

Prepared by: City Clerk

ORDINANCE NO. 2023-32

AN ORDINANCE OF THE CITY OF VENICE FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 22, ELECTIONS, BY DELETING SECTION 22-7, POLITICAL SIGNS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on July 12, 2005, Ordinance No. 2005-30 was adopted by the Venice City Council to allow placement of political signs after an individual qualified as a candidate; and

WHEREAS, in the 2015 case Reed v. Town of Gilbert, the United States Supreme Court ruled that a sign code that differentiated between different types of signs including “ideological signs,” “political signs,” and “temporary directional signs relating to a qualifying event” violated the First Amendment; and

WHEREAS, the Land Development Code adopted on July 12, 2022 addresses all temporary signs under Chapter 87, Section 3, Development Standards, Subsection 3.5.3.; and

WHEREAS, Section 22-7 of the Code of Ordinances is unconstitutional and not enforced; and

WHEREAS, the City Council desires to amend the Code of Ordinances to conform with federal law.

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

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 22, Elections, Section 22-7, Political signs, is deleted in its entirety as follows:

Sec. 22-7. Political signs.

~~A temporary sign that supports or opposes any political candidate, political issue, political referendum or political party.~~

- ~~(1) Political signs shall be placed only on private property.~~
- ~~(2) Political signs shall not block any intersection or driveway clear sight triangle.~~
- ~~(3) Political signs may be displayed immediately following the time for qualification for each municipal election and no more than 21 days after the election for which they are intended.~~
- ~~(4) Any sign in violation of this section shall be subject to removal by the candidate, the property owner or the city.~~

SECTION 3. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications

thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 12th DAY OF SEPTEMBER 2023.

First Reading: August 22, 2023
Final Reading: September 12, 2023

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 12th day of September 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 12th day of September 2023.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney