

1 STATE OF GEORGIA

2 CITY OF COLLEGE PARK

3 ORDINANCE NO. 2016-14

4 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF COLLEGE PARK,
5 GEORGIA, BY AMENDING ARTICLE XVII-A (SIGNS AND BILLBOARDS) OF
6 APPENDIX A (ZONING) IN ITS ENTIRETY; TO PROVIDE FOR SEVERABILITY; TO
7 REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR
8 OTHER LAWFUL PURPOSES.

9 WHEREAS, the duly elected governing authority of the City of College Park, Georgia
10 (the “City”) is the Mayor and Council thereof; and

11 WHEREAS, the City has the power to regulate the display of outdoor signage within its
12 limits pursuant to its exclusive zoning and planning authority granted by the 1983 Constitution of
13 the State of Georgia, including but not limited to Article IX, Section II, Paragraph IV and Article
14 IX, Section II, Paragraph III; the authority granted by the General Assembly of the State of
15 Georgia, including but limited to O.C.G.A. § 36-70-3; the authority granted under the Charter of
16 the City of College Park, including but not limited to Sections 2-1 and 2-8; as well as the general
17 police powers of the City and other authority provided by federal, state, and local laws applicable
18 hereto; and

19 WHEREAS, the City previously exercised such power, having adopted a comprehensive
20 code governing the manner in which people may display signs and billboards that presently is
21 codified in Article XVII-A of Appendix A of its Code of Ordinances; and

22 **WHEREAS**, the United States Supreme Court’s recent opinion in *Reed v. Town of*
23 *Gilbert, Arizona*, 135 S.Ct. 2218 (2015), clarified the meaning of content neutrality as a central
24 requirement of the First Amendment’s protection of free speech with respect to the regulation of
25 certain types of signs; and

26 **WHEREAS**, the *Gilbert* Court reaffirmed that ordinances which regulate certain signs by
27 category according to the type of information conveyed are content-based and subject to strict
28 scrutiny analysis, the most exacting form of judicial review and one that is exceptionally hard to
29 satisfy; and

30 **WHEREAS**, the *Gilbert* opinion also makes clear that regulations which apply to all
31 signs and use content-neutral standards, such as size, material composition, lighting, moving
32 parts, and portability, would not be subject to strict scrutiny review under the First Amendment
33 and, therefore, would likely to be upheld if challenged; and

34 **WHEREAS**, the City desires to revise its sign and billboard regulations in light of the
35 *Gilbert* opinion by amending the provisions in Article XVII-A (Signs and Billboards) in
36 Appendix A (Zoning) of its Code of Ordinances; and

37 **WHEREAS**, the public health, safety, and general welfare of the citizens of the City will
38 be positively impacted by the adoption of this Ordinance.

39 **NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR**
40 **AND COUNCIL OF THE CITY OF COLLEGE PARK**, and by the authority thereof:

41 **Section 1.** The Code of Ordinances of the City of College Park, Georgia is hereby
42 amended by repealing the provisions of Article XVII-A (Signs and Billboards) in Appendix A

43 (Zoning) in their entirety and inserting in lieu thereof the provisions set forth in Exhibit “A”,
44 which is attached hereto and made a part hereof by reference.

45 Section 2. The preamble of this Ordinance shall be considered to be and is hereby
46 incorporated by reference as if fully set out herein.

47 Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all
48 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
49 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

50 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest
51 extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this
52 Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this
53 Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the
54 greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this
55 Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase
56 of this Ordinance.

57 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
58 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
59 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the
60 express intent of the Mayor and Council that such invalidity, unconstitutionality or
61 unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
62 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
63 sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

64 clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional,
65 enforceable, and of full force and effect.

66 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
67 expressly repealed.

68 Section 5. This Ordinance shall be codified in a manner consistent with the laws of the
69 State of Georgia and the City.


70 Section 6. The effective date of this Ordinance shall be the date of adoption unless
71 otherwise specified herein.

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73 [SIGNATURES CONTINUED ON NEXT PAGE]
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ORDAINED this 18th day of April, 2016.

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CITY OF COLLEGE PARK, GEORGIA


Jack F. Longino, Mayor

ATTEST:


Melissa Brooks, City Clerk

APPROVED BY:


Steven M. Fincher, City Attorney