

19.60.050 Standard provisions.

The policies, rules and regulations stated in this section apply to all signs within the regulatory scope of this chapter, and to all provisions of this chapter, notwithstanding any more specific provisions to the contrary.

A. *Message Neutrality.* It is the City's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

B. *Regulatory Interpretations.* All regulatory interpretations of this chapter are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the California Building Code, then the Director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

C. *Substitution of Messages.* Subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision 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 provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

D. *Rules for Noncommunicative Aspects of Signs.* All rules and regulations concerning the noncommunicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

E. *Billboard Policy.* The City completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the City, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. The City adopts this policy pursuant to California Government Code Section [65850](#), California Business and Professions Code Sections [5354\(a\)](#) and [5408.3](#) (both effective January 1, 2003). No permit shall be issued for any billboard which violates this policy, and the City will take immediate abatement action against any billboard constructed or maintained in violation of this policy. The City Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this chapter. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate

presently existing, legal billboards, as encouraged by California Business and Professions Code Section [5412](#).

F. *Multiple Use Zones*. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential use where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

G. *Severance*. If any section, sentence, clause, phrase, word, portion or provision of this chapter is held invalid or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid portion. In adopting this chapter, the City Council affirmatively declares that it would have approved and adopted the chapter even without any portion which may be held invalid or unenforceable.

H. *Land Owners' Consent*. No sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

I. *Legal Nature of Signage Rights and Duties*. As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter), or the ownership of sign structures.

J. *Sign Programs*. Sign programs, voluntarily proposed for specific developments, as well as special sign districts or special sign overlay zone, when approved by the [Zoning Administrator](#) ~~Planning Commission or the City Council~~ may modify the rules stated herein as to sign size, height, illumination, spacing, orientation or other noncommunicative aspects of signs, but may not override or modify any of these standard provisions. All the provisions of this section shall automatically apply to and be deemed a part of any sign program approved after the date on which this provision is initially adopted.