

CITY OF PLYMOUTH
Ordinance No. 24 of 2024

**AN ORDINANCE AMENDING SECTION 13-1-104 AND
REPEALING SECTION 13-1-105 OF THE CITY OF
PLYMOUTH, WISCONSIN ZONING CODE REGARDING
POLITICAL MESSAGE SIGNS**

WHEREAS, the United States Supreme Court unanimously struck down a local government's sign ordinance that regulated the content of certain signs as a violation of the First Amendment freedom of speech in *Reed v. Town of Gilbert* (135 S. Ct. 2218); and

WHEREAS, as a result of the *Reed* decision, it is necessary and proper for the City of Plymouth to update its zoning code; and

WHEREAS, the State of Wisconsin legislature has not repealed Wis. Stat. § 12.04, which governs the communication of political messages in response to the *Reed* decision, but such statute now has questionable validity; and

WHEREAS, it is appropriate to regulate signs within the City of Plymouth boundaries to protect the aesthetic quality of the City and reduce the potential to create traffic and other public safety hazards; and

WHEREAS, the Plan Commission has reviewed the proposed repeal of section 13-1-105 and has recommended approval of the same; and

WHEREAS, a Class 2 notice of public hearing pursuant to Wis. Stat. § 62.23 was published in the Plymouth Review; and

WHEREAS, pursuant to Wis. Stat. § 62.23(7) the Common Council has determined the herein amendments to the Zoning Code promote the health, safety, and general welfare of the community.

NOW, THEREFORE, the Common Council of the City of Plymouth, Wisconsin, does hereby ordain as follows:

Section 1. Amending Code. Section 13-1-104(f)(5) of the City of Plymouth General Ordinances is hereby amended to read as follows (deletions indicated by strikethrough; insertions by underline):

- "(5) During the 40-day period December 1 to January 10, a property owner may place one temporary sign on the property in addition to those temporary signs otherwise allowed in this subsection (f).

- a.(6) During an election campaign period, each residential property may have up to three signs. No sign may be larger than 11 square feet.

a. Election campaign period means:

1. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.
2. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held."

Section 2. Repealing Code. Section 13-1-105, Political Message Signs, is hereby repealed in its entirety.

Section 3. Severability. Should any portion of this Ordinance or the affected Municipal Code Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 4. Effective Date. This Ordinance shall take effect the day after publication.

Enacted on November 26, 2024.

CITY OF PLYMOUTH



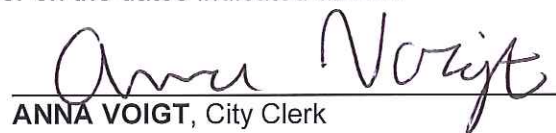
DONALD O. POHLMAN, Mayor

Date: November 26, 2024

CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the City of Plymouth Common Council and approved by the Mayor on the dates indicated above.

Dated: November 26, 2024



ANNA VOIGT, City Clerk