

ORDINANCE NUMBER O- 15924 (New Series)

Adopted on APR 04 1983

AN ORDINANCE ENACTING LIMITATIONS ON POSTING OF
POLITICAL CAMPAIGN SIGNS IN THE PUBLIC RIGHT-OF-
WAY AND PROVIDING REMOVAL PROVISIONS.

WHEREAS, the United States District Court, in the case of
Candidates Outdoor Graphics Service v. City of San Diego, has
issued a preliminary injunction which enjoins the City of San
Diego from enforcing portions of Municipal Code, Section 95.0101
only in the situation presented by political campaign signs
posted in the public right-of-way; and

WHEREAS, the preliminary injunction reserves to the City of
San Diego the authority to prohibit placement of signs in
certain areas and to provide for the removal of signs; and

WHEREAS, it is in the public interest that all participants
in the political process be aware of the limitations applicable
to the posting of political campaign signs and their obligations
to remove or cause to be removed such signs following the
election to which such signs relate; NOW, THEREFORE,

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

1. The enactment of this ordinance does not constitute
approval by the City of San Diego of the placement of political
campaign signs within the public right-of-way. This ordinance
is enacted solely to provide the public with reasonable notice
of the provisions of the preliminary injunction issued by the

United States District Court and to provide regulations of the placement and removal of such signs consistent with the preliminary injunction.

2. RESTRICTIONS ON LOCATION OF POLITICAL CAMPAIGN SIGNS:

No political campaign signs shall be installed:

(a) on any public building;

(b) within any public park, square or other public landscaped area;

(c) on any tree, bush or other vegetation on public property;

(d) on any street light pole, traffic sign post, traffic signal pole, or other pole or structure installed in the public right-of-way by the City of San Diego;

(e) in any manner which obstructs a motorist's clear view of vehicular or pedestrian traffic, traffic control devices or directional signs, impedes a pedestrian's free use of dedicated walkways, or otherwise represents a hazard to vehicular or pedestrian traffic.

3. REMOVAL OF POLITICAL CAMPAIGN SIGNS:

A. The candidate, committee or other identifiable party supporting or opposing a candidate or proposition, hereinafter referred to as "responsible party," shall be given notice of the existence of any signs placed in violation of the provisions of paragraph 2 of this ordinance. Such notification may be given by personal contact, telephone, mail or other manner reasonably calculated to provide notice of the existence and location of such signs. If such signs are not removed or replaced

in a position consistent with the provisions of this ordinance within forty-eight (48) hours of the notification, the City Manager is authorized to cause such signs to be removed and may take such action as he deems appropriate to recover the costs incurred by the City in removing such signs.

Where signs are posted in violation of the provisions of paragraph 2 of this ordinance and the responsible party cannot be identified or contacted or where the hazard posed presents an imminent peril to pedestrian or vehicular traffic, the City of San Diego may remove such signs. Notice of such action shall be given to the responsible party, if such party can be identified and located.

B. Political campaign signs installed in the public right-of-way shall be removed within ten (10) days after the election to which such signs relate. Nothing herein shall require the removal of political campaign signs of a successful candidate in a primary election until ten (10) days after the general election for the office to which the candidate is seeking election.

Notice shall be given to the responsible party, in the manner prescribed in paragraph A, to remove any signs which have not been removed within the period following the election prescribed herein. If signs are not removed within forty-eight (48) hours of the notification, the City Manager is authorized to cause such signs to be removed and may take such action as he deems appropriate, including a civil action commenced in any court of competent

jurisdiction, to recover the costs incurred by the City in removing such signs. The costs incurred shall constitute a debt owed to The City of San Diego.

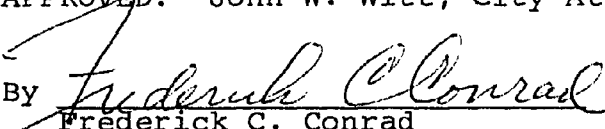
4. SEVERABILITY:

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not effect ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

BE IT FURTHER ORDAINED that 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


Frederick C. Conrad
Chief Deputy City Attorney

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02/28/83
Or.Dept:Plan.
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APR 04 1983

Passed and adopted by the Council of The City of San Diego on _____
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
District 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struiksmā	<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"/>	
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT

AUTHENTICATED BY:

BILL CLEATOR
Deputy Mayor of The City of San Diego, California.

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

(Seal)

By Raymond L. Pontecorvo, 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

MAR 21 1983

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_____, and on _____

~~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 Raymond L. Pontecorvo, Deputy.

Office of the City Clerk, San Diego, California

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