

April 5, 2016

Sent via email only

Re: San Jose Campaign Guidance – Campaign Signs

Dear Ms. Wright:

You have asked the following questions:

1. Whether there are any size limits for campaign signs or banners on private property?
2. How long can campaign signs be up?
3. Can campaign signs be in a park strip?

The answers:

1. Size limits for signs or banners on private property are governed by the provisions of Title 23 of the San Jose Municipal Code.

Electioneering communication which meets the definition of a “sign” as defined in Section 23.02.500 of the San Jose Municipal Code is subject to the provisions of Title 23 of the Municipal Code.

The following is a link to Title 23 of the Municipal Code:

https://www.municode.com/library/ca/san_jose/codes/code_of_ordinances?nodeId=TIT23SI

Section 23.02.500 defines a “sign” as follows:

23.02.500 - Sign.

"Sign" means any structure, display, device, balloon or graphic on or attached to any land, building or structure, which is used to communicate any message, or which advertises or promotes any business, product, activity, person or interest. Signs include, but are not limited to, letters, numbers, words, illustrations, decorations, decals, emblems, trademarks, logos and lights. Signs do not include noncommercial murals otherwise allowed under this Code.

Re: Campaign Signs

April 5, 2016

Page 2

2. Signs can be displayed for the time periods specified in Title 23 of the San Jose Municipal Code for temporary signs. Election signs may be displayed in connection with an election beginning on the first day after the opening of the nomination period for the election (February 16, 2016) and continuing up to ten days after the date of the election (June 17, 2016).
3. Signs can be located in a park strip, as long as the park strip is located on private property. Signs cannot be located in the public right-of-way, which includes utility poles, street signs, traffic signs, benches, hydrants, fountains, trees, sidewalks, median strips, or park strips.

Please note that this letter is intended to interpret only the City's Municipal Code. The California Fair Political Practices Commission is charged with interpretation and enforcement of the Political Reform Act and its implementing FPPC regulations. Court decisions have held that reliance on the advice of a city attorney is not a defense in the event of an inquiry as to whether the state regulations have been violated.

We hope that this addresses your question concerning the City's Campaign Ordinance. Please feel free to contact us if you have further questions or need clarification with regard to this letter.

Very truly yours,

RICHARD DOYLE, City Attorney

By: Neelam Naidu
NEELAM NAIDU
Deputy City Attorney

CC: Toni J. Taber, CMC, City Clerk