

CITY OF BRIGHTON

CITY COUNCIL ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO REPEALING SPECIFIED SECTIONS OF THE BRIGHTON LAND USE AND DEVELOPMENT CODE RELATED TO POLITICAL SIGNS; AND, SETTING FORTH DETAILS IN RELATION THERETO.

ORDINANCE NO.: 2265

INTRODUCED BY: Edwards

WHEREAS, the Brighton Land Use and Development Code contains certain provisions related to political signs, including a definition thereof, restrictions for the length of time the political sign may be displayed, the allowable size per face of the sign and the aggregate area of all political signs on one lot; and

WHEREAS, a number of federal court decisions have considered the constitutionality of restrictions on political signs located on private property, the latest being *Reed v. Town of Gilbert* ___ U.S. ___, 135 S.Ct. 2218 (2015), in which the United States Supreme Court found the sign code of the Town of Gilbert, Arizona’ an unconstitutional content-based regulation and, therefore, invalid; and

WHEREAS, it is noted by the Court in the *Reed* decision that a variety of signs, including political signs, are problematic as the applicable restrictions and requirements typically rely upon the subject matter or message of the sign itself and as such are presumptively unconstitutional, as the same relate to core First Amendment-protected speech; and

WHEREAS, Brighton, like many other municipalities across the nation, is in the process of evaluating its Land Use and Development Code in light of the *Reed* decision and expects to complete a thorough revision of the Code in calendar year 2017; and

WHEREAS, recognizing that the election process will start soon in Brighton, the City Council finds that addressing the political sign provisions in the Brighton Land Use and Development Code at this time is in the best interest of the citizens; and

WHEREAS, the City Council finds that the inclusion of provisions and restrictions related to “political signs” in the Brighton Land Use and Development Code gives rise to potential legal issues; and

WHEREAS, the City Council finds that the repeal of provisions related to political signs on private property as provided herein are in the best interest of the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON COLORADO, AS FOLLOWS:

Section 1. The definition of “political sign” in ARTICLE 17-20 Section 17-20-100(b). – **Signs/Definitions.** of the Brighton Land Use and Development Code is hereby repealed.

~~**Political sign.** A sign which is allowed for a limited time that does not commercially advertise and which references a local, state or national election, ballot issue, referendum or initiative.~~

Section 2. ARTICLE 17-20 Section 17-20-100 Signs. Subsection (f)(6) of the Brighton Land Use and Development Code is hereby repealed and the remaining subsections renumbered accordingly:

(f) **Signs Permitted in All Zone Districts Without a Permit.** The following signs may be erected and maintained in all zone districts without a permit:

~~(6) Political signs shall be allowed for a period of ninety (90) days prior to and ten (10) days following a national, state, county or local governmental election. No single sign shall exceed thirty two (32) square feet of area on any one (1) face, and the aggregate area of all political signs on one (1) lot area shall not exceed fifty (50) square feet. Political signs not removed after ten (10) days following such election shall be in violation of these regulations. No political signs shall be erected or placed on public streets, parks, alleys or other public areas.~~

Section 3. ARTICLE 17-20 Section 17-20-100 Signs. Subsection (c) (7) of the Brighton Land Use and Development Code is repealed and reenacted to read as follows:

(c) **General Regulations for Signs**

(7) No sign shall be erected **OR PLACED** in a public right-of-way, **PARKS, ALLEYS OR OTHER PUBLIC AREAS** unless otherwise permitted herein. No sign shall visually obstruct a sight or vision triangle. No sign shall be placed, installed, located or maintained in an unsafe manner or so as to obstruct a public or private right-of-way or create a nuisance or an unsafe or dangerous condition. **THE CITY OF BRIGHTON IS NOT RESPONSIBLE FOR ANY DAMAGE OR INJURY CAUSED BY ANY SIGN PLACED IN VIOLATION OF THIS SECTION.**

Section 4. Validity. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

Section 5. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance. The repeal established herein shall not be construed to revive any ordinance or any part thereof that had been previously repealed by any ordinance repealed by this ordinance.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 15th DAY OF August, 2017

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Standard Blade*
First Publication: August 23, 2017

Approved as to Form:

Margaret Brubaker, Esq., City Attorney

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 5th DAY
OF September, 2017.

CITY OF BRIGHTON, COLORADO

Richard N. McLean, Mayor

ATTEST:

Natalie Hoel, City Clerk

Published in the *Standard Blade*
Final Publication: September 13, 2017