

ORDINANCE NO. 2520

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER 12.55 TO THE REDLANDS MUNICIPAL CODE ESTABLISHING POLICIES FOR THE PLACEMENT OF SIGNS ON PUBLIC PROPERTY

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12.55 is hereby added to the Redlands Municipal Code to read as follows:

"12.55

Signs on Public Property

Sections:	12.55.010	Proprietary capacity; changes to policy
	12.55.020	Intent as to public forum
	12.55.030	Signs must be permitted or exempted
	12.55.040	Signs in traditional public forum areas
	12.55.050	Public property sign permits; application forms and procedures
	12.55.060	Exemptions from permit requirement
	12.55.070	Permits for A-frame signs in Redlands' Parking and Business Improvement Area
	12.55.080	Real estate for sale "kiosk" signs in particular locations
	12.55.090	Signage associated with use of public property for special events
	12.55.100	Use of public property for banners
	12.55.110	Freeway visible commercial signs on City Armory property

12.55.010. Proprietary Capacity.

In adopting this Chapter, the City Council acts in its proprietary capacity as to public property within the City.

12.55.020. Intent as to Public Forum.

The City declares its intent that all City-owned public property in the City ("Public Property") shall not function as a designated public forum unless some specific portion of public property is designated herein as a public forum of one particular type. In such case, the declaration as to public forum type shall apply strictly, and only to the specified area and the specified time period, if any.

12.55.030. Signs must be Permitted or Exempted.

A. No "sign," as defined in this Code, may be displayed on Public Property unless a Public Property Sign Permit therefor has first been issued, or the sign is expressly exempted from the Public Property Sign Permit requirement by this Chapter.

B. All Public Property Sign Permits shall be consistent with this Chapter. Any sign posted on Public Property contrary to the provisions of this Chapter may be summarily removed as a trespass and a nuisance by the City.

12.55.040. Temporary political, religious, labor protest and other noncommercial signs in traditional public forum areas.

A. In areas qualifying as traditional public forums, such as streets, parks and sidewalks, persons may display noncommercial message signs thereon without first obtaining a Public Property Sign Permit, provided that the sign display on public property conforms to all of the following:

1. Signs must be personally held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet of the sign at all times.

2. Signs may be displayed only during the time period of sunrise to sunset.

3. The maximum aggregate size of all signs held by a single person is 10 square feet.

4. The maximum size of any one sign which is personally attended by one or more persons is 50 square feet.

5. Displayed signs may not be inflatable or air-activated.

6. To protect the City's interests in traffic flow and safety, persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by.

12.55.050. Public Property Sign Permits; Application Forms and Procedures.

A. The Community Development Director shall prepare and make available to the public a form of application for a Public Property Sign Permit which shall, when fully approved by the Community Development Director, constitute a Public Property Sign Permit ("Permit") and indicate the City's consent, in its proprietary capacity, for placement of a sign. The applicant for the permit must be the same person or entity who is to be the owner of the sign. The processing fee for each application, which shall not be refundable even if the application is denied, shall be the same as the fee for a private sign permit under this Code or as established by resolution of the City Council. The application form shall require the applicant to indicate that he or she has read this Chapter and that the applicant shall abide by its terms, as well as any special terms or conditions which may be stated on the permit, and to abide by any new or different conditions which may be imposed on all permittees who are similarly situated.

B. Any Public Property Sign Permit issued in error may be summarily revoked by any officer of the City by simply informing the applicant of the nature of the error in issuance. Any applicant whose permit is revoked as issued in error may, at any time thereafter, submit a new permit application which cures any deficiencies in the original application. The application fee shall apply separately to each new application. Applications which fully comply with the terms and conditions of this Chapter shall be duly issued. Applications which are denied, or permits which are revoked or suspended, may be appealed in the same manner as denials of sign permits, as described in of this Code.

C. Notwithstanding any other provision of this Chapter, an application for a Public Property Sign Permit for a sign on City Armory property pursuant to Section 12.55.110 shall be approved by the City Council.

12.55.060. Exemptions from Permit Requirement.

The following signs are exempted from the permit requirement of this Chapter: traffic control and traffic directional signs erected by the City or another governmental unit; official notices required by law; signs placed by the City in furtherance of its governmental functions; and signs allowable under Section 12.55.040 of this Chapter.

12.55.070. Permits for A-Frame Signs in Redlands' Parking and Business Improvement Area.

A. The areas and times controlled by this section are designated to constitute a limited access, public forum which is strictly limited and open only to those persons described in this section and on the terms stated in this section.

B. "A Frame" signs may be placed in particular portions of the public right-of-way, within Redlands' Parking and Business Improvement Area; namely, on the public sidewalk directly in front of the store or other establishment displaying the sign. Such signs may have no more than two display faces, every display face shall be a flat, smooth surface, and remain completely free of dangerous protrusions such as tacks, nails or wires; however, cutouts of any shape are allowed. Sign faces shall be back to back. No banners, ribbons, streamers, balloons or attachments of any kind may be affixed to the sign. Signs may not use any moving parts or include a display face which is hinged, or which otherwise swings or hangs from the "A-Frame." No glass, breakable materials or illumination is allowed. Signs shall be physically stable and balanced flat on the sidewalk, and must be self-supporting, stable and weighted, or constructed to withstand overturning by wind or contact.

C. "A-Frame" signs may be placed in the permitted space on the public right-of-way only when the retail establishment is actually open for business. The sign must be placed on the public sidewalk, directly in front of the business which owns the sign.

D. Each display face shall have a maximum area of six square feet, and shall not exceed

three feet in height or two feet in width. Changeable text area of the sign shall not exceed 30% of the display face. No such sign may have special illumination and the display portion may have no parts which move, flash, blink or fluoresce. Fluorescent or "day glow" colors are not allowed. No paper or non-rigid changeable text areas are allowed.

E. "A-Frame" signs shall not be permanently affixed to any object, structure or the ground, including utility poles, light poles, trees or other plants, or any merchandise or products displayed outside buildings. At no time shall a sign be placed in the street or in any position which impedes the smooth and safe flow of vehicular and pedestrian traffic, or which interferes with driver or pedestrian sight lines or corner clear zone requirements as specified by the City. No sign shall be placed in such a manner as to obstruct access to, or along, a public sidewalk, public street, driveway, parking space, fire door, fire escape or handicapped person access. A clear area of at least six feet in width shall be maintained for pedestrian use over the entire length of the sidewalk in front of the business, and no sign shall be placed within eight feet of a permanent pedestrian seating structure or area, or placed within a City parkway.

F. Signs shall not obscure or interfere with the effectiveness of any official notice or public safety device. Signs shall not simulate in color or design a traffic sign or signal, or make use of words, symbols or characters in such a manner as may confuse pedestrians or drivers.

G. Every sign and all parts thereof shall be kept in good repair. The display surface shall be kept clean, neatly painted and free from dust, rust and corrosion. Any cracked, broken surfaces, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced or removed within twenty days following notice by the City.

H. The "A-Frame" signs allowed by this section may be displayed only by the operators of commercial establishments with ground floor frontage on streets within the City's Parking and Business Improvement Area who hold a currently valid City business license, who are not currently in violation of, or nonconformance with, any of the zoning, land use, environmental or business laws of the City and who do not have a freestanding sign.

I. The permit attaches to the business at the location specified. If the business is sold or transferred, and remains at the same location, then the permit shall automatically transfer to the new owner or transferee, who shall be bound to the terms and conditions of the original permit. However, if the business which first obtained the permit moves to a different location, or if the location is then taken by a new business, a new application and permit shall be required.

J. A permit is nominally issued for one year, but may be revoked or canceled at will by the City. Any permit may be revoked for noncompliance, 30 calendar days after notice of noncompliance remains uncured, or in the case of a noncompliance condition which constitutes a threat to the public health, safety or welfare. When a permit is revoked, the owner of the sign must physically remove it from the public right-of-way within 24 hours of notice of revocation. Upon failure to do so, the City may summarily remove the sign and hold it in storage for a maximum of

thirty days, during which time the owner may reclaim the sign upon payment of costs of removal and storage.

There is no guarantee that the City will continue the policy stated herein. Permittees hold no expectation of renewal of any given permit, acquire no vested right to continue displaying the sign on Public Property, and waive all claims of uncompensated taking of private property as to the permitted sign when they submit the original application. Each permittee must apply for permit renewal within 60 days before the annual date of original issuance. Renewal may be sought on a form prepared by the City for that purpose, or by simply presenting the permit to the City and requesting renewal. The City has no duty to remind or notify any permittee of the need to renew. Failure to timely seek renewal means that a new application must be submitted, with the new application fee. At the City's option, any given permit may be renewed by a stamp, sticker or official notation on the original permit, or by an entirely new permit, or by a letter indicating renewal.

K. The City may give notice, by any reasonable means, that consent to display an "A-Frame" is or shall be withdrawn temporarily so as to serve a more urgent or more important public need, such as, without limitation, dealing with a natural disaster, a traffic emergency, a temporary need to make more space available on the public right-of-way, a civil disturbance, a parade, an election or other special event. In urgent situations, the City may summarily remove a permitted sign without notice, for a time sufficient to deal with the urgency. All permittees shall comply with all notices to temporarily removal the permitted signs, and to return them to display only in accordance with the City's directions.

L. A permit under this section will be issued only to an applicant who provides evidence of comprehensive general liability insurance coverage, in a form satisfactory to the Finance Director, which shall name the City as an additional insured and provide thirty day notice of cancellation. The minimum liability coverage on such policy shall be one million dollars and coverage shall apply to claims of personal injury including death, property damage and advertising injury. Application for a permit shall constitute an agreement to hold harmless, defend and indemnify the City against all claims relating to property damage or personal injury, including death, which assert that the permitted sign played any legally significant role in the creation of the liability.

M. The City may, at any time and for any reason, cancel or modify this program allowing "A-Frame" signs in the public right-of-way in the City's Parking and Business Improvement Area.

12.55.080. Real Estate for Sale "Kiosk" signs in particular locations.

A. Intent as to Public Forum. The City's intent as to this section is to designate a strictly limited non-public forum, which allows only the posting, in places deemed convenient by the City, of directional information regarding tract housing developments which are currently selling homes located within the City.

B. Kiosk signs are permanent freestanding structures, not exceeding ten square feet in

area, which contain modular information strips providing information about tract housing developments which are currently selling new homes located within the City. Such signs may display only the following information: the name of the development, developer and/or marketer thereof, and the direction and distance to the development from the sign.

C. The City may enter into a contract with a private contractor to design, erect, modify, replace, maintain and manage the kiosk signs allowed by this section.

D. In the event the City selects a contractor to manage the kiosks, the City may require the contractor to provide evidence of comprehensive general liability insurance coverage, in a form satisfactory to the City, which shall name the City as an additional insured and provide thirty day notice to the City of modification or cancellation. The minimum liability coverage on such policy shall be one million dollars. Any management contract shall include a provision for the contractor to hold harmless, defend and indemnify the City against all claims relating to property damage or personal injury, including death, which assert that the kiosk sign played any legally significant role in the creation of the liability.

E. The kiosks allowed by this section may be located only as in areas designated by resolution of the City Council.

12.55.090. Signage Associated with use of Public Property for Special Events.

When the City allows a special event, sponsored by a private entity, the City shall state only the time, place, manner and quantity of signage allowed, and leave decisions as to which signs may be displayed as part of the event to the private party sponsor. When the City sponsors a special event, Public Property may be used to promote and identify the special event, but co-sponsors, if any, shall be limited to commercial entities and commercial sign messages only.

12.55.100. Use of Public Property for Banners.

A. The City's intent as to this section is to designate a strictly limited public forum. Banners may be placed on public property in the public right-of-way only, at the City's designated locations on Citrus Street, at Fifth Street and Cajon Street, near Vine Street, and then subject to the size, construction and insurance criteria established by resolution of the City Council.

12.55.110 Permits for Commercial freeway-visible signs on City Armory property.

A. The areas and times controlled by this section are designated to constitute a limited access, non-public forum which is strictly limited to commercial messages, and which is open only to those persons described in this section and on the terms stated in this section.

B. Freeway-visible commercial signs relating to automobile businesses located within the City may be placed on particular portions of the City's Armory site where they do not interfere with existing or reasonably foreseeable uses of the Armory, and are subject to the consent of the State of California as lessee of the Armory and the City. Signs shall not exceed ninety feet in

height; provided, however, the actual height of any sign shall be determined by a "balloon" or "flag" test and such height may exceed ninety feet if necessary to provide reasonable visibility from the freeway. Signs shall not exceed an area of 600 square feet. The structure of a sign shall not endanger the health and safety by causing distractions to operators of motor vehicles.

C. A permit under this section will be issued only to an applicant doing automobile business within the City and who provides evidence of comprehensive general liability insurance coverage, in a form satisfactory to the Finance Director, which shall name the City as an additional insured and provide thirty day notice of cancellation. The minimum liability coverage on such policy shall be one million dollars and coverage shall apply to claims of personal injury including death, property damage and advertising injury. Application for a permit shall be made to the City Council and shall constitute an agreement to hold harmless, defend and indemnify the City against all claims relating to property damage or personal injury, including death, which assert that the permitted sign played any legally significant role in the creation of the liability."

Section 2. It is the intent of the City Council that the provisions of this ordinance shall control and take precedence over any prior adopted ordinances of the City Council concerning the subject matter of this ordinance.

Section 3. The City Council finds and determines that adoption of this ordinance will not have any significant effect upon the environment and is exempt from further review pursuant to the California Environmental Quality Act.

Section 4. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in the City; and thereafter, this ordinance shall take effect in accordance with law.



Mayor of the City of Redlands

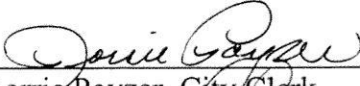
ATTEST:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 17th day of December, 2002, by the following vote:

AYES: Councilmembers Peppler, Gilbreath, George, Harrison; Mayor Haws
NOES: None
ABSENT: None
ABSTAIN: None



Lorrie Poyzer, City Clerk
City of Redlands

CERTIFICATION

I, Lorrie Poyzer, City Clerk of the City of Redlands, California, do hereby certify that this is a true and correct copy of Ordinance No. 2520 which has been published in the local newspaper pursuant to law.



City Clerk
City of Redlands, California