COUNCIL PRESIDENT SCOTT PETERS
FIRST DISTRICT

MEMORANDUM

DATE: September 6, 2006

TO: Honorable Councilmember Brian Maienschein

FROM: Council President Scott Peters

SUBJECT: Residential curb painting

It has come to my attention that there is a conflict in the San Diego Municipal Code ("SDMC") regarding the painting of street addresses on residential curbs.

In SDMC Chapter 6, Article 2: "Public Rights-of-Way and Land Development," Section 62.07 "Curbs - Regulations for Painting Street Numbers" states, "The occupant of a residence may at his own expense have or have painted the street number of such residence on the curb. No person other than the occupant shall paint street numbers on the curb unless he shall first have permission of the occupant of the residence for which the numbers are proposed to be painted."

Yet in SDMC Chapter 9: "Building, Housing and Sign Regulations," Article 5: "Signs and House Numbers," Section 95.0102 "Signs and House Numbers" subsection (a) "Public Property Limitations" states, "It is unlawful for any person or Responsible Party 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 the public property, including the public rights-of-way, except those signs that are lawfully authorized in Section 95.0102 (d) and (e).

It has also come to my attention that there is some confusion about who enforces the City's curb painting regulations. According to Neighborhood Code Compliance, neither they nor the Streets Division are responsible for enforcement.

I learned of these issues after receiving multiple calls from constituents regarding false and misleading advertisements distributed to residents implying that they must pay an unnamed outside vendor to have their curbs painted.

I respectfully request a discussion at your Public Safety and Neighborhood Services Committee about this discrepancy in the Municipal Code, which City Department is responsible for enforcing it, and recommendations for what, if anything, the City can do to restrict false and misleading advertisements for residential curb painting.

cc: Honorable Mayor and City Councilmembers
Honorable City Attorney Michael Aguirre
Andrea Tevlin, Independent Budget Analyst
Richard Haas, Deputy Chief, Public Works
Jim Waring, Deputy Chief, Land Use & Economic Development
Sheri Carr, Acting Director, Neighborhood Code Compliance Department
Mario Sierra, Director, Streets Division

CITY HOMEOWNER NOTICE

THIS RESIDENCE AND NEIGHBORHOOD HAS BEEN DEEMED INSUFFICIENTLY LIT FOR ADEQUATE EMERGENCY AND POLICE SERVICE LOCATION.

SAN DIEGO COUNTY CODE COMPLIANCE REQUIRES YOU TO MARK YOUR REDISDENCE WITH IDENTIFYING NUMBERS. THIS IS NOT AN OPTION.

CITY ADDRESSING SERVICE WILL PLACE ADDRESS NUMBERS ON THE CURB IN FRONT OF ALL RESIDENCES IN THIS AREA THAT HAVE A VALID COUNTY ADDRESS.

YOUR RESIDENCE WILL BE INCLUDED.

YOU DO NOT NEED TO BE HOME AT TIME OF PLACEMENT

CITY ADDRESSING SERVICE WILL NO LONGER BE USING TRADITIONAL PAINT IN THIS PROCESS. REFLECITVE SHEETING WITH HERMETICALLY SEALED VINYL DIGITS WILL NOW BE USED. THIS NEW TECHNOLOGY IS EASIER TO READ AND IS MORE DURABLE THAN REGULAR PAINT.

THIS ELIMINATES THE NEED FOR RE-PAINTING EVERY FEW YEARS.

THIS PROCESS AND NUMBERING SYSTEM CONFORMS TO H.O.A. GUIDELINES AND IS APPROVED BY HOME OWNERS ASSOCIATION.

WHAT YOU NEED TO DO:

1. **PROVIDE REQUIRED INFORMATION ON BACK OF THIS FORM.**
2. **FOLD AT LINE IN MIDDLE OF FORM.**
3. **ATTACH FORM TO GARAGE OR FRONT DOOR FOR PICK UP.**

FORM WILL BE COLLECTED TOMOROW. LEAVE FORM ATTACHED UNTIL COLLECTED.

Article 2: Public Rights–of–Way and Land Development

Division 7: Curb Painting

("Curb Painting" added 8–18–1966 by O–9482 N.S.)

§62.07 Curbs — Regulations for Painting Street Numbers

The occupant of a residence may at his own expense paint or have painted the street number of such residence on the curb. No person other than the occupant shall paint street numbers upon the curb unless he shall first have permission of the occupant of the residence for which the numbers are proposed to be painted.

No person shall solicit for the painting of street numbers on curbs unless he has registered with the Police Department as a solicitor and paid the twenty–five dollar ($25.00) permit fee to obtain a special one–year registration card. All solicitors shall comply strictly with the provisions of Section 33.1410 of this Code.

Street numbers painted upon curbs shall meet the following specifications:

(a) Street numbers may be painted only upon the vertical face of the curb abutting the residence.

(b) Numbers shall be block numbers and shall be four inches in height with a stroke width of not less than one–half inch. The numbers shall be black and shall be painted on a yellow background. The background shall be of sufficient dimensions to provide a one–inch margin around all figures.

(c) All paint used for painting of street numbers on curbs shall be of good quality and shall conform to or be equal to standard City specifications for traffic paint.

(d) Under no circumstances shall the City be responsible for maintenance or replacement of street numbers painted on curbs.

("Curbs — Regulations for Painting Street Numbers" added 8–18–1966 by O–9482 N.S.)

Article 5: Signs and House Numbers

Division 1: Signs

(Amended 3–6–1973 by O–11000 N.S.)

§95.0101 Administration, Enforcement, and Definitions

(a) This Division shall be administered and enforced by the City Manager, the Director of the Neighborhood Code Compliance Department and any of their designated Enforcement Officials.

(b) The term "Director" as used in this Division means the Director of the Neighborhood Code Compliance Department.

(c) For purposes of this Division, "Responsible Party" means any person, organization or other entity that directly or indirectly benefits from the information contained on the sign.

("Administration, Enforcement, and Definitions renumbered from Sec. 95.0100, retitled and amended 8–10–1993 by O–17959 N.S.)

§95.0102 Public Property Limitations

(a) It is unlawful for any person or any Responsible Party 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 Section 95.0102(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) Clocks shall be permitted in street rights–of–way next to the curb at outer edge of walk, provided such clocks, constructed from non–combustible materials, are kept running and correctly keep the time of day. The bottom or pedestal part shall not exceed two feet in any outside dimension. The part of the clock carrying the dials shall have a minimum clearance of 7' 6" above the sidewalk. The entire "upper part" containing the dial shall not exceed 14 inches in thickness, each face shall not exceed a total overall gross area of five square feet, and the space occupied by the net area of the clock dials on each side shall form at least one–half of such "upper part." Said clocks shall contain no advertising other than the name of the manufacturer or designer thereof, and said name designation shall be by nameplate with engraved or embossed letters not exceeding six inches in height, provided that existing clocks whose dimensions are in excess of the requirements of Section 95.0101 shall be allowed to remain standing so long as they comply with all the other provisions of this Code. Nothing contained herein shall relieve any person from the obligation to obtain permission from the appropriate agency prior to placing any object in the public right–of–way.

(e) It is unlawful to construct or install street banners or decorations over public property except as permitted in Section 95.0102 and only after the issuance of a valid permit.

(1) The applicant for a 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. A permit may be 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 Section 95.0102(e).

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. The public liability and property damage insurance policy shall provide coverage in an amount 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. The policy shall name the City of San Diego as an additional insured; and the 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 Director. The 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 Director may issue the permit for decorations in accordance with the conditions imposed in Section 95.0102(e). The permit shall state the purpose of the decorations, the maximum duration that any set or series of decorations may be posted and the dates on which such decorations must be removed.

Conditions of approval include, but are not limited to, the following:

(A) Banners which include copy shall be subject to the following:

(i) Copy shall be limited to copy denoting the purpose and occasion of the placement, and unifying or directional symbols, colors, and design;

(ii) Banners shall be used for the purpose of promoting cultural or civic events or activities of general public interest. Banners shall not be used for commercial or political advertising, except for such trademarks, logotypes and/ or references as permitted and limited in subparagraph 3, below;

(iii) Commercial or corporate trademarks or logotypes, identification of or references to sponsoring or supporting organizations, agencies or businesses shall be limited to a maximum of five percent (5%) of the banner area;

(iv) Banners authorized by this subdivision shall not be displayed for more than 30 days, with one 30 day extension which may be granted by the Development Services Director;

(v) Banners authorized by this subdivision may be installed in the following areas:

Broadway, between 17th Street and Harbor Drive;

Friars Road, between Mission Center Road and Mission Village Drive and to include the parking lot for QUALCOMM Stadium;

All existing and future trolley stops;

El Cajon Boulevard between Bancroft Street and 54th Street;

4th and 6th Avenues between Kalmia and Upas Streets;

Business Improvement Districts.

Banners shall only be installed on those light standards on which mounting hardware has been authorized and placed by the City. Each application for a banner showing for the areas listed shall be for a single event, and shall result in banners being placed on all of the available mounting locations within the areas listed above authorized by this paragraph.

(vi) No banners otherwise authorized by this subdivision shall be displayed after April 30, 1989.

(B) All installations shall comply with all relevant regulations in this Code.

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

(A) A written application on prescribed forms shall be submitted to the Director.

(B) The applicant shall furnish plans and information depicting the proposed decorations, method of installation, typical heights above pedestrian walkways, vehicle parking areas, and lanes of vehicular traffic; design and materials of the decorations; all copy, symbols or directional information; and diagrams and other information required by the Development Services Director.

(C) The application shall be submitted by the sponsoring group or organization or a contractor engaged to install the decorations, and shall also be countersigned by an officer of the sponsoring group or organization.

(Amended 11–18–1997 by O–18440 N.S.)

§95.0103 Permits Required

(a) Before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, every person, firm or corporation shall obtain from the 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 Division.

When structural or electrical engineering analysis is required, the 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 9, Article 1 of this Code.

(b) Before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, every person, firm or corporation shall obtain from the Director a Maintenance Certification Sticker. 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) Before erecting, installing, placing, constructing, altering or moving any temporary sign (including wind signs), every person, firm or corporation shall obtain from the Director a Temporary Sign Use Permit. A separate Temporary Sign Use Permit shall be required for each sign except in the case of street banners where one sign use permits will be issued for the entire project.

(d) A sign permit is not required for signs required by the Fire Department to designate fire lanes on private or public property.

("Permits Required" renumbered from Sec. 95.0102 and amended 8–10–1993 by O–17959 N.S.)

§95.0104 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) Sign Permits

A Sign 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.

(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.

(3) 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.

(4) 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.

(5) 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.

(6) Tablets, such as memorials, cornerstones, names of a building, date of erection, use of building, when built into the walls of a building.

(7) Temporary window signs, and permanent window signs as regulated by Section 101.1116D.

(d) Temporary Sign Use Permits

A temporary sign use permit 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.

(3) Temporary window signs, and permanent window signs as regulated by Section 101.1116D.

("Permits Not Required" renumbered from Sec. 95.0103 on 8–10–1993 by O–17959 N.S.)

§95.0105 Inspections Required

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

(1) When excavations for supporting footings, piling, poles, or columns have been made and before such excavations have been filled with earth or building materials of any kind.

(2) When connecting elements have been installed on supporting buildings or structures, and before the sign is attached to these elements.

(3) While a field–fabricated sign is being assembled and the internal wiring and structural elements are exposed to view.

(4) After erection, installation, construction, or creation by painting is completed.

The Building Official, 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.

The 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 by the Director. The Director and his or her 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 Director for the purpose of conducting the required inspection.

("Inspections Required" renumbered from Sec. 95.0104 and amended 8–10–1993 by O–17959 N.S.)

§95.0106 Expiration or Revocation of Permits

(a) Expiration. Every sign permit issued by the Director under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new sign permit shall be first obtained so to do, and the fee therefore shall be one–half the amount required for a new sign permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and

provided further that such suspension or abandonment has not exceeded one year.

(b) Extensions. Any permittee holding an unexpired sign permit may apply for an extension of the time within which he may commence work within the time required by this Section for good and satisfactory reasons. The Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken, and provided that the permittee changes the plan, specifications and other data which define the work permitted, as necessary to show compliance with this Code or any other ordinance, statute, or regulation in effect at the time of the extension. No sign permit may be extended more than twice. In order to renew action on a sign permit after expiration, the permittee shall pay a new full permit fee.

(c) Suspension or Revocation. The Director may suspend or revoke a sign permit issued under the provisions of this Code whenever the sign permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code. Any suspension or revocation issued under Section 95.0106(c) shall be in writing.

("Expiration or Revocation of Permits" renumbered from Sec. 95.0105 and amended 8–10–1993 by O–17959 N.S.)

§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) Name, address and telephone number of the applicant.

(b) Name, address and telephone number of the sign owner.

(c) Location by street number, and legal description (tract, block, lot) of the building, structure, or lot to which or upon which the sign is to be installed or affixed.

(d) A drawing to scale showing the design of the sign, including dimensions, sign size, method of attachment, source of illumination, and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates.

(e) A fully dimensioned plot plan, drawn to scale, indicating the location of the sign relative to property line, rights–of–way, streets, sidewalks, and other buildings or structures on the premises.

(f) The maximum and minimum heights of the sign.

(g) The traffic speed limit on and width of adjacent public rights–of–way.

(h) Number, size and location of all existing signs on the same building, lot or premises.

(i) Calculations showing wind and seismic loading and demonstrating the adequacy of supports and connections to supporting structures. Seismic and wind calculations for non– electric ground signs of less than 50 square feet in area, and with a center of gravity 8 feet or less above grade, are not required.

(j) A decision to approve or deny a Sign Permit required by this Chapter shall be made no more 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.

(Amended 1–13–2004 by O–19253 N.S.)
(Amended 2-14-2005 by O-19356 N.S.)

§95.0108 Permit Fees

(a) General.

The fees prescribed in this division must be paid to The City of San Diego for each sign installation for which a permit is required by this division and must be paid before any such permit is issued, as herein provided.

(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.

The Director is authorized to determine whether a portion of the fees provided for in Section 95.0108 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. The Director may issue this refund upon application by the permittee within 90 days from the date of permit issuance. Prior to authorization of any refund under Section 95.0108, the Director shall require the return of both the permittee's copy of the issued permit as well as the sign permit sticker.

(c) Temporary Sign Use Permit Fees.

(1) For each group of wind signs such as banners, pennants, or carnival–type signs installed at each premises or tenant's location, the Use Permit Fee 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. For wind signs mounted on staffs, the longer dimension of each wind sign shall be used at the lineal footage for purposes of computation of lineal limitation and fee. Wind signs may not be displayed for more than 60 consecutive calendar days.

(2) For temporary signs, the Use Permit Fee shall be determined in accordance with the fee schedule established by resolution of the City Council filed in the office of the City Clerk.

(3) For temporary banner signs, the Use Permit Fee for each sign 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.

(d) Temporary Sign Use Permits.

Every person, firm, or corporation erecting, installing, placing, constructing, creating by painting, reconstructing, altering, or moving any sign, temporary sign (including wind signs), street banners or decorating or any supports for the above without first obtaining a valid permit as required in Section 95.0102 and Section 95.0102(b) shall pay a penalty fee as established by resolution of City Council and filed in the office of the City Clerk.

("Permit Fees" renumbered from Sec. 95.0107 and amended 8–10–1993 by O–17959 N.S.)

§95.0109 Conditions for Maintenance Certification Inspection

(a) The Director shall make a visual inspection of each sign controlled by this Division.

(b) All signs, together with all of their supports, braces, guys, connections and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Every sign and the immediate surrounding premises shall be maintained by the

owner or person in charge thereof in a safe, clean, sanitary, and inoffensive condition, and shall be kept free and clear of all obnoxious substances, rubbish and weeds.

(c) Any crazing, fading, chipping, peeling, flaking of paint or plastic and any mechanical or structural defect shall be corrected.

("Conditions for Maintenance Certification Inspection" renumbered from Sec. 95.0108 and amended 8–10–1993 by O–17959 N.S.)

§95.0110 Removal of Nonconforming Signs

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 Code by May 15, 1984, or by May 1, 1988, if a conditional extension of time was granted.

These provisions were previously a part of Municipal Code section 95.0118 which was amended by Ordinance No. O–11718 (New Series) and Municipal Code section 95.0123 which was repealed by Ordinance No. O–11718 (New Series).
("Removal of Nonconforming Signs" renumbered from Sec. 95.0109 on 8–10–1993 by O–17959 N.S.)

§95.0111 Sign Identification

(a) Each sign not excepted in Section 95.0103(c) shall have affixed to it an official City of San Diego Maintenance Certification Sticker bearing a number which identifies the sign.

(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 Development Services 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 Director may proceed as provided by Section 12.0201.

(Amended 7–25–1994 by O– 18088 N.S.)

§95.0112 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) Wind loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the California Building Code as adopted by the City.

(c) Combined loads. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used.

(d) Seismic or wind loads need not be considered in the design of non-electric ground signs 50 square feet or less in sign area and eight feet or less in height to center of gravity.

Vertical loads shall be assumed to act simultaneously with wind or seismic loads in designing signs and their supports.

(e) Allowable stresses. The design of wood, concrete, aluminum, or steel members shall conform to the requirements of the California Building Code as adopted by the City. Vertical and horizontal loads exerted on the soil shall not produce stresses exceeding those specified in the California Building Code as adopted by the City. The working stresses of wire ropes and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the California Building Code as adopted by the City.

(f) Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either horizontal or vertical directions shall not exceed allowable values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out equivalent to a force 25 percent greater than the required resistance to overturning.

Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified herein.

Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of approved metal anchors, bolts, or expansion screws of sufficient size and strength to support the loads applied.

No wooden blocks, plugs, or anchors of wood used in connection with screws or nails shall be considered an adequate connection, except in the case of signs attached to wood framing.

No anchor or support for any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in the California Building Code as adopted by the City.

(Amended 7-19-1999 by O-18656 N.S.)

§95.0113 Construction Material and Installation Standards

(a) General. The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of this Code.

(b) Materials. Materials or construction for signs and sign structures shall be of a quality and grade allowed for buildings in the California Building Code as adopted by the City.

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) General. All types of signs shall conform to the clearance and projection requirements of this Section.

(2) Clearance from High Voltage Power Lines. Signs shall be located not less than six feet horizontally or twelve feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this Section, means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in approved metal conduits.

(3) Projection over Alleys. A sign or sign structure shall not project into any public alley below a height of 16 feet above grade, nor project more than 12 inches where the sign structure is located between 16 feet and 18 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley where the sign or sign structure is located more than 18 feet above grade.

(d) Electrical Work.

(1) The electrical supply for a directly illuminated sign shall be a separate circuit or circuits, not connected to other building wiring. Such wiring shall comply with the National Electric Code and shall be authorized by Electrical Permit.

(2) All directly illuminated signs shall be approved and labeled by Underwriter's Laboratory, or other approved testing laboratory.

(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 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, the Director may approve its use. Manufacturer's recommendations will be utilized when available and applicable. The following requirements represent the acceptable minimum, 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) Edge retaining angle. The depth of edge engagement must be sufficient to provide for thermal expansion and contraction. The frame depth shall be 1/4 inch plus 1/8 inch per running foot of plexiglas in length and width. To provide expansion clearance, the flat plexiglas sheet shall be cut 1/16 inch per running foot shorter than the sign cabinet retainer in both dimensions.

(2) Hanging Bar: Any plastic sign face that is two feet by six feet or larger shall have a hanging bar.

(3) Ribs shall be a minimum of .250 of an inch thick and three inches deep. The ribs will run parallel to the short dimension and extend to the edges of the face.

(4) Bumpers shall be designed to resist buckling under the positive design wind load and with a resilient tip. The tip of the bumper shall be positioned at least one inch from the face. Each bumper shall be positioned for equal design loading.

(5) Tiebacks: A sign face larger than six feet by six feet shall use tiebacks approximately four feet on centers. The tiebacks shall be attached to a structural part of the sign cabinet.

(6) This section does not apply to channel letters where the plexiglas is glued to the retainer.

(Amended 7-19-1999 by O-18656 N.S.)

§95.0114 Existing Signs

Any sign erected under the provisions of Chapter 10, Article 1, Division 11, and Chapter 9, 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 10, Article 1, Division 11, unless said sign is relocated or altered to the extent that a Building Permit is required.
("Existing Signs" renumbered from Sec. 95.0118 on 8–10–1993 by O–17959 N.S.)

§95.0115 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.
("Nonconforming Signs on Rezoned Property" renumbered from Sec. 95.0118.1 on 8–10–1993 by O–17959 N.S.)

§95.0116 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.
("Signs on Annexed Property" renumbered from Sec. 95.0120 on 8–10–1993 by O–17959 N.S.)

§95.0117 Liability

The provisions of this Code shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign, for personal injury or property damage resulting from the placing of a sign, or resulting from the negligence or willful acts of such person, its agents, employees, or workmen in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Code.
("Liability" renumbered from Sec. 95.0128 on 8–10–1993 by O–17959 N.S.)

§95.0130 Enforcement Authority

The Director and any of his or her designated Enforcement Officials may exercise any of the enforcement powers provided in Division 1, Article 2 of Chapter 1 of this Code. The Director may promulgate policies and regulations reasonably necessary to implement the intent and provisions of this Division.
("Enforcement Authority" added (portions previously contained in former Sec. 95.0126(D)) 8–10–1993 by O–17959 N.S.)

§95.0131 General Prohibitions and Enforcement Remedies

(a) It is unlawful for any person, including a Responsible Party as defined in Section 95.0101, to erect, place, post, construct, reconstruct, alter, maintain or move any sign in violation of any provision contained in this Division.

(b) Violations of this Division may be prosecuted as misdemeanors subject to the penalties and custody provided in Municipal Code Section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code. In addition to the general remedies in Chapter 1, the Director may use the special sign abatement procedures found in Sections 95.0133 and 95.0135 of this Division.

("General Prohibitions and Enforcement Remedies" added (portions previously contained in former Sec. 95.0126(A), (B) and (H)) 8–10–1993 by O–17959 N.S.)

§95.0132 Strict Liability

Violations of this Division shall be treated as strict liability offenses regardless of intent.

("Strict Liability" added 8–10–1993 by O–17959 N.S.)

§95.0133 Abatement of Dangerous Signs

Where any sign is in danger of falling or is a threat to the safety of persons or property, the Director may issue to the Responsible Party in charge of the sign a written notice. The written notice shall specify the dangerous conditions of the sign, list any sign violation, order the immediate abatement of the dangerous conditions, and require either the removal of the sign or repair within the time specified in the notice. The Director shall serve this notice upon the Responsible Party in accordance with Section 11.0301 of this Code. The Director may then follow the administrative abatement procedures in Municipal Code Sections 12.0601 through 12.0604.

("Abatement of Dangerous Signs" added (portions previously contained in former Sec. 95.0126(C)) 8–10–1993 by O–17959 N.S.)

§95.0134 Discontinuance of Businesses

The Director may require the removal of the on–premise signs advertising or identifying the establishment upon the discontinuance of the business or occupancy.

("Discontinuance of Businesses" added (portions previously contained in former Sec. 95.0126(E) 8–10–1993 by O–17959 N.S.)

§95.0135 Sign Violations on Public Property

(a) 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 on public property or within the public rights–of–way.

(b) It is unlawful for any person to place any lettering, card, poster or notice of any kind, 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.

(c) Those signs which have been authorized by a specific state statute or municipal ordinance and placed on public property or in the public rights–of–way shall not be treated as a violation of Section 95.0135.

(d) The Director or any of his or her Enforcement Officials may summarily abate a violation of Section 95.0135 by removing any unauthorized sign without prior notice and may recover the costs incurred in removing any unauthorized signs by using any of the administrative or judicial procedures that are provided in Municipal Code Chapter 1.

(e) If it is determined that removal of a sign may cause defacement or damage to private or public property, the Director shall notify the Responsible Party to remove the offending material within ten (10) calendar days or be billed for the costs of removal, repair, replacement or refinishing of the damaged or defaced public property. If immediate action is necessitated because of public safety considerations, the Responsible Party shall be billed for the necessary costs of removal, repair, replacement or refinishing. The Responsible Party who elects to remove the offending material shall be responsible for necessary costs of any repairs, replacement or refinishing to the satisfaction of the Director.

(f) Signs placed on public property or in the public rights–of– way, and summarily confiscated under the procedures of Section 95.0135 may be disposed of in any manner approved by the Director or any of the Director's Enforcement Officials.

(g) Any lettering, advertisement, card, poster, sign or notice which has been properly removed under Section 95.0135 may be returned to the owner or Responsible Party upon payment by the owner or Responsible Party to the City for the administrative cost of removal, as determined by the Director.

(h) If the Responsible Party fails to make a request for a hearing under Section 95.0136 or if no demand is made for the return of the materials removed within thirty (30) calendar days of the date of removal, then the Director is authorized to destroy or dispose of the removed materials.

("Sign Violations on Public Property" added (portions previously contained in former Sec. 95.0126(F)(1),(6)) 8–10–1993 by O–17959 N.S.)

§95.0136 Post Summary Abatement Hearing Procedures

(a) The Responsible Party of any lettering, advertisement, card, poster, sign, or notice of any kind placed upon public property, which has been removed without prior notice to the Responsible Party, pursuant to the provisions of Section 95.0135, may request a hearing. The request for a hearing shall be made in writing to the 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 including within the public rights–of–way, in violation of Municipal Code Section 95.0135.

(b) Upon receiving a written request for a hearing, the Director shall schedule a hearing within thirty (30) calendar days from the date of the request. The Director shall serve a hearing notice to the Responsible Party by any of the means provided in Municipal Code Section 11.0301. The notification shall include the date, time and place of hearing. The hearing shall be conducted by an Enforcement Hearing Officer who shall follow the City Manager's Enforcement Hearing Policies and Procedures.

(c) A written copy of the Enforcement Hearing Officer's decision shall be furnished to the Responsible Party of the sign or his designated representative. The Enforcement Hearing Officer's decision is the final administrative remedy without further administrative appeals.

("Post Summary Abatement Hearing Procedures" added (portions previously contained in former Sec. 95.0126(G)) 8–10–1993 by O–17959 N.S.)

§95.0137 Presumption of Responsible Party

The Responsible Party for the placement or posting of signs in violation of this Division is presumed to be the person or organization whose name appears on the signs in the following situations:

(a) The candidate seeking election to any office or position; or

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

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

(d) Any party, 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; or

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

(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); or

(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 the activity or event, the Responsible Party may be determined by information obtained from other media sources advertising the activity or event); or

(h) The property owner, manager, lessee, tenant or renter of the property or facility on which an activity or event occurs; or

(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 activity.

More than one person may be deemed responsible for the placement of the same sign.
("Presumption of Responsible Party" added (portions previously contained in former Sec. 95.0126(F)(2), (3)) 8–10–1993 by O–17959 N.S.)

§95.0138 Procedure to Rebut Presumption of Responsible Party

For purposes of this Division, the person presumed to be the Responsible Party may rebut the presumption by filing a declaration with the Director, signed under penalty of perjury that he or she did not cause, authorize, allow, encourage, or by some other action cause or permit the placement of any sign, or derive any benefit from a sign placed in violation of this Division. The Director shall determine whether a person has rebutted the Responsible Party presumption. The Director may develop written policies to facilitate this determination.
("Procedure to Rebut Presumption of Responsible Party" added (portions previously contained in former Sec. 95.0126(F)(4)) 8–10–1993 by O–17959 N.S.)

§95.0139 Administrative Citations Penalty Schedule

The Director, in accordance with the provisions of Municipal Code Section 12.0801, may establish a civil penalty schedule for administrative citations issued for any signs in violation of Section 95.0131 and signs placed on public property and in the public rights–of–way in violation of Section 95.0135. In establishing this schedule of administrative citations, consideration shall be given to the costs incurred by the City in enforcing the provisions of this Division and to the level of deterrence which will discourage violations of this Division.
("Administrative Citations Penalty Schedule" added (portions previously contained in former Sec. 95.0126(F)(7)) 8–10–1993 by O–17959 N.S.)