

ORDINANCE NUMBER O- 19253 (NEW SERIES)

ADOPTED ON JAN 13 2004

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 5, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 95.0107; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2, BY ADDING SECTION 126.0207; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 4, BY ADDING SECTION 126.0406; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY ADDING SECTIONS 129.0731 AND 129.0732; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 8 BY ADDING NEW SECTIONS 129.0808 AND 129.0809 AND RENUMBERING CURRENT SECTIONS 129.0808, 129.0809, 129.0810, 129.0811, 129.0812, 129.0813 AND 129.0814 TO NEW SECTIONS 129.0810, 129.0811, 129.0812, 129.0813, 129.0814, 129.0815 AND 129.0816, RESPECTIVELY; AND AMENDING CHAPTER 14, ARTICLE 2, DIVISION 12, BY AMENDING SECTION 142.1210, ALL RELATING TO SIGNS.

WHEREAS, the Municipal Code regulates signs in the City of San Diego in order to serve many governmental and public interests, including traffic safety and the aesthetic character of the City; and

WHEREAS, the City of San Diego desires to regulate signs in a constitutional manner, and in compliance with relevant court rulings; and

WHEREAS, the Council of the City of San Diego finds that the following amendments will further these goals; NOW, THEREFORE,

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

Section 1. That Chapter 9, Article 5, Division 1, of the San Diego Municipal Code is hereby amended by amending Section 95.0107, to read as follows:

§95.0107 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) through (i) [No change in text.]
- (j) A decision to approve or deny a Sign Permit required by this Chapter shall be made no less than forty-five business days after the date on which the application is deemed complete. When a decision is not made within the required time, and the applicant does not waive time, the application shall be deemed denied. The timeliness requirement may be waived by the applicant.
- (k) An applicant may seek judicial review of a final decision on any Sign Permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an applicant's ability to seek judicial review by other means.

Section 2. That Chapter 12, Article 6, Division 2, of the San Diego Municipal Code is hereby amended by adding Section 126.0207, to read as follows:

§126.0207 Judicial Review

For a Neighborhood Use Permit required by Chapter 14, Article 1, Division 11, an *applicant* may seek judicial review of a final decision on the permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.

Section 3. That Chapter 12, Article 6, Division 4, of the San Diego Municipal Code is hereby amended by adding Section 126.0406, to read as follows:

§126.0406 Judicial Review

For a Neighborhood Development Permit required by Chapter 12, Article 7, Division 3, an *applicant* may seek judicial review of a final decision on the permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.

Section 4. That Chapter 12, Article 9, Division 7, of the San Diego Municipal Code is hereby amended by adding Sections 129.0731 and 129.0732, to read as follows:

§129.0731 Timeliness of Decision

For a Public Right of Way Permit required by Chapter 14, Article 2, Division 12, a decision to approve or deny the permit shall be made no less than forty-five *business days* after the date on which the application is *deemed complete*. When a decision is not made within the required time, and the *applicant* does not waive time, the application shall be deemed denied.

The timeliness requirement may be waived by the *applicant*.

§129.0732 Judicial Review

For a Public Right of Way Permit required by Chapter 14, Article 2, Division 12, an *applicant* may seek judicial review of a final decision on the permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.

Section 5. That Chapter 12, Article 9, Division 8, of the San Diego Municipal Code is hereby amended by adding new Sections 129.0808 and 129.0809 and renumbering current Sections 129.0808, 129.0809, 129.0810, 129.0811, 129.0812, 129.0813, and 129.0814 to

Sections 129.0810, 129.0811, 129.0812, 129.0813, 129.0814, 129.0815, and 129.0816, respectively, to read as follows:

§129.0801 through 129.0807

[No change in text.]

§129.0808 Timeliness of Decision

A decision to approve or deny a Sign Permit shall be made no less than forty-five *business days* after the date on which the application is *deemed complete*. When a decision is not made within the required time, and the *applicant* does not waive time, the application shall be deemed denied. The timeliness requirement may be waived by the *applicant*.

§129.0809 Judicial Review

An *applicant* may seek judicial review of a final decision on any Sign Permit application, pursuant to California Code of Civil Procedure section 1094.8. This provision does not limit an *applicant's* ability to seek judicial review by other means.

§129.0810 Issuance of a Sign Permit

[No change in text.]

§129.0811 Initial Utilization of a Sign Permit

[No change in text]

§129.0812 Maintaining Utilization of a Sign Permit

[No change in text]

§129.0813 Expiration of a Sign Permit

[No change in text]

§129.0814 Extension of Time for a Sign Permit

[No change in text.]

§129.0815 Sign Permit Inspections

[No change in text]

129.0816 Temporary Sign Permits

[No change in text]

Section 8. That Chapter 14, Article 2, Division 12, of the San Diego Municipal Code is hereby amended by amending Section 142.1210, to read as follows:

§142.1210 General Sign Regulations

This section is divided into subsections for copy regulations, locational regulations, structural regulations, and sign maintenance regulations.

(a) Copy Regulations

(1) through (9) [No change in text.]

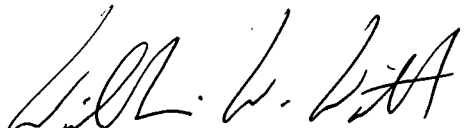
(10) The owner of any *sign* which is otherwise allowed by this chapter may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.

(b) through (d) [No change in text.]

Section 9. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 10. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
William W. Witt
Deputy City Attorney

WWW:pev
10/10/03
02/10/04 Cor.Copy
Or.Dept:CityAtty
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