



# **City of Grand Island**

**Tuesday, June 25, 2013**

**Council Session**

## **Item F-1**

**#9433 – Consideration of Amendments to Chapter 31 of the Grand Island City Code Relative to Enforcement Authority of Signs**

**Staff Contact: Mayor Jay Vavricek**

# **Council Agenda Memo**

**From:** Jay Vavricek, Mayor

**Meeting:** June 25, 2013

**Subject:** Consideration of Resolution Defining Specific Actions to be Taken Regarding a Public Nuisance and Amendments to Portions of Grand Island City Code, Chapter 31 with Regard to Enforcement Authority

**Item #s:** F-1 & I-9

**Presenter(s):** Jay Vavricek, Mayor

## **Background**

On June 11, 2013, Council passed Resolution 2013-185, a resolution supporting administration's efforts to abate a public nuisance. This was in regard to property located at 311 East 3<sup>rd</sup> Street and 319 East 5<sup>th</sup> Street here in Grand Island.

## **Discussion**

An additional resolution is needed that sets forth the specific action requested by Council. The word "abate" could be interpreted to mean anything from obtaining a court order to immediate removal by City staff.

In addition to the resolution, a related ordinance is also being brought forward for Council consideration. This ordinance will clear up inconsistent wording in the following City Code sections: §31-7, §31-18, §31-33. The proposed change in these Code sections would expand the referenced duties from just the Chief Building Official/Building Department Director to also include direction to the City Administrator by the Mayor with prior Council approval.

## **Alternatives**

It appears the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve.

2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

### **Recommendation**

The City Administration recommends the Council approve the resolution specifically directing City staff to remove the signs/fence at 311 East 3<sup>rd</sup> Street and 319 East 5<sup>th</sup> Street following the receipt of a Court order supporting such an activity and recommends approval of the ordinance which amends City Code sections §31-7, §31-18, and §31-33 by consistently naming the position charged with the authority as the chief building official and expands the authority to include direction to the City Administrator by the Mayor with prior Council approval.

### **Sample Motion**

Move to approve the resolution and ordinance that adopt the changes noted above.

ORDINANCE NO. 9433

An ordinance to amend portions of Grand Island City Code Chapter 31, pertaining to Signs, to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Chapter 31 of the Grand Island City Code is hereby amended to read as follows:

**§31-7. Removal by City**

It shall be the duty of the ~~eChief bBuilding oOfficial~~ or the City Administrator as directed by the Mayor with the approval of Council to cause to be removed all signs erected in violation of any of the provisions of this chapter, whether such signs are on private or public property.

**§31-18. Business Signs In Public Right-of-Way**

All existing signs placed in the public right-of-way, and any new signs placed in the right-of-way under §31-13 shall be subject to the following requirements:

(A) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall apply for and obtain a License Agreement pursuant to this code prior to erecting or placing said sign.

(B) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall hold the City harmless for any lawsuit, costs or expenses occasioned by any injury, damages or casualty happening to person or property, as a result of problems with the sign.

(C) The City shall have unencumbered access to the space above the right-of-way, occupied by the sign.

(D) The owner or operator of any business or applicant for a sign permit that occupies public right-of-way shall accept and agree that the sign is placed at the owner's sole risk and expense.

(E) Any sign erected, maintained, or existing in violation of the Grand Island City Code may be seized, removed and disposed of by the ~~Building Department Director~~ Chief Building Official or the City Administrator as directed by the Mayor with the approval of Council ~~or his/her designee~~ pursuant to §31-19 of the Grand Island City Code.

**§31-33. Free Standing Yard Signs**

(1) Free Standing Yard signs shall be free standing and shall not be in excess of fifteen (15) square feet in size.

(2) Free Standing Yard signs shall be exempt from Section 31-5 Permits.

(3) Free Standing Yard signs shall not be allowed on any public property or right-of-way.

Approved as to Form	□
June 24, 2013	□ City Attorney

ORDINANCE NO. 9433 (Cont.)

(4) Free Standing Yard signs at street intersections shall not be placed within the triangle formed by the adjacent property lines of the two intersecting streets and the line joining points thirty (30) feet distant along property lines from their point of intersection.

(5) It shall be unlawful to erect free standing yard signs at any time in violation of the Grand Island City Code.

(6) The Chief Building Official or the City Administrator as directed by the Mayor with the approval of Council ~~or his/her designee~~, shall be authorized to seize and remove all signs in violation of this section, and dispose of the same without notice.

(7) The city clerk shall provide copies of this section of the Grand Island City Code to the Hall County Election Commissioner for distribution to all candidates for political office and persons using political free standing yard signs within zoning jurisdiction of the City of Grand Island, or other interested persons.

(8) Free Standing Yard signs utilized to advertise an event shall be removed no later than five (5) days after the event.

SECTION 2. Any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: June 25, 2013.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk