

ORDINANCE NO. 2010-35-LR

**REPEALING SECTIONS 1157.15(d)(1) AND 1157.15(d)(2) OF THE GREENHILLS
CODIFIED ORDINANCES AND RENUMBERING THE REMAINING
PROVISIONS OF SECTION 1157.15**

WHEREAS, Section 1157.15 of the Greenhills Codified Ordinances contains provisions related to the display of signs; and

WHEREAS, Council has determined that it is now necessary to repeal certain subsections of Section 1157.15.

NOW, THEREFORE, be it ordained by the Council of the Village of Greenhills, Ohio, 5 members elected thereto concurring.

Section 1.

That Section 1157.15(d)(1) and Section 1157.15(d)(2) are hereby repealed.

Section 2.

The remaining provisions of Section 1157.15(d) shall be renumbered accordingly as set forth in Exhibit A, attached hereto and incorporated herein by reference, and shall remain in full force and effect.

Section 3.

This ordinance shall be effective from and after the earliest period allowed by law.

Passed this 7th day of September, 2010.

Fred Murrell, MAYOR /s/

ATTEST:

Kathryn L. Lives, CLERK OF COUNCIL /s/

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EXHIBIT "A"

1157.15 FIRST AMENDMENT PROTECTION.

(d) First Amendment Safeguards. In order to safeguard the protections offered by the First Amendment of the United States Constitution, the following regulations shall apply:

(1) Signs permitted to be displayed under this Section 1157.15 shall not be placed any closer than five feet from any side or rear property line. No such signs shall be permitted in the right of way. Any sign placed in the right of way may be removed and stored by the Village of Greenhills without prior notice. It is the responsibility of the property owner to properly identify the location of a right of way line. Failure to remove a sign from the right of way shall not waive the Village's future right to remove such sign or any other sign placed in the right of way.

(2) All signs must be maintained in good and safe condition. If the sign permitted under this Section 1157.15 are not maintained in good and safe condition, notice shall be sent to the property owner by regular mail. The property owner shall have seven (7) days from the date of mailing indicated on the notice to restore or replace the sign to a good and safe condition. If the sign is not restored to good and safe condition within seven (7) days, and the owner or occupant of the property has not filed an appeal from the notice, then the owner and/or occupant shall be in violation of this Section and guilty of a minor misdemeanor. Each day that the sign remains in violation of the notice to remove is a separate violation. No additional notices shall be required.

(3) Every parcel that is permitted to display a sign containing a commercial message or other permitted message pursuant to the Zoning Code shall be permitted to display a First Amendment Protected Message in lieu of the permitted commercial or other permitted message. However, this provision shall not apply to existing signs displaying a message necessary for public safety, such as messages directing vehicular or pedestrian flow, parking restriction signs, or fire lane signs. Whether a sign displays a commercial message or a First Amendment Protected Speech message, each sign shall still be subject to the dimensional regulations imposed in each zoning district, including, but not limited to, size, height, area and setback. Signs with the First Amendment Protected Speech Message displayed in lieu of a commercial message shall be permitted in addition to signs displaying the First Amendment Protected Message permitted by this Section 1157.15.