

Article 1: General Information on Required Reviews

and Enforcement

Division 5: Sign Violations and Enforcement Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0501 Purpose of Sign Violation and Enforcement Procedures

The purpose of these procedures is to provide for the immediate abatement of unauthorized *signs* to protect public health and safety.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0502 Presumption of Responsible Party

The responsible party for the placement or posting of *signs* in violation of this division or Chapter 14, Article 2, Division 12 (Sign Regulations) is presumed to be the person or organization whose name appears on the *signs* in the following situations:

- (a) The candidate seeking election to any office or position;
- (b) The party supporting or opposing a ballot initiative or candidate;
- (c) Any party whose name, telephone, facsimile, or address appears on a *sign* advertising property for sale, lease, or rent or providing directional information to the property;
- (d) The property owner, lessee, or renter of a property used for commercial activities or events, including garage, alley, yard, or other similar sales;
- (e) The party whose name, telephone, facsimile, or address appear on a *sign* advertising an event or activity; or
- (f) The property owner, manager, or tenant of the property on which an activity or event occurs.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0503 Procedure to Rebut Presumption of Responsible Party

- (a) A person presumed to be the responsible party may rebut the presumption by filing a declaration that he or she was not responsible for the placement of any *sign*, nor did he or she derive any benefit from a *sign* that was placed in

violation of Chapter 14, Article 2, Division 12 (Sign Regulations). The declaration shall be filed with the City Manager and shall be signed under penalty of perjury.

- (b) The City Manager shall determine if a person has demonstrated that he or she is not the presumed responsible party.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0504 Inspection and Abatement

- (a) The City Manager or designated Code Enforcement Official is authorized to enter any property to inspect any *sign* for compliance with Chapter 14, Article 2, Division 12 (Sign Regulations).

- (b) The City Manager may remove an unauthorized *sign* without notice to the responsible party. The costs incurred in removing an unauthorized *sign* may be recovered by using any of the administrative or judicial procedures that are provided in Municipal Code Chapter 1.

- (c) If the City Manager finds that a *sign* might cause damage to private or public property, the City Manager shall notify the responsible party to remove the *sign* and associated material within 10 calendar days. If the *sign* is not removed, the responsible party will be billed for the costs of removing the *sign* and repairing damage to public property.

- (1) When immediate removal of the *sign* is necessary to protect public safety, the responsible party will be billed for the costs of removing the *sign*.

- (2) A responsible party that elects to remove the *sign* and associated material is responsible for all costs for the removal and the repairs to damaged property.

- (d) Any *sign* that has been removed by the City Manager may be returned to the responsible party when the administrative costs for removal are reimbursed to the City. If the responsible party of the *sign* does not request a Post Summary Abatement Hearing in accordance with Section 121.0506 or does not request the return of the *sign* and materials within 30 calendar days, the City Manager may dispose of the *sign*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§121.0505 Sign Permit Violations

It is unlawful to erect or maintain a *sign* contrary to any provision of Chapter 14, Article 2, Division 12 (Sign Regulations).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 3-1-2006 by O-19468 N.S.; effective 4-1-2006.)

(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§121.0506 Post Summary Abatement Hearing Procedures

- (a) The responsible party for a *sign* that has been removed from public property in accordance with Section 121.0504 may request a Post Summary Abatement Hearing. The request must be submitted in writing to the City Manager within 10 calendar days of the date of the removal.
- (b) The Post Summary Abatement Hearing shall be limited to determining if the *sign* was located on public property.
- (c) The City Manager shall schedule a Post Summary Abatement Hearing within 30 calendar days of receiving a written request.
- (d) A notice of the Post Summary Abatement Hearing shall be provided to the responsible party consistent with the noticing requirements of Municipal Code Chapter 1, Article 2, Division 4.
- (e) The Post Summary Abatement Hearing shall be conducted by an Enforcement Hearing Officer following the City Manager's Enforcement Hearing Policies and Procedures.
- (f) A written copy of the Enforcement Hearing Officer's decision shall be provided to the responsible party.
- (g) The Enforcement Hearing Officer's decision is the final administrative remedy without further administrative appeals.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0507 Administrative Citations Penalty Schedule

- (a) In accordance with Municipal Code Section 12.0801, the City Manager may establish a civil penalty schedule for administrative citations for *signs* in violation of Chapter 14, Article 2, Division 12 (Sign Regulations).
- (b) In establishing the schedule, consideration shall be given to the costs that are incurred by the City in enforcing the *sign* regulations.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0508 Liability for Injury or Damage

- (a) The provisions of the Land Development Code shall not be construed as relieving or limiting in any way the responsibility or liability of any person who erects or owns a *sign*, for personal injury or property damage resulting from the placing of the *sign* or resulting from the negligence or willful acts of such person, his or her agents or employees, or workers in the construction, maintenance, repair, or removal of any *sign* erected in conformance with a permit issued in accordance with the Land Development Code.
- (b) The provisions of the Land Development Code shall not be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any *signs*, materials, or devices under the provisions of the Land Development Code.
- (c) The provisions of the Land Development Code shall not be construed as making the City responsible or liable for any failure to remove any *sign* that violates the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)