

## **Title 16**

### **SIGNS**

#### **CHAPTERS:**

#### **I. GENERALLY**

##### **16.04 Sign Code.**

16.04.010 Adoption of Uniform Sign Code.

16.04.020 Amendments to Uniform Sign Code.

##### **16.08 Signs Adjacent to Landscaped Freeways.**

16.08.010 Definitions.

16.08.020 Prohibitions.

16.08.030 Exemptions.

16.08.040 Removal of Prohibited Displays.

#### **II. REGULATIONS**

##### **16.20 Purpose.**

16.20.010 Designated.

##### **16.24 Definitions.**

16.24.010 Generally.

16.24.020 Accessory Sign (on-premises sign).

16.24.030 Approved Plastic Material.

16.24.040 Area Identification Sign.

16.24.050 Awning.

16.24.060 Building Area.

16.24.070 Building Line.

16.24.080 Combination Sign.

16.24.090 Curblin.

16.24.100 Double-Faced Sign.

16.24.110 Electric Sign.

16.24.120 Erect.

16.24.130 Flyer.

16.24.140 Free-Standing Sign.

- 16.24.150 Freeway.
- 16.24.160 Frontage.
- 16.24.170 Incombustible Material.
- 16.24.180 Marquee.
- 16.24.085 Non-Commercial Sign.
- 16.24.190 Nonstructural Trim.
- 16.24.200 Occupancy Sign.
- 16.24.210 Off-Site Sign.
- 16.24.220 Permanent Sign.
- 16.24.230 Person.
- 16.24.240 Political Sign.
- 16.24.250 Portable Freestanding Sign (A-Frame Signs).
- 16.24.260 Projection.
- 16.24.270 Projecting Sign.
- 16.24.280 Roof Sign.
- 16.24.290 Shall.
- 16.24.300 Sign.
- 16.24.310 Sign Area.
- 16.24.320 Sign Structure.
- 16.24.330 Sign Tower.
- 16.24.340 Street.
- 16.24.350 Structure.
- 16.24.360 Temporary Sign.
- 16.24.370 Uniform Building Code.
- 16.24.380 Wall Sign.
- 16.24.381 City Gateway Sign.

**16.28 Design Review.**

- 16.28.010 Findings for Approval.

**16.32 General Restrictions.**

- 16.32.010 Generally.
- 16.32.020 Occupancy Signs.
- 16.32.030 Roof Signs.
- 16.32.040 Free-Standing Signs.
- 16.32.041 City Gateway Signs.
- 16.32.045 Portable Free-Standing A-Frame Signs.
- 16.32.050 Height Limits.

- 16.32.060 Size Limits.
- 16.32.070 Shingle and Suspended Signs.
- 16.32.080 Real Estate signs.
- 16.32.090 Future Use.
- 16.32.100 Window Signs.
- 16.32.110 Lights.
- 16.32.120 Flexible Signs—Permit Required When.
- 16.32.130 Placement of Non-Commercial Signs.
- 16.32.140 Business Identification Signs.

**16.36 Residential Districts.**

- 16.26.010 Permitted Signs Designated.

**16.40 Professional, Administrative Office District**

16.40.010 Permitted Signs Designated.

**16.44 Commercial Districts**

16.44.010 Permitted Signs Designated.

**16.48 Industrial Districts**

16.48.010 Permitted Signs Designated.

**16.52 Other Districts**

16.52.010 Appropriate Criteria to be Established.

**16.56 Subdivision Signs**

16.56.010 Permitted Signs Designated.

**16.64 Prohibited Signs**

16.64.010 Designated.

**16.68 Nonconforming Signs**

16.68.010 Purpose.

16.68.020 Continued Maintenance.

16.68.030 Record.

16.68.040 Small and Inexpensive Signs.

16.68.050 Subdivision Signs.

16.68.060 Amortization of Excessively High Free-Standing Signs.

16.68.070 Signs With Moving Parts, Flashing, Bright Lights or Animation.

16.68.080 Off-Site Signs.

16.68.090 Vacating Premises--Sign Removal.

16.68.100 Signs for Nonconforming Buildings and Uses.

16.68.110 Signs for Abandoned Uses.

16.68.120 Illegally Constructed Signs.

16.68.130 Unsafe Signs.

16.68.140 Unauthorized Signs Erected on Public Property.

16.68.150 Costs of Removal.

16.68.160 Appeal to the Board of Adjustments.

NOTE: Footnotes are numbered throughout the text and are located at the end of this title.

## SIGNS

### I. GENERALLY

#### CHAPTER 16.04

#### SIGN CODE<sup>1</sup>

##### 16.04.010 Adoption of Uniform Sign Code.

There is adopted by reference the Uniform Sign Code, with amendments as set forth herein, for the purpose of prescribing regulations governing installation, location, electrification and maintenance of signs within the corporate limits of the City, the Uniform Sign Code, 1994 Edition, recommended by the International Conference of Building Officials and includes Chapters 16.20 through 16.68 of this Code, is adopted and made a part of this Code as if set out in full herein. (Ord. 1228 C.S. § I, 1995; Ord. 1188 C.S. § II, 1992; Ord. 1170 C.S. § 2, 1991; Ord. 1091 C.S. § X part, 1987; Ord. 1011 C.S. § 6, 1984; Ord. 852 C.S. § 1 (part), 1976; Ord. 796 C.S. § 9 (part), 1974; prior code § 9600 (part).)

##### 16.04.020 Amendments to Uniform Sign Code.

- A. Section 303 of the Uniform Sign Code is amended by deleting paragraph (3.) in its entirety;
- B. Permit fees for work regulated by this chapter shall be as adopted from time to time by Resolution of the City Council of the City of Martinez. (Ord. 1091 C.S. § X part, 1987; Ord. 916 C.S. § 7, 1980; Ord. 852 C.S. § 1 (part), 1976; Ord. 796 C.S. § 9 (part), 1974; prior code § 9600 (part).)

## SIGNS

### CHAPTER 16.08

#### SIGNS ADJACENT TO LANDSCAPED FREEWAYS<sup>1</sup>

##### 16.08.010 Definitions.

As used in this chapter, certain terms are defined as follows:

- A. "Advertising display" refers to advertising structures and to signs;
- B. "Advertising structure" refers to a structure of any kind or character erected or maintained for outdoor advertising purposes on which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary;
- C. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State;
- D. "Landscaped freeway" means a section or sections of a freeway which is now, or hereafter may be, improved by the planting, at least to one side of the freeway right-of-way, of lawns, trees, shrubs, flowers or other ornamental vegetation which shall require reasonable maintenance. Planting for the purpose of soil erosion control, traffic safety requirements, reduction of fire hazards or traffic noise abatement, shall not change the character of a freeway to landscaped freeway;
- E. "Signs" refers to any card, cloth, metal, painted or wooden sign of any character, placed for outdoor advertising purposes, on or to the ground, or any tree, wall, bush, rock, fence, building, structure or thing, either publicly or privately owned, other than an advertising structure;
- F. Neither "advertising structure" nor "sign" as used in this chapter includes:
  - 1. Official notices issued by a court or public body or officer;

## SIGNS

2. Notices posted by any public officer in performance of a public duty, or by any person in giving legal notice;
  3. Directional, warning or information signs or structures required or authorized by law or by Federal, State or Municipal Authority.
- G. The verb "to place" and any of its variants, as applied to advertising displays, includes the maintaining and the erecting, constructing, posting, painting, printing, tacking, nailing, gluing, stitching, carving, or otherwise fastening, affixing, or making visible, any advertising display on or to the ground, or any tree, bush, rock, fence, post, wall building, structure or thing. (Prior code § 9700.)

### 16.08.020 Prohibitions.

No advertising displays shall be placed or maintained on property adjacent to a section of freeway which has been, or hereafter may be, landscaped as defined herein, if the advertising display is designed to be viewed primarily by persons traveling on such landscaped section of a freeway. (Prior code § 9701.)

### 16.08.030 Exemptions.

The provision of Section 16.08.020 of this chapter shall not apply to any of the following listed advertising structures or signs used exclusively to:

- A. Advertise the sale or lease of the property on which the advertising display is placed;
- B. Designate the name of the owner or occupant of the premises upon which the advertising display is placed or to identify such premises;
- C. Advertise the business conducted or goods manufactured or produced, or services rendered upon the property upon which the advertising display is placed. (Prior code § 9702.)

## SIGNS

### 16.08.040 Removal of Prohibited Displays.

Any advertising structure or sign which is now, or hereafter may be, in violation of the provisions of Sections 16.08.020 shall be removed within three years from the effective date of this chapter or within three years from the date when the project for the landscaping of a section or sections of a freeway has been completed or accepted, and the character of the section or sections has been changed from a freeway to a landscaped freeway, whichever is later. (Prior code § 9703.)

## II. REGULATIONS

### CHAPTER 16.20

#### PURPOSE

### 16.20.010 Designated.

The purpose of this chapter and Chapters 16.24 through 16.68 is to provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the design, materials, construction, size, location and maintenance of signs and sign structures. These regulations further have the purpose of allowing for identification of a business in a manner that is most harmonious with an aesthetic and functional business district, to encourage signs that are well designed and pleasing in appearance, and to reduce overhead clutter and enhance property values. It is not the intent of these regulations that on-site signs be used for general advertising purposes as opposed to identifying the business to which the sign relates. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.0.)

## SIGNS

### CHAPTER 16.24

#### DEFINITIONS

##### 16.24.010 Generally.

For the purposes of Chapters 16.20 through 16.68 certain words and terms herein are defined as set out in this chapter. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1 (part).)

##### 16.24.020 Accessory Sign (on-premises sign).

"Accessory sign (on-premises sign)" means any sign which advertises goods manufactured or produced or services rendered on the property upon which such sign is located. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(3).)

##### 16.24.030 Approved Plastic Material.

"Approved plastic material" means a material which the building official has found to meet the requirements of the Uniform Building Code approved standards of the City. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(4).)

##### 16.24.040 Area Identification Sign.

"Area identification sign" means a permanent sign used to identify a neighborhood, subdivision, shopping district, industrial district or any area composed of more than one ownership. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(5).)

##### 16.24.050 Awning.

"Awning" means any movable structure attached to a building and projecting over a thoroughfare or sidewalk. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(6).)

## SIGNS

### 16.24.060 Building Area.

"Building area" means the total square footage of floor area of a building used for commercial, office, industrial, quasi-public or agricultural farm product sale. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10.201.1(7).)

### 16.24.070 Building Line.

"Building line" means a line established by ordinance beyond which no building may extend. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(8).)

### 16.24.080 Combination sign.

"Combination sign" means a sign incorporating any combination of the features of ground sign, sign tower, projecting and roof signs. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(9).)

### 16.24.090 Curbline.

"Curbline" means the line at the face of the curb nearest to the street or roadway. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(10).)

### 16.24.100 Double-Faced Sign.

"Double-faced sign" means a sign designed to be viewed from two directions and which at no point is thicker than 24 inches measured from the exterior surfaces of each face, and the two faces of the sign are either parallel or the angle between them is less than 30 degrees. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(11).)

### 16.24.110 Electric Sign.

"Electric sign" means any sign containing electrical wiring, but not including signs illuminated by an exterior light source. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(12).)

## SIGNS

### 16.24.120 Erect.

"Erect" means to build, construct, attach, hang, place, suspend or affix, including the painting of wall signs. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(13).)

### 16.24.130 Flyer.

"Flyer" means letters, figures, characters or representations in cut-out or irregular forms attached to or superimposed upon any sign structure or display surface. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(14).)

### 16.24.140 Free-Standing Sign.

"Free-standing sign" means a sign supported by one or more uprights, poles or braces in or upon the ground, with no portion of the sign over a building, other than a combination sign or a portable sign as defined herein. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(15).)

### 16.24.150 Freeway.

"Freeway" means a highway to which the owners of abutting lands have limited or no access. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(16).)

### 16.24.160 Frontage.

"Frontage" means the property line of a site abutting on a street, other than the sideline of a corner lot. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(17).)

### 16.24.170 Incombustible Material.

"Incombustible material" means material which meets the requirements of the Uniform Building Code approved standards for the City. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(18).)

## SIGNS

### 16.24.180 Marquee.

"Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(19).)

### 16.24.185 Non-Commercial Sign.

"Non-Commercial Sign" means any sign which does not advertise goods or commercial services, events or establishments. Non-commercial signs include signs expressing ideological or political views. (Ord. 1059 C.S. § 5, 1986).

### 16.24.190 Nonstructural Trim.

"Nonstructural trim" means molding, battens, caps, nailing strips, latticing, flyers and walkways which are attached to the sign structure or display surface. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(20).)

### 16.24.200 Occupancy Sign.

Except as otherwise provided herein, all signs shall only identify the occupant of the building upon which the sign is attached. Such signs shall contain only the name of the business and the type of service rendered. Such signs are referred to herein as "occupancy signs." No occupancy sign shall be placed upon any portion of the building except that portion occupied by the business which is identified by the sign. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(21).)

### 16.24.210 Off-Site Sign.

"Off-site sign" means a sign which advertises products, services or other uses not associated with any use established on the premises on which such a sign is located. Nonaccessory includes, but is not limited to, such terms as "billboard" and "outdoor advertising structures." (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(22).)

## SIGNS

### 16.24.220 Permanent Sign.

"Permanent sign" means any sign which from the nature and effect of its proposed composition, construction, message to be carried or its proposed placement, would make it reasonable to determine that it was intended for continuous display for a period of time greater than 90 days. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(23).)

### 16.24.230 Person.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(24).)

### 16.24.240 Political Sign.

"Political sign" means any sign which is designed to influence the action of the voters either for the passage or defeat of a measure appearing on the ballot of any national, State or local election, or which is designed to influence the action of the voters either for the election or defeat of a candidate for nomination or election to any public office at any national, State or local election. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(25).)

### 16.24.250 Portable Free-Standing Sign (A-Frame Signs).

"Portable free-standing sign (including A-frame type signs)" means a sign that is designed to be movable and is not structurally attached to the ground, a building, a structure or any other sign. Such sign may or may not be in the configuration of an "A." (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(26).)

### 16.24.260 Projection.

"Projection" means the distance by which a sign extends over public property or beyond the building line or eaves of a building. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(27).)

## SIGNS

### 16.24.270 Projecting Sign.

"Projecting sign" means a sign other than a wall sign which projects from and is supported by a wall or roof of a building, structure or sign structure, and projects beyond the eaves of a building. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(28).)

### 16.24.280 Roof Sign.

"Roof sign" means a sign erected upon the roof or parapet of a building or structure. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(29).)

### 16.24.290 Shall.

The word "shall" is mandatory and not directory. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(1).)

### 16.24.300 Sign.

"Sign" means any lettering or symbol made of cloth, metal, paint, paper, plastic, wood or other material of any kind whatsoever erected for advertising, identification or other purposes upon the ground, or upon any bush, tree, rock, wall, post, fence, roof, building, structure, vehicle or any place whatsoever; provided however that the following shall not be included in the application of the regulations herein:

- A. Any device not exceeding 2 square feet in area and bearing only the property address numbers, post box number, names of occupants or premises, or other identification of the premises not having commercial connotation, providing such device is not located where other signs are prohibited;
- B. Flags or insignia of any government except where displayed in connection with commercial promotion;
- C. Legal notices, identification, information or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;

## SIGNS

E. Signs directing and guiding traffic on private property providing such sign contains no business or product name or trademark or otherwise identifies the use of the premises upon which such sign is located and further provided that such sign is not located where other signs are prohibited;

F. Window signs not exceeding 36 square inches identifying acceptable credit cards or trading stamps. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(30).)

### 16.24.310 Sign Area.

The area of a sign having an integral part of a building as its background shall be the area within the smallest of a circle, square or rectangle drawn to include all letters, designs and tubing which are a part of the sign. The area of all other signs shall be the smallest of a circle, square or rectangle drawn to encompass all portions of the sign including background and tubing, but excluding posts without attached sign lighting. In computing the area of a double-faced sign, only the 1 face of the sign shall be included. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(31).)

### 16.24.320 Sign Structure.

"Sign structure" means the supports, uprights, braces and frame work of the sign. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(32).)

### 16.24.330 Sign Tower.

"Sign tower" means a tower erected for the specific purpose of supporting a sign or having a sign attached flat against the face or faces. The tower may or may not be an integral part of the building. (Ord. 822 C.S. § 2 (part), 1975: prior code 10,201.1(33).)

### 16.24.340 Street.

"Street" means any public street, alleyway, place or thoroughfare. The sidelines of the right-of-way constitute the sidelines of a street. (Ord. 822 C.S. § 2 (part), 1975: prior code 10,201.1(34).)

### 16.24.350 Structure.

"Structure" means that which is built or constructed, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together with some definite manner. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(35).)

## SIGNS

### **16.24.360 Temporary Sign.**

"Temporary sign" means any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a period of not more than 90 calendar days. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(36).)

### **16.24.370 Uniform Building Code.**

"Uniform Building Code" means the latest edition of the Uniform Building Code adopted by the City. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(37).)

### **16.24.380 Wall Sign.**

"Wall sign" means any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall, and not extending beyond the eaves or building face. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.1(38).)

### **16.24.381 City Gateway Sign.**

City gateway signs that identify the City, are signs located at the primary gateways to the City, on land owned by the City or on land in which the City has an interest and which may be sponsored by a specific commercial enterprise. Gateway signs shall be permitted only at the following 6 gateway points to the City:

1. Within the City median on the north side of State Route 4 at the Morello Avenue exit;
2. On the south side of State Route 4 and on the west side of the Pine Street/Center Avenue exit (directly adjacent to the John Muir Inn);
3. On the east side of Alhambra Avenue directly north and adjacent to the freeway exit from westbound SR 4;
4. Within the landscaped median on Alhambra Avenue north of Devon Avenue (in the proximity of the existing City sign);
5. Within the landscaped median between Marina vista and Escobar; and
6. Within the City right of way on the north side of the Pacheco Boulevard/Bush Street intersection.

The manner in which the City is featured shall be equally as noticeable as the sponsoring business, including colors, size and character of letters and lighting. (Ord. 1278 C.S. § 2, 2000.)

## SIGNS

### CHAPTER 16.28

#### DESIGN REVIEW

##### 16.28.010 Findings for Approval.

All proposed signs shall be subject to design review in accord with the provisions of Sections 22.34.030 through 22.34.070 of this Code. All proposed signs with areas in excess of 20 square feet, and all free-standing signs shall be reviewed by the Board of Adjustments under design review. In approving a sign, the following findings shall be made:

- A. The sign is in architectural harmony with the building and/or premises upon which the sign is to be erected;
- B. That any structure supporting the sign is an integral part of the sign design;
- C. That there will be no visible angle iron, guy wires or such other bracing or supports that may detract from the appearance of the sign; and
- D. That all provisions of Chapters 16.20 through 16.68 including the intent and purpose thereof have been complied with.  
(Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.2.)

### CHAPTER 16.32

#### GENERAL RESTRICTIONS

##### 16.32.010 Generally.

Except as otherwise provided in this title the restrictions set out in this chapter shall apply to all signs in all zoning districts in the City. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3 (part).)

## SIGNS

### 16.32.020 Occupancy Signs.

Except as otherwise provided herein, all occupancy signs shall be placed flat against the wall of the building, or placed on the roof parallel to the front wall of the building, or suspended from the eaves or from the ceiling of a covered walkway, or any combination thereof. No wall or roof sign shall extend, project or protrude laterally from the building or portion thereof occupied by the business identified by such sign other than as necessitated by the thickness of such sign or as may be necessary to comply otherwise with the sign placement regulation contained herein. Occupancy signs shall not contain moving parts. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(a).)

### 16.32.030 Roof Signs.

Roof signs shall only be permitted on a roof covering the ground floor of a building or covering a ground floor walkway, and shall be placed in such a manner that the difference in vertical distance between the highest point on the sign and the top edge of the roof is equal to or greater than the difference between the lowest point on the sign and the low edge of the roof in front of the sign. Roof signs shall be placed only above or in front of the business identified by such sign. No roof sign shall have a vertical dimension of more than 30 inches. Roof signs shall not contain moving parts. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(b).)

### 16.32.040 Free-Standing Signs.

Free-standing signs shall not project into or over a public street or thoroughfare, or the right-of-way thereof. The maximum size of a free-standing sign shall be 20 square feet, or 200 square feet if a use permit is obtained under Chapter 22.40. Free-standing signs shall not contain moving parts. A free-standing sign not exceeding 20 feet in height from the finished grade of the ground at the base of the sign to the top of the sign structure may be permitted as part of the total allowable sign area by the Board of Adjustments only if the following findings can be made:

- A. A free-standing sign is the only feasible means by which the business conducted on the premises can have the same degree of identification to the traveling and shopping public as that available to business on neighboring premises without

## SIGNS

free-standing signs; and

B. The free-standing sign will not give the business on the premises a greater degree of identification to the public than that available to business on neighboring premises without free-standing signs; and

C. The free-standing sign is consistent with the objectives of the zoning regulations prescribed in Section 22.02.010 of this Code; and

D. The free-standing sign, if granted, would not adversely affect the preservation of property values in the vicinity. (Ord. 1051 C.S. § 1, 1985; Ord. 822 C.S. § 2 (part), 1975; prior code § 10,201.3(c).)

### 16.32.041 City Gateway Signs.

A. Notwithstanding anything to the contrary stated in this Chapter, City gateway signs ("gateway signs"), which identify the City and may be sponsored (paid for and maintained) by a single commercial enterprise in accordance with the provisions of this Section, shall be permitted at any or all of the following 6 gateway points to the City:

1. Within the City median on the north side of State Route 4 at the Morello Avenue exit;
2. On the south side of State Route 4 and on the west side of the Pine Street/Center Avenue exit (directly adjacent to the John Muir Inn);
3. On the east side of Alhambra Avenue directly north and adjacent to the freeway exit from westbound SR 4;
4. Within the landscaped median on Alhambra Avenue north of Devon Avenue (in the proximity of the existing City sign);
5. Within the landscaped median between Marina Vista and Escobar;
6. Within the City right of way on the north side of the Pacheco Boulevard /Bush Street intersection.

B. Gateway signs shall feature and identify the words, "City of Martinez", and may identify the business sponsoring the sign. The manner in which the City is identified shall be equally as noticeable as the sponsoring business, including colors, size and character of letters and lighting.

C. Gateway signs shall be designed as a monument style sign not to exceed 8 feet in overall height (measured from the finished grade of the ground at the base of the sign to the top of the sign structure) and 200 square feet in area size. An exception may be granted to allow a sign up to 60 feet tall at any of the above identified gateways if the following finding can be made:

That surrounding site constraints prevent or substantially interfere with views of the gateway sign from major arterial roads and/or freeways if the gateway sign is no taller than 8 feet in height.

## SIGNS

For purposes of this subsection, "site constraints" shall include but not be limited to the following: limited visibility from the freeway or major arterials, Caltrans improvements, roadway alignment or existing topographic conditions.

In the event a sign taller than 8 feet is requested, it shall not exceed 60 feet in overall height (measured from the finished grade of the ground at the base of the sign to the top of the sign structure).

D. The following design requirements shall apply to gateway signs:

1. Sign colors shall be compatible with surrounding structures.

2. The signs shall contain raised block letters and if the letters are lighted, they shall be back lit and shall have no moving parts. The sign and raised letters shall reflect natural materials, i.e. wood. The materials and style of the sign shall be compatible with the architectural style of the surrounding structures wherever possible. Neon tubing and individual steel poles or uprights are not permitted for gateway signs. The sign shall be placed on two supports finished in the same material as the sign face.

3. All interior illuminated signs shall have an opaque background.

E. Prior to and as a condition precedent to the issuance of a sign permit for the construction and installation of a gateway sign permitted hereunder, the applicant must enter into an agreement with the City, prepare and execute an easement in favor of the City or enter into some other legally binding arrangement with the City which shall include, at a minimum, the following terms and conditions:

1. The applicant shall maintain and repair the gateway sign as long as the sign is standing or as long as the agreement/easement/arrangement is in effect, whichever is longer;

2. The nature and frequency of maintenance shall be determined by the City, in the exercise of its reasonable discretion, and should the applicant fail to maintain the gateway sign at the times and in the fashion specified by the City, the City shall have the right to go upon the property on which the sign is erected and effect the maintenance or repair, all at the sole cost of the applicant;

3. Once approved by the City, the sign cannot be changed and the approval to allow an applicant's business identification to appear on the sign cannot be assigned or transferred (collectively "transfer") without the written approval of the City; provided, that any such approval must be sought and obtained by utilizing the procedures set forth in subsection F, of this Section, provided, further, that as long as the modification and/or transfer has as its sole purpose the changing of the name of the business identification without a change in the nature of the business, the City may not withhold its consent unreasonably; otherwise, the City may withhold its consent for any or no reason;

## SIGNS

4. The applicant shall provide security or other evidence that it possesses the resources to perform the terms and conditions of the arrangement;

5. The applicant shall indemnify, defend and hold the City harmless from any and all liability, damages, expenses, attorney's fees and costs arising out of the approval, installation, maintenance and repair of the sign; and

6. The applicant shall comply with the provisions of subsection (F)(5) or (6) of this Section, whichever is applicable.

All other terms and conditions shall be subject to the approval of the City Attorney.

F.1. Any person desiring to install a sign described in this section must submit an application for design review approval of same with the Community Development Department on forms approved by the Department, pursuant to Chapter 16.28.

2. Any person desiring to invoke the exception specified in subsection C of this Section shall also submit an application for a use permit with the Community Development Department as required by the Department, pursuant to Chapter 22.40. Notwithstanding Chapter 22.40 to the contrary, the application for the use permit shall be made to and decided by the Planning Commission; the hearing and notice thereof shall be held and given pursuant to Sections 22.40.040 and 22.40.050; the Planning Commission shall have the powers and make the findings specified in Section 22.40.070; and any appeal of the Planning Commission or Design Review decision shall be taken pursuant to Section 22.40.100.

3. The applications shall be considered and acted upon by the Planning Commission whose decision shall be final unless appealed to the City Council within 10 days after the Planning Commission makes its decision. Notice of hearing for design review before the Planning Commission and, if appealed, before the City Council, shall conform to the noticing requirements of the City Code.

4. As to gateway signs which are proposed to be installed and/or constructed on a gateway point owned by the City, the City shall have the right to deny the application therefor for any or no reason.

5. As to gateway signs which are proposed to be installed and/or constructed on a gateway point owned by the City, the City shall have the right to terminate such use of its property and to compel the applicant to remove the sign, all at the applicant's sole cost, upon reasonable notice (not to exceed 90 days), which said notice and the City's rights described in this subsection shall be specified in the arrangement described in subsection E of this Section.

6. As to gateway signs which are proposed to be installed and/or constructed on a gateway point owned by the City, the City shall have the right to terminate such use and to compel the applicant to remove the sign, all at the applicant's sole cost, in

## SIGNS

the event that the applicant has (a) violated this Section; (b) with respect to the sign, violated any other provision of this Code, State or federal law and/or the regulations promulgated thereunder; and/or (c) breached the arrangement described in subsection E of this Section. Said rights to terminate the use and compel the removal of the gateway sign shall be exercisable by the City only after it has given the applicant reasonable notice to cure the violation/breach, and if such cure has not occurred within the time specified by the City, then the City may exercise its rights hereunder after (i) providing the applicant notice of hearing, (ii) conducting a hearing to revoke the applicant's privilege to use its property in the fashion permitted under this Section and (iii) making written findings specifying the reasons for any decision made by the City after the conclusion of said hearing. Provisions substantially similar to those specified in this subsection shall be included in the arrangement described in subsection E of this Section. (Ord. 1278 C.S. § 1, 2000.)

### **16.32.045 Portable Free-Standing A-Frame Signs.**

Portable free-standing A-frame type signs shall be permitted in all commercial zone districts subject to the exceptions and conditions following:

A. A business shall be allowed a maximum of one A-frame sign to be placed in front of the business or in front of a nearby business, a maximum of 100 feet from and on the same side of the street as the advertising business, with the written approval of the property owner of the neighboring business and the approval of the Community Development Department.

B. A business which conducts any part of its operation above the ground floor shall be permitted to install an A-frame sign pursuant to this Title with the written approval of the property owner and the approval of the Community Development Department. A maximum of one A-frame sign may be placed in front of each business.

C. Portable A-frame signs shall be placed so that the free flow of pedestrian traffic is not obstructed. Specifically, signage shall be placed adjacent to curbs, at least 14 feet from the street corner (see sketch B, below) or as approved by the Community Development Department.

D. A business in a shopping center may place a maximum of one A-frame sign behind or on the sidewalk in front of the shopping center or in other locations on the shopping center property, with the written consent of the property owner. The location of these signs shall be subject to review by the Community Development Department to ensure that visibility and/or pedestrian use of the sidewalk are not impeded by the sign.

E. The maximum size of a portable freestanding A-frame sign shall be three feet in height by two feet in width.

## SIGNS

F. Lights, moving parts, removable flyers and/or flexible materials shall be prohibited on portable A-frame signs.

G. Prior to installation or use, the location, the design and materials of portable free-standing A-frame signs must receive the Administrative Design Review approval of the Community Development Department which is authorized to impose conditions on the approval.

H. Administrative variances to the restrictions on the number of signs and the distance of signs from the advertising business may be approved by the Community Development Director.

I. Portable Free-standing A-frame signs shall be properly maintained and removed when the establishment is not open for business. If there exists a safety hazard due to the lack of lighting after dark an A-frame sign shall be removed from the exterior of the business prior to dark.

J. All A-frame signs existing on May 16, 1994 may be grandfathered in, but administrative design review approval by the Community Development Department shall be required. If the existing sign does not meet the location standards of this section, an administrative variance must be applied for. There shall be no fee for the design review. The fee for the variance shall be that as set by City Council Resolution.

K. The business owner and the property owner of new and existing A-frame signs shall sign an agreement holding the City harmless for damages caused by their signs located in the City right-of-way. (Ord. 1215 C.S. § I, 1994; Ord. 979 C.S § 2 1982.)

### **16.32.050 Height Limits.**

No part of any sign attached to a building shall be higher than 25 feet from the finished grade of the ground below the sign to the highest elevation of the sign structure, except that the Board of

## SIGNS

Adjustments may allow a sign to be higher than otherwise permitted herein providing the following findings are made:

- A. Good design criteria requires a higher sign; and
- B. The business identified by the sign occupies all floor space adjacent to the wall upon which the sign is to be placed, from the ground to the top of the sign; and
- C. That the higher sign improves the architectural appearance of the building. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(d).)

### 16.32.060 Size Limits.

- A. No individual sign face, or elements related in such a manner as to comprise one sign, shall exceed 200 square feet of surface area. The maximum total sign surface area permitted for a business shall not exceed one square foot of sign area for each front foot of principal building frontage occupied by such business, plus one square foot of sign area for each 200 square feet of gross floor area occupied by such business. Notwithstanding the above limitations, no ground floor business shall be restricted to less than 20 square feet of sign area, and the total sign area for any one ground floor business shall not exceed 200 square feet, except as otherwise provided herein.
- B. Any business occupying a building or portion of a building which is set back more than 100 feet from a street may increase the wall sign area otherwise permitted to face such street by twenty-five percent (25%).
- C. Any business which has customer entrances on other than the major street frontage may have additional wall sign area on each building face which contains a customer entrance. The sign area on each such other building faces for any building occupying less than 50,000 square feet of floor area shall not exceed sixty percent (60%) of the sign area permitted on the primary building face. The Board of Adjustments may allow additional sign area not to exceed 200 square feet of signing on each of such other building faces for any business occupying in excess of 50,000 square feet of gross floor area.

## SIGNS

- D. "Frontage," as used in this chapter, means the length of the principal frontage of a building or portion thereof occupied by one business and exposed to a public street or parking lot. If the building frontage does not consist of any straight line, the frontage of any offset portion shall be projected for computation purposes to the extension of the line of the major portion of the frontage.
- E. Any business which is not on the ground floor shall not be allowed any sign on the exterior of the building except where the principal access to the business is by a stairway opening to the outside, in which case such business shall be permitted 3 square feet of sign area. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(e).)

### 16.32.070 Shingle and Suspended Signs.

Shingle signs and suspended signs shall be subject to review by the Board of Adjustments. In approving a shingle or suspended sign, the Board of Adjustments shall make the following findings in addition to the findings required of all signs:

- A. The sign, if nonilluminated, is constructed of painted or stained wood, or material simulating wood;
- B. The message on the sign is limited to the name of the business and the principal classification of goods or services rendered on the property;
- C. The sign will not be attached to any structure other than a building;
- D. No portion of the sign will exceed the elevation of the eaves of the building to which it is attached, and in no case will it exceed 11 feet from the finished grade of the ground below the sign;
- E. The sign will be not more than 3 inches thick nor less than 1/2 inch thick except as reasonably required in connection with some graphic element of the sign;
- F. The sign will be not less than 7 1/2 feet above any pedestrian walkway, and not above any vehicular passageway;

## SIGNS

- G. The installation of the sign will not exceed the permitted sign surface area;
- H. There is no on-site free-standing sign accessory to the same business;
- I. The sign is reasonably required for and assists in the identification of the premises by pedestrians approaching along public passageways or open space;
- J. The sign will have no garish or obtrusive qualities and will embody strong elements of quality graphic design;
- K. Neither the supporting structure nor the proposed external lighting will materially detract from the design quality of the sign or building. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(f).)

### 16.32.080 Real Estate Signs.

One temporary real estate sign not exceeding 12 square feet of sign surface area may be displayed during any period a parcel of real property is for sale, rent or lease; and such a sign may be continued for not more than fifteen (15) days thereafter. The sign shall state the name of the seller, telephone and address, and whether for sale, rent or lease. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(g).)

### 16.32.090 Future Use.

One temporary sign not exceeding 12 square feet in surface area announcing a future use is permitted providing such sign shall not be erected until there is a valid permit for such use and/or construction, and shall be removed not later than fifteen (15) days after the completion of the main building. Such sign may be combined with a real estate sign as permitted by Section 16.32.070, but shall not be in addition thereto. In addition to the future use sign, a temporary sign not exceeding 12 square feet in surface area denoting the architect, engineer, contractor, financier or persons of similar capacity, may be placed upon real property upon which a building is being constructed. The signs permitted by this section and Section 16.32.070 may be combined into one sign not exceeding a surface area of 24 square feet. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(h).)

## SIGNS

### 16.32.100 Window Signs.

Temporary signs attached to or painted on windows are exempt from these regulations. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(i).)

### 16.32.110 Lights.

No sign shall contain flashing lights, lights in any manner that are excessively bright, lights that depict moving arrows or animation, or lights that could result in confusion with traffic lights. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(j).)

### 16.32.120 Flexible Signs--Permit Required When.

No pennants, banners or other paraphernalia composed of paper, cloth, plastic or other flexible material shall be permitted except as authorized by the City Council for city-wide promotional events or celebrations, except that permits may be issued for pennants, banners and similar advertising devices placed over private property to advertise business openings, providing such pennants, banners or similar devices are permanently removed within fifteen (15) calendar days after the first day of such opening, or within twenty (20) calendar days of installation whichever occurs first. The term "business opening" shall not be construed to include openings of sales or rentals of subdivisions or real estate development projects. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.3(k).)

### 16.32.130 Placement of Non-Commercial Signs.

Notwithstanding any other provision of this title, non-commercial signs may be placed in lieu of the identification, occupancy and commercial advertising signs which are allowed by the provisions of this title, provided such non-commercial signs do not exceed the number, location, height and other applicable requirements or restrictions for such identification, occupancy and commercial advertising signs on the particular property on which they are placed, and provided that such non-commercial signs meet the other requirements of this title. (Ord. 1059 C.S. § 6, 1986).

## SIGNS

### 16.32.140 Business Identification Signs.

On office buildings four or more stories tall, a maximum of one tenant identification sign in addition to the master identification sign may be permitted with a Use Permit subject to the following conditions:

- A. The tenant must occupy a minimum of 25,000 gross square feet of the building area;
- B. The sign copy shall be limited to the company name and logo;
- C. The sign shall be compatible with the architecture of the building;
- D. The signing and logo shall consist only of individual letters mounted on an architectural surface, and shall be indirectly lighted (no cabinet signs or floodlights);
- E. Letter size shall be appropriate to the size of the building but in no case higher than 48 inches;
- F. The maximum total sign surface area permitted shall be one square foot of sign for each 200 square feet of gross area occupied by such business. The total area of the sign shall not exceed 200 square feet. (Ord. No. 1134 C.S. § I, 1989.)

## CHAPTER 16.36

### RESIDENTIAL DISTRICTS

#### 16.36.010 Permitted Signs Designated.

No sign, outdoor advertising structure or display of any character shall be permitted except the following:

- A. Home Occupation: One nameplate not exceeding one square foot in area pertaining to a home occupation;
- B. Residential Office Activity: One sign per site not exceeding 4 square feet in area;

## SIGNS

- C. Real Estate Sign: One temporary real estate sign, nonilluminated, not exceeding 6 square feet in area. If the site has 150 feet or more of street frontage, and two or more acres in area, two such signs shall be permitted. For sites having frontage on more than one street, the provisions of this subsection shall apply to each street;
- D. Permitted Use Identification Sign: One identification sign, not directly illuminated, not exceeding 8 square feet in area, located flat against a wall and not projecting above the cornice or roof of a lodging house, apartment hotel, or professional office building, or located on the premises of a parking lot;
- E. Conditional Use Identification Sign: One identification sign, not directly illuminated, not exceeding 12 square feet in area, located flat against a wall and not projecting above the eaves, of a conditional use which occupies a structure, or located on the premises of a conditional use which does not occupy a structure, provided that no sign shall be located in or project into a required front, side or rear yard area. An exception is that a church bulletin board, otherwise complying with the provisions of this section may be located in a required front yard area, but not closer than 10 feet to any street line;
- F. Subdivision Sign: permitted in accord with the regulations prescribed in Section 16.56.010 of this title;
- G. Regional Identification: permanent signs not exceeding 12 square feet in total surface area are permitted at each main entrance to a region containing more than 400 dwelling units, or consisting of more than 200 acres in area, providing such signs contain only the name of such region. Such signs may be larger than 12 square feet or may identify a smaller region provided that the Board of Adjustments shall make a finding that the area is sufficiently unique to require such identification and will not have an adverse effect on the neighborhood in which it is located. If such a sign is used for identification of a subdivision or groups of subdivisions during the time of development and sales of such subdivision or groups of subdivisions, the sign shall be removed at the end of the sales program, or the perpetual maintenance thereof shall be guaranteed;

## SIGNS

- H. Future Use: signs permitted in accordance with the provisions of Section 16.32.090 of this title;
- I. Roof Sign: no roof signs of any kind shall be permitted. (Ord. 822 § 2 (part), 1975: prior code § 10,201.4.)

### CHAPTER 16.40

#### PROFESSIONAL ADMINISTRATIVE OFFICE DISTRICT

##### 16.40.010 Permitted Signs Designated.

No sign, outdoor advertising structure or display of any character shall be permitted except the following:

- A. Home occupation signs shall be the same as provided in Section 16.36.010A;
- B. Real estate signs shall be the same as provided in Section 16.36.010C;
- C. Permitted use identification lodging house and apartment hotel signs shall be the same as provided in Section 16.36.010D;
- D. Permitted use occupancy sign shall be permitted in accord with the regulations prescribed in Chapter 16.32 of this title, except no roof signs shall be permitted;
- E. Future use shall be the same as provided in Section 16.36.010H;
- F. Master Signs. Any site containing four or more offices shall be permitted one master identification sign, not exceeding 4 square feet per acre of site nor 24 square feet total area, subject to the approval of the Board of Adjustments, who shall make the following findings in approving such master signs:
  - 1. The master identification sign is in architectural harmony with the design of the buildings intended to be identified;

## SIGNS

2. Where feasible, the master identification sign is designed as an integral part of the wall of a building or directly on the ground, rather than visibly pole-supported, and is properly landscaped;
3. The master identification sign contains only the name of the office complex or institutional use and its street address; directional signs, not exceeding 72 square inches of additional sign area each, may be erected for each occupant as part of the master sign concept. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.5.)

### CHAPTER 16.44

#### COMMERCIAL DISTRICTS

##### 16.44.010 Permitted Signs Designated.

The following signs shall be permitted in all commercial districts:

- A. Occupancy signs for permitted and conditional uses shall be in accord with the provisions of Chapter 16.32 of this title;
- B. Other signs shall be as prescribed in Chapter 16.32 of this title. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.6.)

### CHAPTER 16.48

#### INDUSTRIAL DISTRICTS

##### 16.48.010 Permitted Signs Designated.

No sign, outdoor advertising structure or display of any character shall be permitted except the following:

- A. Occupancy signs for permitted and conditional uses in accord

## SIGNS

with the provisions of Chapter 16.32 of this title;

- B. Other signs as prescribed in Chapter 16.32 of this title.  
(Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.7.;  
Ord.1059 C.S. § 2, 1986).

### CHAPTER 16.52

#### OTHER DISTRICTS

##### 16.52.010 Appropriate Criteria to be Established.

Signs in other zoning districts shall be considered by the Board of Adjustments, who shall establish appropriate criteria for their approval. All signs shall meet the requirements set forth in Chapter 16.32 of this title. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.8.)

### CHAPTER 16.56

#### SUBDIVISION SIGNS

##### 16.56.010 Permitted Signs Designated.

Each subdivision within the City wherein the initial sales promotion is active may have two on-site signs not exceeding a surface area of 32 square feet each. In addition, upon application to the Board of Adjustments, subdivisions in locations which are difficult to reach or describe may be permitted one to four off-site directional signs, each not exceeding a surface area of 8 square feet. Under no circumstances shall two or more such signs be combined into a larger sign. The Board of Adjustments shall make the following findings prior to approving any off-site signs:

- A. The proposed subdivision location is difficult to reach or

## SIGNS

describe, and off-site directional signing is essential for reasonable sales and development;

- B. Each proposed directional sign is essential for the potential purchaser to reach the site;
- C. The proposed signing concept, two on-site and up to four off-site, is the total signing planned for the subdivision, inside and outside the City limits, within the Martinez planning area. In the event the signing plan approved by the Board of Adjustments is exceeded at any time, the building official shall immediately order the removal of all off-site signs for the particular project within the City.  
(Ord. 822 C.S. § 2 (part), 1975: prior code § 10,201.9.)

### CHAPTER 16.64

#### PROHIBITED SIGNS

##### 16.64.010 Designated.

Except as otherwise provided in this title the following signs are prohibited in the City:

- A. Nonaccessory signs and arrows;
- B. Placards, posters, announcements and similar signs posted or attached to any fence, utility pole, signpost, tree or any object in a public thoroughfare, except those required by City Ordinance;
- C. Sign "A" boards, structures or merchandise for sale placed on any portion of a street, sidewalk or right-of-way, and not in compliance with Section 16.32.045, and portable signs on parked vehicles and excluding newspaper vending devices which may be permitted by action of the City Council;
- D. Signs of any kind in residential zones except those expressly permitted in this title;
- E. Any signs expressly prohibited by any other ordinance of the City;

## SIGNS

- F. Any sign which because of its lighting, shape, design, color or reflected light is a detriment to surrounding property or prevents the peaceful enjoyment of residential uses or presents a conflict with traffic regulations. (Ord. 979 C.S. § 1, 1982; Ord. 822 C.S. § 2 (part), 1975; prior code § 10,201.12.)

### CHAPTER 16.68

#### NONCONFORMING SIGNS

##### 16.68.010 Purpose.

The purpose of this chapter is to provide for the maintenance, continued use and/or removal and replacement of signs not conforming to the regulations prescribed in this chapter and Chapters 16.20 through 16.64. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,202.0.)

##### 16.68.020 Continued Maintenance.

Nonconforming signs lawfully existing on the date this chapter and Chapters 16.20 through 16.64 become applicable may be maintained without being made to comply with the requirements of this chapter and Chapters 16.20 through 16.64 except as otherwise provided in this chapter. Such nonconforming signs shall be altered or moved only after approval of a valid application thereof, except that no permit shall be required for the removal of a nonconforming sign. The term "alter" shall not be construed to apply to normal maintenance, upkeep or the changing of the advertising or the sign face. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,202.1.)

##### 16.68.030 Record.

Within three years of April 18, 1975, the Planning Director shall compile a list of signs which as of said date do not conform to the provisions of this chapter, Chapters 16.20 through 16.64 and Titles 20 and 22 and shall notify owners of the nonconforming signs and the time within which same must be made to conform or be abated. (Ord. 822 C.S. § 2 (part), 1975; prior code § 10,202.2.)

## SIGNS

### 16.68.040 Small and Inexpensive Signs.

Each nonconforming A-frame sign, portable sign, temporary sign, sign composed of flexible material or off-site sign containing 24 or less square feet per face, and each nonconforming sign painted on a building wall or painted on or attached to a motor vehicle or trailer, shall be removed or altered to conform to the provisions of this chapter and Chapters 16.20 through 16.64 within six months following April 18, 1975. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.3.)

### 16.68.050 Subdivision Signs.

All on-site and off-site subdivision signs not conforming to the provisions of this chapter and Chapters 16.20 through 16.64 shall be removed or altered to comply with these provisions within six months following April 18, 1975. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.4.)

### 16.68.060 Amortization of Excessively High Free-Standing Signs.

- A. Each and every existing free-standing sign which exceeds by more than 100 percent the maximum permissible height specified in this chapter, Chapters 16.20 through 16.64 and Titles 20 and 22 shall be removed or altered to conform to the provisions of this chapter and Chapters 16.20 through 16.64 not later than three years from April 18, 1975.
- B. The Planning & Building Director may grant an exception to the owner of a free-standing sign which exceeds by more than one hundred percent (100%) the maximum permissible height specified in this chapter, Chapters 16.20 through 16.64 and Titles 20 and 22 for a period of time not greater than the period of time necessary to amortize the cost of the sign, for tax purposes, under Section 167 of the Internal Revenue Code. Request for such extension shall be supported by legal documents, sworn statements, affidavits or other documents clearly establishing a need for additional time beyond the standard three-year amortization period. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.5(a).)

## SIGNS

### 16.68.070 Signs With Moving Parts, Flashing, Bright Lights or Animation.

Each and every existing sign which contains moving parts, flashing lights, animation or excessively bright lights shall be modified and altered to eliminate the movement, flashing or animation, or to reduce the level of lighting to an acceptable level within six months of April 18, 1975. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.5(b).)

### 16.68.080 Off-Site Signs.

- A. Each non-conforming off-site sign shall be removed or altered to conform to the provisions of this chapter and Chapters 16.20 through 16.64 not later than August 16, 1978 or three years after such sign becomes non-conforming, whichever date is later. (Ord. 1059 C.S. § 4, 1986: prior Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.5(c).)
- B. The provisions of A above shall not apply to any sign made non-conforming that is not permitted to be removed under local regulations or laws without the payment of just compensation as required under the provisions of the California Outdoor Advertising Act which validly preempt the City's police power and other authority which has been granted to it by the State Constitution and/or general law; provided, however, that any off-site sign not permitted to be removed without the payment of compensation under such provisions of the Act shall be removed in the manner required by law, upon the adoption of a Resolution by the City Council authorizing the payment of such compensation, as may be required by law, for its removal. (Ord. 1059 C.S. § 4, 1986).

### 16.68.090 Vacating Premises--Sign Removal.

All nonconforming on-site signs shall be removed immediately upon the vacating of the premises by the occupant which the sign advertised, identified or otherwise pertained to. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.5(d).)

### 16.68.100 Signs for Nonconforming Buildings and Uses.

- A. The sign control regulations contained in this chapter and

## SIGNS

Chapters 16.20 through 16.64 for the various land use districts should not be interpreted to prevent the placement of signs on nonconforming uses or buildings. The Board of Adjustments shall hear and decide upon all requests to identify nonconforming buildings and/or uses.

- B. In making exceptions to the sign control regulations as provided in this chapter, and Chapters 16.20 through 16.64, the Board of Adjustments shall make the following findings that:
  - 1. Strict adherence to the sign control regulations will not allow the proper functioning of the nonconforming use to which the owner thereof is entitled;
  - 2. The exception will not exceed, or be more lenient than would be allowed if the land were zoned such that the use would be conforming;
  - 3. The placement of the sign on the premises does not increase the degree of incompatibility of the nonconforming use with its environs. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.6.)

### 16.68.110 Signs for Abandoned Uses.

- A. Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product available for purchase by the public, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure or land upon which such sign may be found within thirty (30) calendar days after written notice is mailed by the building official.
- B. Upon failure to comply with such notice within the time specified in such order, the building official is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner of the building, structure or land on which such sign can be found. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.7.)

## SIGNS

### 16.68.120 Illegally Constructed Signs.

If the building official finds that any sign has been constructed or erected, or is being maintained in violation of the provisions herein, he shall give written notice of such conditions to the permittee, or in the absence of a valid permit, to the owner of the building, land or sign. If the permittee, or owner, as the case may be, fails to remove or alter the sign so as to comply with the standards herein set forth thirty (30) calendar days or less after such notice is mailed, such signs may be removed by the building official at the expense of the permittee or owner of the property upon which the sign is located. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.8.)

### 16.68.130 Unsafe Signs.

Any sign found to be unsafe and an immediate peril to persons or property may be removed summarily and without notice by the building official. The cost of such removal shall be assessed against the owner of the sign removed. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.9.)

### 16.68.140 Unauthorized Signs Erected on Public Property.

Any sign erected upon public property in violation of the provisions herein may be removed or destroyed by the building official. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.10.)

### 16.68.150 Costs of Removal.

The cost of the removal or alteration of any sign and any expense incidental thereto which by the terms of this section shall be paid by a permittee, sign owner, property owner or any other person, shall become a debt owing to the City for the collection of which the City may maintain civil action thereon in its own name. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.11.)

### 16.68.160 Appeal to the Board of Adjustments.

The Board of Adjustments shall have the authority to hear and decide appeals involving the administration of this chapter and

## SIGNS

chapters 16.20 through 16.64 by the building official when such appeals are based upon questions of the interpretation of the administration hereof. (Ord. 822 C.S. § 2 (part), 1975: prior code § 10,202.12.)

### TITLE 16 FOOTNOTES

1. For statutory provisions authorizing cities to adopt codes by reference, see Gov. Code § 50022.1 et seq.  
For statutory provisions regarding outdoor advertising, see Bus. & Prof. Code §§ 5230 and 5231.

Revised: 12/95

WMCCYTTLB-18