

**EXCERPT FROM MINUTES OF SPECIAL MEETING HELD MARCH 31, 2009**

Mr. Mears provided a brief explanation of the procedural flaw in the March 24, 2009 adoption of Ordinance 09-4 as an emergency ordinance – that the necessary motion was not first adopted to suspend the provisions of Town Charter § C6-4 *Ordinances*, in order to adopt Ordinance 09-4 as an emergency ordinance, which necessitated the need to follow the correct procedure to adopt this Ordinance 09-5 as an emergency ordinance.

[*Clerk’s note: The Council adopted a motion to adopt Emergency Ordinance 09-5, which supersedes Ordinance 09-4.*]

**COUNCIL OF THE TOWN OF LA PLATA  
Emergency Ordinance 09-4**

---

**Introduced By:** Councilwoman Paretta D. Mudd, mayor pro tem  
**Date Introduced:** March 24, 2009  
**Date Adopted:** March 24, 2009  
**Date Effective:** March 24, 2009

---

1 AN EMERGENCY ORDINANCE concerning

2  
3 **Extension of Temporary Moratorium on Enforcement of Certain Sign and Fee Regulations**

4  
5 **FOR** the purpose of extending temporary moratoria, for a certain duration of time, upon the  
6 enforcement of certain regulations regarding the placement, location and duration of certain  
7 temporary signs in the CB, CBT and CH zoning districts, and upon the payment of certain  
8 fees for the issuance of certain sign permits; providing for the effective date of this  
9 Ordinance and the termination of the moratoria established by this Ordinance; and all matters  
10 generally related to the extension of a temporary moratorium upon the enforcement of certain  
11 regulations relating to certain temporary signs in the Town of La Plata.

12  
13 \* \* \* \* \*

14  
15 **WHEREAS**, after giving consideration to the adverse effects of the economic downturn on  
16 businesses in the Town of La Plata, and to give the Town Council time to evaluate the efficacy of  
17 certain Town regulations relating to certain temporary signs, in order to assist Town business during  
18 and after the holiday season, on December 16, 2008, the Town Council adopted and made effective  
19 Emergency Ordinance 08-25 to impose a temporary moratorium upon the enforcement of certain  
20 Town regulations relating to the placement of, location of, duration of, and payment of fees for the  
21 issuance of permits for, certain temporary signs in the CB, CBT and CH zoning districts in the Town

22 of La Plata; and  
23

24 **WHEREAS**, the Town Council declared their intention to continue to suspend enforcement  
25 of certain provisions of Town Code as they pertain to “banners,” off-site “banners” and off-site  
26 sandwich board signs in the CB, CBT and CH zoning districts, and to any associated applicable  
27 permit fee, for a period to end on or before March 31, 2009; and  
28

29 **WHEREAS**, the Town Council declared their intention to temporarily extend the time that  
30 “banners” are allowed be displayed in the CB, CBT and CH zoning districts to a duration  
31 coterminous with the moratorium established by this Ordinance or three (3) months, whichever first  
32 occurs; and  
33

34 **WHEREAS** the Town Council declared their intention to allow “banners” and sandwich  
35 board signs to be displayed on off-site property in the CB, CBT and CH zoning districts, subject to  
36 the permission of the owner of such off-site property; and  
37

38 **WHEREAS**, after reviewing the impact the moratorium had on the business community, the  
39 Town Council agreed to extend utilization of the moratoria on enforcement of certain provisions.  
40 Now, therefore:  
41

42 **SECTION 1: BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF**  
43 **LA PLATA** that the temporary moratorium is extended as follows:  
44

45 1. As used in this ordinance a “banner” is a temporary sign defined in Section 191-61 of  
46 the La Plata Town Code and that has an area of not more than 32 square feet, and a “sandwich  
47 board” is a type of sign defined in Section 191-61 of the La Plata Town Code.  
48

49 2. The moratoria established by this Ordinance apply to banners and sandwich board  
50 signs located or to be located on properties within the CB, CBT and CH zoning districts.  
51

52 3. There is hereby imposed a moratorium upon the enforcement of the provisions of  
53 Chapter 191 of the La Plata Town Code so that the following will not be deemed to be a violation for  
54 the duration of this moratorium:  
55

56 a. The display of banner signs in the same location for a period of up to June 30,  
57 2009.  
58

59 b. The display of banner signs and sandwich board signs on property within the  
60 CB, CBT and CH zoning districts other than the property on which the business being advertised by  
61 the sign is located, provided any such off-site sign has received the permission of the owner of the  
62 property on which sign will be located.  
63

64 c. The inclusion of the area or number of banner signs in the maximum  
65 allowable area or number of temporary signs otherwise allowed on the property where the banner  
66 signs will be located, or that otherwise may be issued to any one business for the same site in any  
67 calendar year.

68  
69 4. All provisions of the La Plata Town Code, including permit requirements, shall  
70 continue to apply to temporary signs and sandwich board signs in the CB, CBT and CH zoning  
71 districts except as expressly provided in Paragraph 3 above or except to the extent irreconcilably in  
72 conflict with the intent of Paragraph 3 above.

73  
74 5. There is hereby imposed a moratorium upon the collection of a fee otherwise payable  
75 under Section 101-1.E. for the issuance of a permit for any temporary sign that is included within the  
76 moratorium established by this Ordinance.

77  
78 **SECTION 2: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE**  
79 **TOWN OF LA PLATA** that the moratoria established by Section 1 of this Ordinance shall expire  
80 on June 30, 2009, unless sooner terminated by further ordinance of the Town Council.

81  
82 **SECTION 3: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE**  
83 **TOWN OF LA PLATA** that, at least a majority of the entire Council having determined that an  
84 emergency exists, this Ordinance shall become effective immediately upon its approval by the  
85 Council.

86  
87 **ADOPTED** this 24<sup>th</sup> day of March, 2009.

**SEAL:**

**COUNCIL OF THE TOWN OF LA PLATA**

\_\_\_\_\_  
**Roy G. Hale, Mayor**

\_\_\_\_\_  
**James Goldsmith, Councilman**

\_\_\_\_\_  
**Scot D. Lucas, Councilman**

**ATTEST:**

\_\_\_\_\_  
**Paretta D. Mudd, Councilwoman**

*Procedural flaw in adoption - superseded by Emergency Ordinance 09-5*

\_\_\_\_\_  
**Judith T. Frazier, Town Clerk**

Date: \_\_\_\_\_

\_\_\_\_\_  
**Vic E. Newman, Councilman**

**Procedural flaw in adoption - superseded by Emergency Ordinance 09-5**