

SPECIAL MEETING OF FLORENCE CITY COUNCIL

TUESDAY, OCTOBER 17, 2017 – 4:30 P.M.

CITY CENTER – COUNCIL CHAMBERS

324 W. EVANS STREET

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

III. ORDINANCES IN POSITION

a. An Ordinance to amend Chapter 19, Traffic, of the Code of Ordinances of the City of Florence to enact an Ordinance to regulate usage of and manage signage and other displays in the City's new Municipal Parking Garage

IV. ADJOURN

FLORENCE CITY COUNCIL SPECIAL MEETING

DATE: October 12, 2017

AGENDA ITEM: An Ordinance to amend Chapter 19, Traffic, of the Code of Ordinances of the City of Florence to enact an Ordinance to regulate usage of and manage signage and other displays in the City's new Municipal Parking Garage.

DEPARTMENT: City Administration/City Attorney

I. ISSUE UNDER CONSIDERATION

To amend an Ordinance, Chapter 19, Traffic, of the Code of Ordinances of the City of Florence to enact an Ordinance to regulate usage of and manage signage and other displays in the City's new Municipal Parking Garage

II. ATTACHMENTS

A. See Attached Ordinance



Andrew H. Griffin
City Manager

ORDINANCE NO. 2017-_____

AN ORDINANCE TO AMEND CHAPTER 19, TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF FLORENCE TO ENACT AN ORDINANCE TO REGULATE USAGE OF AND MANAGE SIGNAGE AND OTHER DISPLAYS IN CITY'S NEW MUNICIPAL PARKING GARAGE

WHEREAS, the city of Florence now owns and operates a municipal parking garage in the Downtown Historic District (“Garage”); and

WHEREAS, the Garage is operated by the City in its proprietary capacity such that they are operated as an enterprise; and

WHEREAS, the Garage is maintained and operated for the sole purpose of providing parking to the public; and

WHEREAS, the City recognizes and respects the First Amendment rights of all citizens; and

WHEREAS, the City may, consistent with the United States Constitution, enact reasonable regulations which balance First Amendment rights with the City’s substantial and legitimate interest in promoting public safety and aesthetics; and

WHEREAS, the Garage is not traditionally reserved for expression, and the City has not taken or allowed steps to open the Garage for expression; and

WHEREAS, as such, the Garage is a non-public forum and the City may enact regulations which ensure they are reserved for their intended purposes – to wit, municipal parking facilities operated as a commercial enterprise – provided the regulations are reasonable and view-point neutral; and

WHEREAS, the City is also entitled to full control over its own speech, whether it speaks with its own voice or enlists private parties to convey its message, and the City desires to guard against erroneous attribution of private speech to the City; and

WHEREAS, City Council additionally finds that signs, banners, flags, and other displays that protrude or block openings between parking levels, are placed upon the sides of the Garage, or are of such a height that they extend beyond the top wall of the Garage to the point they are visible from below present a safety hazard to pedestrians and motorists, are inconsistent with the use of the Garage as parking facilities and promote visual clutter; and

WHEREAS, in light of the foregoing, City Council desires to put in place regulations managing the use of the garage and the placement of signs, banners, flags and other displays in or upon the Garage;

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA AS FOLLOWS:

1. **Amendment of Chapter 19.** Chapter 19, Traffic, of the Code of Ordinances of the City of Florence is hereby amended to add a new Article V in order include provisions for a Municipal Parking Garage Ordinance as set forth in Exhibit A which is attached hereto and incorporated herein by reference.

2. **Codification.** The Municipal Code Corporation as codifier of the City of Florence Code shall, in consultation with the City Attorney of Florence, have discretion to make such adjustments in the numbering and sequencing of the article numbers and sections numbers as will reasonably assure compliance with standard practices in codification and to codify the new provisions as soon as feasible after their effective dates.

3. **Severability.** If any part of this Ordinance is held to be invalid or unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such invalid or unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such as holding shall not affect the applicability thereof to any persons, property or circumstances.

4. **Effective Date.** This Ordinance shall become effective immediately upon its approval and adoption on Second Reading.

ADOPTED THIS ____ DAY OF _____, 2017.

Approved as to form:

James W. Peterson, Jr.
City Attorney

Stephen J. Wukela
Mayor

Attest:

Dianne M. Rowan
Municipal Clerk

EXHIBIT A

Article V. Regulation of Municipal Parking Garages

Sec. 19-80. Use of Municipal Parking Garages.

- (a) *General Prohibition.* Municipal Parking Garages in the City of Florence are constructed for the sole purpose of providing parking spaces for vehicles for use of the public in order to facilitate the commercial development of the downtown area and to facilitate life style enhancement by enabling the necessary parking locations to support gatherings in facilities throughout the area. As a result of this purpose, the garages shall be used solely for vehicular parking purposes, and it shall be unlawful to use said garages for the following uses:
- (1) The holding of meetings, assemblies, parties or other such gatherings of individuals for any purpose.
 - (2) Sunbathing, musical events or performances of any kind, the playing of games or sporting events, the setting up of chairs or other furnishings to provide seating or lounging of individuals, or the setting up of displays or exhibits for any purpose.
 - (3) It shall be unlawful for any person or entity, other than the city, to erect, display, place, or affix a “garage sign” in or upon a municipal parking garage.
 - (4) Parking allowed in marked spaces only. Cars parked in travel lanes or parked in a manner that obstructs the normal flow of traffic will be towed.
 - (5) Cars may not be parked across or on the lines marking the parking spaces. Vehicles must be parked between the lines of a single marked parking space.
 - (6) No maintenance or repair of vehicles is allowed in the garage.
 - (7) No soliciting or loitering is allowed in the garage.
 - (8) Consumption of alcohol or drugs in the garage is prohibited and is unlawful.
 - (9) No skateboarding, skating, rollerblading, scooter riding, or bicycling is allowed in the garage. Golf cart usage in the garage shall be regulated to the same extent as it is on public roadways.
 - (10) No storage of vehicles is allowed in the garage without prior written permission of the City.
 - (11) No grilling or cooking of food of any kind is allowed in the garage.

(12) It shall be unlawful for any owner, keeper, or walker of a pet to permit their pet to discharge excreta within the garage or the surrounding public areas unless such person immediately thereafter removes said animals excreta from the area and properly disposes of it.

(13) It shall be unlawful for any person to use the parking garage or any portion of its structure to access the adjacent structures unless the access is through a doorway designed for ingress and egress. The only exception to this rule is for authorized repairs and maintenance of the adjacent structures.

(b) *Definitions.* For purposes of this section the following terms are defined as set out below:

- (1) “Garage sign” means any sign, banner, flag, or other similar display that:
 - i. Protrudes through openings between parking garage levels;
 - ii. Blocks openings between parking garage levels;
 - iii. Is affixed to or otherwise placed upon any surface of a parking garage; or
 - iv. Extends higher than the perimeter wall of the top of the parking garage such that it is readily visible from the adjacent public rights-of-way.