



# CITY OF POQUOSON

PLANNING DEPARTMENT

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October 24, 2016

**To:** The Honorable City Council

**Through:** City Manager

**From:** Danna O'Connell, Graduate Management Assistant

**Subject:** **Ordinances Amending Poquoson's Sign Regulations by Revising Chapter 70 – Streets, Sidewalks and Other Public Places**

Presented for your regular session is a resolution to amend Chapter 70 – Streets, Sidewalks and Other Public Places of the City Code of Ordinances. At its March retreat the Council discussed the proliferation of temporary signs within the city right-of-way, and the possibility of changing the Sign Ordinance(s) to streamline and clarify sign regulation, and to reduce excessive signage within residential areas and on public land. City staff reviewed all relevant sections of the City Code pertaining to signs, and presented a set of three resolutions to amend sections of the Code (Chapter 6, Chapter 70 and Appendix D) to Council at a work session on October 11, 2016. Council expressed several concerns and suggestions regarding both the existing sign regulations, and the proposed changes, and decided to return the resolutions to City staff for revision and reconsideration at a later date. However, the resolution modifying Chapter 70 was deemed satisfactory and significant enough to be considered independent of other changes. A modified version of this resolution is therefore presented for consideration at tonight's meeting.

The proposed resolution to modify Chapter 70 amends the language of Section 5 to specify that only signs or structures legally placed in the City right-of-way are protected from interference or removal by anyone other than the structure's legal owner or their representative. The current wording of Section 5 protects all signs, poles or structures placed in the City right-of-way from interference. This poses a significant legal hazard to the city, as the current ordinance makes it effectively illegal to remove any signs placed in the right-of-way, at any time. The amended language will clarify Section 5 to allow for nonconforming signs to be legally removed, while protecting any sign legally permitted by the current or future City Code from tampering or removal, unless said removal is conducted by the sign or structure's rightful owner.

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE CITY CODE  
BY REVISING SECTION 5, INTERFERING WITH SIGNS, POLES, OR STRUCTURES  
WITHIN STREET RIGHT-OF-WAY**

**BE IT ORDAINED** by the Council of the City of Poquoson, Virginia:

**Section 1:** That Chapter 70 of the Code of the City of Poquoson, Virginia be amended by modifying Section 5, Interfering with signs, poles, or structures within street right-of-way, to read as follows:

**Section 70-5. –Interfering with signs, poles or structures within street right-of-way**

It shall be unlawful for any person other than the specific structure's legal owner or their designated representative to interfere in any way with signs, poles, or structures legally erected within the public right-of-way on any street in the city.

**Section 2:** That this ordinance shall be in effect on and after 30 days from its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

City Clerk