

NO.

ORDINANCE

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing Chapter 770 of the Allegheny County Code of Ordinances, entitled “Signs,” Article I, entitled “Campaign Signs,” in order to establish a mechanism for aiding the County in tracking compliance with the provisions of the Article.

Whereas, the right of candidates to campaign and display political signs is an important right of free speech; and

Whereas, litter from political signs following elections in Allegheny County has been a prevalent problem for many years, littering our highways and roadsides, and negatively affecting the aesthetic quality and natural beauty of our region; and

Whereas, in addition to these issues, when political signs can also be distracting and impair drivers’ and pedestrians’ views of important traffic signage and other vehicles and pedestrians when they are particularly large and/or placed in large numbers near roadways and intersections; and

Whereas, to the extent that this takes place, it constitutes a clear danger to the safety and well-being of the County’s residents and visitors; and

Whereas, in order to address these safety and aesthetic issues solely to the extent that they relate to signs placed on County-owned property, the County enacted Ordinance 17-03-OR, now codified as Article I of Chapter 770 of the Allegheny County Code of Ordinances; and

Whereas, the provisions of Article I provide for the removal of campaign signs by the candidates for whom they were posted in accordance with applicable provisions of the Pennsylvania Elections Code, require that candidates certify their compliance with the removal requirements, and provide for the publication of information relating to those candidates who do not comply in both local newspapers and on the County website; and

Whereas, as of November 27, 2020, it does not appear that such publications have been posted regularly, despite clear evidence that not all campaign signage has always been removed in accordance with the requirements of Article I; and

Whereas, it is the desire of Council to establish a mechanism through which the placement of campaign signs on County-owned property can be more efficiently tracked in an effort to aid in the appropriate enforcement of existing County law; and

Whereas, it is the judgment of Council that the provisions of Article I as originally enacted, while well-intentioned and appropriate, should not have been limited to individual candidates, insofar as signage relating to ballot questions can present no less of a danger, but is not related to any specific candidate for office;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety by reference herein.

SECTION 2. Amendment of the Code

The Allegheny County Code of Ordinances, Chapter 770, entitled "Signs," Article I, entitled "Campaign Signs," is hereby amended as follows:

**Chapter 770
Signs
Article I
Campaign Signs**

§770-1. Declaration of purpose.

The provisions of this Article are intended to protect the safety and well-being of individuals within Allegheny County by ensuring their ability to effectively discern and evaluate their surroundings and any present dangers to themselves or their property while they are utilizing or are present on County-owned property. The provisions of this Article are to be construed narrowly in order to avoid restricting the content of any campaign signage in any way, and at no time shall any campaign sign be removed or shall the placement of any campaign sign be restricted for any reason(s) apart from sign size, sign placement, or failure to register as provided herein.

§770-2. Definitions.

For the purposes of this Article, the following terms shall have the definitions established herein, unless the context clearly indicates to the contrary:

“Ballot Question” shall mean any referendum, question, or other issue or matter placed on the ballot at any polling place within Allegheny County during any primary, general, or special election.

“Campaign Sign” shall mean any signage containing any information relating to any Ballot Question or Candidate, including (but not limited to) a Candidate’s name or the office sought.

“Candidate” shall mean any individual seeking elected office and who will appear on the ballot at any polling place within Allegheny County during any primary, general, or special election.

“County Property” shall mean any real property solely owned by Allegheny County and all construction and maintenance easements and similar areas adjacent to County owned roads, bridges, and other infrastructure.

“Division” shall mean the Allegheny County Elections Division.

§770-3. Campaign signs; placement and characteristics.

Campaign Signs posted on County Property shall comport with the following standards, and shall be:

- A. Located at least 50 feet from any traffic control signage or devices;
- B. Located at least 20 feet from any crosswalk or other designated pedestrian crossing area;
- C. Located at least five (5) feet from the edge of any paved County road and not placed on any County-owned bridge or bridge ramp;
- D. No larger than 12 square feet in total area;
- E. Designed in such a fashion as to avoid potential confusion with traffic control, construction, and other official roadway signage;
- F. Placed at least 300 feet apart, when such signs relate to the same Candidate or Ballot Question; and
- G. Placed no earlier than thirty (30) days prior to the election to which it applies.

§770-4. Registration.

- A. Any Candidate, campaign committee, or individual wishing to place one or more Campaign Sign on County Property shall first register such placement with and in such fashion as established by the Division. Such registration shall take place at least one hundred and twenty (120) days before the primary, general, or special election to which the posted Campaign Sign(s) shall relate.
- B. The registration required under the terms of Subsection A shall, at a minimum, include the name and contact information for the Candidate, campaign committee, or other individual wishing to place the Campaign Sign(s), an acknowledgment of the requirements of §770-3 signed by the person(s) completing the registration, and a description of the Campaign Sign(s) to be placed on County property, and a general description of the Campaign Sign(s) to be placed.
- C. The Division shall post all granted registrations, together with the information describing Campaign Signs and their characteristics conspicuously on the Division's website no later than five (5) business days from the date of registration.
- D. The Division shall obtain from the Department of Public Works and provide to all individuals and entities that register under the terms of this Section a listing of all County-owned property.
- E. The Division shall establish a fee for such registration not to exceed \$250 for Campaign Signs relating to all Federal, Commonwealth, and County-wide elections, and not to exceed \$100 for Campaign Signs relating to any other elections. This fee shall be calculated to pay for the cost of administering both the registration program and the provisions of §770-5.B. No registration shall be granted prior to the payment of the registration fee in full, but under no circumstances shall any registration be denied for any reason other than nonpayment of the fee or noncompliance with the provisions of §770-3.

§770-1. §770-5. Removal of signage.

- A. Any candidate for an elected position in Allegheny County who individual or entity registered in accordance with the provisions of this Article that posts advocates his or her election through the posting of political signs one or more Campaign Signs on public property in Allegheny County Property within ninety (90) thirty (30) days preceding in a primary, general or special election in this County shall abide by all lawful local ordinances which are applicable to such signage; cause the removal and clean-up of the same by the earlier of the date such removal and clean-up is lawfully required by applicable local ordinance or within ten (10) fourteen (14) days following any said election; and individually or through his or her designee, personally expend at least eight (8) hours in the ten (10) fourteen (14) days following the election collecting and properly disposing of

~~political signs posted on public property~~ County Property prior to the election. ~~Nothing herein shall apply to candidates for municipal offices, and nothing herein shall displace, preempt or otherwise affect local ordinances or regulations on the same subject matter.~~

B. Any Campaign Sign placed upon County Property in violation of any provision of this Article shall be removed by a County Police Officer, Park Ranger, or employee of the Division, Parks Department, Department of Public Works, or Department of Facilities Management immediately upon detection and verification of noncompliance with the Division. Under no circumstances shall any Campaign Sign be removed by any County employee for any reason other than noncompliance with the provisions of this Article. Any removal or attempted removal of a Campaign Sign by any County employee for any reason relating to the content of a given Campaign Sign shall be deemed a violation of the County's Ethics Code, §5-1013.09.O. (relating to political activities).

~~§770-2.~~ **§770-6. Certification of compliance.**

The ~~candidate~~ individual or entity registered in accordance with the provisions of this Article shall thereafter execute a certification and file it with the Allegheny County Department of General Services, Division of Elections, certifying as follows: "I hereby certify, under oath, that ~~I~~ I took all reasonable steps to ensure that ~~political signs advocating my election~~ Campaign Signs that I placed were placed and removed in accordance with the requirements of Chapter 770, Article I of the Allegheny County Code of Ordinances. ~~properly cleaned up and disposed of within the earlier of ten (10) days following the election or the time required by local ordinance; and I or my designee personally expended at least eight (8) hours in that period of time collecting and properly disposing of political signs posted on public property prior to the election.~~ The dates, time and places that I (or my designee) did so are listed below: [provide space for listing of dates, times and places]." Said certification shall be executed before a duly-authorized notary within Allegheny County.

~~§770-3.~~ **§770-7. Penalty and enforcement.**

Violation of this ordinance shall result in publication of the fact that the ~~candidate~~ registered individual or other entity violated this ordinance on the County's website and in the two newspapers of highest circulation within the County, plus a fine equal to the actual cost of such publication. The County Police shall have the authority to enforce this ordinance by issuance of citations. Any aggrieved party shall, upon request within (10) days of issuance of a citation, have the right to contest such citation at a hearing before the Board of Elections, and thereafter may appeal within thirty (30) days to the Court of Common Pleas of Allegheny County.

SECTION 2. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 3. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: COUNCIL MEMBER DUERR

CO-SPONSORS:

Enacted in Council, this _____ day of _____, 2020,

Council Agenda No. _____

Patrick Catena
President of Council

Attest: _____

Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office _____, 2020

Approved: _____

Rich Fitzgerald
Chief Executive

Attest: _____

Jennifer Liptak
Chief of Staff