

ORDINANCE NO. 2306

**AN URGENCY ORDINANCE OF THE CITY OF DAVIS AMENDING
CHAPTER 12, ELECTIONS, OF THE DAVIS MUNICIPAL CODE RELATED
POLITICAL SIGN REGULATIONS AND DECLARING THE NEED FOR THIS
ORDINANCE TO TAKE EFFECT IMMEDIATELY**

WHEREAS, Davis Municipal Code Chapter 12 specifically relates to and regulates elections within the City of Davis; and

WHEREAS, regulations for political campaign signs were previously contained in Chapter 40 of the Davis Municipal Code; and

WHEREAS, the City Council desires to have all election related regulations in one chapter of the Municipal Code; and

WHEREAS, this Ordinance does not intend in any way to regulate the content of any political message being communicated, or to be communicated, on any sign during a political campaign; and

WHEREAS, it is necessary for this Ordinance to go into effect prior to the Presidential Primary election scheduled for February 5, 2008, so that the time, place and manner regulation of temporary political signs is clear to the residents of the City and so that tenants can exercise their free speech rights.

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 12, Section 01.120 of the Davis Municipal Code are hereby added to read as follows:

12.01.120 Political Campaign Signs.

- a) Allowable size for political campaign signs:
 - 1) No sign on residential property including single-family, duplex, multi-family, and apartments shall exceed six (6) square feet.
 - 2) No sign on commercial or industrial property shall exceed eighteen (18) square feet per street frontage.
- b) Conditions for placement of political campaign signs:
 - 1) A candidate, political campaign committee or other person responsible for the placement of political campaign signs for a particular candidate or measure shall place such signs within the city in compliance with the provisions of this section.
 - 2) Every such sign shall be posted or otherwise affixed to the ground in a manner so that such sign cannot be easily blown over or knocked down.
 - 3) No sign shall be placed within thirty feet (30') of the intersecting curb lines of a street intersection.

- 4) The sign shall not materially obscure any other existing sign on any adjacent lot which conforms to the provisions of this Code, nor unreasonably interfere with any lawful uses that may be affected on any adjacent lot on the same street.
 - 5) No such sign shall project above the height or from the sides of the dwelling, or block access to or from any door or window.
 - 6) All such signs shall be clearly and legibly labeled and each label shall include the name, address and phone number of the responsible party erecting the sign or at the option of the responsible party, signs may be registered with the city clerk on a form indicating the responsible party's name, address and phone number. There shall be no charge for registering any sign as provided by this chapter.
 - 7) Placing of political campaign signs on public property is prohibited. No political campaign signs may be placed, fastened or affixed in any manner to any sidewalk, crosswalk, curb, street lamp post, pole, bench, hydrant, tree, shrub, bridge, electric light or power or telephone wire pole, or wire appurtenance thereof, or upon any street sign or traffic sign, or upon any other object located within the public-right-of-way, nor may signs interfere with public safety, including visual, traffic and pedestrian impacts.
 - 8) Notwithstanding any lease to the contrary, no landlord or lessor shall prohibit a tenant lawfully in possession from posting political signs. Political signs may be posted or displayed in the window or on the door of the premises leased by the tenant in a multifamily dwelling, or from the yard, window, door, balcony, or outside wall of the premises leased by a tenant of a single family dwelling.
- c) Timing and removal of political campaign signs:
- 1) Removal of signs after election. Every political campaign sign shall be removed within five (5) days following the election related to such sign. Any such sign on private property which is not so removed shall be subject to abatement, or any other remedy allowed by law for such removal (including the removal costs incurred by the City as set forth in Section 12.01.120(c)(2) of this Code), and the parties responsible for the placement of such sign shall be liable for all costs associated with such removal.
 - 2) Any sign which is placed unlawfully in accordance with this chapter or related law shall be removed by the city at the expense of the responsible party. All such signs shall be removed within five (5) days after the election. The city shall charge a twenty-five dollar removal fee to a responsible party for each and every sign that must be removed in accordance with this chapter.

Section 2. Severability

If any section, subsection, sentence, clause, phrase or portion of this chapter for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The city council hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 3. Effective Date

This is an urgency ordinance to take effect immediately upon its passage by a four-fifth's vote of the City Council. This ordinance is adopted as an urgency ordinance to protect the public peace, health and safety. In addition, this ordinance relates to the conduct of an election. The facts constituting the urgency are as follows: It is necessary for this Ordinance to go into effect prior to the Presidential Primary election scheduled for February 5, 2008, so that the time, place and manner regulation of temporary political signs is clear to the residents of the City and so that tenants can exercise their free speech rights. In addition, state law provides no explicit statutory protection of tenants' rights to display political signs on their leased property. Residential political signs are a venerable means of communication that have long been an important medium of expression. If this ordinance is not effective before the statewide Presidential Primary Election on February 5, 2008, the ability of tenants to engage in constitutionally protected political speech will be hindered.

PASSED AND ADOPTED, by the City Council of the City of Davis this eighth day of January, 2008, by the following votes:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald

NOES: None

ABSENT: None

Sue Greenwald
Mayor

ATTEST:

Margaret Roberts, MMC
City Clerk