

ORDINANCE NO.: 2009-23

FIRST READING April 27, 2009

INTRODUCED BY: James Flaiz

SECOND READING May 18, 2009

THIRD READING June 8, 2009

ORDINANCE AMENDING SECTION 2.01(88) OF THE ZONING CODE "POLITICAL SIGN".

WHEREAS, the Courts of Ohio have recognized that the posting of a sign conveying a political message is protected as "virtually pure speech" under both the Federal and the Ohio Constitutions; and

WHEREAS, any regulation burdening free speech must be enacted to address a substantial governmental interest; and

WHEREAS, the Ohio Supreme Court has recognized that considerations such as traffic safety and aesthetics are legitimate governmental interests; and

WHEREAS, the Village of South Russell desires to permit the fullest expression of political speech through political signs yet also safeguard the Village from traffic hazards, nuisance, litter, and aesthetic harm; and

WHEREAS, the regulation of political signage in the Village is, within proper limitations, a substantial governmental interest.

NOW, THEREFORE BE IT ORDAINED by the Council of Village of South Russell, County of Geauga, State of Ohio, that:

SECTION 1: Section 2.01(88) "Political Sign" is hereby amended to read as follows:

Political Sign: A temporary sign concerning any candidate, political party, issue, levy, referendum or other matter whatsoever eligible to be voted upon in any general, primary or special election; or any sign advocating action on a public issue or candidate for public office. Such signs must be removed within forty (40) days, but in no event longer than ten (10) days following an election event. Each such sign must be located outside the street right-of-way or 15 feet off the paved portion of the street, whichever is greater. No political sign shall be posted on trees or utility poles. Such signage shall also comply with all other regulations for temporary signs in the zoning district in which the sign is located except as follows:

- (1) Size: The size of a political sign is unrestricted but must not unreasonably interfere with the movement of vehicles or pedestrian traffic or create or constitute a nuisance upon neighboring properties.

- (2) Materials: Must be constructed of materials which will not likely lead to litter.
- (3) Whenever a restriction on Temporary Signs in a particular zoning district conflicts with any restrictions set forth in this Section, the lesser restriction shall apply to political signs.

No permit shall be required for such signs.

SECTION 2. Current Section 2.01(88) "Political Sign", the full text of which follows, is hereby repealed.

Political Sign: A temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within ten (10) days following the election or as otherwise provided by the Ohio Revised Code.


SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 4. This Ordinance shall take effect at the earliest time allowed by law.



Mayor - President of Council

ATTEST:



Fiscal Officer

I certify that Ordinance No. 2009-23 was duly enacted on the 13th day of July 2009, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.



Fiscal Officer