

ORDINANCE NUMBER O-15659 (NEW SERIES)

Adopted on JAN 25 1982

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 95.0126, SUBSECTION C AND BY ADDING SUBSECTIONS F AND G, RELATING TO REMOVAL OF SIGNS POSTED UPON PUBLIC PROPERTY

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

Section 1. That Chapter IX, Article 5, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 95.0126, Subsection C and by adding Subsections F and G to read as follows:

SEC. 95.0126 ENFORCEMENT

A, B, D, E. - No changes.

C. Where any sign or part thereof, other than those referred to in Subsection F, contravenes this Ordinance or where any sign is in such a condition as to be in danger of falling or is a menace to the safety of persons or property, the Building Official shall give to the owner or person in charge of the sign written notice specifying the danger of the violation, ordering the cessation thereof and requiring either the removal of the sign or the carrying out of remedial work in the time and in the manner that the notice shall specify. Such notice shall be posted by registered mail, return receipt requested or delivered to the owner of the sign or person in charge personally. In the event of failure to comply after 10 days from receipt of said notice, the Building Official may request that the City Council declare the sign a public

nuisance, and such sign may be abated in the manner prescribed by applicable law.

F. Any lettering, advertisement, card, poster, sign or notice of any kind placed upon public property, or on any curb, sidewalk, post, pole, lamp post, hydrant, bridge, tree or other surface located on public property, in violation of the provisions of this Code, may be removed without prior notice by any officer or employee of The City of San Diego designated to do so by the City Manager. For purposes of this subsection, public property shall include any public right-of-way.

G. The owner of any lettering, advertisement, card, poster, sign, or notice of any kind placed upon public property, which has been removed by an officer or employee of the City without prior notice to the owner, pursuant to the provisions of Subsection F, may request a hearing conducted by a hearing officer selected by the City Manager. The request for a hearing shall be made in writing to the City Manager and shall be made within ten (10) calendar days from the date of the removal. The purpose of such a hearing shall be limited to determining whether the lettering, advertisement, card, poster, sign or notice was in fact located upon public property in violation of Municipal Code Section 95.0101 A. Upon receiving a written request for a hearing, the City Manager or his delegate shall cause a hearing to be set not less than five (5) nor more than thirty (30) calendar days from the date of receipt of the request and shall in writing, provide notification of the hearing to the applicant by means of

registered mail, certified mail or hand delivery. The notification shall include the date, time and place of hearing. The hearing shall be conducted by a hearing officer selected by the City Manager. The applicant may have the assistance of counsel or may appear by counsel and shall have the right to present evidence.

In the event that the applicant or counsel representing the applicant fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for removal shall be considered un rebutted. A written copy of the hearing officer's decision shall be furnished to the owner of the lettering, advertisement, card, poster, sign or notice or his designated representative. The decision of the hearing officer shall be final and non appealable.

Any lettering, advertisement, card, poster, sign or notice which has been properly removed under this section may be returned to the owner upon payment by the owner to the City of the Administrative cost of removal, as determined by the City Manager or his delegate. If no timely request is made for a hearing or if no demand is made for the return of the materials removed, within 30 days of the date of removal, then the City Manager or his delegate is authorized to destroy or dispose of the removed materials.

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 Thomas F. Steinke
Thomas F. Steinke, Deputy

TFS:lb:680

8/28/81

REV. 10/9/81

ta

0-82-35

Or.Dept: Bldg. Insp.

Passed and adopted by the Council of The City of San Diego on JAN 25 1982,
 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"/>
Ed Struiksma	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Board, 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

JAN 11 1982, and on JAN 25 1982.

~~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 Board, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15659 Adopted JAN 25 1982

RECEIVED
CITY CLERK'S OFFICE

1982 FEB 11 AM 11:26

SAN DIEGO, CALIF.

ledr

CERTIFICATE OF PUBLICATION

San Diego, City of
12th floor, 202 C St.
San Diego, CA 92101
BOVARD

IN THE MATTER OF

NO.

ORDINANCE NO. 0-15659

I, Charlene Lance, 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. 0-15659 (NEW SERIES)

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:

February 8, 1982

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

Dated at San Diego, California this 8th day of Feb., 19 82.

CM Lance
(Signature)

2 1/4" x 2 x 8.06 = 38.29

00122

ORDINANCE NO. 0-15659
(NEW SERIES)
AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 96.0128, SUBSECTION C AND BY ADDING SUBSECTIONS F AND G, RELATING TO REMOVAL OF SIGNS POSTED UPON PUBLIC PROPERTY
This ordinance amends Section 96.0128 of the San Diego Municipal Code by amending Subsection C and by adding Subsection F and G thereto.
This ordinance will authorize designated City personnel to summarily remove noncomplying signs placed upon public property. This ordinance also provides for a post seizure hearing, upon request by the owner of the sign.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Introduced on January 11, 1982.
Passed and adopted by the Council of The City of San Diego on January 25, 1982.
AUTHENTICATED BY:
PETE NELSON, Mayor of The City of San Diego, California.
CHARLES E. ASSELINOUR,
City Clerk of The City of San Diego, California.
(SEAL)
By ELLEN BOVARD, Deputy
Published February 8, 1982