

Eureka, California Code of Ordinances

SIGNS

§ 155.155 PURPOSES AND SCOPE.

In addition to the objectives listed in § 155.002, the specific purposes of sign regulations are to:

- (A) Provide each sign user an opportunity for effective identification by limiting the number and area of signs permitted on all sites.
- (B) Maintain and enhance the quality of the city’s appearance by avoiding clutter and by implementing design review.
- (C) Enable users of goods and services to identify establishments offering services to meet their needs.
- (D) Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.
- (E) Protect residential districts adjoining non-residential districts from adverse impacts of excessive numbers or sizes of signs.
- (F) Apply on a city-wide basis subject to other more restrictive regulations which may be applicable in the Design Review and Scenic Coastal Areas.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 780-C.S., passed 2-21-12; Am. Ord. 786-C.S., passed 8-21-12)

§ 155.156 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADVERTISING SIGNS. A sign having more than one-half its area devoted to directing attention to a business, profession, commodity, or service that is not the primary business, profession, commodity, or service sold, manufactured, conducted, or offered on the site on which the sign is located.

AWNING SIGNS. Hoods or covers which project from a wall of a building and which are outdoor advertising signs which advertise or direct attention to uses, goods or services, whether located on-premises or off-premises from the property on which the signs are located.

BANNER. A temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including but not limited to, cardboard, cloth, or plastic.

COMMERCIAL SIGNS. An on- or off-premises sign that advertises or directs attention to uses, goods or services.

CONSTRUCTION SIGNS. A non-permanent sign identifying the persons, firms or business directly connected with a construction project.

DEVELOPMENT SIGNS. A non-permanent sign identifying the persons, firms or business directly connected with a development project.

DIRECTLY ILLUMINATED SIGN. Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

ELECTRONIC MESSAGE CENTER. A sign that utilizes computer-generated messages or some other electronic means of changing copy. **ELECTRONIC MESSAGE CENTER** signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

FOOTCANDLE. A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

FREESTANDING SIGNS. Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, that has air space between the ground and the sign face.

FRONTAGE. The property line(s) of a site abutting on a street, and for the purposes of calculating allowable signage, the property line(s) of a site abutting on the City of Eureka Boardwalk.

GOING OUT OF BUSINESS SIGNS. Any sign, including banners, pennants, streamers, and balloons which announce the closing of a business.

HOLIDAY DECORATIONS. See **SEASONAL EVENT SIGNS.**

INDIRECTLY ILLUMINATED SIGN. Any sign designed to show an illuminated sign face by use of indirect illumination from exterior, non-exposed light sources aimed at the sign face or otherwise diffused to result in illumination which complies with § 155.162 of this subchapter.

INTERIOR PROPERTY LINE. A property line which separates adjoining properties and which is not adjoining any street, alley or public space.

INTERIOR SIGNS. Indoor advertising signs located within a building no nearer than one foot from a window, which advertise or direct attention to uses, goods and services whether located on or off- premises. **INTERIOR SIGNS** are exempt from these regulations per § 155.157(U) of this subchapter.

MONUMENT SIGNS. Any sign which is permanently affixed in or upon the ground, that does not have air space between the ground and the sign face.

NEW BUSINESS ATTRACTION SIGNS. Any sign, including banners, pennants, streamers, and balloons which direct attention to the opening of a new business. **NEW BUSINESS ATTRACTION SIGNS** are not allowed in residentially zoned areas.

ON-PREMISES FREESTANDING SIGNS. Outdoor advertising signs which are not attached or painted to the surface of a building, but which standing apart therefrom are intended to advertise or direct attention to uses, goods or services located entirely upon the real property of the occupant of the real property on which the signs are located.

ON-PREMISES SIGNS. Outdoor advertising signs which advertise or direct attention to uses, goods or services located entirely upon the real property of the occupant of the real property on which the signs are located.

OFF-PREMISES FREESTANDING SIGNS. Outdoor advertising signs which are not attached or painted to the surface of an occupied building, but which standing apart therefrom are intended to advertise or direct attention to uses, goods or services not located, sold or available on the real property on which the signs are located. Billboards may be off-premises freestanding signs.

OFF-PREMISES SIGNS. Outdoor advertising signs which advertise or direct attention to uses, goods or services not located, sold or available on the real property on which the signs are located. Billboards are off-premises signs.

OPEN HOUSE SIGNS. Any non-permanent sign directing prospective buyers to a single house or condominium that is for sale.

OUTDOOR ADVERTISING STRUCTURE. A structure of any kind or character, erected or maintained for outdoor advertising purposes, upon which an advertising sign may be placed.

POLITICAL SIGNS. A sign that pertains to a candidate, ballot measure or issue to be voted on at an election. **POLITICAL SIGNS** shall not be placed within the public right-of-way or placed so as to obstruct a motorist's clear view of vehicular or pedestrian traffic, traffic-control signs or signals; impede a pedestrian's free use of the sidewalk; or otherwise represent a hazard to vehicular or pedestrian traffic.

PROJECTING SIGNS. Signs which project from a wall, eave or parapet, or the eave of a simulated mansard roof more than 12 inches from the face of the building; such signs are considered outdoor advertising signs which advertise or direct attention to uses, goods or services, whether located on-premises or off-premises from the property on which the signs are located.

PROMOTIONAL SALES SIGNS. Signs in windows announcing sales or special features attached to or painted on the surfaces of store windows, facing out. Advertising in windows is not allowed in residentially zoned districts.

PUBLIC PROPERTY. Any property owned or controlled by a public entity. ***PUBLIC PROPERTY*** includes but is not limited to recreational areas such as public parks, playgrounds, and gardens; public buildings such as libraries, fire stations, auditoriums, theaters, and City Hall. Public rights-of-way and structures on public rights-of-way including but not limited to lampposts, fences, utility poles, utility wires, street signs, traffic signs, benches, hydrants, fountains, trees, bushes, public bridges, sidewalks, park strips and curbstones are ***PUBLIC PROPERTY***.

REAL ESTATE SIGNS. Any non-permanent sign pertaining to the sale, exchange, lease, rental or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

ROOF SIGNS. Any sign erected upon a roof, parapet, or roof-mounted equipment structure or extending above a roof, parapet or roof-mounted equipment structure of a building or structure.

SANDWICH BOARD SIGNS. Any freestanding, portable, moveable, double-faced sign placed on a sidewalk for the purpose of advertising and identification.

SEASONAL EVENT SIGNS. Signs or displays which are a non-permanent installation celebrating national, state, and local holidays or holiday seasons. ***SEASONAL EVENT SIGNS*** include, but are not limited to, holiday bunting, decoration, lights and displays not advertising a product or sale and uses such as Christmas tree lots, pumpkin sales, carnivals, parades, and charitable events. ***HOLIDAY SIGNS*** are also seasonal event signs.

SIDEWALK. That portion of a highway, other than a roadway, set apart by curbs, barriers, and markings or other delineation for pedestrian travel.

SIGN. Any structure, display, device, balloon or graphic, or any letter, number, word, illustration, decoration, decal, emblem, trademark, logo, light, or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, communication identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle, or on any place whatsoever. The term "placed" shall include constructing, erecting, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever beyond the boundaries of a site.

SIGN AREA. The area of a sign having an integral part of a building, awning, canopy, or marquee as its background shall be the area within the shortest line drawn to include all letters, designs, and tubing which are a part of the sign. The area of all other signs shall be the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign, including background and tubing, but excluding supporting posts without attached lighting. In computing the area of a sign having more than one face, all faces of the sign shall be included.

SUBDIVISION SIGNS. Any sign located either on or off a subdivision tract, which sign indicates the direction to or advertises the location, existence, or sale of a subdivision or any part thereof.

TEMPORARY SIGNS. Signs displayed for a limited duration of time.

WALL SIGNS. Outdoor advertising signs attached or painted to the surface of a building which advertise or direct attention to uses, goods or services, whether located on-premises or off-premises from the real property on which the signs are located.

WINDOW AREA. The area of a single window includes all of the window panes in an area that is separated by mullions or muntins which are less than three inches wide.

WINDOW SIGNS. Signs which are placed on the surface of or within one foot of a window for purposes of viewing outside the premises; such signs are considered outdoor advertising signs which advertise or direct attention to uses, goods or services, whether located on-premises or off-premises from the property on which the signs are located.

WINDOW SIGNS, LIGHTED. Signs which are placed on the surface of or within one foot of a window for purposes of viewing outside the premises and are internally illuminated, such as by neon or LED lighting, and direct attention to products or goods sold on the premises, or signs indicating the business is open. **LIGHTED WINDOW SIGNS** include, but are not limited to beverage signs and open signs.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 786-C.S., passed 8-21-12)

§ 155.157 TEMPORARY AND OTHER EXEMPT SIGNS.

The following signs are exempt from the regulations of this subchapter:

- (A) Seasonal event or holiday signs, one sign per street frontage, and no larger than 32 square feet, erected no sooner than 45 calendar days before the holiday or event and removed within 14 calendar days following the holiday or event.
- (B) Unlighted on-premises real estate signs limited to six square feet, displayed until the premises is sold, leased or rented.
- (C) Construction or project development signs limited to 32 square feet, displayed during the period of development or construction and removed prior to occupancy of the project site.
- (D) On-premises subdivision signs limited to 32 square feet, displayed for a period not to exceed two years.
- (E) Open House signs displayed only on the day of the Open House (see § 155.159).
- (F) Political signs limited to 16 square feet, erected no more than 90 calendar days before the election, displayed on any private lot or parcel of land with the consent of the owner, and removed within ten calendar days following the election. Exempt political signs shall not be placed within the public right-of-way or placed so as to obstruct a motorist's clear view of vehicular or pedestrian traffic, traffic-control signs or signals; impede a

pedestrian's free use of the sidewalk; or otherwise represent a hazard to vehicular or pedestrian traffic.

- (G) New-business attraction signs, displayed during the first 30 days of occupancy of a new structure or operation of a new business and removed immediately after the display period.
- (H) Going out of business signs, displayed during the final 30 days of operation of a business and removed at the end of the display period.
- (I) Promotional sales signs covering not more than 25% of the window area, in place for no longer than 30 days in any 60-day period and removed immediately after the termination of the subject event. Advertising in windows is not allowed in residentially zoned districts.
- (J) One unlighted garage sale sign, provided such sign shall not exceed four square feet in area and shall be displayed on the property where such sale shall take place and only on the day of said sale.
- (K) Promotional signs for outdoor exhibitions or performances on the premises, and on- or off-premises signs limited to 32 square feet advertising community events for a period not to exceed 30 consecutive days when erected no sooner than 30 days prior to the event and removed within ten days after the event.
- (L) Signs in residentially zoned areas erected for a period not to exceed 100 days in any calendar year and limited to 16 square feet, which display noncommercial messages, but are otherwise not restricted in content.
- (M) On-premises window signs expressing the name of the occupant. The total area of such window signs shall not exceed 10% of a window area.
- (N) Street address numbers not less than four inches in height for residential uses, and not less than six inches in height for commercial uses.
- (O) Public information, identification, special event, and directional signs erected by a public agency.
- (P) Names of buildings, dates of erection, commemorative tablets and the like, when carved into stone, concrete or similar material or made of bronze, aluminum, or other metal material and made a part of the structure. Such signs shall not exceed four square feet in area and shall not be illuminated.
- (Q) On-premises parking and other directional signs not displaying a commercial logo or name, and not exceeding four square feet.
- (R) Non-illuminated wall signs not over two square feet in area, displaying the name of the tenant or resident, the name of a home business approved pursuant to § 155.215 of this chapter, and/or the address at the entrance of each tenant space.
- (S) Signs manufactured as a standard, integral part of a mass-produced product accessory to a commercial or public or semipublic use, including but not limited to telephone booths, restrooms, vending machines, automated teller machines, gasoline pumps and other signs of an instructive nature or which include information required by county, state, or federal enforcement agencies.
- (T) Credit card, trading stamp, or trade association signs not exceeding one-half square foot each and which are attached flat to a glass surface.

- (U) On-premises signs within a building, one foot or more from a window.
- (V) Signs used exclusively for the posting or display of official notices by a public agency or official, or by a person giving legal notice, and signs erected or maintained by a public agency or official or required by law to be maintained by a public utility for directional, warning, or informational purposes.
- (W) Signs on structures posted by the owner of the structure and located within the right-of-way which, by tradition or designation, are used for the purpose of communication by the general public. Such structures shall include kiosks, bulletin boards, benches upon which advertisement is authorized, newspaper racks, and billboards and sandwich board signs as allowed by § 155.158 of this subchapter.
- (X) Lighted window signs that do not move or appear to move, do not change intensity, color, and pattern at any time when the sign is lighted, and does not create annoying or hazardous glare or an annoying halo effect.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12)

§ 155.158 SANDWICH BOARD SIGNS.

Sandwich board signs shall:

- (A) Be constructed of a durable material and constructed in such a manner as not to present a hazard to pedestrian movement.
- (B) Not exceed 30 inches in width and 42 inches in height.
- (C) Be weighted at the base so as to provide a stable and secure sign.
- (D) Be placed so as to allow for a minimum of 48 inches clearance between obstacles.
- (E) Not conflict with utilities or parking meters, public parking or traffic sight distance at street or alley intersections and shall not block entrances or exits.
- (F) Be limited to one sign per business, and shall be placed on the sidewalk that fronts the business.
- (G) Be classified as on-premises signs.
- (H) Not conflict with utilities or parking meters, public parking or traffic sight distance at street or alley intersections and shall not block entrances or exits.
- (I) *Additional requirements.*
 - (1) Sandwich board sign applicants shall provide certificates of insurance to the Engineering Department in amounts prescribed by the city for public liability insurance and property damage insurance. Policies shall name the city as an additional insured, and shall constitute primary insurance to the city, its officers, agents, employees and volunteers so that other policies held by the city shall not contribute to any loss under said insurances. Said policies shall provide for 30 days prior written notice to the city of cancellation or material changes.
 - (2) All sandwich board signs in the Design Review Area shall be subject to architectural review in accordance with §§ 155.180 through 155.188 of this chapter.

- (3) All sandwich board signs shall be included in the allowable sign area for the zone in which the sign is located.

(Ord. 786-C.S., passed 8-21-12)

§ 155.159 REGULATIONS FOR ON-PREMISES AND OFF-PREMISES SIGNS.

No sign, outdoor advertising structure, or display of any character shall be permitted except in conformity with the following additional regulations following the schedule or located elsewhere in this title.

(see table on next page.)

Districts	NR; P (Natural Resource & Public)	RS (Single-Family Residential)	RM (Multi-Family Residential)	OR; HM (Office, Residential & Hospital Medical)	CN (Neighborhood Commercial)	CC; CW (Central Commercial & Commercial Waterfront)	CP (Planned Commercial)	CS; ML; MG (Service Commercial; Limited Industrial, & General Industrial)	Additional Regulations
On-premise wall signs	As prescribed by conditional use permit	1 sq. ft./ 1 foot of street frontage	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	Signs shall not project above the parapet or roof line	§ 155.159 (B)(1), (5)
On-premise freestanding or monument signs	As prescribed by conditional use permit	As prescribed by conditional use permit	8 ft. max. ht.; 1/primary street entrance	12 ft. max. ht.; 1/street frontage	35 ft. max. ht.; 1/street frontage	35 ft. max. ht.; 1/street frontage	35 ft. max. ht.; 1/each 300 ft. street frontage	35 ft. max. ht.; 1/street frontage	§ 155.159 (B)(2), (5)
Total allowable on-premise sign area	As prescribed by conditional use permit	As prescribed by conditional use permit	4 sq. ft. maximum	1 sq. ft./ 4 ft. of street frontage up to 300 sq. ft./sign	1 sq. ft./ ft. of street frontage up to 300 sq. ft./sign	2 sq. ft./ ft. of street frontage up to 300 sq. ft./sign	120 sq. ft./ acre of site in the use up to 300 sq. ft./sign	3 sq. ft./ft. of street frontage up to 300 sq. ft./sign	
Temporary, seasonal, subdivision or construction signs	32 sq. ft., max.; 1/site	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	32 sq. ft. max.; 1/st. frontage	
Temporary real estate or construction signs (on-premise)	16 sq. ft. max.; 1/site	6 sq. ft. max.; 1/site	12 sq. ft. max.; 1/site	16 sq. ft. max.; 1/site	16 sq. ft. max.; 1/site	16 sq. ft. max.; 1/site	16 sq. ft. max.; 1/site	16 sq. ft. max.; 1/site	

Temporary political signs	16 sq. ft. maximum	16 sq. ft. maximum	16 sq. ft. max.; 1/site	16 sq. ft. maximum	16 sq. ft. max.; 1/site				
Off- premise signs	§ 155.159 (B)(9)	§ 155.159 (B)(8)	§ 155.159 (B)(8), (9)	§ 155.159 (B)(8), (9),	§ 155.159 (B)(9)	§ 155.159 (B)(9)	§ 155.159 (B)(9)	§ 155.159 (B)(9)	
Illuminated signs									See § 155.162

- (A) *Additional sign regulations regarding sign height.* Signs located in commercial districts adjacent to Broadway, south of Hawthorn Street and north of Highland Avenue and east of Broadway to the Bay, and bounded by Hawthorn Street and Highland Avenue are to have a maximum sign height of 30 feet.
- (B) *Additional sign regulations.*
- (1) *Wall signs.* A wall sign shall:
 - (a) Not project above an eave or parapet, including the eave of a simulated mansard roof.
 - (b) Not project more than 12 inches from the face of the building.
 - (c) Wall signs on a window and interior signs within one foot of a window shall be deemed both wall and window signs. The total area of window signs shall not exceed 10% of ground floor window area.
 - (2) *Freestanding and monument signs.* A freestanding or monument sign shall:
 - (a) Not be closer than 30 feet to another freestanding sign or to a projecting sign.
 - (b) Not be closer to an interior property line than one-half its height.
 - (c) Not extend over a public right-of-way and not be located on the same frontage as a projecting sign extending over a public right-of-way.
 - (3) *Real estate signs.* All off-premises real estate signs shall:
 - (a) Not exceed three feet in height and four square feet in size.
 - (b) Be allowed to be placed behind the sidewalk, given that they are not located within the public right-of-way.
 - (c) Not be placed in the street medians and on the sidewalks.
 - (d) Be allowed only for development that lies within the city.
 - (4) *Sign area design bonuses.* A property owner or occupant may be allowed, for every sign, a bonus of 5% additional sign area (as measured in square feet for signage per frontage foot of a property) for each of the following factors applicable to the specific sign when documented and requested at time of sign permit application:
 - (a) Painted signs;
 - (b) Signs attached to the business identified;
 - (c) Single-sided freestanding signs;
 - (d) Signs displaying a name of business only;
 - (e) Signs with three-dimensional lettering or elements;
 - (f) Signs using gold-leaf of 14K or higher count;
 - (g) Signs using neon tube illumination;
 - (h) Signs using indirect illumination;
 - (i) Signs incorporating analogous architectural elements;
 - (j) Layout elements extending beyond the borders of the sign.
 - (5) No single-family permitted use shall be allowed signage except as specified in § 155.157 of this subchapter.
 - (6) All signs in the Design Review Area shall be subject to architectural review in accordance with §§ 155.180 through 155.188 of this chapter.
 - (7) One identification sign, not directly lighted, and not exceeding 40 square feet, shall be allowed on the site of public buildings or grounds, or a building occupied by a private non-profit organization. Any such building in excess of 10,000 square feet

of floor area may be permitted to increase the sign area by 20 square feet for each 10,000 square feet of building area to a maximum of 150 square feet.

- (8) Freestanding signs in the Design Review Area shall have a maximum height of 24 feet.
- (9) No new off-premises signs shall be located in residential zones.
- (10) Square footage of off-premises signs shall be counted toward the allowed sign square footage of the property on which the sign is located.
- (11) *Eureka Mall*. The total allowable on-premises sign area for the Eureka Mall at 800 W. Harris (APN 008-172-004) is as follows:
 - (a) North face of building (Henderson Street), 599 square feet.
 - (b) West face of building (Central Avenue), 698 square feet.
 - (c) South face of building (Harris Street), 623 square feet.
 - (d) Free-standing signs, 150 square feet total.
 - (e) Stand-alone building (corner of Central and Harris), 100 square feet.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 730-C.S., passed 8-19-08; Am. Ord. 780-C.S., passed 2-21-12; Am. Ord. 786-C.S., passed 8-21-12; Ord. 788 -C.S., passed 10-16-12) Penalty, see § 150.999

§ 155.160 SIGNS AND SCENIC COASTAL AREAS.

No new off-premise advertising signs or billboards shall be located in scenic coastal resource areas designated in the LCP Land Use Plan. Existing signs in existing locations may be maintained, relocated, and repaired consistent with all other applicable sections of this code.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12) Penalty, see § 150.999

§ 155.161 MURALS, GRAPHIC DESIGNS AND THE LIKE.

Murals, large graphic designs and statuary shall be subject to review and approval by the Building Official for the sole purpose of insuring that construction of such displays will not pose a hazard to public health, safety or welfare. Murals, graphic designs and decorating of a building in the city’s Design Review Area shall be subject to site plan and architectural review in accordance with §§ 155.180 through 155.188 of this chapter.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 780-C.S., passed 2-21-12; Am. Ord. 786-C.S., passed 8-21-12)

§ 155.162 ILLUMINATION; MOVEMENT.

(A) *Illuminated signs.*

- (1) Any illuminated sign shall substantially comply with the average light levels recommended by the Illuminating Engineering Society of North America (IESNA):

Light colors	Dark surroundings	20 footcandles
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Dark colors	Dark surroundings	50 footcandles
Light colors	Bright surroundings	50 footcandles
Dark colors	Bright surroundings	100 footcandles

- (2) Whenever illumination is in issue, the Director may require submission for his review a computer lighting study by the manufacturer of all lamps used in the particular lighting application. The Director may require that lamps in use produce average light levels which, in the opinion of the Director, substantially comply with the standards of the IESNA stated above, or as may be amended from time to time to reflect changes in the state of the art of illumination as approved by the IESNA.
- (3) All indirectly illuminated light levels shall be measured in footcandles according to the standards of the IESNA as illuminance falling on the sign face and not as reflectance off the sign face. A sign owner must produce the requested computer lighting study within 30 days. If the study is not produced, the city may contract for the performance of a lighting study to establish the levels of illuminance falling on the particular sign face in issue and bill the sign or property owner (as appropriate) for the cost of the lighting study.
- (B) Sign illumination shall be maintained constant in intensity, color, and pattern at all times when the sign is lighted. No sign illumination shall be of such brightness as to create annoying or hazardous glare or an annoying halo effect.
- (C) No movement, or apparent movement of, or in, a sign shall be permitted. A time or temperature sign, barber pole, or a theater canopy sign consistent with other regulations of this subchapter shall be permitted.
- (D) Whenever the Director may reasonably find that a particular lighting application is not in substantial compliance with the recommended light levels established by the IESNA as stated herein, then the Director may proceed to abate the condition as a nuisance in accordance with the provisions of this title.
- (E) Electronic message centers.
 - (1) Electronic message centers (EMC) shall comply with the brightness criteria based on the International Sign Association (ISA) Electronic Message Display Brightness Guide.
 - (2) EMC illumination shall be limited to the difference between off and solid-message measurements using the EMC Measurement Criteria, and shall not exceed 0.3 footcandles at night.
 - (a) The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals.
 - (b) Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC.
 - (c) All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the Sign Area Versus Measurement Distance table.

- (3) All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
 - (4) The image on electronic message centers shall not change in increments of less than five minutes.
- (F) Sign Area Versus Measurement Distance Table.

AREA OF SIGN Sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118

150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12; Am. Ord. 791-C.S., passed 12-4-12) Penalty, see § 150.999

§ 155.163 PROHIBITED LOCATIONS; SIGN TYPES; MESSAGES.

- (A) A sign in a required yard (setback area) adjoining a street property line shall comply with the requirements of §§ 71.55 through 71.59 of this code of ordinances.
- (B) Except for exempt flags, pennants, balloons, and banners pursuant to § 155.157, use of wind-blown or inflatable devices of any type is prohibited, including the production of smoke, bubbles, sound, or other substances.
- (C) Other than when used for traffic direction, signs which contain or are in imitation of official traffic signs or signals are prohibited. No sign shall be erected in such a manner that its size, location, content, colors, or illumination shall interfere with, obstruct, confuse, or mislead traffic.
- (D) No sign shall contain statements, words, pictures, or other representations which are in reference to obscene matter which violate the Cal. Penal Code §§ 311 et seq.
- (E) No permanent exterior signs shall be made of materials which are impermanent and will not stand exposure to weather.
- (F) No sign shall be located within a public right-of-way unless an encroachment permit is obtained from the Engineering Department as directed by the Director of Public Works.
- (G) No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with, the free use of any fire escape, exit, or standpipe. No sign shall be erected which will obstruct any required stairway, door, ventilator, or window.
- (H) Except as allowed in § 155.162(C) for time and temperature devices and barber poles, signs utilizing flashing lights, changing of color and intensity, or mechanical moving parts are prohibited.

- (I) Signs erected upon or extending above any part of a roof or false roof structure are prohibited.
- (J) No vehicle may be used as a platform for a billboard whether on private property or within a public right-of-way.
- (K) No off-site signs shall be allowed in coastal scenic areas
- (L) No person shall paint, mark, or write on, or post or otherwise affix, or erect, construct, maintain, paste, nail, tack or otherwise fasten or affix any sign or temporary sign on any sidewalk, crosswalk, curb, street lamp post, pole, bench, hydrant, tree, shrub, bridge, electric light or power or telephone wire pole, or wire appurtenance thereof or upon any street sign or traffic sign, or upon any other object located within the public right-of-way.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 710-C.S., passed 3-20-07; Am. Ord. 786-C.S., passed 8-21-12) Penalty, see § 150.999

§ 155.164 MAINTENANCE, ABANDONMENT, REMOVAL, RETRIEVAL, AND DESTRUCTION.

- (A) All signs shall be maintained in good repair and shall be cleaned, painted, or replaced as necessary to present a neat appearance.
- (B) An on- or off-premises sign, or the advertising copy shown thereon, advertising any uses, goods or services, shall be removed within 120 calendar days following the actual discontinuance or unavailability of the uses, goods or services.
- (C) Any sign deemed by the city to be posted on public property contrary to the provisions of this subchapter, or to be unsafe, due to interfering with the public's health, safety, welfare, or convenience, may be removed by the Public Works Department or Police Department.
 - (1) Signs removed by the city shall be taken to the Police Department, and shall be subject to the Police Department's Property Procedure, Policy 804.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12) Penalty, see § 150.999

§ 155.165 NONCONFORMING SIGNS.

- (A) All nonconforming signs and other sign structures which were erected and in existence prior to the effective date of the adoption of this subchapter and which were, at the time of such erection or establishment, in compliance with all then applicable statutes and ordinances, but which do not meet the requirements of this chapter, shall be permitted to remain in existence notwithstanding their nonconforming character.
- (B) Any portion of a legal nonconforming sign which is damaged may be restored, repaired or completely replaced provided that its owner complies with each of the following:
 - (1) The area of the sign face is not enlarged upon restoration, repair or replacement;
 - (2) The restored, repaired or replaced sign face or sign structure remains on the same parcel of real property and faces the same general direction as the pre-existing sign;
 - (3) The height of the sign face and structure is not raised; and,

- (4) The restoration, repair or replacement of the sign face or sign structure is completed within 360 days following the damaging of the sign face or sign structure. Upon good cause shown to the satisfaction of the Department, additional time may be granted for completing restoration, repair or replacement of a damaged sign face or sign structure.
- (C) Any legal nonconforming off-premises sign may be reconstructed or relocated by its owner upon the same parcel of real property provided that its owner complies with each of the following:
 - (1) The area of the sign face is not enlarged to greater than that of the sign it replaces;
 - (2) The sign face or sign structure faces the same general direction as the sign it replaces;
 - (3) The height of the sign face and structure is not raised above that of the sign it replaces; and,
 - (4) Any new location selected on the same parcel of real property otherwise complies with then current setback requirements for new signs within the applicable zoning.
- (D) All non-conforming signs advertising a permanent use, goods, or services, shall be removed within 120 calendar days following the actual discontinuance, unavailability, or removal of such use, goods or services from business. Any property owner affected by this provision may apply to the Director for an exemption based upon a claim that the subject sign has historical significance which is an integral part of the real property. The Director shall make written findings to approve or deny the exemption request. The determination of the Director may be appealed within 10 days to the Commission. Any nonconforming sign fitting the description herein may be abated as a nuisance by action of the Director in accordance with the provisions of this title.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12; Am. Ord. 791-C.S., passed 12-4-12)

§ 155.166 SIGN PERMITS.

- (A) *Permit required.* A person shall, unless otherwise exempted by § 155.157 of this subchapter, be required to obtain a permit from the Department prior to the placing or erecting of any signs. In most cases, a building permit and/or electrical permit shall also be required.
- (B) *Application for sign permits.* An application for a sign permit shall be filed with the Director on forms provided by the Department.
- (C) *Fees.* An application for a sign permit shall be accompanied by a fee established by resolution of the City Council to cover the cost of handling the application as prescribed in this subchapter.
- (D) *Review of sign applications.*
 - (1) *Staff review.* All signs which meet the limitations of this subchapter shall be reviewed by the Department (except those listed in § 155.157 of this subchapter), unless review by the Committee as specified in §§ 155.180 through 155.188 of this chapter is required. The staff may approve, approve with modification, or deny any application subject to the criteria of subsection (3) of this division. Any staff decision may be appealed by the Committee.

- (2) *Design Review Committee review.* When required to be reviewed by the Committee in accordance with §§ 155.180 through 155.188 of this chapter, the Committee shall approve, or shall submit a written report to the Commission recommending disapproval in accordance with § 155.185 of this chapter. Any decision by the Committee relative to the review of signs may be appealed to the Commission pursuant to §§ 155.180 through 155.188 of this chapter.
- (3) *Review criteria.* The staff and/or Committee shall apply all of the following criteria as the basis for action:
 - (a) Whether the sign complies with the regulations contained in § 155.159 of this subchapter.
 - (b) Whether the sign is desirable for the applicant's enjoyment of substantial trade and property rights, and does the sign not constitute needless repetition, redundancy or proliferation of signing.
 - (c) Whether the sign is consistent with the purposes and scope of this subchapter as set forth in § 155.155 of this subchapter.
 - (d) Whether the sign does not constitute a detriment to public health, safety and welfare.
 - (e) The location and design of the proposed sign shall be considered in order to determine that the sign will not obscure from view or unduly detract from existing adjacent signs.
 - (f) The location and design of a proposed sign in a commercial or industrial district within 100 feet (excluding highway or road right-of-way) of a residential district shall be considered in order to determine that the sign shall not have a significant adverse effect on the character of the residential district.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12; Am. Ord. 791-C.S., passed 12-4-12)

§ 155.167 COMPENSATION.

Whenever a duly permitted income producing off-premises sign is taken by power of eminent domain, or by a duly adopted ordinance having such effect, then the owner thereof shall be compensated by the payment of the fair market value thereof as determined by an independent appraisal using the income method. The compensation value of any other duly permitted sign shall be determined by an independent appraisal of the fair market value of such sign using generally accepted appraisal methods.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12)

§ 155.168 COMPLIANCE WITH CALIFORNIA BUILDING AND ELECTRIC CODES.

It is the intent of this chapter to comply with the provisions of the California Building and Electric Codes, as applicable.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12)

§ 155.169 INVENTORY AND IDENTIFICATION OF ILLEGAL OR ABANDONED SIGNS.

Within six months of the adoption of this subchapter (the sign ordinance), the city shall in compliance with Cal. Business and Professions Code §§ 5491 et seq., commence an inventorying and identification of all illegal or abandoned advertising displays. The city shall commence abatement of illegal or abandoned signs within 60 days following the six-month period when inventorying and identification is to commence.

(Ord. 585-C.S., passed 12-20-94; Am. Ord. 786-C.S., passed 8-21-12)