

Memo

To: City Council
From: Scott Edelman, Planning Director
Date: September 5, 2012
Re: Sign Code Enforcement

At the September 11 Council Meeting, City staff would like to begin a discussion with the City Council in regard to the recent increase in violations of the sign code. In the past, the City has primarily enforced the sign code by complaint only. This system works as long as business owners limit themselves in a manner that ensures they do not create such a visual impact that citizens begin to register complaints. Recently the City has received several complaints about the number and/or location of some of the signs that have appeared, particularly in or near the right-of-way along Third Street.

At the September 11 meeting, staff will present City Council with examples of some of the sign code violations around town. Ultimately, staff will be looking for guidance from Council as to how we can best address this issue in a manner that is respectful of our local businesses while protecting the visual character of the community. Staff does not anticipate asking City Council to make a decision at the September 11th meeting but plans to treat this as an introduction to a discussion to take place at the September 25th meeting. The purpose of this is to allow Councilors sufficient time to consider this issue and to observe some of the code violations between meetings.

There are three primary sections of the Sign Ordinance that apply to the issues that will be discussed. Relevant excerpts from these sections are below.

152.20 EXEMPT SIGNS.

The following signs are exempt from this chapter:

(J) Daily advertising. Signs taken in at night advertising commercial sales such as sandwich boards not exceeding eight square feet per side and one per business. Signs are allowed within the public right-of-way (not street) provided they do not block vehicle or pedestrian ways, or clear vision areas and shall be placed to meet ADA standards and to minimize any other possible conflicts with vehicles or pedestrians.

Staff Comment: This is primarily referring to the sandwich board signs; however, it also applies to any other movable sign on the property. The violations that staff has seen are by businesses that either have more than one of these types of signs or have a sign that is larger than the eight square foot limit.

152.21 TEMPORARY SIGNS (NO PERMIT REQUIRED).

The following signs are allowed according to the terms specified herein:

(F) Promotional banners. Signs associated with a promotional event of a business. Such banners shall be in compliance with the following standards:

- (1) A business may display a banner or banners 14 days prior and seven days after the event.
- (2) Exceptions. The following shall be exempt from the restrictions listed above:
 - (a) Banners used as permanent signage that are approved through the regular sign review process under the condition that such banners are contained by a permanent frame.
 - (b) A business may utilize banners as its primary signage for the first 60 days of operation. The total area for these banners shall be within the signage area that would generally be allowed for permanent signage.
 - (c) Any banner placed or sponsored by a public or nonprofit civic organization for a charitable event.

Staff Comment: There are numerous businesses throughout town that are in violation of this section of the sign ordinance. These are the businesses that utilize banners, in in some cases multiple banners, on an ongoing basis and not just for promotional events as the code intends. Recently there has been a noticeable rise in the use of upright banners which stick in the ground and are often as tall as eight to ten feet.

152.22 PROHIBITED SIGNS.

The following signs are prohibited:

(E) Signs which advertise or publicize an activity, business, product or service not conducted on the premises upon which the signs are maintained unless specifically allowed in this chapter.

Staff Comment: Violation of this section is primarily seen at the intersections along 3rd Street where businesses try to get greater visibility by placing their sandwich board signs at the intersections rather in front of the business that is being advertised. As can be seen at the intersection of 3rd and Main, this can create not only a negative visual impact but can also hinder the use of the sidewalk by pedestrians (and in some cases violate ADA requirements).