Cumberland Town Council
Ordinance 2018 - 01
Amending Sign Regulations

Whereas, the Indiana State Legislature passed Public Law 211 in the 2017 legislative Session; and

Whereas, Public Law 211 limits municipalities ability to enforce sign regulations for certain signs 60 day before an election through and ending on the 6th day after the election; and

Whereas, Public Law 211 also grants all persons the ability to substitute noncommercial copy signs in place of any other commercial or noncommercial copy signs without the need for a new or additional permits in order to avoid favoring commercial speech over noncommercial speech; and

Whereas, to comply with this new law and to promote citizen’s freedom of speech and expression, the Cumberland Town Council finds that section 00-15-153-18.5 of the Town of Cumberland Zoning Ordinance shall be amended to add a provision prohibiting the Town from enforcing sign regulations for certain signs 60 day before an election through and ending on the 6th day after the election; and

Whereas, to comply with this new law and to promote citizen’s freedom of speech and expression, the Cumberland Town Council finds that, and section 00-15-153-18.5(2)(B), shall be amended to the Town of Cumberland Zoning Ordinance to allows persons the ability to substitute noncommercial copy signs in place of any other commercial or noncommercial copy signs without the need for a new or additional permit; and
Whereas, this Ordinance has been reviewed and recommended for approval by the Town of Cumberland Plan Commission on January 24, 2018.

Therefore it is ordained that a section, § 00-15-153-18.5, of the Town of Cumberland Zoning Ordinance is amended and the amended section shall read as follows:

“00-15-153-18.5 General Sign Standards

... F. No regulation or ordinance relating to the number or size of signs, the surface area of which is not greater than 32 square feet, is enforceable for the period of time beginning 60 days before an election and ending at 12:01 a.m. of the 6th day after the election, unless enforcement is necessary to ensure public safety.

(a). Definition. For purposes of this section, the following definitions apply:

(1) Surface Area. The surface area is the width of the sign multiplied times the length of the sign. If the sign has two faces, both faces count in the calculation of surface area, unless the faces are mounted back to back and the measure of the angle between the faces is not more than 15 degrees.

(2) Election. An election means a general election, municipal election, primary election, school district election and special elections.”

It is also ordained that a new section, § 00-15-153-18.5(2)(B), of the Town of Cumberland Zoning Ordinance is amended and the amended section shall read as follows:

“Section 00-15-153-18.5(2)(B)

... (e) The Owner of a changeable copy sign may substitute noncommercial copy in place of any other commercial or noncommercial copy. The substitution of copy is allowed by right without a new or additional permit. Nothing in this section should be construed as favoring commercial speech over noncommercial speech or the favoring of any particular noncommercial message over any other noncommercial message.”
It is further ordained that any other provision of the Town of Cumberland Zoning Ordinance which is not specifically amended by this Ordinance shall remain in full force and affect.

It is further ordained that this Ordinance becomes effective upon adoption.

Cumberland Town Council:

Anna Pea, President

Joe Siefker, Vice President

Brian Gritter, Member

Nicole Bell, Member

Attest:

Erica Salmon, Clerk-Treasurer
MEMORANDUM

TO: APRIL FISHER, TOWN MANAGER
    CUMBERLAND TOWN COUNCIL
FROM: CUMBERLAND ADVISORY PLAN COMMISSION
DATE: FEBRUARY 2, 2018
RE: ZONING TEXT AMENDMENT CASE # ZA 18-01

The Cumberland Plan Commission certifies to you the following report on the
Zoning Ordinance Amendment (ZA 18-01) initiated by Town of Cumberland staff.

Staff is requesting technical amendments to the Zoning Ordinance addressing
political signs and billboards.

The Plan Commission held a public hearing for the amendment at their regular
meeting on Wednesday, January 24, 2018. The Plan Commission’s recommendation
to the Cumberland Town Council is favorable by a vote of 4 to 0.

Cumberland Plan Commission
Town of Cumberland, Indiana

By: _______________________
    Belinda Heller, President

___________________________
Christine Owens, Secretary

CJO
Enclosures