

CITY OF EDEN PRAIRIE

SUMMARY OF PROVISIONS OF THE CITY CODE **RELATING TO THE PLACEMENT AND REMOVAL OF CAMPAIGN SIGNS** **AND CERTAIN PROVISIONS OF LAW** **RELATING TO CAMPAIGN MATERIALS AND PRACTICES**

This summary relating to the placement and removal of campaign signs does not and is not intended to contain all provisions of law relating to campaign signs and practices. For such information and for the precise language of those sections summarized hereafter, reference is made to the City Code, State and Federal statutes, as well as regulations adopted thereunder.

CAMPAIGN SIGN DEFINED

Sign posted by a bona fide candidate for political office or by a person or group promoting a political issue or political candidate.

PLACEMENT OF SIGNS

No sign other than those directing vehicle or pedestrian movements or pertaining to traffic control or safety shall be erected or temporarily placed within any street right-of-way or upon any public easement. City Code Section 11.70, Subd. 3, D.

The Minnesota Outdoor Advertising Control Act (M.S.S. 173.15) stipulates that no advertising devices can be erected or maintained on trees, shrubs, or drawn on rocks or other natural features, or placed on utility poles. The act also requires obtaining permission from landowners when signs are placed on private property.

Notwithstanding any other provisions of this Section, all signs of any size containing Non-Commercial Speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election. City Code Section 11.70, Subd. 3, H.

SIGN IDENTIFICATION

The required form of disclaimer is "Prepared and paid for by thecommittee,.....(address)" for material prepared and paid for by a principal campaign committee, or "Prepared and paid for by thecommittee,.....(address), in support of(insert name of candidate or ballot question)" for material prepared and paid for by a person or committee other than a principal campaign committee. M.S.S. 211B.04.

PENALTIES-REMEDIES/AUTHORITY OF CITY TO REMOVE SIGNS

In cases of campaign signs in violation of the City Code, the Chief Building Official or a deputy shall give written notice to the person or committee who prepares, disseminates, issues, posts, installs, or owns the sign, or the owner or occupant of the premises on which the sign is displayed.

If the person to whom such notice is given fails to remove or alter the sign so as to comply with the provisions of the Code within three days following receipt of the notice, then the failure is deemed unlawful, and such person, committee, owner, or occupant shall be guilty of a misdemeanor, and each period of three days within which the sign is not removed or altered shall be deemed to constitute another violation of the City Code. Any sign which is the subject of such a notice shall be deemed to be a nuisance and may be abated by the City by proceedings taken under Minnesota Statutes Chapter 429, and the cost of abatement including administration expenses may be levied as a special assessment against the property upon which the sign is located. City Code Section 11.70, Subd. 5, E. Conviction of a misdemeanor may subject a person to a fine of not more than \$700, or not more than 90 days, or both. City Code Section 1.02, Subd. 13.

Unauthorized destruction, removal, defacement, or tampering with any campaign sign by any person may subject such person to criminal liability, including theft, criminal damage to property, trespassing, as well as civil liability.

Signs placed within a street right-of-way may be removed by the City without notice. City Code Section 11.70, Subd. 3, D.; Section 6.06, Subd. 4; M.S.S. 160.27.

PENALTIES FOR VIOLATION

Violation of Chapter 211B, "Fair Campaign Practices," for which no other penalty is provided is a misdemeanor. M.S.S. 211B.19.

FALSE CAMPAIGN MATERIAL

A person is guilty of a gross misdemeanor who intentionally participates in the preparation, dissemination or broadcast of paid political advertising or campaign material with respect to the personal or political character or acts of a candidate, whether or not defamatory, or with respect to the effect of a ballot question, that the person knows or has reason to believe is false and that is designed to tends to elect, injure, or defeat a candidate for nomination or election to a public office or to promote or defeat a ballot question. M.S.S. 211B.06.

SOLICITATION NEAR POLLING PLACES PROHIBITED

A person may not display campaign material, post signs, ask, solicit, or in any manner try to induce or persuade a voter within a polling place or within 100 feet of the building in which a polling place is situated, or anywhere on the public property on which a polling place is situated, on primary or election day to vote for or refrain from voting for a candidate or ballot question. A person may not provide political badges, political buttons, or other political insignia to be worn at or about the polling place on primary or election day. Violation is a petty misdemeanor. M.S.S. 211B.11.