

Exhibit B

Chapter 17.43

SIGNS

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17.43.010 Purpose and Scope.

A. Purpose. The city finds that control of the size, design, and location of signs is necessary to the protection of the public health, safety, welfare, and aesthetics of the community. The purpose of this chapter is to establish uniform sign regulations in the city to:

1. Maintain and enhance the city's appearance by regulating the design, character, location, number, type, quality of materials, size, illumination, and maintenance of signs;
2. Eliminate traffic safety hazards to pedestrians and motorists caused by signs that would create distractions or reduce visibility;
3. Minimize the possible adverse effects of signs on nearby public and private property;
4. Generally limit commercial signage in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public;

5. Allow the communication of information for commercial and noncommercial purposes without regulating the content of noncommercial messages;
 6. Allow the expression of political, religious, and other noncommercial speech at all times and allow for an increase in the quantity of such expression in the period preceding elections;
 7. Respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational, and other non-communicative aspects of signs, generally for the public health, safety, welfare, and, specifically, in promoting traffic and pedestrian safety and community aesthetics; and
 8. Enable the fair, consistent, and efficient enforcement of the sign regulations of the city.
- B. **Scope.** The provisions of this section apply to all permanent and temporary signs located in the city. Where this section is inconsistent with any other provision contained in this code, the provisions of this section shall control except as otherwise provided by this Title. Notwithstanding the aforesaid, in all cases where the inconsistency relates to the structural safety of a sign, the provisions of the California building codes as adopted by the city shall be controlling.

17.43.020 Sign permits required.

- A. **Requirement for Sign Permit.** No person shall erect any temporary or permanent sign upon any billboard, fence, post, pole, tree, building or other structure within the city, without first obtaining a sign permit from the Community Development Director issued in conformity with the provisions of this section, except as otherwise provided. For purposes of this section, an existing sign that is moved shall be considered to be a new sign. Every sign permit expires and becomes null and void if installation of the sign is not commenced within six months from the date the permit is issued, unless associated with an active building permit or discretionary approval.
- B. **Application for Permit.** An application for a permit for each sign or master sign plan shall be made to the Community Development Director in such form and containing such information as the director may prescribe. The application shall be accompanied by the written consent of the owner, lessee, or person having possession of the property upon which the sign is to be located.
- C. **Master Sign Plan Required.** Approval of a master sign plan by the architectural review committee is required for a shopping center, business park or buildings with three or more nonresidential tenants on a single site. The master sign plan shall conform to all provisions of this chapter except as may otherwise be provided herein. Once approved, all individual business or tenant signs in that center, complex or building shall conform to the master sign plan.
- D. **Permit Fee.** Fees for issuance and/or renewal of sign permits shall be paid to the director in accordance with a schedule of fees established from time to time by resolution of the City Council .
- E. **Waiver of permit fees and bond requirements.** Permit fees and removal bond requirements may be waived by the City Council with respect to temporary signs conforming to the provisions of this section when erected or posted by non-profit civic, religious, educational, charitable, historical or cultural groups or organizations in connection with public events conducted by or participated in by such organizations. Such signs shall remain subject to the permit requirement, but any number of such signs may be covered by a single permit. The

permit shall require the permittee to remove all signs posted or erected there under within a period of time stated in the permit, or to pay all costs incurred by the city in removing the same. The permit application shall include the agreement of the person signing the application, and of the organization he or she represents, binding them jointly and severally to pay such costs to the city, on demand.

F. Permit Issuance and Design Approval. It is the duty of the Community Development Director, upon the filing of an application for a sign permit, to examine the plans and specifications and other submitted data, and the premises upon which the sign is proposed to be located. If it appears that the proposed sign is in compliance with the provisions of this section and other laws and ordinances of the city, the Community Development Director shall approve the application, except that the director shall refer to the architectural review committee for approval: (1) signs that are considered to be of such unusual style, composition or configuration as to require design approval by that body; or (2) signs in a H-C Highway Commercial, C-C Community Commercial or M-Industrial district or on lots exceeding one acre in area in any district as provided by Section ___ herein.

G. Architectural Review Committee Review and Action. The architectural review committee shall review the plans, specifications, and data submitted to it by the Community Development Director and shall recommend, approve, conditionally approve or disapprove the application consistent with the provisions of this chapter and the other laws and ordinances of the city.

H. Exceptions allowed. Exceptions to the maximum height and sign area provisions of this chapter may be approved by the Community Development Director or architectural review committee provided that such exception is for a permitted sign and does not exceed the maximum height and/or area limitation by ten (10) percent, except as otherwise provided by this Chapter.

I. Revocation of Permit. Any permit issued under this section may be revoked by the Planning Commission, or the City Council if the City Council was the approving body, when it is shown by satisfactory proof that the application for the permit contained any material misrepresentation of fact, or that the sign was erected or used in any manner not in substantial compliance with the plans, specifications or location as shown in the application and accompanying data, or that it was erected or used in a manner not in substantial compliance with any condition, restriction, provision or modification imposed by the architectural review committee in approving the application.

17.43.030 Sign area measurement. Sign area shall be determined by measuring the area or square footage within the smallest rectangle or rectilinear perimeter of a sign face, excluding the sign framework, base or supporting structure, unless the base or supporting structure of the sign is part of the message presentation. The area of a pylon sign shall be the sum of the square footage of the individual cabinet signs, excluding air gaps. In computing the area of a double-face sign, only one face shall be included, provided that the two faces are approximately of the same size and approximately parallel to each other and not more than two feet apart at any point.

17.43.040 Requirements for temporary signs.

A. Bond required. Except as otherwise provided, issuance of a temporary sign permit shall require a cash or surety bond in favor of the city to guarantee the removal of each

sign within the time limitations specified in the permit, the amount of which shall be established by resolution of the City Council.

B. Bond forfeiture. Signs that are not removed within seven days of the time specified in the permit may be removed by the Community Development Director, in which case the bond is forfeited.

C. A temporary sign permit authorizes the erection and maintenance of the sign or signs for a period not to exceed 30 days. Within five days of expiring, a temporary sign permit, other than for special events and grand openings, may be renewed for one additional maximum period of 30 days. Shorter limitations on length of display may be enacted by other provisions of this section. No more than one temporary sign permit with extension may be issued to a business during a six (6) month period for banners advertising special promotions or sales.

D. Temporary signs shall be affixed to the principal building and shall not project above the roofline. Temporary signs on windows shall not occupy more than 25 percent of the total window area.

E. Temporary signs not relating to a business conducted on the premises shall not exceed four square feet in area per sign, or five in number.

F. The city shall not grant additional sign permits for election signs nor allow additional election signs under the provisions of this section.

17.43.050 Exempted signs.

A. No permit or removal bond is required for any of the following types of signs, but such signs shall be erected and maintained in accordance with the provisions of this section:

1. Public signs and notices required or specifically authorized by law, statute or ordinance, which may be of any type, number, size or location as required or authorized by such law, statute or ordinance;

2. Government signs for control of traffic or other regulatory purpose, street signs, danger signs, railroad crossing signs, city entrance identification signs, signs for designation or direction to any school, hospital, historical site, or to a public service, property or facility, and signs of public service companies;

3. Decorations commonly associated with any national, state, or local holidays or city-sponsored events; provided, that such decorations shall be displayed for a period not exceeding 45 consecutive days, and no more than 60 days in any one calendar year;

4. Address numbers and nameplates with letters not exceeding six (6) inches high in residential districts and 2 feet high in other districts;

5. One sign not to exceed two (2) square feet in area for any main building;

6. A sign posted or erected on private property on behalf of candidates for public office or measures on election ballots as permitted by subsection O of this section;

7. Signs four (4) square feet or less in area which provide direction or instruction, which are located entirely on the property to which they pertain, and which do not in any way advertise a business; also signs four (4) square feet or less in area identifying restrooms, public telephones, walkways, parking lot entrance and exit signs, and those of a similar nature.

17.43.060 Prohibited signs.

A. Except as otherwise expressly provided in this section, the following signs are prohibited:

1. Moving signs or structures having a visible moving part or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsation, or by action of normal wind currents. However, an exception is allowed for any such sign not exceeding 25 square feet in area, and, consistent with any applicable state standards. The Planning Commission or City Council may approve other exceptions to this prohibition if all of the following findings can be made:

- a. the sign will be consistent with the character of the neighborhood;
- b. the sign will not result in a distraction to drivers;
- c. the sign will not cause reflection or glare onto any residential property.

2. Banners, pennants, searchlights, twirling signs, sandwich boards, balloons or other gas-filled figures, except those which are temporary and for which a permit has been issued pursuant to this section; provided, that no such permit shall be issued for a period longer than 30 days;

3. Roof signs, including any temporary sign located on or extending above the roof of a building, except that an exception to this prohibition may be approved by the Planning Commission or City Council through approval of a conditional use permit pursuant to Chapter 17.42 of this Title.

4. Any sign affixed to a vehicle and protruding more than one (1) foot from the surface of the vehicle, or affixed in such a position or manner that the vehicle is rendered inoperable;

5. Any sign which does not identify or relate to any business or other activity being conducted on the premises;

6. Signs constructed in such a way that any light bulb or filament, other than neon tubing or other self-illuminating material of equivalent or less intensity, is visible from the front of the sign or from beyond the property line;

7. Signs displaying obscene, indecent, or immoral matter or untruthful advertising matter;

8. Signs which purport to be, or are, an imitation of, or resemble, official traffic signs or other safety signs and attempt to govern traffic or other public activity in public streets, rights of way, or other public places. This does not include traffic or directional signs installed on the premises to control traffic within the premises.

17.43.070 Restrictions on location.

All signs shall comply with the following location requirements:

A. Public Property.

1. No person shall paint, mark, attach, post, or otherwise affix any sign to or upon any public property within the city, and any person responsible for doing so is liable for all costs incurred by the city for the removal thereof, which are a debt to the city. "Public property," as used in this subdivision, includes public right-of-ways, including streets, sidewalks, planter strips, curbs, bridges, overpasses, underpasses, street lamp poles, electric light or telephone or telegraph poles and wires appurtenant thereto, street signs, traffic signs, public informational or directional signs and fire hydrants; publicly owned parking lots; publicly owned landscaped areas; public parks and playgrounds and all buildings and facilities appurtenant thereto; and all other public places and property of a similar nature.

2. The provisions of this subdivision shall not apply, however, to the painting of house numbers on street curbs, to the installation of a metal plaque or similar device in a sidewalk or wall to commemorate an event of historical or local importance, or to the installation of sidewalks of terrazzo or similar construction containing a design or an admixture of colors, or both, provided that in each such case all permits required by this chapter are first obtained; nor shall the provisions of this subdivision apply to marquee signs or to projecting signs which comply with all of the provisions of this chapter.

B. Fire Escapes, etc. No sign shall be erected in such a manner that any portion of the sign or its support is attached to or will interfere with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.

C. Marquees, etc. No sign shall be placed on the top or on any non-vertical surface of any marquee, porch, walkway covering, or similar covering structure adjacent to a building.

D. Traffic Interference. No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse or mislead vehicular traffic, within a triangular area formed by the curb lines and a line connecting them at points 35 feet from the intersection of the curb lines, unless the sign is in compliance with the provisions of this section and has a clearance of at least ten feet above curb grade and no part of its means of support has a single or combined horizontal cross-section exceeding eight inches.

E. Vehicle Signs. If a sign exceeding eight square feet is posted or otherwise displayed on a vehicle and is left on either private or public property for longer than 72 hours, the sign shall be tantamount to a sign affixed to real property and the provisions of this section shall apply.

17.43.080 Regulations by District. Excluding temporary signs and exempt signs, no permit shall be issued for, and it shall be unlawful for any person to erect, construct or maintain any sign of a type not authorized for the district in which it is located, or in number greater than authorized for the district in which it is located, or containing an area greater than authorized for the district in which it is located, according to the following provisions:

A. Residential Districts:

1. For all residences, permissible signs include an address sign, and one wall sign not to exceed two square feet per main building.

2. Apartments, PUD residential developments, planned mobile home parks, and condominium townhouse developments, permissible signs are those permitted in the site plan or development plan approved pursuant to the provisions of the subdivision ordinance, or as part of a discretionary or other permit approval. In all other cases, one wall sign or one freestanding sign, as permitted by this section, not to exceed 15 square feet in area, for identification of the premises; and freestanding signs not exceeding 5 feet in height nor 4 square feet in area, as required for directing traffic on the property.

B. Non-residential districts, except as noted, permissible signs include:

1. One projecting sign as permitted by subsection J of this Section 17.43.110.

2. In addition, wall or marquee signs, as permitted by Section 17.43.090, or freestanding signs as permitted by Section 17.43.110, having a combined total area of not more than 1 square foot for each lineal foot of building frontage on a public street.

3. Shopping centers, office and other multi-tenant buildings outside of the downtown specific plan area: Shopping centers and office buildings and complexes, shall be considered as one entity, except that each separate business therein having its own entrance may

be considered as a separate entity and shall be allowed one wall or marquee sign at the front of the business premises, and, if there is a second entrance to the premises from a public road, walkway, or parking area, one additional sign on the wall having the second entrance. The total area of a front sign shall not exceed 1.25 square foot for each lineal foot of frontage, up to a maximum of 250 square feet, and shall not occupy more than seventy-five (75) percent of the height or length of a building fascia. The area of any additional sign for premises having a second entrance shall not exceed one-half of the area of the front sign placed on the same premises

4. Multi-tenant buildings or centers located in Commercial districts outside of the boundaries of the downtown specific plan area, or in industrial districts, or on lots which exceed one acre in size in any district outside the downtown area: permit applications shall be reviewed and, decided on a case-by-case basis by the architectural review committee, which shall be guided by the general requirements set forth in this section.

5. Within the downtown specific plan area:

a. Tenant spaces of less than 6,000 square feet: maximum wall sign area 25 square feet for single-occupant buildings, and 15 square feet per business occupant for multiple-occupant buildings.

b. Tenant spaces of 6,000 square feet or greater: maximum wall sign area is one square foot of sign per lineal foot of longest property frontage, and one-half square foot of sign area per lineal foot of side street frontage.

6. Open space districts: Permitted signs include one wall or freestanding sign, not exceeding 8 square feet in area, to designate the name of the owner or occupant of the premises upon which the sign is situated, or to identify such premises.

17.43.090 General requirements for wall signs.

A. Except as otherwise provided in this section, every wall sign shall meet the following requirements:

1. Maximum area: Except as otherwise provided by Section 17.430.080, the maximum wall sign area for each building face is 1 square foot for each lineal foot of building frontage, up to but not exceeding 250 square feet.

2. Thickness or projection: No part of such sign, including light box or other structural or operating part, shall project more than 1 foot from the face of the wall on which it is mounted.

3. Height: No structural or operating part of the sign shall extend beyond the top level of the wall upon which it is mounted. Any wall sign which projects over any public or private walkway shall have an overhead clearance of at least 10 feet.

17.43.100 Window signs.

A. Window signs appurtenant to the business or activity being conducted on the premises are permitted, subject to approval by the architectural review committee and the following regulations and limitations:

1. Window signs will be considered as wall signs for the purpose of computing the total area of wall signs on a building.

2. Where individual letter, neon tube, or other borderless copy is mounted so that the window frame is visually the frame of the sign, the area of the sign will be considered the area of the window within which the copy is mounted.

17.43.110 Requirements for Projecting Signs.

A. Projecting signs shall be permitted only in commercial and industrial districts, and then only when approved by the architectural review committee. Except as otherwise provided in this section, every projecting sign shall meet the following requirements:

1. Maximum area: The maximum projecting sign area for each building face is 25 square feet.
2. Maximum height: No part of any projecting sign shall have a vertical dimension exceeding 12 feet, nor shall it extend above the top level of the parapet wall upon or in front of which it is situated. Any projecting sign which projects over any public or private walkway shall have an overhead clearance of at least 10 feet.
3. Number: There shall be no more than one projecting sign for each place of business or each building face fronting on a public street.

B. Multisided projecting signs constructed back-to-back, with faces on both sides of a single panel, shall count as only one sign, both as to number and area; i.e., only one side need be counted. Every other projecting sign having multiple sides or faces, including a sign constructed in the form of a cylinder or sphere or similar figure, shall be limited in total area to that set forth in this subsection.

17.43.120. Requirements for freestanding signs.

A. Freestanding signs over five (5) feet in height shall be permitted only in commercial and industrial districts and then only when approved by the architectural review committee.

1. Maximum area: The maximum area of all such signs shall be 25 square feet for frontage of up to 100 lineal feet, plus 1 square foot for each additional lineal foot of building frontage, up to a maximum of 200 square feet.
2. Maximum height: No such sign shall exceed 30 feet in height in the C-1 district, or 60 feet in height in the CC, HC, C-2, and M, districts, measured from ground level.
3. Location: No such sign shall be located closer than 5 feet to a front, side or rear property line.
4. Number: Other than permitted monument signs, only one freestanding sign shall be allowed for each place of business or occupancy. In the case of a shopping center, industrial park, or similar development, the entire development shall for this purpose be considered a single place of business.
5. Multisided signs: Freestanding signs constructed back-to-back, with faces on both sides of a single panel, shall count as only one sign, both as to number and area, i.e., only one side need be counted. Every other freestanding sign having multiple sides of faces, including a sign constructed in the form of a cylinder or sphere or similar figure, shall be limited in total area to that set forth in this subsection.

B. Monument signs shall be permitted in accordance with the following provisions:

1. In commercial districts within the downtown specific plan area: maximum area for monument signs is twelve (12) square feet; maximum height is six (6) feet.
2. In industrial districts and commercial outside the downtown specific plan area: maximum area is 32 square feet; maximum height is 8 feet.
3. Maximum number of signs allowed per business or multi-tenant center: one sign per each street frontage with one additional sign for every additional 250 feet of street frontage.

4. For shopping centers and other multi-tenant centers or buildings, the total area of monuments signs is in addition to the maximum allowable sign area.

17.43.130 Signs on awnings. Where appurtenant to a permitted use, and in circumstances where a retractable or fixed awning has been permitted, signs may be placed on the awning subject to approval by the architectural review committee and to the following regulations and limitations:

1. Signs consisting of one line of letters not exceeding 12 inches in height may be placed on the hanging border of an awning. The area of an awning sign shall be included in the computation of the total area of wall signs on the building to which the awning is attached. Signs placed elsewhere on the awning are not permitted.

2. Signs on awnings shall be painted on or placed flat against the awning material and shall not project more than 2 inches from the awning surface. Such signs shall not be illuminated.

17.43.140 Wall graphics. Special Permit Required. Notwithstanding any other provision of this section, wall graphics and graphic decorative displays which occupy a major part or all of a building wall or facade and comprise an integral part of the building color scheme or design, including those incorporating signage advertising a business being conducted on the premises, may be allowed by special permit issued by the architectural review committee, as follows:

A. Application for such permit shall contain such information as the architectural review committee requires and shall be accompanied by:

1. A detailed sketch, drawn to scale, showing the colors to be used and showing the facades of other buildings within a lateral distance of 150 feet of the site or to the nearest corner, if such corner is less than 150 feet distant;

2. The written consent of the owners and occupants, or their authorized representatives, of not less than 50 percent of the property situated on the same street and within 300 feet of the sign, the percentage to be computed on the basis of frontage footage rather than area; and

3. The prescribed permit fee.

B. Upon receipt of such application the architectural review committee shall hold at least one public hearing upon the same and shall give at least 10 working days' prior written notice thereof by mail to each owner and to each occupant of real property situated within 300 feet of the site.

C. If at the conclusion of the public hearing the architectural review committee finds the proposed graphic display to be consistent with the general and specific plans adopted for the district in which the site is located, and consistent with the purposes and objectives of this title, it may issue a permit upon such conditions as it may deem proper, including conditions requiring periodic renewal.

17.43.150 Special purpose signs. Signs for the special purposes set forth in this subsection are permitted, subject to permit requirements and the following specific requirements:

A. For-sale or for-lease signs: In all districts, signs may be erected on real estate advertising such real estate for sale or lease, provided they are in compliance with the provisions of this section. In residential districts such signs shall not exceed 6 square feet in area. In all other districts, the area of such signs shall not exceed 75 square feet. In lieu of a temporary sign

permit for each sign, an annual permit for such signs may be issued to any person; such signs shall not be limited in number, but the fee charged for the permit shall be based on the maximum number of signs specified in the permit. Notwithstanding the provisions of this subsection, on any residential property, one "for sale by property owner sign" not exceeding two square feet in area is exempt from the permit requirements of this subsection. A temporary sign permit is required for any "for sale by property owner" sign between 2 and 6 square feet in area.

B. Directory signs: In all districts where group occupancies in office or commercial buildings are permitted, directory signs may be erected displaying the names of the occupants of a building. Such signs shall be situated at least 2 feet inside the front property line, shall not exceed eight feet in height, and shall have a total area not exceeding 75 square feet.

C. Construction project signs: Signs may be erected in conjunction with construction projects for the purpose of publicizing the future occupants of the building or the architects, engineers, contractors and lenders participating in the project. In residential districts no such sign shall exceed 12 square feet in area, nor shall any such freestanding sign exceed 5 feet in height. In other districts the maximum sign area shall not exceed 75 square feet. All such signs shall be removed before a final release and certificate of occupancy is issued by the Building Official.

D. Directional signs greater than 4 square feet: Directional signs may be erected to facilitate or control the efficient and safe movement of pedestrians or vehicles on private property. Such signs shall not be used for advertising purposes and shall not display the name or insignia of any person, firm, product or service. Each such sign shall be located on the property to which it pertains, shall have an area of not more than 8 square feet, shall not exceed 4 feet in height, and shall be located at least 5 feet from the nearest property line.

17.43.160 Requirements for election signs. The purpose of this section is to achieve a fair and reasonable accommodation between the public's interest in full and vigorous debate of election issues and candidates, and the community's interest in public order, cleanliness and community aesthetics.

A. Size. Election signs shall be 8 square feet or less. No more than one election sign shall be attached per sign post or stake in order to avoid circumstances in which multiple signs are affixed to a single sign or post creating an overall display in excess of 8 square feet for any single candidate or combination of candidates. Similarly, it shall be prohibited to assemble several 8 square foot or less signs, either edge-to-edge or where separated by minimal space, to create a display for a single candidate or combination of candidates in excess of 8 square feet.

B. Time Limit. Election signs may be displayed in connection with an election for up to seven days following the election to which they relate. After said election, signs shall be removed except that, if an election sign pertains not only to a primary election but also to a succeeding general election, it may be displayed until seven days after the date of the general election.

C. Location.

1. No person shall erect or display or cause or authorize any person to erect or display any election sign on public property. Public property shall include but not be limited to: public right of ways, public buildings, easements, public telephones, and walkways. Election signs on public property will be removed without notice.

2. No person shall erect or display, or cause or authorize any person to erect or display, any election sign on any property not owned or controlled by such person, unless authorized to do so by the owner or other person in control of such property.

D. Election signs shall not be regulated by Section 17.43.040(c) (Temporary Signs) of this code, and the city shall not grant additional sign permits or allow additional election signs under the provisions of Section 17.43.040 (Temporary Signs) of this code.

17.43.170 Classification of signs. Every sign erected or proposed to be erected shall be classified by the Community Development Director in accordance with the provisions of this section. Any sign which does not clearly fall within one of the classifications provided in this section shall be placed in the classification which the sign, in view of its design, location and purpose, most nearly approximates, and the decision of the Community Development Director in this regard is conclusive.

17.43.180 Construction and maintenance.

All signs are subject to the following construction and maintenance requirements:

A. Safety requirements: All signs shall be constructed, erected and maintained in compliance with the appropriate detailed provisions relative to construction, structural integrity and safety contained in the Uniform Building Code, the Uniform Electrical Code, the Uniform Sign Code, and other applicable codes adopted by reference in Chapter 15.08 of this code, as well as in compliance with construction standards set forth in this chapter.

B. Maintenance requirements: Every sign shall be kept in good and presentable condition at all times. Defective or deteriorated parts shall be replaced and painting, repainting, cleaning and other work of maintenance and repair shall be performed as needed to preserve the appearance and material condition of the sign.

C. Unsafe signs: No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a sagging, leaning, fallen, decayed, deteriorated, dilapidated or otherwise unsafe condition. The Community Development Director may revoke the permit for any sign which is in violation of any of the requirements of this section and may proceed to abate the same if the owner or other person in control of the premises fails to correct the violation after being given notice to do so.

17.43.190 Abandoned signs. No person shall maintain, or permit to be maintained, on any premises owned or controlled by him or her any sign which has been abandoned. Any sign which is located on property which becomes vacant and remains unoccupied for a period of three months or more, and any sign which was erected for an occupant or business unrelated to the present use of the premises, and any sign which pertains to a time, event or purpose which no longer obtains, shall be presumed abandoned; provided, that such presumption shall not apply to premises in regular use on a seasonal basis. The Community Development Director may revoke the permit for any abandoned sign and may abate the same if the owner or other person in control of the premises fails to do so after being given notice to abate.

17.43.200 Nonconforming signs.

This section applies to every sign in existence on the effective date of the ordinance codified in this title which violates or does not conform to the provisions of this section.

A. Amortization. Within the following time periods, all nonconforming signs within the city shall be altered, removed, or otherwise made to comply with the provisions of this section:

1. Signs painted on buildings, walls or fences, two years;

2. All other signs, five years; provided, that the following time periods apply to signs legally erected pursuant to a valid sign permit issued within two years immediately preceding the effective date of the ordinance codified in this title:

- a. Signs painted on buildings, walls or fences, three years from permit date;
- b. All other signs, seven years from permit date.

3. If a sign becomes nonconforming subsequent to the effective date of the ordinance codified in this title, either by reason of the annexation to the city of the territory within which the sign is located or by the amendment of this section to render such sign nonconforming, the period within which such sign must be altered, removed, or otherwise made to comply with the provisions of this section shall commence to run upon the effective date of such annexation, or of such amendment, or the date upon which the sign otherwise becomes nonconforming.

B. Alteration or Removal. Nonconforming signs shall either be made to conform with the provisions of this section or abated within the applicable period of time hereinabove in this section set forth. It shall thereafter be unlawful for the owner or person having control of the property upon which a nonconforming sign is located to maintain the same, or to allow the same to be maintained, on the property. The Community Development Director may revoke the permit for any such sign and may abate the same if the owner or other person in control of the premises, after being given notice to bring the sign into conformity or to abate the sign, does not do so.

17.43.210 Abatement procedures.

When under any provision of this section a sign is required to be abated, the following procedures shall be followed:

A. Manner of abatement: Signs painted on buildings, walls or fences shall be abated by removal of the paint constituting the sign or by permanently painting over it in such a way that the sign thereafter is or becomes invisible. Other signs shall be abated by removal of the sign, including the dependent structures and supports; or, pursuant to a sign permit duly issued, by modification, alteration or replacement thereof in conformity with the provisions of this section.

B. Notice to owner: Except in cases of emergency, as provided in this subsection, before taking any abatement action the Community Development Director shall cause to be mailed to the owner of the property upon which the sign is located a notice informing the owner of the nature of the violation and ordering that the sign be abated within ten days after the date of mailing of the notice. The notice shall be addressed to the owner at his or her last-known address or at the owner's address as shown upon the last equalized assessment roll for the city. Such notification to the owner shall be deemed to be notification to the owner of the sign. The mailing of the notice shall be done primarily as a convenience to the owner, and the failure of the owner to receive the notice in no way impairs the effectiveness of the provisions of this section or the validity of any proceedings taken for the abatement of the sign. In case of emergency, when it is determined by the Community Development Director that a sign is unsafe and an imminent danger to the public safety, and contact cannot be made with the property owner or the owner of the sign, the foregoing notice requirement does not apply and the Community Development Director may proceed immediately with the abatement of the sign.

C. Abatement by City: If the owner or other person having control of the property upon which a sign subject to abatement is located fails to abate the same within the period of

time specified in the notice to the owner, the director may cause the sign to be abated as provided in this subsection, at the owner's expense. Any sign removed pursuant to the provisions of this section shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal, and all incidental expenses incurred by the city in connection with such removal, constitute a debt owed to the city by the owner of the sign and the owner of the property and may be recovered in an appropriate court action by the city, together with its costs of suit and attorneys' fees in the action.

17.43.220 Appeals.

Appeals from decisions made or actions taken under the provisions of this section shall be made as follows:

A. Appeals to the architectural review committee: Any affected person may appeal the action or decision of the Community Development Director pursuant to the provisions of this section, to the architectural review committee by filing written notice of appeal with the secretary of the Planning Commission within 14 days of the date of such action or decision. The secretary thereupon shall set the matter for hearing by the architectural review committee at the next available meeting, and shall cause written notice of hearing to be mailed to the appellant at the address stated in the notice of appeal no less than five days prior to the date of hearing.

B. Appeals to City Council: Any affected person may appeal the action or decision of the architectural review committee or the Planning Commission pursuant to the provisions of this section, may appeal to the City Council by filing written notice of appeal with the City Clerk within 14 days of the date of such action or decision. The City Clerk thereupon shall set the matter for hearing by the City Council at the next available meeting, and shall cause written notice of hearing to be mailed to the appellant at the address stated in the notice of appeal, and to the applicant (if the applicant is not the appellant) at the address stated in the application, not less than five days prior to the date of hearing. The decision of the City Council on such appeal shall be final and conclusive. (Ord. 571 §§ 1-3, 2001; Ord. 445 § 2 (Exbt. A) (part), 1986.)

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