



# Allegheny County Council

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## Legislation Details (With Text)

**File #:** 12536-22      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Defeated

**File created:** 12/9/2022      **In control:** Committee on Public Works

**On agenda:** 12/13/2022      **Final action:** 7/5/2023

**Title:** 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 ensuring compliance with the provisions of the Article.

**Sponsors:** Tom Duerr, Bob Macey

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/5/2023	1	County Council	Defeated due to lack of second	
6/27/2023	1	Committee on Public Works	Amended and Affirmatively Recommended as Amended	Pass
6/13/2023	1	Committee on Public Works	Held in Committee	
12/13/2022	1	County Council	Referred by Chair	

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 ensuring 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, political signs can also be distracting and impair drivers' and pedestrians' views of important traffic signage and other vehicles and pedestrians, particularly when signs are particularly large and/or placed in close proximity to traffic control devices/signage, 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 certain campaign 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**, it is the judgment of Council that it is clear 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 streamlined mechanism through which the placement of campaign signs on County-owned property can be more consistently regulated to improve public safety, and to facilitate removal of non-compliant signage consistent with existing 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 aesthetic quality and natural beauty of our region as well as 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 and/or sign placement.

**§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. Penalty and enforcement.**

~~Violation of this ordinance shall result in publication of the fact that the candidate 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.~~

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

Campaign Signs posted on County Property shall:

- A. Be located at least (5) feet from any traffic control signage or devices and/or any crosswalk or other designated pedestrian crossing area;
- B. Be 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;
- C. Not exceed one (1) per candidate, campaign committee, or individual per intersection, or one (1) per every one hundred (100) square feet of County Property.
- D. Be designed in such a fashion as to avoid potential confusion with traffic control, construction, and other official roadway signage;
- E. Be placed no earlier than thirty (30) days prior to the election to which the sign applies; and
- F. Be no greater than three-and-one-half feet (3.5') in height after placement.

**§770-1. §770-4. Removal of signage.**

- A. Any candidate for an elected position in Allegheny County who individual or entity placing signage in accordance with the provisions of this Article that may post 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) no earlier than 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; and shall remove or 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) days following the election collecting and properly disposing of political signs posted on public 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 located upon County Property in violation of any provision of this Article shall be removed by any County Police Officer or Park Ranger, or any other 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 or not in compliance with the provisions of this Section shall be deemed a violation of the County's Ethics Code, §5-1013.09.O. (relating to political activities).

***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.***