

ORDINANCE NO. 3082

ORDINANCE OF THE CITY OF CHULA VISTA ALLOWING  
THE TEMPORARY PLACEMENT OF PORTABLE SIGNS IN  
DESIGNATED PORTIONS OF THE PUBLIC RIGHTS-OF-  
WAY WITH A PERMIT

I. Recitals.

WHEREAS, the Chula Vista Municipal Code currently prohibits the placement of signs in the public rights-of-way in order to protect aesthetics, promote an orderly appearance, and prevent potential traffic hazards, safety hazards and nuisances; and

WHEREAS, the City of Chula Vista has a substantial interest in protecting the aesthetic appearance of the community by avoiding visual clutter and in assuring safe and convenient traffic and pedestrian circulation on City streets; and

WHEREAS, the City of Chula Vista has been approached by several concerned residents who feel they are unable to adequately market their homes via open houses because of the City's existing sign regulations; and

WHEREAS, the City of Chula Vista may allow the use of its public rights-of-way under ordinance and/or City Council Policy; and

WHEREAS, in an effort to assist in the promotion of local businesses and the sale of real estate within the City, this program permits placement of signs in designated portions of the public rights-of-way during specified dates and times; and

WHEREAS, the City of Chula Vista has proposed a new chapter be added to Title 12, Streets and Sidewalks, to allow for the temporary placement of portable signs within designated areas of public rights-of-way; and

WHEREAS, the strict limitations placed on the temporary placement of portable signs in this ordinance will ensure that: (i) the City's interests in the aesthetic appearance of the community and convenient traffic and pedestrian circulation are protected; (ii) nuisances and safety hazards are avoided; (iii) the City's risk is limited through an indemnification and insurance requirement; and, (iv) the City's costs associated to administer and enforce the program will be paid for by a permit fee; and

WHEREAS, on August 8, 2007, the Planning Commission voted unanimously to recommend passage of the proposed ordinance to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista does hereby ordain as follows:

1. That the proposed Temporary Placement of Portable Signs in Designated Portions of Public Rights-of-Way ordinance be enacted as follows:

**12.50. TEMPORARY PLACEMENT OF SIGNS IN DESIGNATED PORTIONS OF THE PUBLIC RIGHTS-OF-WAY.**

**12.50.010 PURPOSE AND INTENT.**

The purpose of this chapter is to allow limited placement of signs in the public rights – of - way under clearly defined time, place and manner requirements through the use of a permit process. The application and process will set forth the rights and responsibilities of any individual or group that seeks to place signs in the public rights-of-way.

**12,50.020 AUTHORITY.**

California Penal Code section 556 provides that signs may be temporarily placed in public rights-of-way only after the person placing the sign in the rights-of-way has received the lawful permission of the City by permit and in accordance with the restrictions on signs set forth in this section. It shall be the responsibility of the Director of Planning and Building or his or her designee to receive applications and fees, issue permit stickers, and monitor the temporary placement of portable signs.

**12.50.030 DEFINITIONS.**

For purposes of this chapter, the definitions found in chapter 19.60.060 apply.

**12.50.040 PERMIT ISSUANCE.**

A. Except for signs allowed under Section VIII of City Council Policy 465-02, no sign shall be placed within any portion of the public right-of-way without first being issued a Temporary Public Right-of-Way Sign Permit from the City of Chula Vista. To obtain a permit, the requestor/permittee shall:

1. Complete and sign an application form as required by the Director of Planning and Building.
2. Indemnify and hold the City, its officers, employees, and representatives harmless from all liability for damage or claims for damage for personal injury, including death, and claims for property damage, which may arise from the direct or indirect operations of the Permittees, agents, employees, or other persons acting on the Permittees' behalf for all damages and claims for damages suffered or alleged to have been suffered by reason of the obligations referred to in the Permit, regardless of whether or not the City approved plans or specifications or inspected any of the signs erected pursuant to this permit.
3. Provide proof of and maintain in force, policies or certificates of insurance, of comprehensive public liability insurance in a combined single limit amount of at least \$1,000,000. Such insurance shall be procured from an insurer authorized to do business in California, shall provide primary and not excess coverage, shall name the City of Chula Vista as additional insured. Lapse of valid insurance shall immediately render void any permit issued pursuant to this section.

4. Remit the permit fee. Permit stickers are issued on a calendar year basis and are not prorated. The fee for the permit shall be set by the City Council. Two permit stickers numbered alike shall be issued for each fee paid so that a permit is visible on each side of every sign.

B. Permits are issued to an individual, business, or group and shall not be reassigned or transferred.

**12.50.050 TIME, PLACE AND MANNER RESTRICTIONS.**

Except for signs allowed under Section VIII of City Council Policy 465-02, all Portable Signs are subject to the following conditions:

1. Size. The total face area of each sign shall not exceed twenty-four (24) inches by twenty-four (24) inches in size. Doubled-faced signs are considered a single sign and only require one permit with a permit sticker placed on each side of the sign.
2. Height and Width. The vertical distance measured from ground level to the highest point of such sign or supporting device and the width of the supporting device may not exceed three (3) feet.
3. Type. Signs shall be portable, self-supporting, and of sufficient weight that the sign remains upright and in the same position for the entire time the sign is in the public right-of-way. No portion of the sign or supporting device shall be placed or driven into the ground. Signs and supporting devices shall be maintained in good condition at all times and shall be constructed out of quality weather resistant materials normally used in professional signage. No cardboard or paper signs are allowed.
4. Attachments. Signs and supporting devices may not contain brochure boxes, tear off flyers/coupons, or any similar type of attachment. No balloons, flags, pennants, or similar devices may be attached to a sign or supporting device.
5. Identification. Signs must contain, in legible font, on an area no less than two (2) inches by three and one-half (3½) inches (business card size) the name, mailing address, and contact phone number of the individual responsible for the sign.
6. Permit sticker. Each sign placed in the public right-of-way must have a valid permit sticker affixed to both sides of each sign whether or not it is a double-faced sign.
7. Time. Signs shall only be displayed from Saturday at 6:00 a.m. through Sunday at 6:00 p.m. and on the listed City observed holidays from 6:00 a.m. through 6:00 p.m.

January 1 (New Year's Day)  
The third Monday in January (Martin Luther King Jr. Day)  
March 31 (Cesar Chavez Day)  
The last Monday in May (Memorial Day)  
July 4 (Independence Day)  
The first Monday in September (Labor Day)  
The second Monday in November (Veteran's day)  
The third Thursday of November (Thanksgiving Day)  
The day after Thanksgiving Day  
December 25 (Christmas Day)

8. Location. No sign shall be placed, displayed, used or maintained:
- (a) On any sidewalk, walking path, bike lane, street, roadway area, traffic circle, round about, or center median or island area.
  - (b) On public rights-of-way adjacent to streets undergoing active construction, repair, or maintenance including landscape installation.
  - (c) In such a manner as to obstruct the view of any official public sign.
  - (d) On any right-of-way if the location obstructs the safe and convenient use by the public of any street, sidewalk, or curbside parkway area.
  - (e) Within five (5) feet of the beginning of the curb return of any intersections, whether the intersections have marked or unmarked crosswalks.
  - (f) Within five (5) feet of a fire hydrant, private or public driveway, traffic signal, traffic sign, USPS Mail receptacle, community mail box; public trash receptacle, designated bus stop/bench, or any other bench on the sidewalk.
  - (g) On any traffic control signs or devices, street light, utility, or communications standards or poles and any of their supporting structures or equipment.
  - (h) In any manner that causes a visual obstruction to traffic that may create a hazard to traffic and/or pedestrians.
  - (i) In any manner that injures, damages and/or destroys any plantings or vegetation within the right-of-way.
  - (j) Within eighteen (18) inches from the face of curb.

- (k) On any public right-of-way adjacent to streets during special events.
- (l) In any City park.
- (m) Within any vision clearance area as defined in CVMC section 12.12.130.

**12.50.060 RESPONSIBILITY.**

For purposes of this section, and in accordance with California Penal Code section 556.4, any and all information that appears on any sign, including, but not limited to, name (business or individual), address, telephone number, or e-mail address, may be used as evidence of responsibility for placement of a sign. Permittees and non-permittees shall be responsible for monitoring sign placement and shall be held responsible should any sign they are responsible for be placed or moved to a location that violates any portion of this or any other applicable section of the Chula Vista Municipal Code.

**12.50.070 REMOVAL OF SIGNS.**

Any sign installed, placed, displayed, maintained, or located in violation of this or any other applicable section may be summarily removed by the City or its contractors and discarded.

**12.50.080 LOSS OR THEFT.**

The City is not responsible for loss or theft of signs and/or permit stickers.

**12.50.090 VIOLATION/PENALTY.**

Violations of this chapter are strict liability offenses regardless of intent. Any person, firm, or corporation that violates any portion of this section may be subject to prosecution and/or administrative enforcement under chapters 1.20 and 1.41.

**12.050.100 APPEALS.**

Any person aggrieved by any of the requirements of this section may appeal insofar as such appeal is allowed under chapter 1.40.

II. Severability.

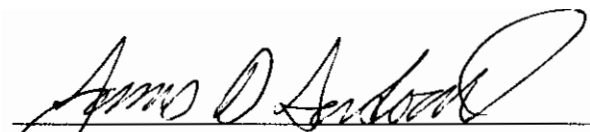
The City Council declares that should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance shall remain in full force and effect.

III. Effective Date.

This ordinance shall take effect and be in full force on the sixtieth day from and after its second reading.

Presented by

Approved as to form by



James D. Sandoval  
Planning and Building Director



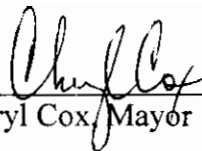
Ann Moore  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 16<sup>th</sup> day of October 2007, by the following vote:

AYES: Councilmembers: Castaneda, Ramirez, Rindone, and Cox

NAYS: Councilmembers: McCann

ABSENT: Councilmembers: None



Cheryl Cox, Mayor

ATTEST:

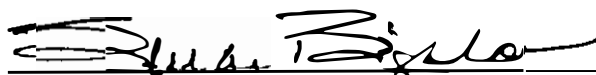


Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO    )  
CITY OF CHULA VISTA     )

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3082 had its first reading at a regular meeting held on the 9th day of October, 2007 and its second reading and adoption at a regular meeting of said City Council held on the 16th day of October 2007.

Executed this 16th day of October 2007.



Susan Bigelow, MMC, City Clerk