CITY OF BELLFLOWER

ORDINANCE NO. 1331

AN ORDINANCE AMENDING TITLE 17, CHAPTER 17.68 REGARDING THE REGULATION OF SIGNS

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: The City Council finds and determines as follows:

A. On June 18, 2015, the U.S. Supreme Court issued its opinion in the case of *Reed v. Town of Gilbert* (2015) 576 U.S. ___, 135 S.Ct. 2218. There, the Court struck down several provisions of the Town's sign regulations that imposed different time, place and manner restrictions depending entirely on the communicative content of the sign.

B. In response, staff reviewed the Bellflower Municipal Code ("BMC") for sign regulations that could potentially run afoul of the holding in *Reed*. This Ordinance amends the BMC to eliminate or otherwise correct provisions of the City's sign regulations that may be perceived as impermissibly content-based in the wake of the Supreme Court's ruling.

C. The presence of certain signs is essential, both for vehicles and pedestrians, to guide traffic, identify hazards, and to ensure public safety. Examples of essential signs include, without limitation, warning signs, directional signs, building identification signs, address numbers, signs notifying the public of restrictions (e.g., no parking) and signs identifying the availability of public services.

SECTION 2: *Zoning Regulation Findings*. Pursuant to BMC § 17.104.030 the City Council finds as follows based on the facts and evidence set forth above, in the accompanying staff report, and in the entire administrative record:

A. The United States Supreme Court's decision in *Reed v. Town of Gilbert* requires certain amendments to the BMC as effectuated by this Ordinance;

B. There is no substantial evidence showing that the changes implemented by this Ordinance would adversely affect any property in the City as to value or precedent, and will not be detrimental to any area of the City;

C. The changes implemented by this Ordinance will promote public health, safety and general welfare by, among other things, improving aesthetics and bringing the BMC into compliance with applicable law; and

D. As set forth below as to General Plan findings, adopting this Ordinance will not adversely affect the General Plan or zoning regulations for the City.

SECTION 3: *General Plan Findings*. Pursuant to Government Code § 65860, the changes implemented by this Ordinance are consistent with the General Plan. Among other things, this Ordinance will help implement Land Use Goal 2 (*see also* Policy 2.12) and Land Use Policy 3.2 (for Town Center). The BMC amendments are relatively minor in nature and are intended to eliminate or rectify those regulations that could potentially be viewed as impermissibly content-based in the wake of the Supreme Court's ruling in *Reed v. Town of Gilbert*. Ensuring that the City's sign regulations do not inadvertently result in impermissible content-based distinctions will not frustrate any goal or policy set forth in the General Plan.

SECTION 4: BMC § 17.68.110 is added to read as follows:

"**17.68.110 Message Substitution.**

Noncommercial copy may be substituted for any commercial or noncommercial copy on any sign that is allowed by this code, whether permitted or exempt. Message substitution may be made without any additional City approval or permitting. This section prevails over any more specific provision to the contrary within this code. The purpose of this section 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 section does not create a right to increase the total amount of signage on property, does not affect the permitting requirements of this code, and does not override terms and conditions in private contracts."

SECTION 5: BMC § 17.68.010(A) is amended to read as follows:

"A. Real Estate Signs Authorized by Civil Code Section 713. One unlighted sign not exceeding nine square feet in area and pertaining only to the sale, lease, or exchange of the particular building, property or premises upon which it is displayed."

SECTION 6: BMC § 17.68.020(C) is amended to read as follows:

"C. Real Estate Signs Authorized by Civil Code Section 713. One unlighted sign or banner not exceeding twelve square feet in area and pertaining only to the sale, lease, or exchange of the particular building, property or premises upon which it is displayed."

SECTION 7: BMC § 17.68.020(D) is added to read as follows:

"D. One unlighted sign or banner not exceeding twelve square feet in area to identify public or private parking lots."

SECTION 8: BMC § 17.68.030(A)(4) is amended to read as follows:

"4. All on-premises signs in this district pertaining to a business, product, activity, or service which is available at, or conducted on, the premises on which the sign is located."

SECTION 9: BMC § 17.68.050(B) is amended to read as follows:

"B. Sign Permit Required. No sign, including a temporary sign, unless exempted by this Code, may be constructed, mounted, erected, placed, displayed, or altered without a Sign Permit issued pursuant to this Code. The Planning Director, or designee, may review all signs unless otherwise stated. A Sign Permit is not required for a change of copy on a sign if the change of copy does not involve a physical alteration to a structural component of the sign or otherwise extend the remaining useful life of the sign structure."

SECTION 10: The definition of "Construction or Contractor Sign" set forth in BMC § 17.68.050(D) is amended to read as follows:

"**Construction or Contractor Sign**

'Construction sign' or 'contractor sign' means a temporary sign erected on the parcel on which construction is taking place and limited to the duration of the construction."

SECTION 11: BMC § 17.68.050(D) is amended to delete the definitions of "Grand Opening, Under New Management Signs"; "Promotion Sign"; and "Vehicle Sign."

SECTION 12: The definition of "Real Estate Sign" set forth in BMC § 17.68.050(D) is amended to read as follows:

"**Real Estate Sign**

'Real estate sign' means a temporary sign authorized pursuant to Civil Code section 713 and containing only that information described in Civil Code section 713. Real estate signs are subject to time, place and manner restrictions as set forth in this Code."

SECTION 13: BMC § 17.68.050(F)(19) is amended to read as follows:

"19. [Reserved]"

SECTION 14: BMC § 17.68.050(F)(27) is repealed.

SECTION 15: BMC § 17.68.050(P)(3) is amended to read as follows:

"3. All on-premises signs in the Town Center District must pertain to a business, product, activity, or service which is available at, or conducted on, the premises on which the sign is located."

SECTION 16: BMC § 17.68.070(E)(2) is repealed.

SECTION 17: BMC § 17.68.080(B) is amended to read as follows:

"B. Exempt Advertising Displays. The provisions of this section do not apply to any of the following listed advertising structures or signs when used exclusively:

1. As a real estate sign authorized by Civil Code section 713 and otherwise consistent with this Code;

2. As a business identification sign or to otherwise identify the premises on which it is placed; or

3. As an on-premises sign."

SECTION 18: BMC § 17.68.090 is amended to read as follows:

"**17.68.090 Temporary Election Season Signs.**

A. Legislative Findings. The City Council of the City of Bellflower does find, determine and declare that:

1. This section is enacted to encourage the most appropriate land use; to conserve and stabilize the value of property; to lessen congestion on streets; to protect, enhance and improve the aesthetic value of the City of Bellflower and to promote health, safety and the general welfare while safeguarding the right to freedom of speech of its citizens.

2. The posting, display or affixing of signs on structures, yards, and vegetation on residential, commercial, industrial, institutional, and open-space properties constitutes clutter, and visual and aesthetic blight. Such blight reduces the quality of the environment, including property and community values.

3. The posting, display or affixing of signs on structures, yards and vegetation can interfere with, confuse, obstruct or mislead traffic.

B. A temporary election season sign is a sign displayed not more than 45 days before, and not more than 7 days following, any election in which residents of the City of Bellflower are eligible to vote. Temporary election season signs are allowed in commercial and residential districts subject to the following conditions:

1. Each temporary election season sign in a commercial district cannot be larger than sixteen square feet.

2. Each temporary election season sign in a residential district cannot be larger than nine square feet.

3. All temporary election season signs in residential districts must be stationary, unlighted and not employ animated or rotating devices or electrical components, either adjacent to or as an integral part of the display. Animated signs in commercial districts are permitted, subject to the granting of a conditional use permit. Subject to the approval of the Planning Director, pennants, banners and similar advertising devices may be permitted for limited periods when in compliance with City policy approved by the City Council.

4. All temporary election season signs must be placed or fixed to avoid possible obstruction, interference or injury to persons or property.

5. No temporary election season sign can be erected in a manner that may foreseeably be expected to interfere with, confuse, obstruct or mislead traffic. No sign can be placed within fifteen feet of a fire hydrant, street sign, intersection or traffic signal where such placement might constitute a safety hazard to motorists.

Note: This section regulates temporary election season signs on private property. Chapter 12.20 of this Code regulates signs on public property.

C. Temporary Election Season Signs—Removal Requirements—Nuisance. A temporary election season sign:

1. Must be removed within seven calendar days after the election to which it relates.

2. Is the responsibility of the owner of the property upon which the sign is placed to remove or adjust when not placed in accordance with the requirements of this section.

3. Will constitute a public nuisance when not posted in accordance with the provisions of this section, and upon three days' written notice, may be removed by the Building Official and stored, and if not retrieved within fifteen days from the date of such removal, be considered as abandoned and be disposed of by the City without any liability to any person.

D. Temporary Election Season Signs—Exemptions. The provisions of this section do not apply to the following:

1. A sign that is inside a structure though visible from the exterior.

2. Any off-premises sign placed pursuant to this Code.

3. A single sign identifying an election campaign headquarters; however, such signs are governed by provisions in the Code regulating commercial signs."

SECTION 19: *Environmental Review.* This ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq*.) because it consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is exempt from further CEQA review pursuant to CEQA Guidelines § 15061(b)(3).

SECTION 20: *Construction*. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 21: *Enforceability*. Repeal of any provision of the Bellflower Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 22: *Severability*. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 23: *Validity of Previous Code Sections.* If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the BMC or other regulation by this Ordinance will be rendered void and cause such BMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 24: The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Bellflower.

<u>SECTION 25:</u> *Effective Date.* This Ordinance will become effective on the 31st day following its passage and adoption.

ORDINANCE NO. 1331 HAD ITS FIRST READING ON NOVEMBER 28, 2016, ITS SECOND READING ON DECEMBER 12, 2016, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF DECEMBER 12, 2016.

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Dan Koops, Mayor

Attest:

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Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

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Karl H. Berger, City Attorney