

ORDINANCE NO. 12396
(New Series)

JUL 31 1978^{0, 79-10}

AN EMERGENCY ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.1901, REGARDING THE ONE-YEAR EXTENSION OF THE EXPIRATION DATE OF SAID ORDINANCE RELATING TO OFF-PREMISES ADVERTISING DISPLAYS.

WHEREAS, The City of San Diego enacted Ordinance No. 10795 (New Series) banning off-premises advertising displays within the City of San Diego; and

WHEREAS, Ordinance No. 10795 (New Series) has been declared invalid by the Superior Court and is presently on appeal to the Supreme Court of the State of California; and

WHEREAS, The City of San Diego enacted Ordinance No. 12127 (New Series) to provide for a temporary system of sign control during the pendency of the litigation, which ordinance expires on August 17, 1978; and

WHEREAS, the Supreme Court has had under submission for approximately six months the City's appeal from the adverse ruling concerning the off-premises sign ordinance, but has not rendered a decision; and

WHEREAS, it is necessary, to preserve the public health, safety and general welfare, to extend the period during which Ordinance No. 12127 (New Series) is effective for one year to provide The City of San Diego a reasonable opportunity to evaluate the forthcoming decision of the California Supreme Court and, in the event the decision is adverse to the City, to develop a regulatory ordinance consistent with such decision; and

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WHEREAS, it is essential to the preservation of the public health, safety and general welfare that this ordinance take effect immediately upon its introduction to avoid a period following the expiration of Ordinance No. 12127 (New Series), during which the City of San Diego would be totally without a regulatory system pertaining to off-premises advertising; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1 of the San Diego Municipal Code, be, and it is hereby amended by amending Section 101.1901 to read as follows:

Section 101.1901 THE LIMITATIONS FOR ORDINANCE AND MAINTENANCE OF DISPLAYS

A. This ordinance shall remain in force until August 17, 1979.

B. The following limitations are applicable in the event Ordinance No. 10795 (New Series) is determined to be valid in whole or in part by a final judicial determination from which no further appeal or relief in the courts may be taken.

1. In the event said validating judgment occurs at a time prior to the expiration of this ordinance, then the validated provisions of Ordinance No. 10795 (New Series) shall prevail to the extent that they are inconsistent with this ordinance, except that

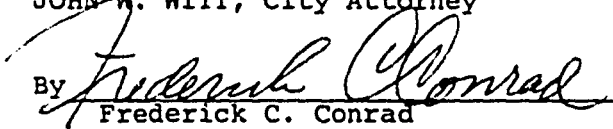
any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days from said final judicial determination.

2. In the event said validating judgment occurs at a time subsequent to the expiration of this ordinance, then any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days of said final judicial determination.

Section 2. This ordinance shall become effective immediately.

APPROVED: JOHN W. WITT, City Attorney

By


Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
7/11/78
680.3
Or. Dept.: Planning

Section 101.1901 THE LIMITATIONS FOR ORDINANCE AND
MAINTENANCE OF DISPLAYS

A. This ordinance shall ~~become-effective-upon~~
~~passage-and~~ remain in force ~~for-one-year-therefrom-~~
until August 17, 1979.

B. The following limitations are applicable in the
event Ordinance No. 10795 (New Series) is determined
to be valid in whole or in part by a final judicial
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(New Series) shall prevail to the extent that they
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to conform to Ordinance No. 10795 (New Series)
within ninety days from said final judicial
determination.

2. In the event said validating judgment occurs
at a time subsequent to the expiration of this
ordinance, then any displays erected pursuant to
this interim ordinance shall be removed or otherwise
be made to conform to Ordinance No. 10795 (New Series)
within ninety days of said final judicial determination.

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Passed and adopted by the Council of The City of San Diego on JUL 31 1978
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Betty Goedberg, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUL 31 1978, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the final reading of said ordinance was in full.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Betty Goedberg, Deputy.

Office of the City Clerk, San Diego, California		
Ordinance Number	<u>12396</u>	Adopted <u>JUL 31 1978</u>

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JK

ATTORNEYS:

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Betty Goldberg

CERTIFICATE OF PUBLICATION

No. 12396

IN THE MATTER OF

OFF-PREMISES ADVERTISING DISPLAYS

ORDINANCE NO. 12396

(New Series)

AN EMERGENCY ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.1901, REGARDING THE ONE-YEAR EXTENSION OF THE EXPIRATION DATE OF SAID ORDINANCE RELATING TO OFF-PREMISES ADVERTISING DISPLAYS.

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WHEREAS, Ordinance No. 10795 (New Series) has been declared invalid by the Superior Court and is presently on appeal to the Supreme Court of the State of California; and

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WHEREAS, the Supreme Court has had under submission for approximately six months the City's appeal from the adverse ruling concerning the off-premises sign ordinance, but has not rendered a decision; and

WHEREAS, it is necessary, to preserve the public health, safety and general welfare, to extend the period during which Ordinance No. 12127 (New Series) is effective for one year to provide The City of San Diego a reasonable opportunity to evaluate the forthcoming decision of the California Supreme Court and, in the event the decision is adverse to the City, to develop a regulatory ordinance consistent with such decisions; and

WHEREAS, it is essential to the preservation of the public health, safety and general welfare that this ordinance take effect immediately upon its introduction to avoid a period following the expiration of Ordinance No. 12127 (New Series), during which the City of San Diego would be totally without a regulatory system pertaining to off-premises advertising; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 1 of the San Diego Municipal Code, be, and it is hereby amended by amending Section 101.1901 to read as follows:

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B. The following limitations are applicable in the event Ordinance No. 10795 (New Series) is determined to be valid in whole or in part by a final judicial determination from which no further appeal or relief in the courts may be taken.

1. In the event said validating judgment occurs at a time prior to the expiration of this ordinance, then the validated provisions of Ordinance No. 10795 (New Series) shall prevail to the extent that they are inconsistent with this ordinance, except that any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days from said final judicial determination.

2. In the event said validating judgment occurs at a time subsequent to the expiration of this ordinance, then any displays erected pursuant to this interim ordinance shall be removed or otherwise be made to conform to Ordinance No. 10795 (New Series) within ninety days of said final judicial determination.

Section 2. This ordinance shall become effective immediately. Passed and adopted by the Council of The City of San Diego on July 17, 1978.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of
San Diego, California.
By BETTY GOLDBERG, Deputy.

USEAL
Pub. Aug. 21, 1978

80-8886

I, EVE C. LASH, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12396

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

August 21, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 25th day of August, 1978


(Signature)

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