounted, attached, painted, or displayed on a sign panel.

(g) "Nonpanel sign" means a sign which is not mounted, attached, painted or displayed on a sign panel.

(h) "Community facilities" means existing, planned and proposed parks, play grounds, schools and other public lands and buildings of the Village, County or school district as well as churches.

(i) "Subdivision" has the same meaning as defined in Section 1129.01(z).

### **1185.10 ~~POLITICAL~~ TEMPORARY SIGNS.**

(A) It is the intent of this section to regulate, restrict and control the display of temporary signs as to duration, size and location, as well as to provide for the health, safety and welfare of residents of the Village who may be endangered due to defective construction and/or location of temporary signs.

~~(B) No temporary campaign signs shall be posted more than seventeen days before an election, except that commercial billboards may be used for such purpose thirty days prior to election. No temporary campaign signs shall be posted in a manner that is destructive to public or private property. All persons, including candidates for public office, their campaign committees, or other persons responsible for the temporary signs shall be held responsible for the posting and removal of the signs. shall remove such material within one week following the election, except commercial billboards, which may remain until removed or covered by the owner in the usual course of business.~~

~~(B)~~ (C) All ~~political~~ temporary signs except billboard signs shall not exceed fourteen inches in height by twenty-two inches in width. Billboards shall conform to the requirements listed of 1185.03(c)(1).

~~(C)~~ (D) This section does not apply to any political campaign headquarters, which shall conform to the requirements of the zoning district in which the headquarters is located.

(E) No temporary signs shall be permitted upon utility poles, trees or in the public right-of-way.

(F) The Village may remove any temporary sign not in compliance with this chapter and charge the expenses of removal to the owner of the property where such sign(s) are located.

**SECTION III:** That the existing Section of 1185.03 and 1185.10 of the Village of Russells Point Codified Ordinances are hereby repealed.

**SECTION IV:** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

**SECTION V:** That this ordinance shall, therefore, be in force and take effect upon its passage and signature by the Mayor.

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Steve Reid  
President Pro Tem of Council

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Robin Reames  
Mayor

Attested: \_\_\_\_\_  
Jeff Weidner  
Fiscal Officer

First Reading \_\_\_\_\_, 2013

Second Reading \_\_\_\_\_, 2013

Passed: \_\_\_\_\_, 2013

Approved as to Form

\_\_\_\_\_  
Robert N. Eshenbaugh Jr.  
Village Solicitor