

ORDINANCE No. 19-09 N.S.

EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND REPEALING THE SIGN ORDINANCE OF THE CITY OF RICHMOND, CHAPTER 15.06 OF THE MUNICIPAL CODE, AND ENACTING NEW PROVISIONS GOVERNING THE USE AND DISPLAY OF SIGNS IN THE CITY

WHEREAS, questions have been raised about the constitutionality of several portions of the Sign Ordinance of the City of Richmond, Chapter 15.06 of the Municipal Code of the City of Richmond;

WHEREAS, the Sign Ordinance was originally adopted in March 23, 1970 and has not been comprehensively evaluated since, and constitutional law regarding freedom of expression has evolved over that period;

WHEREAS, the City Council finds and declares that the uncertain constitutionality of portions of the Sign Ordinance constitutes an emergency that justifies immediate passage and adoption of the present ordinance to repeal the Sign Ordinance;

WHEREAS, this emergency demands that the City prohibit new permanent signs for 120 days to allow the City to evaluate alternatives for a comprehensive new sign ordinance;

WHEREAS, in the absence of a moratorium, numerous permanent new signs could be hastily erected in an unregulated manner that impairs the City's substantial interests in public safety and protecting the visual appearance and image of the City;

WHEREAS, given the complexity of the public policy and legal questions presented by sign regulation, 120 days is the minimum feasible period to prohibit new permanent signs to allow the comprehensive evaluation of a new ordinance;

WHEREAS, as provided in the ordinance, new temporary signs shall be allowed during the pendency of the 120-day moratorium on permanent signs, to minimize the impact of the moratorium on free expression;

WHEREAS, the City Council directs City Staff to develop, and propose for adoption by the Council, a new Sign Ordinance that fully addresses the constitutional questions raised about the existing Sign Ordinance while ensuring that the City's interests in public safety and visual impacts are protected;

NOW, THEREFORE, the City Council of the City of Richmond does ordain as follows:

Section 1. Chapter 15.06 of the Municipal Code of the City of Richmond (Use and Display of Signs) is hereby repealed and the following new Chapter 15.06 is adopted.

15.06.010 Title.

This chapter shall be known as the Sign Ordinance of the City of Richmond.

15.06.020 Purpose.

The purpose of this chapter is to protect and promote the health, safety, and welfare of the citizens of the City of Richmond and to achieve the following objectives:

- A. To carry out the goals of the Richmond General Plan;
- B. To promote and maintain strong commercial and industrial centers and property values therein by regulating the size, location, design, and illumination of signs and thereby avoiding wasteful and unsightly competition in signage;
- C. To protect and enhance the character of residential neighborhoods, open views and vistas therefrom, and property values therein, by avoiding obtrusive and incompatible signs;
- D. To improve the visual appearance of streets and the image of the city derived by residents and visitors;
- E. To provide for safe construction, location, erection, and maintenance of signs;
- F. To reduce traffic and safety hazards through proper location and design of signs; and
- G. To maximize the ability of residents and businesses to communicate ideas and messages through signage.

15.06.030 Sign types and definitions.

“Hand-held sign” means a sign that is designed to be held or carried by a person, rather than placed on or in the ground.

“Permanent sign” means a sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.

“Portable sign” means a temporary sign that is capable of being moved easily and is not affixed to the ground or a structure.

“Sign” means a device, structure, or fixture which incorporates graphics, symbols, or written copy visible to the public, including those devices, structures or fixtures which are behind windows or building openings, which are intended to communicate information. Art work and seasonal decorations which are not intended to communicate information and do not relate to the use of a site or structure are not considered signs. A device, structure, or fixture is not “visible to the public” if it is located inside a building or structure and is not visible from a public street, park, walkway, or other public space through a window or building opening.

“Temporary sign” means any sign, banner, pennant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without a frame, and any other type of sign not permanently attached to the ground or a structure, intended to be displayed for a limited period of time only.

“Window sign” means a temporary sign which is posted or painted on or otherwise affixed to and is visible through a window.

15.06.040 Calculating sign area.

The area of a sign shall include the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, and character, but shall exclude essential sign structure or supports.

15.06.050 Moratorium on new or altered permanent signs.

Within 120 days after the effective date of this Chapter:

- A. With the exception of the temporary signs provided for in section 15.06.060, no new signs shall be erected.
- B. No existing permanent sign may be altered, partially demolished, reconstructed, enlarged, or moved from its current location unless a government agency orders such alteration, demolition, reconstruction, enlargement, or move. A sign is not “altered” by a change of copy or minor repairs and maintenance.
- C. Any new copy displayed on an existing permanent sign shall comply with the California Outdoor Advertising Act, Business and Professions Code sections 5200 et seq.

15.06.060 Temporary signs.

For the duration of the moratorium set forth in section 15.06.050, the following signs are permitted within any district, regardless of the content of the sign:

- A. One temporary sign per United States Postal Service address per parcel, provided that no sign may (1) exceed six square feet in area or five feet in height, or (2) interfere with, obstruct, or misdirect traffic or pedestrian movement.

B. Portable signs within the public right-of-way on Saturdays and Sundays between the hours of eight a.m. and six p.m., provided: (1) the signs do not interfere with, obstruct, or misdirect traffic or pedestrian movement, and (2) no person may erect or cause to be erected more than four portable signs at any one time.

C. Window signs, provided they do not obstruct more than 25 percent of the area of any individual window.

D. Hand-held signs, provided that (1) no hand-held sign exceeds six square feet in area, and (2) no person carrying a hand-held sign interferes with, blocks, or impedes traffic or pedestrian movement.

Section 2. The Director of Planning and Building and the City Attorney are hereby directed to prepare a new sign ordinance for the City Council's consideration within 60 days.

Section 3. Pursuant to California Business and Professions Code section 5491.1, the Director of Planning and Building is hereby directed to begin to prepare an inventory of all displays within the City that are determined to be illegal or abandoned pursuant to the regulations governing signs that are repealed by this ordinance.

Section 4. This ordinance shall become effective immediately upon passage and adoption by the City Council. The ordinance shall be published once within 15 days in the West County Times, a newspaper of general circulation in the City of Richmond.

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Richmond held on July 7, 2009, and adopted as an emergency ordinance by the following vote:

AYES: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, Vice Mayor Lopez, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 19-09 N.S., passed and adopted by the Council of the City of Richmond at a regular meeting on July 7, 2009.