

**TOWNSHIP OF UPPER DEERFIELD
ORDINANCE AMENDING CODE OF THE TOWNSHIP OF UPPER DEERFIELD
REQUIRING THE REMOVAL OF POLITICAL SIGNS
SUBSEQUENT TO AN ELECTION**

ORDINANCE 660

WHEREAS, elections are periodically held within the Township of Upper Deerfield; and

WHEREAS, political signs are placed on both public and private properties with the Township of Upper Deerfield preceding general and local elections; and

WHEREAS, the failure to remove political signs at the conclusion of elections results in numerous political signs being left on both public and private properties by prospective candidates and their supporters; and

WHEREAS, the continued placement of political signs following elections on properties within the Township of Upper Deerfield without signs being removed in a timely fashion creates an eye sore on public and private properties, results in clutter, litter and debris being left on public and private properties and unsightly conditions; and

WHEREAS, the Township Committee of the Township of Upper Deerfield recognizes the right to political speech but believes it is in the interests of the residents of the Township of Upper Deerfield to require that political signs be removed in a timely manner following elections, failing which an application to continue to allow the placement of such signs should be required; and

WHEREAS, the Township Committee of the Township of Upper Deerfield presumes that the failure to remove political signs following elections is inadvertent and the failure to remove such signs is, generally speaking, due to the neglect of political candidates or their supporters to have removed signs from public or private properties within the Township following an election; and

WHEREAS, the Township Committee of the Township of Upper Deerfield recognizes the inherent right to political speech and is desirous of insuring that political speech is protected without prior restraint but seeks to balance the removal of political signs with the right to free speech by requiring that after five days from an election has elapsed, political signs should be removed unless an application is made to continue to allow such political signs to remain on either public or private property;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Upper Deerfield as follows:

1. Political Signs. Political signs are defined notwithstanding the provision of Section 98-3 of the Code of the Township of Upper Deerfield and Chapter 43-6 of the Township of Upper Deerfield, political signs shall be defined to mean and include any sign which is supportive of a candidate for office at the local, county, state, or national level. Political signs which are expressive of a political opinion shall not be considered a political sign pursuant to this Section. Any sign expressing a political opinion or embodying a political message shall not be covered hereunder.

2. Within five (5) days after a local, county, state, or federal election, as a result of which political signs have been placed on either public or private property, such signs shall be removed by the political candidate, political supporter, or property owner, as the case may be.

3. Notwithstanding the preceding section, any person or entity desiring to continue to leave a political sign in place longer than five (5) days following an election, shall be required to file an application with the Clerk of the Township of Upper Deerfield stating that such person or entity is both aware of the existence of a political sign on its or their property and wishes to continue to have such sign or signs remain on the premises.

4. In the event that no application is made to the Clerk of the Township of Upper Deerfield in accordance with the preceding section and political signs are not removed within five (5) days following the conclusion of a local, county, state, or federal election, and upon notice to the property owner, political candidate, or political committee which supported a particular political candidate by the Clerk of the Township of Upper Deerfield, such signs shall be removed in not less than five (5) days after written notice is sent by regular or certified mail.

5. In the event that the political candidate, the owner of property on which political signs are located, more than five (5) days after the conclusion of an election, the political candidate or political committee of the candidate which has failed to remove such signs may be subject to a complaint for the failure to remove such signs within five (5) days succeeding the mailing of notice and may be liable to pay a fine of not less than ten dollars (\$10), nor more than twenty-five dollars (\$25) per sign which has not been removed from either public or private property.

6. Nothing in this ordinance shall be construed to prevent or preclude the placement of signs which constitute political expression nor shall anything in this section be construed to regulate business or commercial signs or signs which are regulated pursuant to Chapter 98 of the Code of the Township of Upper Deerfield.

7. No political signs or signs expressing an opinion with respect to a subject relating to politics shall be placed upon any property owned by the Township of Upper Deerfield.

James Crilley, Chairman

Finally November 18, 2010

Attested:

Roy J. Spoltore, Township Clerk