TOWN OF SAN ANSELMO
ORDINANCE NO. 1053

AN ORDINANCE OF THE TOWN OF SAN ANSELMO REVISING
CHAPTER 9 OF TITLE 10 KNOWN AS THE SIGN ORDINANCE

WHEREAS, the Town Council, adopted an Interim Ordinance as an Urgency Measure on September 27, 2005 at a public hearing prohibiting the erection and maintenance of new permanent signs, including murals and billboards during a period when the “Sign Ordinance” was undergoing review for possible changes and constitutionality, to expire on January 25, 2006;

WHEREAS, the Town Council extended the Interim Ordinance on October 25, 2005 at a public hearing, to expire on January 24, 2006;

WHEREAS, the Town Council adopted an Urgency Ordinance on November 22, 2005 at a public hearing to permit message substitution and non commercial signs.

WHEREAS, the Town Council extended the Interim Ordinance on January 10, 2006 at a public hearing, to expire on January 24, 2007.

WHEREAS, the Town Council held a duly noticed public hearing on November 28, 2006 to introduce the Sign Ordinance, received comments from staff and the audience, and took the following action: 1) Introduced the Sign Ordinance as Title 10, Chapter 9: Signs on Private Properties, waived the initial reading, and continued for adoption at their meeting on December 12, 2006; and 2) Referred the draft Sign Ordinance Title 10, Chapter 10: Signs on Town Properties back to staff to prepare in the form of a Town Council Resolution concerning “Signs on Town Properties”, and to amend the draft language for Street Banners and the Hub Sign; and

WHEREAS, the Town Council held a duly noticed public hearing on December 12, 2006, received comments from staff and the audience, and took the following action: 1) Approved the Negative Declaration of Environmental Impact and adopted the Sign Ordinance as Title 10, Chapter 9: Signs on Private Properties; and 2) Adopted a Resolution setting policy for Signs on Town Properties.

ACCORDINGLY, the Town Council of the Town of San Anselmo HEREBY FINDS as follows:

Environmental Determination

That the project will not have a significant adverse impact on the environment.
The sign ordinance revisions 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 revisions would further the purpose and intent of the Sign Ordinance, which includes the preservation and enhancement of the aesthetic appearance and natural beauty of the Town; to serve the public interest in safety, both pedestrian and traffic; to safeguard and protect the public health, safety, and welfare through appropriate prohibitions, regulations and controls on the design, location, and maintenance of signs; to enhance the visual attractiveness of the Town, for residents and visitors; to accommodate the need for orderly expression in traditional public forum areas, such as streets, parks and sidewalks; and to advance the goals, strategies and policies of the General Plan.

Ordinance

That the Ordinance is consistent with the General Plan.

The Sign Ordinance would be consistent with the General Plan, specifically: the Land Use Goals to preserve the small town character, scale, and pace of life in San Anselmo; and to maintain the economic viability of the Town's commercial core.

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN that the Zoning Ordinance shall be amended as follows:

TITLE TEN, CHAPTER NINE, ARTICLE ONE - INTRODUCTION

10-9.101 Name and Title. This Chapter shall be known as the Sign Ordinance of the Town of San Anselmo.

10-9.102 Authority. This Chapter is adopted pursuant to California Government Code sections 65000 et seq., 65850(b), 38774, 38775, Business and Professions Code sections 5200 et seq. and 5490 et seq., Civil Code section 713, and other applicable State laws.

10-9.103 Scope. This Chapter regulates all signs which are not regulated by Chapter 10 (10-10, Signs on Town Property) or Title 3, Chapter 5 (closing of streets temporarily). This Chapter consolidates and updates all general provisions relating to the installation, regulation and amortization of signs within the defined scope, throughout the Town.

10-9.104 Applicability. The standards of this Chapter apply to signs in all zoning districts.

10-9.105 Balancing. This Chapter states the policy decisions regarding display of signs, made by the Town Council after carefully balancing many competing factors and interests, and after considering the recommendations made by a Citizens Advisory
10-9.106 Purpose and Intent. The purposes of this chapter include, but are not limited to, the following:

(a) To preserve and enhance the aesthetic appearance and natural beauty of the Town;

(b) To serve the public interest in safety, both pedestrian and traffic;

(c) To promote safe construction of signs;

(d) To safeguard and protect the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs;

(e) To protect and enhance property values by encouraging signs which are compatible with, and complimentary to, related buildings and uses, and harmonious with their surroundings.

(f) To enhance the visual attractiveness of the Town, for residents and visitors.

(g) To advance the objectives of the General Plan.

ARTICLE TWO - BASIC POLICIES

10-9.201 Scope. The policies, rules and regulations stated in this section apply to all signs within the regulatory scope of this Chapter and to all provisions of this Chapter, notwithstanding any more specific provisions to the contrary.

10-9.202 Permit Generally Required. Only signs authorized by this Chapter may be built, displayed, erected or maintained within the Town. All signs are subject to a permit requirement, unless expressly exempted. Signs exempted from the permit requirement still must satisfy all applicable rules.

10-9.203 Message Substitution. 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 authorized 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. In addition, on non-residential uses, any display area for permanent signs which is unused may be used for display of non-commercial messages on temporary signs for a maximum of 90 days in any one calendar year. 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 (a)
does not create a right to increase the total amount of permanent signage on a parcel, lot or land use; (b) does not affect the requirement that a sign structure or mounting device be properly permitted; (c) does not allow a change in the physical structure of a sign or its mounting device; or (d) does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message. However, simple face changes not involving off-site commercial advertising or changes to the physical structure or mounting device of the sign may be made without further permitting when the sign structure has already been permitted and is in full compliance with all applicable laws, rules and regulations.

10-9.204 Enforcement. The Director is authorized and directed to enforce and administer the provisions of this Chapter.

10-9.205 Interpretation. Interpretations of this Chapter shall be made initially by the Director, whose decision may be appealed in the same manner as any other sign-related decision. All interpretations of this Chapter are to be exercised in light of the message substitution policy and the purposes and intent of this Chapter. Where a particular type of sign is erected, displayed or proposed, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a “structure” as defined in the Zoning Code or the Building Code, then the Director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter, in light of the policies stated in this Chapter.

10-9.206 On-Site / Off-Site Distinction. Within this Chapter, the distinction between onsite (or on-premise or point-of-sale) and offsite (or off-premise or non-point-of-sale) applies only to commercial speech messages.

10-9.207 Billboard Policy. Billboards are prohibited. The Town completely prohibits the construction, erection or use of billboards. No permit shall be issued for any billboard which violates this policy, and the Town will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the Town Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Chapter. The Town Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by Business and Professions Code section 5412, so long as such agreements are not contrary to state or federal law.

10-9.208 Non-Communicative Aspects. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
10-9.209 Discretionary Approvals. Whenever any sign permit, variance, conditional use permit, Sign Program or Special Planning Area approval, or other sign-related decision, is made by any exercise of official discretion, such discretion shall be exercised only as to the non-communicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale and mass of the structure, etc. Graphic design may be evaluated only for compliance with a Uniform Sign Program, and then only as to commercial message signs.

10-9.210 Mixed Uses or Overlay Districts. Wherever both residential and non-residential uses are allowed on the same parcel, the sign-related rights and responsibilities applicable to that parcel or land use shall be determined as follows: residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and non-residential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or other discretionary process.

10-9.211 Legal Nature of Sign Rights. As to all signs attached to real property, the signage rights, duties and obligations arising from this Chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.

10-9.212 Owner's Consent. No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.

10-9.213 Prospective Regulation. This Chapter applies only to signs whose structure or housing has not been permanently affixed to its intended premise on the date on which the ordinance or regulation is adopted. This Chapter does not affect signs which were legally installed and which exist as of the date this Chapter first takes effect. This provision does not legalize existing signs which were built, constructed or erected without required permits or other approvals.

10-9.214 Severance. If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the Town Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

ARTICLE THREE - DEFINITIONS

10-9.301 Scope. For the purposes of this chapter, the following words and phrases have the definitions stated in this section. Grammatical inflections shall be adapted to the context. For words not defined in the Article, other definitions may be applied from other sources, in
this order: first, from the Zoning Code (10-3.1701); second, from any applicable definition elsewhere in the Zoning Code; third, from any applicable definition in Town law; fourth, from any applicable definition in California statutory or decisional law; fifth, from any applicable definition in any respected dictionary of the English language; and sixth, from common usage, as applied to context.

10-9.302 Definitions. Defined words are listed in alphabetical order.

A-Frame: a type of portable sign with a frame in the shape of the letter A. Also within this definition are frames in the shapes of the letters T and H.

Abandoned sign. Any sign which is located on a premises that has been vacated for a period of more than 180 days, or any sign which has displayed a blank face for at least 180 consecutive days.

Animated sign: A sign with messages that visually change more frequently than once every twenty-four (24) hours, regardless of the method by which the visual change is effected. This definition does not include traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs which merely display time, temperature, road conditions, weather information, news or stock market information. Animated signs include electronic message signs, sometimes called electronic readerboards. (Contrast: changeable copy sign.)

Area (of a sign). The surface area of the message display portion, or communicative elements, of a sign. The method of calculation is given in 10-9.1001.

Automated Teller Machines (ATMs). A mechanical device that allows for automated banking services to be performed.

Awning Sign. A visually communicative element placed upon an awning.

Billboard. A sign for which the message display exceeds 32 square feet and is mounted on a permanent structure, that meets any of these criteria: (1) A permanent structure sign which is used for the display of offsite commercial messages; (2) A permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located; (3) A permanent structure outdoor sign used as advertising for hire, e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when the message on the sign qualifies as “on-site” as defined herein), for a rent or other consideration. Authorized temporary signs which display off-site commercial messages are not within this definition.

Changeable copy sign. A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each twenty four hour period. Examples include signs for an auditorium, theater, church, meeting hall or similar assembly use having changing programs or events, or gas station prices, not including electronic reader board signs. (Contrast: animated sign.)
Commercial mascot. A person or animal attired or decorated with commercial insignia, images or symbols, and / or holding signs displaying commercial messages. Includes sign twirlers and sign clowns, but does not include hand-held signs displaying non-commercial messages.

Construction sign: A sign displayed on the site of a construction development project during the period of time of actual construction.

Copy: Any letters, numerals, or symbols displayed on a sign face to convey a message to the public.

Director: The Planning and Building Director of the Town, or designee.

Drive-through service sign: A sign mounted on the premises of an establishment which provides services to customers or clients while they are in their vehicles and which is a part of such drive-through service.

Erect and maintain. 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.

Establishment. Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code and the presence of human beings on the premises more than thirty-two (32) hours per week. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries but does not include single family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums.

Exempt Sign. A sign which may be legally displayed, erected or maintained, but is not subject to a sign permit.

Face: That portion of a sign upon which the communicative copy or graphic image is mounted or displayed.

Face Change. A change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device. Does not include changeable image signs.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Freestanding Sign. A permanent sign that is self-supporting in a fixed location and not attached to a building. It includes a sign connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs are of two types: monument and pole. However, flag poles are not within this definition.
Garage sales. The occasional non-business public sale of used, secondhand or home-made household goods, conducted from a residential use. Does not include any event for which a business license or an auctioneer's license is required. Includes estate, yard and moving sales events.

General advertising. The business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising; also known as advertising for hire.

Governmental sign. Any temporary or permanent sign erected and maintained by or required by the Town, County, State, or Federal government for the purpose of providing official governmental information to the general public, including but not limited to: traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.

Hand-held sign. A sign which is physically held by hand, or attached to the body of, a person or animal.

Home occupation sign. A sign located at a residence advertising a business or profession legally conducted within the residence.

Illuminated sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

Menu / order board sign. A sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers.

Informational sign. A sign displayed on an establishment which provides functional information to the public, such as hours of operation, credit cards accepted, restroom and telephone facilities, entrances and exits, etc.

Monument sign. A freestanding sign constructed upon a solid-appearing base or pedestal. This definition applies to pole signs when the poles have been covered by cladding, and thus are not visible.

Moving image sign. A sign that displays an image that moves or appears to move more frequently than once per minute, whether such motion or apparent motion is produced by electronic, mechanical or other means. Signs that glitter, sparkle or reflect light are within this definition. This definition does not include signs on which the only change is a periodic price change for the product or products customarily sold on premises and on which the location, size and color of the numbers remains constant.

Name plate. A sign that identifies the occupant and / or address.

Non-commercial sign. A sign, or portion of a sign, which displays non-commercial speech, e.g., commentary or advocacy on topics of public debate and concern. This definition shall
be construed and interpreted in light of relevant court decisions. Non-commercial messages
do not have a location factor, such as on-site or off-site.

**Non-communicative aspects.** Those aspects of a sign which are not directly
communicative, such as physical structure, mounting device, size and height, setback,
illumination, spacing, density, scale and mass relative to other structures, etc.

**Off-site or off-premise sign.** A sign that identifies, advertises or attracts attention to a
business, product, service, event or activity sold, existing or offered at a different location
(subject to the qualifications stated in the definition of "On-Site Sign"). The off-site / on-site
distinction applies only to commercial messages.

**On-site or on-premise sign.** Any sign or portion thereof that identifies, advertises, or
attracts attention to a business, product, service, event or activity sold, existing or offered
upon the same property or land use as the sign. The off-site / on-site distinction applies only
to commercial messages. In the case of multiple tenant commercial or industrial
developments, a sign is considered “onsite” whenever it is located anywhere within the
development. In the case of a duly approved Sign Program or Special Planning Area, a sign
anywhere within the area controlled by the Program or SPA is “onsite” when placed at any
location within the area controlled by the Program or SPA.

**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a
message of any kind, attached to a rope, wire, or string, usually in a series, designed to
move in the wind and attract attention. Flags are not within this definition.

**Pole sign.** A freestanding sign supported by one or more metal or wood posts, pipes, or
other vertical supports. (Contrast: monument sign.)

**Portable sign.** Any sign not permanently attached to the ground or other permanent
structure, or a sign designed to be transported. Portable signs include, but are not limited to,
signs on wheels or skids; signs configured as A-frame or T-frame; menu and sandwich
board signs; and umbrellas used for advertising. Clothing or other aspects of personal
appearance are not within this definition (see “Commercial Mascots”).

**Primary building face.** 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 there from.

**Readerboard.** A type of animated sign using electronic or mechanical means to produce
changing images or the appearance of motion, or both.

**Real estate sign.** Any sign, temporary in nature, the copy of which concerns a proposed
sale, rent, lease or exchange of real property. This definition does not include occupancy
signs at establishments offering transient occupancy, such as hotels, motels and “bed and
breakfast” facilities.
**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Safety codes.** A collective term that includes codes for building, electrical, plumbing, demolition, grading, etc.

**Shopping Center.** A group of stores that are planned, developed, and designed as a unit containing a minimum of four retail establishments and managed as a single property, the premises of which include or are surrounded by private walkways or a private parking lot.

**Sign.** Any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating with the public, when such image is visible from any public right-of-way. "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. Notwithstanding the generality of the foregoing, the following are not within this definition:

* Aerial signs or banners towed behind aircraft.

* Automated Teller Machines (ATMs) when the lettering is not wider than the machine.

* Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function;

* Barber poles displayed outside establishments providing hair cutting and styling services

* Fireworks, etc.. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Chapter;

* Foundation stones and cornerstones;

* Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;

* Historical plaques;

* Holiday and cultural observance decorations on private residential property which are on display for not more than 45 calendar days per year (cumulative, per parcel or use) and which do not include commercial advertising messages.

* Interior signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, or located on the inside of a building and at least five feet from the window, provided the building or enclosed structure is otherwise legal.

* Manufacturers' marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.
* Mass transit graphics. Graphic images mounted on duly licensed mass transit vehicles that legally pass through the Town;

* Merchandise on public display and presently available for purchase on-site;

* Newsstands and newsstands;

* Overhead signs: Graphic images which are visible only from above, such as those visible only from airplanes or helicopters, when such images are not visible from the street surface or public right-of-way;

* Party jumps. Inflatable, temporary, moveable, gymnasium devices commonly used for children’s birthday parties, and similar devices.

* Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots or hand-held signs);

* Search lights and klieg lights when used as part of a search and rescue or other emergency service operation; this exclusion does not apply to search lights or klieg lights used as attention attracting devices for commercial or special events;

* Shopping carts, golf carts, horse drawn carriages, and similar devices;

* Symbols embedded in architecture. Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; this exclusion also includes foundation stones and cornerstones;

* Vehicle and Vessel Insignia. On street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;

* Vending machines and product dispensing devices which do not display offsite commercial messages or general advertising messages;

* Window displays. The display of merchandise in a store window.

Sign permit. A written authorization from the Town to erect, maintain or display a sign.

Temporary sign. A structure or device used for the public display of visual messages or images, which is easily installed with common hand tools, or without tools, and which is not intended for or suitable for long term or permanent display, due to the lightweight or flimsy construction materials.
Visibility triangle. That portion of both public and private property at any corner bounded by the curb line or edge of a roadway of the intersecting streets and a line joining points on the curb or edge of the roadway 15 feet from the point of intersection of the extended curb lines or edges of the roadway.

ARTICLE FOUR - PERMITS, APPEALS AND SIGN-RELATED DECISIONS

10-9.401 Scope. This Article applies to all authorized signs which may be erected, maintained or displayed only by permit. The internal review and appeal procedures also apply to any other sign-related decision made by the Town, including but not limited to removal orders, revocation of permits, orders to abate, etc.

10-9.402 Right to Permit or to Build. When any sign permit application complies fully with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued within the required time. In the case of signs which are expressly exempt from the permit requirement, there is a right to erect, display and maintain such signs as are authorized by this Chapter, subject to the applicable rules.

10-9.403 (Reserved)

10-9.404 Notices. Written notices required within this Chapter shall be deemed given on the earliest of the following: when personally delivered, when publicly posted, or on the day of mailing. Notices sent by mail are deemed effective when sent to the last known address of the addressee.

10-9.405 Application for Sign Permit. Any person seeking a permit for a sign, for which a permit is required, shall submit to the Director a written application for such sign permit. The Director shall prepare a sign permit application form and provide it to any person on request. The same form may be used for both the application and the decision thereon. A single form may be used for multiple signs on the same site. A sign permit application is complete only when it is accompanied by the appropriate application fee, in an amount set by resolution of the Town Council. In the case of after-the-fact permitting, the otherwise applicable fee shall be doubled. The form may call for the following information:

(a) Name, address and telephone number of the applicant and, if applicable, the name, address, APN (Assessor's parcel number) and telephone number, as well as the license number, if any, of the sign contractor;

(b) Address and zoning district of the property where the sign is proposed to be displayed;

(c) Accurate, dimensioned, scaled site plan, in color, showing the location of property lines, buildings, parking areas, driveways, landscaped areas, utility poles and wires, and existing and proposed signs on the site; as to existing signs, information as to whether each is permitted or exempt from permitting;

(d) Accurate and scaled building and/or fence elevations showing existing and proposed building and fence signs, and accurate and scaled elevations showing existing and proposed signs located elsewhere on the property;
(e) Existing and proposed sign area of each individual sign and the combined area of all signs (including those already existing or previously permitted) in relation to the maximum allowed sign area;

(f) Written evidence of all owner's consents, such as land owner or lessor;

(g) A statement as to whether the sign is intended to be used in whole or in part for off-site commercial messages, advertising for hire or general advertising;

(h) A statement or graphical description as to whether the proposed sign, or any part of it, is proposed to utilize any of the following physical methods of message presentation: sound; odor, smoke, fumes or steam; rotating, moving or animated elements; activation by wind or forced air; neon or other fluorescing gases; fluorescent or day-glow type colors; flashing or strobe lighting; liquid crystal displays or other video-like methods; use of live animals or living persons as part of the display; mannequins or statuary.

(i) A statement as to whether the specific permitted use for which the sign is proposed to be erected or displayed, or any currently existing sign thereon associated with the specific permitted use, is the subject of any outstanding notice of zoning violation or notice to correct, including whether any such deficiencies are to be remedied by the proposed application;

(j) Photographs of the existing property, parcel and/or building on which the sign is proposed to be erected or displayed;

(k) In the case of any proposed sign which is subject to a discretionary process, such as a variance, conditional use permit, or sign program, all information required by such process(es).

(l) The Director is authorized to modify the list of information to be provided on a sign permit application; however, additions may be made only after thirty days public notice.

10-9.406 Completeness. The Director shall determine whether the application contains all the required information. If it is determined that the application is not complete, the applicant shall be so notified in person or in writing within thirty days of the date of receipt of the application; the notice shall state the points of incompleteness and identify any additional information necessary to render the application complete. The applicant shall then have one opportunity, within 30 calendar days, to submit additional information to render the application complete; failure to do so within the 30 day period shall render the application void.

10-9.407 Disqualification. No sign application will be approved if:

(a) The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of submission of the application, each illegal or non-permitted sign has not been legalized, removed or included in the application;
(b) There is any other existing zoning code violation located on the site of the proposed sign(s) with the same specifically permitted use (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different establishment) which has not been cured at the time of the application, unless the noncompliance is proposed to be cured as part of the application;

(c) The sign application is substantially the same as an application previously denied, unless: (i) 12 months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application;

(d) The applicant has not obtained any applicable required use permit or conditional use permit. However, applications for such permits may be processed simultaneously with a sign permit application.

10-9.408 Multiple Sign Applications. When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When a multiple sign application is denied in whole or in part, the Director’s written notice of determination shall specify the grounds for such denial.

10-9.409 Signs Which Are Part of a Project Necessitating Design Review. When Design Review approval is sought for a development that includes one or more signs, then the sign aspects of the proposed development must satisfy the applicable provisions of this Chapter. Such proposals shall be decided initially by the Planning Commission.

10-9.410 Revocation or Cancellation. The Director may revoke any approval or permit upon refusal or failure of the permittee to comply with the provisions of the permit or this Chapter after written notice of noncompliance and at least 15 calendar days opportunity to cure. The notice and opportunity to cure does not apply when a sign, by virtue of its physical condition, constitutes an immediate and significant threat to public safety.

10-9.411 Permits Issued in Error. Any approval or permit issued in error may be summarily revoked by the Town upon written notice to the holder, stating the reason for the revocation. "Issued in error" means that the permit should not have been issued in the first place.

10-9.412 Inspections. Inspection and approval of foundations are required when a sign includes a footing design. The purpose of such inspection is to allow the inspector to verify the size and depth of excavated footing, reinforcement method, etc. All signs subject to permit require final inspection and approval by the Building Official.

10-9.413 Expiration and Extension. Each duly approved sign permit and each sign variance or other formal approval shall expire one year after the date it is granted unless, prior to such expiration date, the approved sign has been erected and passed all final inspections, or is under way on such date and is thereafter diligently pursued to completion. Prior to the original expiration date of a sign permit or sign variance or other authorization, upon the applicant by the permittee, the permit or authorization will be extended one time only for twelve months from the original date of expiration.
10-9.414 Other Sign-Related Decisions. Challenges to or appeals of sign-related decisions other than approval or denial of a permit do not require a particular form, but must be in writing, signed by the applicant or challenger, and state the matter challenged and the grounds therefor. Such appeals shall use the same form as other zoning appeals.

10-9.415 Levels of Review. Except for signs subject to initial review by the Planning Commission, initial review of all sign permit applications shall be administrative, by the Director. Appeals go first to the Planning Commission and then to the Town Council, after which judicial review may be sought. Sign Program proposals and variance applications begin their formal review at the Planning Commission level, although the Director may perform an initial review and make recommendations to the Planning Commission.

10-9.416 Conditional Approval. A sign permit application may be approved subject to conditions, so long as those conditions are required by this Chapter or some other applicable law, rule or regulation.

10-9.417 Safety Codes. When a sign qualifies as a “structure” under the Building Code, a building permit shall also be required. Compliance with all applicable safety codes shall be a condition of all sign permits.

10-9.418 Permit Denial. When a sign permit application is denied, the denial shall be in writing and sent or delivered to the address shown on the applicant's application form, and shall state the grounds for denial.

10-9.419 Timely Decision. At each level of review or appeal, the decision shall be rendered in writing within thirty calendar days from the date the application is deemed complete (or is deemed approved because no notice of incompleteness has been given), or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed approved; in the case of an appeal, the lower level decision shall be deemed affirmed.

10-9.420 Appeal. Any decision on a sign permit application, or any other sign-related decision, may be appealed by any affected person.

10-9.421 When Appeal Right Arises. The appeal right arises at the earlier of: a) whenever a written decision is delivered to the applicant, or 2) the time for decision has run without a written decision. In this context, “delivered” means personally delivered or placed in the U.S. Mail, whichever occurs first.

10-9.422 Time and Method for Appeal. Any affected person may appeal any sign permit or other sign-related decision to the next level of review, so long as the notice of appeal is delivered to or received by the Town within ten calendar days of the subject decision (if the tenth calendar day falls on a day when Town Hall is closed, then the time period is extended until the next day that Town Hall is open). The appeal process is begun by filing a written notice of appeal with the Town Clerk within ten days of the decision, particularly stating the matter appealed from, and the grounds for the appeal.
10-9.423 Status Quo. During the pendency of review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes a significant and immediate threat to public safety.

10-9.424 Judicial Review. Following final decision by the Town Council, any appellant may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure Section 1094.8. Such review must be filed within 30 days of notice of final decision, unless State law otherwise requires.

ARTICLE FIVE - LOCATION, STRUCTURAL AND SAFETY RULES

10-9.501 Scope. The rules stated in this section regulate all signs within the scope of this Chapter, as applicable, whether a permit is required or the sign is exempt from the permit requirement.

10-9.502 Orientation - Non-Residential Uses. Unless a different orientation is specifically authorized, each sign shall be located on, and parallel to, the primary building face of the building, if any, in which the use is conducted.

10-9.503 Location. No sign may be placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right of way, by factors such as sight distance, tripping hazard, etc.

10-9.504 Prohibited Mountings. Other than official government signs or warning signs required by law, no sign shall be placed in median strips or islands, on retaining walls, bridges, benches, traffic signals, poles or utility equipment, street lighting, or utility poles or on traffic signs or traffic sign posts or supporting structures, or on utility poles or anchor wires or guy wires. No sign may be cut, burned, marked or in any other displayed on a cliff, hillside or tree.

10-9.505 Obstruction. No sign shall be mounted or displayed in such a manner that it blocks or impedes the normal pedestrian use of public sidewalks; a minimum of four feet sidewalk width clearance shall be maintained at all times.

10-9.506 Exits. No sign may be placed, mounted, erected or installed in any manner which obstructs the use of any door, window or fire escape.

10-9.507 Separation. No freestanding sign may be less than two feet from any other sign, building or structure.

10-9.508 (Reserved)

10-9.509 Intersection Visibility. Signs erected or maintained at or near any street intersection may not obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign shall be installed in the visibility triangle at intersections.

10-9.510 Confusing Similarity. No sign may be mounted or displayed when, by reason of position, shape or color, it may be confused with authorized traffic signs or signals.
10-9.511 Maximum Height. Signs located or mounted on buildings shall not extend any higher than the lowest of any of the following:

(a) the window sills (or bottom of the window line) of the floor above that on which the lowest portion of the sign is located, unless a sign extending higher would not impair the function of, or view from, the windows, and would not be incompatible with the facade details;

(b) the top of the wall to which the sign is attached;

(c) twenty feet above finished grade, except for second or third floor use signs which are otherwise authorized by this Chapter.

(d) freestanding signs may be permitted only under the variance procedure; in the case of freestanding signs, the variance procedure is limited as follows: no freestanding sign extend to an elevation higher than eleven feet above the level of the street which is nearest to the sign location.

10-9.512 Illumination and Sound. No sign shall flash, blink, or emit a varying intensity of light or color, or make or emit any sound, or emit smoke or vapors.

10-9.513 Light Sources. Light sources shall be concealed or shielded to prevent or minimize light spillage, glare, momentary blindness, or other annoyance, disability or discomfort to persons within the view of such light sources.

10-9.514 Exposed Lighting. Signs using exposed light sources, such as neon tubing, unshielded light bulbs or fluorescent tubes, or any interior lighted sign with transparent or translucent faces may receive final approval only when the Planning Commission finds that the light from the sign does not cause unreasonable glare or annoyance to passersby or neighbors. A permit to construct such a sign may be issued conditionally, and is not final until the Commission makes the necessary finding. Such finding may be made only at a duly noticed public hearing at which evidence is taken and a written decision is issued. The Planning Commission's inquiry shall not include consideration of the message content of the sign, and shall be restricted to the physical method of presentation of the message. Exterior lighting shall be designed to eliminate off-site spread of light through the use of hooded, low-level, low wattage light fixtures, which cast light in downward direction. Such lighting is permitted primarily for safety and security purposes, and must be unobtrusive and maintain privacy.

10-9.515 Materials and Form.

(a) All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.

(b) The following physical types of signs are prohibited, unless expressly allowed by another provision of this Chapter:
(1) signs using luminous, day-glow, fluorescent colors or materials, or reflective surfaces;

(2) to the extent not regulated by 3-5.1302, banners, streamers and pennants; however, such devices may be displayed for a maximum of ten consecutive calendar days during the operation of a temporary fair, carnival, circus, or athletic event;

(3) billboards;

(4) animated signs, moving image signs, readerboards and changeable image signs, except as specifically authorized by this Chapter. Changeable image copy may be displayed by assembly uses with changing programs, such as theaters, auditoriums, houses of worship, schools, etc. On such uses, the display face upon which the changeable image is placed counts towards the total allowable display area which is subject to a permit. Changeable image signs may also be displayed by multi-unit non-residential uses (such as shopping centers) and tenant directories on multi-tenant office buildings; in such cases, the total display area used for changeable images may not exceed ten square feet; such area is included in the total display area subject to permit.

ARTICLE SIX -- SIGNS ON RESIDENTIAL USES

10-9.601 Residential Signs. Legal residential uses may erect, maintain and display signs as described in this Article. Unless otherwise stated, the signs described in this Article are not subject to a permit, but still must conform to the rules stated in this Article.

10-9.602 Single Family Residences. On legal, detached, single family residential uses, each dwelling unit may display, at all times and in all zones, a total of eight square feet of sign face, subject to:

(a) number of sign faces: not limited; maximum size of any one sign face: eight square feet; maximum height of any free standing sign: eleven feet; illumination: not allowed; mounting methods: wall, window, door, fence, or freestanding;

(b) acceptable message types: non-commercial, signs described in Civil Code 713 (temporary real estate signs), home occupation, garage sale, and nameplate as follows:

(1) Nameplates (which may include address) may not be higher than 18 inches.

(2) Home occupation signs are subject to: maximum size of display face: two square feet; maximum number of display faces: one; mounting method: attached flat to the residence or garage, or window; illumination: not allowed.

(3) Garage sale signs are subject to: time of display - day of event only, sunrise until sale closes, but not later than sunset; maximum size per sign (measured one side only): two square feet; maximum display area of all signs: eight square feet; total number of signs (on-site plus off-site): five.

(4) Temporary real estate signs as described in Civil Code 713 are subject to: maximum number: one per parcel; maximum display face area (measured one side only):
three square feet; illumination - not allowed; display time: when the subject property is on the market, and up to ten calendar days thereafter.

(c) When located on property other than that advertised.

(1) Signs giving directions to the subject property may be displayed while the property is on the market, subject to: three square feet; maximum height: five feet above existing grade; illumination: prohibited; physical types: attached or free standing. This provision does not authorize the placement of real estate directional signs on Town property or in the public right of way. Unless authorized in Chapter 10, real estate directional signs may not be placed on public property.

(d) Pre-election period. During the time period which begins 45 days before and ends five days after a special, general, or primary election, the total display area for non-commercial messages on temporary structures may be increased to 18 square feet. Such signs may be displayed only with the consent of the owner or legal occupant, may not project above the roofline of any building on the same parcel, and may be posted on walls or fences or windows, but not on trees or other plants.

(e) Flags are not included within the limits of .602(a) - (c) of this Section. Flags are subject to: number of freestanding poles per parcel: one; maximum height of freestanding flag pole: not exceeding the roof line of the residential structure; number of flags per free standing pole: not limited; total display area of all flags (measured one side each): 100 square feet; image types: no commercial images on flags on residential uses.

10-9.603 Multi Family Residential - Units. On legal, attached, multiple family residential uses, at all times and in all zones, each individual dwelling unit may display signs, subject to:

(a) number of sign faces: not limited; maximum size of any one sign face: eight square feet; illumination: not allowed; mounting methods: wall, window, door, fence, or freestanding; freestanding signs are not allowed;

(b) acceptable message types: non-commercial, signs described in Civil Code 713 (temporary real estate signs), home occupation, and garage sale.

(1) Home occupation signs are subject to: maximum size of display face: two square feet; maximum number of display faces: one; mounting method: attached flat to the structure or placed inside a window; illumination: not allowed.

(2) Nameplates (which may include address) may not be higher than 18 inches;

(3) Garage sale signs are subject to: time of display - day of event only, sunrise until sale closes, but not later than sunset; maximum size per sign (measured one side only): two square feet; maximum display area of all signs: eight square feet; total number of signs (on-site plus off-site): five.
(4) Temporary real estate signs as described in Civil Code 713 are subject to:
maximum number: one per parcel; maximum display face area (measured one side only):
three square feet; illumination - not allowed; display time: when the subject property is on
the market, and up to ten calendar days thereafter.

(c) When located on property other than that advertised.

(1) Signs giving directions to the subject property may be displayed while the
property is on the market, subject to: three square feet; maximum height: five feet above
existing grade; illumination: prohibited; physical types: attached or free standing. This
provision does not authorize the placement of real estate directional signs on Town property
or in the public right of way. Unless authorized in Chapter 10, real estate directional signs
may not be placed on public property.

(d) Pre-election period. During the time period which begins 45 days before and ends five
days after a special, general, or primary election, the total display area for non-commercial
messages on temporary structures may be increased to 18 square feet. Such signs may be
displayed only with the consent of the owner or legal occupant, may not project above the
roofline of any building on the same parcel, and may be posted on walls or fences or
windows, but not on trees or other plants.

(e) Nameplates and flags. Nameplates and flags are not included within the limits of 603 (a)
- (c). Nameplates are subject to: maximum display face area, one square foot; mounting
type: wall, door, fence. Flags are subject to: number of flags per dwelling unit: not limited;
total display area of all flags (measured one side each): 100 square feet; image types: no
commercial images on flags on residential uses.

10-9.604 Multi Family Residential - Office. On legal, attached, multiple family residential
uses, at all times and in all zones, the management office of master unit may display signs,
subject to:

(a) If the office or master unit is used as a principal residence, then the sign display rights
for the resident are the same as for other individual dwelling units, as stated in 10-9.603.

(b) Master Nameplate. In addition to the signs authorized by 10-9.603, the master unit or
office may display one additional sign, subject to: message types: nameplate, on-site
commercial, Civil Code 713 (temporary real estate signs), non-commercial. Maximum area
of display face: six square feet; maximum number of display faces: two; maximum height:
four feet; mounting types: freestanding or wall mounted; illumination: not allowed.

10-9.605 Transient Occupancy - Hotels, motels, bed and breakfast places, and other
establishments offering transient occupancy, are treated as commercial uses, not residential
uses.

ARTICLE SEVEN - PERMANENT SIGNS ON NON-RESIDENTIAL USES

10-9.701 Non-Residential Uses. Legal non-residential uses and establishments may erect,
maintain and display permanent and principal signs as described in this Chapter. Unless
otherwise provided, all signs described in this Chapter are subject to a sign permit. Rules for temporary signs are stated in Article Eight. However, in the case of a newly opened, newly re-opened or “coming soon” establishment, temporary versions of the signs authorized by this Article may be displayed without permit for a period not to exceed thirty calendar days.

10-9.702 Professional Offices - Individual Suites. Individual offices or suites within buildings housing multiple professional offices, may display signs, subject to: Maximum area of display face: one square foot; number of display faces: one; mounting types: wall, window or door; message type: non-commercial or on-site commercial, or any combination thereof. Other than listing changes in tenant names, changeable copy is not allowed.

10-9.703 Professional Offices - Master Suite or Office. The master suite or office of building housing individual professional offices or suites may erect, maintain and display signs subject to: Maximum area of display face: four square feet plus one square feet for each individual office or suite. Message types: non-commercial or on-site commercial, or any combination thereof. Physical types: freestanding or mounted on a wall, door or fence. Other than listing changes in tenant names, changeable copy is not allowed.

10-9.704 Outdoor Oriented Establishments. Cemeteries, country clubs, stables and kennels and animal shelters, golf courses, riding academies, tennis courts and other uses oriented to activities which occur primarily outdoors may erect, maintain and display one sign, subject to: maximum area of display face: twelve square feet; maximum number of display faces: one; structural type: freestanding, wall, door, fence.

10-9.705 Institutional Uses. Establishments of an institutional nature, such as educational, religious, civic, non-commercial, hospitals, sanitariums, rest homes, etc., may erect, maintain and display one sign, subject to: Maximum size of display face: twenty square feet; maximum number of display faces: one; physical types: wall or freestanding. Acceptable message types: non-commercial or on-site commercial, or any combination thereof.

10-9.706 Service Stations. Establishments which sell motor fuels to the public may display up to three signs, subject to: Total display area of all signs: 100 square feet; physical types: mounted on buildings or walls; not more than one sign may be freestanding, and the display face area on a freestanding sign may not exceed forty square feet. Acceptable message types: non-commercial or on-site commercial, or any combination thereof. Logos and price / quantity indicators on fuel pumps do not count towards the total display face area. Signs at motor fuel dispensers shall comply with relevant state law.

10-9.707 Other Non-Residential Establishments - Ground Floor. All ground-floor non-residential establishments for which specific rules are not provided by other sections of this ordinance may display signs, subject to:

(a) Ground Floor Uses. Not more than two (2) signs per use, to be located on the primary building face, the total area of such signs not to exceed one square foot for each linear foot of the primary building face devoted to that use, up to a maximum total sign area of 100 square feet, except that:
(1) 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 by such use, but the total area of permitted signs shall nevertheless not exceed 100 square feet per use;

(2) A use shall be permitted 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

(3) Where the primary building face does not front on a public street, two (2) 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 signs shall be no greater than would be permitted if the frontage devoted to that use were the primary building face.

10-9.708 - Other Non-Residential Uses - Above Ground Floor: All establishments for which specific rules are not provided by other sections of this ordinance may display signs, subject to:

(a) 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 subsections .702 and .703 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 square foot. 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.

10-9.709 Shopping Center Signs. Shopping centers may erect and display signs listing information about tenants within the center, subject to: maximum area: 20 square feet; maximum height: 11'; location: may be freestanding.

ARTICLE EIGHT - TEMPORARY, MOVEABLE AND INFORMATIONAL SIGNS, NON-RESIDENTIAL

10-9.801 Scope. On non-residential uses, temporary and incidental signs may be erected, maintained and displayed according to this Article. Unless otherwise stated, the signs described in this Article may be displayed in addition to those described in Article Seven, and are not subject to a permit.

10-9.802 Non-Commercial Messages. In addition to signs authorized by other Articles and sections, and in addition to those signs allowed under the message substitution provision, all legal non-residential uses may erect, maintain and display signs exclusively used for non-commercial messages. If the mounting device qualifies as a "structure" under the Building Code, then all relevant requirements of that and other safety codes must be satisfied. Total number of such signs: not limited.
(a) Total display face area, at all times: four square feet;
(b) Pre-election period. During the time period which begins 45 days before and ends five days after a special, general, or primary election, the total display area for non-commercial messages on temporary structures may be increased to 18 square feet, with no individual sign to exceed 8 square feet. Such signs may be displayed only with the consent of the owner or legal occupant, may not project above the roofline of any building on the same parcel, and may be posted on walls or fences or windows, but not on trees or other plants.

10-9.803 Temporary Real Estate Signs. Signs described in Civil Code 713 (real estate signs) may be erected, maintained and displayed on non-residential uses, subject to:

(a) When placed on the subject property. Maximum size: six square feet (measured one side only). Display time: when the subject property is on the market, and up to ten calendar days thereafter.

(b) When located on property other than that advertised.

(1) Signs giving directions to the subject property may be displayed while the property is on the market, subject to: three square feet; maximum height: five feet above existing grade; illumination: prohibited; physical types: attached or free standing. This provision does not authorize the placement of real estate directional signs on Town property or in the public right of way. Unless authorized in Chapter 10, real estate directional signs may not be placed on public property.

10-9.804 Flags. Non-residential uses may display flags with non-commercial images or on-site commercial images, subject to: Maximum number of poles per parcel: one; maximum height of any free standing pole: not exceeding the roof line of the principal building on the same parcel, or the height limit for the zone, whichever is less; maximum number of flags: 5; maximum size of any one flag: 24 square feet; total area (measured one side) of all flags on a given parcel or use: 100 square feet; mounting: directly or on shafts attached to a wall, door, window or fence, or on a free-standing pole.

10-9.805 Address numbers. In addition to the signs otherwise allowed, all non-residential uses may display address numbers not greater than 18 inches in height.

10-9.806 Neighborhood Identification. Signs identifying neighborhoods may be displayed on private property, subject to: maximum height: five feet; maximum display face area: six square feet.

10-9.807 Informational Signs. Signs displaying consumer information, such as hours of operation, help wanted, credit cards honored, association affiliations, vacancy, restrooms, danger warnings, hours of operation, open/ closed, etc., may be displayed on non-residential uses, subject to: maximum total display area of all such signs: four square feet; location: flush on the building face or on a door or window. Such signs do not count towards the total amount of display area otherwise allowed. Permits are not required for such signs.
10-9.808 Legally Required or Authorized Signs. Signs displaying information which is authorized or required by law or regulation, other than this Chapter, may be displayed according to the authorizing law, and do not count towards the otherwise applicable limits of total sign area.

10-9.809 Vehicles and Vessels. Signs on vehicles and vessels, which are not excluded from the definition of sign, are authorized, subject to: the message must pertain to the business or establishment of which the vehicle or vessel is a part or tool, not including general advertising; such message may not utilize changeable copy or illumination.

10-9.810 Restaurant Menus. For non-residential uses serving food on the premises to the public, a menu may be displayed on private property adjacent to the main public entrance; the menu must be identical in size and all other respects to those made available to diners. Permit not required; menu display does not count toward the otherwise applicable total area.

10-9.811 Traffic and Parking. Signs providing traffic direction and parking information to drivers and pedestrians may be erected, maintained and displayed on private property subject to: no commercial advertising on the copy; maximum display face area on any one sign: six square feet.

10-9.812 Service Stations. Establishments providing motor fuel to the public may display the following sign types, without permit, subject to the stated rules.

(a) One sign per pump, located at or on the pump, which may be double-faced, not to exceed eight inches (8") by ten inches (10") 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

(b) One permanently located sign elsewhere on the property advertising the grades of motor vehicle fuel offered for sale; such signs may be double-faced, not to exceed twenty (20) square feet per face and with numbers not to exceed twelve inches (12") in height and letters not to exceed six inches (6") in height.

(c) All gasoline service station signs shall be posted in accordance with the requirements of the State Business and Professions Code.

10-9.813 A-Frames. In zones C-1, C-2 and C-3 only, non-residential establishments may display portable A-frame signs on private property, subject to: display time: dawn to dusk; display face area: not exceeding six (6) square feet; number: not more than one per parcel; message types: non-commercial or on-site commercial, or any combination; illumination: not allowed; placement: only on private property, and in such a manner as not to impede normal pedestrian traffic.

10-9.814 Projecting Sign. Each non-residential establishment located in a commercial or professional zone may erect, maintain and display one projecting sign, subject to: sidewalk clearance - at least seven feet six inches; maximum size: not taller than six inches (6") total area per side: not exceeding three square feet (3); illumination: not allowed; maximum
projection over public right of way: forty-two inches (42"), and then only if allowed by 
Chapter Ten and authorized by an encroachment permit.

10-9.815 Construction Signs. For purposes of this section, a project to construct a 
residence is not a "residential use" until a certificate of occupancy has been issued.

(a) On any parcel where construction is occurring pursuant to all legally required permits, a 
temporary sign may be erected, maintained and displayed until the first occurring of the 
following events: a certification of completion is issued; the owner formally indicates 
acceptance of the project as complete; or a certification of occupancy (or its functional 
equivalent) is issued.

(b) On projects to construct a single family residential structure: Maximum number of such 
signs: one per street frontage. Maximum size of each sign: four square feet; maximum 
height of any such sign, when freestanding: eight feet; illumination: not allowed; all 
applicable safety codes must be satisfied. Sign permit not required.

(c) On projects other than those to construct a single family residential structure: Maximum 
number of such signs: one per street frontage. Maximum size of each sign: twenty-four 
square feet; maximum height of any such sign, when freestanding: eight feet; illumination: 
not allowed; all applicable safety codes must be satisfied. Sign permit not required.

10-9.816 Temporary Signs. In addition to all other authorized signs, each non-residential 
establishment may display temporary signs for a maximum of 75 days per calendar year, 
subject to: maximum display area: equal to twenty-five percent of the total window area on 
each street frontage; physical type: wall, window or door mounted.

10-9.817 Permanent Window Signs. In addition to other authorized signs, each non-
residential establishment may display a maximum of two permanent window signs, each not 
exceeding one square foot, applied by decal or paint or glass windows or doors.

10-9.818 Temporary and Seasonal Sales Operations. When properly licensed, temporary 
and seasonal sales operations, such as Christmas tree lots, may display not more than two 
(2) signs per lot, the total area thereof not to exceed forty (40) square feet. The display 
period shall not exceed ninety (90) days in any one calendar year.

ARTICLE NINE – (RESERVED)

ARTICLE TEN - ADMINISTRATION, ENFORCEMENT AND PUBLIC SAFETY

10-9.1000 Scope. This Article states the provisions relating to administration, enforcement 
and public safety issues.

10-9.1001 Calculation of Area and Height.
(a) The area of a sign shall consist of the message, background, 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).

(b) Height of a free standing sign is calculated by measuring the vertical distance from the topmost part of the sign to the average grade for the footprint of the sign.

10-9.1002 Unsafe and Non-Conforming Signs. The following signs may be abated as a public nuisance.

(a) Any sign which, by virtue of its physical structure, becomes an immediate and serious threat to the public safety;

(b) Any sign which is erected, maintained or displayed in violation of the provisions of this Chapter or other applicable law;

(c) Any sign which no longer advertises or relates to the establishment on the same premises;

(d) Any sign which falls into disrepair or takes on a dilapidated appearance.

10-9.1003 Abatement. Signs which meet any of the qualifications stated in the previous section may be abated in any manner provided by law.

(a) In the case of signs which, by virtue of their physical condition (as opposed to their graphic design or message content) pose a serious and immediate threat to the public safety, may be summarily removed and retained by the Town. In such case, the Town shall promptly give written notice to the sign or property owner, if known, of the emergency confiscation and the cost of redemption.

(b) Any confiscated sign may be redeemed by the owner within fifteen calendar days after written notice is sent, upon the payment of a fee established by resolution to cover the costs and expenses of enforcement.

ARTICLE ELEVEN - VARIANCES AND SIGN PROGRAMS

10-9.1101 Variances. As provided in this Article, variances may be granted for signs. Variances may be granted only by the Planning Commission, and the Planning Commission's decision is appealable to Town Council in the same manner as all other sign-related decisions. Variances must be considered by the Commission at a duly noticed public hearing at which evidence is taken, findings are made based upon the evidence, and a written decision is provided to the applicant.
10-9.1102 Scope. The 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 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 the applicant's use 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 properties in the surrounding area.

(c) In exercising discretion on a variance, neither the Planning Commission nor the Town Council on appeal may consider the graphic design of the display face or the message content of the proposed sign.

(d) In no event may the variance procedure be used to approve, permit or legalize any sign which meets the definition of billboard, or to authorize any of the sign types described in 515(b)(1).

(e) (Reserved)

(f) If a variance is sought on the grounds of hardship, then self-created hardship shall weigh heavily against the granting of the variance.

(g) No approval 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)

(h) A variance application shall include all the information required for a sign permit, as detailed in Section 405, as well as other information required by State or Town law pertaining to variances.

10-9.1103 Sign Programs. When a non-residential development involving four or more separately leaseable units is proposed, and the proposal includes a unified program for sign design, such program may deviate from the otherwise applicable rules regarding the non-communicative aspects of signs. However, such programs may not violate any provision of the general plan, and may not authorize off-site commercial messages (separately leaseable units within the development are all considered on-site), and may not authorize a sign type which is expressly prohibited by this Chapter. The message substitution policy applies automatically to all sign programs.

(a) All sign program proposals may be approved only by the Planning Commission, and are appealable to Town Council. Sign programs may be considered simultaneously with the other aspects of the development. The Planning Commission may consider a sign program
proposition only at a duly noticed public hearing at which evidence is taken, findings are made, and a written decision is provided.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the San Anselmo Town Council on the 28th day of November, 2006 and was adopted at a regular meeting on the 12th day of December, 2006 by the following vote:

AYES: Breen, Cooper, Freeman, House, Thornton

NOES: None

ABSENT: None

[Signature]
Mayor

ATTEST:

[Signature]
Barbara Chambers, Town Clerk