

OFFICE OF THE CITY ATTORNEY

OPINION NO. 93-09

TO: Philip V. Bloom, Development Services Director
FROM: Stephen M. Kemp, City Attorney
DATE: October 7, 1993
SUBJECT: Opinion on Removal of on-site signs

QUESTION:

When may the City require the removal of temporary on-site subdivision signs in a subdivision.

OPINION:

The placing of temporary on-site subdivision signs is governed by Section 14-34-8A.24.a of the City Zoning Code which provides:

24. On-Site Subdivision Advertising: A temporary sign used to advertise a recorded subdivision. The sign is located on the premises.
- a) Such signs may be maintained for a period of three (3) years or until all of the lots in the subdivision are sold, whichever occurs first; extensions to 3 year time limit may be requested from the Planning and Zoning Commission.

Under this code provision, the signs shall be removed once all of the lots are sold or at the end of three years, whichever occurs first. The question becomes what is the meaning of the term "sold". It would appear that the intent of this provision is to terminate on-site subdivision advertising at the time that the developer is no longer selling houses.

Based on that intent, it would be our opinion that at the time the Developer has sold the last house in a subdivision, the city may direct the removal of the sign within a reasonable period thereafter.

If you should have any questions, please do not hesitate to contact me.