

RESOLUTION NO. 2008-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, BREVARD COUNTY, FLORIDA, APPROVING THE TEMPORARY SUSPENSION OF ENFORCEMENT OF THE TIME LIMITS TO DISPLAY TEMPORARY ON-PREMISES SIGNS SET FORTH IN SECTION 94-76 AND APPROVING THE SUSPENSION OF PERMIT FEES FOR TEMPORARY ON-PREMISES SIGNS IMPOSED BY SECTION 94-35; SUSPENDING SAID CODE PROVISIONS FOR A PERIOD OF SIX (6) MONTHS; PROVIDING FOR ONE (1) SIX (6) MONTH EXTENSION OF THE SUSPENSION PERIOD BY A MAJORITY VOTE OF THE CITY COUNCIL; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority under Section 2(b), Article VIII, of the State Constitution to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, over the course of many months, the City Council and the Planning & Zoning Board have comprehensively reviewed Chapter 94 of the City Code regarding the permitting and regulation of signs; and

WHEREAS, during a sign workshop meeting held on January 31, 2008, the City Council and Planning & Zoning Board reviewed the Chapter 94 regulations applicable to on-premises temporary signs; and

WHEREAS, given the recent downturn in the nation's economy, the City Council desires to temporarily suspend the 30-day display time periods and any permitting fees applicable to temporary on-premises signs as set forth in Chapter 94; and

WHEREAS, the City Council believes that relaxing these provisions of the City Code regarding temporary on-premises signs is in the best interest of the citizens and business owners of Cape Canaveral while the City continues to review and update its sign regulations; and

WHEREAS, the City Council of the City of Cape Canaveral deems that this Resolution is in the best interests of the public health, safety, and welfare of the citizens of Cape Canaveral.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CANAVERAL, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this Resolution.

Section 2. Temporary Suspension of Certain Sign Regulations. The Cape Canaveral City Council hereby approves temporarily suspending enforcement of the following City Code provisions as follows:

A. *Section 94-76. Temporary on-premises signs.* The 30-day time periods imposed by section 94-76 with regard to how many days prior to and following the opening of a new business temporary signs and banners may be erected are hereby suspended for a period of six (6) months from the effective date of this Resolution. All other provisions of section 94-76 shall remain in full force and effect.

B. *Section 94-35. Fees.* Any permit fees set forth in section 94-35 applicable to on-premises temporary signs shall be suspended for a period of six (6) months from the effective date of this Resolution. Any other fee imposed by section 94-35 shall remain in full force and effect.

Section 3. Extension of Suspension Period. The six (6) month suspension period set forth in Section 2 of this Resolution may be extended for one (1) additional six (6) month period by a majority vote of the City Council at a duly held City Council meeting.

Section 4. Termination of Suspension Period. Notwithstanding any other provision of this Resolution, the City Council reserves the right to terminate, at any time, the six (6) month suspension period set forth in Section 2 herein. Any such termination shall be by majority vote of the City Council at a duly held City Council meeting.

Section 5. Repeal of Prior Inconsistent Resolutions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 7. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council of the City of Cape Canaveral, Florida.

[EXECUTION PAGE FOLLOWS]

RESOLVED by the City Council of the City of Cape Canaveral, Florida, in a regular meeting assembled on this 5th day of February, 2008.

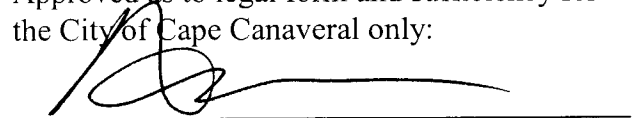

ROCKY RANDELS, Mayor

ATTEST:


SUSAN STILLS, City Clerk

	For	Against
Bob Hoog	<u>Second</u>	_____
Leo Nicholas	<u>X</u>	_____
Rocky Randels	<u>X</u>	_____
Shannon Roberts	<u>X</u>	_____
Buzz Petsos	<u>Motion</u>	_____

Approved as to legal form and sufficiency for
the City of Cape Canaveral only:


ANTHONY A. GARGANESE, City Attorney