

ORDINANCE NO. 0-15158
(New Series)

O. 81-164
(Rev.)

FEB 23 1981

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5,
DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 95.0107, 95.0118, 95.0123
AND 95.0124 OF THE ON-PREMISES SIGN CODE.

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

Section 1. That Chapter IX, Article 5, Division 1 of the
San Diego Municipal Code be and it is hereby amended by amend-
ing Sections 95.0118, 95.0123 and 95.0124 to read as follows:

SEC. 95.0107 PERMIT FEES

A. GENERAL

[No amendment to this section.]

B. BUILDING PERMIT FEE

[No amendment to this section.]

C. SIGN INVENTORY FEE

[No amendment to this section.]

D. TEMPORARY SIGN USE PERMIT FEES

[No amendment to this section.]

E. PENALTY FEE

[No amendment to this section.]

F. APPEAL FEE FOR EXTENSION OF TIME

[No amendment to this section.]

G. APPEAL FEE FOR EXTENSION OF TIME

[This section is deleted.]

SEC. 95.0118 EXISTING SIGNS

A Maintenance Certification Sticker shall be
obtained for every sign in existence on April 5, 1973.

Such sticker shall be obtained within 30 days of receipt of a written notice that such a sticker is required. Signs in existence on April 5, 1973, which do not conform to the provisions of this Code, but which were constructed, erected, affixed, or maintained in compliance with all previous regulations, shall be regarded as non-conforming signs which may be continued until March 1, 1980, before conformance or removal, except for temporary signs and devices, the duration of which may not exceed the times specified by Section 101.1120. Temporary signs and devices shall be controlled by the provisions of Section 101.1120, regardless of the date of original installation. No right to continue the use of temporary signs and devices is conferred by this Section.

Any owner or other person with legal responsibility for a nonconforming sign may seek relief from this provision by applying for an administrative extension of time or by appealing to the Sign Code Board of Appeals for an extension of time pursuant to the provisions of Sections 95.0122, 95.0123 and 95.0124.

Any sign erected under the provisions of Chapter X, Article 1, Division 11, and Chapter IX, Article 5, Division 1 of this Code and subsequent to the effective date of Ordinance No. 11000 (New Series), need not be removed or brought into conformance due to regulatory revisions to Chapter X, Article 1, Division 11, unless said sign is relocated or altered to the extent that a building permit is required.

SEC. 95.0123 APPLICATION FOR EXTENSION OF TIME

A. Administrative Extension of Time

1. The Building Official is authorized to grant, without fee or hearing, an extension of time not to exceed two years beyond March 1, 1981 for the continued use of a nonconforming sign providing the owner or other person with legal responsibility signs an agreement to bring such sign into conformance with the sign code by March 1, 1983.

2. Applications for an administrative extension of time must be submitted on forms provided by the Building Official.

B. Sign Code Board of Appeals Extension of Time

1. The Sign Code Board of Appeals is empowered to grant an extension of time not to exceed two years beyond March 1, 1981 for the continued use of a nonconforming sign providing the owner or other person with legal responsibility files a request for such extension, provides the necessary information on the matters listed in Section 95.0124A and presents reasonable evidence concerning the hardship, if any, imposed on the continuing conduct of the business by the denial of such extension.

2. Applications to the Sign Code Board of Appeals for an extension of time must be filed on forms provided by the Building Official and accompanied by the fee required in Section 95.0107.

3. Applicants will be notified of the hearing date, by mail, at least ten days prior to the scheduled date. Failure to attend a scheduled hearing is grounds for denial of the appeal.

SEC. 95.0124 DECISION OF THE SIGN CODE BOARD OF APPEALS

A. After conducting a public hearing on an application for extension of time under Section 95.0123, the Board may, by resolution, deny said application or grant such extension equal to or less than that applied for where, after hearing testimony or other evidence, it concludes that strict application of the nonconforming sign provisions would be unreasonable as to a particular sign; strict application of the nonconforming sign provisions would create a hardship upon the applicant which was not brought about by an act of the applicant; and the hardship resulting from strict application of the nonconforming sign provisions outweighs any detriment to the public caused by granting an extension of time.

In making a determination as to granting or denying extensions of time, the Board shall consider any evidence presented as to the following matters, but not limited thereto:

1. Age, condition and physical characteristics of the sign;
2. Location;
3. Remaining economic life;
4. Depreciation treatment for income tax purposes;

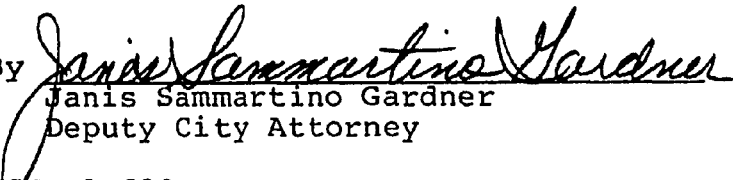
5. Investment in sign;
6. Monopoly or advantage resulting from fact that similar new signs are prohibited;
7. Cost to remove sign and salvage value;
8. Extent of nonconformity.

B. A copy of the resolution made by the Board regarding an extension of time shall be mailed to the applicant. The Building Official shall maintain a file of all such resolutions.

C. The decision of the Sign Code Board of Appeals shall be final.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Janis Sammartino Gardner
Deputy City Attorney

JSG:vl:680

~~1/12/81~~ Rev. 1/29/81

Or. Dept.: T&LU Comm.

0-15458

Passed and adopted by the Council of The City of San Diego on **FEB 23 1981**,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By *Ellen Boward*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 9 1981, and on **FEB 23 1981**

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

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 *Ellen Boward*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-15458** Adopted **FEB 23 1981**