

MEMORANDUM

TO: All Candidates
FROM: Robin Fenwick, Deputy City Clerk 
SUBJECT: Political Signs
DATE: July 5, 2012

The following information is to assist you when erecting your political signs:

Normally, utility poles are the guideline indicating public right-of-way, but please remember that is not always the case. The following roads have a wider right-of-way and your signs may be in the public right-of-way if you follow the location of the utility poles:

Central Park
Clyde Morris
Dunlawton Avenue
Hensel Road
Taylor Road
Spruce Creek Road
Williamson Boulevard
Willow Run

Please remember that all signs violating the Land Development Code requirements will be picked up by Code Enforcement and **thrown away**.

Also, as a reminder to you, any signs placed on undeveloped property must have the attached form filled out by the property owner or agent and returned to me prior to your signs being erected on that undeveloped property.

In addition, all signs not picked up at the commencement of your candidacy (as defined in Florida Statute Chapter 106.1435) will also be picked up by Code Enforcement, thrown away, and a charge of **\$5.00 for each sign** picked up will be billed to you.

If you have any questions, please feel free to contact me.

Attachment

CITY OF PORT ORANGE

**AUTHORIZATION TO POST
POLITICAL CAMPAIGN SIGNS**

NOTE: Written authorization of the property owner is required to post political campaign signs on any privately owned, undeveloped property.

NAME OF PROPERTY OWNER: _____

ADDRESS OF PROPERTY OWNER: _____

LOCATION OR ADDRESS FOR PLACEMENT OF SIGNS: _____

NAME OF POLITICAL CANDIDATE OR POLITICAL COMMITTEE: _____

I hereby authorize the above-named candidate or committee to post political campaign signs on the above-described property. I understand that all political campaign signs must comply with applicable provisions of the Land Development Code of the City of Port Orange, Florida. I authorize the City of Port Orange, its officers, employees and agents, to enter onto the above-described property and remove any signs from the property which do not comply with the Land Development Code. I hereby waive, release and hold harmless the City of Port Orange, its officers, employees and agents, from all claims, damages, liability, losses and expenses arising out of or resulting from enforcement to the Land Development Code or any activities authorized hereby.

SIGNATURE OF PROPERTY OWNER: _____


DATE SIGNED: _____

RETURN FORM TO: Robin Fenwick, Deputy City Clerk, City of Port Orange, 1000
City Center Circle, Port Orange, Florida 32129
or FAX to (386) 756-5290

Section 3 - General provisions.

- (a) **Exempt signs.** The following signs are exempt from the permitting requirements of this chapter, provided that such signs are not installed or constructed so as to create a hazard of any kind. The following signs must comply with applicable construction standards and obtain electrical permits if required by the city's electrical code:
- (1) Identification signs of two square feet or less and having no individual letters, symbols, logos or designs in excess of eight inches in vertical or horizontal dimension.
 - (2) "No trespassing" or "no dumping" signs of two square feet or less.
 - (3) Directional or instructional signs, where vehicle or pedestrian movement is involved, of four square feet or less. Freestanding signs of this type should be no greater than four feet in height.
 - (4) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, the County of Volusia and the City of Port Orange.
 - (5) Freestanding memorial signs or tablets, and names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials and attached to the surface of a building.
 - (6) Legal notices and official instruments.
 - (7) Decorative flags and bunting for a celebration, convention or commemoration of significance to the entire community when authorized by the city council for a prescribed period of time.
 - (8) Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate.
 - (9) Merchandise display behind storefront windows so long as no part of the display moves or contains flashing lights.
 - (10) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
 - (11) Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
 - (12) Public warning signs to indicate the dangers of swimming, animals or similar hazards of two square feet or less.
 - (13) Works of art that do not constitute advertising.
 - (14) Signs carried by a person.
 - (15) Under-canopy signs for commercial uses placed behind the right-of-way line for pedestrian use, perpendicular to the storefront and less than four square feet.
 - (16) Credit card or membership signs of two square feet or less, one of each different organization permitted for each street frontage.
 - (17) A maximum of two menu boards or price lists for drive-through facilities of no more than 24 square feet each, located adjacent to and oriented toward the drive-through area.
 - (18)

Real estate and construction-real estate signs of six square feet in area or less allowed under section 5 of this chapter.

- (19) Menus of less than two square feet mounted at the entrances to restaurants.
 - (20) Temporary window signs allowed under section 5 of this chapter.
 - (21) Illuminated awnings allowed under section 7 of this chapter, which do not display copy or signage of any type.
 - (22) Flags allowed under section 7 of this chapter.
 -  (23) ~~Noncommercial signs~~ which express an opinion rather than promote or advertise a specific business, group or organization, of up to six square feet in size.
 - ~~(a) Political or campaign signs~~. No more than one political sign per candidate or ballot issue shall be placed per lot or parcel. Campaign signs must be removed within five days after the election or such sign will be deemed abandoned.
 - (b) *Opinion sign*. No more than one opinion sign shall be placed per lot or parcel.
 - (24) Yard sale signs of two square feet in area or less, which are located on the property upon which a permitted sale is being conducted and only on the days for which the yard sale is permitted.
- (b) *Prohibited signs*. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described as follows:
- (1) Commercial signs adjacent to residentially zoned land: No freestanding identification sign shall be located within 50 feet of any residentially zoned property, except signs advertising uses allowed outright or by special exception in that residential zone that conform with the section of this chapter relating to that use.
 - (2) Traffic or pedestrian hazards: Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination. Any sign which obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting visibility requirements of this code. Specifically prohibited are signs using:
 - (a) Lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time-temperature-date signs.
 - (b) Bare bulbs in excess of 11 watts; and
 - (c) Words and traffic control symbols so as to interfere with, mislead or confuse traffic, such as "stop," "look," "caution," "danger," or "slow."
 - (3) Signs attached to trees or utility poles.
 - (4) Signs attached to or painted on vehicles which are not regularly used as part of the advertised business and are obviously parked or advertise in such a way so as to advertise to the passing motorist or pedestrian.
 - (5) Signs that are in violation of the building code or electrical code adopted by the city.
 - (6) Signs 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, except for traditional barber poles.
 - (7) Signs 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.
 - (8) Strings of light bulbs used on nonresidential structures for commercial purposes, other than traditional holiday decorations.
 - (9)

Fenwick, Robin

From: Jones, Matthew
Sent: Monday, January 09, 2012 9:53 AM
To: Fenwick, Robin
Cc: Roberts, Margaret; Clark, Wayne; Cruz, Penelope
Subject: Political Signs

Robin,

Good morning. Here is the State Statute on removal of political signs we talked about in our last meeting.

106.1435 Usage and removal of political campaign advertisements.—

(1) Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

- (a) Withdrawal of his or her candidacy;
- (b) Having been eliminated as a candidate; or
- (c) Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.

(3) Pursuant to chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.

(4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section.

(5) This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

History.—s. 1, ch. 84-221; s. 20, ch. 84-302; s. 14, ch. 87-224; s. 647, ch. 95-147.

There is nothing in the City's Code that requires any deposit before putting up political signs; however, as shown in this statute, failure to remove signs could result in the City removing the sign at the owner's expense. Please provide each candidate a copy of this statute, so that they are aware of the restrictions.

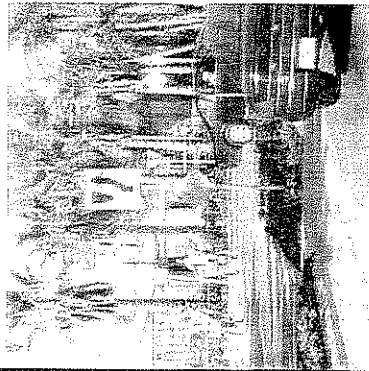
Thanks,

MATTHEW J. JONES

Assistant City Attorney
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129
Phone (386) 506-5537
Fax (386) 506-5530

GUIDELINES

FOR THE USE OF FLORIDA TRANSPORTATION RIGHTS OF WAY



Unauthorized use of the public right of way is prohibited by Florida law. Illegal use of the right of way is a crime. Each day a violation continues is a separate offense.

Section 337.406, Florida Statutes

PROHIBITED USES OF THE RIGHTS OF WAY

Any use which interferes with the safety and efficiency of the road.

Display of advertising of any sort.

Solicitation, including for charitable purposes.

Sale, display, or free distribution of any merchandise, goods, property or services.

Storage, servicing or non-emergency repairing of vehicles.

USES OF THE RIGHTS OF WAY THAT MAY BE ALLOWED BY PERMIT

Note: None of these uses are allowed on Interstate Highways.

Art festivals, parades, fairs, or other special events. These may be allowed with a permit from the appropriate county or city government. Road closure by the county or city government requires FDOT approval. Temporary banners or similar devices may be allowed upon approval by local government and FDOT.

Temporary uses allowed by cities and counties. Cities and counties may issue permits within their limits to allow uses which are ordinarily prohibited if the use is of limited duration, will not interfere with the safe and efficient movement of traffic and will cause no danger to the public.

Sales from vehicles standing on the right of way to occupants of abutting properties. Such sales are permitted by persons holding valid peddlers' licenses issued by a county or city.

Solicitation for non-profit organizations. Permits for solicitation for non-profit organizations may be issued by local governments.

WHY IS THE USE OF THE PUBLIC RIGHT OF WAY REGULATED?

Regulation of activities occurring within the right of way is necessary to help prevent:

- Distractions to motorists
- Unsafe pedestrian movement within travel lanes
- Sudden stoppage or slowdown of traffic
- Rapid lane changing and other dangerous traffic movements
- Increased vehicular accidents
- Motorist and pedestrian injuries and fatalities

WHAT IS THE RIGHT OF WAY AND HOW DO I KNOW WHERE IT IS?

The right of way for a road or other transportation facility is the paved area of the road, the road shoulders, sidewalks, swales, and all the other property adjacent to the road owned by the government for the construction and operation of the road or other facility. It may extend far beyond the paved road surface and may or may not be mowed or fenced.

Maps showing the location of the right of way for state roads are available from the Florida Department of Transportation. Maps for local streets and roads are available from the appropriate county or city offices.

The Florida Highway Patrol, the Florida Department of Transportation, and local law enforcement agencies monitor the use of the public rights of way and may issue citations when unauthorized uses are found.

Courts may impose a fine of up to \$500 or imprisonment of up to 60 days or both for each offense. Local ordinances may impose additional fines.

Each day an unauthorized use continues is a separate offense.



If you have questions or would like to report illegal use of the right of way, please call the FDOT State Maintenance Office at (850) 410-5757.



Revision 1008

(ver al reverso en Español)



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSOS
SECRETARY

November 23, 2009

Notice to candidates for election to offices in the State of Florida

We would like to remind you of State law regarding political campaign signs:

- (1) Signs placed on the State rights of way – Political campaign signs may not be placed in the right of way of any state or national highway (Chapter 479.11(8), Florida Statutes). Through a joint effort of the Florida Department of Transportation and the Florida Highway Patrol, a brochure explaining that the unauthorized use of the public rights of way is prohibited by Florida law and further outlining why the right of way is regulated and how to know the location of the right of way line is available through our office or from your local Supervisor of Election. We recommend this brochure be given to your campaign volunteers.
- (2) Signs placed on private property – Temporary political campaign signs may be placed on private property with the permission of the owner, and such signs do not require a permit under state law.

Please advise your campaign workers to ensure that signs are placed on private property. Signs placed on the State rights of way must be picked up by Department staff and placed in one of the Department's maintenance yards. We will make every effort to place a courtesy call to your campaign office advising of sign removal and the location of the maintenance yard where the signs have been stored, because we know your campaign signage is expensive.

If you have any questions regarding this issue, please contact the Department's Outdoor Advertising Office in Tallahassee at (850) 414-4545. If you would like copies of the encroachment brochure, please e-mail your address and quantity needed to juanice.hagan@dot.state.fl.us.

Sincerely,

John L. Garner, Director
Office of Right of Way

KMT:jh

www.dot.state.fl.us

www.dot.state.fl.us

RECYCLED PAPER