

First Reading: December 5, 2013  
Second Reading: dispensed

RESOLUTION NO. 2013 - 187

**A RESOLUTION ADOPTED UNDER LIMITED HOME RULE AUTHORITY  
PROHIBITING OUTDOOR SIGNS IN THE PUBLIC RIGHT OF WAY, DISPENSING  
WITH THE SECOND READING AND DECLARING AN EMERGENCY**

**WHEREAS**, by virtue of a vote of the electors of Sycamore Township on November 3, 1992, which election was certified on November 17, 1992, Sycamore Township adopted the limited home rule form of Township government; and

**WHEREAS**, it has been brought to the attention of the Trustees of Sycamore Township, Ohio that the placement of signs within the right of way is a blight upon Sycamore Township properties and can create safety issues; and

**WHEREAS**, it is the intention of the Board of Trustees of Sycamore Township, Ohio to prohibit the placement of signs within the public right of way; and

**WHEREAS**, in doing so the Board of Trustees of Sycamore Township, Ohio recognizes the need to check the right of free speech and balance those rights against the safety of the public and the blight created within the Township;

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Township Trustees of Sycamore Township, State of Ohio:

**SECTION 1.** This Resolution is passed in the exercise of this Board's limited home rule powers under chapter 504 of the Ohio Revised Code;

**SECTION 2.** **Definition:** Under this Resolution, "sign" means an outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, or any other thing designed, intended or used to advertise or inform, although the content of such "sign" is irrelevant to its legality under this Resolution;

**SECTION 3.** **Sign Placement Prohibited:** Except as provided otherwise herein, a person, company or other entity may not place or cause to be placed a sign in, on, or upon the right-of-way of a public road within Sycamore Township, Ohio unless the placement of the sign is authorized by state or Township law.

**SECTION 4.** **Exceptions:** (a) This resolution does not apply to directional or informational signs erected by the State of Ohio, Hamilton County, or Sycamore Township on a road or highway within the boundaries of Sycamore Township.

(b) This resolution does not apply to a sign placed in the right-of-way by a public utility or its contractor for the purposes of the utility.

**SECTION 5.**

**Confiscation, Notice and Public Auction:**

(a) The Sycamore Township Planning and Zoning Official (hereinafter, "Zoning Official") may confiscate a sign or signs placed in violation of this Resolution.

(b) If the owner of a confiscated sign is known, the Zoning Official shall notify the owner of the confiscation by certified mail, return receipt requested, no later than the tenth (10) day of the date of confiscation. If the owner of the sign is not known, the Zoning Official shall publish the confiscation in a newspaper of general circulation in the Township no later than the tenth day after the date of the confiscation.

(c) A notice under subsection (b) must:

(1) include a description of the sign and the location from which the sign was confiscated;

(2) include a statement that the owner may reclaim the sign before the twenty-first (21<sup>st</sup>) day after the date the notice was mailed or published if all fines imposed under this chapter are paid; and

(3) state the date, time, and location of the public auction where the sign is to be sold if the sign is not re-claimed.

(d) A notice by publication under subsection (b) may contain multiple listings of confiscated signs.

(e) The Zoning Official may sell a sign at public auction if the sign has not been reclaimed before the twenty-first (21<sup>st</sup>) day after the date the notice under subsection (b) was mailed or published. The Zoning Official shall sell the sign to the highest bidder at the auction.

(f) The Zoning Official shall remit the proceeds of the auction to the general fund.

**SECTION 6.**

**Exemption from notice requirements.** The Zoning Official may discard, sell, or use for Township purposes any sign which is determined by the Zoning Official to have a value less than Twenty Five Dollars (\$25.00) without the notice required under Section 5.

**SECTION 7.**

**Election Signs.** It is a defense to prosecution under this chapter that the offender is a candidate for an elective public office or the sign concerns a ballot issue and the sign and campaign is otherwise in compliance with state and local law.

**SECTION 8.**

**Penalty.** (a) Upon the first violation of this Resolution, the Zoning Official shall issue a warning, either written or oral, to the offender of the existence of this Resolution, that the offender has violated this Resolution, and the penalties for any further violations.

(b) A second violation of this Resolution shall result in the levy of a

civil fine in the amount of Five Hundred Dollars (500.00).

(c) A third and subsequent violation of this Resolution shall result in the levy of a civil fine in the amount of One Thousand Dollars (\$1,000.00)

(d) After the third violation of this Resolution, each day that a person violates Section 2 of this Resolution shall be considered a subsequent violation.

**SECTION 9:**

The Trustees of Sycamore Township upon a unanimous vote, do hereby dispense with the requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

**SECTION 10.**

This resolution is hereby declared to be an emergency measure necessary for immediate preservation of the public peace, health, safety and welfare of Sycamore Township. The reason for the emergency is to protect the citizens of the Township from the blight and safety hazards that are addressed in this Resolution.

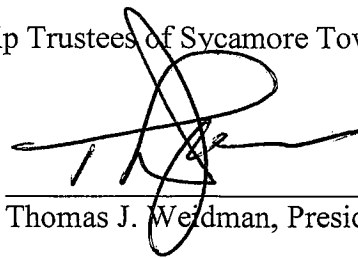
**SECTION 11.**

This Board hereby finds and determines that all formal actions of this Board concerning and related to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**VOTE RECORD:**

Mr. Bishop AYE Mr. Connor AYE Mr. Weidman AYE

Passed at a meeting of the Board of Township Trustees of Sycamore Township this 5<sup>th</sup> day of December, 2013.

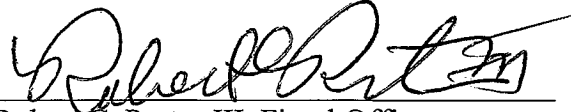
  
Thomas J. Weidman, President

  
Cliff W. Bishop, Vice President

  
Dennis W. Connor, Trustee

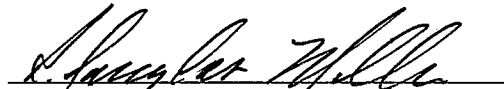
**AUTHENTICATION**

This is to certify that this resolution was duly passed and filed with the Township Fiscal Officer of Sycamore Township this 5<sup>th</sup> day of December, 2013.



Robert C. Porter III, Fiscal Officer  
Sycamore Township, Ohio

**APPROVED AS TO FORM:**

  
R. Douglas Miller, Law Director