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(0-93-31) COR. COPY
10/07/92

ORDINANCE NUMBER O- 17835 (NEW SERIES)

ADOPTED ON SEP 29 1992

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 5,
DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 95.0101 AND 95.0126
RELATING TO SIGNS AND HOUSE NUMBERS.

WHEREAS, the Council of The City of San Diego ("City Council") has found that the illegal placement of signs on public property, including the public rights-of-way, in violation of Municipal Code section 95.0101, is detrimental to the visual environment of the City of San Diego; and

WHEREAS, the City Council has found that The City of San Diego has a long history of sign regulation and the protection of the visual environment; and, that the placement of illegal signs on public property, including the public rights-of-way, is directly contradictory to the City's history of protecting the visual environment; and,

WHEREAS, the City Council has determined that signs illegally placed on public property, including the public rights-of-way, pose a threat to public safety including potential injury to pedestrians, public utility workers and employees of the City of San Diego; and

WHEREAS, the City Council has determined that in order to achieve compliance with the prohibitions against unauthorized signs on public property, including the public rights-of-way, it is necessary to authorize the use of a deterrent in the form of civil penalties, so as to prevent violators from conducting

"business as usual" and continuing to place illegal signs on public property, including the public rights-of-way; and

WHEREAS, the City Council has also found that the Municipal Code provides ample opportunity for the legal placement of signs on private property; and

WHEREAS, the City Council has further found that the cost of removing these illegal signs by City forces has placed an unnecessary and unwanted burden on the City's budget; and

WHEREAS, the City Council has determined that the cost of the removal of these illegal signs should rightly be placed on those parties which have caused these illegal signs to be placed on public property, including the public rights-of-way; and

WHEREAS, the City Council has determined that the costs incurred by the City in the removal of these illegal signs from public property, including public rights-of-way, shall be recovered, to the extent possible, from those parties responsible for the placement of these illegal signs; NOW, THEREFORE,

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 95.0101 and 95.0126, to read as follows:

SEC. 95.0101 Public Property Limitations

A. It is unlawful for any person, or any responsible party, as defined in Municipal section 95.0126(F), to place, post, paint or secure any sign, lettering, poster or notice of any kind, or cause the same to be done on public property, including the

public rights-of-way, or on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way, except those signs that are lawfully authorized in Municipal Code section 95.0101(D) and (E).

B. It is unlawful to locate an advertising structure, or part thereof, over public property except as otherwise specified in detail in the Municipal Code.

C. It is unlawful to scatter, daub, or leave any paint, paste or other substance used for painting, pasting, or affixing advertising matter, upon any public street or sidewalk; and, it is unlawful to scatter or throw or permit to be scattered or thrown, any bills, waste matter, paper, cloth or materials removed from sign structures, on any public or private property.

D. [No change.]

E. It is unlawful to 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. through 3. [No change.]

SEC. 95.0126 Enforcement

A. It is unlawful for any person, including a responsible party as defined in Section 95.0126(F), to erect, place, post, construct, reconstruct, alter, maintain or move any sign, or to do any act contrary to

any provision contained in Municipal Code Chapter IX, Article 5, Division 1.

B. [No change.]

C. Where any sign or part thereof, other than those referred to in Section 95.0126(F), contravenes Section 95.0126 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 ten (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. and E. [No change.]

F. 1. It is unlawful for any person, including a responsible party, to place, post, paint or secure any sign, pennant, flag, banner, balloon, or similar attention-seeking device, lettering, card, poster or notice of any kind, or cause the same to be done on public property,

including the public rights-of-way or on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way, in violation of the provisions of this Code, except those signs which have been authorized by a specific state statute or municipal ordinance. The City Manager or any designee of the City Manager may abate this violation by removing any unauthorized sign without prior notice and may recover the costs incurred in removing the unauthorized sign or signs by using any of the administrative or judicial remedies that are provided in Municipal Code Chapter I, including but not limited to civil penalties and administrative citations.

If it is determined that removal may cause defacement or damage to public property, the City Manager or any designee of the City Manager shall notify the responsible party to remove the offending material within ten (10) days or be billed for the costs of removal and repair, replacement or refinishing of the damaged or defaced public property, unless immediate removal is necessitated because of public safety considerations, in which case the responsible party shall be billed for the necessary costs of removal, repair and replacement or refinishing.

The responsible party who elects to remove the offending material shall be responsible for corrective repair, replacement or refinishing to the satisfaction of the City Manager.

2. For purposes of Municipal Code Chapter IX, Article 5, Division 1, "responsible party" and "party responsible" is presumed to mean any person or persons, organization or organizations, company or companies, corporation or corporations or other entity or entities that directly or indirectly benefit from the information contained on the sign.

3. The party responsible for the placement or posting of signs in violation of the provisions of Section 101.0126(F)(1) is presumed to be:

a. The candidate seeking election to any office or position.

b. The party or parties promoting, sponsoring, supporting or advocating any ballot proposition (including any initiative or referendum) or any candidate.

c. The party or parties opposing or advocating the defeat of any ballot proposition (including any initiative or referendum) or any candidate.

d. Any party or parties, including any private property owner, real estate agent, broker, brokerage firm or other person whose

name, telephone or fax number, address or post office box, appears on a sign advertising property for sale, lease or rent or providing directional information to the property by inclusion of a name, street address or location.

e. The property owner, lessee or renter of a property which is used for a yard, garage, alley or similar sale or swap meet.

f. The property owner, lessee or renter of a property used for commercial activities or events (including properties having Home Occupation permits issued under the provisions of Municipal Code section 101.0406).

g. The party whose name, telephone or fax number, or address appears on a sign advertising a sporting event, trade show, concert, theatrical performance, swap meet or similar activity or event. If this information does not appear on signs advertising any such activity or event, the responsible party may be determined by information obtained from other media sources advertising the activity or event.

h. The property owner, manager, lessee, tenant or renter of the property or

facility on which an activity or event occurs.

i. The party whose name, telephone or fax number, or address appears on a sign as the party to contact regarding a product, place, service, event or other such activity.

More than one party may be deemed responsible for the placement of the same sign.

4. For purposes of Municipal Code Chapter IX, Article 5, Division 1, the person presumed to be the "responsible party" in violation of Section 95.0126(F) may rebut such presumption by declaring under penalty of perjury or swearing under oath that said party did not cause, authorize, allow, encourage, or by some other action cause or permit the placement of any sign, or benefit from the placement of the sign, as set forth in Municipal Code section 95.0126(F)(1), on public property, including the public rights-of-way.

5. Appeals may be made in accordance with the provisions of Chapter I of this Code.

6. Signs illegally placed on public property, including the public rights-of-way, and abated under the provisions of Municipal Code section 95.0126(F)(1) may be disposed of in any manner approved by the City Manager or any designee of the City Manager.


7. The City Manager, in accordance with the provisions of Municipal Code section 13.0347, shall establish a schedule or schedules of administrative citations commensurate with the intent of this Section of the Municipal Code. In establishing the schedule or schedules of administrative citations, consideration shall be given to both the recovery of costs incurred by the City in enforcing the provisions of this Section and the provisions of Section 95.0101; and, the establishment of a level of deterrence which will discourage the violation of the provisions of this Section and the provisions of Section 95.0101.

G. [No change.]

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


Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
09/04/92
10/07/92 COR.COPY
Or.Dept:Plan.
0-93-31
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by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By:  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

SEP 15 1992

SEP 29 1992

, 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:  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17835

SEP 29 1992

Adopted

1- - -

Passed and adopted by the Council of The City of San Diego on SEP 29 1992
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

By [Signature], 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 SEP 15 1992, and on SEP 29 1992

~~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.

(Seal)

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

By [Signature], Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17835</u>	Adopted <u>SEP 29 1992</u>

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK
92 OCT 14 AM 9:39
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

SIGNS AND HOUSE NUMBERS

I, Corey Donahue, 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-17835 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 8, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 95.0101 AND 92.0126 RELATING TO SIGNS AND HOUSE NUMBERS.
This ordinance amends the provisions of the Municipal Code which prohibit the placement of signs on public property including public rights of way by adding provisions which authorize The City of San Diego to recover the costs associated with removal of signs illegally placed on public property from the person who placed such signs. The amendment to the ordinance includes provisions under which persons or organizations that will benefit from the placement of such signs are presumed to have placed such signs and, therefore, are liable for the costs of removal.
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON SEP 15 1992
Passed and Adopted by the Council of the City of San Diego on SEP 29 1992.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL)
By Suzanne Oliva, Deputy
Pub. Oct. 13 257656

ORDINANCE NUMBER O-17835 (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:

OCTOBER 13

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

Dated at San Diego, California this 13th day of OCT., 1992.

Corey Donahue
(Signature)

5 1/8" = 71.68