

**TEMPORARY PERMIT APPLICATION
FOR POLITICAL SIGNS
WITHIN THE TOWN LIMITS OF DAVIE**

Candidate/Issue: _____ **Election Date:** _____

Name of Applicant: _____ **Telephone:** _____

THIS APPLICATION MUST BE ACCOMPANIED WITH A \$300 BOND AT THE TIME OF APPLICATION. SIGNS CANNOT BE ERECTED MORE THAN 60 DAYS PRIOR TO THE ELECTION AND MUST BE REMOVED WITHIN 7 DAYS AFTER THE ELECTION. In the event that political signs are erected by a candidate, or regarding an issue, which involves more than one election, the application shall be deemed extended to 7 days after the election to which the signs pertain. If an applicant does not follow the Code regarding political signs, the bond shall be forfeited and the Town is authorized to remove and dispose of signs erected by the candidate.

Signs may be erected beginning _____ and must be removed by _____
(60 days prior to election) (7 days after election)

Signs shall not be placed on Town, State or County rights-of-way or on utility poles or trees. Signs shall also not be placed on property owned by the Town or other governmental agencies or units in the Town unless express permission is received.

Per Florida Statutes 106.1435 - Usage and Removal of Political Campaign Advertisements

- (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.

I hereby acknowledge that I have received a copy of Code Section 12-243(D)(1), concerning political signs. I further acknowledge that any violation of this Section shall result in the forfeiture of my bond and I shall also be subject to further Code enforcement penalties.

(Candidate/Applicant)

(Date)

Receipt Number: _____

Date Sign Bond Posted: _____

Receipt Number: _____

Date Sign Bond Posted: _____

Receipt Number: _____

Date Sign Bond Posted: _____

12-243 (D) *Temporary Signs:*

(1) *Election campaign signs.* Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained provided that:

(a) The size of any such sign is not in excess of sixteen (16) square feet.

(b) The election campaign signs shall not be erected or displayed earlier than ~~thirty (30)~~ sixty (60) days prior to the election to which they pertain; the placement of any such sign requires the permission and consent of the property owner. A list of locations must be filed at the time of deposit (see paragraph (c) below).

(c) The political party or candidate, or an authorized agent, deposits with the town clerk the sum of ~~one~~ three hundred dollars (\$~~1~~300.00) per each ~~thirty (30) signs erected, or fraction thereof,~~ as a guarantee that all the election campaign signs will be removed within seven (7) days after the date of the election to which the signs relate. If the signs are not removed at the end of the seven-day period, the town shall have them removed and ~~keep~~ be due the full appropriate cost recovery fee sum from the deposited as reimbursement to reimburse the town for actual expenses incurred and as identified in town code section 6-9(c).

(d) The provisions of this section shall not apply to what are commonly referred to as "bumper stickers" or "car-top" signs when such signs are placed on motor vehicle bumpers or tops, respectively.

(e) No political or election signs of any type or size, advertisements, handbills, snipe signs or billboards shall be placed on public property owned or used by the town or by other governmental agencies or units in the incorporated areas of the town except when permission and consent is provided by the town or governmental agency; unapproved signs shall be removed immediately.

(f) Any violation of this section shall result in the forfeiture of the appropriate cost recovery fee from the deposit required under paragraph (c) above and shall be subject to further ordinance enforcement penalties.

(g) No election campaign sign shall be placed or maintained in a manner that causes it to be a nuisance to the public health, safety or welfare due to its location, state of disrepair, or by placement in the sight triangle as noted in town code section 12-109(A); if any election campaign sign shall be a nuisance, the town is hereby authorized to remove the sign immediately.

(h) Severability.

This chapter and its sections hereunder, are hereby declared to be independent divisions, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any section of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections and the application of such sections to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections would have been passed independently of such section or provision so known or found to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.

ORDINANCE 2009-28

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING TOWN CODE SECTION 12-243(D)(1) ENTITLED "ELECTION CAMPAIGN SIGNS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Police Department's Code Compliance Division desires to amend Chapter 12-243(D)(1) which is entitled "Election Campaign Signs"; and

WHEREAS, it is in the interest of the residents and citizens of the Town of Davie to insure that all political and election campaign signs in the town shall adhere to the necessary code requirements to insure aesthetically appropriate and safe placement of such signs; and

WHEREAS, the Town Council of the Town of Davie is satisfied that their concern for maintaining the Town's aesthetics while providing equitable regulations for political and election campaign signs that will insure through appropriate usage that the public health, safety and welfare has been addressed through the amendment and revision of this code; and

WHEREAS, by the enactment of the code revisions in this ordinance, the Town Council will insure the creation of fair and equitable procedures that will enable the Town to regulate both the impact upon the Town's aesthetics and the assurance of the citizens' public safety while providing reasonable parameters for all political and election campaign signs placed in the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Purpose. It is the purpose of this ordinance to regulate the requirements for placement, schedule, and applicable relevant criteria related to the use of election campaign signs in the Town. This ordinance seeks to balance the effects upon the public's aesthetics and safety, with the provision of an adequate forum that communicates election campaign messages for the citizens of the Town. It is also intended to establish reasonable and uniform regulations to preclude the proliferation of illegal or unsafe signs in any election campaign period, with the appropriate application of existing code enforcement methods. It is not the purpose or the effect of this ordinance to impose a limitation or restriction upon the use of election campaign signs but only to insure that the appropriate requirements are clearly identified and effectuated by such provisions.

SECTION 2. Definitions.

Political or election campaign signs. Temporary signs advertising political parties, political agendas or candidates for election.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS 7th DAY OF October, 2009

PASSED ON SECOND READING THIS 16th DAY OF December, 2009


MAYOR/COUNCILMEMBER

ATTEST:


TOWN CLERK

APPROVED THIS 16th DAY OF December, 2009