

ORDINANCE NO. 5 OF 2009

AN ORDINANCE REGULATING THE
ERECTING AND REMOVAL OF
POLITICAL CAMPAIGN SIGNS

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the Borough of Luzerne, Luzerne County, Pennsylvania, that the above ordinance is hereby enacted as follows:

Section 1: Title

This Ordinance shall be known and may be cited as the "Political Campaign Signs Ordinance of the Borough of Luzerne"

Section 2: Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

BOROUGH – The Borough of Luzerne, Luzerne County, Pennsylvania.

PERSON – Any person, firm, partnership, association, corporation, company or organization of any kind.

POLITICAL CAMPAIGN SIGN – Any sign urging the election or defeat of any candidate seeking any political office or urging the passage or defeat of any ballot measure, but does not mean or include any billboard or other advertising space owned or maintained by a commercial firm or advertising company.

PUBLIC PROPERTY – All publicly owned property, including but not limited to streets, right-of-way easements and everything affixed thereto and thereover, including municipal shade trees and tree lawn areas.

SIGN – Includes any bill, poster, placard, handbill, flyer, painting, sign or written matter in words, symbols or pictures or in any combination thereof.

ZONING OFFICER – The Borough of Luzerne Code Enforcement Officer.

Section 3: Restrictions.

A. Posting on public right-of-way prohibited. It shall be unlawful for any person to post a political campaign sign on or over any public property, including tree lawns, in the municipality.

B. Posting on utility poles prohibited. It shall be unlawful for any person to post a political campaign sign on any public utility pole or other public utility structure or to post, paint or otherwise affix signs to trees, rocks or other natural features.

C. Size of sign. It shall be unlawful for any person to erect any political campaign sign on private property which exceeds the size and area limitations imposed by the currently existing zoning limits for the Borough as set forth and enforced by the County of Luzerne.

Section 4: Removal Time Limit

It shall be unlawful for any person to fail to remove a political campaign sign within fourteen (14) days after the election for which the sign was posted.

Section 5: Removal of Political Signs.

For the purpose of removing political campaign signs posted or erected in violation of the provisions of this Ordinance, the Code Enforcement Officer or his authorized agent is empowered to enter upon the property where the signs are posted and to remove any political signs posted in violation of this Ordinance, and the Code Enforcement Officer is further authorized to enlist the aid or assistance of any other department of the municipality and to secure legal process to that end to insure that all such signs shall be expeditiously removed from any property where posted.

Section 6: Storage; Notice; Return

If the Code Enforcement Officer or his agents remove any political campaign signs, he shall keep a record of the location from which the sign was removed. He shall store the political campaign sign in a safe location for at least thirty (30) days and shall immediately notify by telephone the candidate, committee person or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the Code Enforcement Officer is unable to make telephone contact, he shall provide written notice if the address of the candidate, committee person or person is known or can be ascertained. The Zoning Officer shall return any political campaign sign upon the payment of the fee provided in Section 7.

Section 7: Sign Removal Fee.

The Borough shall be entitled to receive the sum of Fifteen (\$15.00) Dollars for every sign removed by the Code Enforcement Officer to cover the expense, notice and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of trailer signs or other unusual situations, the Borough shall collect from the person responsible a sum sufficient to cover costs and hourly wages of employees so utilized.

Section 8: Responsible Persons.

In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he or she first notifies the Code Enforcement Officer of another person who is responsible. In such case, the candidate shall provide the name, address, telephone number and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president or chairman of the committee supporting or opposing such ballot measure shall be deemed responsible unless he first notifies the Code Enforcement Officer of some other person responsible, in the manner described above. The candidate or, in the case of the ballot measure, the committee president or chairman or other responsible person, if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein. Further, such candidate, committee president or chairman or other designated person shall be subject to prosecution for any violation of this Ordinance. nothing in this Section shall be interpreted to make any person liable, civilly or criminally, for any sign posted by persons unknown to him or her by persons over whom he or she has no control.

Section 9: Illegal Signs Deemed a Public Nuisance.

Political campaign signs in violation of this Ordinance are hereby declared to be public nuisances and may be abated as such by the Borough. The collection of removal fees shall not preclude the Borough from prosecuting any person for violating this Ordinance.

Section 10: Violations and Penalties.

A. Any person who shall erect or alter, or who shall do or cause to be done any work in the erection or alteration of any such sign in violation of the provisions of this Ordinance shall be liable, upon conviction thereof, to a fine and penalty of not more than One Hundred (\$100.00) Dollars and costs of prosecution.

B. Each day's violation of any of the provisions of this Ordinance shall constitute a separate violation.

Section 11: Prior Ordinances Repealed.

All other Resolutions or Ordinances relating to the erecting of Political Campaign Signs are hereby repealed and any other Ordinance or part of any other Ordinance conflicting with the provisions of this Ordinance are hereby repealed.

ADOPTED this 10th day of JUNE 2009, at a regular meeting of the
Borough Council of Luzerne held this 10th day of JUNE 2009.

ATTEST:

BOROUGH OF LUZERNE

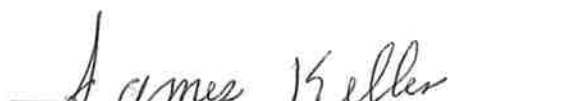


GLORIA KIJEK, SECRETARY



MICHAEL JANCUSKA,
CHAIRMAN OF COUNCIL

APPROVED:



JAMES KELLER, MAYOR