

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

SECTION ONE: PROPRIETARY CAPACITY; CHANGES TO POLICY

In adopting this policy, the City Council acts in its proprietary capacity as to Public Property within the City. This Policy Statement may be changed at a regular public meeting of the City Council.

SECTION TWO: INTENT AS TO PUBLIC FORUM

The City declares its intent that all Public Property in the City shall not function as a designated public forum, unless some specific portion of Public Property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any.

SECTION THREE: SIGNS MUST BE PERMITTED OR EXEMPTED

No party other than the City may post, mount or display a "sign," as defined in the sign ordinance, may be displayed on Public Property, unless a Public Property Sign Permit therefore has first been issued, or the subject sign is expressly exempted from the Public Property Sign Permit requirement by this Policy Resolution or another applicable Policy Resolution. For purposes of this provision, a "Public Property" means property, real or personal, in which the City of Carlsbad and/or the Carlsbad Redevelopment Agency holds the present right of present possession and control, as well as all public rights of way.

All Public Property Sign Permits must be consistent with the policies stated herein. Any sign posted on Public Property within the City, contrary to the policies stated herein, may be summarily removed as a trespass and a nuisance by the City.

SECTION FOUR: TEMPORARY POLITICAL, RELIGIOUS, LABOR PROTEST AND OTHER NONCOMMERCIAL SIGNS IN TRADITIONAL PUBLIC FORUM AREAS

This section applies only when the Special Events Chapter of the Carlsbad Municipal Code does not. In areas qualifying as traditional public forums, such as city streets, city parks and public sidewalks, and the area immediately around the exterior of city hall, persons may display non-commercial message signs thereon without first obtaining a Public Property Sign Permit, provided that their sign display on Public Property conforms to all of the following:

1. The signs must be personally held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet of the sign at all times.
2. The signs may be displayed only during the time period of sunrise to sunset.
3. The maximum aggregate size of all signs held by a single person is 10 square feet.
4. The maximum size of any one sign which is personally attended by two or more persons is 50 square feet.

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

5. The displayed signs may not be inflatable or air-activated.

6. In order to serve the City's interests in traffic flow and safety persons displaying signs under this section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by.

SECTION FIVE: PUBLIC PROPERTY SIGN PERMITS; APPLICATION FORMS AND PROCEDURES

The Community Development Director shall prepare and make available to the public a form for Application for a Public Property Sign Permit (Permit), which shall, when fully approved, constitute a Permit and indicate the City's consent, in its proprietary capacity, for placement of a sign. The applicant for the permit must be the same person or entity who is to be the owner of the sign. The processing fee for each application, which shall not be refundable even if the application is denied, shall be the same as the fee for a sign permit under the sign ordinance. To each application form shall be attached a copy of this Policy Statement. The application form shall require the applicant to indicate that he or she has received a copy of this Policy Statement, and that they shall abide by its terms, as well as any special terms or conditions which may be stated on the Permit, and to abide by any new or different conditions which may be imposed on all permittees who are similarly situated.

Any Public Property Sign Permit issued in error may be summarily revoked by any officer of the City, by simply informing the applicant of the nature of the error in issuance; any applicant whose permit is revoked as issued in error may, at any time thereafter, submit a new permit application which cures any deficiencies in the original application. The application fee shall apply separately to each new application. Applications which fully comply with the terms and conditions of this Policy Statement shall be duly issued. Applications which are denied, or permits which are revoked or suspended, may be appealed in the same manner as denials of sign permits, as described in the Sign Ordinance.

SECTION SIX: EXEMPTIONS FROM PERMIT REQUIREMENT

The following signs are exempted from the Permit requirement: Traffic control and traffic directional signs erected by the City or another governmental unit; official notices required by law; signs placed by the City in furtherance of its governmental functions; signs allowable under Section Four of this Policy.

SECTION SEVEN: PERMITS FOR A-FRAME SIGNS IN CARLSBAD VILLAGE REVIEW AREA, BEARING COMMERCIAL MESSAGES ONLY

1. INTENT AS TO PUBLIC FORUM

The areas and times controlled by this section are designated to constitute a limited access, non-public forum which is strictly limited to commercial messages, and which is open only to those persons described in this

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

section and on the terms stated in this section.

2. WHERE A-FRAMES MAY BE PLACED; PHYSICAL STANDARDS

" A-Frame" signs, as that term is defined in the sign ordinance, may be placed in particular portions of the public right-of-way, within the Carlsbad Village area only, namely, on the public sidewalk directly in front of the store or other establishment displaying the sign.

Such signs may have no more than 2 display faces, every display face shall be a flat, smooth surface, and remain completely free of dangerous protrusions such as tacks, nails or wires however, cutouts of any shape are allowed. Sign faces shall be back to back. No banners, ribbons, streamers, balloons, or attachments of any kind may be affixed to the sign. The sign may not use any moving parts or include a display face which is hinged, or which otherwise swings or hangs from a frame. No glass, breakable materials or illumination is allowed. The signs shall be physically stable and balanced flat on the sidewalk. The sign must be self-supporting, stable and weighted or constructed to withstand overturning by wind or contact.

All such signs may be placed in the permitted space on the public right-of-way only when the retail establishment is actually open for business. The sign must be placed on the public sidewalk in a manner which maintains a clear pedestrian area of at least five (5) feet over the entire length of the sidewalk in front of the business and be located directly in front of the business which owns the sign.

Each display face shall have a maximum area of 15 square feet, and shall not exceed 5 feet in height or 3 feet in width. Changeable text area of the sign may not exceed 50% of the display face. No such sign may have special illumination and the display portion may have no parts which move, flash, blink or fluoresce. Fluorescent or "day glow" colors are not allowed. No paper or non-rigid changeable text areas are allowed.

The sign shall not be permanently affixed to any object, structure, or the ground, including utility poles, light poles, trees or other plants, or any merchandise of products displayed outside permanent buildings.

At no time may the sign be placed in the street or in any position which impedes the smooth and safe flow of vehicular and pedestrian traffic, or which interferes with driver or pedestrian sight lines or corner clear zone requirements as specified by the City. No sign shall be placed in such a manner as to obstruct access to a public sidewalk, public street, driveway, parking space, fire door, fire escape or access for persons with disabilities.

Signs shall not obscure or interfere with the effectiveness of any official notice or public safety device. Signs shall not simulate in color or design a traffic sign or signal, or make use of words, symbols, or characters in such a manner as may confuse pedestrians or drivers.

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

Every sign and all parts thereof shall be kept in good repair. The display surface shall be kept clean, neatly painted, and free from dust, rust and corrosion. Any cracked, broken surfaces, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced or removed within 30 days following notice by the City.

The copy on the sign must be strictly of a commercial nature, must not include copy or messages pertaining to "noncommercial speech" as that term is defined in the Sign Ordinance, and must refer or pertain to goods, activities or services which are actually available in the subject store at the time the sign is displayed.

3. WHO MAY DISPLAY AN A-FRAME SIGN IN THE VILLAGE REVIEW AREA

The A-Frame Signs allowed by this section may be displayed only by the operators of a business within the Village Review Zone, who hold a currently valid City business license, who are not currently in violation of any of the zoning, land use, environmental or business regulatory laws, rules or policies of the City.

Each eligible business location is allowed a maximum of one A-Frame sign. However, when a business is located within a business arcade or courtyard area, in which case only one "tenant directory" sign, which lists all of the businesses within the arcade or courtyard, is allowed. The display area of the permitted A-Frame sign shall not count as part of the total signage for the business, which is allowed under the Sign Ordinance. However, all existing building signage for a business must conform to the sign standards set forth within the Village Master Plan and Design Manual before a permit will be approved for a sign on the public sidewalk.

4. TRANSFER OF PERMIT

The Permit attaches to the business at the location specified. If the business is sold or transferred, and remains at the same location, then the Permit shall automatically transfer to the new owner or transferee, who shall be bound to the terms and conditions of the original Permit. However, if the business which first obtained the Permit moves to a different location, or if the location is then taken by a new business, a new application and Permit shall be required.

5. TERM OF CONSENT INDICATED BY PERMIT; REVOCATION AND RENEWAL

The Permit is revocable or cancelable at will by the City. However, the City will cancel a Permit without cause only when it does so to all permittees who are similarly situated. Any Permit may be revoked for noncompliance, 30 calendar days after notice of noncompliance remains uncured, or in the case of a noncompliance condition which constitutes a threat to the public health, safety or welfare, summarily. When a Permit is revoked, the owner of the sign must physically remove it from the public right of way within 24 hours of notice of revocation; upon failure to do so, the City may summarily remove the sign and hold it in storage

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

until all costs of removal and storage are paid by the sign owner, upon which condition the sign shall then be returned to its owner. There is no guarantee that the City will continue the policy stated herein. Permittees hold no expectation of renewal of any given Permit, acquire no vested right to continue displaying the sign on public land, and waive all claims of inverse condemnation (uncompensated taking of private property) as to the permitted sign, when they submit the original application.

6. TEMPORARY REMOVAL

The City may give notice, by any reasonable means, that consent to display an A-frame is or shall be withdrawn temporarily so as to serve a more urgent or more important public need, such as, without limitation, dealing with a natural disaster, a traffic emergency, a temporary need to make more space available on the public right-of-way, a civil disturbance, a parade, an election, or other special event. In urgent situations, the City may summarily remove a permitted sign without notice, for a time sufficient to deal with the urgency. All permittees shall comply with all notices to temporarily remove the permitted signs, and to return them to display only in accordance with the City's directions.

7. INSURANCE AND INDEMNITY

A Permit under this section will be issued only to an applicant who provides evidence of comprehensive general liability Insurance coverage, in a form satisfactory to the Housing and Redevelopment Director and the Risk Manager, which shall name the City and Carlsbad Redevelopment Agency as an additional insured and provide thirty-day notice of cancellation. The minimum liability coverage on such policy shall be one million dollars; such coverage shall apply to claims of personal Injury Including death, property damage and advertising injury. Application for a Permit shall constitute an agreement to hold harmless, defend and indemnify the City and Carlsbad Redevelopment Agency against all claims relating to property damage or personal injury, including death, which assert that the permitted sign played any legally significant role in the creation of the liability.

8. CANCELLATION OR MODIFICATION OR PROGRAM

The City and/or Housing and Redevelopment Commission may, at any time and for any reason, cancel or modify this program allowing commercial A-Frame signs in the public right-of-way in the Village Review Area.

SECTION EIGHT: REAL ESTATE FOR SALE "KIOSK" SIGNS IN PARTICULAR LOCATIONS

1. INTENT AS TO PUBLIC FORUM

The City's intent as to this section is to designate a strictly limited public forum, which allows only the posting in convenient places of directional information regarding tract housing developments which are currently

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

selling homes located within the City.

2. KIOSK SIGNS FOR NEW TRACT HOUSING DEVELOPMENTS

Kiosk signs are permanent freestanding structures, not exceeding 10 feet in height, 7 feet in width, which contain modular information strips, not exceeding 10 inches in height, 6 feet in width, providing information about tract housing developments (of more than 4 units) which are currently selling new homes located within the City. Such signs may display only the following information: the name of the development, developer and/or marketer thereof, and the direction to the development from the sign.

Each kiosk will have "City of Carlsbad" and the city logo displayed in a prominent location on the sign.

One kiosk design will be utilized throughout the city. This kiosk design is on file in the Planning Department. All tract housing development signs mounted on the kiosks shall be the same design and shall be white wood with black reflective lettering. Letters shall be consistent in size, width and thickness of print. Letters shall be all upper case letters not more than 6 inches in height.

Individual tract housing development directional signs shall be approved by the Planning Director prior to mounting on a kiosk to ensure compliance with this section. In no case shall a sign be mounted on a kiosk before building permits have been issued for the model homes.

There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the sign as originally approved. Further, no other off-site directional signing may be used such as posters, trailer signs or temporary subdivision directional signs.

Any sign placed contrary to the provisions of this section may be removed by the city without prior notice.

Each approved tract housing development may have up to a maximum of 8 directional signs. Upon approval by the Planning Director, directional signs shall be permitted until the homes within the housing development are sold or for a period of one year, whichever comes first. Extensions not exceeding one year may be granted by the Planning Director.

A neighborhood shall not be allowed any directional kiosk signs if there are any other offsite signs advertising the housing development anywhere in the City. If any advertising signs are erected and not promptly removed upon demand by the city, all kiosk signs for that subdivision shall be removed, the lease cancelled and no refund given.

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

3. PRIVATE CONTRACTOR FOR MANAGEMENT OF THE KIOSKS

The City may enter into a contract with a private contractor to design, erect, modify, replace, maintain and manage the kiosk signs allowed by this section. Such contract must be approved by the City Council, and may require that the contractor pay to the City a rent or royalty on advertising revenues. All the terms of said contract, and all payments to the City hereunder, shall be public information.

4. INSURANCE REQUIREMENT

In the event the City selects a private party contractor to manage the kiosks, the City may require the private party contractor to provide evidence of comprehensive general liability insurance coverage, in a form satisfactory to the Community Development Director, which shall name the City as an additional insured, and provide 30-day notice to the City of cancellation. The minimum liability coverage on such policy shall be one million dollars. Any private party contract must include a provision for the contractor to hold harmless, defend and indemnify the City against all claims relating to property damage or personal injury, including death, which assert that the kiosk sign played any legally significant role in the creation of the liability.

5. ALLOWABLE LOCATIONS

The kiosks allowed by this section may be located only as shown on Attachment A.

SECTION NINE: TEMPORARY POLITICAL SIGNS IN THE PUBLIC RIGHT OF WAY DURING CAMPAIGN PERIODS

1. INTENT AS TO PUBLIC FORUM

In this section only, the City's intent is to designate a public forum which is available only at limited times and places for sign expression on political and other noncommercial topics, absolutely without favoritism as to any speaker, topic or point of view. The display opportunities afforded by this section are in addition to those in the Sign Ordinance which allow noncommercial speech at all times.

2. TEMPORARY CAMPAIGN SIGN PERMIT; APPLICATION FORMS AND PROCEDURES

The procedure for the approval of a temporary campaign sign permit is as follows:

- The zoning enforcement officer shall notify candidates and/or their state/local campaign committee chairpersons for national, state, local or county office and chairpersons of campaign committees for or against any measure appearing on the ballot for a statewide, local or county election of the temporary campaign sign requirements as provided herein.

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

Prior to the posting of any temporary campaign signs, the candidate, the chairperson of a campaign committee or any other person designated by the candidate or chairperson who is responsible for the posting of said sign, shall obtain a temporary campaign sign permit. The permit, on a form prescribed by the community development director or his designee, shall include the name, address and phone number of the candidate or campaign chairperson and any person responsible for the posting of signs. The permit shall be signed by the candidate, chairperson or person responsible for the posting of the signs.

- A nonrefundable processing fee, in an amount established by City Council, shall be paid at the time the application for the permit is made. The fee shall be used to defray the cost of issuing the permit and administering. These fees apply to all signs, which may be displayed under this section for the relevant period, and shall not be assessed on a per sign basis.
- A refundable deposit, in an amount established by City Council, shall be paid at the time the permit is issued. This deposit shall be refunded to the permittee within 5 days after the removal of the permittee's temporary campaign sign or signs. If the permittee does not remove the signs they may be removed by the Community Development Director or designee without further notice. The deposit may be used to defray the cost of removal. The Community Development Director or designee may also charge any expense incurred hereunder to the permittee. Any candidate or campaign committee which is able to show financial inability to pay the refundable deposit may request a waiver from the City Council.
- The Community Development Director or designee is authorized, after giving 2 days written notice to the person or persons who signed the sign permit, to remove any temporary campaign signs that do not conform to the standards herein provided. The cost of such removal may be charged to the permittee.

3. TIME PERIOD

The signs allowable under this section may be displayed only during the period of time 20 days preceding and 10 days following a general, special or primary election. All political and other noncommercial message signs must be removed from public property, by the permittee or his/her designee, not more than 10 days after the election.

4. LOCATIONS

This section allows the display of signs expressing political or other noncommercial messages. The signs allowable under this section may be placed in the public right-of-way adjacent to a public street in

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

commercially or industrially zoned areas or in residentially zoned areas along prime or major arterials as shown in the Circulation Element of the General Plan.

5. PERSONS WHO MAY RECEIVE A PERMIT UNDER THIS SECTION

Any person who will abide by the terms and conditions of this section may receive a permit. Removal, defacement, alteration, obliteration, destruction or tampering with signs permitted under this policy without the permission of the owner is prohibited. Such signs may not be placed in such a manner as to obscure or cover, in whole or in part, any other sign permitted under this section.

6. PHYSICAL REQUIREMENTS

Signs which are allowable under this section may not exceed 6 square feet in display area, must be made of materials and construction methods to withstand normal weather conditions for the period of display, and mounted in such a manner that they will not be blown away or dislodged by normal weather and climate conditions for the area. Each sign must be mounted at least 1 foot above grade, and no higher than 6 feet above the grade. Permitted signs may not be specially illuminated.

No sign shall be:

- attached to any utility pole, bus bench, pole or structure supporting a traffic control sign or device, or hydrant.
- placed on any tree or shrub by any nail, tack, spike or other method which will cause physical harm to the tree or shrub.
- placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road right-of-way.
- placed in the roadway or on the sidewalk.
- placed in the portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different than the owner.

7. REMOVAL OF NONCONFORMING SIGNS

Signs which do not conform to this section or any permit issued under this section shall be summarily removed by the City upon discovery of the nonconformance.

COUNCIL POLICY STATEMENT

Policy No.	<u>65</u>
Date Issued	<u>6/23/09</u>
Effective Date	<u>IMMEDIATELY</u>
Cancellation Date	<u>UNTIL SUPERCEDED</u>
Supersedes No.	<u>65. dated 3/4/08</u>

General Subject: Signs on Public Property

Specific Subject:

Copies to: City Council, City Manager, City Attorney, Department Heads and Division Heads, Employee Bulletin Boards, Press, File

SECTION TEN: SIGNAGE ASSOCIATED WITH SPECIAL EVENTS

When the City allows a special event, the Special Event Committee shall approve the location, number, duration of posting and content for "Road Closure Notification" and "Traffic Control/Directional" signs as described in the Carlsbad Municipal Code. The Special Event Committee shall approve the location and duration of posting for "Promotional" signs as described in the Carlsbad Municipal Code.

Signs within the venue shall conform to size requirement and may only be posted during the time authorized in the Special Event Permit.

SECTION ELEVEN: LAMP POST BANNERS

City-owned lamp posts are reserved for the exclusive use of the City and the Redevelopment Agency to display its own messages and images. The specifics regarding the use of such space for display of banners is delegated to the City Manager or designee, who may detail such specifics in administrative directives.

Banners may be installed by the Carlsbad Redevelopment Agency and/or City of Carlsbad on selected light standards and/or traffic signals within the City. These banners shall be for the advertisement and/or promotion of events and/or programs which are officially sponsored or co-sponsored and financially supported by the Carlsbad Redevelopment Agency and/or the City of Carlsbad. The banners shall not include any commercial advertisement for any individual business or private, non-city organization.