

(O-85-195)

ORDINANCE NUMBER O- 16446 (NEW SERIES)

ADOPTED ON JUN 17 1985

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 95.0100, 95.0101, 95.0102, 95.0103, 95.0104, 95.0105, 95.0106, 95.0107, 95.0108, 95.0110, 95.0111, 95.0112, 95.0123 AND 95.0126, REGARDING SIGNS AND HOUSE NUMBERS.

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 the same is hereby amended by amending Sections 95.0100, 95.0101, 95.0102, 95.0103, 95.0104, 95.0105, 95.0106, 95.0107, 95.0108, 95.0110, 95.0111, 95.0112, 95.0123 and 95.0126, to read as follows:

SEC. 95.0100 ADMINISTRATION AND ENFORCEMENT

This Division shall be administered by the Planning Director.

SEC. 95.0101 PUBLIC PROPERTY LIMITATIONS

A., B., C. and D. - No change.

E. No person shall construct or install street banners or decorations over public property except as herein permitted and only after the issuance of a valid permit therefor.

1. The applicant for such permit shall pay a fee as established by resolution of the City Council and filed in the office of the City Clerk.

If no permit is issued, a portion of the application fee as determined by City Council and filed in the office of the City Clerk may be refunded. Such permit is granted upon the condition that the permittee shall indemnify and save free and harmless the City of San Diego against any of the liabilities mentioned in this Section.

The applicant shall file with the City a policy of insurance against public liability and property damage with an insurance carrier satisfactory to the City. Such public liability and property damage insurance policy shall provide coverage in amounts of not less than \$100,000 for one person injured in one accident; not less than \$300,000 for more than one person injured in one accident; and not less than \$25,000 with respect to any property damage in any one accident; said policy shall name the City of San Diego as an additional insured; and said policy shall be maintained in full force and effect until such time as all banners, decorations, equipment, wiring and supports have been removed as determined by the Planning Director. In requirements of this Section as to the amounts covered in the policy and as to the maintenance of insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages to persons or property.

2. The Planning Director may issue the permit for decorations in accordance with the conditions herein imposed. The permit shall state the period during which such decorations may be maintained and shall state the final date on which such decorations must be removed.

3. Applications for permits shall be made in the following manner:

a. A written application on prescribed forms shall be submitted to the Planning Director.

b. The applicant shall furnish a description of the decorations to be installed, together with sketches, diagrams or other information required by the Planning Director.

c. - No change.

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 Planning Director a Sign Permit. The Sign Permit will include authorization for any electrical work within the sign. A separate Sign Permit shall be required for each sign. Sign Permits 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.

When structural or electrical engineering analysis is required, such analysis shall be approved by the Building Official. Where the installation of a sign would require modification of a structure, a Building Permit may be required pursuant to Chapter IX, Article 1 of this Code.

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 Planning Director 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 Planning Director a temporary sign use permit. A separate temporary sign use permit shall be required for each sign.

SEC. 95.0103 PERMITS NOT REQUIRED

A. - No change.

B. SIGN PERMITS

A Sign Permit shall not be required for:

1., 2., 3., 4., 5., 6., 7., 8. and 9. - No change.

C. - No change.

1., 2., 3., 4., 5., 6. and 7. - No change.

D. - No change.

1., 2. and 3. - No change.

SEC. 95.0104 INSPECTIONS REQUIRED

A. Sign Permit. All work for which a Sign Permit is required shall be inspected by the Planning Director. The permittee or his agent shall notify the Planning Director at least 24 hours in advance, that the work is ready for inspection, at the following stages:

1., 2., 3. and 4. - No change.

The Planning Director, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.

B. Maintenance Certification Sticker. All signs for which a sticker is required shall be subject to inspection biennially by the Planning Director. The Planning Director and his deputies are hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being obeyed.

Such entrance shall be made during business hours unless an emergency exists. A sign user shall provide all necessary access and equipment to the Planning Director for the purpose of conducting the required inspection.

SEC. 95.0105 REVOCATION OF PERMITS FOR NON-USE

If the work authorized by any Sign Permit is not commenced within 90 days, or is suspended or abandoned for 120 days, the permit shall become null and void. Any Sign Permit shall expire after one calendar year from the date of issuance.

SEC. 95.0106 SIGN PERMIT APPLICATION

Application for a Sign Permit shall be made in writing upon forms provided by the City and shall state the following information:

A., B., C., D., E., F., G., H. and I. - No change.

SEC. 95.0107 PERMIT FEES

A. - No change.

B. SIGN PERMIT FEE

Fees for Sign Permits for each sign erected, installed, affixed, structurally or electrically altered, relocated, or created by painting shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

A portion of the fees provided for in this Section as determined by the Planning Director, who is hereby so authorized to determine, may be refunded in the event

that no portion of any work authorized by the permit has been performed and provided that no inspections have been made. Such refund may be authorized by the Planning Director upon application by the permittee within 90 days from the date of permit issuance. Prior to authorization of any refund under the provisions of this Section, the Planning Director shall require that the permittee's copy of the issued permit as well as the Sign Permit sticker are returned to the Planning Department.

C. - No change.

1., 2. and 3. - No change.

D. - No change.

1., 2. and 3. - No change.

E. - No change.

SEC. 95.0108 CONDITIONS FOR MAINTENANCE CERTIFICATION INSPECTION

A. The Planning Director shall make a biennial visual inspection on each sign controlled by this ordinance.

B. and C. - No change.

SEC. 95.0110 SIGN IDENTIFICATION

A. - No change.

B. The Maintenance Certification Sticker shall be installed on the bottom or lower right-hand corner of the sign, or other location as directed by the Planning Director, where it is readily visible from the public right-of-way or some equally accessible place.

C. Display of a sign without a City of San Diego Maintenance Certification Sticker shall constitute a violation of this Code and the Planning Director may proceed as provided by SEC. 11.12.

D. The Planning Director shall designate the expiration date of Maintenance Certification Stickers.

SEC. 95.0111 STRUCTURAL DESIGN

A. General. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. All bracing systems shall be designed and constructed to transfer horizontal forces to the foundations. For signs mounted on buildings, the vertical and horizontal loads shall be transmitted through the structure of the building to the ground in such manner as not to overstress any of the elements thereof.

The overturning moment produced from horizontal forces acting on a sign shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structure of the supporting building. The weight of earth superimposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted. When structural engineering analysis is required, such analysis shall be approved by the Building Official.

B., C., D., E. and F. - No change.

SEC. 95.0112 CONSTRUCTION MATERIAL AND INSTALLATION
STANDARDS

A. - No change.

B. Materials. Materials or construction for signs and sign structures shall be of a quality and grade allowed for buildings in the Uniform Building Code as adopted by The City of San Diego.

If the frame or cabinet of a sign is to be fabricated of steel, the steel shall be galvanized or painted with rust-inhibiting paint.

Anchors and supports of wood, when embedded in the soil or within six inches of the soil, shall be pressure-treated with an approved preservative. Such treated wood members shall be marked or branded by an approved agency.

Ground signs may be constructed of any material meeting the requirements of this Code.

C. Required Clearances.

1., 2. and 3. - No change.

D. Electrical Work.

1. and 2. - No change.

3. The electrical wiring for and labeling of illuminated signs shall comply with the National Electrical Code as adopted by The City of San Diego. When electrical engineering analysis is required, such analysis shall be approved by the Building official.

E. Plastic. The Planning Director shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use. Manufacturer's recommendations will be utilized when available and applicable. The following requirements represent the minimum acceptable, for normal conditions:

1. Acrylic Plastic.

a. Thickness minimum: .125 inches.

2. Fiberglass.

b. Thickness minimum: .080 inches.

F. Steel Decorations and Trim. All grades of steel shall be galvanized or properly primed and top coated for corrosion resistance.

G. Design and Fabrication of Plastic Sign Faces.

1., 2., 3., 4., 5. and 6. - No change.

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 Planning Director no later than May 15, 1984. The Planning Director is authorized to grant Conditional Extensions of Time, upon application, without fee or hearing, for those signs qualifying under this Section.

B. - No change.

C. - No change.

1., 2., 3., 4., 5. and 6. - No change.

D. - No change.

SEC. 95.0126 ENFORCEMENT

A. and B. - No change.

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 Planning Director 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 Planning Director 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.

D. In the event the Planning Director determines that a sign does not conform to the provisions of this Code, the Planning Director shall give written notice to the owner of the sign or, if the sign owner cannot be located, to the owner of the building or premises upon which the sign is located. Failure to remove the sign or correct the conditions existing within the time specified in the written notice shall constitute a violation of this Code and subject the owner of the sign or building to the penalties prescribed in SEC. 11.12.

E. Upon discontinuance in business or occupancy of any establishment, the Planning Director may require the removal of the on-premise signs advertising or identifying the establishment.

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 Planning Director or 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 or 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 Planning Director. The request for a hearing shall be made in writing to the Planning Director 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 SEC. 95.0101. Upon receiving a written request for a hearing, the Planning Director 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 Planning Director. 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

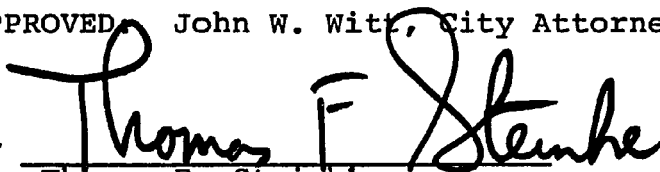
unrebutted. A written copy of the hearing officer's decision shall be furnished to the owner of the lettering, advertisement, card, poster, sign or notice or his designated representative. The decision of the hearing officer shall be final and non appealable.

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 Planning Director 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 Planning Director 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
Deputy City Attorney

TFS:ta:680
5/7/85
Or.Dept:Plan.
0-85-195
Form=o.none

NEW LANGUAGE: UNDERLINED
OLD LANGUAGE: STRUCK OUT

SEC. 95.0100 ADMINISTRATION AND ENFORCEMENT

This Division shall be administered by the Building Official
Planning Director.

SEC. 95.0101 PUBLIC PROPERTY LIMITATIONS

A., B., C. and D. - No change.

E. No person shall construct or install street banners or decorations over public property except as herein permitted and only after the issuance of a valid permit therefor.

1. The applicant for such permit shall pay a fee as established by resolution of the City Council and filed in the office of the City Clerk. If no permit is issued, a portion of the application fee as determined by City Council and filed in the office of the City Clerk may be refunded. Such permit is granted upon the condition that the permittee shall indemnify and save free and harmless the City of San Diego against any of the liabilities mentioned in this sSection.

The applicant shall file with the City a policy of insurance against public liability and property damage with an insurance carrier satisfactory to the City. Such public liability and property damage insurance policy shall provide coverage in amounts of not less than \$100,000 for one person injured in one accident; not less than \$300,000 for more than one person injured in one accident; and not less than \$25,000

with respect to any property damage in any one accident; said policy shall name the City of San Diego as an additional insured; and said policy shall be maintained in full force and effect until such time as all banners, decorations, equipment, wiring and supports have been removed as determined by the ~~Building Official~~ Planning Director. In requirements of this Section as to the amounts covered in the policy and as to the maintenance of insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages to persons or property.

2. The ~~Building Official~~ Planning Director may issue the ~~Permit~~ for decorations in accordance with the conditions herein imposed. The permit shall state the period during which such decorations may be maintained and shall state the final date on which such decorations must be removed.

3. Applications for permits shall be made in the following manner:

a. A written application on prescribed forms shall be submitted to the ~~Building Official~~ Planning Director.

b. The applicant shall furnish a description of the decorations to be installed, together with sketches, diagrams or other information required by the ~~Building Official~~ Planning Director.

c. - No change.

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 Planning Director a Building Sign Permit. The Building Sign Permit will include authorization for any electrical work within the sign. A separate Building Sign Permit shall be required for each sign. Building Sign 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.

When structural or electrical engineering analysis is required, such analysis shall be approved by the Building Official. Where the installation of a sign would require modification of a structure, a Building Permit may be required pursuant to Chapter IX, Article 1 of this Code.

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 Planning Director 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~~ Planning Director a temporary sign use permit. A separate temporary sign use permit shall be required for each sign.

SEC. 95.0103 PERMITS NOT REQUIRED

A. - No change.

B. BUILDING SIGN PERMITS

A Building Sign Permit shall not be required for:

1., 2., 3., 4., 5., 6., 7., 8. and 9. - No change.

C. - No change.

1., 2., 3., 4., 5., 6. and 7. - No change.

D. - No change.

1., 2. and 3. - No change.

SEC. 95.0104 INSPECTIONS REQUIRED

A. Building Sign Permit. All work for which a Building Sign Permit is required shall be inspected by the ~~Building Official~~ Planning Director. The permittee or his agent shall notify the ~~Building Official~~ Planning Director at least 24 hours in advance, that the work is ready for inspection, at the following stages:

1., 2., 3. and 4. - No change.

The ~~Building Official~~ Planning Director, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.

B. Maintenance Certification Sticker. All signs for which a sticker is required shall be subject to inspection biennially by the ~~Building Official~~ Planning Director. The ~~Building Official~~ Planning Director and his deputies are hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being obeyed. Such entrance shall be made during business hours unless an emergency exists. A sign user shall provide all necessary access and equipment to the ~~Building Official~~ Planning Director for the purpose of conducting the required inspection.

SEC. 95.0105 REVOCATION OF PERMITS FOR NON-USE

If the work authorized by any ~~Building~~ Sign Permit is not commenced within 90 days, or is suspended or abandoned for 120 days, the ~~Permit~~ shall become null and void. Any ~~Building~~ Sign Permit shall expire after one calendar year from the date of issuance.

SEC. 95.0106 ~~BUILDING~~ SIGN PERMIT APPLICATION

Application for a ~~Building~~ Sign Permit shall be made in writing upon forms provided by the City and shall state the following information:

A., B., C., D., E., F., G., H. and I. - No change.

SEC. 95.0107 PERMIT FEES

A. - No change.

B. ~~BUILDING~~ SIGN PERMIT FEE

Fees for ~~Building~~ Sign Permits for each sign erected, installed, affixed, structurally or electrically altered, relocated, or created by painting shall be determined in

accordance with the fee schedule established by resolution of the City Council and filed in the Office of the City Clerk.

A portion of the fees provided for in this Section as determined by the City Manager Planning Director, who is hereby so authorized to determine, may be refunded in the event that no portion of any work authorized by the Permit has been performed and provided that no inspections have been made. Such refund may be authorized by the ~~Building Official~~ Planning Director upon application by the permittee within 90 days from the date of permit issuance. Prior to authorization of any refund under the provisions of this Section, the ~~Building Official~~ Planning Director shall require that the permittee's copy of the issued permit as well as the Sign Permit sticker are returned to the ~~Building Inspection~~ Planning Department.

C. - No change.

1., 2. and 3. - No change.

D. - No change.

1., 2. and 3. - No change.

E. - No change.

F. APPEAL FEE FOR EXTENSION OF TIME

The fee for each request for an extension of time hearing by the Sign Code Board of Appeals shall be as established by the City Manager and filed in the office of the City Clerk.

SEC. 95.0108 CONDITIONS FOR MAINTENANCE CERTIFICATION INSPECTION

A. The ~~Building Official~~ Planning Director shall make a biennial visual inspection on each sign controlled by this ordinance.

B. and C. - No change.

SEC. 95.0110 SIGN IDENTIFICATION

A. - No change.

B. The Maintenance Certification Sticker shall be installed on the bottom or lower right-hand corner of the sign, or other location as directed by the ~~Building Official~~ Planning Director, where it is readily visible from the public right-of-way or some equally accessible place.

C. Display of a sign without a City of San Diego Maintenance Certification Sticker shall constitute a violation of this Code and the ~~Building Official~~ Planning Director may proceed as provided by ~~Section 95-0119~~ SEC. 11.12.

D. The ~~Building Official~~ Planning Director shall designate the expiration date of Maintenance Certification Stickers.

SEC. 95.0111 STRUCTURAL DESIGN

A. General. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this sSection. All bracing systems shall be designed and constructed to transfer horizontal forces to the foundations. For signs mounted on buildings, the vertical and horizontal loads shall be transmitted through the structure of the building to the ground in such manner as not to overstress any of the elements thereof.

The overturning moment produced from horizontal forces acting on a sign shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structure of

the supporting building. The weight of earth superimposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted. When structural engineering analysis is required, such analysis shall be approved by the Building Official.

B., C., D., E. and F. - No change.

SEC. 95.0112 CONSTRUCTION MATERIAL AND INSTALLATION STANDARDS

A. - No change.

B. Materials. Materials or construction for signs and sign structures shall be of a quality and grade allowed for buildings in the Uniform Building Code as adopted by The City of San Diego.

If the frame or cabinet of a sign is to be fabricated of steel, the steel shall be galvanized or painted with rust-inhibiting paint.

Anchors and supports of wood, when embedded in the soil or within six inches of the soil, shall be pressure-treated with an approved preservative. Such treated wood members shall be marked or branded by an approved agency.

Ground signs may be constructed of any material meeting the requirements of this Code, except in Fire Zone-1:

Restrictions on Combustible Materials in Fire Zone 1: Combination signs, roof signs, ground signs, wall signs, projecting signs, and signs on marquees shall be constructed of incombustible materials, except as provided. Combustible materials other than approved plastics shall not be used in the construction of electric signs.

Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or by combination thereof.

Temporary wooden signs may be installed when the sign area does not exceed sixty-four square feet, and the display surface is at least 1/2 inch thick plywood.

Permanent ground signs constructed of wood may be installed provided they meet all of the following requirements:

1. The signs do not exceed 64 square feet in area.
2. The signs are not installed within ten feet of a building or structure.
3. The structural supports are a minimum of 3 inch x 3 inch in cross-section and the display is a minimum of 3/4 inch thick plywood.

C.D. Required Clearances.

- 1., 2. and 3. - No change.

D.E. Electrical Work.

1. and 2. - No change.
3. The electrical wiring for and labeling of illuminated signs shall comply with the National Electrical Code as adopted by The City of San Diego. When electrical engineering analysis is required, such analysis shall be approved by the Building official.

E.F. Plastic. The Building Official Planning Director shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use. Manufacturer's

recommendations will be utilized when available and applicable. The following requirements represent the minimum acceptable, for normal conditions:

1. Acrylic Plastic.
 - a. Thickness minimum: .125 inches.
2. Fiberglass.
 - b. Thickness minimum: .080 inches.

F.G. Steel Decorations and Trim. All grades of steel shall be galvanized or properly primed and top coated for corrosion resistance.

G.H. Design and Fabrication of Plastic Sign Faces.

- 1., 2., 3., 4., 5. and 6. - No change.

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~~ Planning Director no later than May 15, 1984. The ~~Building Official~~ Planning Director is authorized to grant Conditional Extensions of Time, upon application, without fee or hearing, for those signs qualifying under this Section.

B. - No change.

C. - No change.

- 1., 2., 3., 4., 5. and 6. - No change.

D. - No change.

SEC. 95.0126 ENFORCEMENT

A. and B. - No change.

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~~ Planning Director 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~~ Planning Director 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.

D. In the event the ~~Building Official~~ Planning Director determines that a sign does not conform to the provisions of this Code, the ~~Building Official~~ Planning Director shall give written notice to the owner of the sign or, if the sign owner cannot be located, to the owner of the building or premises upon which the sign is located. Failure to remove the sign or correct the conditions existing within the time specified in the written notice shall constitute a violation of this Code and subject the

owner of the sign or building to the penalties prescribed in Section SEC. 11.12.

E. Upon discontinuance in business or occupancy of any establishment, the ~~Building Official~~ Planning Director may require the removal of the on-premise signs advertising or identifying the establishment, ~~according to the procedure specified in SEC. 95-0119.~~

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 Planning Director or 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~~ Planning Director. The request for a hearing shall be made in writing to the ~~City Manager~~ Planning Director 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 SEC. 95.0101 A. Upon receiving a written request for a hearing, the City Manager Planning Director 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 Planning Director. 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 sSection may be returned to the owner upon payment by the owner to the City of the Aadministrative cost of removal, as determined by the City Manager Planning Director 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 Planning Director or his delegate is authorized to destroy or dispose of the removed materials.

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 Struikisma	<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 Baxter*, 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

JUN 3 1985

JUN 17 1985

~~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 Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number O-16446 Adopted JUN 17 1985

JUN 17 1985

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 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 Struiksmas	<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 Baxter*, 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

JUN 3 1985

and on

JUN 17 1985

~~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 Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number O-16446 Adopted JUN 17 1985

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CERTIFICATE OF PUBLICATION

OFFICE OF THE CITY CLERK
202 C STREET - 12TH FLOOR
SAN DIEGO CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5, DIVISION 1,
OF THE SAN DIEGO MUNICIPAL CODE

I, Michael L. Ungashick, 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 NUMBER O-16446

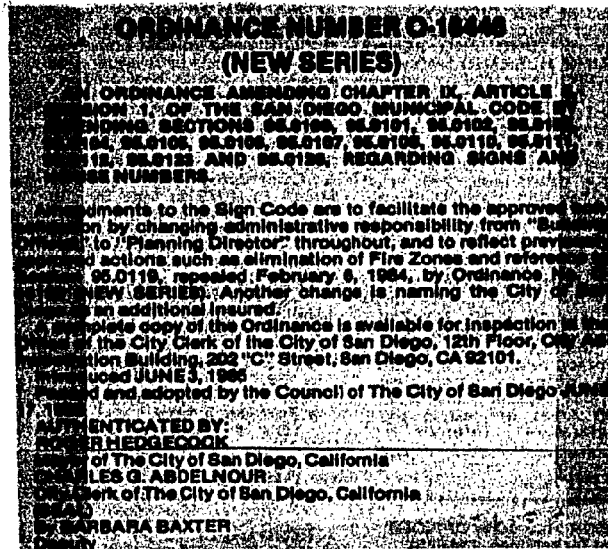
is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

July 1, 1985

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

Dated at San Diego, California this 1st day of July, 1985.

Michael L. Ungashick
(Signature)



2 7/8 x 2 x 9.76 = 56.12

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