

ORDINANCE NO. 1048

An Urgency Measure Amending Chapter 9 of the San Anselmo Municipal Code for the Immediate Preservation of the Public Safety, Health, and Welfare in the Town Of San Anselmo.

THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS FOLLOWS:

SECTION 1: Findings

The Town's regulations have historically regulated signs, including banners, murals and billboards, in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the Town and its citizens and visitors from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the location and physical characteristics of signs and images within the Town has had a positive impact upon traffic and pedestrian safety and the appearance of the Town.

Chapter 9 of the San Anselmo Municipal Code, commonly known as "The Sign Ordinance" is undergoing review for possible changes and updating to conform to the latest court rulings. However, it is imperative that Chapter 9 be immediately amended in certain operative respects to broaden the enactment's applicability and halt the current disorder and visual pollution detrimentally affecting the public safety, health and welfare in the Town.

SECTION 2: Amendments

SECTION 10-9.102 is added, as follows:

10-9.102 Message Substitution

For the purposes of this chapter, the following shall apply to signs on private land and on "traditional public forum areas" (town parks, town sidewalks and the surfaces of

town streets) permitted in San Anselmo :

Subject to the property owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of permanent signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message, and does not allow one particular on-site commercial message to be substituted for another without a permit. Other than traditional public forum areas, this policy does not apply to property owned or controlled by the Town.

SECTION 10-9.303(c) is deleted.

A new SECTION 10-9.304 is added entitled: Non Commercial Signs

Noncommercial signs: Subject to consent of the owner(s) and/or tenant(s), a residential use may display one or more signs displaying noncommercial messages, so long as the total display area does not exceed 18 square feet. Noncommercial signs shall not be posted on trees, or above the roofline of any building. This subsection shall not, however, be construed to prohibit an individual from posting a noncommercial sign not exceeding six (6) square feet on a private automobile or vehicle.

SECTION 10-9.304 is renumbered SECTION 10-9.305.

SECTION 10-9.305 (o) is hereby repealed.

SECTIONS 10-9.305 (p), (q) and (r) are re-lettered (o), (p) and (q).

SECTION 10-9.305 is renumbered 10-9.306.

SECTION 10-9.406(a) is amended to read:

10-9.406 Content and copy.

(a) Changeable copy is prohibited, except for the following:

(1) Theaters, auditoriums, meeting halls, churches, schools or other assembly uses, which have changing programs or events (regardless of zone); and

(2) Multi-use premises such as office buildings and shopping centers.

SECTION 3: Adoption

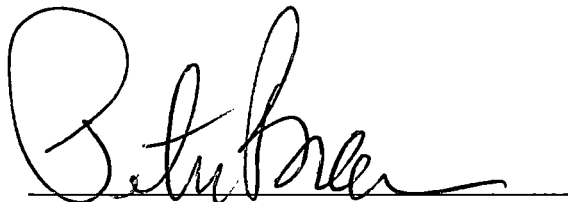
PASSED AND ADOPTED AT A REGULAR TOWN COUNCIL MEETING HELD ON NOVEMBER 22, 2005.

AYES: Breen, Cooper, Kroot, Thornton

NOES: (None)

ABSENT: Chignell

ABSTAIN: (None)



Mayor Peter Breen



Barbara Chambers, Town Clerk