

ORDINANCE NUMBER O- **16150** (New Series)

Adopted on **FEB 6 1984**

AN ORDINANCE AMENDING CHAPTER I, ARTICLE 1, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 11.12, RELATING TO VIOLATIONS, AND CHAPTER IX, ARTICLE 5, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 95.0102, 95.0118 AND 95.0123 AND REPEALING SECTIONS 95.0119, 95.0121, 95.0122, 95.0124 AND 95.0125, RELATING TO NONCONFORMING SIGNS.

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

Section 1. That Chapter I, Article 1, Division 12, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 11.12 to read as follows:

SEC. 11.12 VIOLATIONS - MISDEMEANORS AND INFRACTIONS

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction; and, with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall constitute an infraction. Any person convicted of a

misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the City Jail for a period of not more than six months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punishable accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code, shall be deemed a public nuisance and may be, by this City, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

In addition to any other remedy provided by this section, the provisions of this Code may be enforced by injunction issued by the Superior Court upon suit therefor by The City of San Diego.

Section 2. That Chapter IX, Article 5, Division 1, of the

San Diego Municipal Code be, and the same is hereby amended by amending Sections 95.0102, 95.0118 and 95.0123 to read as follows:

SEC. 95.0102 PERMITS REQUIRED

A. Every person, firm or corporation shall, before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, obtain from the Building Official a Building Permit. The Building Permit will include authorization for any electrical work within the sign. A separate Building Permit shall be required for each sign. Building Permits for signs will not be issued to any business maintaining a nonconforming sign or signs unless the proposed work includes the removal or modification of all such nonconforming signs to conform to the provisions of this ordinance.

B. and C. - No change.

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 nonconforming signs which must be either removed or modified to conform to the provisions of this ordinance by May 15, 1984.

Any owner or other person with legal responsibility for a nonconforming sign may apply for a Conditional Extension of Time for certain nonconforming signs under the provisions of Section 95.0123.

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 CONDITIONAL EXTENSION OF TIME

A. A Conditional Extension of Time is an approval to maintain existing nonconforming signs beyond May 15, 1984 under specific conditions which require the removal or modification of such signs at the time the owner takes certain identified actions or, if no such actions occur, until March 1, 1988. It is the sign owners responsibility to apply for a Conditional Extension of Time, on forms provided by the Building Official, no later than May 15, 1984. The Building Official is authorized to grant Conditional Extensions of Time, upon application, without fee or hearing, for those signs qualifying under this Section.

B. Conditional Extensions of Time shall not be granted for existing nonconforming signs where the number

of ground, roof or projecting signs or any combination thereof exceeds the number permitted by the provisions of Municipal Code, Sections 101.1112, 101.1114 and 101.1115.

C. Conditional Extensions of Time not prohibited by the provisions of paragraph B above may be granted for other nonconforming signs provided the owner or other person having legal responsibility for such signs enters into an agreement with The City of San Diego to bring all nonconforming signs into conformance with the provisions of this ordinance before any of the following actions or events occur:

1. The business is sold.
2. The basic sign copy is changed.
3. The existing signs are modified.
4. New signs are added.
5. The exterior of the premises is remodeled.
6. On March 1, 1988.

D. A notice of issuance of Conditional Extension of Time shall be recorded in the office of the County Recorder of San Diego County.

Section 3. That Chapter IX, Article 5, Division 1, of the San Diego Municipal Code be, and the same is hereby amended by repealing Sections 95.0119, 95.0121, 95.0122, 95.0124 and 95.0125 as follows:

SEC. 95.0119 NONCONFORMING SIGNS AND THEIR REMOVAL

SEC. 95.0121 THE SIGN CODE BOARD OF APPEALS

SEC. 95.0122 POWERS AND DUTIES OF THE SIGN CODE BOARD OF APPEALS


SEC. 95.0124 DECISION OF THE SIGN CODE BOARD OF APPEALS

SEC. 95.0125 REQUEST FOR INTERPRETATION.

Section 4. 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

FCC:ib:680

12/28/83

O-84-131

Or.Dept:Bldg.Insp.

Form=o.none

SEC. 11.09

8-81

SEC. 11.09 SERVICE OF NOTICES

Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such person to be notified at his last known business or residence address as the name appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

(Incorp. 1-22-52 by Ord. 5046 N.S.)

SEC. 11.10 PROOF OF NOTICES

Proof of giving any notice may be made by the certificate of any officer or employee of this City or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

(Incorp. 1-22-52 by Ord. 5046 N.S.)

SEC. 11.11 VALIDITY OF CODE - SEVERABILITY

If any Section, Subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Council of this City hereby declares that it would have adopted this Code and each Section, Subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more Sections, Subsections, clauses, phrases or portions be declared invalid or unconstitutional. This Section shall apply to all amendments heretofore or hereafter made to this Code.

(Incorp. 1-22-52 by Ord. 5046 N.S.)

(Amended 7-13-81 by Ord. 0-15542 N.S.)

SEC. 11.12 VIOLATIONS - MISDEMEANORS AND INFRACTIONS

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction; and, with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall constitute an infraction. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the City Jail for a period of not more than six months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by fine only as follows: Upon a first conviction by a fine of not exceeding two hundred fifty dollars (\$250) and for a second conviction or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars (\$500).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punishable accordingly. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this City, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

(Incorp. 1-22-52 by Ord. 5046 N.S.)

(Amended 11-4-69 by Ord. 10169 N.S.)

(Amended 5-29-79 by Ord. 12664 N.S.)

SEC. 11.12.1 FURNISHING FALSE OR INCOMPLETE INFORMATION PROHIBITED

(A) Purpose and intent. It is the purpose and intent of the Council that every applicant for City licenses, permits, certificates, employment or other City actions under the provisions of the San Diego Municipal Code should be required to furnish true and complete information.

(B) No person wilfully shall make a false statement or fail to report any material fact in any application for City license, permit, certificate, employment or other City action under the provisions of the San Diego Municipal Code.

(Added 2-3-63 by Ord. 8783 N.S.)

SEC. 11.13 ACTS INCLUDE CAUSING, AIDING AND ABETTING

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding or abetting such act or omission.

(Incorp. 1-22-52 by Ord. 5046 N.S.)

SEC. 95.0102 PERMITS REQUIRED

A. Every person, firm or corporation shall, before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, obtain from the Building Official a Building Permit. The Building Permit will include authorization for any electrical work within the sign. A separate Building Permit shall be required for each sign.

B. Every person, firm or corporation shall, before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, obtain from the Building Official a Maintenance Certification Sticker which shall be renewed biennially for as long as the sign is used. A sticker is required for each on-premises sign. This sticker is applicable to one sign at one location only and is transferable to a new owner or lessee.

C. Every person, firm or corporation shall, before erecting, installing, placing, constructing, altering or moving any temporary sign (including wind signs), obtain from the Building Official a temporary sign use permit. A separate temporary sign use permit shall be required for each sign.

(Old Sec. 95.0102 - HAZARDOUS LOCATIONS - Incorp. 1-22-52 by Ord. 5046 N.S., contained in Ord. 4648 N.S. adopted 1-2-51.)

(Old Sec. 95.0102 - SIGNS IN HAZARDOUS LOCATIONS - Amended 8-2-54 by Ord. 6231 N.S.)

(Amended and Renumbered 3-13-56 by Ord. 6897 N.S., now in Sec. 95.0117.)

(Old Sec. 95.0102 - LIMITATIONS ON USE OF APPROVED COMBUSTIBLE PLASTICS - Added 3-13-56 by Ord. 6897 N.S.)

(Repealed 3-6-73 by Ord. 11000 N.S.)

(New Sec. 95.0102 Added 3-6-73 by Ord. 11000 N.S.)

(Amended 11-12-75 by Ord. 11718 N.S.)

SEC. 95.0103 PERMITS NOT REQUIRED**A. GENERAL**

All provisions of this Code shall apply to the following signs except that permits shall not be required as provided in this section.

B. BUILDING PERMITS

A Building Permit shall not be required for:

1. Changing of the copy of a sign, bulletin board, poster board, display encasement, marquee, or maintenance, where no structural and/or electrical changes are made; changing of interchangeable letters on signs designed for use of interchangeable letters.

2. Temporary, non-illuminated, real estate signs, advertising the sale, lease, or rental of premises on which the sign is located. Such signs may be altered to indicate the sale of the premises.

3. Temporary, non-illuminated signs erected in connection with new construction work when such signs are displayed only during such time as the actual construction work is in progress, provided that such signs are located only at the site of the construction work and shall serve only to identify the architects, engineers, contractors, and other individual firms involved in the construction and/or proposed use of the building, but shall not contain any advertisement of any product.

4. Private or commercial nameplate identification wall signs, or combination nameplate and street address identification wall signs, when such signs do not exceed four square feet, are not illuminated, do not project over a public right-of-way, and have letters not exceeding three inches in average height.

5. Warning or notice-type signs, such as trespass signs, private driveway, no dumping, and customer parking signs, when such signs do not exceed 12 square feet in area, are not illuminated, and do not project over a public right-of-way.

6. Bulletin boards for charitable or religious organizations when such signs and supporting structures do not exceed 16 square feet in area, are not illuminated, are erected on the premises to which the sign pertains, and do not project over a public right-of-way.

7. Tablets, such as memorials, cornerstones, name of a building, date of erection, use of building, when built into the walls of a building.

8. Temporary window signs, and permanent window signs as regulated by Section 101.1116 D.

9. Temporary banner signs and pennants.

C. MAINTENANCE CERTIFICATION STICKERS

A Maintenance Certification Sticker shall not be required for:

1. Temporary, non-illuminated real estate signs, not more than 12 square feet in area, advertising the sale, lease, or rental of premises on which the sign is located.

2. Temporary, non-illuminated signs erected in connection with new construction work when such signs do not exceed 16 square feet in area and are displayed only during such time as the actual construction work is in progress, provided that such signs are located only at the site of the construction work and shall serve only to identify the architects, engineers, contractors, and other individual firms involved in the construction and/or proposed use of the building, but shall not contain any advertisement of any product.

SEC. 95.0113 REQUIRED CLEARANCES

(Old Sec. 95.0113 – ROOF SIGNS - Amended 3-20-56 by Ord. 6897 N.S.)
 (Amended 6-30-64 by Ord. 9039 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (New Sec. 95.0113 Added 3-6-73 by Ord. 11000 N.S.)
 (Repealed 11-12-75 by Ord. 11718 N.S.)

SEC. 95.0114 ELECTRICAL WORK

(Old Sec. 95.0114 – WALL SIGNS - Amended 3-20-56 by Ord. 6897 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (New Sec. 95.0114 Added 3-6-73 by Ord. 11000 N.S.)
 (Repealed 11-12-75 by Ord. 11718 N.S.)

SEC. 95.0115 PLASTIC

(Old Sec. 95.0115 – PROJECTING SIGNS - Amended 8-17-54 by Ord. 6231 N.S.)
 (Amended 3-20-56 by Ord. 6897 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (New Sec. 95.0115 Added 3-6-73 by Ord. 11000 N.S.)
 (Repealed 11-12-75 by Ord. 11718 N.S.)

SEC. 95.0116 STEEL DECORATIONS AND TRIM

(Old Sec. 95.0116 – THICKNESS OF SIGNS - Amended 8-17-54 by Ord. 6231 N.S.)
 (Amended 3-20-56 by Ord. 6897 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (New Sec. 95.0116 Added 3-6-73 by Ord. 11000 N.S.)
 (Repealed 11-12-75 by Ord. 11718 N.S.)

SEC. 95.0117 DESIGN AND FABRICATION OF PLASTIC SIGN FACES

(Old Sec. 95.0117 – UNAUTHORIZED SIGNS AND ELECTRICAL DEVICES - Amended 8-17-54 by Ord. 6231 N.S.)
 (Renumbered 3-20-56 by Ord. 6897 N.S.)
 (Amended 1-5-60 by Ord. 8225 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (New Sec. 95.0117 Added 3-6-73 by Ord. 11000 N.S.)
 (Repealed 11-12-75 by Ord. 11718 N.S.)

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 nonconforming 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.

(Old Sec. 95.0118 – PUBLIC PROPERTY PROHIBITION – Renumbered 95.0126, 3-20-56 by Ord. 6897 N.S.)
 (Added 3-20-56 by Ord. 6897 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (New Sec. 95.0118 Added 3-6-73 by Ord. 11000 N.S.)
 (Amended 5-17-73 by Ord. 11064 N.S.)
 (Amended 11-12-75 by Ord. 11718 N.S.)
 (Amended 5-5-80 by Ord. 0-15256 N.S.)
 (Amended 2-23-81 by Ord. 0-15458 N.S.)

SEC. 95.0118.1 NONCONFORMING SIGNS ON REZONED PROPERTY

Notwithstanding any provisions in this Code to the contrary, signs constructed, erected, affixed, or maintained in compliance with regulations applicable to the zone in which signs were located which become nonconforming due to a rezoning of the property subsequent to April 5, 1973, may continue to be used for a period of seven years from the effective date of the rezoning action before conformance or removal.

(Added 10-5-77 by Ord. 12167 N.S.)

SEC. 95.0119 NONCONFORMING SIGNS AND THEIR REMOVAL

Nonconforming signs and/or parts thereof, including sign supports, may be declared "Public Nuisances" and then shall be abated as prescribed by law.

(Old Sec. 95.0119 - REMOVAL OF NON-CONFORMING SIGNS - Amended 3-20-56 by Ord. 6897 N.S.)

(Repealed 3-6-73 by Ord. 11000 N.S.)

(New Sec. 95.0119 Added 3-6-73 by Ord. 11000 N.S.)

(Amended 11-12-75 by Ord. 11718 N.S.)

SEC. 95.0120 SIGNS ON ANNEXED PROPERTY

Maintenance Certification Stickers for existing signs located on newly annexed properties shall be obtained within three months after the effective date of the annexation.

Nonconforming signs shall be brought into conformance or removed within five years after the effective date of the annexation.

(Old Sec. 95.0120 - NATIONAL CODE REQUIREMENTS - Renumbered 95.0127, 3-20-56 by Ord. 6897 N.S.)

(Added 3-20-56 by Ord. 6897 N.S.)

(Repealed 3-6-73 by Ord. 11000 N.S.)

(New Sec. 95.0120 Added 3-6-73 by Ord. 11000 N.S.)

(Amended 11-12-75 by Ord. 11718 N.S.)

SEC. 95.0121 THE SIGN CODE BOARD OF APPEALS

There is hereby created a Sign Code Board of Appeals. The Board shall consist of five voting members, who shall serve without compensation. The members of the Board shall be appointed by the Mayor and confirmed by the Council. The members shall serve two-year terms and each member shall serve until his successor is duly appointed and qualified. Two members of the Board as originally constituted shall be appointed for one-year terms so that the terms of not more than three members shall expire in any year. The expiration date shall be March 1. During March of each year the Mayor shall designate one member as Chairman. However, in the absence of such designation, the Board shall, on or after April 15, select a Chairman from among its members.

The Planning Director or a designated representative, the Building Official or a designated representative, and the City Attorney or a designated representative, shall serve as non-voting members of the Board and shall act in an advisory capacity.

The Board shall meet regularly once a month or oftener, if necessary, for the transaction of business. It shall establish its own rules and procedures necessary or convenient for the conduct of its business.

Three members of the Board shall constitute a quorum. The affirmative vote of not less than three members shall be necessary for any action by the Board.

(Old Sec. 95.0121 - IDENTIFICATION - Renumbered 95.0128, 3-20-56 by Ord. 6897 N.S.)

(Added 3-20-56 by Ord. 6897 N.S.)

(Repealed 3-6-73 by Ord. 11000 N.S.)

(New Sec. 95.0121 Added 3-6-73 by Ord. 11000 N.S.)

SEC. 95.0122 POWERS AND DUTIES OF THE SIGN CODE BOARD OF APPEALS

The Sign Code Board of Appeals is empowered to: (1) Recommend reasonable interpretations of the provisions of this Division upon appeal by a sign owner, user or other concerned party as to the application of said provisions; and (2) Grant extensions of time not to exceed two (2) years beyond the termination period specified under Section 95.0118 as to nonconforming signs.

(Old Sec. 95.0122 - REFLECTED ILLUMINATION PROHIBITED - Amended 8-17-54 by Ord. 6231 N.S.)

(Amended 3-20-56 by ord. 6897 N.S.)

(Repealed 3-6-73 by Ord. 11000 N.S.)

(New Sec. 95.0122 Added 3-6-73 by Ord. 11000 N.S.)

(Amended 11-12-75 by Ord. 11718 N.S.)

(Amended 5-5-80 by Ord. 0-15256 N.S.)

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.~~

~~9. 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. 95.0123 - ILLUMINATED WHEN - Repealed 3-20-56 by Ord. 6897 N.S.)
 (Renumbered 3-20-56 by Ord. 6897 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (Sec. 95.0123 - EXTENSIONS OF TIME - Added 3-6-73 by Ord. 11000 N.S.; repealed 11-12-75 by Ord. 11718 N.S.)
 (Sec. 95.0123 - APPLICATION FOR EXTENSION OF TIME - Added 11-12-75 by Ord. 11718 N.S.)
 (Amended 2-23-81 by Ord. 0-15458 N.S.)

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.
 (Sec. 95.0124 - ERECTION BY ELECTRICIANS - WHEN - Repealed 3-20-56 by Ord. 6897 N.S.)

(Renumbered 3-20-56 by Ord. 6897 N.S.)
 (Repealed 3-6-73 by Ord. 11000 N.S.)
 (Sec. 95.0124 - APPEAL TO THE SIGN CODE BOARD OF APPEALS - Added 3-6-73 by Ord. 11000 N.S.; repealed 11-12-75 by Ord. 11718 N.S.)
 (Sec. 95.0124 - DECISION OF THE SIGN CODE BOARD OF APPEALS - Added 11-12-75 by Ord. 11718 N.S.)
 (Amended 2-23-81 by Ord. 0-15458 N.S.)

SEC. 95.0125 REQUEST FOR INTERPRETATION

A Request or Interpretation of any provision of this Division may be made to the Sign Code Board of Appeals by the applicant, any governing body or agency, by any owner of real property located within the City, or by any resident of the City. Such request shall be filed not later than ten days after the date on which the Building Official rendered a decision involving the provision which affected the applicant.

A. Requests for Interpretation shall be in writing and shall be filed (in duplicate) in the office of the Building Official upon forms provided and shall specify wherein there is a misinterpretation of this Division.

B. A request for Interpretation filed with the Building Official within the time specified in this section stays proceedings in the matter.

C. Upon filing of a Request for Interpretation, the Building Official shall set the matter for a public hearing before the Sign Control Board of Appeals and shall give the applicant notice of the time and purpose of the hearing. Notice shall be given at least ten days before the date on which the hearing is to occur.

Passed and adopted by the Council of The City of San Diego on FEB 6 1984,
 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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
 Mayor of The City of San Diego, California.

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

(Seal)

By Barbara Burridge, 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 23 1984, and on FEB 6 1984.

~~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 Barbara Burridge, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	<u>0-16150</u> Adopted: <u>FEB 6 1984</u>

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CERTIFICATE OF PUBLICATION 1984 AM 10: 30

SAN DIEGO, CALIF.

CITY OF SAN DIEGO
ATTN: BARBARA BERRIDGE
202 C St., 12th Floor
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16150

**ORDINANCE NO. O-16150
(New Series)**

AN ORDINANCE AMENDING CHAPTER I, ARTICLE 1, DIVISION 12, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 11.12, RELATING TO VIOLATIONS, AND CHAPTER IX, ARTICLE 8, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 05.0102, 05.0118 AND 05.0123 AND REPEALING SECTIONS 05.0118, 05.0121, 05.0122, 05.0124 and 05.0125, RELATING TO NONCONFORMING SIGNS.

The ordinance amends Municipal Code Section 11.12 by adding a provision that authorizes The City of San Diego to enforce the provisions of the Municipal Code by Injunction.

The ordinance amends the provisions of the Municipal Code relating to nonconforming signs by providing for the continued use of such signs subject to certain terms and conditions and provides for the removal or modification of such signs no later than March 1, 1989, or sooner in certain circumstances.

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 JANUARY 23, 1984.

Passed and adopted by the Council of The City of San Diego FEBRUARY 6, 1984.

AUTHENTICATED BY:

ROGER HEDGECOCK,

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR,

City Clerk of The City of San Diego, California

By BARBARA BERRIDGE, Deputy
Publish Feb. 21, 1984

00-2827

I, Carrie Gedeon, 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. O-16150
(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 21, 1984

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

Dated at San Diego, California this 21st day of Feb., 19 84.

5 1/2" X 8.87 = 48.79

Carrie Gedeon
(Signature)

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