

ORDINANCE NO. 2008- 07

AN ORDINANCE OF THE CITY OF AMERICAN CANYON AMENDING AND SUPPLEMENTING REGULATING THE PLACEMENT AND REMOVAL OF POLITICAL SIGNS AND IMMEDIATE REMOVAL OF HAZARDOUS SIGNS

WHEREAS, the City of American Canyon ("City") wishes to regulate the placement and removal of political signs in association with local, statewide, and national elections in order to avoid the appearance that the City endorses a certain candidate or ballot measure and to reduce the potential safety hazards, blight, and aesthetic impact caused by the unregulated placement of political signs;

WHEREAS, unique development patterns of the City, including subdivision tracts as old as 70 years, have resulted in many improved streets and sidewalks that do not reflect the actual ownership of the public right-of-way and improved streets; many areas exist where placement of signs in the public right-of-way could constitute a hazard to vehicle traffic including but not limited to vision impairment;

WHEREAS, the City intends such regulation to comply with the Constitutions of the United States of America and of the State of California and among other things, to address any perceived, or claimed disparity between the procedure for regulation of political and commercial signs;

WHEREAS, the City recognizes that to the extent that placement of political signs is not contrary to the intent and purposes stated herein, it is in the best interest of the City and its inhabitants to allow political expression while balancing concerns for public safety;

WHEREAS, the City believes that the reasonable regulation of political signs will obviate many of the objections that have been raised to the unregulated placement of political signs, especially upon City public property;

WHEREAS, the City believes that signs that pose a public hazard to public health and safety must be subject to immediate abatement while still maintaining due process;

WHEREAS, the City wishes to amend and supplement its removal procedures for signs not in conformance with the City Sign Ordinance to allow for immediate removal of all signs that pose a hazard to public health and safety;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN THE FOLLOWING:

SECTION 1: City Code section 19.23.035, entitled "Regulation of Political Signs" is hereby amended and contains the following additions and amendments (additions and amendments in bold):

In addition to those signs exempt from regulation pursuant to City Code section 19.23.030, political signs as defined by City Code section 19.23.120 shall also be exempted subject to compliance with all of the rules and all of the regulations set forth in subsection (A) herein.

A. Regulations. The placement or installation of political signs in the City of American Canyon shall in all respects comply with the following:

1. No political signs shall be installed or displayed sooner than **one hundred and twenty (120)** days preceding the election for which the sign is intended;

7. **No political sign may be placed within 25 feet of any existing commercial or non-profit sign on any one property.**

8. The city manager and/or his or her designee shall have the right to **immediately** remove all signs which obstruct visibility on City streets **or which constitute a traffic hazard not created by relocation of streets or highways or by acts of any city or county** or could contribute to a dangerous condition of public property **consistent with the procedures for removal of hazardous political signs under City Code section 19.23.035.10.**

9. The city manager and/or his or her designee shall have the right to remove all signs placed contrary to any provisions of this section **consistent with the procedures for removal of non-conforming political signs under City Code section 19.23.035.11.**

10. When it is determined that the sign in question poses an imminent safety hazard or dangerous condition, such sign may be removed immediately and stored by the city manager and/or his or her designee. As soon as possible following removal, the owner, if known, shall be given a notice of violation and the right to a hearing by requesting such hearing within five days of receipt of the notice of removal. The hearing shall be held before the city manager or his or her designee within ten days of receipt of the written request for the hearing. The owner and the city shall be permitted to present evidence and cross examine each other's witnesses. At the conclusion of the hearing, the city manager or his or her designee shall prepare a written decision. This decision shall be delivered to the owner personally or by certified mail within ten days of the hearing. The city manager's and/or his or her designee decision shall be final. If the owner establishes such removal to be improper, the owner shall be entitled to a return of the signs without charge. In all other cases the sign will be returned to the owner only upon payment of removal and storage costs. If the sign is not claimed within 30 days after the decision becomes final, the sign may be destroyed. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

11. The city manager or his or her designee shall remove or cause the removal of any political sign constructed, altered or maintained in violation of this section. Such removal may occur fifteen days after the date of mailing of registered or certified written notice to the owner of the sign, if known, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be

removed if the violation is not corrected within fifteen days. If the owner disagrees with the opinion of the city manager, the owner may, within the fifteen-day period, request a hearing before the city manager to determine the existence of a violation. At the conclusion of the hearing, the city manager or his or her designee shall prepare a written decision. This decision shall be delivered to the owner personally or by certified mail within ten days of the hearing. The city manager's decision shall be final. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

12. The city council shall from time to time establish procedures by resolution providing for forfeitable deposits by candidates posting political signs within the city.

SECTION 2. City Code section 19.23.030, entitled "Exempted Signs" is hereby amended and adds the following subsection "Q.":

Q. Notwithstanding any provisions in this chapter to the contrary, no commercial or special event signs will be allowed on public property or the public right of way except direction, warning or information signs or structures required or authorized by law or the federal, State, County or City authority, or necessary for the ordinary operation of the City or other State or Federal agencies, or necessary for the maintenance of the public safety or welfare.

SECTION 3: City Code section 19.23.090, entitled "Sign Removal" is hereby amended as follows, and adds new subsection B.4.:

1. **Except for A6 above, such removal...**

* * *

4. **When it is determined that the sign in question poses an imminent safety hazard or dangerous condition or constitutes a traffic hazard not created by relocation of streets or highways or by acts of any city or county, such sign may be removed immediately and stored by the planning director. As soon as possible following removal, the owner, if known, shall be given a notice of violation and the right to a hearing by requesting such hearing within five days of receipt of the notice of removal. The hearing shall be held before the planning director or his or her designee within ten days of receipt of the written request for the hearing. The owner and the city shall be permitted to present evidence and cross examine each other's witnesses. At the conclusion of the hearing, the planning director or his or her designee shall prepare a written decision. This decision shall be delivered to the owner personally or by certified mail within ten days of the hearing. The owner may appeal the decision in accordance with subsection B. 2. If the owner establishes such removal to be improper, the owner shall be entitled to a return of the signs without charge. In all other cases the sign will be returned to the owner only upon payment of removal and storage costs. If the sign is not claimed within 30 days after the decision becomes final, the sign may be destroyed.**

SECTION 4. Pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA") and the CEQA Guidelines (Title 14, Cal. Code Regs., §§ 15000 et seq.) ("Guidelines"), the Council has determined that the adoption of this Ordinance is not a "project" within the meaning of CEQA because pursuant to Guidelines section 15061 (b)(3) it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and because pursuant to Guidelines section 15308 it involves actions by the City for protection of the environment. The City Clerk or designee shall file a notice of exemption with the Napa County Clerk within three (3) days following adoption of this Ordinance.


SECTION 5. Effective Date.

The foregoing ordinance was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 3rd day of June 2008, and was revised, read again, passed and adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 17th day of June, 2008 by the following vote:


AYES:	Garcia, Coffey, Bennett, Callison
NOES:	None
ABSENT:	West
ABSTAIN:	None



Leon Garcia, Mayor

ATTEST:


Dorothy Roadman, City Clerk

APPROVE AS TO FORM:


William D. Ross, City Attorney

2008-067

City of American Canyon
NOTICE OF EXEMPTION

FILED



JUN 24 2008

To: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95824

JOHN TUTEUR
Napa County Recorder - County Clerk
By _____
DEPUTY RECORDER - CLERK

X County Clerk
Napa County
900 Coombs Street, Rm. 116
Napa, CA 94559

From: City of American Canyon
Administration
300 Crawford Way
American Canyon, CA 94503

Project Title: City of American Canyon Ordinance 2008-07, An Ordinance Of The City Council Of The City Of American Canyon amending and supplementing regulating the placement and removal of political signs and immediate removal of hazardous signs.

Project Location – Specific: Within City of American Canyon ("City") boundaries.

Project Location – City: City of American Canyon

Project Location – County: Napa

Description of Project: Purpose is to allow the City to regulate the placement and removal of political signs in association with local, statewide, and national elections in order to avoid the appearance that the City endorses a certain candidate or ballot measure and to reduce the potential safety hazards, blight, and aesthetic impact caused by the unregulated placement of political signs.

Name of Public Agency Approving Project: City of American Canyon

Name of Person or Agency Carrying Out Project: City of American Canyon

Exempt Status: (Check One)

_____ Ministerial (Public Resources Code Section ("Sec").21080(b)(1); CEQA Guidelines § 15268);

_____ Declared Emergency (Sec.21080(b)(3); CEQA Guidelines § 15269(a);

_____ Emergency Project (Sec.21080(b)(4); CEQA Guidelines § 15269(b)(c);

X Categorical Exemption. CEQA Guidelines § 15308:

_____ Statutory Exemption. State code number: Sec. 21080(b)(8); CEQA Guidelines § 15273 (a)(1).

Reasons why project is exempt: Pursuant to the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) ("CEQA") and the CEQA Guidelines (Title 14, Cal. Code Regs., §§ 15000 et seq.) ("Guidelines"), the Council has determined that the adoption of this Ordinance is not a "project" within the meaning of CEQA because pursuant to Guidelines section 15061 (b)(3) it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and because pursuant to Guidelines section 15308 it involves actions by the City for protection of the environment.

Lead Agency Contact Person: Brent Cooper, AICP, Planning Director

Area Code/Telephone/Extension: (707) 647-4335

If filed by applicant: NA

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: 

Date: 6-23-08

Title: Brent Cooper, AICP, Planning Director

Signed by Lead Agency Signed by Applicant

Date received for filing at OPR:



CLERK

NAPA COUNTY

OFFICE OF THE ASSESSOR - RECORDER -

RECORDER - COUNTY CLERK DIVISION

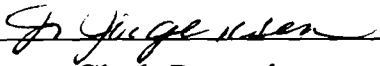
JOHN TUTEUR, RECORDER - COUNTY CLERK

2008-0068

COUNTY CLERK'S CERTIFICATE OF POSTING

As required by CEQA, Section 21152 (C) of the Public Resource Code, that I, J.Jorgensen, Deputy Recorder-County Clerk, certify that I posted the attached notice in the office of the Recorder-County Clerk at 900 Coombs Street, Room 116, Napa, California, for the following time period: 06/25/2008 through 07/27/2008.

By:


Deputy Clerk Recorder

For: John Tuteur, Napa County
Assessor-Recorder-County Clerk