

AGENDA ITEM 1(b)

TOWN OF SAN ANSELMO
Staff Report
June 20, 2005

For the meeting of June 28, 2005

TO: Mayor Peter Breen and Members of the Town Council

FROM: Kay Coleman, Community Resources Director

SUBJECT: San Anselmo Town Players' Production in the Park

RECOMMENDATION:

That the Town Council approve the application of the San Anselmo Town Players to perform in Creek Park on the week-ends of August 5,6,7,12,13,14.

BACKGROUND:

The San Anselmo Town Players have been in operation since 1994 with the purpose of creating community and multi-generational theater of exceptional quality. They have performed in Creek Park for a number of years and seek to extend their run to two week-ends as this is one of the more lucrative performances of the program.

DISCUSSION:

Approximately 150 children and adults attend each performance of the production and the park is a perfect venue for a community theater production. Over the years, the Players have developed a loyal following that supports their shows, and their presence seems to generate income for some of the merchants downtown with minimal impact on parking. Staff would suggest that a request be made, through the players and their families, that guests park in the outlying parking lots rather than on the immediate streets.

The Town Players will secure all props, scenery and equipment during the week, so that the park could be open to the public and they will also monitor the trash accumulation during rehearsals, should it need to be emptied.

The Players are also aware that the watering of the park will need to continue and that that schedule should be ascertained from the Parks Director, Dean Nyberg.

Finally, it is suggested that a meeting be held, in the Fall, by all parties concerned, to discuss the impact of this year's events on the park, identify possible problems and concerns, and to create a Master Schedule for the following Summer.

FISCAL IMPACT:

There is not a direct cost to the Town, save that of park maintenance.

Respectfully submitted,

Kay Coleman
Community Resources Director

Cc: Debra Stutsman, Town Administrator

AGENDA ITEM 1(c)

TOWN OF SAN ANSELMO STAFF REPORT July 1, 2005

For the Meeting of July 12, 2005

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Adoption of Resolution Approving Pre-Tax Deduction Plan for PERS
Service Credit Purchases by Employees

RECOMMENDATION

That Council approve Resolution approving the pre-tax payroll deduction plan for PERS service credit purchases.

BACKGROUND AND DISCUSSION

The Town currently has in place two PERS plans for its employees: the Miscellaneous Group which covers SEIU and Management employees; and the Police Group. Employees belonging to these groups have in certain circumstances the option of purchasing additional service credit towards their retirement. The decision to do so is completely voluntary on the employee's part and the purchase is made with the employee's own resources. Purchase may be made in a lump-sum payment from the employee, by roll-over of an employee's existing retirement investment accounts, or in installments via deductions to an employee's salary.

The attached resolution pertains to employees who choose to purchase service credit and wish to pay for it through salary deductions. The resolution amends the Town's two employee plans to include the authority to purchase such service credit using pre-tax salary dollars. The process to implement this plan amendment is for the Council to approve the attached resolution and file it with CalPERS.

If the resolution were not approved, Town employees would retain the same purchase options, but would need to do so with "after tax" dollars. This plan amendment simply allows employees to defer their tax liability on these dollars until their retirement, similar to IRA and 457B plans.

FISCAL IMPACT

There is no fiscal impact to the Town resulting from the approval of this resolution.

Respectfully submitted,

Janet Pendoley, Finance and Admin Services Director

Attachment #1: Resolution Approving Pre-Tax Payroll Deduction Plan for PERS
Service Credit Purchases

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
SAN ANSELMO APPROVING THE PRE-TAX PAYROLL DEDUCTION PLAN
FOR PERS SERVICE CREDIT PURCHASES (CONTRIBUTION CODE 14)**

WHEREAS, the Board of Administration of the California Public Employees' Retirement System (CalPERS) at the April 1996 meeting approved a pre-tax payroll deduction plan for service credit purchases under Internal Revenue Code (IRC) section 414(h)(2); and

WHEREAS, the Town of San Anselmo has the authority to implement the provisions of IRC section 414 (h)(2) and has determined that even though implementation is not required by law, the tax benefit offered by this section should be provided to those employees who are members of CalPERS; and

WHEREAS, the town of San Anselmo elects to participate in the pre-tax payroll deduction plan for all employees in the following CalPERS coverage groups:

70003 Miscellaneous with Social Security Modification
75002 Police with Social Security Modification

NOW, THEREFORE, BE IT RESOLVED:

- I. That the Town of San Anselmo will implement the provisions of IRC 414 (h)(2) by making employee contributions for service credit purchases pursuant to the California State Government Code on behalf of its employees who are members of CalPERS and who have made a binding irrevocable election to participate in the pre-tax payroll deduction plan. "Employee contributions" shall mean those contributions reported to CalPERS which are deducted from the salary of employees and are credited to individual employee accounts for service credit purchases, thereby resulting in tax deferral of employee contributions.

- II. That the contributions made by the Town of San Anselmo to CalPERS, although designated as employee contributions, are being paid by the Town of San Anselmo in lieu of contributions by the employees who are members of CalPERS.
- III. That the employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the Town of San Anselmo to CalPERS.
- IV. That the Town of San Anselmo shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary, thereby resulting in tax deferral of employee contributions.
- V. That the effective date for commencement of the pre-tax payroll deduction plan cannot be any earlier than July 1, 1996, or the date the completed resolution is received and approved in CalPERS, whichever is later.
- VI. That the governing body of the Town of San Anselmo shall participate in and adhere to requirements and restrictions of the pre-tax payroll deduction plan by reporting pre-tax payroll deductions when authorized by CalPERS for those employees of the above stated Coverage Groups who have elected to participate in this plan.

PASSED AND ADOPTED by the governing body of the Town of San Anselmo this 12th day of July, 2005.

Peter Breen, Mayor

ATTEST:

Barbara Chambers, Town Clerk

AGENDA ITEM 1(d)

**TOWN OF SAN ANSELMO
STAFF REPORT
July 5, 2005**

For the Meeting of July 12, 2005

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Town of San Anselmo 2005-06 Tax Rates for Municipal Services Tax,
Pension Override Tax, and Measure G Debt Service Tax and the Ross Valley
Paramedic Authority

RECOMMENDATION

That Council approve the attached resolutions establishing:

1. the Municipal Services Tax for the 2005-06 fiscal year at the rate of \$78.00 per living unit and per 1,500 square feet of non-residential structure; and
2. the Pension Override Tax for the 2005-06 fiscal year at the rate of 5.9 cents per \$100.00 of assessed valuation; and
3. the Measure G Debt Service Tax rates for the 2005-06 fiscal year at .8 cents per \$100.00 of assessed valuation for the Series 1995, at 1.2 cents per \$100.00 of assessed valuation for the Series 1997, at .9 cents per \$100.00 of assessed valuation for the Series 2000, and at .7 cents per \$100.00 of assessed valuation for the Series 2003 Measure G Bonds respectively, for a total debt service tax levy of 3.6 cents per \$100.00 of assessed valuation.
4. the Ross Valley Paramedic Authority (RVPA) Tax for the 2005-06 fiscal year at the rate of \$30 per living unit, and \$30 per 1,500 square feet of developed land on non-residential properties.

BACKGROUND

The Municipal Services and Pension Override taxes have been levied at the rate proposed above since the 1987-88 fiscal year. These taxes are necessary in order to provide for the level of municipal services currently provided by the Town of San Anselmo and also to provide for the pension benefits offered to Town of San Anselmo employees.

The combined Measure G tax levy of 3.6 cents per \$100.00 of assessed valuation is a reduction from the 04-05 year's rate of 4.1 cents. The levy is necessary to pay the debt service on the general obligation bonds sold by the Town to pay for improvements to streets, drainage, and the Library, as authorized by San Anselmo voters on June 6, 1995. The levy includes the debt service on the 1995, 1997, 2000, and 2003 bond series.

The Ross Valley Paramedic Authority (RVPA) tax was formed in 1983 to provide needed emergency medical services and transport to local medical facilities. For the past 13 years, Ross Valley residents have paid the proposed rate per living unit tax for this service. Most recently, Ross Valley residents voted to extend this special tax to June 30, 2007.

FISCAL IMPACT

The funds that will be raised by the above taxes are projected to be:

San Anselmo	
Municipal Services Tax	\$ 467,133
Pension Override Tax	1,129,397
Measure G Debt Service, Series 1995	143,435
Measure G Debt Service, Series 1997	218,157
Measure G Debt Service, Series 2000	156,111
Measure G Debt Service, Series 2003	135,778
Ross Valley Paramedic Authority	
RVPA Special Tax	171,500

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

- Attachment #1:** Municipal Services Tax Resolution
- Attachment #2:** Pension Override Tax Resolution
- Attachment #3:** Measure G Debt Service Resolution
- Attachment #4:** Ross Valley Paramedic Authority Tax Resolution

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO SETTING THE 2005-06 TAX REQUIREMENT FOR GENERAL OBLIGATION BONDS, SERIES 1995, SERIES 1997, SERIES 2000, AND SERIES 2003

WHEREAS, on June 6, 1995, the voters of San Anselmo approved Ordinance No. 964 authorizing the issue of general obligation bonds in the principal amount of \$10.8 million to finance improvements to streets, storm drains, and the library building; and

WHEREAS, to date the Town of San Anselmo has sold the general obligation bonds in four installments, the Series 1995 Bonds of \$2.125 million, the Series 1997 Bonds of \$3.55 million, the Series 2000 bonds of \$2.56 million, and the Series 2003 bonds of \$2.565 million; and

WHEREAS, the partial repayment of the Series 1995, the Series 1997, the Series 2000, and the Series 2003 bonds will take place in the 2005-06 fiscal year,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the tax rate for the general obligation bonds Series 1995 shall be .8 cents per \$100.00 of assessed valuation, the tax rate for the general obligation bonds Series 1997 shall be 1.2 cents per \$100.00 of assessed valuation, the tax rate for the general obligation bonds Series 2000 shall be .9 cents per \$100.00 of assessed valuation, and the tax rate for the general obligation bonds Series 2003 shall be .7 cents during the 2005-06 fiscal year.

I hereby certify that the foregoing Resolution was passed and adopted by the San Anselmo Town Council at a regular meeting thereof held on the 12th day of July, 2005, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peter Breen, Mayor

ATTEST:

Barbara Chambers, Town Clerk

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
SAN ANSELMO ESTABLISHING THE AMOUNT OF THE MUNICIPAL
SERVICES TAX FOR THE 2005 – 06 FISCAL YEAR**

Whereas, Ordinance No. 845 of the Town of San Anselmo authorizes the Council by Resolution to establish the amount of municipal services tax to be imposed and levied during the ensuing fiscal year; and

Whereas, the Town Council has determined that for the fiscal year commencing on July 1, 2005, the cost of maintaining municipal services will exceed the amount of funds and revenues generated from all other sources of income,

NOW, THEREFORE, BE IT HEREBY RESOLVED, ORDERED, AND DECLARED AS FOLLOWS:

A tax is hereby levied on all improved real property at the flat rate of \$78.00 per living unit and per 1,500 square feet of structure of non-residential use, except that the tax derived from a non-residential structure seventy-five (75) percent or more occupied by a single enterprise or institution shall not exceed \$1,000.00.

I hereby certify that the foregoing Resolution was duly passed and adopted at a regular meeting of the San Anselmo Town Council held on the 12th day of July, 2005, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Peter Breen, Mayor

Barbara Chambers, Town Clerk

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
SAN ANSELMO SETTING THE PENSION OVERRIDE TAX
FOR THE 2005-06 FISCAL YEAR**

Be it Hereby Resolved by the Town Council of the Town of San Anselmo that the tax rate for Pension Override on property tax for the fiscal year 2005-06 necessary to meet the Town's obligation to the Public Employees' Retirement System is hereby fixed at 5.9 cents per \$100.00 of assessed valuation.

I hereby certify that the foregoing Resolution was passed and adopted by the San Anselmo Town Council at a regular meeting thereof held on the 12th day of July, 2005, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Peter Breen, Mayor

Barbara Chambers, Town Clerk

TOWN OF SAN ANSELMO

RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
SAN ANSELMO APPROVING THE ROSS VALLEY PARAMEDIC
AUTHORITY TAX LEVY FOR THE 2005-06 FISCAL YEAR**

WHEREAS, on November 5, 2002 the electors of the Town of San Anselmo approved a tax measure, thereby establishing the current authority for funding of paramedic services through June 30, 2007; and

WHEREAS, the Board of Directors of the Ross Valley Paramedic Authority has now approved an operating budget for the fiscal year 2005-06; and

WHEREAS, the adopted budget results in a tax of \$30 per taxable unit.

NOW, THEREFORE, BE IT RESOLVED:

The Town of San Anselmo does hereby confirm and levy a tax for paramedic services during the fiscal year 2005-06 at a rate of \$30 per living unit and per 1,500 square feet of structure on each developed parcel in non-residential use, to be collected in addition to fees for transport to the hospital charged to insurance providers, with the applicable appropriations limit increased by the amount of said tax.

I hereby certify that the foregoing Resolution was duly passed and adopted at a regular meeting of the San Anselmo Town Council held on the 12th day of July, 2005, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Peter Breen, Mayor

Barbara Chambers, Town Clerk

AGENDA ITEM 1(e)

**TOWN OF SAN ANSELMO
STAFF REPORT
July 6, 2005**

For the Meeting of July 12, 2005

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Final Work Plan Report

RECOMMENDATION

That Council acknowledge and file the final report on the 2004-05 work plan.

BACKGROUND

As part of the 2004-05 budget, Council adopted a work plan for this fiscal year. Staff reports periodically to the Council on the progress being made on the work plan.

Respectfully submitted,

Debra Stutsman
Town Administrator

**TOWN OF SAN ANSELMO
WORK PLAN
2004-05**

Department	Goal	Midyear Progress	Final report
Administration and Finance	Provide financial expertise and human resources management for major cost cutting plans, in conjunction with implementation of new sources of revenue.	Monthly monitoring of Town revenues and expenditures, including mid-year update report. Established parking coin collection and deposit. Established garbage vehicle impact fees. Implemented collection of business license admin fees.	All revenue enhancements implemented. All expenditure reductions achieved. Careful monitoring throughout the year maintained stability in finances. Monthly analytical updates presented to Town Council. Anticipated year-end reserve at \$1.5 M as projected in Adoption Budget. Tax Assessment: Staffed Fiscal Advisory Committee to study fiscal crisis and to develop report of findings to Council. Two town-wide budget sessions held to apprise the public of the need for tax assessment.
	Develop and implement a Town policy and procedure on drug and alcohol testing for Class B licensed employees.	In progress	In progress.
	Research payroll services providers to improve functionality and reduce cost; Research financial software programs to replace current ACS system, assuming a 2005-06 purchase and conversion timeline.	Transition to new payroll software at reduced cost to Town accomplished in July 2004. Ongoing efforts to create employee database for human resource uses.	Transition to new payroll software accomplished with cost savings achieved. Finance Director trained as payroll backup to Accounting Benefits Tech. Employee database begun for human resource uses.

**TOWN OF SAN ANSELMO
WORK PLAN
2004-05**

Community Resources	Continue working with assistant to establish priorities and refine department's work in community and office.	Projects are well underway and being anticipated in advance. Work continues in software instruction.	Near completion.
	Seek stronger rapport with local schools to promote volunteerism.	Have worked intensely with the two local high schools to involve them in Town volunteer activities.	Work continues with local high schools.
	Work to garner support among businesses for community activities, both as financial contributors and as volunteers.	Through our membership in the Center for Volunteer and Nonprofit Leadership, we participated in the Human Race and were a nominee organization for the Heart of Marin Award. In addition, this department successfully expanded sponsorship for the Community Fair, SAVE activities, and the Arts Commission fundraising event.	Participated in the Art & Design Festival with a frozen yogurt booth. Sponsored the Creekside Q, a barbecue for Town residents.
Engineering & Inspection	Work to establish systems to fast track the building permit process by issuing more permits over the counter.	Implemented, more permits are issued over the counter by the building official and if he is not available the DPW director will issue them.	Implemented.
	Research implementing a computerized permit tracking system.	No progress, lack of personnel power and no funding.	No progress due to lack of staff time.
	Develop a new tree ordinance with Town citizen's committee.	No progress, no staff time available although citizens available.	No progress due to lack of staff time.

**TOWN OF SAN ANSELMO
WORK PLAN
2004-05**

Fire	Integrate MERA for seamless operation with Police and Public Works in both Fairfax and San Anselmo.	MERA will be operational for Fire in April of this year. To date we have accepted the portable radios and are training with them.	MERA is now operational.
	Complete the strategic plan, obtain approval from Fire Board and use as a guide for future decision making.	The Plan is almost complete and will be presented to the Fire Board either in March or April for their approval.	Strategic Plan was approved by Fire Board.
	Expand CPR training program to accommodate as many of our neighbors as possible.	CPR training has remained consistent. Budget issues have limited our offerings to the schedule of the past year.	CPR training has remained consistent.
Library	Apply for grant offered by California Council for Humanities, involving adult and children's programming, to be a collaborative effort between the Library staff, Friends of the Library and hopefully the Historical Commission.	Received the Grant and are busy planning the programs for April.	Grant programs were successfully completed. They included a Book Discussion, a Memoir Writing Workshop and a Children's Author's Symposium. All were well attended, though we could have accommodated a larger audience for the Author program.
	Hold another Poetry Night for National Library Week in April 2005.	Poetry night is planned. It will be April 21.	Poetry Night was a big success. Will do it again next year!
	Begin classes for senior on use of the internet.	One class for seniors has been offered (very popular!) and another one is in the works.	Two Internet classes of four weeks each were completed. We had 5-6 seniors in each session & they gave rave evaluations to Renee Hayes, the instructor.

**TOWN OF SAN ANSELMO
WORK PLAN
2004-05**

	Plan one program for teens.	DeAnn is working on an idea for teens.	DeAnn is offering a Teen Reading Program with prizes called "Joust Read" this summer. We have several sign-ups already.
Parks	Direct State Bond Fund prioritized project expenditures and construction.	Pending State approval of submitted projects.	Eleven of seventeen projects have been approved and are in development.
	Provide staff support to the Red Hill Community Park Project.	Ongoing support provided.	Ongoing support provided.
	Work toward completing list of prioritized deferred maintenance projects.	Five out of fourteen projects have been completed since March 2004.	Seven out of fourteen projects have been completed since March 2004.
Planning	Complete work of Zoning Subcommittee by revising Table 4-B of the Zoning Ordinance.	Subcommittee work complete. Public hearings of draft ordinance amendments scheduled: PC 02/07/05; TC noticed to start their hearings 03/22/05	PC recommended approval. TC introduced ord 6/14/05, to adopt 6/28/05, effective 7/28/05.
	Initiate Housing Element implementation measures including development of an inclusionary housing ordinance and minor zoning text modifications.	Draft ordinance written. Public hearings of ordinance amendments scheduled: PC 02/07/05; TC noticed to start their hearings 03/22/05	Staff took back Inclusionary Ordinance to rewrite. No hearings set.
	Complete Sign Ordinance modifications.	Next subcommittee meeting scheduled for January 24, 2005	PC recommended approval. TC introduced ord 6/28/05, to adopt 7/12/05, effective 8/11/05

**TOWN OF SAN ANSELMO
WORK PLAN
2004-05**

Police	Reinstitute the traffic unit to reduce traffic collisions through education and enforcement.	Despite staffing issues both motorcycle officers continue to work their assigned duties while assisting with basic patrol duties. The traffic unit assisted in the coordination of and participated in D.U.I. checkpoints during the holiday season. Traffic related 1610 announcements continue to be broadcast and the child safety seat inspection program continues.	Despite staffing shortages both motorcycle officers continue to work their assigned duties while assisting with basic patrol duties. The Department issued twice as many moving and bicycle citations in FY04-05 as in FY03-04. The traffic unit coordinated and /or participated in D.U.I. checkpoints during the year, continued traffic related 1610 radio announcements and the child safety seat inspection program.
	Continue to seek funding for a generator to facilitate the move of the Emergency Operations Center to the Corporation Yard	Safety funds have been allocated for the purchase of a new generator but there is still a substantial shortfall. There are no grant funds currently available and surplus generators cannot be located. The EOC cannot move to the Corporation Yard without a new generator.	Status remains the same.

**TOWN OF SAN ANSELMO
WORK PLAN
2004-05**

Recreation	Establish &/or enhance relationships with school districts and other community organizations.	Work is ongoing with the Ross Valley School District and the Chamber of Commerce.	Work is ongoing with the Ross Valley School District and the Chamber of Commerce.
	Identify unmet community recreational needs and develop/expand programs to meet these needs.	On hold awaiting the recruitment of a new director.	In progress.
	Continue to assume a lead role in the Red Hill Community Park project to meet goals and recommendations identified in the Recreation Master Plan.	Lead role assumed by Town Administrator	Lead role assumed by Recreation Director
Street Maintenance	Set up a computer station at the Corporation Yard.	The computer is at hand. Problem in obtaining a DSL connection, staff is working on it.	No progress.
	Get set up to receive underground service alerts electronically instead of by fax to save money.	Not done, computer connection is not operational yet.	No progress.
	Implement a work priorities program in light of diminished staffing.	Weed cutting and road striping intervals were extended.	Same.

AGENDA ITEM 1(f)

**TOWN OF SAN ANSELMO
STAFF REPORT
July 5, 2005**

For the Meeting of July 12, 2005

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Approval of Resolution Setting a Statement of Investment Policy for
Fiscal Year 2005-06

RECOMMENDATION

That Council approve the attached Resolution setting the Statement of Investment Policy for fiscal year 2005-06.

BACKGROUND AND DISCUSSION

The purpose of the Town's investment policy is to ensure, through prudent investment of its idle cash, that the Town obtains the highest yield possible without risk to the safety and liquidity of its funds.

The Town has maintained a Statement of Investment Policy since 1985. Town staff reviews the policy on an annual basis and updates the policy as needed to comply with the California Government Code Section 53600 et seq.

ANALYSIS

Staff has reviewed the attached Statement of Investment Policy. The policy presented for Council consideration complies with the California Government Code Section 53600 et seq.

In compliance with the policy, the Town's idle cash is invested with the Local Agency Investment Fund (LAIF) program. The Town's Tax Revenue Anticipation Note (TRAN) proceeds are also invested in LAIF. The Finance and Administrative Services Director reconciles all Town accounts on a monthly basis. The Town Treasurer reviews the reconciliation reports and, together with the Director, prepares a Quarterly Investment Report for presentation to the Town Council.

CONCLUSION

It is recommended that the Town Council adopt the attached Resolution setting the Statement of Investment Policy for fiscal year 2005-06.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment #1: Resolution of the San Anselmo Town Council Setting A Statement of Investment Policy for Fiscal 2005-06

Attachment #2: Statement of Investment Policy, Fiscal Year 2005-06
TOWN OF SAN ANSELMO

TOWN COUNCIL RESOLUTION NO. _____

A RESOLUTION OF THE SAN ANSELMO TOWN COUNCIL SETTING A STATEMENT OF INVESTMENT POLICY FOR FISCAL YEAR 2005-06

WHEREAS, the State of California Government Code requires the Town to review and update the Town's Statement of Investment Policy annually;

NOW THEREFORE BE IT RESOLVED, that the San Anselmo Town Council hereby adopts the Statement of Investment Policy for Fiscal Year 2005-06 attached hereto.

PASSED AND ADOPTED by the San Anselmo Town Council at a regularly scheduled meeting on July 12, 2005 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peter Breen, Mayor

ATTEST:

Barbara Chambers, Town Clerk

TOWN OF SAN ANSELMO

**STATEMENT OF INVESTMENT POLICY
Fiscal Year 2005-06**

PURPOSE

This Statement is intended to provide guidelines for the prudent investment of the Town's temporary idle cash, and to outline the policies for maximizing the efficiency of the Town's cash management system. The ultimate goal is to enhance the economic status of the Town while protecting its pooled cash. The Statement of Investment Policy is reviewed annually by the Town Council, and any modifications to the statement must be approved by the Town Council.

OBJECTIVE

The Town's cash management system is designed to accurately monitor and forecast expenditures and revenues, thus enabling the town to invest funds to the fullest extent possible. The town attempts to obtain the highest yield obtainable as long as investments meet the criteria established for safety and liquidity.

POLICY

San Anselmo operates its temporary pooled idle cash investments under the prudent investor standard as defined in Government Code Section 53600.3. "When investing,

reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence... that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.” This affords the Town a broad spectrum of investment opportunities as long as the investment is deemed prudent and is allowable under Government Code Section 53600, et seq.

Criteria for selecting investments and the order of priority are:

1. **Safety:** The safety and risk associated with an investment refers to the potential loss of principal and interest, or a combination of these elements. There is safety if there is assurance that principal will be preserved.
2. **Liquidity:** An investment is liquid if it can be converted to cash with a minimal chance of losing principal or interest.
3. **Yield:** Yield is the potential earnings of an investment, or its rate of return.

Investments may be made in the following instruments:

- **United States Treasury obligations.**
- **United States Agency obligations.**
- **Federal Instrumentalities.**
- **State of California Bonds and Registered Warrants.**
- **Bonds, Notes, Warrants** or other evidence of indebtedness of a **local agency** within the State of California.
- **Bankers acceptances** not to exceed 180 days to maturity or at the time of purchase forty percent (40%) of the Town’s money that may be invested. However, no more than thirty percent (30%) of the Town’s money may be invested in the bankers acceptances of any one commercial bank.
- **Commercial paper** rated A-1 or P-1 or better, to be chosen from among corporations with assets in excess of \$500,000,000 and having an “A” or higher rating for the issuer’s debt, other than commercial paper, if any, as provided for by a nationally recognized statistical rating organization; not to exceed 270 days in maturity or more than ten percent (10%) of the outstanding paper of a single issuer. Purchase of eligible commercial paper may not exceed twenty-five percent (25%) of the Town’s money.
- **Negotiable certificates of deposit** issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a

state-licensed branch of a foreign bank. Negotiable certificates of deposit may not exceed thirty percent (30%) of the Town's money.

- **Medium-term notes** of a maximum of five years maturity issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service. Purchase of eligible medium-term notes may not exceed thirty percent (30%) of the Town's surplus money.
- **Repurchase agreements** on any investment authorized by this investment policy where the term of the agreement does not exceed one year. The market value of securities that underlie a repurchase agreement shall be valued at 102 percent or greater of the funds borrowed against those securities, and the value shall be adjusted no less than quarterly.
- **California State Local Agency Investment Fund (LAIF) Pooled Money Investment Program** operated by the State Treasurer's office.
- **Passbook Savings Account Demand Deposits.**

Other investment instruments authorized by State legislation shall not be used unless Town Council approval is obtained.

Safekeeping:

Securities purchased from broker/dealers shall be held in third party safekeeping by the trust department of the Town's bank, or other designated third party trust, and in the Town's name and control whenever possible.

Town Constraints:

The Town strives to maintain the level of investment of all funds as near to 100% as possible through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the Town Administrator.

All participants in the investment process shall act responsibly as custodians of the public trust. Town Officials shall avoid any transaction that might impair public confidence in the Town of San Anselmo's ability to govern effectively. The basic premise underlying the Town's Investment Policy is to ensure the Town's financial integrity.

Dated:

Debra Stutsman
Town Administrator

AGENDA ITEM 1(g)

TOWN OF SAN ANSELMO STAFF REPORT July 6, 2005

For the Meeting of July 12, 2005

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: State of California Budget

RECOMMENDATION

That Council acknowledge and file report on State of California budget approval regarding Vehicle License Fee gap loan repayment and Proposition 42 funds.

BACKGROUND

The Governor and Legislature have recently announced agreement over the State's 2005-06 budget. Included in the budget is the repayment of \$1.2 billion to California counties, cities and towns representing the required loan of Vehicle License Fees to the State in fiscal year 2003-04. For San Anselmo, this translates into a loan repayment of \$200,000 in 2005-06.

In addition, they have fully funded Proposition 42 for transportation spending, which equates to \$52,555 for San Anselmo next year, to be spent exclusively on road maintenance. To put this in perspective, San Anselmo needs to spend \$500,000 a year on road maintenance each year just to maintain the streets in the present condition. More than \$1 million per year is needed over the next ten years to bring San Anselmo streets up to an optimum level.

DISCUSSION

Staff is currently analyzing how best to incorporate this unexpected, one-time \$200,000 into the 2005-06 budget.

As the Fiscal Advisory Committee reported last spring to the Council, the Town faces a 2005-06 budget shortfall of \$500,000 and a total projected \$6.5 million shortfall over the next 5 years. In the course of the past two fiscal years, the Town has struggled to enhance revenues and cut expenses wherever possible. In developing this year's budget, staff's

conclusion regarding the \$500,000 shortfall has been that the only option left is to utilize \$250,000 from the Road Maintenance Fund (General Fund contributions only) and to allow the Town's reserve to decline by \$250,000, from \$1.5 million to \$1.25 million.

Given the fact that the \$200,000 is one-time-only money and, of even more significance, that the financial challenges facing the Town over the next 5 years are enormous, it appears only prudent to use the funds to reduce the drain on the Town's reserve. Rather than the projected \$250,000 decline, only \$50,000 would be needed and the year-end reserve could be preserved at \$1.45 million.

CONCLUSION

The State's agreement to repay the 2003-04 loan is undoubtedly good news for the Town. The bad news, however, is that it is a very small help in addressing the millions needed to get the Town back onto stable financial ground.

Respectfully submitted,

Debra Stutsman
Town Administrator

AGENDA ITEM 1(h)
CONTINUED TO THE MEETING OF JULY 26, 2005.

AGENDA ITEM 2

TOWN OF SAN ANSELMO

TOWN COUNCIL STAFF REPORT

For the meeting of 7-12-05

DATE: 7-5-05

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Award the Safe Route to School Project on Butterfield Rd. and Brookside Dr. to the lowest bidder to be announced at the meeting.

RECOMMENDATION

Award the contract to the lowest bidder. (Bids will be opened on 7-11-05 at 1:30 PM)

BACKGROUND AND DISCUSSION

The Town Council authorized soliciting bids at the meeting of 5-24-05.

Bid item 1B & 2B of the schedule are non-participating in the grant. They involve the storm water work to connect the newly installed catch basin in front of No. 167 Butterfield Rd. to the existing drainage system at Arroyo Ave.

This project is a Safe Route to School Grant (SR2S) consisting of the following work:

On Brookside Dr. from Broadmoor Ave. to Brookmead Pl. construct sidewalk on the north side with ADA required ramps. Install stop signs at Brookmead Pl. and stripe crosswalks.

On Butterfield Rd. construct sidewalk on the east side from Arroyo Ave. to Town limit. Stripe bicycle lanes and crosswalks. Replace signage and markings along the whole length of Butterfield Road. Remove allowed present parking from Suffield Ave. to Meadowcroft Ave to allow for continuous bicycle lanes. Install new traffic signal heads to improve the pedestrian movements.

FISCAL IMPACT

Contract cost \$

Funding:

SR2S grant \$313,200

Local share, Measure G 05-06 \$34,800

Additional cost, Measure G 05-06 \$

Non-participating costs , Measure G 05-06 \$

Total \$

AGENDA ITEM 3

TOWN OF SAN ANSELMO STAFF REPORT July 6, 2005

For the Meeting of July 12, 2005

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: November 8, 2005 Election

RECOMMENDATION

That Council:

- 1) Approve resolution proposing an election be held on November 8, 2005 for the nomination of members to the Town Council (3 seats), and providing for Candidate's Statement of Qualifications and filing fee (attachment 1).
- 2) Approve resolution proposing an election be held on November 8, 2005 submitting to the voters a Special Municipal Services Tax and setting the ballot language (attachment 2).

BACKGROUND

The Town is scheduled for a regular election on November 8, 2005 for nomination of candidates for three (3) seats on the Town Council. The terms of Mayor Breen and Councilmembers Chignell and Kroot are expiring. In addition, the Council has directed staff to prepare a resolution and ordinance submitting to the voters a Special Municipal Services Tax of \$250 per living unit and per 1,500 square feet of structure of nonresidential use.

DISCUSSION

The Town has been facing a worsening fiscal situation since 2001. Declining revenues, caused by the poor economy and State takeaways, and rapidly rising expenditures, particularly for employee health and pension costs, precipitated the fiscal crisis. The Town Council has taken steps to curb expenditures by leaving eight positions vacant, slashing department budgets, eliminating training opportunities, and deferring equipment purchases, capital projects and maintenance to Town buildings. Employee salary increases have also been deferred. In addition, the Town Council has approved increases to fees and fines and installation of parking meters in Town parking lots to raise revenues. Even with those actions, the Town faces an additional \$500,000 shortfall in 2005-06. Following three years of severe expenditure reductions, current staffing is at unsustainable levels, and the Town has tremendous pent up need in equipment, capital project and maintenance deferrals. The Fiscal Advisory Committee concluded in their

April report that the Town will face a cumulative shortfall of \$6.5 million over the next five fiscal years and that “a new tax assessment is the only means under the Town’s control to close the gap between reduced revenues and increased expenditures.”

BALLOT LANGUAGE

The proposed language for a Special Municipal Services Tax is:

Shall an ordinance be adopted approving a special San Anselmo municipal services tax of \$250 per year per living unit and per 1,500 square feet of nonresidential use, for a period of four years, to be used to:

- Restore and maintain Police, Parks and Library staffing and services,
- Maintain minimum staffing at San Anselmo fire stations,

Increasing the appropriations limit by the amount of said tax for the next four years and establishing a citizens’ oversight committee?

The Special Municipal Services Tax is proposed to have the following features:

- The receipts from the tax would be deposited into a separate account, a Special Municipal Services Tax account, and utilized exclusively to restore and maintain Police, Parks and Library staffing and services, and to maintain minimum staffing at San Anselmo fire stations.
- Persons with low income can apply to the Town’s Tax Equity Board for a tax rebate.
- Improved property used exclusively for educational, hospital, scientific, charitable or religious purposes may be granted an exemption to the tax.

ELECTION TIMING

For Town Council candidates:

July 18 – August 12	Filing period for candidates
August 17	Extended filing period deadline (if ALL incumbents don’t file for candidacy)
November 8	Election

For Measure:

August 12	Deadline to submit resolutions calling for election and exact ballot language.
Aug. 13 – 23	10 day public examination period
August 22	Last day to submit ballot arguments
August 23 – Sept. 2	10 day public examination period
September 1	Last day to submit rebuttal arguments
Sept. 2 – 12	10 day public examination period
November 8	Election

Respectfully submitted,

Debra Stutsman
Town Administrator

**TOWN OF SAN ANSELMO
RESOLUTION NO. _____**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO PROPOSING AN ELECTION BE HELD IN ITS JURISDICTION; REQUESTING THE MARIN COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE WITH ANY OTHER ELECTION CONDUCTED ON SAID DATE, REQUESTING ELECTION SERVICES BY THE COUNTY CLERK; AND PROVIDING FOR CANDIDATE'S STATEMENT OF QUALIFICATIONS AND FILING FEE

WHEREAS, it is the determination of said governing body that a Consolidated General District and School Election be held on the 8th day of November 2005, at which election the issue to be presented to the voters shall be:

Nomination of candidates for the Town Council:
Regular Term: Three (3) seats

BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Marin is hereby requested to:

- (1) Consolidate said election with any other applicable election conducted on the same day;
- (2) Authorize and direct the County Clerk, at Town expense, to provide all necessary election services and to canvass the results of said election.

BE IT FURTHER RESOLVED that:

- (3) The following rules be established regarding Statements of Qualifications:
 - a) Said statements shall not exceed 200 words;

- b) The actual pro-rated costs of printing, handling and translating said statements shall be levied against each candidate availing himself-herself of such service;
 - c) The candidate shall be required to pay in advance, at the time of filing, his or her prorata share of the estimated total cost of printing, handling, translating, and mailing of said statement as a condition of having his or her statement included in the sample ballot;
 - d) That no additional materials shall be prepared to be sent on behalf of the candidate with the Marin County Ballot/Voters Pamphlet; and
- (4) Each candidate shall pay a filing fee of \$25, unless the candidate chooses the option of collecting 100 signatures of San Anselmo registered voters in lieu of paying the filing fee.

PASSED AND ADOPTED THIS ____ day of July, 2005, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Peter Breen, Mayor

ATTEST:

Barbara Chambers, Town Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE HELD NOVEMBER 8, 2005 AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO CONSOLIDATE SAID ELECTION; AND AUTHORIZE THE TOWN CLERK OR HER DULY AUTHORIZED OFFICERS AND AGENCY TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS A SPECIAL MUNICIPAL SERVICES TAX FOR FOUR (4) YEARS TO

THE QUALIFIED VOTERS OF THE TOWN AND SETTING THE BALLOT LANGUAGE.

Whereas, Article XIII A, Section 4 of the California Constitution authorizes cities, by a two-thirds (2/3) vote of the qualified electors, to impose special taxes; and

Whereas, the Town Council desires to submit a proposition containing a ballot measure to adopt a special municipal services tax to be used exclusively for specified purposes to the qualified voters of the Town of San Anselmo at the Consolidated General District and School Election to be held in the Town on November 8, 2005; and

Whereas, it is desirable that the election be consolidated with the statewide election to be held on the same date and that within the Town, the precincts, polling places, and election officers of the two elections to be the same; and

Whereas, it is desirable that the County Election Department of County of Marin canvass the returns of the Consolidated General District and School Election and that the election be handled in all respects as if there were only one election.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of San Anselmo, California, on Tuesday, November 8, 2005.

Section 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Marin is hereby requested to consent and agree to the consolidation of said election.

Section 3. That the Town Council, pursuant to its rights and authority, does order submitted to the voters at the election the following question:

Shall an ordinance be adopted approving a special San Anselmo municipal services tax of \$250 per year per living unit and per 1500 square feet of nonresidential use, for a period of four years, to be used to:	Yes	
<ul style="list-style-type: none"> ▪ Restore and maintain Police, Parks, and Library staffing and services, ▪ Maintain minimum staffing at San Anselmo fire stations, Increasing the appropriations limit by the amount of said tax for the next four years and establishing a citizens' oversight committee?	No	

Section 4. The text of the proposed ordinance to be submitted to the voters is attached hereto as Exhibit A.

Section 5. Pursuant to Elections Code Section 9280, the Town Clerk shall transmit a copy of the measure to the Town Attorney who shall prepare an impartial analysis of the measure in accordance with said Section 9280. Arguments for and against said measure may be filed in accordance with applicable provisions of the law. Pursuant to Section 9285 of the Elections Code of the State of California, (the provisions of which are hereby adopted), when the clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The rebuttal arguments shall be filed with the Town Clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut. The text of the measure shall be printed on the ballot in the voter information portion of the sample ballot.

Section 6. That the County Election Department is authorized to canvass the returns of said election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 7. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

Section 8. That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 9. That the polls for the election shall be open at 7:00 a.m. of the election and shall remain open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

Section 10. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 11. That notice of the time and place of holding the election is given and Town Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 12. That the Town Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Election Department of the County of Marin.

I, the undersigned hereby certify that the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Council of the Town of San Anselmo at a regular meeting thereof held on the ___ day of _____, 2005 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: _____
Peter Breen, Mayor

ATTEST: _____
Barbara Chambers, Town Clerk

TOWN OF SAN ANSELMO

ORDINANCE NO. _____

**AN ORDINANCE OF THE PEOPLE OF THE TOWN OF SAN ANSELMO,
CALIFORNIA, ADOPTING A SPECIAL MUNICIPAL SERVICES TAX BY
ADDING A NEW CHAPTER 6 “SPECIAL MUNICIPAL SERVICES TAX” TO
TITLE 8 OF THE SAN ANSELMO MUNICIPAL CODE**

THE PEOPLE OF THE TOWN OF SAN ANSELMO DO ORDAIN AS FOLLOWS:

SECTION 1. ADDITIONS TO CODE. A new Chapter 6 entitled “Special Municipal Services Tax” is hereby added to the San Anselmo Municipal Code as follows:

8-6.01 Title

This chapter shall be known as the “Special Municipal Services Tax Law of the Town of San Anselmo.”

8-6.02 Necessity, Authority, and Purpose.

The Council hereby determines that the cost to maintain basic services at the level required to provide for the health, safety, and general welfare of the residents of the town exceeds the amount of funds and revenues generated from all other sources. The Council further determines that the levy of a special municipal services tax on improved real

property throughout the town is necessary to maintain an adequate level of basic services. Accordingly, a tax is imposed by this chapter pursuant to Section 37100.5 of the Government Code of the State.

8-6.03 Tax imposed.

A special municipal services tax not exceeding the maximum amounts set forth in this section is hereby imposed and levied on all improved real property within the boundaries of the Town at the maximum flat rate of two hundred fifty and no/100ths (\$250.00) Dollars per year per living unit and per 1,500 square feet of structure of nonresidential use, except that the tax derived from a nonresidential structure seventy-five (75%) percent or more occupied by a single enterprise or institution shall not exceed \$3,000.

8-6.04 Levy by Council resolution

Prior to August 10 of each year, the Council by resolution shall determine and fix the precise amount of tax to be levied during the current fiscal year. Such tax shall not exceed the maximum amount set forth in Section 8-6.03 of this chapter.

8-6.05 Increase Appropriations Limit

Constitution Article XIII B, the appropriations limit for the Town of San Anselmo will be increased one times the aggregate sum authorized to be levied as a special tax in each of the years covered by this ordinance.

8-6.06 Use of County Records.

The records of the County Assessor as of March 1 each year may be used to determine the actual use of each parcel of real property and, as applicable, the structural square feet for the purposes of determining the tax imposed by this chapter.

8-6.07 Personal Liability

The tax levied and imposed by this chapter shall be collected by the County Tax Collector at the same time as, and along with, the property taxes collected by the County Tax Collector; however, the tax shall not become a tax lien on the property against whose owner the tax is assessed. The owner of the property shall be personally liable for nonpayment of the tax.

8-6.07.1 Deposit and Use of Funds from Special Municipal Services Tax.

All proceeds from the taxes imposed and levied by this chapter shall be paid into the "Special Municipal Services Tax Fund" to be used exclusively to restore and maintain Police, Parks and Library staffing and services and to maintain minimum staffing at the San Anselmo Fire Stations.

8-6.08 Partial invalidity

If any section, subsection, sentence, phrase, or clause of this chapter is for any reason held by any court to be invalid, such invalidity shall not affect the remaining portions of this chapter. The Council hereby declares that it would have adopted

this chapter, and each section, subsection, sentence, phrase, or clause thereof, irrespective of the fact any one or more sections, subsections, sentences, phrases, or clauses be declared for any reason invalid.

8-6.09 Tax Equity Board

The Tax Equity Board established by resolution of the Council shall receive and act upon applications for full or partial rebates for persons claiming inability to pay the tax provided for in this chapter.

8-6.10 Exemptions

Improved property used exclusively for educational, hospital, scientific, charitable, or religious purposes owned and operated by institutions, foundations, or corporations organized and operated for educational, hospital, scientific, charitable, or religious purposes shall be granted an exemption to the tax imposed by this chapter on proof that any such organization has first qualified as an exempt organization under subsection (d) of Section 23701 of the Revenue and Taxation Code of the State and subsection (3) of subsection (c) of Section 501 of the Internal Revenue Code of 1954.

The exemption provided for by this section shall be effective from and after November 8, 2005.

8-6.11 Penalty for disclosure of information on applications for rebate of municipal service tax.

Any person disclosing the name of any person and any financial information obtained from an application for a rebate of a municipal service tax shall be guilty of an infraction.

SECTION 2. CURRENT CHAPTER 6. The current Chapter 6 “Claims and Suits for Refunds of Taxes, Fees, Assessments and Levies” is hereby renumbered Chapter 7.

SECTION 3. EFFECTIVE DATE. This Ordinance relates to the levying and collecting of the Town special municipal services tax and shall be in full force and effect ten (10) days after the certification by the Town Council of the election returns indicating passage of the Ordinance by two-thirds of the voters casting votes in the election. The special municipal services tax will be assessed beginning fiscal year 2006-07.

The foregoing Ordinance was approved by the voters of the Town of San Anselmo at the Consolidated General District and School Election held on the 8th day of November, 2005, by the following vote tally:

YES:

NO:

Peter Breen, Mayor

ATTEST:

Barbara Chambers, Town Clerk

AGENDA ITEM 4

**TOWN OF SAN ANSELMO
STAFF REPORT
July 6, 2005**

For the Meeting of July 12, 2005

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Sign Ordinance

RECOMMENDATION

That Council consider directing the Sign Ordinance Subcommittee to reconvene to review the suggested changes to the draft ordinance contained in the letter dated July 5, 2005, from John Newell; or, alternatively, second reading and adoption of ordinance of ordinance amending the current sign provisions of the Zoning Ordinance, Title 10, Chapter 9 of the San Anselmo Municipal Code.

BACKGROUND

The Sign Ordinance Subcommittee, made up of Councilmembers Chignell and Cooper, Town Attorney Roth, Planning Director Wight and the Town Administrator met in a public setting over the last six months to review and revise the sign ordinance. The final product of the subcommittee's work was approved by the Planning Commission and has received a first reading at the Town Council.

Planning Director Wight prepared a staff report (attachment 1) in preparation for the ordinance to receive a second reading at this evening's meeting. Subsequently, John Newell sent the attached letter to the Town Council (attachment 2). He makes a number of suggestions for revisions to the Sign Ordinance that Town Attorney Roth and staff feel are worthy of further consideration.

Respectfully submitted,

Debra Stutsman
Town Administrator

**TOWN OF SAN ANSELMO
STAFF REPORT**

June 29, 2005

For the Meeting of July 12, 2005

TO: Town Council
FROM: Lisa Wight, Planning Director
SUBJECT: Planning Commission recommendation: Adoption of Ordinance Amending the Current Sign Provisions of the Zoning Ordinance, Title 10, Chapter 9 San Anselmo Municipal Code

BACKGROUND

June 28, 2005: Town Council approved a Negative Declaration, waived reading, and introduced the ordinance, continuing to the meeting of July 12, 2005 for adoption.

DISCUSSION

Draft Ordinance Amendments: Changes to the ordinance include: provisions for both temporary and permanent noncommercial signs upon all properties, increasing the time limits for temporary signs, noncommercial sign size limitations without a limit to the number of signs, elimination of private signs within the public right-of-way, reinstatement of temporary sign provisions inadvertently removed from the Code several years ago, and general clarifications and logical formatting of the various sections.

The additions to the text are in bold, underline format, and the deletions are in strike-out format.

REQUIRED FINDINGS FOR APPROVAL

Listed in attached Ordinance.

RECOMMENDATION

Adopt an Ordinance amending the Sign Ordinance on the grounds that the amendments are consistent with the General Plan Land Use Element in that the amendments will serve to preserve and enhance the unique natural and urban characteristics of the community.

Attachments: Ordinance

Town Council minutes and staff report dated June 28, 2005

TOWN OF SAN ANSELMO

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO APPROVING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND AMENDMENTS TO THE ZONING ORDINANCE, SPECIFICALLY TO: CHAPTER 9 "SIGNS" OF TITLE 10 OF THE SAN ANSELMO MUNICIPAL CODE.

SECTION 1.

WHEREAS, on November 9, 2004, the Town Council formed a subcommittee of two Councilmembers, to review the sign ordinance; and

WHEREAS, the subcommittee subsequently met on March 1, 2005, January 24, 2005, and November 29, 2004 to review the current ordinance language and discuss specific changes, with their recommendation made to the Planning Commission on March 1, 2005; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 6, 2005, and considered the Negative Declaration and Zoning Ordinance Amendments and received comments from staff and the audience, and recommended approval of the Negative Declaration and Sign Ordinance amendments to the Town Council; and

WHEREAS, the Town Council held a duly noticed public hearing on June 28, 2005, took comments from staff and the audience, approved the Negative Declaration, waived reading and introduced the Sign Ordinance amendments, and announced that these ordinance amendments would be continued to the July 12, 2005 meeting for subsequent adoption;

WHEREAS, the Town Council held a duly noticed public hearing on July 12, 2005, took comments from staff and the audience, and adopted the ordinance amendments to Chapter 9 of Title 10 of the San Anselmo Municipal Code, which are attached as Exhibit A.

NOW, THEREFORE, the Town Council of the Town of San Anselmo DOES HEREBY FIND as follows:

SECTION 2. ENVIRONMENTAL REVIEW

That the above project would have no significant impact on the environment.

The sign ordinance amendments should have no adverse impacts on land use, public services, population and housing, biological resources, utilities and service systems, geological problems, energy and mineral resources, cultural resources, air quality, or recreation, nor on transportation/circulation, water, noise, and aesthetics. The amendments would further the purposes of the Sign Ordinance, which includes the protection of the natural beauty of the Town; and the enhancement and improvement of properties and their neighborhoods by the encouragement of signs which are compatible with, and complimentary to, related buildings and uses and harmonious with their surroundings.

SECTION 3. REZONING

That the Zoning Ordinance Amendments are consistent with the General Plan.

The amendments include: provisions for both temporary and permanent noncommercial signs upon all properties, increasing the time limits for temporary signs, noncommercial sign size limitations without a limit to the number of signs, elimination of private signs within the public right-of-way, reinstatement of temporary sign provisions inadvertently removed from the Code several years ago, and general clarifications and logical formatting of the various sections.

The Zoning Ordinance Amendments would be consistent with the General Plan, specifically, the Land Use Goals include, "The small town character, scale, and pace of life in San Anselmo shall be preserved, as shall the Town's close connection with the natural beauty of its setting . . . New developments shall be integrated harmoniously into San Anselmo's existing neighborhoods and commercial areas . . ." and its Land Use Objectives include, "To preserve and enhance the unique natural and urban characteristics of the community while accommodating suitable new growth . . . Maintain the existing size and intensity of commercial businesses in the Town."

SECTION 4.

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN that the Zoning Ordinance shall be amended as shown on Exhibit 'A.'

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 28th day of June, 2005, and was adopted at a regular meeting on the 12th day of July, 2005, by the following vote:

AYES:
NOES:
ABSENT:

Peter Breen, Mayor

ATTEST:

Barbara Chambers, Town Clerk

EXHIBIT A

Note:

Strike-Out Font: proposed deletions;
Bold/Underline Font: proposed additions

10-9.801 ~~Article 8. Appeals~~
~~Appeals.~~

~~10-9.901~~ ~~Article 9. Nonconforming Signs~~
~~Nonconforming signs.~~

Article 10 9. Interpretation and Enforcement

Chapter 9

SIGNS*

Sections:

Article 1. Purposes

10-9.101 **Purposes.**

Article 2. Definitions

10-9.201 **Definitions.**

Article 3. Permitted Signs

- 10-9.301 **Permitted signs.**
- 10-9.302 **Permanent use identification signs.**
- 10-9.303 **Temporary signs.**
- 10-9.304 **Miscellaneous signs.**
- 10-9.305 **Murals.**

Article 4. General Regulations

- 10-9.401 **Scope.**
- ~~10-9.402~~ ~~**Area.**~~
- 10-9.403 **Location.**
- 10-9.404 **Height.**
- 10-9.405 **Illumination and sound.**
- 10-9.406 **Content and Changeable copy.**
- 10-9.407 **Material and form.**
- 10-9.408 **Design review allowances.**
- ~~10-9.409~~ ~~**Posting signs on fences, trees, buildings, and public property.**~~

Article 5. Sign Review Applications

- 10-9.701 **501 Form; Fees.**
- ~~10-9.702~~ ~~**Filing date.**~~
- 10-9.703 **502 Action on applications.**
- 10-9.704 **503 Expiration and extension of Sign Review approval.**

Article 6. 6. Sign Review

- 10-9.601 **601 Design.**
- ~~10-9.602~~ ~~**Review of sign.**~~
- 10-9.603 **603 Criteria for review.**

Article 7. 7. Variance s

- 10-9.604 **701 Variance. s;**

EXHIBIT A

- 10-9.1001 901 Interpretation.**
10-9.1002 902 Removal of unsafe, unlawful, or unnecessary signs.
10-9.1003 903 Compliance with other laws.

Chapter 9 entitled "Signs" consisting of Article 1, Sections 10-9.101, Article 2, Section 10-9.201, Article 3, Sections 10-9.301 through 10-9.305, Article 4, Sections 10-9.401 through 10-9.409, Article 5, Sections 10-9.501 and 10-9.502. Article 6, 10-9.601, Article 7, Sections 10-9.701 through 10-9.707, Articles, 10-9.801, Article 9, 10-9.901, Article 10, Sections 10-9.1001 through 10-9.1003 codified from Ordinance No. 609, as amended by Ordinance No. 632, effective October 12, 1972, Ordinance No. 649, effective June 21, 1973, Ordinance No. 680, effective December 26, 1974, Ordinance No. 707, effective June 22, 1976, Ordinance No. 723, effective January 20, 1977, Ordinance No. 740, effective January 12, 1978, Ordinance No. 750, effective November 23, 1978, Ordinance No. 754, effective February 8, 1979, Ordinance No. 800, effective May 14, 1981 and Ordinance No. 883, effective August 21, 1986, moved to Chapter 9 of Title 10 with amendment by Ordinance No. 1010, effective October 28, 1999.
§ 2, Ord. 1034, eff. October 24, 2003

Article 1. Purposes

10-9.101 Purposes.

The purposes of this chapter include, but are not limited to, the following:

- (a) The protection of the public's ability to identify uses and premises without confusion;
- (b) The elimination of unnecessary distractions which may diminish driving **or pedestrian** safety;
- (c) The promotion of the safe construction of signs;
- (d) The protection of the natural **and urban** beauty of the ~~city~~ **town**; and
- (e) **The maintenance of order and cleanliness;**
- (~~e~~) **(f)** The enhancement and improvement of properties and their **business or residential** neighborhoods by the encouragement of signs which are compatible with, and complimentary to, related

buildings and uses and harmonious with their surroundings.
(g) To ensure the preservation of freedom of speech
(§ 2, Ord. 1010, eff. October 28, 1999)

Article 2. Definitions

10-9.201 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

(a) "Sign" shall mean any display, device, or thing which is intended to or, in the judgment of the Planning Director, may communicate an advertisement, announcement, direction, identity, or **communicate a other** message to, and or attract, distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. "Sign" ~~shall include any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof.~~ A display, device, or thing need not contain any lettering to be a sign, but the mere display of merchandise in a store window shall not cause that window to be considered a sign.

(b) "Sign area" shall include:

(1) Any moving part, lighting, sound equipment, framework, background material, structural support;

EXHIBIT A

or other part thereof.

(2) The message, background, and any frame or outline, but shall not include any material used exclusively for structural support.

(3) Where a sign message has no background material, or where the background is an undifferentiated wall, the area of the sign shall consist of the sum of the areas of the two (2) smallest adjoining rectangles which encompass the total message.

(4) The area of a multi-faced sign shall be the sum of the areas of its faces, but all faces together shall constitute only one sign.

(5) The area of a conical, cylindrical, or spherical sign shall be the area of its surface.

(6) the size area of a sign when physically connected in any way to one or more other signs or affixed to a single support shall be determined by counting the total square footage of all such signs and shall be treated as one sign.

(c) "Temporary sign" is a sign which is erected and maintained for a period of not more than ~~ninety (90)~~ one hundred (100) days. ~~A use may leave such a sign in place for up to thirty (30) days if the use does not display any other temporary signs for a period of sixty (60) thirty (30) days before and sixty (60) thirty (30) days after said thirty one hundred day period.~~

~~(b)~~ (d) "Erect and maintain", and variations thereof, used in this chapter with respect to signs shall include, but not necessarily be limited to, the placing, construction, establishment, alteration, repair, location, and/or continuation of temporary and permanent signs and the parking or other placement of any vehicle or other portable object to which a sign is affixed.

~~(e)~~ (e) "Primary building face" shall mean that wall of a building which contains the principal entrance or entrances to the building. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Primary building face" shall include not only the wall itself but all doors, windows, or other openings therein and projections therefrom.

~~(d)~~ (f) "Use" shall mean each business ~~and administrative, residence,~~ professional, industrial, or other establishment which is separate from another establishment, both in fact and in the appearance presented to the public.

~~(f)~~ (g) "Administrator" and "Planning Director" includes his or her designee. (§ 2, Ord. 1010, eff. October 28, 1999)

~~(e)~~ (h) "Changeable Copy" shall mean a sign that maintains the same background material, framework and structural support, with changeable message content.

~~(h)~~ "Sign Area" shall mean the size of a sign when physically connected in any way, to one or more other

~~signs or affixed to a single support shall be determined by counting the total square footage of all such signs and shall be treated as one sign.~~

(i) "Banner" shall mean a sign that is connected to a structure or support such that portions of the sign move by air. Typically created out of vinyl or plastic material with grommets to fasten rope and secure to a structure.

(j) "Single Support" shall mean the surface to which a sign is attached, including a building or the ground.

Article 3. Permitted Signs

10-9.301 Permitted signs.

It shall be unlawful for any person or entity, other than an appropriate governmental body, to erect or maintain a sign in the Town, except as permitted by this chapter. All signs shall be prohibited, except as follows:

(a) Signs expressly allowed by the provisions of this article and erected and maintained in accordance with the provisions of Article 4 of this chapter, if applicable;

(b) Signs approved by Sign Review pursuant to the provisions of Article 5 of this chapter (after the granting of a variance pursuant to the provisions of Article 6 ~~7~~ of this chapter, if applicable); ~~or~~

~~(c) Signs permitted by the provisions of Article 9 of this chapter.~~

(c) Any noncommercial message may be substituted for any permitted sign by this section subject to Sign Review where applicable to commercial signs.

Unless Sign Review is specifically required, any sign permitted by the provisions of this article may be erected and maintained without Sign Review so long as such sign conforms with the provisions of this chapter and ~~any all~~ other applicable governmental enactments. (~~§ 2, Ord. 1010, eff. October 28, 1999~~)

10-9.302 Permanent use identification signs.

Subject to the general regulations set forth in Article

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4 of this chapter, the following uses may be identified by the permanent signs specified for such uses, as follows:

(a) Single-family dwellings. One nameplate, containing only the name of the resident of the dwelling and not exceeding one square foot, which may be freestanding;

(b) Home occupations. One sign, not exceeding two (2) square feet, attached flat to the structure, or placed inside a window, and not illuminated;

(c) Multiple-family dwellings. One nameplate, **for each street frontage** containing only the name and/or address of the building, not exceeding six (6) square feet, which may be freestanding, with an overall height of not more than four (4') feet;

~~(d) Professional. One sign containing the address and/or name of the building or group, not exceeding four (4) square feet, and one nameplate per individual occupant, containing only the name and profession of the individual occupant, not to exceed one square foot for each individual occupant's nameplate sign. If the name plate signs are incorporated into one overall sign containing both the address and/or name of the building or group and nameplate signs, the total area of such signs shall not exceed four (4) square feet, plus one square foot for each individual occupant, and such sign may be free-standing upon the approval of Sign Review. In addition, each individual occupant may have one sign on an exterior door, which sign shall contain only the individual occupant's name and profession and which sign shall not exceed one square foot;~~

~~(e) Cemeteries, country clubs, dog kennels, golf courses, riding academies, stables, tennis courts, and other uses determined by the Planning Director to be similar. One sign, not exceeding twelve (12) square feet, which may be freestanding. Such signs shall be subject to Sign Review;~~

~~(f) (d) Institutions **located in buildings in excess of 5,000 square feet situated in residential districts** of an educational, religious, charitable, or civic nature, hospitals, rest homes, sanitariums, and uses determined by the Planning Director to be similar. One sign, not exceeding twenty (20) square feet, which may be freestanding. Such signs shall be subject to Sign Review;~~

~~(g) (c) Gasoline Service sStations. Not more than three (3) signs, †The total area of such signs **shall** not to exceed **one hundred** (100) square feet. One of such signs may be freestanding provided the area of the sign does not exceed forty (40) square feet and it displays only the oil company name and/or emblem. Such signs shall be subject to Sign Review; **See also 10-9.304(p).**~~

~~(h) (f) Other business, **and** administrative, **and** industrial uses **in commercial and professional zoning districts**;~~

~~(l) Ground floor uses: Not more than two (2) sSigns per use, to be located on the primary building face, the total area of such signs not to exceed one square foot for each lineal foot of the primary building face devoted to that~~

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use, up to a maximum total sign area of **one hundred** (100) square feet, except that:

(i) If a single use extends from one street, through a building, to another street opposite and generally parallel to the first, or if a use is conducted on a corner, each of the building faces fronting a street shall be considered a primary building face for the purposes of determining the area ~~and location~~ of the signs permitted such use, but the total area of permitted signs shall nevertheless not exceed 100 square feet per use;

(ii) A use shall be permitted **any number of** ~~two (2)~~ signs, located on the ~~primary building face~~, and having a total area not exceeding one and one-half (1-1/2) square feet for each lineal foot of primary building face devoted to that use, up to a maximum of 150 square feet per use, if that use fronts on a street (or on two (2) or more adjacent parallel streets) having a total of four (4) or more lanes of traffic; ~~and~~

(iii) Where the primary building face does not front on a public street, ~~two (2)~~ **any number of** signs ~~per use~~ may be erected and maintained, on the building face, if there is any, which does front on a public street, but the total square footage of each use's signing shall be no greater than would be permitted if the frontage devoted to that use were the primary building face; ~~All signs permitted pursuant to the provisions of this subsection shall be subject to Sign Review;~~

~~(i) (2) Other business, administrative, and industrial uses: Second floor and third floor uses different from ground floor uses; One sign per use, except that the total number of signs on the second or third floor of any building, including any professional sign permitted by the provisions of subsection (d) of this section, shall not exceed one sign for each ten (10) lineal feet of primary building face of the building. Each such sign shall be located on the primary building face, and no such sign shall have an area greater than one two (2) square foot feet. The area of signs permitted for second and third floor uses shall be in addition to the area of signs permitted for first floor uses in the building; and~~

~~(j) (3) Other business, administrative, and industrial uses: Uses not conducted in a building; One sign per use, parallel to the street, the area of such sign not to exceed one-half (1/2) square foot for every front foot of land occupied by the use, up to a maximum of fifty (50) square feet. Such signs may be freestanding. Such signs shall be subject to Sign Review. (§ 2, Ord. 1010, eff. October 28, 1999)~~

All signs permitted pursuant to the provisions of this Section (f) shall be subject to Sign Review.

(g) Any non-commercial sign may be substituted for

any permitted commercial sign by this section subject to Sign Review where applicable to commercial signs.

10-9.303 Temporary signs.

~~(2)~~ **(a) Temporary directional and construction safety** sign location guidelines

~~(i) (1)~~ Signs shall be placed so as not to constitute a hazard (sight distance, tripping, **vehicular, and** storm-related, etc.) to the public use of the public right-of-way.

~~(ii) (2)~~ Signs shall not be placed in median islands, **the vehicular traveled portion of** the public right of way, ~~other than as provided elsewhere in this ordinance,~~ nor on trees, barricades, retaining walls, bridges, benches, traffic signals, poles or equipment, street lighting, or utility poles nor on traffic signs or traffic sign posts or supporting structures, nor on utility pole anchor cables.

~~(iii) (3)~~ Sidewalks shall not be obstructed and there shall be a minimum of three (3) feet clearance at all times.

~~(3) Signs in the public right of way. For signs in the public right of way, each brokerage, real estate company, sole proprietorship, or individual homeowner shall have a current annual encroachment permit and the proper insurance as required by the Director of Public Works.~~

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The fee for encroachment permit shall be established by resolution.

~~(a)~~ **(b)** Real estate sales and lease.

(1) Located on residential property for sale or lease. One for-sale or one for-rent or lease sign not exceeding ~~three (3)~~ **six (6)** square feet **may be erected and remain in place** for not more than ten (10) **calendar** days after an agreement is reached for sale or lease of the property or ten (10) days after the property is removed from the market whichever is earlier.

Additionally, in the case of a sale, one open house sign not exceeding ~~three (3)~~ **six (6)** square feet may be placed on the dwelling site on Thursdays 10:00 a.m. to 1:00 p.m. and Sundays between 12:30 p.m. and 4:30 p.m. for not more than ten (10) calendar days after an agreement is reached for the sale of the property or ten (10) days after the property is removed from the market, whichever is earlier.

(2) ~~Other~~ **Located on non residential** property for sale or lease. One for-sale or for-rent or lease sign not exceeding six (6) square feet **may be erected and remain in place** for not more than ten (10) calendar days after an agreement is reached for sale or lease of the property, or ten (10) days after the property is removed from the market, whichever is earlier.

~~(b)~~ **(3)** Located on property other than property for sale or lease. ~~(4)~~ **(2)** directional signs advertising directions to the real property for sale or lease not exceeding ~~three (3)~~ **six (6)** square feet on other private property with permission of the owner(s), or within the public right-of-way provided they do not obstruct or impede pedestrian or vehicular traffic, are not located within public medians, parking **spaces**, streets, or landscaped areas, and are not secured to prevent removal, on Thursdays 9:00 a.m. to 12:00 p.m. and Sundays between 12:30 p.m. and 4:30 p.m., **may be erected and remain in place** for not more than ten (10) calendar days after an agreement is reached for the sale or lease of the subject real property or ten (10) days after the subject property has been removed from the market, whichever is earlier.

(c) ~~Political~~ **Noncommercial** Signs: A use shall be permitted any number of ~~political~~ **noncommercial** signs not exceeding six (6) square feet each, erected by or with permission of the owner(s) and/or tenant(s), ~~but for each owner, tenant and/or occupant not more than one sign pro or con a given issue or candidate.~~ **The size of a noncommercial sign, which does not exceed six square feet singly, when physically connected in any way, to one or more other noncommercial signs or affixed to a single support shall be determined by counting the total square footage of all such signs and shall be treated as one noncommercial sign * Such sign shall be erected and maintained for a period of not more than one hundred (100) days if the use does not display any other temporary signs for a period of thirty (30) days before**

~~and thirty (30) days after said one hundred day period. For those signs pertaining to an election, a~~ **political noncommercial** sign may be erected not more than ~~sixty (60)~~ **ninety (90)** ~~one hundred (100)~~ days prior to the election to which the sign pertains, and shall be removed within five (5) days after said election. ~~Political~~ **Noncommercial** signs erected for primary elections shall be removed within five (5) days after the primary election. ~~Noncommercial signs not pertaining to elections, not exceeding six square feet, shall also be permitted.~~ ~~Political~~ **Noncommercial** signs shall not be posted on trees, or above the roofline of any building. This ~~sub-section~~ **subsection** shall not, however, be construed to prohibit an individual from posting a ~~political~~ **noncommercial** sign not exceeding six (6) square feet on his private automobile or vehicle. (§ 2, 3, Ord. 1010, eff. October 28, 1999, as amended by § 2, Ord. 1034, eff. October 24, 2003)

(d) Construction: One sign identifying the proposed site and/or building and persons or firms involved in the building's construction, not exceeding ~~four (4)~~ six (6) square feet in the case of a single family dwelling and not exceeding twenty-four (24) square feet in other cases. May be maintained only during the period of actual, substantial construction.

(e) Sale: Temporary signs, announcing sales or special features., attached, painted or otherwise placed on the surfaces of ground floor store windows provided the total area of such signs does not exceed twenty five percent (25%) of the ground floor windows located in the primary building face. Such signs shall be removed immediately after the end of the sale or event and the same signs shall not be maintained for a total of more than ten (10) days except that a use may leave such signs in place for up to thirty (30) days if the use does not display any other temporary signs for a period of sixty (60) days before and sixty (60) days after said thirty day period. May not be free standing. Not permitted in residential districts. Each such temporary sign shall include the date on which it was placed on or in the store window. Such signs are restricted to:

(1) Window signs: attached, painted or otherwise placed on the surfaces of ground floor store windows provided the total area of such signs does not exceed twenty five percent (25%) of the ground floor windows located in the primary building face.

(2) Banners: attached on the surfaces of buildings and school fences, provided the total area of such signs does not exceed 20 square feet.

(f) Holiday Decorations: Bunting, displays, lights, and other decorations which contain no commercial message, which are erected and

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~~maintained in connection with a holiday established by an Act of the United States Congress and which are removed within fifteen (15) days following their erection, or within forty five (45) days following their erection in the case of Christmas decorations.~~

~~(g) (f) Christmas Tree Lots: Nor more than two (2) signs per lot, the total area thereof not to exceed forty (40) square feet.~~

~~(h) (g) Fairs, Carnivals, and Other Special Events:~~

~~(i) On Site: Not more than two (2) signs, located on the premises on which the event is to be conducted, containing not more than forty (40) square feet in the aggregate, provided that the signs are displayed not more than fifteen (15) days in advance of the beginning of the event and are removed immediately at the conclusion of the event.~~

~~(ii) Off Site: Posters, containing not more than six (6) square feet each, displayed in a ground floor window, for not more than thirty (30) days, advertising civic, a religious or other non-profit meetings, fairs, plays, athletic contests, or similar events, so long as no more than two such posters are displayed by any one use at any time. May not be free standing. Not permitted in residential districts.~~

~~(i) (h) Temporary Use - Identification Signs: One sign to identify the name and/or location and/or~~

purpose of a new business may be allowed for a maximum period of sixty (60) days. Said sign shall meet all the requirements for permanent signs as provided in the San Anselmo Municipal Code. Except that banners are permitted as described in 10-9.201(i) and shall meet all the size requirements for permanent signs up to a maximum of twenty (20) square feet. ~~except: (a) Any such sign may be approved by the Planning Director; and (b) The Planning Director shall have discretion to approve or disapprove the type of material used for the sign. The fee for the section shall be \$10.00, but said \$10.00 shall be applied to the cost of an application for a permanent sign.~~

(i) (i) Public Health/Safety: A limited number of signs designed to alert the public to an emergency and short-term threat to public health and/or safety, such as quarantine notices and notices of recent poisoning of domestic animals, may be allowed for a maximum period of thirty (30) days in the proximate area of such threat. Such signs shall meet all the requirements for permanent signs as provided in this chapter and may be erected only with the specific prior approval of the Town Administrator.

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* This sentence is intended to ~~declaratory of~~ declare existing law and ~~applies~~ apply to all noncommercial signs existing at the time of the adoption of this amendment.

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10-9.304 Miscellaneous signs.

Subject to the general regulations set forth in Article 4 of this chapter, the following signs shall be permitted in addition to those permitted by other provisions of this chapter:

(a) Flags and emblems of governmental jurisdictions not used for commercial advertising;

(b) Address numbers not exceeding six (6") inches per numeral in height and width on residences and address numbers not exceeding eighteen (18") inches in height and width per numeral on commercial and multiple use buildings, unless a larger size number is approved by the Planning Director;

(c) Symbols, including barber poles for barber shops, pictures, illumination, and other items not containing lettering which are approved as architectural ornamentation or decoration by the ~~Design Review Committee~~; **Planning Commission**;

(d) Signs identifying a neighborhood, district, or community area. Such signs may be freestanding. Such signs shall be subject to sign review;

(e) Historical plaques erected and maintained by nonprofit organizations, memorials, building cornerstones, and erection date stones not more than one square foot in area;

(f) Signs indicating association membership, a credit card system, ~~trading stamps given~~, and other matters which are determined by the Planning Director to be similar, not more than one sign for each, no **one** sign to exceed one (1) square foot, and the total area of all such signs shall not exceed four (4) square feet. All such signs shall be located flush on the primary building face;

(g) Signs permanently affixed to a vehicle for advertising or identification purposes, except that such signs shall not:

(1) Be illuminated, have changeable copy, or any moving part;

(2) Be designed or used to direct persons to a specific place of business or other place, whether by means of an arrow, written instructions, or other means (except that the Street address of the business may be included); nor

(3) Extend or project beyond the normal functional structure of the vehicle;

(h) One posted restaurant menu, adjacent to the main public entrance, identical in size and all other respects to

those made available to the diners;

(i) One sign not exceeding one square foot, located on or adjacent to the main entrance to the use, showing the business hours of the establishment and containing the words "open" or "closed" or similar wording;

(j) Permanent signs consisting of a framed or unframed surface, freestanding or attached to a wall ~~or fence~~ or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events if located on the real property on which such event is to take place. Such signs shall be subject to Sign Review;

(k) Private parking area traffic and other directional signs not exceeding six (6) square feet each and not containing any advertising message or name. When the parking area or directional sign is not adjacent to the business served, the name of the business may be included on the sign. Such signs shall be subject to Sign Review;

(l) Signs not exceeding one square foot per face, containing no product advertising, with letters not exceeding six (6") inches in height, for the identification of telephones, service entrances, rest rooms, litter receptacles, underground public utility lines, and other uses which are determined by the Planning Director to be similar;

(m) Signs identifying service and religious organizations when combined in a single sign at a community entrance. Such signs may be freestanding. Such signs shall be subject to Sign Review;

(n) Legal notices, licenses, permits, and other signs required by law;

(o) Signs suspended at least twenty (20') feet above public streets for a period of not more than fifteen (15) days advertising events of general interest to the public, which events are conducted by nonprofit organizations and the proceeds, if any, from such events are to be used for charitable or civic purposes, subject to obtaining a written permit from the ~~Chief of Police~~ **Town Administrator or designee**;

(p) **Gasoline Service Stations:**

(1) Signs identifying the type of service offered by service stations, ~~which~~ **such** as "self serve" or "full service island", which signs shall be subject to Sign ~~R~~Review;

~~(2)~~ **(2)** Gasoline price signs which shall be limited to one of the following options:

~~(1)~~ **(i)** One ~~window~~ sign **on the building**, not to exceed twenty (20) square feet, with numbers not to exceed twelve (12") inches in height and letters not to exceed six (6") inches in height; or

~~(2)~~ **(ii)** One sign per pump, located at or on the pump, which may be double faced, not to exceed eight (8") inches by ten (10") inches; or **Two signs per dispensing unit including the price, brand, type, and grade of motor fuel, the size of each not to exceed the area of the portion of the dispenser unit above the dispenser hoses; or**

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(3) (iii) One permanently located sign elsewhere on the property advertising ~~one or more grades of gasoline~~, **the three major grades of motor vehicle fuel offered for sale**, which may be double-faced, not to exceed twenty (20) square feet per face and with numbers not to exceed twelve (12") inches in height and letters not to exceed six (6") inches in height.

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~~All **Such gasoline service station** signs shall be subject to Sign Review and shall be posted in accordance with the requirements of the State **Business and Professions Code**. For the purposes of this subsection, a pump shall be defined as a dispensing unit for a grade of gasoline. A pump with two (2) hoses shall be considered two (2) pumps when it dispenses two (2) grades of gasoline and one pump when it dispenses one grade of gasoline; and~~
~~(r) (q) Two (2) signs, not to exceed one square foot each, applied by decal or paint to glass windows or doors, not to exceed 25 percent of the glass area. Such signs may include business identification, name, or symbol, product advertising, or abstract designs. (§ 2, Ord. 1010, eff. October 28, 1999)~~

(r) Permanent noncommercial signs.

(1) Residential Districts: Such signs may not be larger than six square feet and shall be subject to sign review, however the Planning Commission shall not consider the content of such signs in its review. The size of a noncommercial sign, not exceeding six square feet, when physically connected in any way, to one or more other noncommercial signs, or affixed to a single support shall be determined by counting the total square footage of all such signs and shall be treated as one noncommercial sign; and

(2) Non-residential Districts: Any noncommercial sign may be substituted for any permitted commercial sign by this section subject to Sign Review where applicable to commercial signs.

10-9.305 Murals.

~~Murals consist of a picture or decoration, usually a very large one, painted on or affixed directly to a wall. Murals shall not contain advertising or business identification of any kind and shall be executed by persons whose trade or profession requires the knowledge of design, artwork, and painting. Full-colored drawings to scale shall be submitted with an application to the Planning Director, together with a site plan or building elevation showing the location of the mural. Such signs shall be subject to Sign Review. (§ 2, Ord. 1010, eff. October 28, 1999)~~

Article 4. General Regulations

10-9.401 Scope.

The regulations set forth in this article shall govern the erection and maintenance of signs in the Town. (§ 2, Ord. 1010, eff. October 28, 1999)

~~**10-9.402 Area.**~~

~~The area of a sign shall consist of the message, back-~~

~~ground, and any frame or outline but shall not include any material used exclusively for structural support. Where a sign message has no background material, or where the background is an undifferentiated wall, the area of the sign shall consist of the sum of the areas of the two (2) smallest adjoining rectangles which encompass the total message. The area of a multi faced sign shall be the sum of the areas of its faces, but all faces together shall constitute only one sign. The area of a conical, cylindrical, or spherical sign shall be the area of its surface. (§ 2, Ord. 1010, eff. October 28, 1999)~~

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10-9.403 2 Location.

~~Article 6 of this chapter or Section 10-9.408 of this article.
(§ 2, Ord. 1010, eff. October 28, 1999)~~

(a) Unless a different location is specifically permitted by the provisions of Article 3 of this chapter, or under the provisions of Section 10-9.408 of this article, each sign shall be located on, ~~and parallel to, the primary building face of~~ the building, if any, in which the use is conducted.

(b) The following signs shall be prohibited:

(1) Private use signs located on public land or in a public right-of-way, except as specifically permitted by the provisions of this chapter;

(2) Signs cut, burned, or otherwise marked on a cliff, hillside, or tree or in any other manner affixed to a tree;

(3) Any sign which obstructs, in any degree, the use of any door, window, or fire escape in or on any building;

(4) Any freestanding sign nearer than two (2') feet to any other sign, building, or structure or nearer the street than the setback line established by law; and

(5) Signs erected or maintained at or near the intersection of any street in such a manner as to obstruct free and clear vision or at any location where, by reason of position, shape, or color, signs may interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal.

(6) Posting, sticking, stamping, painting, affixing, or causing of any notice, placard, bill, poster, sign, banner or advertisement to be placed upon any sidewalk where a 3' clearance could not be maintained, crosswalk, curbing, hydrant, tree, tree box, fence, enclosure, building, telephone pole, telegraph pole, or electric lighting pole, except as otherwise provided in this chapter. (~~§ 2, Ord. 1010, eff. October 28, 1999~~)

10-9.404 3 Height.

(a) Signs on buildings. No sign located on a building or other structure shall extend to an elevation higher than the lowest of the following:

(1) The window sills (or bottom window line) of the floor above the floor on which the lowest portion of the sign is located, unless a sign extending higher would not impair the function of the windows nor be incompatible with the facade details;

(2) The top of the wall to which the sign is attached; or

(3) Twenty (20') feet above the finished grade, except for second or third floor use signs otherwise permitted by the provisions of this chapter.

(b) Freestanding signs. No permanent freestanding sign shall extend to an elevation higher than eleven (11') feet above the level of the street nearest to which the sign is located. ~~Signs may be freestanding only if specifically permitted to be freestanding by the provisions of this chapter or by the Planning Director pursuant to the provisions of~~

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10-9.405 4 Illumination and sound.

(a) No sign shall flash, blink, or emit a varying intensity of light or color, or make or emit sound, or emit smoke or any other substance.

(b) Light sources shall be concealed or shielded to prevent light spillage, glare, momentary blindness or other annoyance, disability, or discomfort to persons within view of the light sources.

(c) Exposed light sources, such as light bulbs, neon tubes, and fluorescent tubes, or any interior lighted sign with transparent or translucent faces shall be permitted only if specifically approved by Sign Review.

Final approval shall be withheld until the inspection of the installed sign by a Town official designated by the Planning Director and until any adjustment has been made which such official requires to insure that the sign's light, in relation to the surrounding light, is not so intense that the sign is rendered ineffective or causes glare or other annoyance to passersby or neighbors. (~~§ 2, Ord. 1010, eff. October 28, 1999~~)

more than five (5') feet in diameter, constructed so that any part of the sign moves or appears to move or to be

10-9.406 5 ~~Content and~~ Changeable copy.

(a) Signs intended for changeable copy shall be prohibited, except for the following:

(1) ~~Schools,~~ theaters, auditoriums, meeting halls, churches, plant nurseries, or other uses determined by the Planning Director to be similar, which uses have changing ~~pro-grams~~ programs or events; and

(2) Office buildings, shopping centers, and other multi use premises, but in such cases limited to a listing of uses, containing not more than ten (10) square feet.

(3) Any non-commercial sign may be substituted for any permitted commercial sign permitted by this section subject to Sign Review where applicable to commercial signs.

(b) Signs, ~~including, but not limited to, billboards,~~ shall be prohibited which have more than ten (10%) percent of their area devoted to one or more product emblems, trademarks, or brand names other than the name under which the use is conducting its business. (~~§ 2, Ord. 1010, eff. October 28, 1999~~)

10-9.407 6 Material and form.

(a) All signs erected or maintained pursuant to the provisions of this chapter shall be finally anchored, shall comply with all reasonable requirements for public safety, and shall meet the requirements of all other applicable governmental enactments.

(b) The following signs shall be prohibited:

(1) Signs containing ~~luminous, day-flow~~ reflective, or fluorescent colors or materials, **or which twirl, move, or flash;**

(2) ~~Banners, p~~ Pennants, and/or streamers, except that they may be displayed for not more than ten (10) days during the operation of a temporary fair, carnival, circus, or athletic event;

(3) Signs, other than a street clock with a face not

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animated;

(4) Signs affixed to vehicles or other movable objects, except as specifically permitted by the provisions of Article 3 of this chapter; and

(5) Signs imitating or resembling an official traffic control device. (§ 2, Ord. 1010, eff. October 28, 1999)

(6) Permanent Banners

10-9.408 7 Design review allowances.

Notwithstanding the foregoing provisions of this article, the Planning Director, under the circumstances set forth in this section, may take the following action ~~with-~~
~~out~~ without granting a variance:

(a) ~~He The Director may e~~Exclude frames, borders, and other similar architectural amenities from the computation of the area of a sign if ~~he finds~~ it is found that that:

(1) The failure to so exclude such amenities would unreasonably restrict the sign message area permitted the applicant; and

(2) The amenities so excluded would serve primarily to enhance or compliment the overall appearance of the building rather than to emphasize the sign message.

(b) ~~He The Director may f~~Transfer a sign from the ~~primary~~ building face to ~~another wall or to~~ a freestanding sign location if it is found ~~he finds~~ that such alternate location is necessary to overcome a disadvantage caused by an unfavorable orientation of the ~~primary~~ building face to the street or by an exceptional setback. In such cases the sign application shall clearly indicate that the alternate location would be more practical, effective, and complementary to the design of the building.

(c) ~~He The Director may p~~Permit a sign to project at right angles from the primary building face if it is found ~~he finds~~ that:

(1) Such projecting sign would enhance the appearance of the building or would promote the public safety to a greater extent than would a sign parallel to ~~the~~ ~~primary~~ a building face; and

(2) Such projecting sign would not have the effect of canceling out any other existing permitted signs, nor of making it more difficult to identify any other business located in the area.

Any projecting sign so permitted ~~shall be of natural or transparent stained wood~~, shall extend not more than forty-two (42") inches into the public right-of-way, shall contain not more than six (6) square feet on each side, shall not be more than six (6") inches thick, and shall, at its lowest point, be no less than eight (8') feet above grade. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.409 Posting signs on fences, trees, buildings, and public property.

It shall be unlawful to post, stick, stamp, paint, affix, or cause any notice, placard, bill, poster, or advertisement to be placed upon any sidewalk, crosswalk, curbing, hydrant,

~~shade tree, tree box, fence, enclosure, building, telephone pole, telegraph pole, or electric lighting pole,~~

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except as otherwise provided in this chapter. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 7. 5. Sign Review Applications

~~10-9.701~~ 501 Form: Fees.

Each person or entity desiring to erect or maintain a sign which is subject to Sign Review or which requires a variance shall make a written application to the Planning Director on an application form designated by the Planning Director. Such application shall:

- (a) Include the plans of the sign drawn to scale and show the proposed location of the sign;
- (b) Contain a complete color scheme for the sign, including accurate color samples;
- (c) Contain sufficient other details of the proposed sign to show that it complies with the provisions of this chapter, or to indicate those respects in which it does not comply and for which a variance is sought, including without limitation a complete listing of all variances sought; and
- (d) Include such other information and be submitted in such reasonable number of copies as is from time to time required by the regulations of the Planning Director.

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- (e) Include the plans of the sign drawn to scale and show the proposed location of the sign;
- (f) Contain a complete color scheme for the sign, including accurate color samples;
- (g) Contain sufficient other details of the proposed sign to show that it complies with the provisions of this chapter, or to indicate those respects in which it does not comply and for which a variance is sought, including without limitation a complete listing of all variances sought; and
- (h) Include such other information and be submitted in such reasonable number of copies as is from time to time required by the regulations of the Planning Director.

All applications shall be accompanied by the written consent of the record owner of the property upon which the sign is proposed to be erected or by other evidence that the applicant is entitled to erect and maintain the sign. Where several signs are proposed for the same use, all such signs may be included on a single application. A fee established by resolution shall be paid at the time of filing each sign application or requested variance. ~~When a sign is erected prior to obtaining approval, the application fees as specified in the resolution shall be doubled. (§ 2, Ord. 1010, eff. October 28, 1999)~~

~~10-9.702~~ **Filing date.**

~~The filing date of a sign application shall be the date on which the Planning Department receives the last plan or other material required as a part of that application. (§ 2, Ord. 1010, eff. October 28, 1999)~~

~~10-9.703~~ **502 Action on applications.**

Design approval and/or one or more sign variances may be granted by the ~~Design Review Committee~~ **Planning Commission** in conjunction with its approval of plans for the improvement of the premises on which it is proposed to erect the sign, but the regulations, criteria, and other provisions of this chapter, other than those requiring a separate sign application, shall nevertheless be fully applicable to the sign or signs. Any such action with respect to a sign shall be specifically stated in the applicable resolutions of the ~~Design Review Committee~~ the **Planning Commission** and neither design approval nor any variance shall be deemed to have been granted for a sign simply because sign plans or other details were included as a part of a larger submission and were not specifically disapproved. No approval of a sign design or granting of a sign variance shall constitute a finding that a sign complies with any requirements other than those specifically set forth in this chapter, nor shall any such approval constitute a waiver of any such other requirements. (§ 2, Ord. 1010, eff. October 28, 1999)

~~10-9.704~~ **503 Expiration and extension of Sign Review approval.**

Each Sign Review approval and each sign variance shall expire ~~six (6) months~~ **one (1) year** after the date it is granted

unless, prior to such expiration date, the erection of the sign approved or for which the variance was granted has been completed or is under way on such date and is thereafter diligently pursued to completion. Prior to the original expiration date of a Sign Review approval or sign variance, the applicant may apply for an extension of such approval for up to ~~six (6) months~~ **one (1) year** from the date of expiration by submitting a written statement to the Planning Director showing good cause. ~~One such extension shall be granted by the Design Review Committee, with such minor modifications as the Committee deems desirable, unless it finds that there has been a substantial change in circumstances which make such extension inappropriate, but no more than one such extension may be granted. (§ 2, Ord. 1010, eff. October 28, 1999)~~

Article 5. 6. Sign Review

~~10-9.504~~ **601 Design.**

Where the provisions of this chapter specify that a sign is subject to Sign Review, the person or entity proposing to erect and maintain such sign shall submit an application to the Planning Department in accordance with the provisions of Article ~~7~~ **5** of this chapter. The design proposed for such sign shall thereafter be reviewed by the Planning Director in light of the criteria set forth in Section 10-9.502 ~~603~~ of this article. Where the provisions of Article 3 of this chapter specify that a sign is subject to Sign Review but do not specify any size limit for such sign, size limitations which are appropriate in light of the criteria set forth in Section 10-9.502 ~~603~~ of this article shall be imposed by the Planning Director if necessary. Each Sign Review application shall be approved, with or without modifications, conditionally approved, or disapproved by the Planning Director as applicable. Guarantees, sureties, or other means of insuring compliance with the requirements of the Planning Director or of any applicable governmental enactment may be required with, or as a condition of, any approval. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.602. Review of Sign.

Sign review may be acted upon by either (1) the Planning Director, or (2) the Planning Commission, upon completion of one or more public hearings on the sign. The following identifies which sign applications may be acted upon by the Planning Director and which applications shall be acted upon by the Planning Commission:

(a) Planning Director

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(1) Permanent commercial signs meeting the requirements of Section 10-9.302 of Article 3 of this chapter and Article 4 of this chapter.

(2) Permanent non-commercial signs meeting the requirements of Sections 10-9.302(g) and 10-9.304(r).

(3) Murals.

The Planning Director may refer any of the above to the Planning Commission if, in the opinion of the Planning Director, review by the Commission is desirable.

Should a property require more than one planning application, and should any of those applications require Planning Commission review, then all planning applications associated with the property shall require Planning Commission review.

(b) Planning Commission.

(1) Sign review applications referred by Planning Director;

(2) All other sign review applications;

(3) All sign variance applications.

10-9.502 603 **Criteria for review.**

In reviewing each sign application the Planning Director **or Planning Commission** shall determine that the significant elements of the proposed sign and of its design:

(a) Are of a size, shape, material, style, letter type, and color appropriate for the use and are aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area;

(b) Will not impair or interfere with the orderly and pleasing development, use, or enjoyment of other property in the surrounding area, including public lands and rights-of-way; and

(c) Will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to:

(1) The scale, mass, height, area, and materials of adjacent buildings and structures, including other signs;

(2) Areas and rights-of-way for the containment, movement, or general circulation of persons, animals, and vehicles; and

(3) Other developments or improvements which may suffer a diminution or elimination of sun and light exposures, views, vistas, and privacy. (§ 2, Ord. 1010, eff. October 28, 1999)

(d) Are consistent with the purposes of this chapter as outlined in 10-9.101 above.

Article 6. 7. Variance. s:

10-9.604 701 **Variance. s:**

Subject to the limitations set forth in this article, the

~~Design Review Committee~~ **Planning Commission** may grant one or more variances in order to permit the erection and/or maintenance of signs not otherwise permitted by this chapter. The ~~Committee~~ **Planning Commission** shall not grant any variance unless it finds that:

(a) The strict application of the provisions of this chapter would result in unreasonable practical difficulties or in, unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his or her use or property and are not present generally, or that the strict application of the provisions of this chapter would bring about results inconsistent with the purposes and intent of this chapter; and

(b) That the granting of such application would not adversely affect the public health, safety, or welfare or be detrimental to or endanger or depreciate the property located in the surrounding area.

In the case of noncommercial signs, the Planning Commission shall not consider the content of the signs in deciding whether to grant or deny a variance.

In considering each application for a variance, the ~~Design Review Committee~~ **Planning Commission** shall interpret the provisions of this section narrowly in order to give maximum effect to the other provisions of this chapter and shall require the applicant to demonstrate by ~~clear and convincing~~ **substantial** evidence ~~his~~ **the** entitlement to each variance sought.

The granting of one or more variances shall not, by itself, constitute an approval of the design of a sign, but, rather, the ~~Design Review Committee~~ **Planning Commission** shall also consider, in the manner provided in Article ~~5~~ **6** of this chapter, the design of each sign for which it grants a variance. The foregoing notwithstanding, any variance granted shall be applicable only to the particular design of the sign as eventually approved by the ~~Design Review Committee~~ **Planning Commission** in its conduct of Sign Review, and any sign erected pursuant to a variance shall be erected upon the express understanding and condition that upon any change in the use of the premises associated with the sign, the sign shall be removed unless the ~~Design Review Committee~~ **Planning Commission** expressly grants an appropriate variance for a sign for the new use. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 8. Appeals

10-9.801 **Appeals.**

Any person in interest may file with the ~~Council~~ **Town** an appeal of any approval, disapproval, interpretation, or similar action by the Planning Director pursuant to the provisions of this chapter. Such appeal shall be subject to the same provisions as are set forth in the ~~Design Review regulations with respect to appeals~~ **Chapter 4 of Title 1.** Any such approval, disapproval, or interpretation which is not so appealed shall become final upon the expiration of

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ten (10) days after such action is taken. (~~§ 2, Ord. 1010, eff. October 28, 1999~~)

Article 9. Nonconforming Signs

10-9.901 Nonconforming signs.

~~Any sign legally erected and maintained prior to January 7, 1971, and which does not conform with the Provision of this chapter, may continue until the happening of the first of the following events, at which time the sign shall be removed or modified to conform with the provisions of this chapter:~~

~~(a) The building upon which such sign is located is repainted, repaired, altered, modified, or changed in any manner, unless the cost of such work does not exceed five (5%) percent of the Assessor's most recent appraisal of fair market value of the building;~~

~~(b) Such sign is repaired, altered, modified, or changed in any manner, except that normal painting and maintenance which does not change the advertising on the surface sign space nor change the letters, figures, or~~

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~~10-9.901~~

~~characters on the sign shall not require the correction of the nonconformity; or~~

~~(e) Three (3) years have elapsed since the initial erection of the sign or, if the original cost of the sign was more than Three Hundred and no/100ths (\$300.00) Dollars, seven (7) years have elapsed since its original erection; provided, however, nothing in this subsection shall require the removal or modification before January 7, 1972, of any sign which originally cost more than Three Hundred and no/100ths (\$300.00) Dollars.~~

~~The foregoing provisions notwithstanding, any sign painted on a building face prior to January 7, 1971, which sign does not conform with the provisions of this chapter, shall be painted out to match the colors of the surrounding building surface within 180 days after January 7, 1971.~~

~~Following the occurrence of the event requiring the removal or modification of a sign, the Planning Director shall give a final notice of nonconformance to the owner. The sign shall be removed within sixty (60) days after such notice. (§ 2, Ord. 1010, eff. October 28, 1999)~~

~~Article 10.9. Interpretation and Enforcement~~

~~10-9.1001 901 Interpretation.~~

~~The Planning Director, upon the request of an actual or potential sign applicant, shall decide any question involving the interpretation of any provision of this chapter. (§ 2, Ord. 1010, eff. October 28, 1999)~~

~~10-9.1002 902 Removal of unsafe, unlawful, or unnecessary signs.~~

~~The following signs may be determined by the Planning Director to be public nuisances. Any sign which:~~

- ~~(a) Becomes unsafe, insecure, or a menace to the public;~~
- ~~(b) Is constructed, erected, or maintained in violation of this chapter;~~
- ~~(c) No longer advertises a bona fide business being conducted on the premises on which it is located; or~~
- ~~(d) Falls into disrepair or takes on an appearance due to the lack of maintenance.~~
- ~~(e) **Contains defamation, obscenity, fighting words, or would otherwise constitute a clear and present danger, constituting unprotected speech as determined by a court of competent jurisdiction.**~~

~~Any temporary sign determined by the Planning Director as a public nuisance under subsections (a) through (d) **(e)** of~~

this section may be summarily removed and retained by the Planning Director **without the right to an appeal prior to removal. Before removal the Planning Director shall endeavor to notify the person responsible for the erection or maintenance of the sign with a written notice as much in advance as circumstances permit before action is taken. However, inability to locate or notify the owner will not prevent the sign's removal.**

Any such confiscated sign may be redeemed by the owner within five (5) days upon the payment of a fee established by resolution to cover the costs and expenses of enforcement.

Any permanent sign determined by the Planning Director to be a public nuisance under subsections (a) through (e) of this Section will not be removed before notice and an opportunity for hearing is provided to the person responsible for its erection or maintenance by the Director with the right to an appeal as set forth in Section 10-9.801 above. (§ 2, Ord. 1010, eff. October 28, 1999)

~~10-9.1003 903 Compliance with other laws.~~

Compliance with the provisions of this chapter shall not relieve any person or entity from complying with the applicable provisions of **other local regulations or** any other governmental enactment or order, including, without limitation, those of the Public Utilities Commission of the State. (§ 2, Ord. 1010, eff. October 28, 1999)