



OFFICE OF THE
CITY CLERK

VALERIE A. BURROWES, CMC/AE
CITY CLERK

SPECIALIZED SERVICES

February 4, 1994

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
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Law and Legislation Committee
City Council
Sacramento, California

Honorable Members In Session:

SUBJECT: ORDINANCE AMENDING CHAPTER 3.07 SECTION
3.07.140(K) OF TITLE 3 OF THE SACRAMENTO CITY
CODE RELATING TO POLITICAL AND CAMPAIGN SIGNS

LOCATION AND COUNCIL DISTRICT: City wide.

RECOMMENDATION:

It is recommended that the Committee review the proposed ordinance amending the section of the Sacramento City Code relating to political and campaign signs and refer the ordinance to the Council with a recommendation for approval.

CONTACT PERSON: Valerie Burrowes, City Clerk - 264-5799
Stephanie Armstrong,
Elections/PPPC Clerk - 264-7200

FOR COMMITTEE MEETING OF: February 15, 1994

SUMMARY:

City Code Title 3 [Advertising and Signs], Section 3.07.140(k) (Political/Campaign Signs) has two sections that require amendments. Section 3.07.140(k)(ii) (number of signs in R, A and OB zones), contains a provision which is restrictive and could be considered invalid due to infringement of first amendment rights. Additionally, Section 3.07.140(k)(iv) (signs in the public right-of-way), is insufficient in providing a clear interpretation of the intent of the Code.

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BACKGROUND INFORMATION:

During the 1992 election year, the City received numerous complaints regarding campaign signs that were in possible violation of City Code. The City Clerk's Office, along with the City Manager's Office and the Nuisance Abatement Office, worked together in an attempt to research and rectify the many complaints received. During this process, it became apparent that there may be two provisions set forth in the Code which do not presently provide the City with an adequate position to address future complaints.

Pertaining to Section 3.07.140(k)(ii) (number of signs in R, A and OB zones), the City Clerk received information that appeared to question the constitutionality of this section. To address this issue, the Clerk requested an opinion from the City Attorney. The Attorney's review found that the provision limiting the number of signs in residential, agricultural and office building zones is unconstitutional. The proposed amendment will allow for one or more signs in any of these zones, so long as the aggregate limit of all signs does not exceed 10 square feet.

All remaining sections of the Code relating to political/campaign signs were examined, and found to be valid. However, it was determined that Section 3.07.140(k)(iv) (signs in public right-of-way) needed to contain additional text to broaden the understanding of what is allowed and what is not. The proposed amendment clarifies the provision, and allows for the placement of signs in the planting/mowing strip between the face of the street and the sidewalk curb.

One additional issue needing clarification deals with the definition of the area of a political/campaign sign; whether a double-faced sign is to be counted as one or two signs. City Code Section 3.18.250 (area of a sign) states that only one face of a double-faced sign is to be counted when calculating sign area, so long as both faces are parallel and are no more than two feet apart.

FINANCIAL CONSIDERATIONS:

There are no financial considerations associated with this item.

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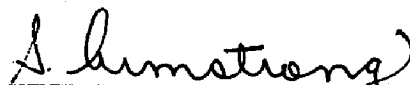
POLICY CONSIDERATIONS:

By approving amendments to these Code sections, the City will rectify the unconstitutional provision of Section 3.07.140(k)(ii) and provide a clearer understanding of what is permissible as it relates to Section 3.07.140(k)(iv).

MBE/WBE EFFORTS:

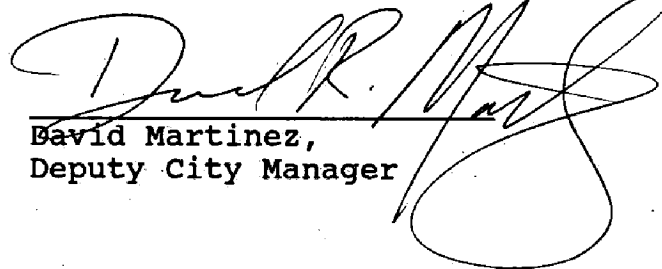
No impact.

Respectfully Submitted,



Stephanie Armstrong, T.C. III

APPROVED TO FORM:



David Martinez,
Deputy City Manager



Valerie Burrowes,
City Clerk

SA94044

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 3.07.140(k) OF THE SACRAMENTO CITY CODE, RELATING TO EXEMPT POLITICAL AND CAMPAIGN SIGNS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 3.07.140(k) of the Sacramento City Code is hereby amended to read as follows:

3.07.140(k) Political and campaign signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that such signs are subject to the following regulations:

- (i) Such signs may be erected not earlier than ninety days prior to the election and shall be removed within fifteen days following such election.
- (ii) In any "R," "A," or "OB" Zone, ~~only one stationary sign is permitted on any one parcel of land~~ one or more temporary signs are permitted on a parcel of land provided all such signs, in the aggregate, do ~~shall not exceed a sign area of ten square feet in area~~, and if detached, shall not exceed six feet in height. Such sign shall not be erected in such a manner as to constitute a roof sign.
- (iii) In any "SC," "HC," "C" or "M" Zone, one or more temporary signs are permitted on a parcel of land provided all such signs do not, in the aggregate, exceed a sign area of fifty square feet. Such signs shall not be erected in such a manner as to constitute a roof sign. Notwithstanding the provisions of this subparagraph, a sign may be placed upon any legally existing sign structure.
- (iv) No sign shall be located within or over the public right-of-way. ~~This provision shall not be construed to prohibit the placement of signs in that area of public right-of-way between the face of the street curb and the street side edge of the sidewalk (commonly~~

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

referred to as the planting strip or the mowing strip). Nothing in the preceding sentence shall be construed to permit the placement of any sign that would violate any provision of Chapter 38.02 of the City Code relating to obstructions to visibility at intersections.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

(5)

ORDINANCE NO.

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- (iv) No sign shall be located within or over the public right-of-way. This provision shall not be construed to prohibit the placement of signs in that area of public right-of-way between the face of the street curb and the street side edge of the sidewalk (commonly referred to as the planting strip or the mowing strip). Nothing in the preceding sentence

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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