

ORDINANCE NO. 2012-377

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LOS ALTOS AMENDING LOS ALTOS MUNICIPAL
CODE CHAPTER 14.68 ENTITLED "SIGNS ON PRIVATE
PROPERTY" AND CHAPTER 9.26 ENTITLED "SIGNS ON
CITY PROPERTY"

WHEREAS, by adopting this Ordinance, the City Council intends to balance the right of free speech by sign display against the community interests in limiting the impacts of excessive and/or inappropriate signs; and

WHEREAS, the City Council further intends by this Ordinance to regulate signs in a manner which is consistent with the Constitutions and laws of the State of California and the United States; and

WHEREAS, the Ordinance amendments set forth below further the goals and policies of the City's General Plan and are necessary to promote the health, safety and welfare of the City; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, the Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant adverse effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Los Altos Municipal Code Chapter 14.68, Section 14.68.040 definition of "Digital" to read as follows:

"Digital Sign: An electronic sign which displays visible images to the public by means of panels of light emitting diodes (LED), liquid crystal displays (LCD), plasma displays or functionally equivalent display technology, and the panels are capable of displaying still images, a series of still images in "slide show" fashion, or images which appear animated or in motion, including DVD (DVD means digital video disc or digital versatile disc) or computer displays. Such signs are typically programmable and changeable by remote control or automated control devices such as computers."

SECTION 2. AMENDMENT OF CODE: Los Altos Municipal Code Chapter 14.68, Section 14.68.070 "Prohibited Signs" is amended to read as follows:

"Digital signs or 'digital displays' are not prohibited if they are located in windows of stores in the Downtown Commercial District, including the CRS, CRS/OAD, CD and CD/R3, and cumulatively they do not exceed fifteen percent (15%) of the total window

display area. The digital sign or digital display area counts toward the total allowable temporary signage.”

SECTION 3. AMENDMENT OF CODE: Los Altos Municipal Code Chapter 14.68, Section 14.68.040 definition of “Sign” is amended to read as follows:

“Sign: In general, the public display of a communicative image for the purpose of attracting attention and/or expressing some message, which is visible from an exterior location open to the public. The word includes any visible image which, either directly or indirectly, advertises, informs or identifies persons, businesses, commodities, services or ideas by the display of any communicative image or graphic design. The word “sign” also includes, but is not limited to, all writing, trademarks, graphic illustrations and lighting primarily directed at facilitating communication, as well as supporting structures. However, notwithstanding the breadth and generality of the foregoing, the following are not within the definition of sign:

- Aerial signs or banners towed behind aircraft;
- Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function;
- Fireworks;
- Foundation stones and cornerstones;
- Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
- Historical plaques;
- Holiday decorations and cultural observances which are on display in season and which do not include commercial advertising messages;
- Inflatable gymnasiums. Inflatable, temporary, moveable, gymnasium devices commonly used for children’s birthday parties, and similar devices; also called “party jumps”;
- Interior graphics. Visual communicative devices, interior signage or digital signs or digital displays, that are located five (5) or more feet from the store front window and entirely within the building or other enclosed structure and are not visible from the exterior thereof;
- Manufacturers’ marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
- Mass transit graphics. Graphic images mounted on duly licensed and authorized public mass transit vehicles that legally pass through the City; taxis;
- Newsracks and newsstands;
- Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, *etc.* (but not including commercial mascots or hand-held signs or sign twirlers);
- “Ribbons. Notwithstanding the prohibition to signs on City property contained in Chapter 14.68, Section 14.68.070 D and Chapter 9.26, Section 9.26.040, ribbons on City trees are not considered signs and may be allowed only in the City’s Downtown Commercial Districts, including the CRS, CRS/OAD, CD and CD/R3. Such ribbons shall not have any advertisement, name of event or any other written message or any

graphic element contained in or attached to the ribbons, and they shall be removed within two (2) weeks.”

- Search lights when used as part of a search and rescue or other emergency service operation. This exclusion does not apply to search lights used as attention attracting devices for commercial or special events;
- Shopping carts, golf carts, horse drawn carriages, pedicabs and similar devices. Any motorized vehicle which may be legally operated upon a public road is not within this exclusion;
- Symbols embedded in architecture. Symbols of noncommercial 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, religious statuary, *etc.*;
- Vehicle and Vessel Insignia. On street legal vehicles and properly licensed watercraft: License plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (mobile, onsite commercial speech, in contrast to general advertising);
- Vehicles displaying allowable commercial message signs, and parked in public view, with a maximum six (6) square feet of copy area.
- Vending machines, automated intake devices and product dispensing devices which do not display offsite commercial messages or general advertising messages;
- Window displays. The display of merchandise in a store window.”

SECTION 4. AMENDMENT OF CODE: Los Altos Municipal Code Chapter 9.26, is amended by adding a new Section 9.26.105 to read as follows:

“9.26.105 A-frames in conjunction with certain **non-profit** activities.

Non-profit organizations engaged in fund raising activities may display temporary A-frame or similar portable sign by placing it on the public right-of-way as follows:

- A. Display Time. Only during the hours of 9:00 a.m. to 1:30 p.m. on Fridays, and 11:30 a.m. to 6:00 p.m. on Saturdays, Sundays and legal holidays.
- B. Display Face. It shall not be illuminated, digital or have moving parts.
- C. Dimensions. May not exceed four square feet per display face (maximum two display faces per sign) and not to exceed thirty-two (32) inches in height.
- D. Location and Number of Signs. For any non-profit property currently conducting fund raising activities, a maximum of one sign may be placed on public property at an intersection and placed so as to minimize interference with pedestrian traffic. Beyond intersections, signs are not allowed on city street medians or right-of-ways, or within Foothill Expressway medians or right-of-ways.

- E. The message substitution policy of Chapter 14.68 applies to this section.
- F. The signs authorized by this section do not require a sign permit, but are subject to all other applicable permits and approvals.”

SECTION 5. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 6. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on January 24, 2012 and was thereafter, at a regular meeting held on February 14, 2012 passed and adopted by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Valorie Cook Carpenter; MAYOR

Attest:

Lee Price, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF LOS ALTOS)

CERTIFIED COPY OF ORDINANCE
SECOND READING/ADOPTION

I, Lee Price, City Clerk for the City of Los Altos in said County of Santa Clara, and State of California, do hereby certify that the attached is a true and correct copy of Ordinance No. 2012-377, adopted by the Los Altos City Council on February 14, 2012 by the following vote:

AYES: CASAS, FISHPAW, PACKARD, SATTERLEE, CARPENTER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

I hereby further certify that a summary of the ordinance was published in accordance with Government Code Section 36933 on the following dates: February 1, 2012 and February 22, 2012. Said ordinance shall be effective March 15, 2012.

Dated this 6th day of March, 2012.



Lee Price, MMC
City Clerk