

- **Chapter 3 - ADVERTISING AND SIGNS**^[1]

- **ARTICLE I. - IN GENERAL**

- **Secs. 3-1—3-25. - Reserved.**

- **ARTICLE II. - HANDBILL DISTRIBUTION**^[2]

- **Sec. 3-26. - Throwing or distributing handbills in public places.**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the city, nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.

(Code 1968, § 14-10)

- **Sec. 3-27. - Putting handbills on vehicles.**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

(Code 1968, § 14-11)

- **Sec. 3-28. - Depositing handbills on uninhabited or vacant premises.**

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Code 1968, § 14-12)

- **Sec. 3-29. - Distribution of handbills where property posted.**

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any

manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left upon such premises.

(Code 1968, § 14-13)

- **Sec. 3-30. - Distribution of handbills on inhabited property.**

(a)

Generally. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises.

(b)

Mail and newspapers. The provisions of this section shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall not be thrown on streets or alleys or in gutters.

(c)

Religious or charitable organizations. The provisions of this section shall not apply to religious, charitable, patriotic, philanthropic, social welfare, benevolent, educational, civic or fraternal groups or organizations, provided such organizations have obtained a permit after making application in writing therefor upon forms provided to the chief of police, who shall issue such permits without charge if he is satisfied that the organization applying for the permit is a bona fide organization as named in this subsection.

(Code 1968, § 14-14)

- **Secs. 3-31—3-50. - Reserved.**

- **ARTICLE III. - ADVERTISING AND DISPLAY OF ADULT MATERIALS**

- **Sec. 3-51. - Purpose.**

The city council finds that it is in the interest of public health, safety and welfare of the citizens of the city to protect minors from viewing publicly displayed harmful matter, and that pursuant to Penal Code § 313.1(d) and (e) the city is authorized to adopt ordinances which restrict the display of harmful matter to minors by the use of blinder racks. The city council further finds that there exists an increasing trend toward the display of harmful matter, within the meaning of Penal Code § 313, at grocery stores, convenience stores, video stores and other retail outlets, as well as from newsracks, within the city, and that restriction of public display of such harmful matter will keep the adverse impacts of such harmful matter upon minors to a minimum. This article is enacted for the purpose of reducing the adverse impacts of such harmful matter upon minors.

(Ord. No. 1076, § 1(3-34), 4-20-93)

- **Sec. 3-52. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blinder rack means an opaque device, which serves to obscure the lower two-thirds of any material displaying harmful matter.

Harmful matter, as defined in accord with Penal Code § 313(a)(1)(2), means matter which, when taken as a whole, appeals predominately to the prurient interests of the average person and, when applying contemporary statewide standards with respect to what is suitable material for minors, lacks significant literary, artistic, political, educational, or scientific value for minors.

Matter, as defined in accord with Penal Code § 313(b), means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines, or materials.

Minor means any natural person under the age of 18 years.

Prurient interest means a shameful or morbid interest in nudity, sex, or excretion, to an extent that is patently offensive to the prevailing standards in the adult community as a whole.

(Ord. No. 1076, § 1(3-35), 4-20-93)

Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

- **Sec. 3-53. - Display of harmful material to minors prohibited.**

(a)

It shall be unlawful to display, cause to be displayed, or permit to be displayed for commercial purposes any harmful matter to a minor in a public place other than a public place from which minors are excluded.

(b)

Harmful matter is not displayed if it is located in an area which places such material reasonably beyond the reach of any minor, and a device commonly known as a blinder rack is placed in front of such harmful matter.

(c)

Any person who sells or rents video recordings containing harmful matter shall comply with Penal Code § 313.1(e) which requires the creation of a separate area within his business establishment for the placement of video recordings or harmful matter and for the display of any material advertising the sale or rental of such video recordings. Additionally, any harmful matter, placed or displayed in that separate area, must be obscured by a blinder rack if the harmful matter can be viewed by persons outside that area.

(d)

Any newsrack which offers for sale harmful matter must place a blinder rack in front of such harmful matter so as to obscure the lower two-thirds of any material displaying harmful matter. For

purposes of this subsection, a wrapper which obscures the lower two-thirds of the material and which is fastened securely to the material may be used in lieu of a blinder rack.

(Ord. No. 1076, § 1(3-36), 4-20-93)

- **Sec. 3-54. - Penalties.**

Every day that this article is violated shall result in a separate violation of this article. Every violation of this article shall be punishable as a misdemeanor.

(Ord. No. 1076, § 1(3-37), 4-20-93)

- **Secs. 3-55—3-80. - Reserved.**

- **ARTICLE IV. - SIGNS^[3]**

- **DIVISION 1. - GENERALLY**

- **Sec. 3-81. - Purposes of article.**

The city recognizes the need for signs as a means to identify businesses within the community. The city finds that signing is an important design element of the physical environment and an important aspect of business communication. The city is committed to preserving and improving its appearance and is striving to provide an economically stable and visually attractive community through site planning, building design, landscaping and signing. As a planned architectural feature, a sign can be pleasing and can harmonize with the physical character of its environment. The city finds that some signs detract from the city's aesthetic value and have the result of decreasing property values. The city finds further, that some signs present a hazard to both pedestrians and motorists. The city is committed to eliminating this hazard, to preserving and improving the city's aesthetic value, and to preserving and maintain the property values of parcels located within the city.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-82. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign where for a period of 90 days or more, there is no sign copy appearing on the sign or where the establishment to which the sign is attached has ceased operation and where it is clear that the sign has been forsaken or deserted.

Accessory use means a use of land or of a building, or portion thereof, which is incidental and subordinate to the principal use of the land or building and located on the same lot or complex with such principal use.

Advertising display face means the surface area of an outdoor advertising display available for the purpose of displaying an advertising message. An advertising display face does not include the structural supports or lighting.

Animated sign means signs designed to attract attention through movement or the semblance of movement of the whole or any part.

Area of a sign means the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of writing, representation, emblem, or any figure of similar character, with any frame, background area of sign, structural trim, or other material or color forming an integral part of the display or used to differentiate such signs from the background against which it is placed. If a sign is designed with more than one exterior surface, the area shall be computed as including only the maximum single display surface that is visible from any ground position at one time. The supports or uprights on which any such sign is supported shall not be included in determining the sign area unless such supports or uprights are designed in such a manner as to form an integral background of the display.

Awning sign means a sign painted or printed on the exterior surface of an awning. An alternative to a wall sign, permitted as a wall sign.

Banner means a fabric, fabric-like, or paper material on which an advertising message is painted or otherwise affixed.

Billboard means an outdoor advertising structure consisting of posts or standards and braces set into the ground or attached to a building or other structure and containing or featuring advertising copy on one or more advertising display face(s) not typically related to a use, structure or activity located on the same site as the advertising structure.

Billboard removal, relocation and reconstruction agreement means an agreement between the city and a billboard and/or property owner resulting in the removal, relocation, replacement, and/or reconstruction of one or more lawfully existing billboards to another parcel of property within the city, or to reconstruct a billboard display on the same property, as approved by the city council. Reconstruction may also include converting a billboard to a digital advertising display. For purposes of this chapter, a relocated billboard is not considered a new or additional billboard. For purposes of this chapter, "relocate" shall not be construed to mean moving an existing structure and/or advertising display face to a new location; all "relocated" billboards and associated advertising display faces shall be of new construction and shall be constructed pursuant to a relocation agreement.

Billboard sign face. See "Advertising display face."

Billboard structure. See "Billboard."

Commercial complex means any group of three or more principal commercial uses on a parcel or combination of parcels, which are generally served either by common access or common parking. Accessory commercial uses shall not be considered in the calculation of the number of uses on a parcel or combination of parcels.

Commercial sign means a sign which contains any message, the prevailing thrust of which is to propose a commercial transaction.

Commercial speech means any message, the prevailing thrust of which is to propose a commercial transaction.

Contour sign means a cabinet sign where the outline of the cabinet follows the outline of the letters.

Digital advertising display shall mean an electronic advertising display or sign face where the message is changed more than once every two minutes, but no more than once every eight seconds and the transition period between separate messages is no less than two seconds.

Digital panel. See "Digital advertising display."

Directional sign means signs which contain any of the following words: "Entrance," "enter," "out," "one-way" or other similar words, or words which contain nonflashing arrows or other characters indicating traffic direction.

Display face. See "Advertising display face."

Electronic message sign. See "Digital advertising display."

Electronic billboard means a billboard using one or more digital advertising displays.

Face of building means the wall of a building fronting on a street, excluding any appurtenances, such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations, but including any required parapet wall.

Flag means a device, generally made of flexible materials, usually cloth, paper or plastic, usually used as a symbol of a government, school, religion, etc. It may or may not contain any copy.

Flashing signs means lighted signs which in whole or in part disappear and reappear at periodic intervals, or are intermittently on and off, but specifically excluding digital advertising displays.

Frontage means the length of a lot along a street or other principal public thoroughfare, but not including such length along an alley, railroad or freeway.

Height of signs means the distance from the average ground level immediately surrounding the base of the sign to the top of its highest element, including any structural or architectural element.

Hospital or medical center complex means any group of medical or hospital buildings under single ownership on a parcel or combination of parcels that contain a minimum of 20 acres or more.

Industrial complex means any group of three or more principal industrial uses on a parcel or combination of parcels, which are generally served either by common access or common parking. Accessory industrial uses shall not be considered in the calculation of the number of uses on a parcel or combination of parcels.

Line of sight means the point of visibility from the street to an object, e.g. sign. The longer the line of sight, the further the sign is visible from the street.

Logo means any symbol or any combination thereof adopted and used by an individual or corporation to identify goods made or sold or services rendered by an individual or corporation and

to distinguish them from goods made or sold or services rendered by others and that is nationally or State of California registered.

Major tenant means a single tenant occupying an area of 20,000 to 50,000 square feet in a commercial complex.

Monument sign means signs with an overall height of four feet or less, standing directly on the ground or on a base or where supporting poles or structures are enclosed by decorative covers. A decorative frame as required by this Code will not be included in determining the sign area.

Non-commercial sign means a sign that displays non-commercial speech. Examples of non-commercial signs include, but are not limited to: signs expressing political views (political signs), religious views, or signs of nonprofit organizations related to their tax-exempt purpose.

Non-commercial speech means any message which is not determined to be commercial speech as defined herein.

Office complex means any group of three or more principal office uses on a parcel or combination of parcels, which are generally served either by common access or common parking. Accessory office uses shall not be considered in the calculation of the number of uses on a parcel or combination of parcels.

Off-site sign means signs which advertise or inform in any manner businesses, services, goods, persons or events at some location other than that upon which the signs are located.

Outdoor advertising structure. See "Billboard."

Outdoor advertising display. See "Billboard."

Painted sign means signs painted on the exterior surface of a building or structure.

Pennant means a device generally made of flexible materials, usually cloth, paper or plastic.

Political sign means a sign erected prior to an election to advise of, or identify, a candidate, campaign issue, election proposition, or other similar matter.

Portable sign means signs not designed to be attached to a building or anchored to the ground, including "A" boards, sandwich signs and signs attached to a fence or wall.

Primary tenant means a single tenant occupying an area more than 50,000 square feet in a commercial complex.

Principal use means a use, which fulfills a primary function of an individual business or complex.

Pylon signs means signs with an overall height exceeding four feet and having one or more decorative supports permanently attached directly into or upon the ground.

Raceway means a cabinet used to loosely hold the electrical wiring for a sign.

Real estate sign means all signs and sign structures relating to the sale, lease or other disposition of the real property on which the signs are located and which are temporary in nature.

Reconstructed billboard. See "Billboard removal, relocation and reconstruction agreement."

Relocated billboard. See "Billboard removal, relocation and reconstruction agreement."

Relocation agreement. See "Billboard removal, relocation and reconstruction agreement."

Shopping center means the same as commercial complex.

Sign means any card, cloth, plastic, paper, metal or other material or painted character visible from outside of a structure for advertising purposes, mounted to the ground or any tree, building, wall, bush, rock, fence or structure, whether privately or publicly owned. Sign means any graphic or digital announcement, declaration, demonstration, display, face, illustration, insignia or object used to advertise or promote the interest of any person or business when the sign is placed out-of-doors in view of the general public.

Sign face. See "Advertising display face."

Submajor tenant means a single tenant occupying an area of 10,000 to 20,000 square feet in a commercial complex.

Window area means the area which shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six inches apart.

Windflag sign, teardrop banner, or feather sail, means a temporary, freestanding, vertically-tapered sign that moves upon being subject to pressure by wind, consisting of various fabric types and of a semi-ridged casing sign face on a wire or metal rod frame and tripped with a ground spike, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface.

(Ord. No. 1240, § 3, 3-3-98; Ord. No. 1337, § 5, 12-5-00; Ord. No. 1597, § 2, 5-12-09; Ord. No. 1657, § 2, 4-10-12; Ord. No. 1658, § 2, 4-10-12; Ord. No. 1720, § 1, 2-10-15)

- **Sec. 3-83. - Duty of community development director.**

It shall be the duty of the community development director or his/her designee to enforce all of the provisions of this article.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-84. - Sign permit—Required.**

(a)

No sign shall hereafter be erected, reerected, constructed or altered except as provided by this article and until a permit for the sign has been issued by the community development department. Where signs are illuminated by lighting, either internally or externally, a separate electrical permit shall be obtained.

(b)

In each instance and under the same conditions to which this chapter permits any sign, a sign containing an ideological, political or other non-commercial message and constructed to the same physical dimensions and character shall be permitted.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-85. - Same—Application.**

Application for a sign permit shall be made in writing upon forms furnished by the planning and building divisions. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector and the additional following information:

(1)

Plot plan, fully dimensioned, showing location of each proposed sign together with the location, size and height of all existing signs on the premises, and all other existing structures or buildings on the premises/site. The street frontage shall be clearly indicated on the plan;

(2)

Elevation plan, fully dimensioned, showing height and size of each proposed sign, colors, method of illumination and materials of construction, and, if a wall sign, the exact location on the face of the building; and

(3)

Structural details and calculations prepared and signed by an engineer or architect registered in the state. Such details shall be required when the area of the sign exceeds five square feet and the height of the sign exceeds four feet.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-86. - Violations; penalties; abatement of nuisances.**

It is illegal to use, occupy, or maintain property in violation of this article. Any violation or failure to comply with the provisions of this article shall render a person guilty of a misdemeanor, and such person shall be punished in accordance with the provisions of [section 1-7](#).

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-87. - Procedure for notification of violation.**

When a sign has been found to have been erected, installed, painted, constructed or altered without a permit having first been issued, notification of such violation shall be made by mail or by direct delivery of a notice to correct violation to the business where the sign violation exists, with a copy mailed to the property owner of record, if different. Notice shall be given as specified in chapters 1 and 18.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-88. - Removal of signs to correct violations.**

If the option of removing signs in violation is exercised, the signs shall be completely removed, including all poles, structures, electrical equipment, cabinets and sign faces. Building walls, grounds or other items on which such signs have been placed shall be restored to good repair and appearance.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-89. - Responsibility for securing permits.**

It shall be the duty of the contractor or person who erects, installs, paints, constructs or alters a sign to secure all necessary permits for such work. It shall be the responsibility of the property owner and/or lessee to ensure that the contractor or sign installer secures the valid permits.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-90. - Nonconforming signs—Prohibitions.**

(a)

It is the intent of this section to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this article is as important as is the prohibition of new signs that would violate this article.

(b)

A nonconforming sign may not be:

(1)

Changed to another nonconforming sign;

(2)

Structurally altered to extend its useful life;

(3)

Expanded; or

(4)

Reestablished after damage or destruction of more than 50 percent of its value, as determined by the building official.

(c)

No new sign shall be approved for a site, structure, building or use that contains nonconforming signs unless such nonconforming signs are removed or modified to conform with the provisions of this article.

(d)

This section regarding nonconforming signs shall not apply to any legal signs made nonconforming by action of the city to widen a right-of-way.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-91. - Same—Time within which removal or conformance required.**

Except as otherwise provided in this article, nonconforming signs shall be made to conform to the provisions of this article or shall be removed in accordance with the following schedule:

(1)

Whenever the occupancy or use of property upon which a nonconforming sign is located is changed, such sign shall be made to conform or be removed at that time.

(2)

Every on-site sign becoming nonconforming as a result of this ordinance shall not be required to be removed, except as provided for in the California Business and Professions Code.

(3)

Every off-site or billboard becoming nonconforming as a result of this ordinance may be removed in accordance with the provisions of the California Business and Professions Code.

(4)

Corporate/national logos are exempt from the provisions of this section.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-92. - Same—Extension of time for removal or conformance.**

Notwithstanding the provisions of [section 3-91](#), the owner of any nonconforming sign or advertising structure required to be removed, altered or replaced pursuant to the provisions of this article may make application to the planning commission for a conditional use permit as provided in [chapter 30](#) to extend the use of such sign or advertising structure. Such written application shall be filed not less than 60 days preceding the date prescribed for the alteration, removal or replacement of such sign or advertising structure. The planning commission may issue a conditional use permit to extend the time for alteration, removal or replacement of such sign or advertising structure for a period not to exceed one year beyond the date provided for by [section 3-91](#). Before granting any such extension, the planning commission must find and determine that such alteration, removal or replacement of such sign or advertising structure at the time or date provided by [section 3-91](#) will result in a substantial economic hardship or loss by such applicant. In connection with such finding and determination, reasonable depreciation and obsolescence allowances must, and unique or unusual circumstances relative to such sign or advertising structure may, be considered.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-93. - Variances.**

(a)

Where practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this article would occur from its strict literal interpretation and enforcement, the planning commission may grant a sign variance therefrom upon such terms and conditions as it deems necessary. Such sign variances shall be in harmony with the general purposes and intent of this article.

(b)

Any sign variance granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties.

(c)

Any sign variance granted shall be in compliance with the provisions of [chapter 30](#) but shall be required to pay only the lesser sign variance fee in an amount approved by resolution of the city council.

(Ord. No. 1240, § 3, 3-3-98)

- **Sec. 3-94. - Appeal process.**

All appeals shall be subject to the requirements of [chapter 30](#).

(Ord. No. 1240, § 3, 3-3-98)

- **Secs. 3-95—3-110. - Reserved.**

- **DIVISION 2. - ZONING DISTRICT REQUIREMENTS**

- **Sec. 3-111. - R-1 single-family residential and A-1 agricultural zones.**

For sale, rental or lease signs are permitted in the following instances:

(1)

One unlighted single-faced sign, not exceeding four square feet in area for each street frontage. Signs shall be restricted to the front setback area of private property only. Signs shall not be located in the public right-of-way. Signs shall not exceed four feet in height.

(2)

On parcels of land having an area of two acres or more, one unlighted single-faced sign, not exceeding 32 square feet in area, for each separate street frontage.

(3)

One nameplate (identification sign), not exceeding one square foot in area, for each dwelling unit, indicating the name of the occupant.

(Ord. No. 1240, § 4, 3-3-98)

- **Sec. 3-112. - R-2, R-3 and R-4 multiple-family residential zones.**

(a)

All signs specifically enumerated in the R-1 single-family residential zone are permitted.

(b)

A maximum of two signs indicating the name of the multi-family dwelling, apartment or dwelling group shall be permitted. The total area of each sign shall not exceed four square feet for less than 12 units or 32 square feet for 12 or more units. Signs attached to the wall of the building shall not extend above the roof or eave line. Such sign may project 12 inches maximum from the

building face. Identification signs may be illuminated, either internally or externally, provided that all lights are directed away from public rights-of-way and adjacent properties.

(c)

An illuminated directory sign shall be provided at each entrance of all multi-family complexes with more than 12 dwelling units. Directory signs shall provide a diagrammatic representation of the complex in accordance with the requirements of the fire department.

(Ord. No. 1240, § 4, 3-3-98)

- **Sec. 3-113. - A-P administration and professional office zone.**

(a)

Signs for office uses other than hospital or medical center complexes.

(1)

Permitted signs. Signs specifically permitted for nonresidential uses include:

a.

Office complexes.

1.

Wall sign. For each occupancy, one single-faced wall sign is permitted for each unit or building frontage, maximum one square foot of sign for each front foot of occupancy, but not to exceed 100 square feet per sign. Wall signs shall not occupy more than 70 percent of the storefront or unit width. Sign copy for all signs shall be individual letters of a maximum of 24 inches in height.

2.

Monument sign. One monument sign not to exceed 30 square feet in sign area. The monument sign shall not exceed four feet in height, and shall indicate the name of the office complex.

3.

Under-canopy signs. For each occupancy, one maximum four-square-foot identification under-canopy sign per frontage.

b.

Office uses not part of an office complex.

1.

Wall sign. For each occupancy, one single-faced identification wall sign is permitted for each building frontage, maximum one-square-foot sign for each front foot of occupancy, but not to exceed 100 square feet per sign. Wall signs shall not occupy more than 70 percent of the storefront or unit width. Sign copy for all signs shall be individual letters of a maximum of 24 inches in height. Corporate/national logos registered with the State of California are permitted to a maximum height of five feet.

2.

Under-canopy signs. For each occupancy, one maximum four-square-foot identification under-canopy sign per frontage.

c.

Signs for hospital or medical center complexes.

1.

Permitted signs. Signs specifically permitted for hospital or medical center complex uses include:

a.

One wall sign for building identification per building, per street frontage. A wall sign may not project above the roof, eave line or parapet of the wall upon which it is mounted.

b.

One wall-mounted complex identification sign per street frontage identifying the hospital or medical center complex. A wall sign may not project above the roof, eave line or parapet of the wall upon which it is mounted.

c.

One complex identification sign may be permitted per street frontage and shall be located at a major drive approach. One complex identification sign may also be permitted at each signalized intersection of two dedicated streets. Complex identification signs shall not exceed 15 feet in height nor 15 feet in width, and shall not exceed 100 square feet in area.

d.

Additional on-site directional signs may be located to provide one sign per drive approach except where a complex identification sign is located at the drive approach. Each additional on-site directional sign shall not exceed a total of 40 square feet in area and eight feet in height.

e.

One unlighted sign per entrance or exit, not to exceed two square feet, may be placed on or at the rear of the building for service and delivery purposes.

(Ord. No. 1240, § 4, 3-3-98)

• **Sec. 3-114. - C-1 local, C-2 community, and C-3 general commercial zones.**

(a)

Sign regulations. The following regulations shall be applicable to uses constructed or maintained in the C-1 local, C-2 community and C-3 general commercial zones.

(b)

Signs permitted within a commercial complex. Signs specifically permitted for commercial uses located within a commercial complex include:

(1)

Wall signs.

a.

One wall sign is permitted on each wall face fronting on a dedicated street or parking lot.

b.

Sign area shall in no event exceed one square foot of sign for each linear foot of building frontage and shall not exceed 100 square feet per sign.

c.

Maximum height of letters:

Primary tenant—5 feet. 1.

Major tenant—4 feet. 2.

Sub-major tenant—3 feet. 3.

Tenant—24 inches. 4.

d.
Corporate/national logos registered with the United States of America or the state are permitted to a maximum height of five feet. However, both the logo and/or letter height may be increased in size with the approval of a conditional use permit and must meet the following criteria:

1.
The elevation of the street in relation to the elevation of the abutting property justifies the height requested, and is the minimum necessary.

2.
The use identified, as well as its type, size and intensity, justifies the increased size of the logo and/or letters requested.

3.
The needs of the traveling public and the use justify the increased size requested.

e.
Channel letters are required.

f.
Contoured cabinet signs are permitted.

(2)
Monument signs. One monument sign not to exceed 30 square feet in sign area, which may be permitted to identify, separate businesses or uses in the commercial complex. The monument sign structure shall not exceed four feet in height. The monument sign can not impede line of sight of vehicles, as determined by the city engineer, and must be placed five feet behind the sidewalk and 20 feet away from any point of egress and ingress. Monument signs will be permitted to be placed up to the edge of the sidewalk and within 20 feet from a point of ingress and egress on Sierra Avenue, between Foothill Boulevard and the I-10 Freeway, provided that the monument signs do not impede line of sight as determined by the city engineer. Additional monument signs may be permitted on parcels having more than one frontage, and the signs are located at least 200 feet apart. If the subject parcel is a corner lot, the maximum size can be increased by 50 percent in sign area and an additional one-foot in height with the elimination of the second monument sign.

(3)
Pylon signs. One pylon sign not to exceed 100 square feet in sign area, which may be permitted to identify separate businesses or uses in the commercial complex. The pylon sign structure shall not exceed 25 feet in height. For each secondary street frontage with at least 300 feet of length, one additional pylon sign may be permitted not to exceed 100 square feet in sign area and 25 feet in height. Where pylon signs are placed on both major and secondary street frontages, each such

sign shall be placed as near to the middle of the street frontage as practical or at a major driveway entrance to the commercial complex from the street frontage.

(4)

Directional signs. The city has a compelling interest in ensuring traffic safety. To directly advance that interest, a maximum of two on-site directional signs per drive approach, each not to exceed a total of ten square feet in area and four feet in height.

(5)

Window signs. Window signs conforming to the provisions of [section 3-115](#).

(6)

Under-canopy signs. For each use or occupancy, one, maximum four-square-foot identification under-canopy sign per frontage.

(c)

Signs not part of commercial complex. Signs specifically permitted for use or occupancies not part of a commercial complex include:

(1)

Wall signs. See [section 3-114\(b\)\(1\)](#).

(2)

Monument signs. One monument sign not to exceed 30 square feet in sign area, which may be permitted to identify the business(es). The monument sign structure shall not exceed four feet in height. The monument sign can not impede line of sight of vehicles, as determined by the city engineer, and must be placed five feet behind the sidewalk and 20 feet away from any point of egress and ingress. Monument signs will be permitted to be placed up to the edge of the sidewalk and within 20 feet from a point of ingress and egress on Sierra Avenue, between Foothill Boulevard and the I-10 Freeway, provided that the monument signs do not impede line of sight as determined by the city engineer. Additional monument signs may be permitted on parcels having more than one frontage, if the signs are located at least 200 feet apart. If the subject parcel is a corner lot, the maximum size can be increased by 50 percent in sign area and an additional one-foot in height with the elimination of the second monument sign.

(3)

Pylon signs. One pylon sign structure not to exceed 100 square feet in sign area and 25 feet in height may be permitted to identify an individual business. The pylon sign must meet all of the following criteria:

a.

Street frontage along Foothill Boulevard, Sierra Avenue, or Valley Boulevard.

b.

Minimum street frontage of 165 feet.

c.

Minimum net lot area of two acres.

d.

Separation from an existing pylon sign should be 200 feet. If a 200-foot separation requirement cannot be met, the proposed pylon sign must demonstrate that it does not visually obstruct

existing pylon signs to the satisfaction of the community development director and/or his/her designee.

(4)

Directional signs. The city has a compelling interest in ensuring traffic safety. To directly advance that interest, a maximum of two on-site directional signs per drive approach, each not to exceed a total of 10 square feet in area and four feet in height.

(5)

Window signs. Window signs conforming to the provisions of [section 3-115](#).

(6)

Under-canopy signs. For each use or occupancy, one, maximum four-square-foot identification under-canopy sign per frontage.

(d)

Freeway signs.

(1)

The maximum allowable sign face area of any freeway sign for a commercial complex, which totals less than 250,000 square feet of gross floor area, shall be 150 square feet and shall not exceed 50 feet in height. If additional height is needed, a flag test shall be required.

(2)

The maximum allowable sign face area of any freeway sign for a shopping center or commercial complex which totals more than 250,000 square feet of gross floor area shall be 300 square feet and shall not exceed 50 feet in height. If additional height is needed, a flag test shall be required. The applicant has the option of increasing the area of the freeway sign to a size determined by the planning commission, by applying for a conditional use permit, if the right to all other freeway signs are waived for the subject parcel or commercial complex.

(3)

A freeway sign requires a design review by the planning commission that may be approved, conditionally approved, or denied, as provided in [chapter 30](#), subject to the following requirements:

a.

It is located upon, or within 500 feet of the property upon which the use identified is located.

b.

It is located in the vicinity of a freeway interchange and within 800 feet of the freeway right-of-way and 600 feet of the intersecting street right-of-way.

(4)

The following findings must be made in addition to the findings required in [chapter 30](#).

a.

The elevation of the freeway in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

b.

The number and spacing of freeway signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.

c.
The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign.

d.
The needs of the traveling public and the use justify the sign.

(e)
Automobile service station signs.

(1)
Identification price monument sign. For each service station, one monument, combination price and identification sign, maximum 45 square feet in size and maximum six feet in overall height shall be permitted, and must include all price advertising as required by state law. Elevated signs may be used subject to approval of the planning commission where vision impairment exists and would be designed with a vision space to see approaching traffic. Such signs shall not exceed 15 feet in overall height.

(2)
Identification pylon sign. For service stations located contiguous to a freeway where a freeway exit serves the street from which the service station takes direct access, in addition to the identification/price monument sign allowed by subsection (e)(1) above, one identification pylon sign, maximum 100 square feet in size and 50 feet in overall height, situated so as to be directed toward and permanently viewable from the freeway, shall be permitted.

(3)
Special service signs. Each service station may display two special service signs per pump island. Such signs must be permanently affixed to the pump island they identify. Each sign may not exceed four square feet in overall size.

(4)
Wall signs. Permitted per [section 3-114\(b\)\(1\)](#).

(f)
Theater marquee signs.

(1)
The size of a theater marquee sign shall be determined by the number of screens. Each screen shall be permitted a maximum of ten square feet for each sign face area. For example: A four-plex theater equals 40-square-foot sign face area. A theater marquee sign may not total more than 100 square feet of sign face area.

(2)
A maximum of one theater marquee sign, not to exceed 25 feet in height, is permitted per street frontage exclusive of freeway, provided that the theater is part of an integrated shopping center.

(3)
A maximum of one theater marquee sign, not to exceed 25 feet in height, shall be permitted for theaters not considered to be part of an integrated shopping center.

(4)

A maximum of one wall-mounted theater marquee sign shall be permitted at the main entrance to the theater. One additional wall-mounted sign may be permitted, subject to community development director approval.

(g)

Electronic message signs.

(1)

One electronic message sign may be permitted in a commercial complex with a minimum of 25,000 square feet of floor area. No electronic message sign shall be located closer than 2,500 feet to another electronic message sign. A conditional use permit shall be required whereby the planning commission will determine the size and height of the sign and whereby a percentage of the copy may be devoted to public comment.

(2)

The sign may display commercial identification or advertising for only those occupants of the parcels which are part of the complex or the merchandise or activities available on the parcels which are part of the commercial complex. The sign shall not be used as a billboard. The sign may also display non-commercial messages.

(3)

The sign shall be proven safe for traffic safety purposes by the applicant. The city's traffic engineer shall review for compliance with any and all safety standards as prescribed by the state.

(h)

New and used automobile dealerships (small). New and used automobile dealerships are unique operations requiring specialized sign criteria. The following criteria shall apply to any new or used automobile dealership, which is a legally conforming use, in the zone in which the dealership is located, and is less than five acres in size.

(1)

Wall signs. One wall sign is permitted for each wall face of the establishment. There shall not be more than four wall signs for any one business. Such signs may identify the automobile dealership name, type of automobile sold, and/or logo of the type of automobile sold. In no case shall the total sign area exceed one square foot of sign area for each linear foot of the building frontage. Wall signs shall not occupy more than 70 percent of the building's linear frontage. Sign copy for all signs shall be individual channels letters of a maximum of three feet in height. If the sign contains an automobile corporation logo, the logo may not exceed a maximum of five feet in height. A wall sign may not project above a roof, eave line or parapet of the wall.

(2)

Monument signs. One monument sign shall be permitted on each street frontage of the new or used automobile dealership property. This monument sign shall not exceed 30 square feet in sign area and six feet in height. All monument signs located on the same property shall be located a minimum of 200 linear street frontage feet apart. The monument sign can not impede line of sight of vehicles, as determined by the city engineer, and must be placed five feet behind the sidewalk and 20 feet away from any point of egress and ingress. Monument signs will be permitted to be placed up to the edge of the sidewalk and within 20 feet from a point of ingress and egress on Sierra Avenue, between Foothill Boulevard and the I-10 Freeway, provided that the monument signs do not impede line of sight as determined by the city engineer. If the subject parcel is a corner lot, the maximum size can be increased by 50 percent in sign area and an additional one-foot in height with the elimination of the second monument sign.

(3)

Pylon signs. One pylon sign structure not to exceed 100 square feet in sign area and 25 feet in height may be permitted to identify the business(es). The pylon sign must meet all of the following criteria:

a.

Street frontage along Foothill Boulevard, Sierra Avenue, or Valley Boulevard.

b.

Minimum street frontage of 165 feet.

c.

Minimum net lot area of two acres.

d.

Separation from an existing pylon sign should be 200 feet. If a 200-foot separation requirement cannot be met, the proposed pylon sign must demonstrate that it does not visually obstruct existing pylon signs to the satisfaction of the community development director and/or his/her designee.

(4)

Directional signs. A maximum of two onsite directional signs per driveway approach shall be permitted. Each sign shall not exceed a total of ten square feet in area and four feet in height.

(5)

Window signs. Window signs shall conform to the provisions of [section 3-115](#).

(6)

Freeway signs. One freeway sign shall be permitted for automobile dealerships. This sign shall be located in a landscaped planter area maintained by the dealerships. The sign may be an electronic message sign and may contain the name of the automobile dealerships or their corporate logos. A conditional use permit shall be required for this sign. The planning commission shall determine the height and size of the sign and can require a percentage of the copy time be devoted to public messages.

a.

The sign may display commercial identification or advertising for only one on-site businesses(es). The sign shall not advertise goods or services not provided by the automobile dealership(s). This sign shall not be used as a billboard. The sign may contain non-commercial messages.

b.

The sign shall be proven safe for traffic safety purposes by the applicant. The city's traffic engineer shall review for compliance with any and all safety standards as prescribed by the state.

(7)

Temporary signs, inflatable devices and searchlights. Temporary signs, inflatable devices, and searchlights for new or used automobile dealerships shall be subject to a temporary sign permit. A temporary sign permit may be issued subject to the provisions of [section 3-163](#) and the following criteria:

a.

All temporary sign permits shall be issued for a maximum of 45 days and shall not be granted to the same business or location more than twice during any one calendar year. The permitted time periods may not be granted consecutively, but shall be separated by a period of at least 60 days.

b.

The size and location of the temporary signs, inflatable devices and searchlights shall be subject to approval of the community development director.

c.

Pennants and banners shall be permitted for special corporate promotions for a period of time as determined by the community development director.

(i)

New and used automobile dealerships (large). New and used automobile dealerships are unique operations requiring specialized sign criteria. The following criteria shall apply to any new or used automobile dealership, which is a legally conforming use, in the zone in which the dealership is located, and is five acres or more in size.

(1)

Wall signs.

a.

There shall not be more than four wall signs per building(s).

b.

More than one wall sign may be placed on an individual wall face.

c.

Wall signs may identify the automobile dealership name, type of automobile sold, logo of the type of automobile sold, and/or specialized on-site activities.

d.

In no case shall the total wall sign area for the project exceed 400 square feet.

e.

Wall signs shall not occupy more than 70 percent of the building's linear frontage.

f.

Sign copy for all signs shall be individual channels letters of a maximum of three feet in height.

g.

Automobile corporation logo registered with the United States of America or the state shall not exceed a height of eight feet. A registered logo may be increased in size with the approval of a conditional use permit that meets the following criteria:

1.

The elevation of the street in relation to the elevation of the abutting property justifies the height requested, and is the minimum necessary.

2.

The use identified, as well as its type, size and intensity, justifies the increased size of the logo and/or letters.

The needs of the traveling public and the use justify the increased size.

3.

A wall sign may not project above a roof, eave line or parapet of the wall.

h.

Monument signs.

(2)

Multiple monument signs may be allowed along a street frontage with a minimum separation distance of 150 feet.

a.

The monument sign(s) shall not exceed 30 square feet in sign area or ten feet in height.

b.

Monument signs may identify the automobile dealership name, type of automobile sold, or the logo of the type of automobile.

c.

The monument sign cannot impede line of sight of vehicles, as determined by the city engineer, and must be placed five feet behind the sidewalk and 20 feet away from any point of egress and ingress. Monument signs will be permitted to be placed up to the edge of the sidewalk and within 20 feet from a point of ingress and egress on Sierra Avenue, between Foothill Boulevard and the I-10 Freeway, provided that the monument signs do not impede line of sight as determined by the city engineer.

d.

Pylon signs. One pylon sign not to exceed 100 square feet in sign area may be permitted to identify the businesses(es). The pylon sign structure shall not exceed 25 feet in height. For each secondary street frontage with at least 300 feet of length, one additional pylon sign may be permitted not to exceed 100 square feet in sign area and 25 feet in height. Where pylon signs are placed on both major and secondary street frontages, each such sign shall be placed as near to the middle of the street frontage as practical or at a major driveway entrance to the commercial complex from the street frontage.

(3)

Directional signs. The location of onsite directional signs shall be determined on a case-by-case basis. Each sign shall not exceed a total of ten square feet in area and four feet in height.

(4)

Window signs. See [section 3-115](#).

(5)

Freeway signs. One freeway sign shall be permitted for automobile dealerships. This sign shall be located in a landscaped planter area maintained by the dealerships. The sign may be an electronic message sign and may contain the name of the automobile dealerships or their corporate logos. A conditional use permit shall be required for this sign. The planning commission shall determine the height and size of the sign and can require a percentage of the copy time be devoted to public messages.

(6)

a.

The sign may display commercial identification or advertising for only the on-site business(es). The sign shall not advertise goods or services not provided by the automobile dealership(s). This sign shall not be used as a billboard. The sign may contain non-commercial messages.

b.

The sign shall be proven safe for traffic safety purposes by the applicant. The city's traffic engineer shall review for compliance with any and all safety standards as prescribed by the state.

(7)

Temporary signs, inflatable devices and searchlights. See [section 3-114\(h\)\(7\)](#).

(Ord. No. 1240, § 4, 3-3-98; Ord. No. 1314, § 4, 1-18-00; Ord. No. 1337, § 5, 12-5-00; Ord. No. 1370, § 5(Exh. A), 3-5-02)

- **Sec. 3-115. - Window signs.**

No sign placed in or upon the window of any structure utilized for commercial or industrial purposes shall be placed in the upper or lower one third of the total transparent area of any window. Window signs shall be counted in the total square footage allowable for individual business signs. Window signage shall be limited to 25 percent of the total window area.

(Ord. No. 1240, § 4, 3-3-98; Ord. No. 1370, § 5(Exh. A), 3-5-02)

- **Sec. 3-116. - M-1 light industrial and M-2 general industrial zones.**

(a)

Permitted signs. The following signs are specifically permitted in the M-1 light industrial and M-2 general industrial zones for industrial complexes:

(1)

Wall signs.

a.

One wall sign is permitted on each wall face fronting on a dedicated street or parking lot.

b.

Sign area shall in no event exceed one square foot of sign for each linear foot of building frontage and shall not exceed 100 square feet per sign.

c.

Maximum height of letters:

1.

Primary tenant—6 feet.

2.

Major tenant—5 feet.

3.

Submajor tenant—4 feet.

Tenant—3 feet.

4.

Logos must be registered by the United States of America or the state and cannot exceed the following heights:

d.

Primary tenant—6 feet.

1.

Major tenant—5 feet.

2.

Submajor tenant—4 feet.

3.

Tenant—3 feet.

4.

Channel letters are required.

e.

Contoured cabinet signs are permitted.

f.

(2)

Monument signs. One monument sign not to exceed 30 square feet in sign area, which may be permitted to identify, separate businesses or uses in the industrial complex. The monument sign structure shall not exceed four feet in height. Additional monument signs may be permitted on parcels having more than one frontage, and the signs are located at least 300 feet apart. The monument sign can not impede line of sight of vehicles, as determined by the city engineer, and must be placed 5 feet behind the sidewalk and 20 feet away from any point of egress and ingress. Monument signs will be permitted to be placed up to the edge of the sidewalk and within 20 feet from a point of ingress and egress on Sierra Avenue, between Foothill Boulevard and the I-10 Freeway, provided that the monument signs do not impede line of sight as determined by the city engineer.

(3)

Pylon signs. Industrial uses located contiguous to a freeway where a freeway exit serves the street from which the industrial use takes direct access are permitted one pylon sign, maximum 100 square feet in size and 50 feet in overall height, situated so as to be directed toward and permanently viewable from the freeway. Business or corporate logos exceeding amount of sign area, as stated above, may be approved by the planning commission subject to a conditional use permit based upon the following findings:

a.

The elevation of the pylon sign in relation to the elevation of the abutting properties justifies the height requested, and is the minimum necessary.

b.

The number and spacing of pylon signs will not cause unnecessary confusion, clutter or other unsightliness in the general location.

c.
The use identified, as well as its type, size and intensity, justifies the size, design and location of the sign.

d.
The needs of the traveling public and the use justify the sign.

(b)
Signs not part of an industrial complex. Signs specifically permitted for uses or occupancies not part of an industrial complex include:

(1)
Wall signs. Permitted per subsection [3-116\(a\)\(1\)](#).

(2)
Monument signs. Permitted per subsection [3-116\(a\)\(2\)](#).

(3)
Pylon signs. One pylon sign structure not to exceed 100 square feet in sign area and 25 feet in height may be permitted to identify an individual business. The pylon sign must meet all of the following criteria:

a.
Street frontage along Foothill Boulevard, Sierra Avenue, or Valley Boulevard.

b.
Minimum street frontage of 165 feet.

c.
Minimum net lot area of two acres.

d.
Separation from an existing pylon sign should be 200 feet. If a 200-foot separation requirement cannot be met, the proposed pylon sign must demonstrate that it does not visually obstruct existing pylon signs to the satisfaction of the community development director and/or his/her designee.

(4)
Freeway signs. Permitted per subsection [3-116\(a\)\(3\)](#).

(c)
New and used truck and/or automobile dealerships (small). New and used truck and/or automobile dealerships are unique operations requiring specialized sign criteria. The following criteria shall apply to any new or used truck and/or automobile dealership, which is a legally conforming use, in the zone in which the dealership is located, and is less than five acres in size.

(1)
Wall signs. One wall sign is permitted for each wall face of the establishment. There shall not be more than four wall signs for any one business. Such signs may identify the automobile dealership name, type of automobile sold, and/or logo of the type of automobile sold. In no case shall the total sign area exceed one square foot of sign area for each linear foot of the building frontage. Wall signs shall not occupy more than 70 percent of the building's linear frontage. Sign copy for all signs shall be individual channels letters of a maximum of three feet in height. If the sign contains

an automobile corporation logo, the logo may not exceed a maximum of five feet in height. A wall sign may not project above a roof, eave line or parapet of a wall.

(2)

Monument signs. One monument sign shall be permitted on each street frontage of the new or used automobile dealership property. This monument sign shall not exceed 30 square feet in sign area and six feet in height. All monument signs located on the same parcel of land property shall be located a minimum of 200 linear street frontage feet apart. The monument sign can not impede line of sight of vehicles, as determined by the city engineer, and must be placed five feet behind the sidewalk and 20 feet away from any point of egress and ingress. Monument signs will be permitted to be placed up to the edge of the sidewalk and within 20 feet from a point of ingress and egress on Sierra Avenue, between Foothill Boulevard and the I-10 Freeway, provided that the monument signs do not impede line of sight as determined by the city engineer. If the subject parcel is a corner lot, the maximum size can be increased by 50 percent in sign area and an additional one-foot in height with the elimination of the second monument sign.

(3)

Pylon signs. One pylon sign structure not to exceed 100 square feet in sign area and 25 feet in height may be permitted to identify the business(es). The pylon sign must meet all of the following criteria:

a.

Street frontage along Foothill Boulevard, Sierra Avenue, or Valley Boulevard.

b.

Minimum street frontage of 165 feet.

c.

Minimum net lot area of two acres.

d.

Separation from an existing pylon sign should be 200 feet. If a 200-foot separation requirement cannot be met, the proposed pylon sign must demonstrate that it does not visually obstruct existing pylon signs to the satisfaction of the community development director and/or his/her designee.

(4)

Directional signs. A maximum of two onsite directional signs per driveway approach shall be permitted. Each sign shall not exceed a total of ten square feet in area and four feet in height.

(5)

Window signs. Window signs shall conform to the provisions of [section 3-115](#).

(6)

Freeway signs. One freeway sign shall be permitted for automobile/truck dealerships. This sign shall be located in a landscaped planter area maintained by the dealerships. The sign may be an electronic message sign and may contain the name of the automobile dealerships or their corporate logos. A conditional use permit shall be required for this sign. The planning commission shall determine the height and size of the sign and can require a percentage of the copy time be devoted to public messages.

a.

The sign may display commercial identification or advertising for only the on-site business(es). The sign shall not advertise goods or services not provided by the automobile/truck dealership(s). This sign shall not be used as a billboard. The sign may contain non-commercial messages.

b.

The sign shall be proven safe for traffic safety purposes by the applicant. The city's traffic engineer shall review for compliance with any and all safety standards as prescribed by the state.

(7)

Temporary signs, inflatable devices and searchlights. Temporary signs, inflatable devices, and searchlights for new or used automobile/truck dealerships shall be subject to a temporary sign permit. A temporary sign permit may be issued subject to the provisions of [section 3-163](#) and the following criteria:

a.

All temporary sign permits shall be issued for a maximum of 45 days and shall not be granted to the same business or location more than twice during any one calendar year. The permitted time periods may not be granted consecutively, but shall be separated by a period of at least 60 days.

b.

The size and location of the temporary signs, inflatable devices and searchlights shall be subject to approval of the community development director.

c.

Pennants and banners shall be permitted for special corporate promotions for a period of time as determined by the community development director.

(i)

New and used truck and/or automobile dealerships (large). New and used automobile dealerships are unique operations requiring specialized sign criteria. The following criteria shall apply to any new or used truck and/or automobile dealership, which is a legally conforming use, in the zone in which the dealership is located, and is five acres or more in size.

(1)

Wall signs.

a.

There shall not be more than four wall signs per building(s).

b.

More than one wall sign may be placed on an individual wall face.

c.

Wall signs may identify the automobile dealership name, type of automobile sold, logo of the type of automobile sold, and/or specialized on-site activities.

d.

In no case shall the total wall sign area for the project exceed 400 square feet.

e.

Wall signs shall not occupy more than 70 percent of the building's linear frontage.

f.

Sign copy for all signs shall be individual channels letters of a maximum of three feet in height.

g.

Automobile corporation logo registered with the United States of America or the state shall not exceed a height of eight feet. A registered logo may be increased in size with the approval of a conditional use permit that meets the following criteria:

1.

The elevation of the street in relation to the elevation of the abutting property justifies the height requested, and is the minimum necessary.

2.

The use identified, as well as its type, size and intensity, justifies the increased size of the logo and/or letters.

3.

The needs of the traveling public and the use justify the increased size.

h.

A wall sign may not project above a roof, eave line or parapet of the wall.

(2)

Monument signs.

a.

Multiple monument signs may be allowed along a street frontage with a minimum separation distance of 150 feet.

b.

The monument sign(s) shall not exceed 30 square feet in sign area or ten feet in height.

c.

Monument signs may identify the automobile dealership name, type of automobile sold, or the logo of the type of automobile.

d.

The monument sign can not impede line of sight of vehicles, as determined by the city engineer, and must be placed 5 feet behind the sidewalk and 20 feet away from any point of egress and ingress. Monument signs will be permitted to be placed up to the edge of the sidewalk and within 20 feet from a point of ingress and egress on Sierra Avenue, between Foothill Boulevard and the I-10 Freeway, provided that the monument signs do not impede line of sight as determined by the city engineer.

(3)

Pylon signs. One pylon sign not to exceed 100 square feet in sign area may be permitted to identify the business(es). The pylon sign structure shall not exceed 25 feet in height. For each secondary street frontage with at least 300 feet of length, one additional pylon sign may be permitted not to exceed 100 square feet in sign area and 25 feet in height. Where pylon signs are placed on both major and secondary street frontages, each such sign shall be placed as near to the middle of the street frontage as practical or at a major driveway entrance to the commercial complex from the street frontage.

(4)

Directional signs. The location of onsite directional signs shall be determined on a case-by-case basis. Each sign shall not exceed a total of ten square feet in area and four feet in height.

(5)

Window signs. See [section 3-115](#).

(6)

Freeway signs. One freeway sign shall be permitted for automobile dealerships. This sign shall be located in a landscaped planter area maintained by the dealerships. The sign may be an electronic message sign and may contain the name of the automobile dealerships or their corporate logos. A conditional use permit shall be required for this sign. The planning commission shall determine the height and size of the sign and can require a percentage of the copy time be devoted to public messages.

a.

The sign may display commercial identification or advertising for only the on-site business(es). The sign shall not advertise goods or services not provided by the automobile dealership(s). This sign shall not be used as a billboard. The sign may contain non-commercial messages.

b.

The sign shall be proven safe for traffic safety purposes by the applicant. The city's traffic engineer shall review for compliance with any and all safety standards as prescribed by the state.

(7)

Temporary signs, inflatable devices and searchlights. Temporary signs, inflatable devices, and searchlights for new or used automobile dealerships shall be subject to a temporary sign permit. A temporary sign permit may be issued subject to the provisions of [section 3-163](#) and the following criteria:

a.

All temporary sign permits shall be issued for a maximum of 45 days and shall not be granted to the same business or location more than twice during any one calendar year. The permitted time periods may not be granted consecutively, but shall be separated by a period of at least 60 days.

b.

The size and location of the temporary signs, inflatable devices and searchlights shall be subject to approval of the community development director.

c.

Pennants and banners shall be permitted for special corporate promotions for a period of time as determined by the community development director.

(Ord. No. 1240, § 4, 3-3-98; Ord. No. 1337, § 5, 12-5-00; Ord. No. 1370, § 5(Exh. A), 3-5-02)

- **Secs. 3-117—3-130. - Reserved.**
- **DIVISION 3. - DESIGN STANDARDS**

- **Sec. 3-131. - Standards generally.**

The design standards set forth in this division shall be adhered to for all signage.

(Ord. No. 1240, § 5, 3-3-98)

- **Sec. 3-132. - Intent and purpose of division.**

Each sign shall be designed with the intent and purpose of relating to the architectural style of the main building or buildings upon the site, and to the extent not inconsistent with such style, the sign will be compatible with the style or character of existing improvements upon lots adjacent to the site. Signs located on commercial sites but in a predominantly residential area shall consider compatibility with such residential area.

(Ord. No. 1240, § 5, 3-3-98)

- **Sec. 3-133. - Relationship to buildings.**

Signs located upon a lot with only one main building housing the enterprise which the sign identifies shall be designed to incorporate at least one of the predominantly visual elements of such building, such as the type of construction materials, color, or other design detail. Each sign located upon a lot with more than one main building, such as a shopping center or other commercial or industrial area developed in accordance with a common development plan, shall be designed to incorporate at least one of such predominantly visual design elements common or similar to all such buildings or the buildings occupied by the main tenants or principal enterprises.

(Ord. No. 1240, § 5, 3-3-98)

- **Sec. 3-134. - Relationship to other signs.**

Where there is more than one monument sign located upon a lot, all such signs shall have designs which are well related to each other by the similar treatment or incorporation of not less than four of the following six design elements:

- (1)
Type of construction materials as used in the several sign components, such as cabinet, sign copy, supports.
- (2)
Letter style of sign copy.
- (3)
Illumination.
- (4)
Type or method used for supports, uprights or structure on which sign is supported.
- (5)
Sign cabinet or other configuration of sign area.
- (6)
Shape of entire sign and its several components.

(Ord. No. 1240, § 5, 3-3-98)

- **Sec. 3-135. - Sign dimensions.**

The dimensions of all wall-mounted signs, if any, or other configuration of the dimensions of the sign area of each sign shall be proportional to and visually balanced with the size of the building.

(Ord. No. 1240, § 5, 3-3-98)

- **Sec. 3-136. - Landscaping.**

(a)
Each monument sign shall be located in a planted, landscaped area which is of a shape, design and size that will provide a compatible setting and ground definition to the sign, as determined by the community development director.

(b)
The planted landscaped area shall be maintained on a reasonable and regular basis.

(Ord. No. 1240, § 5, 3-3-98)

- **Sec. 3-137. - Illumination and motion.**

Monument signs shall be nonmoving stationary structures. In all components and illumination (if any) shall be maintained by artificial light (either internally or externally) which is stationary and constant in intensity and color at all times (nonflashing).

(Ord. No. 1240, § 5, 3-3-98)

- **Sec. 3-138. - Sign copy.**

The city finds that it is in the interest of both aesthetics and traffic safety that sign information be kept to a minimum. Only the name or use of the business or the name of the shopping center shall appear on the sign. The use of subordinate information such as telephone numbers, lists of products, pictures of products, etc., is discouraged, but may be considered at the discretion of the community development director or his/her designee and shall be based on size of lettering and location of information. Where subordinate information is allowed, the name or use of the business shall be the dominant message on the sign. No subordinate information will be allowed which may present a traffic hazard.

(Ord. No. 1240, § 5, 3-3-98; Ord. No. 1329, § 7, 8-1-00)

- **Sec. 3-139. - Sign color.**

Sign colors should be compatible with the building architecture. Within shopping centers, sign color should complement the color scheme for the center. The use of garish or fluorescent colors is considered inappropriate, but may be considered at the discretion of the community development director or his/her designee. No more than a two color scheme shall be permitted.

(Ord. No. 1240, § 5, 3-3-98)

- **Secs. 3-140—3-160. - Reserved.**
- **DIVISION 4. - SPECIFIC REQUIREMENTS**

- **Sec. 3-161. - Exempt signs.**

Permits shall not be required for the following situations: (a)

(1)
The changing of advertising copy or messages on bulletin boards and similar signs specifically designed for the use of replaceable or changeable copy, unless electrical alterations are made.

(2)
Painting, repainting, cleaning or changing copy or message of an advertising structure shall not be considered an erection or alteration which requires a sign permit unless a change in structure size, height or location is made.

(3)
Non-commercial signs that comply with [section 3-174](#). Non-commercial signs that do not comply with the requirements of [section 3-174](#) shall not be exempt from permits pursuant to this subsection.

(b)
These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this division or any other law regulating the same and any fee pertaining thereto.

(Ord. No. 1240, § 6, 3-3-98; Ord. No. 1597, § 2, 5-12-09)

- **Sec. 3-162. - Prohibited signs.**

All signs not expressly permitted are prohibited in all zones, included by not limited to the following:

Roof signs. (1)

Flashing signs. (2)

Animated signs. (3)

Projecting signs. (4)

- Portable and A-frame signs. (5)
- Painted signs. (6)
- Vehicle signs, as provided in [section 3-173](#). (7)
- Signs blocking doors or fire escapes. (8)
- Balloon signs. (9)
- Outdoor advertising structures (billboards), except as permitted by [section 3-177](#). (10)
- Changeable copy signs (except theatre and library marquee signs). (11)
- Exposed raceways, except as outlined in [section 3-174](#). (12)
- Other signs as to be determined similar as items (1) through (12) above by the community development director and/or his/her designee. (13)

(Ord. No. 1240, § 6, 3-3-98; Ord. No. 1329, § 7, 8-1-00; Ord. No. 1337, § 5, 12-5-00; Ord. No. 1657, § 3, 4-10-12; Ord. No. 1658, § 3, 4-10-12; Ord. No. 1720, § 2, 2-10-15)

- **Sec. 3-163. - Temporary signs.**

A temporary sign permit may be issued by the building official, subject to the provisions of [section 3-84](#) for the following uses:

- (1) Temporary 45-day signs. A temporary 45-day sign permit may be issued for the following special signs:
 - a. One banner not exceeding 60 square feet in area shall be permitted when announcing a grand opening of a new business or a special event at the site where the banner is to be displayed. A second banner may be permitted if the business has more than one street frontage.
 - b. Window signs not exceeding 25 percent of a window area. Such signs may be painted in water soluble paints or constructed of paper.
 - c. One banner not exceeding 30 square feet shall be permitted. A second banner may be permitted if the residential complex has more than one frontage.

d.

Windflag signs shall be permitted provided that no hazard is created. Any such windflag shall be located in a commercial or industrial district and shall not be located in any public right-of-way or line of sight as determined by the City Engineer or his/her designee. The height of the windflag shall not exceed 15 feet. Windflag signs shall not be more than five feet for tear drop windflag signs or two and one-half feet for all other types of windflag signs. They shall be spaced no closer than 15 feet from another windflag sign. There shall be no more than two windflag signs per tenant for multitenant sites and no more than four windflag signs for a single tenant site. The windflag sign shall only be permitted on private property, located within a landscaped area or other area that does not obstruct or impede a pedestrian walkway, parking space, or drive aisle.

(2)

No more than one special event sign shall be permitted per activity, with the exception of windflag signs as outlined in [section 3-163](#)(1)(d), and shall be a window sign or a wall sign in combination with balloons, inflated devices, searchlights, beacons, pennants, etc. All such signs, banners, pennants, etc., shall be removed within 45 days.

(3)

Such temporary sign permits may be granted for a period of time not exceeding 45 days from the date of installation of the device and shall not be granted to the same business or location more than twice during any calendar year. The two permitted time periods may not be granted consecutively, but shall be separated by a time period of at least 60 days.

(4)

Florist shops are permitted to have one banner not exceeding 30 square feet announcing all special events (i.e. Valentine's Day and graduation) and holidays during the year.

(5)

New businesses are permitted to display windflag banners for a period of 12 consecutive months.

After this display period of 12 consecutive months, windflag banners shall comply with [section 3-163](#).

(Ord. No. 1240, § 6, 3-3-98; Ord. No. 1658, § 4, 4-10-12; Ord. No. 1720, § 3, 2-10-15)

• **Sec. 3-164. - New construction real estate directional sign—Temporary off-site in the public right-of-way.**

(a)

Temporary off-site (kiosk: real estate directional signs). All signs installed pursuant to this section shall be provided in conjunction with a contract and uniform sign program approved by the city council as administered by the Building Industry Association (BIA). All sign locations shall be approved by the city engineer and shall obtain the appropriate permits as determined by the building official.

(b)

Temporary off-site (individual signs).

(1)

The signs shall be no larger than 2' × 3' in height and length.

(2)

A temporary sign permit must be obtained and the permit period shall not exceed 90 days from the date of issuance.

(3)

Any costs associated with removal and damage caused to public property shall be the responsibility of the builder/real estate company.

(4)

This section shall expire on December 1, 2019.

(Ord. No. 1425, § 2, 8-6-03; Ord. No. 1514, § 2, 7-25-06; Ord. No. 1721, § 1, 2-10-15)

• **Sec. 3-165. - Same—Temporary on-site.**

Temporary real estate signs advertising real property which has been subdivided for the purposes of sale or lease shall be subject to the following conditions:

(1)

The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years from the recordation of the final map, whichever period is shorter. Subject to review and approval by the planning commission, such time may be extended for one year, provided that there is still a bona fide offering of lots in the subdivision for sale. Not more than one such extension may be granted.

(2)

The signs shall be located on the premises which they advertise.

(3)

No sign shall exceed 160 square feet in area.

(4)

Not more than two such signs shall be permitted in any subdivision under 20 acres in size. On subdivisions involving more than 20 acres, one additional sign shall be permitted for each additional five acres, but not exceeding a total of four signs.

(5)

Each sign shall not exceed four square feet.

(6)

Signs shall be permitted on the same lot with a model home, provided the signs do not exceed four in number and ten square feet in area each. Such signs shall be removed after the developer concludes the initial sale of the lots or homes to their initial owners, or within one year, whichever time period is shorter.

(7)

Temporary banners, flags and pennants may be used for advertising the sale or lease of the tract, subdivisions or development and models therein.

(8)

No signs shall be posted in the public right-of-way. Any sign(s) so posted shall be subject to removal with removal fees to be billed to persons benefitting from sign(s).

(Ord. No. 1240, § 6, 3-3-98)

- **Sec. 3-166. - Church, school, public, and institutional signs.**

(a)

The following specifications shall be required:

(1)

Wall sign. One wall sign is permitted on each wall face fronting on a dedicated street or parking lot. The area of the sign shall in no event exceed one square foot of signage for each linear foot of building frontage and shall not exceed 100 square feet per sign. The maximum height of letters or sign is 24 inches. Only channel letters or contoured cabinet signs are permitted.

(2)

Monument sign. One identification monument sign, maximum 30 square feet in area and four feet in overall height.

(3)

Monument signs shall be placed in a landscaped area or planter of not less than 250 square feet. Monument signs shall be a minimum of five feet from any right-of-way, sidewalk or driveway and cannot impede line of sight from vehicles.

(4)

City of Fontana public facility signs will comply with the size and criteria set by the community development director on a case-by-case basis.

(Ord. No. 1240, § 6, 3-3-98; Ord. No. 1329, § 7, 8-1-00)

- **Sec. 3-167. - Abandoned signs.**

The city may require any sign which has been abandoned for a period of 90 days or more to be removed upon written notification to the owner of the property on which the sign is located.

Abandoned signs must be completely removed, including all poles, structures, footings, cabinets, faces and electrical devices within 30 days of the mailing of such a notice.

(Ord. No. 1240, § 6, 3-3-98)

- **Sec. 3-168. - Signs for uses permitted by conditional use permits or variances.**

Where a conditional use permit or variance is needed for another purpose, the applicant need not submit a separate application for a sign if the applicant wishes to submit sign plans at the same time. Any plan for signs to be so erected or constructed on the premises shall be submitted in conjunction with the application for the conditional use permit or variance as part of the precise plan of design.

(Ord. No. 1240, § 6, 3-3-98)

- **Sec. 3-169. - Lighted signs near residences.**

No lighted or luminous sign shall be so constructed, erected or placed so as to direct or reflect artificial light onto any structure used exclusively for residential purposes.

(Ord. No. 1240, § 6, 3-3-98)

• **Sec. 3-170. - Wall murals.**

The following provisions shall apply to wall murals:

- (1) Wall murals may be permitted in any zone except in conjunction with a residential use, subject to the following conditions:
 - a. There shall be no more than one wall mural per parcel.
 - b. The wall mural shall be unlighted.
 - c. Wall murals shall be installed directly on a building wall.
 - d. There shall be no projection of the wall mural in any direction from the surface of the structure.
 - e. The property owner shall give his written consent to erect and further shall agree to properly maintain and remove that mural in accordance with conditions established by the planning commission.
- (2) Wall murals shall be approved by the planning commission upon advisement of the parks and community services commission as provided by sections 2-366 through 2-370. Consideration shall be given to the following matters:
 - a. Conceptual compatibility of the design with the immediate environment of the site.
 - b. Appropriateness of the design and size to the function of the site.
 - c. Compatibility of the design and location within a unified design theme.
 - d. Appropriateness of the design as a public work of art. The design may portray, but not be limited to, a cultural, historical or scenic subject.
- (3) The planning commission shall establish a maximum time period for the existence of a wall mural.
- (4)

The planning commission may establish such further conditions as it deems appropriate upon approval of an application for a wall mural to safeguard the general purpose of this article.

(5)

All applications for murals as specified shall be made on a scale rendering and/or scale model.

(Ord. No. 1240, § 6, 3-3-98; Ord. No. 1652, § 1(Exh. D), 1-10-12)

- **Sec. 3-171. - Maintenance.**

All signs and sign structures shall be periodically inspected and maintained at reasonable intervals, including the replacement of defective parts, painting, repainting, cleaning and other acts required to maintain the sign. The building official shall require corrections or removal of any sign deemed to be in violation.

(Ord. No. 1240, § 6, 3-3-98)

- **Sec. 3-172. - Signs for business purposes generally.**

Unless otherwise expressly provided in this article, no sign shall be erected or used for business purposes of any kind, except such signs as shall be located on a place of business, enterprise or calling which are reasonably related to the products or services available on or within those premises. This section shall not apply to the erection or use of non-commercial signs.

(Ord. No. 1240, § 6, 3-3-98)

- **Sec. 3-173. - Parking of advertising vehicles.**

No person shall park any vehicle on a public right-of-way or in a location on a private property which is visible from a public right-of-way which has attached thereto or suspended therefrom any sign, except a sign decoratively painted directly upon the body or other integral part of the vehicle. No directional signs or arrows allowed on vehicles.

(Ord. No. 1240, § 6, 3-3-98)

- **Sec. 3-174. - Temporary non-commercial signs.**

(a)

Development standards.

(1)

Temporary non-commercial signs shall conform to all of the following standards:

a.

Maximum size of sign shall not exceed 36 square feet and the top of the sign shall not be placed higher than eight feet above grade.

b.

Temporary non-commercial signs shall not be posted for more than 30 days prior to and ten days after such event, except that political signs shall be exempt from the 30-day requirement. Such political signs, however, must be maintained or shall be considered abandoned pursuant to subsection (a)(1)(i).

c.

Such signs shall not be permitted to be stuck, glued, painted, pasted, posted, nailed, stapled, or otherwise affixed to any public property, publicly owned sign, public appurtenance, utility pole, fire hydrant, tree, boulder, or other natural feature, and may not be placed within the public right-of-way.

d.

Such signs shall not obscure traffic signs and signals nor block motorists' line of sight.

e.

It shall be unlawful to attach, connect, or otherwise affix any sign to another permanent or temporary sign, or direct, permit or allow such action, without the permission of the owner of the permanent or temporary sign.

f.

Property owner permission shall be obtained for erection of temporary non-commercial signs, provided that written evidence of such permission need not be submitted to the city prior to erection of the signs.

g.

Such signs shall contain information about the individual or organization which owns or has erected the sign, along with the address or phone number of such entity.

h.

Such signs shall not be illuminated.

i.

Notwithstanding any other provision of this chapter, all temporary non-commercial signs shall be maintained in good, clean, and safe condition. Signs that are faded, torn, punctured, vandalized, not properly affixed, or generally damaged in any way, and at any time during their display, shall be replaced or shall be considered abandoned.

(b)

Violation. Except as otherwise provided herein, upon a determination of any violation of the provisions of this subsection regulating temporary non-commercial signs, the empowered officer of the city shall send notification in writing to the owner of such sign, if such owner is known, stating that the sign has been determined to be illegally erected and requiring its removal within ten days of the date of such written notice. Upon determination that a violation exists with respect to any temporary non-commercial sign, if the sign is not removed within the specified time period, the empowered officer of the city may cause the sign to be removed, and shall notify the sign owner in writing of any sign removal, stating the location where the sign is being held and that it will be destroyed if not claimed by the owner within the ten-day period. If the sign is not claimed by the owner within the given time frame, the empowered officer of the city may destroy or otherwise dispose of such sign. The owner of the sign shall reimburse the city for the actual costs of notifying the sign owner and of removing, storing, and destroying or otherwise disposing of the sign.

(c)

Removal of signs. No person shall remove, destroy, relocate, or otherwise disturb any lawfully-erected temporary non-commercial sign, or direct, permit, or allow such removal, destruction, relocation, or disturbance without the permission of the party who erected the sign. It shall be presumed that the owner of the temporary non-commercial sign or representative is the party who erected the sign. Where applicable, it shall further be presumed that the committee who has registered with the secretary of state to support a position on a ballot proposition is the party who erected the sign taking the position on the ballot measure. Nothing in this subsection shall prohibit the owner of a piece of property, or his or her authorized representative, from removing a sign from his or her property when the sign has been erected without his or her consent; and provided, further, nothing in this subsection shall prevent the empowered officer of the city or other authorized representative of the city from taking action to abate sign violations.

(d)

Appeal procedures.

(1)

Any person aggrieved by any action of the city may appeal such action, in writing, to the city manager or a designee within five days of any written notification by the city of the impending removal of a sign or summary removal. The appeal shall be submitted to the city clerk and shall state the reasons for the requested appeal, the date the notice of violation was received, and the location of the alleged violation.

(2)

Upon receipt of an appeal, the city clerk shall schedule the matter for hearing before the city manager or designee at the next date and time the city manager or designee is available. The city clerk shall provide the appellant with written notice concerning the hearing date and time. The city manager or designee shall determine the appeal at a hearing held on the appointed date and time. The decision of the city manager or designee on the matter shall be final.

(Ord. No. 1597, § 2, 5-12-09)

Editor's note— Ord. No. 1597, § 2, adopted May 12, 2009, amended [§ 3-174](#) in its entirety. Formerly, [§ 3-174](#) pertained to political signs and derived from Ord. No. 1324, § 2, adopted July 18, 2000.

- **Sec. 3-175. - Exposed raceways.**

Exposed raceways for wall signs may be permitted by the community development director and/or his/her designee under the following circumstances:

(1)

The architecture of a building prevents the enclosure of a raceway within a wall (e.g., sign located on a pitched roof below the roofline of a building). In these cases, the area behind the sign shall not be visible to the public.

(2)

Older complexes that extensively use cabinet signs may utilize exposed raceways, if the applicant can demonstrate that an enclosed raceway will require extensive structural changes to the exterior of a wall.

(Ord. No. 1337, § 5, 12-5-00)

- **Sec. 3-176. - Signs on public property and objects.**

(a)

No person, firm or corporation, except a public officer or public employee in the performance of a public duty, shall paint, place, mark, write on, post, erect, maintain, attach or otherwise affix any handbill, notice or sign on any public property, within any public right-of-way or appurtenances thereof, within the city, including, but not limited to, any sidewalk, crosswalk, curb, curbstone, lamppost, street light, fire hydrant, tree, shrub, tree stake or guard, utility pole or wire or other appurtenance thereof, lighting system, bridge, drinking fountain, street sign, traffic sign, traffic device, fence, public playground equipment or facility, railroad trestle, wall, bus bench, any fixture of the fire alarm or police telegraph system, building or structure or any other object located on public property or within any public right-of-way.

(b)

Any sign found posted or otherwise affixed to public property, within any public right-of-way or appurtenances thereof in violation of this section is deemed a public nuisance pursuant to Government Code Section 38771 and may be summarily removed by city employees.

(c)

It shall be a rebuttable presumption affecting the burden of proof that the person(s), firm, business, or corporation, whose name, address, or phone number appears on the sign(s) removed pursuant to this section, authorized, permitted, directed, consented or approved the illegal posting of the sign(s) and shall be responsible for the costs incurred by the city in removal thereof and the city manager, or his or her designee, is authorized to effect the collection of said cost.

(d)

The cost(s) for removal shall be deemed a civil debt due and owing to the city which may be collected by the appropriate legal means, including, but not limited to, the right of the city to seek restitution for a criminal violation of this section, which may be prosecuted, at the discretion of the city, either as a misdemeanor or infraction.

(Ord. No. 1382, § 2, 8-6-02)

- **Sec. 3-177. - Billboard removal, relocation and reconstruction agreement (billboard relocation agreement).**

Notwithstanding provisions of this Code to the contrary, a new or relocated billboard that does not comply with all of the requirements of this Code may be permitted with the approval of a billboard relocation agreement, pursuant to the following guidelines and requirements:

(1)

Purpose. The purpose of a billboard relocation agreement is to reduce the number of outdoor advertising structures (billboards) in the city by removing existing billboards in exchange for allowing relocation of billboards to more suitable locations, and to provide more attractive, aesthetically-pleasing billboard designs and/or digital displays. This purpose realizes a goal which is consistent with a 2004 study supported and adopted by the city council in 2006, and prepared by the County of San Bernardino in collaboration with the cities of Colton, Fontana, Ontario and Rialto together with Caltrans and Sanbag, entitled "I-10 Corridor Analysis." The study identified the desire to appropriately manage the signage found in the corridor, with a particular emphasis on off-site advertising signs. A further purpose is to reduce or eliminate the city's obligation to expend

public funds for the removal of legal nonconforming billboards. Billboard relocation agreements are part of the demonstrated commitment of the city to improve the aesthetic appearance of the city.

(2)

Authority. Notwithstanding any other provision of this [chapter 3](#), and consistent with the California Business and Professions Code Outdoor Advertising provisions, existing billboards may be removed, relocated, replaced and/or reconstructed as part of a billboard relocation agreement between the city and a billboard owner and/or property owner. A permit application shall be submitted on the appropriate forms provided by the community development department accompanied by the processing fee established by resolution of the city council. In all cases, the city council shall retain the sole and exclusive right to determine whether to execute such an agreement. Nothing in this section shall be construed as allowing construction of a new billboard which is not part of the relocation and/or consolidation of existing billboards.

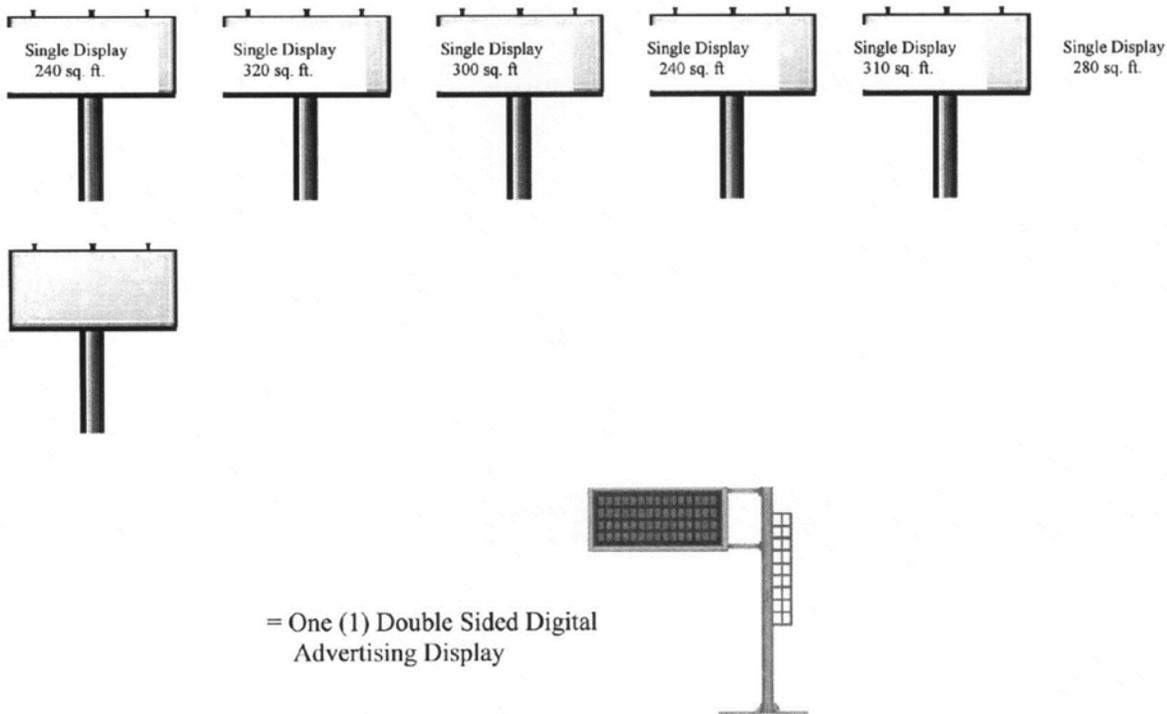
(3)

Net reduction of existing billboards; revenue sharing. Any legal, nonconforming billboard located within city limits may be considered a candidate for removal and relocation pursuant to an agreement as provided in this section. In order to be eligible to relocate an existing billboard structure, the billboard owner must commit to at least one of the following:

a.

The permanent removal of three billboard structures, located in the City of Fontana, each containing the same or greater number of advertising displays, and each of which are the same size or larger (in square feet) than those proposed for the relocated billboard (see Exhibits A and B);

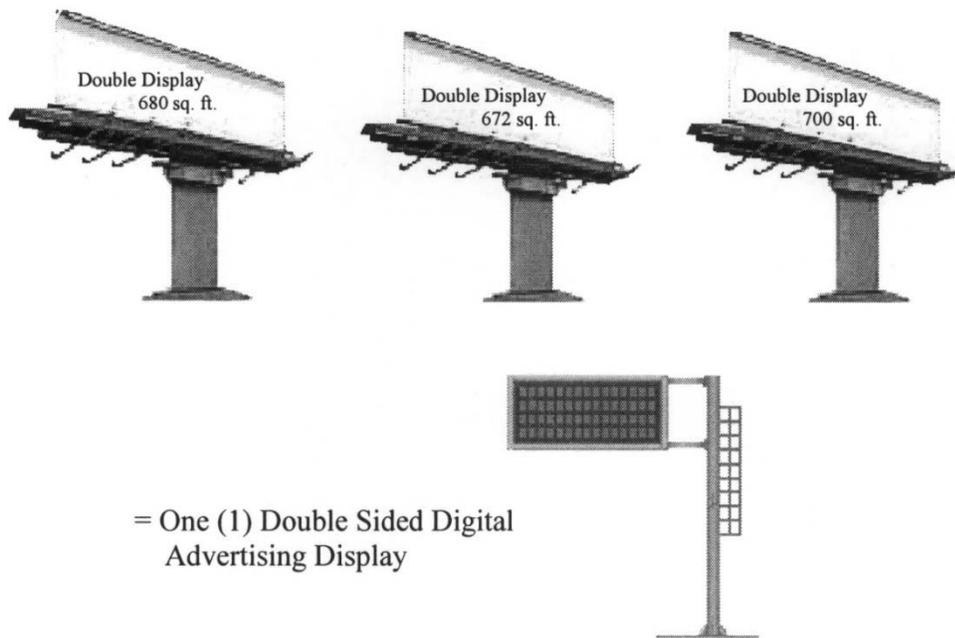
Exhibit A



;rn0;9;e.g. The removal of six static billboard structures containing a single display face (as shown above) may be replaced with one digital advertising display sign containing two display faces (double sided) at a maximum of 240 square feet

(smallest display face shown above) and shall maintain the same sign display dimensions.

Exhibit B



;rn0;9;e.g. The removal of three static billboard structures containing two display faces (double display faces) (as shown above) may be replaced with one digital advertising display sign containing two display faces (double sided) at a maximum of 672 square feet (smallest display face shown above) and shall maintain the same sign display dimensions.

b.

The permanent removal of any number or size of existing static billboard structures, totaling at least 4,032 square feet. However, the billboard structures to be removed shall be those within the discretion of the city council, of which first priority shall be existing billboard structures located on the I-10 Freeway and second priority shall be billboard structures located on the non-freeway arterial streets within the City of Fontana.

This net reduction requirement applies where the relocated billboard incorporates either static or digital advertising displays. In addition, a billboard relocation agreement may include provisions for the sharing of revenue, as such sharing may be negotiated in the agreement.

(4)

Relocated billboards accommodating a public need. Where removal of an existing billboard is required to accommodate a public improvement or acquisition of public right-of-way, the city may enter into a billboard relocation agreement with the billboard owner to facilitate relocation of that billboard to alleviate the expenditure of public funds. Billboards relocated pursuant to this section do not need to be accompanied by a net reduction in existing billboard sign area. The relocated billboard shall have the same method of advertising and sign display dimensions. Digital advertising display(s) are not permitted unless the billboard being relocated has digital advertising display(s), or the billboard relocation agreement otherwise complies with the requirements of subsection (3) above.

(5)

Status of existing billboard(s). Except as provided in subsection (6) below, only billboards that are legal non-conforming billboards as of the date of adoption of this section are eligible to be relocated pursuant to a billboard relocation agreement.

(6)

Previously removed billboard structures. Billboard structures permanently removed within 12 months prior to the effective date of this section can be considered toward fulfillment of the net reduction requirements included in subsection (3) above where the applicant provides, at the city's request, additional consideration in the billboard relocation agreement. The additional consideration is in addition to the required net reduction and may include, but shall not be limited to, providing the city advertising space on the relocated billboard or additional billboard removals. The exact type of additional consideration shall be open to negotiation on a case-by-case basis.

(7)

Relocation sites. Property owned by the city shall be given preference in such relocation agreements.

(8)

Content. Each billboard relocation agreement shall contain, at a minimum, the following information:

a.

The existing location, height, sign face square footage, construction style, remaining unamortized term, etc. of the billboard structure(s) to be relocated and proof satisfactory to the city that it was legally erected (e.g. permits).

b.

The proposed (new) location and size of the billboard structure(s) to be relocated;

c.

The date that the existing billboard structure(s) are to be permanently removed.

d.

Design drawings for the relocated billboard(s).

e.

Requirements for maintenance and repair.

f.

Operational and content requirements, including any restrictions on sign content and compliance with the Outdoor Advertising Association of America's Code of Industry Principles.

g.

Lease terms if the billboard structure is to be relocated to a city-owned property

h.

Provisions requiring indemnification of the city, its officials and employees.

(9)

Review process.

a.

All billboard relocation agreements shall be reviewed and approved by the city council.

b.
An application for a design review and conditional use permit shall be reviewed and approved by the planning commission.

(10)

Design criteria. Typical billboard design with a large sign area mounted on a pole is not permitted. Pylon-type signs which are structural elements with architectural treatment are required. Suitable design shall be based on the following considerations:

a.
The design and size shall be integrated into the design scheme of the surrounding area and/or building;

b.
The design shall provide architectural interest for the structure;

c.
The design shall incorporate a top and base treatment to the billboard structure;

d.
The height of the structure shall be determined by a flag test mutually acceptable to the city and applicant.

e.
The applicant shall provide information to the city regarding luminosity or brightness of the proposed advertising display face(s).

(11)

Findings. The following findings must be made by the city council in order to approve a billboard relocation agreement:

a.
The proposed agreement is consistent with the goals, objectives, purposes and provisions of the Fontana General Plan, the Fontana Development Code and/or any applicable specific plan(s), and the County of San Bernardino I-10 Corridor Analysis (2004);

b.
The proposed billboard relocation agreement contributes to the reduction of visual clutter in the city, or for relocations to accommodate a public project, the agreement serves the public interest by eliminating the need for public fund expenditures;

c.
The area does not have excessive visual clutter and the design and size of the proposed billboard will be compatible with the surrounding area;

d.
The proposed billboard would not create traffic or safety hazards with regard to onsite access circulation or visibility;

e.
The proposed billboard would not interfere with onsite parking or landscaping required by city ordinance or permit;

f.

The relocation agreement proposes a net decrease in existing billboards resulting in a reduction in advertising square footage within the city.

g.

The proposed billboard would not otherwise result in a threat to the general health, safety and welfare of city residents.

These findings are to also serve as general guidelines for use by applicants and the city in the identification of potential suitable relocation sites. Specific sites within suitable areas will be negotiated through the billboard relocation agreement process.

(12)

Sign permits. Subsequent to the approval of a billboard relocation agreement by the city council, the billboard and/or property owner shall file an application for sign permits to relocate or reconstruct the outdoor advertising sign structures as authorized by the billboard relocation agreement, pursuant to the provisions of sections [3-84](#) and [3-85](#). A permit application shall be submitted on the appropriate forms provided by the community development department accompanied by the processing fee established by resolution of the city council. The director of community development or designee, shall approve the sign permits if the design and the location of the proposed relocated billboard(s) is consistent with the relocated billboard design and location approved as part of the billboard relocation agreement and the design review and conditional use permit approved by the planning commission.

(13)

Non-conforming billboards. Any non-conforming billboard relocated or reconstructed pursuant to an approved billboard relocation agreement shall no longer be considered non-conforming for purposes of this Code.

(Ord. No. 1657, § 4, 4-10-12)

- **Secs. 3-178—3-200. - Reserved.**
- **ARTICLE V. - NEWSRACKS**

- **Sec. 3-201. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Newsracks means any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

Parkway means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway which is not open to vehicular travel.

Roadway means that portion of a street improved, designed, or ordinarily used for vehicular travel.

Sidewalk means any surface provided for the primary use of pedestrians.

Street means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

(Ord. No. 1076, § 1(3-41), 4-20-93)

Cross reference— Definitions and rules of construction generally, [§ 1-2](#).

- **Sec. 3-202. - Purpose.**

The city council finds that it is in the interest of public health, safety and welfare of the citizens of the city to regulate the location, size and appearance of newsracks within city limits. The city council further finds that without such regulation, such newsracks may pose a hazard to public safety. The city council finds that the regulation and registration of location, size and appearance of newsracks will minimize any potential danger to the public safety.

(Ord. No. 1076, § 1(3-40), 4-20-93)

- **Sec. 3-203. - Prohibitions.**

(a)

No person shall install, use or maintain any newsrack or other structure which projects onto, into or over any part of the roadway of any public street, or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street.

(b)

No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, when such installation, use or maintenance endangers the safety of persons or property; when such site or location is used for public utility purposes, public transportation purposes or other governmental use; when such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near the location; or when such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

(Ord. No. 1076, § 1(3-42), 4-20-93)

- **Sec. 3-204. - Registration of location/permit.**

(a)

No person shall install or maintain any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway without first obtaining a permit from the director of community development or his designated representative after providing the following:

(1)

A site plan/plot plan, which shows that the design, dimension, materials and location of each newsrack to be installed or maintained in the city under the application meet the standards in this article; and

(2)

The name, address and telephone number of the applicant.

(b)

No more than one notification shall be required per applicant, regardless of the number of newsracks the applicant maintains in the city.

(c)

From the information contained in subsections (a) and (b) of this section the director of community development or his designated representative shall designate locations and shall be guided therein solely by the standards and criteria set forth in [section 3-205](#). Such application may be granted either in whole or in part when more than one location is proposed by the applicant, and, in any event, when denial is solely as to location, it shall be without prejudice to amend such application to state a different location.

(d)

A registrant for location shall report immediately to the director of community development or his designated representative any change of address of such registrant or any sale or transfer of ownership of newsracks located in the city. Any transference of such newsracks shall comply with the provisions of this section and the provisions of [section 3-206](#).

(e)

A permit shall be issued pursuant to this section without charge to the applicant.

(f)

Any permit issued pursuant to this section is subject to revocation if the newsrack installed does not comply with the site plan/plot plan and other description in the application for the same.

(Ord. No. 1076, § 1(3-43), 4-20-93)

- **Sec. 3-205. - Standards for installation, maintenance and operation.**

(a)

Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

(1)

No newsrack shall exceed 48 inches in height, 30 inches in width, or two feet in thickness.

(2)

All newsracks will be bolted to the sidewalk per city approval.

(3)

Newsracks shall only be placed pursuant to approval by the director of community development or his designated representative near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be placed no less than 18 inches nor more than 24 inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and

not more than six inches from the wall. No newsrack shall be placed or maintained on the sidewalk or parkway opposite a newsstand or another newsrack.

(4)

No newsrack shall be chained or otherwise attached to any property not owned by the owner of the newsrack or to any permanently fixed object without the express permission of the owner of the property.

(5)

Newsracks may be chained or otherwise attached to one another; however, no more than three newsracks may be joined together in this manner, and a space of no less than 36 inches shall separate each group of three newsracks so attached.

(6)

Notwithstanding the provisions of subsection (b) of this section, no newsrack shall be placed, installed, used or maintained:

a.

Within five feet of any marked crosswalk.

b.

Within 15 feet of the curb return of any unmarked crosswalk.

c.

Within five feet of any fire hydrant, fire call box, police call box or other emergency facility.

d.

Within ten feet of any driveway.

e.

Within five feet to the front, and 25 feet to the rear of any sign marking a designated bus stop.

f.

Within six feet of any bus bench.

g.

At any location where placement of a newsrack would impede the passageway of pedestrians or where the clear space for the passageway of pedestrians is reduced to less than four feet.

h.

Within 50 feet of any other newsrack containing the same publication.

i.

Within three feet of any display window of any building abutting the sidewalk or parking or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

j.

At any location which would interfere with the distance standards for traffic as set in chapter 200 and section 405.1 of the CalTrans Highway Design Manual, January 1987 version, and as set in [chapter 30](#) of this Code.

(7)

No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.

(8)

Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times.

(9)

No more than eight newsracks shall be located on any public right-of-way within a space of 200 feet in any direction within the same block of the same street; provided, however, that no more than 16 newsracks shall be allowed on any one block. As used in this section, block shall mean both sides of a street between two consecutive intersecting streets.

(b)

In determining which newsracks shall be permitted to remain, the director of community development or his designated representative shall be guided solely by the following criteria:

(1)

First priority shall be given to newsracks used for the sale of publications which have been adjudicated to be newspapers of general circulation for the county, pursuant to the procedures set forth in Government Code § 6000 et seq.

(2)

Second priority shall be given to newsracks used for the sale of daily publications, those published on five or more days in a calendar week, which have not been adjudicated to be newspapers of general circulation for the county.

(3)

Third priority shall be given to newsracks used for the sale of weekly publications, those published on at least one but less than five days in a calendar week, which have not been adjudicated to be newspapers of general circulation for the county.

(c)

If there is a conflict between newspapers within the same priority seeking the same location, and there are insufficient newsrack spaces remaining to accommodate the conflicting newspapers after first filling as many spaces as possible by utilizing the criteria set forth in this section, then the director of community development or his designated representative shall assign the spaces at random by placing the names of all applicants for the remaining spaces at a location into a container from which the names shall be drawn, one at a time until the remaining number of unfilled newsracks at that time and date designated by the director of community development or his designated representative.

(Ord. No. 1076, § 1(3-44), 4-20-93)

- **Sec. 3-206. - Newsracks identification required.**

Every person or other entity which places or maintains a newsrack on the streets of the city shall have his name, address and telephone number affixed thereto in a place where such information may be easily seen. Prior to the designation of a location by the director of community development or his designated representative, the applicant shall present evidence of compliance with this section.

(Ord. No. 1076, § 1(3-45), 4-20-93)

- **Sec. 3-207. - Newsrack violations.**

(a)

Any newsrack installed, used or maintained in violation of the provisions of this article shall be tagged with a notice of violation stating the violation, date of tagging, notice of intention to remove the newsrack if the violation is not corrected within ten days, and procedure for obtaining a hearing before the director of community development or his designated representative, if desired. Such notice of violation shall also be mailed by first class postage to the name and address of the newsrack on file with the city.

(b)

Notwithstanding subsection (a), in the case of violations of this article relative to restrictions upon attachments of newsracks to property other than that owned by the owner of the newsracks to fixed objects or to each other and, upon location of newsracks, the director of community development or his designated representative may, as an alternative to tagging such newsrack, move, align, remove such attachment, or otherwise move such racks in order to restore them to a legal condition.

(c)

Any newsrack which has been tagged and which notice of violation has been mailed to the registered owner on file with the city, which remains in violation of the provisions stated on the tag after the ten-day correction period has expired, provided no hearing has been requested by the registered owner, the newsrack shall be removed by the director of community development or his designated representative and stored in any convenient place. The director of community development or his designated representative shall notify the owner thereof by mailing a notice of removal to the last known address of the owner on file with the city. Such notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack, and the procedure for obtaining a post-removal hearing before the director of community development or his designated representative, if desired. Any such newsrack removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within 45 days after such removal and upon the payment of reasonable charges of removal and storage therefor. Upon failure of the owner to claim such newsrack and pay the reasonable charges within 45 days after the mailing of written notice of removal, such newsrack shall be deemed to be unclaimed property in possession of the department of public works and may be disposed of pursuant to the provisions of this Code.

(d)

Any newsrack in violation of the provisions of this article, and which by such violation creates an immediate danger to the health, safety or welfare of the public, provided such violation cannot be corrected by moving or otherwise repositioning the newsrack, may be summarily removed and stored in a convenient location so as to eliminate the danger to the health, safety and welfare of the public. The director of community development or his designated representative shall notify the owner thereof by mailing a "notice of removal" to the last known address of the owner. Such notice shall state the date the newsrack was removed, the reasons therefor, the location and procedure for claiming the newsrack, and the procedure for obtaining a post-removal hearing, if desired. Any such newsrack removed and stored pursuant to this subsection shall be released to the owner thereof if claimed within 45 days after the mailing of written notice of removal and upon the payment of reasonable charges of removal and storage.

(Ord. No. 1076, § 1(3-46), 4-20-93)

- **Sec. 3-208. - Applicability to all newsracks.**

(a)

The provisions of this article shall apply to all newsracks whether installed and maintained prior to or after the effective date of any of the provisions in this article. Those newsracks installed prior to the effective date of any provision enacted pursuant to this article shall be brought into compliance with such provisions within 90 days of the effective date of Ordinance No. 1076.

(b)

Any newsrack not brought into compliance within 90 days shall be deemed to be in violation of this article.

(Ord. No. 1076, § 1(3-47), 4-20-93)

- **Sec. 3-209. - Newsrack violations; infraction.**

Any act which is prohibited or declared unlawful or the doing of any act which is required, or the failure to do any act which is declared to be unlawful, shall be an infraction, and any person convicted of such infraction is punishable.

(Ord. No. 1076, § 1(3-48), 4-20-93)

- **Sec. 3-210. - Indemnification of city.**

Every person or other entity which places or maintains a newsrack on a public sidewalk or parkway in the city shall file a written indemnification statement with the director of community development or his designated representative which contains the following language or words to that effect:

(1)

The permittee shall indemnify, defend and hold harmless the city, its officers, employees and agents against and will hold and save them, each of them, harmless from any and all actions, claims, penalties, obligations, which are asserted or claimed by any person, firm, entity, corporation, political subdivision or other organization arising out of or in connection with the installation, use or maintenance of newsracks within the city.

(2)

The permittee will defend any action or actions filed in connection with any of such claims, damages, penalties, obligations or liabilities and will pay all costs and expenses, including attorney fees with an attorney of the city's own choosing, incurred in connection therewith.

(3)

The permittee will promptly pay any judgment rendered against the permittee and/or the city covering such claims, damages, penalties, obligations and liabilities arising out of or in connection with the installation, use or maintenance of newsracks within the city; and the permittee agrees to save and hold the city harmless therefrom.

(4)

If the city is made a party to any action or proceeding filed or persecuted against the permittee for such damages or other claims arising out of or in connection with the installation, use, or

maintenance of newsracks within the city, the permittee agrees to pay to the city any and all costs and expenses incurred by city in such actions or proceedings, together with reasonable attorney fees for an attorney of city's own choosing.

(Ord. No. 1076, § 1(3-49), 4-20-93)

- **Sec. 3-211. - Insurance.**

The city requires every person or other entity which places or maintains a newsrack on a public sidewalk or parkway in the city to provide proof of insurance as required by current city policy, rule and/or regulations.

(Ord. No. 1076, § 1(3-50), 4-20-93)