



Item No. 2 Town of Atherton

CITY COUNCIL STAFF REPORT – STUDY SESSION

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: OCTOBER 1, 2014

SUBJECT: REVIEW OF THE DRAFT SIGN ORDINANCE

RECOMMENDATION

Review and Discuss.

BACKGROUND

The Town's existing sign ordinance is not currently reflective of state and federal laws regarding the regulation of signs at the local level. In response to queries regarding enforcement of the ordinance, inconsistencies in its applicability, and incongruities with state and federal laws, staff recommends deletion of the current Chapter and replacement with a new Chapter establishing a new sign ordinance for the Town.

Because the new ordinance is new in its entirety staff did not provide a redline/strikeout version. Attached is a copy of the older Chapter 15.36 and a copy of the draft new Chapter 15.36. The staff report is a comparative analysis highlighting the areas of major change.

FINDINGS

The application of constitutional law is often a difficult task at the local level. When it comes to free speech and signage, local regulations cannot take content of a sign into account when addressing issues such as size, placement, and aesthetics. If we allow one sign – we must allow all with content-neutral standards for time, place, and manner. The draft ordinance attempts to strike a balance between preserving the Town's character and community aesthetic against first amendment rights to free speech and constitutional law.

Purpose & Intent

The existing sign ordinance does not contain a purpose and intent section.

Purpose and intent sections are used generally to define in broad brush what the Town's expectations are with respect to the issue regulated. The sections are designed to help the reader

understand exactly what issues related to signs the Town is trying to address. The new ordinance's purpose and intent section outlines the following:

- The sign ordinance is intended to be **comprehensive**.
- The sign ordinance has several **public policy goals** including:
 - **Preserving the Town's character** as a scenic, rural, and thickly wooded residential area with abundant open space;
 - Accommodating the **expression rights** of the First Amendment of the U.S. and California Constitutions;
 - Meeting governmental and public interests related to **visual clutter**, community **aesthetics**, and **safety** for drivers, passengers, and pedestrians;
 - Aiding in the **identification** of property; and
 - **Protecting the natural beauty** of the Town's open space.

Definitions

The existing ordinance does not contain a section related to definitions.

Definitions are often a key component of an ordinance to ensure that everyone reading or applying the ordinance are talking about the same things. The new ordinance contains definitions related to:

- Billboards
- Construction Site Signs
- Free Speech Signs
- Incidental Signs
- Informational Signs
- Non-Commercial Messages
- Political Messages
- Real Estate Signs
- Basic Sign
- Small Sign
- Temporary Sign

Under the framework of the U.S. and California Constitutions and elements of free speech it is important to have clear definitions of the various types of signs and speech. Of particular note in how the Town regulates signage is the definition of construction site signs, real estate signs, and commercial/non-commercial messages.



The section also clearly defines what *is not* a sign. For regulatory purposes, signs are not:

- Aerial banners towed by aircraft
- Architectural features
- Cornerstones or foundation stones

- Historical monuments or plaques
- Holiday or cultural displays
- Inflatable apparatus (commonly known as “bounce houses”)
- Interior graphics
- Mass transit graphics
- Personal appearance make-up
- Safety warnings on motorized or electrified equipment
- Symbols embedded in architecture
- Vehicle and vessel insignia
- Vending machines



Temporary signs as defined by the ordinance are limited to 60 days of display.

General Postings

Chapter 15.36.030 Posting Generally of both the existing and new ordinance are nearly identical and relate to the ability to post advertisement on light standards, hydrants, bridges, walls, fences or trees within the public right of way. This is a general section essentially regulating the posting of signs such as garage sale, lost pet, room for rent, etc. on the Town’s facilities.

The new ordinance clarifies that the provision does not prohibit the placement of free speech signs in the public right-of-way provided they are legally located and fixed to the ground.

Commercial Signs

The existing ordinance does not have a section on Commercial Signs.

The new ordinance provides that commercial signs are not permitted on any private or public property except as permitted by law or as allowed by the ordinance. The section is essentially the statement that commercial signs posted anywhere must comply with applicable law.

Signs on Private Property

Both ordinances include a section on Signs on Private Property.

The existing ordinance’s section provides that signs may not be placed on private property, except real estate or construction signs as regulated by the ordinance, without first obtaining a permit from the Town. This section is inconsistent with current federal and state law and is generally unenforceable.

The new ordinance prescribes what types of signs are allowed without permit and what signs require a permit. The list of permitted signs includes free speech or political signs, address numbers, construction site signs (as regulated by the ordinance), real estate signs (as regulated by the ordinance), flags, historical plaques, small signs compliant with the ordinance, and informational/identification signs in the Town’s Public Facilities and Schools District Zone.

Signs on Public Right-of-Way

The existing ordinance does not address signs in the public right-of-way.

The new ordinance addresses signs that are allowed in the public right-of-way. These signs include political or free speech signs, temporary real estate and construction signs, government signs, required official notices, and traditional public communication signs such as public kiosks, bulletin boards, etc.

No signs, other than those listed within the governmental sign section, may be placed in the public right-of-way within 6 feet of the paved portion of the roadway (i.e. **all signs must be back 6 feet from the edge of pavement**), or within **30 feet of any intersection** or any driveway intersection with any street (i.e. the visibility triangle for ingress and egress and intersections). No signs are allowed to impede the flow of pedestrians or interfere with a vehicle's line of sight. There are exceptions made for flag lot or cul-de-sac lots where placement around a driveway is inevitable.



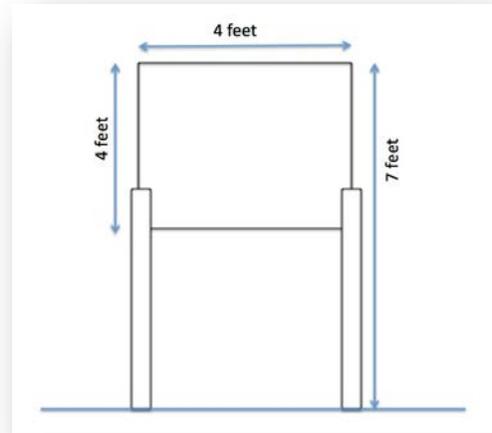
The section goes on further to discuss construction site and real estate signs. The existing ordinance addressed both as well.

Construction and Real Estate signs are the most prevalent types of signage in Atherton. The existing ordinance specifically addressed the size and placement of real estate signs but was silent on specifics for construction signs.

Construction Site Signs

For construction site signage, the new ordinance clarifies that there shall be only one sign for each property for which an **active building permit exists on the property** where the construction is occurring. The sign should be within 20 feet of the construction or main property entrance but not within 6 feet of the paved roadway.

Signs must include the street address and contact information for the construction project. The sign may not exceed **16 square feet** in size and is limited to **7 feet in height**. The signs must be removed within **60 days** after the issuance of the final Certificate of Occupancy or the end of the construction time limit.



The ordinance attempts to “standardize” the signage throughout town. Below are a couple of examples of existing construction signs. Most are relatively compliant with the standard already. A few have placement issues.



Real Estate Signs

The existing ordinance provided specific regulations relating to real estate signs. However, some of the regulations are inconsistent with federal and state law related sign regulation. In general, the existing ordinance

provided that real estate signs were permitted so long as they were a maximum of 9 square feet. Signs were required to be permitted through the City Clerk's office issuance of a "notice" and written consent of the property owner.

The new ordinance provides for real estate signs as well. Much like construction signs, real estate signs are limited in size to 16 square feet and 7 feet in height. Signs are limited in their placement to 30 feet from any driveway or intersection as well as 6 feet from the paved surface. Exceptions are allowed for cul-de-sac or flag lots.



While the Town does not generally have issues with real estate signs located on the property, except for a few issues of placement, the Town does have issues related to temporary open house signs. The existing ordinance is silent with respect to open house signs.

In the new ordinance, open house signs are permitted. However, **no more than 2 such open house signs** located at the **nearest intersections** to the property and **1 sign on the property** are allowed. Off site signs are to be kept to a minimum necessary to direct the public to the site.

Non-commercial Signs

This section is largely related to political signs. The existing ordinance did not have a comparative section and did not address political signs.

The new ordinance defines non-commercial signs and specifies that they are permitted subject to specific regulations. These include:

- Such signs cannot be posted on trees, fences, fence posts, utility poles, etc. or located within 6 feet of the paved roadway or 30 feet of any intersection or any driveway intersection.
- Signs must be temporary, they cannot exceed 16 square feet and cannot exceed 7 feet in height (as measured from the ground)
- Signs are not allowed to be illuminated.
- Signs may be located on private property with the permission of the property owner or within the public right-of-way but subject to placement restrictions.
- Signs may not be placed in Holbrook-Palmer Park or in and around the Park.
- Signs found in violation may be removed by the Town.

Billboards

Both the existing and the new ordinance address billboards in largely the same manner. They are prohibited.

Summary

The new ordinance is far superior to the existing ordinance and comports with federal and state law. The new ordinance has been reviewed through the Town's Builders Group as well as the Silicon Valley Association of Relators. Comments were considered from both groups.

Staff recommends that the Council review and discuss the new ordinance to ensure that it meets the expectations of the Council with respect to sign regulation. The City Attorney is present this evening and is prepared to address any issues related to the constitutionality of proposed regulatory measures.

FISCAL IMPACT

None.

ATTACHMENTS

Attachment A – Current Chapter 15.36 – Signs

Attachment B – Revised Chapter 15.36 – Signs

ORDINANCE ____

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING A NEW CHAPTER 15.36, CREATING A NEW SIGN ORDINANCE

WHEREAS, current Chapter 15.36 of the Atherton Municipal Code regulates signs within the Town of Atherton; and

WHEREAS, that Chapter is not currently reflective of state and federal laws regarding regulation of signs at the local level; and

WHEREAS, staff recommends deletion of the current Chapter and replacement with a new Chapter 15.36 establishing a new Sign Ordinance for the Town.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES ORDAIN AS FOLLOWS:

SECTION 1: Current Chapter 15.36, SIGNS, is deleted, and in its place the following new Chapter 15.36 is adopted:

“Chapter 15.36

SIGNS

Sections:

- 15.36.001 Title.
- 15.36.002 Authority.
- 15.36.005 Purpose and Intent.
- 15.36.010 Compliance with regulations required.
- 15.36.020 Definitions.
- 15.36.030 Posting generally.
- 15.36.040 Commercial signs.
- 15.36.050 Signs on private property.
- 15.36.060 Signs on public right-of-way.
- 15.36.070 Restrictions applicable to specific uses (construction and real estate).
- 15.36.080 Maintenance—Notice to remove or alter.
- 15.36.090 Real Estate and construction signs—existing.
- 15.36.100 Noncommercial signs.
- 15.36.110 Billboard policy.

15.36.001 Title.

This Chapter shall be known as the Sign Ordinance of the Town of Atherton.

15.36.002 Authority.

This Chapter is enacted pursuant to the City's general and police powers, California Constitution Article XI, Section 7; California Government Code Sections 65000 *et seq.*, 65850(b), 38774, and 38775; Business and Professions Code Sections 5200 *et seq.*, 5230, 5490 *et seq.*, 13530 *et seq.* and 13540; Penal Code Section 556 *et seq.*; and other applicable state laws.

15.36.005 Purpose and Intent.

By adopting this Chapter, the City Council intends to create and implement a comprehensive system for the regulation of signs in a manner that does not prefer commercial speech over noncommercial speech and does not regulate noncommercial speech by, and serves governmental and public policy goals including: 1) preserving the Town's character as a scenic, rural, thickly wooded residential area with abundant open space; 2) accommodates the expression rights of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution; 3) comports with all applicable principles of federal and state constitutional, statutory and administrative law; 4) serves the governmental and public interests in controlling visual clutter, community aesthetics, and safety of drivers, passengers, and pedestrians; 5) aids in the identification of properties and land uses; and 6) protects the natural beauty of the Town's open space.

15.36.010 Compliance with regulations required.

It is unlawful for any person, firm or corporation to erect or maintain, or cause to be erected or maintained, any sign of any kind or character in violation of the provisions of this Chapter. Violation of this Chapter shall be punishable as set forth in Chapters 1.20 and 1.21 of the Atherton Municipal Code.

15.36.020 DEFINITIONS.

"Billboard" means a sign which meets either or both of the following criteria: (1) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration; (2) the sign is a principal or secondary use of the land, rather than appurtenant or accessory to some other principal use of the land.

"Construction site sign" means a temporary sign whose message pertains to identification of a building project located on the property where the sign is located.

"Free speech sign" means a sign displaying a non-commercial message.

"Incidental sign" means a sign that is minor and subordinate to another sign to which it is attached or connected.

“Informational sign” means a sign whose message provides functional or warning information to the viewer, such as “no trespassing” or “no solicitors”, underground utility notice, and similar messages.

“Non-commercial message” means a message concerning debate in the marketplace of ideas, in contrast to commercial message, which concerns a debate in the marketplace of goods and services. Non-commercial messages typically express views on topics such as politics, religion, protest, and opinions on the arts, sciences, and sports. This term includes messages urging a vote or support of a candidate or issue in an upcoming election.

“Political message” means a message on a sign that pertains to political views, including those urging a particular vote in an upcoming election.

“Real estate sign” means a sign whose message pertains to the sale, rental, exchange, lease or other economic transaction concerning real property. All signs mentioned in California Civil Code 713 are within this definition.

“Sign” means any name, figure, character, display, advertising device or any other thing of a similar nature used or intended to identify or attract attention, and shall include all parts, portions and materials comprising same. The following shall not constitute a sign:

1. Aerial banners towed behind aircraft;
2. Architectural features – decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function (examples include color stripes around a building);
3. Cornerstones and foundation stones not exceeding 4 square feet in area;
4. Historical monuments, plaques and tablets;
5. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for not more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages;
6. Inflatable gymnasiums associated with legal residential uses – inflatable, temporary, moveable, gymnasium devices commonly used for children’s birthday parties, and similar devices (also called “party jumps” or “bounce houses”);
7. Interior graphics – visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;
8. Mass transit graphics – graphic images displayed on duly licensed and authorized mass transit vehicles that legally pass through the city;

9. Personal appearance: makeup, masks, wigs, costumes, jewelry, apparel and the like;

10. Safety warnings on motorized or electrified equipment;

11. 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, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary;

12. 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.

13. Vending machines, automated intake devices and product dispensing devices which do not display off-site commercial messages or general advertising messages;

“Small sign” means a sign not exceeding 2 square feet in size;

“Temporary sign” means a sign whose physical nature is not appropriate for, or intended for, long term display; such signs are typically made of lightweight or flimsy materials, and are installed or mounted with ordinary hand tools, or is intended to be on public display for not more than 60 days.

15.36.030 Posting generally.

It is unlawful for any person, firm or corporation, except a public officer or employee in performance of a public duty, to paste, post, nail, tack or otherwise affix any card, banner, handbill, sign, poster, advertisement or notice of any kind, or cause the same to be done, on any public curbstone, lamppost, pole, hydrant, bridge, wall, fence or tree upon any public sidewalk, street, alley or other public place, except as required by law. This provision shall not prohibit placement of free speech signs in the public right-of-way as long as they are legally located and fixed to the ground.

15.36.040 Commercial signs.

It is unlawful for any person, firm or corporation to erect, construct, install or maintain, or to cause or permit to be erected, constructed, installed or maintained, any commercial signs of any kind upon any private property, public sidewalk, street, alley, public right-of-way, public park, or other public place, except as required by law, or as allowed herein.

15.36.050 Signs on private property.

No signs shall be permitted on private property except as set forth in this section. Permitted signs include: (1) political or free-speech signs, (2) address numbers, (3) construction site signs as set forth below, (4) real estate signs, (5) official non-commercial items such as flags of national, state, or local governments (6) historical plaques, memorials, building cornerstones and date-constructed stones none of which exceed 4 square feet in area, (7) small signs otherwise in compliance with the duration, number and size requirements of this chapter that display functional information such as prohibition of trespassing or soliciting, video surveillance warnings, or similar informational signs, and identification signs at entrances of properties located in the PFS (Public Facilities and Schools District) Zone not to exceed 150 square feet in size and approved by the Town Planner for compliance with the provisions of this Chapter. Incidental signs such as those displayed on licensed construction vehicles, construction trailers, portable toilets, and construction fences, and internal signs on premises in PFS Districts not visible from the adjacent public right-of-way, or similar applications are also permitted.

15.36.060 Signs on public right-of-way.

No signs shall be permitted in the public right-of-way except as set forth in this section. Permitted signs include: (1) political or free-speech signs as set forth below, (2) temporary real estate signs as set forth below, (3) government signs for traffic, safety, street identification, government services, emergency services, historical locations, Town-sponsored events, or governmental signs authorized by the Town, (4) required signs such as official notices required by law, a court, or other government agency, and (5) any signs and structures which by tradition or designation are used for the purpose of communication by the general public, such as public kiosks, bulletin boards, benches upon which advertisement or recognition is authorized, and newspaper racks, provided that such structures shall have been placed in the right-of-way and approved by the Town.

No sign, other than government signs set forth in (3) above, may be placed in the right-of-way within 6 feet of the paved portion of any roadway, or within 30 feet of any intersection or any driveway intersection with any street, or in any other location specifically not allowed in this chapter. In the case of a flag lot or cul-de-sac frontage lot, a sign shall be permitted in a location approved by the Town that limits any interference with sight lines to and from the driveway intersection. No sign in the right-of-way shall impede the flow of pedestrians or interfere with vehicle line of sight.

15.36.070 Restrictions applicable to specific uses (construction and real estate).

A. Construction site signs.

Temporary signs are permitted on construction sites as follows: one sign for each property for which an active building permit exists on the property where the

construction is occurring, including on any fence bordering on a street or public right-of-way, and within 20 feet of the construction or main property entrance, and in no case within 6 feet of the paved roadway.

Such signs must include the numerical street number for the site in contrasting type face not less than 4 nor more than 8 inches in height unless such numbers already exist on the property and are readily visible from the street, contact information including the telephone number for the person responsible for the site during construction such as the general contractor, if any, and may include the name, address, and phone number of related construction, architectural, and financial firms.

The sign may not exceed 16 square feet in size in total including both sides where both sides of the sign are visible from a public road or right-of-way. All information must be contained within the borders of the sign and no additional signs may be appended to this one permitted sign. The maximum sign area does not include any support posts or decorative projections of the post or rails, but the posts or rails may not have any additional signage appended to them. The maximum sign height shall be 7 feet. Construction site signs shall be temporary in nature, and must be removed within 60 days after issuance of the Final Certificate of Occupancy or the end of the Construction Time Limit, whichever is sooner.

B. Real Estate signs.

Real Estate signs are permitted as follows: one sign for each property that is then currently for sale, lease, or rent, either on the property or in the public right-of-way, but it may not be within 6 feet of the paved portion of any roadway or within 30 feet of any intersection or any driveway intersection with any street, or in any other location specifically not allowed in this chapter except as permitted in Section 15.36.060 above regarding flag lots and cul-de-sac frontage lots. No sign in the right-of-way shall impede the flow of pedestrians or interfere with vehicle line of sight. Such sign must be on or immediately adjacent to the property that is for sale.

Real Estate signs may not exceed 16 square feet in size in total including both sides where both sides of the sign are visible from a public road or right-of-way. All information must be contained within the sign and no additional signs may be appended to this one permitted sign. The maximum sign area does not include any support posts or decorative projections of the post or rails, but the posts or rails may not have any additional signage appended to them. The maximum sign height shall be 7 feet. No Real Estate sign shall be affixed to trees or shrubs, nor be illuminated directly or indirectly.

Temporary "open house" freestanding signs may be used in conjunction with a Real Estate sign when the premises for sale, lease, or rent is occupied by a real estate professional who is authorized to show the property, with no more than 2 such open house signs located at the nearest intersections to the property and 1 such sign located at the property being offered for sale. Such off-site signs shall be kept to the minimum

necessary to direct the public to the site of the open house showing and may be used only on the day the of the open house event.

15.36.080 Maintenance—Notice to remove or alter.

All signs, including signs installed prior to the adoption of the ordinance codified in this chapter, shall be constantly maintained in a state of security, safety and good repair. If the building inspector or other Town enforcement official finds that any sign is unsafe or insecure, or a menace to the public safety, or has been constructed, erected, relocated or altered after the effective date of the ordinance codified in this chapter in violation of the provisions of this Chapter, then the official shall give written or hand-delivered notice to the owner or the tenant of the property to remove or alter such sign to bring about compliance with this Chapter. If the owner or tenant fails to comply with the provisions of this Chapter within one day after such notice is received, the official may cause such sign to be removed and the cost thereof be paid by the owner or tenant. The official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice, and in such case, the official will make reasonable efforts to notify the sign owner of the removal and offer the opportunity for the owner to reclaim the sign upon payment of the reasonably estimated cost of removal.

15.36.090 Real Estate and Construction site signs—Existing.

All existing real estate and construction site signs which complied with the provisions of Chapter 15.36 as of the date it was last amended shall be permitted to remain upon the site on which they are located until December 31, 2014, without having to comply with the revised provisions of this Chapter with respect to such signage, however after that date all such signs shall immediately comply with the location provisions of this revised Chapter 15.36.

15.36.100 Noncommercial signs.

Noncommercial signs, including those expressing political views and those encouraging a particular vote in an upcoming election, shall be permitted but subject to the following regulations:

1. Such signs shall not be posted on trees, fences, fence posts, public utility poles, on any roof or vehicle top or open bed of any truck, or located within 6 feet of the paved portion of any roadway or within 30 feet of any intersection or any driveway intersection with any street, or in any other location specifically not allowed in this Chapter. No sign in the right-of-way shall impede the flow of pedestrians or interfere with vehicle line of sight.
2. Signs shall be temporary and not exceed 16 square feet, shall not exceed 7 feet in height measured from the ground, or be illuminated either directly or indirectly.

3. Such signs may be located on private property with permission of the owner or in the public right-of-way as restricted in 15.36.060 above. No noncommercial signs may be posted in Holbrook Palmer Park, including adjacent to roadways in and around the Park, except for governmental signs posted by the Town.

4. Signs placed in violation of this Chapter may be removed by Town personnel and stored. Any signs not claimed within 30 days AFTER NOTICE TO THE OWNER may be discarded or destroyed.

15.36.110 Billboard Policy.

Billboards are prohibited in all zones, and on all property, private and public.”

SECTION 2: Any and all provisions of the Atherton Municipal Code in existence at the time of adoption of this new Sign Ordinance that conflict with any provision of this new Chapter 15.36 shall be deemed to be superseded by this action. It is the express intent of the City Council that the terms and provisions of the new Chapter 15.36 shall take precedence over any contrary language in any other Chapter of the Atherton Municipal Code.

Introduced this _____ day of _____, 2014.

Passed and adopted as an Ordinance of the Town of Atherton at a regular meeting thereof held on the _____ day of _____, 2014, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Cary Wiest, Mayor

ATTEST:

Theresa DellaSanta, Deputy City Clerk

APPROVED AS TO FORM:

William B. Connors, City Attorney

Chapter 15.36 SIGNS

Sections:

- [15.36.010](#) Compliance with regulations required.
- [15.36.020](#) Sign defined.
- [15.36.030](#) Posting generally.
- [15.36.040](#) Billboard or advertising structure.
- [15.36.050](#) Signs on private property.
- [15.36.060](#) Notice of sign erection.
- [15.36.070](#) Time limit.
- [15.36.080](#) Size restriction.
- [15.36.090](#) Maintenance—Notice to remove or alter.
- [15.36.100](#) Real estate signs—Permitted when.
- [15.36.110](#) Real estate signs—Size restriction.
- [15.36.120](#) Real estate signs—Notice—Filing.
- [15.36.130](#) Real estate signs—Notice—Required information.
- [15.36.140](#) Real estate signs—Existing.

15.36.010 Compliance with regulations required.

It is unlawful for any person, firm or corporation to erect or maintain, or cause to be erected or maintained, any sign of any kind or character in violation of the provisions of this chapter. (Ord. 349 § 1, 1976)

15.36.020 Sign defined.

For the purposes of this chapter, “sign” means any name, figure, character, display, advertising device or any other thing of a similar nature used or intended to attract attention, and shall include all parts, portions and materials comprising same. (Ord. 349 § 2, 1976)

15.36.030 Posting generally.

It is unlawful for any person, firm or corporation, except a public officer or employee in performance of a public duty, to paste, post, nail, tack or otherwise affix any card, banner, handbill, sign, poster, advertisement or notice of any kind, or cause the same to be done, on any public curbstone, lamppost, pole, hydrant, bridge, wall, fence or tree upon any public sidewalk, street, alley or other public place, except as required by law. (Ord. 349 § 3, 1976)

15.36.040 Billboard or advertising structure.

It is unlawful for any person, firm or corporation to erect, construct, install or maintain, or to cause or permit to be erected, constructed, installed or maintained, any billboard or advertising structure of any kind upon any public sidewalk, street, alley or other public place, except as required by law. (Ord. 349 § 4, 1976)

15.36.050 Signs on private property.

Nothing in this chapter shall be deemed to prohibit the erection or maintenance on or over property other than public property any sign (other than signs subject to Sections [15.36.100](#) through [15.36.140](#) or signs used to identify a construction site in conjunction with an active building permit) so long as such sign is in compliance with the provisions of this chapter. No person, firm or corporation shall erect, construct, install or maintain any such sign without first filing with the city clerk of the town a notice on erection or maintenance of such sign. In the event that the person filing the notice is not the owner of the property upon which such sign is to be erected or maintained, he shall certify, in writing, to the city clerk that he has obtained the written consent and authorization of the owner of the property to the erection and maintenance of such sign. (Ord. 474 § 1(A), 1992: Ord. 349 § 10, 1976)

15.36.060 Notice of sign erection.

A. All notices of erection or maintenance of signs filed under Section [15.36.050](#) of this chapter shall be in writing, signed by the notifying party and filed with the city clerk and shall set forth the following information:

1. A brief description of the property on which the sign is to be located, consisting of a legal description of the property, an assessor's parcel number or a street address;
2. A description of the sign, including dimensions thereof;
3. A statement as to whether there are any other signs presently on the property and the location of such signs in relation to the location of the proposed sign.

B. No sign shall be erected or maintained on any property except as described in the notice. (Ord. 349 § 11, 1976)

15.36.070 Time limit.

Signs erected or maintained in accordance with this chapter (other than signs subject to Sections [15.36.100](#) through [15.36.140](#) of this chapter) shall not be maintained for a period in excess of sixty days and in no event shall such signs be maintained more than five days after the date of the specific event, if any, for which the sign was erected. (Ord. 349 § 12, 1976)

15.36.080 Size restriction.

No sign erected or maintained in accordance with this chapter shall exceed nine square feet in area. Except for signs subject to Sections [15.36.100](#) through [15.36.140](#) of this chapter, no two or more such signs shall be placed or maintained within two hundred fifty feet of each other on any parcel of real property. (Ord. 474 § 1(B), 1992: Ord. 349 § 13, 1976)

15.36.090 Maintenance—Notice to remove or alter.

All signs, including signs installed prior to the adoption of the ordinance codified in this chapter, shall be constantly maintained in a state of security, safety and good repair. If the building inspector finds that any such sign is unsafe or insecure, or a menace to the public safety, or has been constructed, erected, relocated or altered after the effective date of the ordinance codified in this chapter in violation of the provisions of this chapter, he shall give written notice to the owner or the tenant of the property wherein it is located to remove or alter such sign. If the owner or tenant fails to comply with the provisions of this chapter

within one day after such notice, the building inspector may cause such sign to be removed and the cost thereof be paid by the owner or tenant. The building inspector may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice. (Ord. 349 § 14, 1976)

15.36.100 Real estate signs—Permitted when.

It is unlawful for any person, firm or corporation to erect or maintain, or to cause or permit to be erected or maintained in the town any signs advertising real estate for sale, lease or rent, or as sold, leased or rented, excepting the following which, subject to the regulations prescribed in this section, are expressly permitted:

- A. The real estate sign of a real estate agent with whom the property is listed;
- B. The real estate sign of the owner of the property when such owner is personally handling the sale, lease or rental of the property;
- C. The real estate sign on a tract of land advertising the development of the tract;
- D. A real estate sign advertising the sale of acreage property. (Ord. 349 § 5, 1976)

15.36.110 Real estate signs—Size restriction.

Not more than one such real estate sign shall be permitted on any lot and the total area of such sign shall not exceed nine square feet; provided, however, that the city council may, in its discretion, grant special permission to erect and maintain signs of a size larger than that specified in this chapter for advertising the development of a tract of land and may also grant special permission to place signs spaced not less than one hundred fifty feet apart advertising the sale of acreage property. For the purposes of this section, one doubled-sided real estate sign which contains the information specified in Section [15.36.100](#) of this chapter shall be deemed to be one sign. (Ord. 474 § 1(C), 1992; Ord. 349 § 6, 1976)

15.36.120 Real estate signs—Notice—Filing.

No person, firm or corporation shall erect, construct, install or maintain any real estate sign permitted under the provisions of Section [15.36.100](#) of this chapter without first filing with the city clerk of the town a notice of erection of real estate sign. In the event that the person filing such notice is not the owner of the property upon which such sign is to be erected or maintained, he shall file with the city clerk a written consent and authorization of the owner of the property to the erection and maintenance of such sign. In the event that a prior consent has been filed with the city clerk covering the same property, the person filing the later consent shall, in addition to the owner's consent, file with the city clerk a statement of the owner rescinding the prior consent. (Ord. 349 § 7, 1976)

15.36.130 Real estate signs—Notice—Required information.

- A. All notices of erection of real estate signs shall be in writing, signed by the notifying party and filed with the city clerk and shall set forth the following information:
 - 1. A brief description of the property on which the sign is to be located, consisting of a legal description of the property, an assessor's parcel number or a street address;

2. A description of the sign, including dimensions thereof;

3. A statement as to whether there are any real estate signs presently on the property and the location of such signs in relation to the location of the proposed sign.

B. No sign shall be erected or maintained on any property except as described in the notice. (Ord. 349 § 8, 1976)

15.36.140 Real estate signs—Existing.

All existing real estate signs which comply with the provisions of this chapter shall be permitted to remain upon the property on which they are located until October 31, 1976, without the necessity of filing a notice thereof; provided, however, that from and after December 1, 1976, notice of the further maintenance of such signs shall be filed as required under the preceding provisions of this chapter. (Ord. 349 § 9, 1976)

The Atherton Municipal Code is current through Ordinance 607, and legislation passed June 27, 2014.

Disclaimer: The City Clerk's Office has the official version of the Atherton Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.
