

ORDINANCE NO. 10 , 2018

**AN ORDINANCE AMENDING CHAPTER 151.30 OF THE
CODE OF ORDINANCES REGULATING SIGNS**

WHEREAS, the United States Supreme Court in 2015 did decide *Reed v Town of Gilbert, Arizona*, 135 S.Ct. 2218 (2015), which greatly restricted the ability of local communities to regulate signs within the community, particularly temporary signs; and

WHEREAS, to comply with the mandates from the Supreme Court, but to balance the interests of the Montgomery community to appropriately regulate signage, the Administrative staff with Planning Commission has worked carefully to update the Montgomery Sign Code with input from the Miami Valley Risk Management Association, our liability insurer; and

WHEREAS, with notice and an opportunity for testimony as prescribed by law, the Planning Commission has held a series of public hearings on proposed text amendments to Chapter 151.30, and on February 5, 2018 the Planning Commission by unanimous 6-0 vote recommended approval of the attached text amendments to update the Montgomery Sign Code; and

WHEREAS, upon the Planning Commission's recommendation with notice and an opportunity for testimony as prescribed by law, Council did hold a public hearing on the proposed text amendments on April 4, 2018, and after weighing the information compiled by the Planning Commission, Council did unanimously accept such recommendation and authorized proposed legislation to be added to the Council's Agenda for consideration.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. The revised Chapter 151.30 of the Montgomery Code of Ordinances, *Sign Regulations*, as attached hereto and incorporated herein by reference, is hereby adopted in its entirety and shall be made a part of the codified Ordinances of the City of Montgomery.

SECTION 2. (A) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Ordinance, except as limited by subsection (B) of this Section.

(B) Without diminishing or limiting in any way the declaration of severability set forth above in subsection (A) of this Ordinance section or elsewhere in this Chapter 151.30 or the Land Usage Code, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter is declared unconstitutional, such declaration shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise additional standards.

(C) Without diminishing or limiting in any way the declaration of severability set forth above in subsection (A) of this Section, or elsewhere in this Chapter 151.30 or in the Land Usage Code, if any part, section, subsection, paragraph,

subparagraph, sentence, phrase, clause, term or word of this Chapter is, or any other laws are, declared unconstitutional by valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under this Chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter or of any part of the Land Usage Code is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this Chapter, except as expressly provided in subsection (B) of this Section.

SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: July 11 2018

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozi
Christopher P. Dobrozi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon
Terrence M. Donnellon, Law Director