



**REVISED AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY**

April 17, 2012

STUDY SESSION – 6:00 P.M.

City Council Closed Session

First Tuesday of each month – 6:00 p.m.

City Council Study Sessions

Third Tuesday of each month – 6:00 p.m.

City Council Meetings

Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

William H. Batey II, Mayor Pro Tem
Jesse L. Molina, Council Member

Richard A. Stewart, Mayor

Robin N. Hastings, Council Member
Marcelo Co, Council Member

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THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD MEETINGS

**STUDY SESSION - 6:00 PM
APRIL 17, 2012**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council Member, staff member or other person.

SPECIAL ORDER OF BUSINESS

1. DIGITAL ADVERTISING AND OPTIONS (MOLINA & CO/CEDD/10 MIN)
- *2. SIGN ORDINANCE (CA/30 MIN)
3. DISCUSSION REGARDING COUNCIL RECESS (CITY CLERK/ 5 MIN)
4. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(Times shown are only estimates for staff presentation. Items may be deferred by Council if time does not permit full review.)

AGENDA
April 17, 2012

❖ Oral Presentation only – No written material provided

***Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

CLOSED SESSION

A Closed Session of the City Council, Community Services District, City as Successor Agency for the Community Redevelopment Agency of the City of Moreno Valley and Moreno Valley Housing Authority will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL -
SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL -
INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential
Management Employees

AGENDA
April 17, 2012

4 SECTION 54957 - PUBLIC EMPLOYMENT

a) Public Employee Annual Evaluation - City Attorney

*5 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

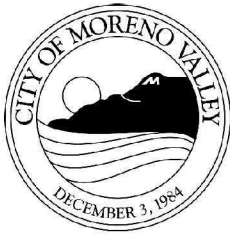
a) Police Chief

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

*** Denotes Revision**

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APPROVALS	
BUDGET OFFICER	<i>caf</i>
CITY ATTORNEY	<i>But</i>
CITY MANAGER	<i>mso</i>

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: April 17, 2012

TITLE: DIGITAL ADVERTISING AND OPTIONS

RECOMMENDED ACTION

Staff recommends that the City Council provide direction as to the options and opportunities related to billboards and digital advertising.

BACKGROUND

In an effort to produce opportunities for additional revenue to the City of Moreno Valley, staff is presenting a potential opportunity to generate additional revenue, along with the possibility of reducing the number of outdoor advertising display signs (“billboards”).

While the City of Moreno Valley Municipal Code prohibits the construction or reconstruction of billboards, the California Outdoor Advertising Act, Business and Professions Code, Section 5200, et seq, allows local entities and display owners to enter into relocation or relocation agreements regarding existing legal non-conforming outdoor advertising display signs. These agreements cover the relocation, continued maintenance or upgrade of existing non-conforming billboards and can require the reduction in number of billboards in consideration for the upgrade of others. Any agreement permitting digital billboards would likely require an amendment to the Municipal Code.

In March of 2010, City Council authorized the use of this type of agreement for the relocation and reconstruction of a billboard owned by Lamar Central Outdoor (Lamar) to facilitate the I-215/SR60 Connector project by the Riverside County Transportation Commission (RCTC).

DISCUSSION

Currently, there are a total of fifteen billboards in the City of Moreno Valley, thirteen of which are located along SR-60 and two are located on Old 215. After I-215 was realigned four billboards were removed along Old 215, Lamar owns twelve of the billboards along SR-60. Ten billboards are located within a short distance along the south side of SR-60 between Frederick St. and Perris Blvd.

At this time, options exist to provide revenue for the City, reduce the number of existing legal non-conforming billboards, and improve local emergency and public service communication. The allowance of digital billboards would need to balance the potential aesthetic and environmental impacts of such signs, including the possible removal of others, along with the amount of potential revenue to be generated.

Lamar has provided a presentation to the City Council Economic Development Subcommittee. Following discussion, the Subcommittee requested the issue be brought forward for discussion and consideration by the entire City Council.

- **Increased revenue and reduction of number of billboards.**

A number of California municipalities are taking advantage of revenue opportunities of \$40,000 to \$50,000 per face (some billboards have two faces, or sides, so that one face is visible from each direction) annually by entering into relocation and reconstruction agreements with major billboard companies. Locally, both Corona and Rancho Cucamonga have reduced their respective billboard inventories and developed an on going revenue sharing program with operating billboard companies. Several municipalities in Los Angeles County have also entered into these agreements. Riverside County and a number of other cities in the Inland Region are presently considering digital advertising possibilities.

The City of Corona negotiated an annual \$40,000 per year, per face revenue sharing program with Lamar. Corona's deal did not include a specific ratio to reflect a specified number of billboards to be removed. Corona only reduced billboard inventory by one.

The City of Rancho Cucamonga has relocation agreements in place with both Lamar and General Outdoor (General). The agreement with Lamar included the removal of ten static billboards for the development of three digital message boards. The agreement also provided for time and space for public service announcements and other community messages on all three digital message boards. The agreement with General provided for the removal of two static signs for the construction of one freeway sign along with an annual revenue stream of \$40,000, or 12% of gross receipts- whichever is greater.

- **Improvement of local emergency and public service communication.**

An upgrade from static billboards to digital message boards has potential to improve emergency and public service communication. Lamar actively seeks opportunities within communities where their message boards are located to network with federal,

state and local agencies to provide instant public notifications such as Amber Alerts and America's Most Wanted.

Legal and Policy Issues

Pursuing the options and opportunities discussed above would raise legal issues that must be addressed by the City Attorney's Office and/or special legal counsel. Moreno Valley has been involved in litigation over billboards in the past, and at the direction of the Council, everyone has worked diligently to protect the enforceability of our current legal ban on billboards and offsite signage. Pursuing these opportunities would be a change in policy and might also require revision of the City's sign ordinance. Legal review and analysis must be undertaken before pursuing such changes. If that is the direction of City Council then legal work would be required to properly and safely structure any new policy.

ALTERNATIVES

1. Direct staff to further investigate the opportunities for future revenue sharing and the negotiation of a relocation and reconstruction agreement with Lamar, including undertaking legal review of necessary policy changes.
2. Direct staff not to pursue opportunities for future revenue sharing and, relocation and reconstruction agreements with Lamar.

FISCAL IMPACT

There is potential for the City of Moreno Valley to generate new annual revenue by negotiating a relocation and reconstruction agreement with existing billboard owners.

CITY COUNCIL GOALS

Revenue Diversification and Preservation: Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects: Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Community Image, Neighborhood Pride and Cleanliness: Promote a sense of community pride and foster an excellent image about our City by developing and executing programs, which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

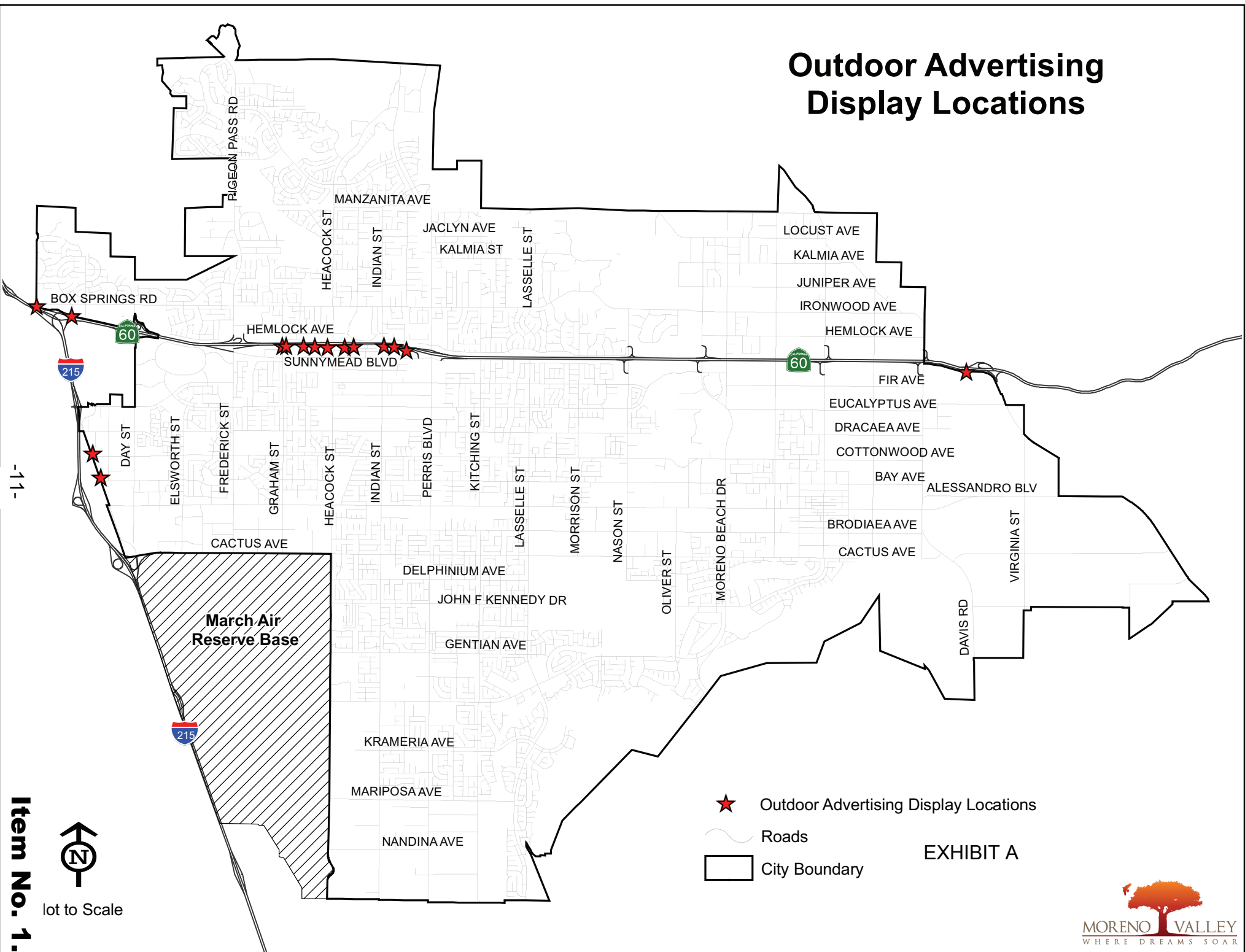
ATTACHMENTS/EXHIBITS

EXHIBIT A: EXISTING OUTDOOR ADVERTISING DISPLAY LOCATIONS

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Outdoor Advertising Display Locations



-11-

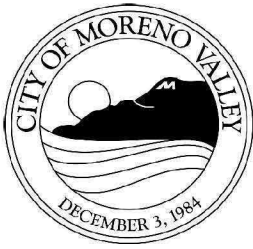
Item No. 1.



lot to Scale



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APPROVALS	
CITY ATTORNEY	<i>R.H.</i>
FINANCE DIRECTOR	<i>April</i>
CITY MANAGER	<i>V.M.</i>

Report to City Council

TO: Mayor and City Council

FROM: Robert L. Hansen, City Attorney

AGENDA DATE: April 17, 2012

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 9.12 RELATING TO SIGN REGULATIONS AND CHAPTER 9.15 RELATING TO DEFINITIONS.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING CHAPTER 14.10 RELATING TO SIGNS ON PROPERTY OWNED BY THE CITY OF MORENO VALLEY.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Consider proposed changes to existing sign code and provide staff with policy direction for further changes
2. Consider and provide direction on proposed new Chapter regulating signs on public property.

BACKGROUND

The City Attorney's Office regularly reviews existing city laws and ordinances to ensure that they are not in conflict with new state legislation or court decisions. As part of this review, the City Attorney's Office initiated a review of the City's sign regulations. Several areas were noted to be vulnerable to legal challenge. Accordingly, the City Attorney's Office, working closely with the City's Planning Department and legal experts in the field of sign regulation began work on developing changes to the existing code that would provide enhanced legal defensibility while maintaining existing policies and practices to the extent possible.

DISCUSSION

The proposed changes to our existing code can be summarized into two distinct categories. The first significant change is the removal of regulation of signs on City owned property from the zoning code and into an entirely new chapter. The second category relates to changes in definitions and language in the existing sign code to comply (to the extent possible with current policies) with changes in state law and relevant court decisions since the last revisions to the sign code were made.

The first proposed change is the creation of a new Chapter 14.10 of the Municipal Code regulating signs placed on city owned property. The creation of this new chapter is intended to allow the City to independently regulate signs placed on property. When the City acts as proprietor, it can exercise more control over the content of speech. Sections of the existing sign code relating to such signage have been relocated to this newly proposed Chapter. This Chapter also creates a special permit application for the placement of signs on city property.

The second category of changes are more subtle changes to the existing sign code to provide for better definitions and to ensure that commercial speech is not afforded more protection than non-commercial speech. Existing policies and practices were kept in place. The most significant changes are provisions ensuring that message neutrality is observed that the content of the sign is not used to define the regulation. Additionally, a provision has been added allowing for message substitution to allow for the content of a sign to be changed without approval or permit and for a non-commercial message to replace a commercial message, when there is no change to the structure, size or other physical characteristic.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Direct staff to go forward with the proposed changes to the sign code, propose policy changes to be incorporated, begin community outreach and further refinement to the proposed changes and to bring back a final draft for adoption.

2. Take no action. Existing codes would remain in effect.

FISCAL IMPACT

No significant fiscal impacts are projected.

ATTACHMENTS/EXHIBITS

1. Proposed Ordinance Creating Chapter 14.10 of the MVMC
2. Proposed Revisions to Existing Chapter 9.12 of the MVMC

Paul Early
Prepared By

Department Head Approval

Concurred By

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 9.12 RELATING TO SIGN REGULATIONS AND CHAPTER 9.15 RELATING TO DEFINITIONS.

The City Council of the City of Moreno Valley does hereby ordain as follows:

SECTION 1. AMENDMENT AND RESTATEMENT OF CHAPTER 9.12 OF THE MORENO VALLEY MUNICIPAL CODE:

1.1 Chapter 9.12 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended and restated to read, in its entirety, as follows:

“Chapter 9.12

SIGN REGULATIONS

Sections:

- 9.12.010 Findings and Intent
- 9.12.015 Definitions
- 9.12.020 General Provisions
- 9.12.025 Sign Permits
- 9.12.030 Sign Area, Sign Copy Area, and Sign Height Calculations
- 9.12.040 Exempt Signs
- 9.12.050 Prohibited Signs
- 9.12.060 Permitted Signs
- 9.12.070 Sign Program
- 9.12.080 Outdoor Advertising Displays
- 9.12.090 Construction Specifications, safety and maintenance
- 9.12.100 Illumination of Signs
- 9.12.110 Discontinued Uses
- 9.12.120 Signs Required to be Removed
- 9.12.130 Inventory and Abatement of Illegal and Abandoned Signs
- 9.12.140 Enforcement; Nuisance and Penalties

Section 9.12.010 Findings and Intent

A. The City Council hereby finds and declares as follows:

1. The permit requirements and restrictions imposed by this Chapter are reasonably necessary to protect and promote the health, property, safety, and welfare of the citizens and businesses of the City of Moreno Valley;
2. The freedom to express, disseminate, or communicate one's constitutionally protected (sometimes hereinafter "protected") opinions, views, messages, or ideas is an important fundamental right guaranteed to all by the First Amendment of the United States Constitution and Article 1, Section 2 of the California Constitution. The permit requirements and restrictions imposed by this Chapter are not intended to interfere with constitutionally protected expression any more than is reasonably necessary to protect and promote the health, property, safety, and welfare of the citizens and businesses of the City of Moreno Valley;
3. Signs are an effective and economical way of communicating one's opinions, views, messages, and ideas. However, unregulated signs can have a significant impact on traffic safety, healthy business development and aesthetics;
4. The City of Moreno Valley is authorized, by virtue of the Constitution and general laws of the State of California, as well as decisions of the courts of the State of California and the United States of America, to regulate signs within its jurisdiction;
5. Commercial signs constitute the majority of signs existing within the City of Moreno Valley. In the interest of traffic safety, healthy business development, and community aesthetics, commercial signs should be limited in size and number; and
6. The purpose of this Chapter is to establish a uniform procedure for permitting and regulating all signs within the City of Moreno Valley.

B. Therefore, in enacting this Chapter, the City Council hereby intends:

1. To protect public health, safety, and welfare;
2. To preserve, protect, and enhance traffic safety and reduce hazards to motorists and pedestrians;
3. To ensure that the freedom to express, disseminate, or communicate one's constitutionally protected opinions, views, messages, or ideas as guaranteed to all by the First Amendment of the United States Constitution and Article 1, Section 2 of the California Constitution is not interfered with any more than is reasonably necessary to protect and promote the health, property, safety, and welfare of the citizens and businesses of the City of Moreno Valley;

4. To establish guidelines and standards for the uniform regulation of signs and sign structures and to promote a quality image for the community;

5. To provide for adequate identification of businesses, services, and other activities;

6. To limit commercial signs as much as practicable to on-site locations in order to keep proliferation of such signs to a more aesthetic proportion, while still providing ample channels of communication to businesses;

7. To encourage signs that are attractive and visually compatible with the architectural style of other structures on the property where the sign is to be located;

8. To promote competition, the economic health of the community and a healthy business environment by the prevention of visual domination of signage by some businesses at the expense of others while recognizing the business development benefits of public identification, name recognition, branding, and other business promotion.

9. To further the City's community aesthetic interests by limiting visual clutter;

10. To maintain a high quality visual image for the City of Moreno Valley;

11. To ensure that signs are consistent with and promote the goals, objectives, and policies of the City of Moreno Valley General Plan;

12. To lessen the objectionable effects of competition for public attention in the number, placement and size of signs, which include, but are not limited to confusion and distraction of drivers and pedestrians, visual clutter, degraded community aesthetics, lack of competitiveness for visually disadvantaged businesses, blight from abandoned signage, etc.; and,

13. To preserve and enhance the value of property and, establishments and residences.

Section 9.12.015 Definitions

- A. For purposes of this Chapter, unless the context clearly requires otherwise, the words and phrases used herein shall have the meanings ascribed to them in Chapter 9.15.
- B. Where there is a conflict between the definitions referred to in subsection A above and a different definition of the same word or term elsewhere in the City of Moreno Valley Municipal Code, the definitions set forth in subsection A, above, shall prevail in interpreting and applying the provisions of this Chapter.

Section 9.12.020 General Provisions

- A. Regulatory Interpretations. All regulatory and administrative interpretations of this Chapter are to be exercised in light of the City's message neutrality and message substitution policies set forth below. 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 proposed sign does not qualify as a "structure," for purposes of a building permit, as defined in the Municipal 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, in light of the principles stated in this Section.
- B. Message Neutrality. It is the City's policy and intent to regulate signs in a manner consistent with the United States and California Constitutions, which is content neutral as to noncommercial speech and which does not favor commercial speech over noncommercial. Any perceived ambiguities in this Chapter shall be resolved in favor of preserving these two distinctions as the primary intent of the City Council; however the City retains its right and authority to regulate obscenity within the bounds of the state and federal Constitutions.
- C. Message Substitution. Subject to the property owner's consent, and the public safety requirement for address identification, a protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign type and sign structure is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The intent and purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular constitutionally protected ("protected") noncommercial message over any other protected noncommercial message. In addition, whenever a given parcel or land use has not used all of its permissible sign area, then the unused portion may be exercised for the display of noncommercial messages; in such a case, a permit is required only if the sign type displaying such noncommercial message requires a permit pursuant to this Chapter. In addition, any lawful on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message, without consideration of message content, provided that the sign type and sign structure is legal pursuant to the provisions of this Chapter. This message substitution provision does not: 1) create a right to increase the total amount of otherwise allowable signage on a parcel, lot, or land use; 2) affect the requirement that a sign type or sign structure be properly permitted; 3) allow a change in the physical structure of a sign or sign structure; 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a

noncommercial message; or 5) authorize display of any message that is legally obscene.

- D. On-site / Off-site Distinction. Within this Chapter, the distinction between on-site signs and off-site signs applies only to commercial speech messages. It does not apply to signs displaying noncommercial messages.
- E. Permanent Signs – Accessory or Appurtenant Uses Only. Unless otherwise specifically provided for herein, permanent signs are to be accessories to a main, principal, or primary use on the same parcel; the signs and sign structures themselves are not to be a main, principal, primary, or secondary use on the parcel.
- F. Billboard Policy. New billboards, as defined in Chapter 9.15, are prohibited. The City has previously prohibited all new billboards as outdoor advertising displays in Ordinances codified in Section 9.12.080, which is not amended by this ordinance, but is merely restated herein for convenience in codification of this ordinance. The prohibition set forth in this section is a continuation, without interruption, of the prohibition previously enacted in Section 9.12.080, and shall not be deemed to be a repeal of said prior prohibition and adoption of a new prohibition. The City completely prohibits the construction, erection, or use of any billboards or outdoor advertising displays, other than those which are legal non-conforming uses under Section 9.12.080 from its original adoption. In adopting this provision, 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 provisions of this Chapter may be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable. This provision does not prohibit the City from entering into agreements to relocate presently existing, legal billboards, so long as such agreements are not contrary to other applicable law.
- G. Noncommunicative Aspects. 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.
- H. Applicability. No sign or sign structure shall be altered, converted, enlarged, erected, constructed, displayed, installed, placed, maintained, mounted, moved, relocated, renovated, repaired, replaced, or used except as specified in this Chapter and in conformity with all structural, building and other laws ordinances and regulations.
- I. Discretionary Approvals. Whenever any sign permit, variance, conditional use permit, Sign Program, or Specific Plan approval, or other sign-related decision, is made by any exercise of official discretion, such discretion shall be limited to the noncommunicative aspects of the sign or sign structure, as defined herein, effect

on viewscales, public safety considerations, and architectural compatibility with the surrounding area. Graphic design themes for commercial message signs may only be evaluated and allowed pursuant to a sign program.

- J. Legal Nature of Sign Rights and Duties. As to all signs attached to real property, the signage rights, duties, and obligations arising from this Chapter attach to and travel with the land or other property on which the sign or sign structure is located or placed. A sign permit is not an official authorization of legal right to do business within the City or to any particular use of a particular parcel of land, nor is it a certificate of ownership. This provision does not modify or affect the law of fixtures, land use or zoning law, business permit requirements, sign-related provisions in private leases, or the ownership of sign structures. This provision does not prevent a sign owner from removing a sign or sign structure from a given location and installing it in a different location, so long as all provisions of this Chapter and all permit requirements applicable to the new location are satisfied.
- K. Owner's Consent. No sign or sign structure may be located or placed on private property without the consent of the legal owner of the real property.
- L. Responsibility for Compliance. The responsibility for compliance with this chapter rests jointly and severally upon the owner of the sign or sign structure, all parties holding the present right of possession or control of the property whereon a sign or sign structure is located or placed, and the legal owner of the real property, even if the sign or sign structure was located or placed on the real property without the consent of the owner or other parties holding the present right to possession or control of the real property.
- M. Mixed Use Zones or Districts. In any zone or district where both residential and nonresidential land uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: residential uses shall be treated as if they were located in a zone or district where a residential use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone or district where that particular nonresidential use would be allowed as a matter of right or subject to a conditional use permit or similar discretionary process.
- N. Signs on City Property, Public Property or in Public Right-of-way. No sign or sign structure shall be altered, converted, enlarged, erected, constructed, displayed, installed, placed, posted, maintained, mounted, moved, relocated, renovated, repaired, replaced, or used on City property except by the City, or on other public property except by or at the direction of the public agency owning or controlling it, or as otherwise permitted by Chapter 14.10 of this Code. This prohibition does not apply to in-person picketing, demonstration or protest involving handheld signs within traditional public forum areas of public property as further delineated in Chapter 14.10. Except for the City on City property, or the public agency owner on other public property, no sign or sign structure shall be nailed, tacked, pasted,

taped, or otherwise attached or affixed to or placed upon any utility pole, traffic signal, traffic signal pole, signal equipment box, traffic sign or signpost, streetlight pole, other sign or sign structure, fire hydrant, parking meter, utility box, fence, block wall, bus shelter, public bench, tree, shrub, any other type of live or artificial vegetation, mail box, trash receptacle, news rack or news stand, or any other fixture or personal property located on or in city property, public property, or public right-of-way.

O. Prohibited Locations and Attachment Methods -- Signs on Private Property. No sign or sign structure that is located or placed on private property shall be nailed, tacked, pasted, taped, or otherwise attached or affixed to or placed upon any utility pole, traffic signal, traffic signal pole, signal equipment box, traffic sign or signpost, streetlight pole, other sign or sign structure, fire hydrant, parking meter, utility box, fence, block wall, bus shelter, public bench, tree, shrub, any other type of live or artificial vegetation, mail box, trash receptacle, news rack or news stand. No sign or sign structure shall be altered, converted, enlarged, erected, constructed, displayed, installed, placed, posted, maintained, mounted, moved, relocated, renovated, repaired, replaced, or used on any unimproved or undeveloped property, except for real estate and temporary construction site signs, warning signs, no trespassing signs, personal message signs, and signs displaying protected noncommercial speech.

P. Impeding or Hazardous Signs. No sign or sign structure shall be located or placed so as to:

1. block or impede pedestrian or vehicular traffic or movement along, across, into, or out of any path, sidewalk, driveway or drive approach, alley, parking lot, road, street, or highway whether on city, public or private property;
2. encroach into any corner clear zone;
3. obscure, block, or otherwise encroach into or across any door, window, or other opening of the building or structure, any portion of an opening of a colonnade, arcade, canopy, or other similar structure, or
4. constitute a hazard or danger to any person or property by virtue of the physical nature and condition of the sign structure.

Q. Changeable Copy Signs. Changeable copy is prohibited except as specifically permitted hereunder. Where allowed in this Chapter a sign may include manual, electronic, or mechanically activated changeable copy unless otherwise specifically prohibited. If viewable from any adjacent property or from any public right-of-way such changeable copy shall not blink, flash, oscillate, rotate, pulsate, sparkle, or flicker; shall not be in motion or appear to be in motion; shall not change the intensity of illumination; and shall not change the copy more than once every four (4) seconds or change in appearance more than once in every four (4) seconds. Manually

activated changeable copy signs shall be enclosed within a cabinet with a clear protective cover.

R. Conflicting Provisions. Where there is a conflict between the provisions of this Chapter and any other provisions of the City of Moreno Valley Municipal Code, the more restrictive provisions shall prevail.

S. Severability. If any section, sentence, clause, phrase, word, portion, or provision of this Chapter is held invalid, 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 if it had been made aware of any invalid provision(s), it would have approved and adopted the remaining provisions, and that it desires for all valid provisions to remain in force.

Section 9.12.025 Sign Permits

A. Permits and Fees Required

1. Permit Requirement. Unless expressly exempt from the permit requirement by this Chapter, other applicable provisions of the City of Moreno Valley Municipal Code, or applicable state or federal laws or regulations, all signs and sign structures may only be altered, converted, enlarged, erected, constructed, displayed, installed, placed, maintained, mounted, moved, relocated, renovated, repaired, replaced, or used pursuant to a sign permit and payment of applicable processing fees as set by resolution or ordinance of the City Council, from time to time amended or superseded.
2. The sign permit and applicable processing fees required by this Chapter are in addition to any and all other permits, licenses, and fees that may be required pursuant to any other provision of the City of Moreno Valley Municipal Code, any other City regulation or ordinance, or any other applicable county, state, or federal law or regulation.
3. Fees required pursuant to this Chapter are in addition to any other fees required pursuant to any other provision of the Moreno Valley Municipal Code, any other City regulation or ordinance, or pursuant to any County, State, or Federal law or regulation.
4. Except as otherwise provided for herein, no sign permit shall be issued for an existing or proposed sign or sign structure unless the plans and specifications for, or actual construction of, such sign or sign structure complies with, and will comply with, the requirements of this Chapter and all other applicable laws, ordinances or regulations.

B. Permit Application Process

1. **Application.** Any person desiring to erect, construct, install, display, place, move, relocate, enlarge, alter, repair, renovate, convert, use, mount, move, or maintain in the City of Moreno Valley any sign or sign structure requiring a sign permit shall file a completed application for a sign permit on the approved forms provided by the Community Development Department. Sign permits shall be subject to the City's minor development review permitting process, plus any additional requirements set forth in this Chapter. The application shall be signed by the applicant, if an individual; a general partner authorized to sign on behalf of a partnership; an officer or board director authorized to sign on behalf of a corporation; or a participant authorized to sign on behalf of a joint venture, association, club, society, group, or other organization. The application shall be signed under penalty of perjury that the contents of the application are true and correct and that the applicant represents and warrants that the proposed sign will comply with all requirements for the type of sign and/or sign structure applied for as set forth in the published sign guidelines and standards of the Community Development Department and this Chapter and will conform to the approved plans. The application shall be accompanied by all required fees as set forth by resolution of the City Council.
2. **Completed Application.** An application for a sign permit is deemed complete when all of the following requirements have been met:
 - a. The applicant has provided all of the information required to determine that the application does and the proposed sign, if approved and constructed in accordance with the permit approval and approved plans, would comply with all applicable requirements of this Chapter, and the published sign standards of the Community Development Department in effect at the time the application is filed;
 - b. The application is made in writing on forms approved by the Community Development Department, and responds to all applicable items on the application form;
 - c. The application is signed under penalty of perjury by the applicant and the property owner of record, if different than the applicant as set forth in Section 9.12.070 above; and
 - d. The permit application fee has been paid.
3. **Approval Process.** Within sixty (60) calendar days of receiving a completed application, the Director shall approve, approve with modifications or conditions, or deny the sign permit application. A sign permit application that demonstrates compliance with all of the requirements of this Chapter shall be approved without

modifications or additional conditions unless the Director, makes one or more of the following findings:

- a. A specified provision of another law, ordinance or regulation would be violated by the proposed sign;
- b. That the shape, design, location, placement, color, style or quantity of text, illumination, or reflected light of the proposed sign or sign structure would conflict or interfere with traffic, either vehicular or pedestrian, from a public safety standpoint, by distracting attention or obstructing line of sight;
- c. That the proposed sign or sign structure would obscure the primary view of other already existing signs;
- d. The proposed sign or sign structure would dominate its immediate vicinity to such an extent as to obscure or reduce the visibility of buildings of architectural or historic significance; or
- e. The proposed sign or sign structure would obstruct or infringe upon public view corridors;
- f. The location, design, use and/or maintenance needs of the sign would cause or exacerbate a specified danger to public health, safety or welfare, or a specified public or private nuisance.

4. **Conditional Approval or Denial.** If the Director approves with modifications or conditions, or denies a sign permit application, the Director shall state with particularity the reasons for such approval with modifications or conditions, or denial and shall afford the applicant an opportunity to submit a revised application to remedy the inadequacies of the original sign application. If the revised application is submitted within sixty (60) calendar days of the date of the decision of the Director, said revised application shall be accepted and reviewed without an additional fee. If the revised application is submitted more than sixty (60) calendar days after the decision by the Director, then the revised application shall be deemed to be a new application and all applicable fees shall apply. The Director shall not deny a sign permit application based upon the viewpoint or content of the message to be displayed on the sign, or direct that the viewpoint or content of the message to be displayed on the sign be altered or modified as a condition of approval, unless the proposed message or image is excluded from constitutional protection.

D. Expiration, Transfer, Relocation and Alteration.

1. **Expiration.** Unless otherwise specifically addressed herein, a sign permit, once validly issued, shall remain in effect for so long as the permittee has a valid uninterrupted business license, if required by this code, and a valid certificate of

occupancy for the location identified in the permit, and the actual construction and maintenance of the sign and sign structure are in conformance with the law at time of approval and with the approved plans and permit conditions, or until expired or revoked. However, if within twelve (12) months of the date of issuance of the permit the erection, construction, installation, placement, movement, relocation, enlargement, alteration, reconstruction, renovation, repair, or conversion of the sign or sign structure has not been completed, or all conditions imposed in connection with approval of the application have not been met, the sign permit shall automatically expire and become null and void.

2. **Transfer.** Sign permits may be transferred by the permittee to a subsequent owner, purchaser, or occupant of the real property described in the permit upon application to the City, assumption by the new owner of all obligations of the sign permit, and a determination that the transfer would not result in the violation of any law, ordinance or regulation. A new permit shall be required if the permittee vacates, sells, leases or otherwise transfers or relinquishes ownership of, interest in or possession of the real property without transferring the sign permit, or if the business license or certificate of occupancy is interrupted for a period greater than one hundred eighty (180) calendar days.
3. **Relocation or Alteration.** Any movement, relocation, or alteration of the sign or sign structure, except for routine maintenance or change of copy, shall require a new permit.

Section 9.12.030 Sign Area, Sign Copy Area, Sign Height and Size Calculations

A. Sign area shall be determined as follows:

1. Distinct Border or Boundary: For signs with a distinct border or boundary, the sign area shall be calculated as the entire surface within and including the frame, border, background area, structural trim, or other material forming an integral part of the sign
2. No Distinct Border or Boundary: For signs with no distinct border or boundary, such as a wall sign composed of individual letters using the wall as a background with no additional elements, the sign area shall be calculated by the smallest simple square, rectangle, circle, or triangle which contains all of the lettering, illustration, or background comprising such sign.
3. Double-faced Sign: Only one side of a double-faced sign (a sign with two (2) parallel, or nearly parallel, back-to-back faces where the distance between the two faces does not exceed two (2) feet, or a sign with two (2) faces where the interior angle between the faces does not exceed forty-five degrees (45°) if the faces are in a "V" configuration) shall be used in the calculation of sign area.

4. Three Dimensional Sign: One-half of the total visible surface area of a three dimensional sign shall be used in the calculation of sign area.
5. Modular or Sectional Sign: For signs consisting of more than one section or module, all of the area, including the area between the sections or modules, shall be included in the calculation of sign area.
6. Monument Sign: If a monument sign contains a base that is two (2) feet or less in height, the base shall be excluded from the computation of sign area. If the base is greater than two (2) feet in height, the portion of the base that is less than two (2) feet in height shall be excluded from the computation of sign area. The remaining base shall be included in the computation of sign area.

B. Sign copy area shall be determined as follows:

1. Distinct Border or Boundary: For signs having a distinct and identifiable border or boundary, sign copy area shall be calculated as the entire surface within the frame, border, or structural trim, including the background area, available for displaying the message. If, however, the frame, border, or structural trim is an integral part of the sign copy, then the frame, border or structural trim shall be included in calculating sign copy area.
2. No Distinct Border or Boundary: For signs not having a distinct and identifiable border or boundary, sign copy area shall be calculated by the smallest simple square or rectangle which contains all of the lettering, illustration, or background comprising such sign.
3. Double-faced Sign: Only one side of a double-faced sign (a sign with two (2) parallel, or nearly parallel, back-to-back faces where the distance between the two faces does not exceed two (2) feet, or a sign with two (2) faces where the interior angle between the faces does not exceed forty-five degrees (45°) if the faces are in a "V" configuration) shall be used in the calculation of sign copy area.
4. Three Dimensional Sign: One-half of the total visible surface area of a three dimensional sign shall be used in the calculation of sign copy area.
5. Modular or Sectional Sign: For signs consisting of more than one section or module, all of the area, including the area between the sections or modules, shall be included in the calculation of sign copy area.

- C. Sign height shall be calculated by measuring the vertical distance from the lowest finish grade immediately beneath or adjacent to the sign or sign structure to the highest point of the sign or sign structure.
- D. Sign area height shall be calculated by measuring the farthest distance between the outer horizontal planes of the sign area.
- E. Sign area width shall be calculated by measuring the farthest distance between the outer vertical planes of the sign area.

9.12.040 Exempt signs.

- A. Exemptions from Sign Permit Requirements. The following signs shall be exempt from the sign permit requirements, and shall be permitted subject to the standards and limitations contained in this chapter. However, exemption from a sign permit does not exempt any sign or sign structure from any otherwise required permit, including any building permit.
 1. Change of sign copy involving no change in the structure, materials or dimensions of the sign;
 2. Holiday decorations, subject to subsection B of this section;
 3. Interior signs;
 4. Licensed vehicles, subject to Section 9.12.050(D) of this chapter regarding prohibited vehicle signs;
 5. Cornerstones, Building markers and memorial tablets and plaques;
 6. Official and legal notices;
 7. Public transportation vehicles and bus shelters;
 8. Signs placed upon public utility property by the public utility for the operational purposes of the public utility or for public safety purposes;
 9. Residential identification signs, subject to subsection C of this section;
 10. Temporary site identification signs for intermittent or periodic uses or events open to the public or an invited segment of the public, subject to subsection D of this section;
 11. Window signs, subject to subsection E of this section;
 12. For sale, lease or rent signs, subject to subsection F of this section;
 13. Open house signs, subject to subsection G of this section;
 14. On-site subdivision sale signs, subject to subsection H of this section;
 15. Personal message and political signs, subject to subsection I of this section;

16. Signs for projects under construction, subject to subsection J of this section;
17. Directional, warning and informational signs, subject to subsection K of this section;
18. Flags, subject to subsection L of this section;
19. Incidental signs, subject to Section 9.12.040(M);
20. Agricultural signs, subject to Section 9.12.040(N);
21. Under-canopy signs, subject to Section 9.12.040(O);
22. Handheld signs, subject to Section 9.12.040(P);

B. Holiday Decorations.

1. Holiday decorations shall not obscure, block, or otherwise encroach into or across any door, window, or other opening of the building or structure. No holiday decoration shall encroach into or across any portion of an opening of a colonnade, arcade, canopy, or other similar structure.
2. Holiday decorations shall not be located or placed so as to constitute a hazard or danger to person, property, or traffic.
3. Unless owned or controlled by the City, holiday decorations shall not be located or placed on any public property or in any public right-of-way.
4. Holiday decorations shall not be displayed more than forty-five (45) calendar days prior to the holiday(s) to which the holiday decoration pertains.
5. Holiday decorations shall be removed within thirty (30) calendar days following the end of the holiday(s) to which the holiday decoration pertains.
6. Holiday decorations shall not be located or placed within a corner clear zone.
7. Holiday decorations may be illuminated.

C. Residential Identification Signs. Residential identification signs placed on residential buildings limited to a maximum sign area of four square feet and a maximum letter height of four inches are allowed as follows:

1. One residential building identification sign per residential complex identifying the name of the residential complex (e.g., "Moreno Arms") or presenting a non-commercial message;
2. One residential nameplate per residential dwelling unit identifying the occupants (e.g., "The Smiths") or presenting a non-commercial message.

D. Temporary Site Identification Signs. Temporary site identification for uses open to the public or an invited segment of the public are permitted subject to the following:

1. One sign not to exceed sixteen (16) square feet in area shall be permitted per street frontage;
2. The use is not located within a permanent, full-time facility;
3. The use has only intermittent or periodic use of the facility it occupies, e.g., a local ministry holding weekly services in a school auditorium;
4. Such temporary signs must be displayed on the property at which the function is to take place;
5. Such temporary signs may only be displayed not more than twenty-four (24) hours before and while the facility is used or occupied by the intermittent or periodic user and shall be removed immediately thereafter;
6. Temporary site identification signs may include A-frame type signs.

E. Window Signs.

1. Window signs shall not obscure more than twenty-five (25) percent of the "clear sight" window area situated between four and seven feet above the finished floor level.
2. Window signs in commercial and industrial zones and districts may be illuminated and may display fixed copy, an electronic message center oriented to the interior only, or changeable copy; however, window signs shall not display any other type of advertising device or display.
3. Window signs in residential zones and districts shall only display fixed copy and shall not be illuminated.

F. For Sale, Lease or Rent Signs. For sale, lease, or rent signs shall be permitted to be placed in all zone classifications on the real property offered for sale, lease or rent, subject to the following regulations:

1. For single-family uses: one for sale, lease or rent sign per street frontage not to exceed four square feet in surface area and not more than six feet in height;
2. For multiple-family residential uses: one sign for each street frontage, each sign not to exceed sixteen (16) square feet in surface area and not more than six feet in height. In addition, a single banner sign may be used not to exceed forty (40) square feet in area. Such banner shall be affixed to the wall of the building and maintained as described in Section 9.12.060(M);
3. For commercial, office and industrial uses: one sign per street frontage not to exceed twenty-four (24) square feet in surface area and not more than six feet in height; in addition, a single banner may be used not to exceed forty (40) square feet in area. Such banner shall be affixed to the wall of the building and maintained as described in Section 9.12.060(M).
4. For agriculture uses: one sign for each street frontage, each sign not to exceed sixteen (16) square feet in surface area and not more than six feet in height;

5. For sale, lease or rent signs shall be removed within fifteen (15) days of the execution of the sale, lease or rent agreement of the property or space for which the sign was erected;
- G. Open House Signs. Temporary open house signs shall be permitted to be placed in all zone classifications subject to the following regulations:
1. No more than one on-site temporary open house sign shall be permitted to be placed on any interior parcel and no more than two on-site temporary open house signs (one per street frontage) shall be permitted on any corner lot;
 2. Off-premises temporary real estate open house signs shall only be permitted in conjunction with an open house event held for the resale on one single-family residence, mobile home, condominium or townhouse;
 3. A maximum of five off-premises open house signs shall be allowed for each open house event;
 4. Off-premises temporary open house signs shall only be displayed during daylight hours;
 5. Off-premises temporary open house signs shall not exceed four square feet in area;
 6. Off-premises temporary open house signs are prohibited within the public right-of-way and shall not be installed in a manner that creates a hazard for vehicle or pedestrian traffic;
 7. Off-premises temporary open house signs may only be located adjacent to street intersections and must be placed on private property, outside of the public right-of-way and outside of the corner clear zone. Placement of open house signs will require written permission from the owners of the private property upon which such signs are placed.
- H. Subdivision Sale Signs. The following standards shall apply for the construction and installation of on-site housing subdivision sale signs. On-site housing subdivision signs, advertising the original sale of a subdivision, are allowed within the boundaries of a subdivision subject to the following minimum standards:
1. No sign shall exceed one hundred (100) square feet in area;
 2. No sign shall be within one hundred (100) feet of any existing off-site residence;
 3. No more than two such signs shall be placed within any subdivision;
 4. Such signage is not placed upon any site, project or parcel also having any sign for projects under construction under Subsection J of this section; and
 5. No such sign shall be artificially lighted.
- I. Political and/or Personal Message Signs:
1. Findings, Intent and Purpose. The City recognizes that the right to utilize one's own property to express one's views on matters of public concern

and/or private belief or opinion is fundamental to freedom of speech, and that the right to vote in a free and fair electoral process, open to all viewpoints, and protecting the right of every person to attempt to persuade others to his or her viewpoint is fundamental to both the very existence of representative government and the maintenance of all other Constitutional rights. Therefore the City has a compelling governmental interest in permitting the posting of temporary, non-commercial political and/or other personal message signs, over and above all other permitted signage on private property, and in expanding the right to post such signs during periods where such expression may be persuasive in the electoral process.

At the same time, the City recognizes the need to place reasonable time, place and manner regulations on such signs in order to protect the integrity of these fundamental rights, to protect persons from unauthorized use of their property or misrepresentation of their viewpoints by others, to prevent both governmental favoritism in the electoral process and any inference of government participation in the persuasive activities of political campaigning, and to prevent the abuse of such temporary signage for commercial advantage.

The City recognizes that political and personal messages of any content, whether or not directly referring to pending candidates or ballot measures, may rightfully influence or persuade others with respect to facts, policies, opinions, values, beliefs, and viewpoints in exercising the fundamental right to vote according to his or her own conscience, or to exercise the right of free speech in expressing themselves on matters of public concern or private belief or opinion, in turn, to others. Therefore, other than restricting such signs to lawful, non-commercial messages, the City expresses its intent not to regulate the content of such signs.

Therefore, in addition to all signs and sign-types otherwise allowable under this Chapter, and subject to all other applicable standards and requirements for signs and sign structures set forth in this Chapter, temporary political and/or personal message signs may be posted subject to the following standards and requirements:

2. Standards. Political and/or Personal message signs are permitted on private property in all zoning districts subject to the following standards and limitations:
 - a. No such sign shall exceed thirty-two (32) square feet in sign area;
 - b. No such sign that is freestanding shall exceed six feet in sign height;
 - c. No lot shall contain such signs having an aggregate sign area in excess of eighty (80) square feet, inclusive of any such sign allowed to be continually maintained under paragraph I below;

- d. No such sign shall be artificially lighted;
- e. No such sign shall be erected, placed or maintained upon any private property without the consent of the owner, lessee or person in lawful possession of such property;
- f. No such sign shall be erected, placed or maintained on any publicly owned building, structure, tree or shrub; or upon any portion of a public street or highway right-of-way which is used for traffic or parking; nor upon any other public property or right of way except as in accordance with Chapter 14.10 of this Code.
- g. No such sign shall be erected, placed or maintained so that it does any of the following:
 - i. Mars, defaces, disfigures or damages any public building, structure or other property,
 - ii. Endangers the safety of persons or property,
 - iii. Obscures the view of any fire hydrant, traffic sign, traffic signal, street sign or public informational sign,
 - iv. Blocks lines of sight to areas of vehicular or pedestrian traffic, or encroaches into a corner clear zone.
- h. Such signs may contain any constitutionally protected non-commercial message, including information regarding the identity and/or address of the person or entity posting the sign or expressing the viewpoint, even if such information identifies a business or commercial entity, but may not contain commercial messages beyond such identifying information.
- i. Political and/or personal message signage not exceeding 32 square feet in total sign area may be continually maintained and/or replaced upon each parcel of real property so long as it remains in compliance with applicable standards, in good repair and the required consent has not been withdrawn.
- j. Such signs shall comply with the General Provisions for signs and sign structures set forth in Section 9.12.020 of this Chapter.
- k. Such signs that are freestanding signs shall be securely attached, affixed, or anchored to the ground.
- l. No such sign shall be placed or painted upon, attached to or supported by any part of the roof of any building, shed or other structure.
- m. Such signs may be placed at the ultimate public right-of-way line, except that they shall not encroach within the corner clear zone.

- n. Other than the signage permitted to be continually maintained under paragraph i above, such signs shall be temporary and shall not be located or placed more than ninety (90) calendar days prior to a scheduled election, and shall be removed within ten (10) calendar days after the end of the election, except that a political and/or personal message sign placed within (90) calendar days prior to a primary election may be continuously located or placed until ten (10) calendar days after the final election pertaining to that primary election.
 - o. Any such sign not removed within the prescribed time period shall be deemed an abandoned sign constituting a public nuisance and shall be abated in accordance with the provisions of this Chapter.
 - p. Such signs that are handheld signs shall comply with all requirements for handheld signs for the zone or district where the handheld sign is located or placed as set forth in this Chapter.
3. Any temporary sign displaying noncommercial message(s), erected, placed or maintained in violation of any provisions of this section will be removed by the city five days after notice of the violation is given to the concerned candidate or sponsor, and to the owner, lessee or person in lawful possession of the property; provided however, that any temporary sign erected, placed or maintained on any public property or right-of-way in violation of subsections (l)(2)(e), (l)(2)(f) or (l)(2)(g) of this section, or which constitutes an immediate danger to the safety of any person or property, may be removed by the city summarily and without notice. The city may bill for and/or bring an action to recover the reasonable cost of sign removal from any party or parties found to be responsible for the violation under this section.
- J. Signs for Projects Under Construction. One sign shall be permitted for the purposes of contractor or construction identification, future tenant identification, and/or real estate for sale or lease may be permitted during construction of a project, provided that all of the following are met:
- 1. Thirty-two (32) square foot maximum in sign area;
 - 2. Maximum of eight feet in sign height;
 - 3. Signs shall be placed no closer than ten (10) feet to any property line;
 - 4. Signs shall be removed within ten (10) calendar days of issuance of a certificate of occupancy;
 - 5. Where a project has in excess of six hundred (600) lineal feet of street frontage, one additional sign shall be permitted for each full six hundred

(600) lineal feet of street frontage and shall be separated by a minimum distance of six hundred (600) feet;

6. Where a second sign is permitted under subparagraph 5 above, sign area square footage may be combined in one sign for a maximum of sixty-four (64) square feet;
 7. Such signage is not placed upon any site, project or parcel also having a Subdivision Sale Sign under Subsection H of this section; and
 8. For residential projects of four or fewer dwelling units, such signage shall be limited to a total of one sign per street frontage may be placed on the site, not exceeding a maximum of eight square feet, and a maximum height of five feet, and is located no closer than five feet to any property line.
- K. Directional, Warning and Non-Commercial Informational Signs. The following directional, warning and non-commercial informational signs are allowed as follows:
1. Signs providing direction (*e.g.*, exit or entrance), warning or information, as required or authorized by law or by any federal, state, county, special district or city authority;
 2. "No Trespassing," "No Parking," "Danger", and other warning signs to a maximum of four square feet per sign.
 3. No such sign shall contain any commercial message or identification that occupies more than 10% of the sign copy area.
- L. Flags and Flagpoles.
1. A total of three flags may be displayed on up to three separate vertical flagpoles on any residential or non-residential development, inclusive of official flags and flags of a commercial nature, except that up to two additional flags and/or flagpoles may be allowed with a sign permit with required findings. Official flags are flags of any nation, state, county, city or other noncommercial organization.
 2. Subject to approval of a sign permit, a maximum of two flags of a commercial nature may be displayed on vertical poles; each such flag shall be no larger than four feet by six feet in size.
 3. When a sign permit is required for a flag(s), said permit may be approved if the community development director based on substantial evidence, makes the following findings:
 - a. the flag(s) compliments the design of the development where it is to be displayed.
 - b. the flag(s) meet all of the provisions of this Chapter and any sign program covering the premises.

- c. the flag(s) do not obstruct visibility of any other existing or permitted signs.
 - d. the flag(s) are not on premises with any existing non-permitted sign(s) or outstanding zoning violation(s).
 - e. the flag(s) comply with other legal requirements, including all applicable building or fire codes.
4. Flags shall be displayed on stanchions or poles manufactured for such purpose. Flagpole(s) may be erected not less than ten (10) feet from any property line. The height or the top of each flagpole shall not exceed the maximum building height for the zone in which it is located.
 5. Flags shall be maintained in good condition and shall not extend beyond the property line of the property on which they are located.
- M. Incidental Signs. For non-residential uses, and for offices of multi-family residential complexes, incidental signs which show notices of services provided or required by law, trade affiliations, credit cards accepted, and the like are allowed, provided all of the following are met:
1. Such signs are attached to an otherwise approved freestanding sign, structure or building;
 2. There are no more than four such signs for any one business or establishment; and
 3. No sign exceeds a sign area per face of two square feet.
- N. Agricultural Signs. Signs identifying agricultural products grown or raised on the premises are allowed, and shall be subject to the following:
1. The number of such signs shall be limited to one per street frontage;
 2. If wall-mounted, the sign shall be located below the roof line;
 3. Freestanding signs shall be no higher than six feet; and
 4. Each sign shall have an area no greater than four square feet for parcels two acres or less, no greater than sixteen (16) square feet for parcels larger than two acres.
- O. Under-Canopy Signs.
1. An under-canopy sign is a pedestrian-oriented sign suspended beneath a covered walkway (arcade) with businesses along one or both sides of the walkway.
 2. An under-canopy sign shall be oriented perpendicular to the building face.
 3. Each tenant within a nonresidential multitenant project may install an under-canopy sign not to exceed four square feet in area near the establishment entrance.
 4. Each under-canopy sign shall provide a minimum clearance of eight feet between the bottom of the sign and the walkway below.

5. Under-canopy signs shall be constructed of material compatible with the building material.
- P. Handheld Signs: One handheld sign per street frontage of any parcel is allowed, subject to the following standards and limitations:
1. The resting, placement, or support of handheld signs on any stationary object is prohibited.
 2. Handheld signs shall not be carried by any person within twelve (12) inches of the edge of the curb, street pavement if not bordered by a curb, or other roadway surface.
 3. Persons carrying or holding handheld signs shall not block or impede pedestrian or vehicular traffic or movement along, across, into, or out of any path, sidewalk, driveway, alley, parking lot, road, street, or highway.
 4. Each handheld sign shall not exceed nine (9) square feet in total sign area.
 5. Handheld signs shall not be carried within a corner clear zone.
 6. Handheld signs shall not be carried so as to constitute a hazard or danger to person, property, or traffic.
 7. Handheld signs shall not be illuminated, flashing, emitting or reflective.

9.12.050 Prohibited signs.

The following signs are prohibited, except as otherwise provided in this section:

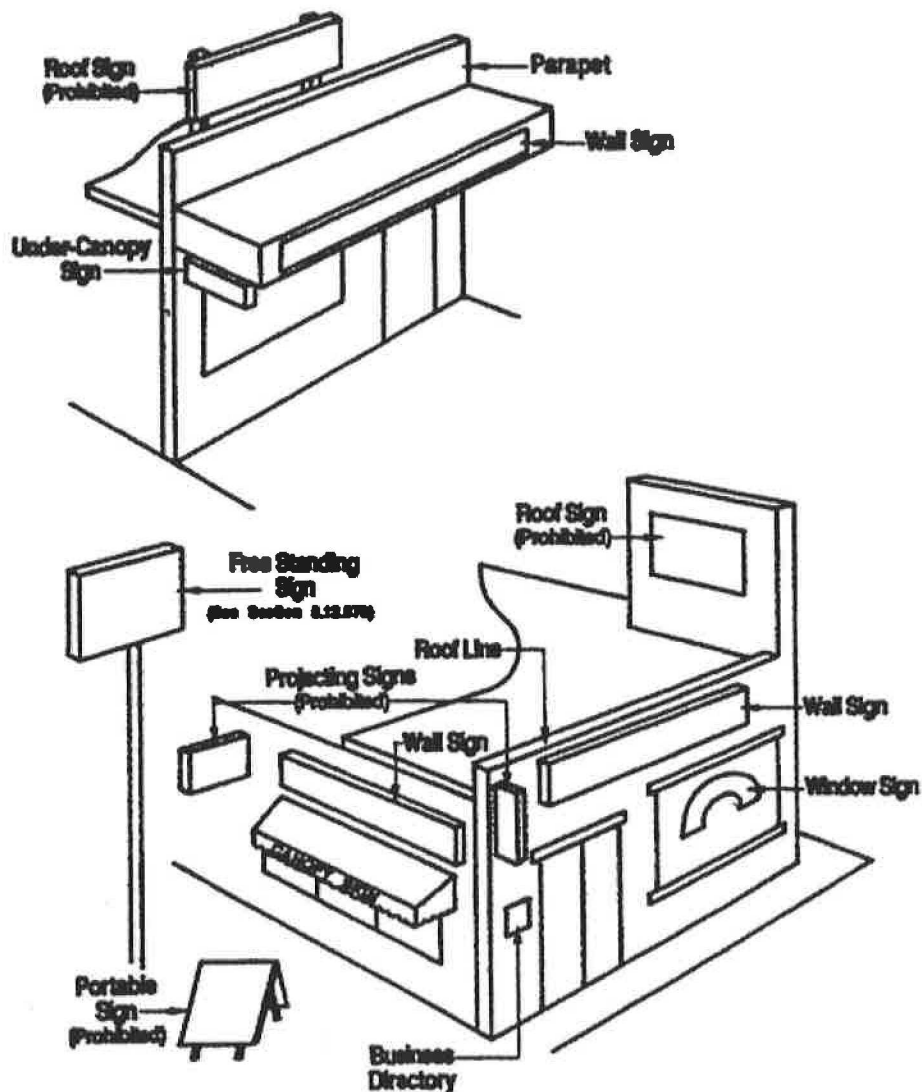
- A. Roof signs extending above the eave or parapet line, whichever is higher;
- B. Pole signs.
- C. Except as provided in Section 9.12.060(A) of this chapter, signs which move in any manner, have any portions which move, convey the illusion of motion, revolve or rotate, emit sounds, odors or visible matter, or that incorporate reflective materials that shimmer, glisten or glimmer or flash;
- D. Vehicle signs placed or attached on vehicles (or trailers) parked on or adjacent to any property, the purpose of which is to attract attention to a business on such property or a product or service provided on such property;
- E. Portable signs, including A-frame signs, except as permitted under Section 9.12.040(D) of this chapter;
- F. Off-site signs, except as permitted by Section 9.12.060(M) of this chapter;
- G. Signs within the public right-of-way except those required by a governmental agency or as permitted under Chapter 14.10.
- H. Outside light bulb strings, except for temporary uses such as, but not limited to, Christmas tree lots, carnivals, and other similar uses subject to prior approval of a temporary use permit pursuant to the provisions of Section 9.02.150 of this title.

This shall not be construed to preclude the year-round use of strings of mini-lights typically used as a Christmas tree decoration;

- I. Banners, flags, pennants, and balloons, except as specifically permitted by the provisions of Section 9.12.040(E), (K) and (M) of this chapter;
- J. Other advertising devices used to attract attention, including but not limited to statues, models, replicas of objects, inflatables, and laser lights or effects, except as permitted for special events under Section 9.12.060(K) of this chapter;
- K. Signs which are an imitation of, or resemble official traffic warning devices or signs, that by color, location or lighting, may confuse or disorient vehicular or pedestrian traffic. This prohibition shall not include traffic or directional signs installed on private property to control on-site traffic;
- L. Signs which permit beams or rays of light to be directed at any portion of the traveled way or which are of such intensity or brilliance as to cause glare or to impair the vision or otherwise interfere with the driver of any motor vehicle;
- M. Any sign specifically prohibited by this Chapter; any sign not specifically allowed pursuant to this Chapter; and/or any sign not in compliance with the provisions of this Chapter, other than a legal nonconforming sign.
- N. Signs attached to trees or shrubs or other vegetation;
- O. Signs painted on roofs, fences or walls;
- P. Living signs, except as a non-commercial message sign under Section 9.12.040 or a special event sign subject to a sign permit and all standards and restrictions for special event signs in Section 9.12.060.

Q. Projecting signs, except as provided in Section 9.12.060(J) of this chapter.

**Figure 9.12.050-8
Types of Signs**



9.12.060 Permitted signs.

A. General Provisions.

1. The following signs may be displayed with issuance of a valid sign permit:
 - a. Monument signs, subject to subsection B;
 - b. Tenant identification (wall) signs, subject to subsection C;
 - c. Drive-through restaurant menu boards, subject to subsection D;

- d. Freeway signs, subject to subsection E;
 - e. Gas station signs, subject to subsection F;
 - f. Marquee signs, subject to subsection G;
 - g. Internal guidance signs, subject to subsection H;
 - h. Directory signs, subject to subsection I;
 - i. Special event signs, subject to subsection J;
 - j. Banners, subject to subsection K;
 - k. Directional and Warning Signs in excess of four (4) square feet in sign area, upon a finding that the sign area in excess of four (4) square feet is reasonably necessary for public safety, subject to subsection L.
2. Changeable Copy. The signs described in this section may include manual, electronic or mechanically activated changeable copy comprising not more than fifty (50) percent of the sign copy area. Such changeable copy shall not blink or flash and shall not change in appearance more than once in four (4) seconds. Manually activated changeable copy signs shall use no more than two colors and shall be enclosed within a cabinet with a clear protective cover. Digital, electronic and other internally illuminated changeable copy signs shall not exceed the following standards:
- a. Automatic brightness control keyed to ambient light levels shall be provided;
 - b. Display shall be programmed to go dark in the case of a malfunction;
 - c. Display shall be oriented with sign face away from adjacent residentially and open space zoned properties within 300 feet of sign location;
 - d. Display shall be turned off between the hours of 10:00 PM and 6:00 AM or when the establishment is not open for business, whichever is less;
 - e. Display brightness shall not exceed 5,000 nits during daytime and 500 nits nighttime.

B. Monument Sign Requirements.

1. Commercial and Industrial Developments. One sign is allowed per driveway not to exceed a total per street frontage of two square feet of copy area and two and one-half square feet of sign area respectively for each one thousand (1,000) square feet of gross floor area of the legal buildings within the development. With respect to a single building of less than ten thousand (10,000) square feet in gross floor area located on an individual parcel with street frontage, such sign need not be less than

twenty (20) square feet in sign copy area and thirty-five (35) square feet in sign area per street frontage.

2. Residential Developments.

a. Neighborhood Identification Signs.

- i. Two nonilluminated neighborhood identification signs are permitted at each street entrance to each neighborhood.
- ii. Neighborhood identification signs shall not exceed twenty-five (25) square feet in copy area, forty-five (45) feet in sign area and six feet in height.
- iii. The content of such signs shall be limited to the name of the neighborhood.
- iv. All neighborhood identification signs shall be designed for maximum vandalism and graffiti resistance and shall be made of masonry, cement, or other materials of comparable durability. Such signs may be either freestanding or affixed to the neighborhood perimeter wall.
- v. All neighborhood identification signs shall comply with the sight distance requirements for traffic safety.
- vi. No neighborhood identification sign shall be allowed unless a homeowners' association or community services district is legally responsible for sign maintenance.
- vii. Any neighborhood identification sign located within a city right-of-way shall require an encroachment permit for such sign from the city engineer.

b. Multiple-Family Complex. One sign is permitted per street frontage not to exceed twelve (12) square feet in copy area, twenty-five (25) square feet in sign area and six feet in height. The content of such signs shall be limited to the name of the complex and the range of addresses within the complex.

c. Temporary Model Home Complex. Two nonilluminated signs are permitted not to exceed twenty-five (25) square feet in copy area, forty-five (45) square feet in sign area and six feet in height at each major entrance to the complex. Such signs shall be removed at the completion of home sales.

3. Institutional Signs Within Residential Districts. One monument sign not to exceed thirty-six (36) square feet in copy area, forty-eight (48) square feet in sign area and eight feet in height is permitted to identify the premises of a hospital, school, place of religious worship or similar quasi-public institution.

4. Sign Height and Area.

- a. The height of a monument sign shall not exceed fifteen (15) feet.
 - b. The maximum height of a monument sign located on a berm with a finished grade level more than two feet above the top of the street curb shall be reduced an amount equal to the distance that the grade level exceeds two feet above the top of curb.
5. Addresses. Addresses with a minimum of six-inch letters shall be located above the copy area. If a series of addresses are located within the project, the address shall include the entire address range beginning with the lowest number. Addresses shall not be considered in the calculation of the copy area.
 6. Vacant Spaces. Any vacant tenant spaces on a multitenant monument sign shall appear opaque using a material and texture consistent with the rest of the sign copy area.
 7. Opaque Backgrounds. The sign copy area shall be designed with opaque backgrounds such that when illuminated from behind, only the sign text is illuminated against a dark (unlighted) background.
 8. Application to Multitenant Centers. Monument sign standards apply to any development designed as an integrated center with shared parking and access. Leasing to individual tenants or subdivision of the center shall not establish separate sign privileges for each tenant or parcel.
 9. Setback Requirements. Monument signs may be placed at the ultimate street right-of-way line, except that they shall not encroach within the limited use area described in the landscape development guidelines and specifications.
 10. Supports. Monument signs shall not be supported on a single pole or column of less than eighteen (18) inches in diameter. Structural supports that are not a decorative element of the sign shall be concealed.

C. Tenant Identification (Wall) Sign Requirements.

1. Signs on Buildings Up to Two Stories High. Each tenant may erect a wall sign on the front, side and rear of the building space occupied by such tenant with a sign area not to exceed ten (10) percent of the building face occupied by such tenant, except that such sign need not be less than twenty (20) square feet in area.
2. Signs Within Any District on Buildings Over Two Stories High.
 - a. One wall sign not to exceed two percent of the building face may be placed above the windows of the highest floor on each exterior wall (front, rear and side) of the building. Such sign(s) may display the name of the building or the major tenant.
 - b. Up to four wall signs per building, each not to exceed twenty (20) square feet in area, may be placed below the second floor.

3. Residential Uses. One wall sign is permitted per street frontage of a multiple-family complex not to exceed twelve (12) square feet in area. The content of such signs shall be limited to the name of the complex and the range of addresses within the complex.
 4. Approved Types of Wall Signs. Wall signs shall consist of individually mounted channel letters, carved or routed wood, neon, sculptured cans, can signs and awning signs.
 5. Wall Sign Specifications.
 - a. The copy area of a can wall sign shall use an opaque background. The retainer shall be decorative.
 - b. Individually mounted letters may be constructed of metal, plastic or foam, provided that the letters are a minimum of one inch in depth and the density of the plastic or foam is three pounds or greater. Alternative materials may be approved provided they are equivalent in durability to the above-referenced materials.
 - c. Carved or routed wood signs shall be constructed of redwood, cedar, balsa or an equivalent material. Wood signs shall be coated with sealer to minimize weathering. Plywood signs are prohibited.
 6. Letters or graphics on an awning sign shall be painted, printed or affixed flat against the surface of an awning. An awning is a roof-like cover constructed of nonrigid material over a supporting framework that projects from the exterior wall of a building.
 7. Raceways and Conduit. Raceways and electrical conduit shall not be visible.
- D. Drive-Through Restaurant Menu Boards. Two additional signs shall be permitted for the purpose of displaying the type and price of products sold on-site to drive-through customers. Such signs may include a speaker system to allow drive-through customers to order food and beverages. Such signs shall not exceed thirty-six (36) square feet in area and six feet in height.
- E. Freeway Signs. One freestanding on-site sign shall be permitted per parcel or business complex, provided that the sign is located within six hundred sixty (660) feet of a freeway right-of-way and on a parcel that is contiguous to the freeway right-of-way. Such sign shall not exceed forty-five (45) feet in height and one hundred fifty (150) feet in sign area.
- F. Gas Station Signs.
1. Monument Signs. Gas stations shall be allowed one monument sign per street frontage to identify the business and the state-mandated price identification. Each sign shall not exceed forty (40) square feet in copy area and seventy-five (75) square feet in sign area, except that up to forty-five (45) square feet in copy area may be allowed where there is joint use of a gas station with other businesses.

2. Gas Pump Island Signs. Signs are allowed on or above the fuel pumps not to exceed a maximum aggregate surface area of four square feet per linear foot of pump island.
3. Gas Pump Canopy (Liter Box) Signs. Letters and symbols placed on the canopy over the fuel pumps shall not exceed twenty (20) percent of the total surface area of each face of the canopy.

G. Marquee Signs.

In addition to all other standards and requirements for signs and sign structures, all marquee signs shall comply with the following additional standards and requirements:

1. Marquee signs shall be allowed for uses characterized by human assembly with changing programs only.
2. Marquee signs may encompass all three (3) sides of a marquee and shall be considered one (1) marquee sign.
3. Only one (1) marquee sign shall be allowed per development regardless of the number of parcels, owners, or tenants involved.
4. Marquee signs shall be in addition to any other allowable signage.
5. The total sign area of a marquee sign shall not exceed seventy-five percent (75%) of the marquee to which it is attached or made a part of or 10% of the building face it is attached to.
6. No marquee sign shall extend into or over any public property or right-of-way, or any adjacent private property.
7. Marquee signs may display fixed copy, a message center, or changeable copy only; marquee signs shall not display any other type of advertising device.
8. Marquee signs may not be used for general advertising, or to display offsite commercial messages.
9. Marquee signs shall maintain a minimum clearance of eight (8) feet between the bottom of the sign and the highest point of the surface directly below the sign.
10. Marquee signs may be illuminated.

- H. Internal Guidance Signs. Internal guidance signs may be erected to direct pedestrian or vehicular traffic within the internal circulation system of a business or residential complex. Internal guidance signs shall list one or more of the businesses or buildings on the premises and indicate the recommended route to the businesses or buildings. Such signs shall not exceed fifteen (15) feet in height. Such signs shall be oriented for viewing from within the premises, and shall not be readily visible from outside of the premises in which they are located. Internal guidance signs located twenty (20) feet or more from the public right-of-way and less than four square feet in sign area do not require a sign permit.

I. Directory Signs.

1. Vehicular-Oriented Directory Signs. One vehicular-oriented directory sign may be placed near each major entrance of a multiple-structure project. One vehicular-oriented directory sign shall be permitted near each major entrance of a multitenant, business complex. Such signs shall not exceed forty-eight (48) square feet in sign area and eight feet in height. A vehicular-oriented directory sign shall not be placed at the driveway entrance but shall be located in an easily accessible location adjacent to the driveway. Such sign may contain a list and map and accompanying legend indicating the name of the development, streets, buildings, unit numbers and fire hydrant locations within the development. Vehicle-oriented directory signs shall be oriented for viewing from within the complex and not from the street outside of the complex.
2. Pedestrian-Oriented Directory Signs. One pedestrian-oriented directory sign not to exceed ten (10) square feet in copy area shall be permitted for each multitenant building in a business or residential complex. Such sign shall list each business or residence located within the building and its address.

J. Projecting Signs. A projecting sign may be permitted by variance in lieu of a monument sign based on a determination by the decision-making body that the physical limitations of the site make it impractical to erect a monument sign on the premises. The copy area and sign area shall not exceed the size applicable to a monument sign for the site.

K. Special Event Signs.

1. Special event signs are permitted subject to the following:
 - a. The community development director shall issue permits for "special event signs" not to exceed thirty (30) days during any calendar year where all requirements of this Subsection and all other applicable ordinances and regulations are met. The applicant for such special event signs may elect to determine how the days shall be allocated to that particular address or premises within the city. However, no more than three permits may be issued per calendar year;
 - b. Applications for "special event sign" permits shall be filed with the community development department, at least five days prior to the beginning of the event; provided, however, that the community development director may exempt an applicant from the five days application prior to the beginning of an event provided the applicant files a declaration under penalty of perjury setting forth facts showing that the nature of his or her activities does not permit advance knowledge by the applicant of the time of any particular "special event" and that such applicant agrees that he will not exceed the total number of thirty (30) days within any

calendar year, provided that the director can determine that all other requirements of this subsection are met.

- c. All special event signs shall comply with the following requirements and restrictions:
- i. The applicant shall obtain any other required permits, licenses, written approvals from the city or other agencies and observe all laws concerning health and safety.
 - ii. Written approval from the property owner or authorized agent shall be submitted with the permit application.
 - iii. A copy of the approved permit application will be furnished by the community development department. This copy, and all other required permits, must be displayed in a conspicuous place on the premises throughout the duration of the event.
 - iv. Signs, advertising devices and other approved outdoor displays shall substantially conform in size and location to the site plan sketched on or attached to the permit and conform with any restrictions stated upon the permit.
 - v. Signs, advertising devices and other approved outdoor displays shall be erected or placed only on property in possession or control of the permittee. No off-site signs or displays shall be permitted.
 - vi. Within ten (10) feet of any vehicular access or five feet of any public street property line, no sign, advertising device, or other approved outdoor display shall exceed thirty (30) inches in height above street curb. No public right-of-way shall be used for locating any sign or display.
 - vii. Signs or banners shall be permitted with a total sign area not to exceed one square foot for each lineal foot of store or building front, owned or operated by the permittee, up to a maximum of 10% of the total square footage of building front, owned or operated by the permittee.
 - viii. All signs, or other approved outdoor displays shall be erected and maintained in a clean, safe manner and in good repair at all times.
 - ix. The community development director may impose special requirements, conditions and restrictions when conditions exist at or near the proposed event location which may compromise or affect public health, safety or welfare or create public confusion, or adversely affect ingress to, egress from, parking for, view of, or quiet enjoyment of adjacent or nearby properties. Such restrictions shall be listed on the approved

permit application and shall be adhered to throughout the duration of the event.

- x. Search lights may be permitted concurrently with other signs as part of a special event promotion.
2. Special event signs related to the grand opening of any establishment shall be permitted in addition to the time frames specified above, provided that no additional time shall be granted for inflatable signs.
 - a. No sign shall be displayed more than thirty (30) calendar days;
 - b. The event is for the original opening of an establishment at a particular location, within thirty (30) days after occupancy. Existing establishments also qualify if the ownership and the name of the establishment is changed. A grand opening is not an annual or occasional sales promotion or the opening of a related store at another location;
 - c. The requirements of special event signs are met.
 3. Inflatable Signs. Inflatables shall be allowed with a special event sign permit, provided that:
 - a. Inflatables shall not be displayed for more than thirty (30) days per calendar year;
 - b. Airborne inflatables, such as balloons and blimps, shall not exceed a maximum height of fifty (50) feet above grade;
 - c. Any size balloon or blimp may be illuminated but may not have been constructed of reflective material.

L. Banners.

1. General Provisions.
 - a. Banners shall be maintained free from deterioration, disrepair or other condition that would create a nuisance as described in Section 6.04.030(P) of this code.
 - b. Banners shall be attached to buildings unless otherwise specified in this section. The banners shall be securely fastened at all four corners to the wall of the building on which it is located. The method of attachment shall prevent the banner from flapping in the wind.
 - c. A banner shall not obscure windows, doors, lighting fixtures, other signs, nor shall it be displayed above the walls of the building on which it is located.
2. Promotional Advertising Banners.
 - a. A "promotional advertising banner" means a banner advertising the name of a business or a product or service provided on the premises.

- b. No promotional advertising banner shall be displayed unless authorized by permit issued by the community development department. Each permit may cover more than one banner, up to the maximum number of banners permitted under this section. A banner permit shall be effective for as long as the establishment receiving the permit has a valid business license for the location, if applicable. A new permit shall be required if the establishment moves to a new location. Banners shall be maintained in good condition and in conformance with the approved permit.
 - c. Banners shall be displayed on the wall(s) of the building space occupied by the establishment advertised on the banner, not to exceed one banner per wall and two banners per establishment. Each promotional advertising banner shall not exceed ten (10) percent of the area of the building face on which it is placed.
 - d. In the case of a establishment engaged in a substantially outdoor enterprise, the community development director may permit a promotional advertising banner to be placed in a location other than the wall of a building occupied by such business and of a size that would be enjoyed by a typical indoor establishment situated on a site of the same size.
 - e. A copy of the approved banner permit shall be displayed in a conspicuous place on the premises in full public view for as long as the permit is in effect.
 - f. A promotional advertising banner shall not be displayed in lieu of a permanent wall or canopy sign except during the first sixty (60) days of issuance of the certificate of occupancy for the business.
 - g. A promotional advertising banner shall not be displayed facing a freeway.
3. Quasi-Public Uses. Quasi-Public uses may display banners subject to the same rules and restrictions as for promotional advertising banners.

M. Off-Site Real Estate Signs.

- 1. An off-site real estate sign is a sign advertising real estate that is for sale, rent, lease or exchange where the advertised property is not the same property on which the sign is located.
- 2. No off-site real estate sign may be illuminated.
- 3. No off-site real estate sign shall be allowed without written consent of the property owner.
- 4. No off-site real estate sign shall be installed in a manner that creates a hazard for vehicle or pedestrian traffic. All off-site real estate signs shall comply with the sight distance requirements for traffic safety.
- 5. Off-site real estate signs are prohibited within the public right-of-way.

6. No off-site real estate sign shall exceed twenty-four (24) square feet in sign area or eight feet in height.
7. Off-site real estate signs shall be made of weather-resistant materials, maintained in good condition and kept free of graffiti. No paper, cardboard, lightweight plastic or similar fragile material shall be used. Off-site real estate signs shall be coated with materials that allow graffiti to be removed easily.
8. The content of each off-site real estate sign shall be limited to the information identified in Section 713 of the California Civil Code: a statement that the property is for sale, lease or exchange; directions to the property; and the owner's or agent's name, address and telephone number.
9. Off-site real estate signs shall be removed within ten (10) days of the execution of the sale, lease, exchange or rental agreement for the property for which the sign is erected.

9.12.070 Sign program; Variance.

A. Sign Program. An integrated sign program may be applied for by the property owner for all nonresidential projects greater than fifteen (15) gross acres in area. The purpose of a sign program shall be to create special design criteria for a given development or project (*e.g.* consistency of color, materials, placement, shape, or style) in order to enhance the project while minimizing impacts on surrounding properties. A sign program may deviate from one or more of the standards provided in this section to meet these goals. The sign program may be approved or conditionally approved by the community development director in accordance with the provisions of this Chapter for action on a sign permit application and upon making findings, based upon substantial evidence, that each and every deviation from the standards set forth in this Chapter meets all of the following standards:

1. The deviation(s) will not cause, create or contribute to any nuisance; danger to persons or property; blockage of views of other properties or their signs; or public confusion.
2. The deviation(s) will not detract from the aesthetic appearance of the development.
3. The deviation(s) are compatible with the design of the development.
4. The deviation(s) will not result in an increase in the total area permitted by this Chapter for any sign type (freeway, monument, wall, etc.).
5. The deviation(s) are supported by identified unique circumstances related to the size, location, visibility, access, or tenancy of the development.
6. The deviation(s) will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification.

7. The deviation(s) are consistent with the objectives and policies of the general plan and the intent of this title.

Once approved, a sign program shall remain in effect until repealed by the property owner by filing with the Director, a notice of intent to repeal the sign program on a date certain. Once repealed, signs on the affected property shall revert to the standards, specifications, and requirements set forth in this Chapter. Far more likely is that a later owner will want to modify the sign program. It's a good idea to allow for that.

- B. **Prior Sign Programs.** Sign programs in effect prior to adoption of this title shall be considered valid upon adoption of this title. Such programs may be converted to the standards given in this section if the landowner files a notice of intent with the community development director. Again, accommodate modifications of programs.
- C. **Variance.** A variance from any standard set forth in this Chapter may be granted by the Community Development Director upon application, payment of an application fee and a finding based on substantial evidence that specific unusual conditions of the property related to its size, shape or topography of the site would otherwise result in signage that is dangerous, unattractive, ineffective, or impractical or would place the property at a substantial signage disadvantage compared to other similar uses on similarly zoned and situated parcels without such size, shape or topography disadvantages. The amount of variance from any standard permitted shall not exceed the minimum necessary to correct the conditions that would be caused by strict application of the standard or standards set forth in this Chapter.

9.12.080 Outdoor advertising displays.

A. General Provisions.

1. An "outdoor advertising display" means a sign that meets both of the following criteria:
 - a. The sign contains any component that is more than nine feet in height above the ground or more than five feet in width; and
 - b. The sign advertises any establishment, product, service or activity which is not located, sold, produced or furnished on the property where the sign is located. This criterion includes any sign regulated by the California Outdoor Advertising Act.
2. No person shall erect, use or maintain any outdoor advertising display in the city, except in accordance with the provisions of this section. Where there is a conflict between this section and any other applicable regulations, the more restrictive provisions shall prevail.
3. Because outdoor advertising displays have been determined to be a visual blight which is offensive to the aesthetic standards of the community, contribute to traffic hazards by distracting driver's attention and reduce the visibility of other signs that contribute to the economic well-being of the community, no new outdoor advertising displays shall be allowed. The lawfully established outdoor advertising displays in existence as of the date

of adoption of Ordinance 545 are determined to be legal nonconforming outdoor advertising displays.

B. Legal Nonconforming Outdoor Advertising Displays.

1. A legal nonconforming outdoor advertising display:

a. Shall not be structurally altered to extend its useful life;

b. Shall not be expanded in any dimension, including size, display area, or height beyond the dimensions of such sign on the date of adoption of Ordinance 545;

c. Shall not be reestablished after damage or destruction of more than fifty (50) percent of its construction value, as determined by the building official; and

d. Shall be maintained in accordance with Section 9.12.090(B)(9) of this chapter.

2. No land division, new structure or building, nor any building expansion of fifty (50) percent or more in area shall be allowed on a site which contains a legal nonconforming outdoor advertising display until the display is removed from the site.

C. Removal of Legal Nonconforming Outdoor Advertising Displays.

1. All legal nonconforming outdoor advertising displays, meeting the requirements of Sections 5412.1 and 5412.2 of the California Business and Professions Code, shall be removed, without compensation, from the site upon which they are located, in accordance with the following schedule. This schedule shall commence upon the date of written notice of removal requirement:

Fair Market Value on Date of Notice of Removal Requirement	Minimum Years Allowed
Under \$1,999.00	2
\$2,000.00 to \$3,999.00	3
\$4,000.00 to \$5,999.00	4
\$6,000.00 to \$7,999.00	5
\$8,000.00 to \$9,999.00	6
\$10,000.00 and over	7

2. The value of a display shall be determined by the community development director in accordance with current department of transportation valuation schedules, and shall be sent to the owner of the display. Any disagreement of the value shall follow appeal procedures set forth in Section 9.02.240 of this title.

3. The city may require the removal of any legal nonconforming outdoor advertising display, which cannot otherwise be removed under Sections 5412.1 and 5412.2, 5440 and 5461 of the State Business and Professions Code, provided that payment of compensation is made pursuant to Section 5412 of the State Business and Professions Code, if payment of compensation is required. Compensation, when payable will be determined by the community development director based on current department of transportation valuation schedules unless otherwise provided by law.

D. Compliance with State and Local Codes. All advertising displays which are placed or which exist in violation of the provisions of the State Business and Professions Code, Federal Highway Act, or city ordinances, shall be deemed a public nuisance and shall be subject to removal in accordance with applicable laws or regulations.

9.12.090 Construction specifications, safety and maintenance.

- A. All signs and sign structures, including legal nonconforming signs and sign structures, shall be designed, constructed, and/or maintained in accordance with the following standards:
1. All permanent signs and sign structures shall be structurally safe and shall be designed, fabricated, erected, constructed, installed, placed, moved, relocated, enlarged, altered, reconstructed, renovated, repaired, or converted in compliance with all applicable provisions of this Chapter, all applicable provisions of the then current Building, Electrical, Plumbing, Grading, Demolition, and Fire Codes as then adopted by the City of Moreno Valley, all other applicable provisions of the City of Moreno Valley Municipal Code, and all conditions of approval for any and all permits issued by the City or any other government agency, and any and all other applicable State and Federal laws and regulations.
 2. Each permanent sign and sign structure shall permanently display, in a readily accessible location, clearly legible identification decals stating the permit number and date of issuance; the name, address, and telephone number of the person responsible for the maintenance of the sign and/or sign structure; and the name, address, and telephone number of the owner of the sign and/or sign structure. In addition, electric signs shall be marked with input amperages at the full load input. Said decals and markings shall be placed on the copy side of the sign or sign structure at a height not to exceed five (5) feet above the lowest grade directly beneath the sign or sign structure.
 3. All permanent signs and sign structures shall be constructed to withstand the stress of weight and wind loads in accordance with the then current

Building Code as adopted by the City of Moreno Valley and any other applicable Local, State or Federal laws or regulations.

4. All permanent signs and sign structures shall be permanently anchored to prevent any lateral movement that would cause wear on supporting members or connections.
5. All permanent signs and sign structures shall be compatible with the architecture (with respect to color, materials, style, and other features) of the development in which they are to be located or placed.
6. All permanent freestanding signs requiring a sign permit shall be self-supporting structures erected on and permanently attached to concrete foundations. Such freestanding signs shall be fabricated only from steel or other such materials as required by the then current Building Code as adopted by the City of Moreno Valley, or as otherwise required or approved by the City Building Official.
7. If the sign copy area of a permanent sign is removed from the sign structure, except for a temporary period for a message change or maintenance, the sign structure shall be removed. Such temporary period shall not exceed thirty (30) calendar days.
8. No sign or sign structure shall be erected, constructed, installed, placed, moved, relocated, enlarged, altered, renovated, repaired, converted, used, or maintained so as to obstruct, obscure, block, or otherwise encroach into or across any fire escape, required exit, window opening, door opening, or other opening of any building. No sign or sign structure shall be attached in any form, shape, or manner that will interfere with an opening required for ventilation, except in circumstances when not in violation of the then current Building and/or Fire Codes as adopted by the City of Moreno Valley, or other applicable provisions of the City of Moreno Valley Municipal Code, or applicable State or Federal laws and regulations. Signs and sign structures shall not encroach into or across any portion of an opening of a colonnade, arcade, canopy, or other similar structure. Signs or sign structures shall not encroach into or across any adjacent property or public right-of-way.
9. Signs and sign structures shall be located so as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the then current Building Code as adopted by the City of Moreno Valley, the regulations of the Public Utilities Commission, and all other Local, State, or Federal laws and regulations.
10. Signs and sign structures that require water distribution or circulation or produce significant rain runoff shall be properly guttered and connected with downspouts to storm drains so that water will not drop or flow onto public sidewalks, streets, or other public property or public right-of-way, or adjacent private property.

11. All signs and sign structures shall be maintained free from deterioration, disrepair, or other conditions that would create a nuisance as described in Chapter 6.04 of the City of Moreno Valley Municipal Code. All signs and sign structures shall be kept clean and in good repair, neatly painted, and free from rot, rust, and corrosion. Any cracked or broken surface or malfunctioning or damaged portions of a sign and/or sign structure shall be repaired or replaced within thirty (30) calendar days following notification by the Community Development Department. In addition to any civil or criminal citation, noncompliance with this requirement shall constitute a public nuisance and may be abated in accordance with the provisions of Chapter 1, Section 1.01.250, and Chapter 6.04 of the City of Moreno Valley Municipal Code.
12. No sign or sign structure may be illuminated unless specifically provided for herein. Illumination shall not produce glare. Glare shall be controlled by using an opaque or colored background, or by using low intensity illumination. Illumination of all signs and sign structures shall not spill over onto adjacent public or private property, or onto the public right-of-way. The source of illumination shall not be visible from any public or private property, or from any public right-of-way.
13. All light bulbs or other sources of illumination shall be replaced or otherwise repaired, if burned out or malfunctioning, within seventy-two (72) hours of notification by the City.
14. Pursuant to Government Code Sections 38772, *et seq.*, and Moreno Valley Municipal Code Chapter 6.06, as amended from time to time and their successor provisions, all signs and sign structures shall be kept free from graffiti. The person responsible for maintenance of the sign or sign structure shall remove all graffiti within forty-eight (48) hours of notification by the City.
15. Unless otherwise specifically allowed pursuant to the provisions of this Chapter, or unless located or placed by a public agency, signs and sign structures shall not be located or placed within a corner clear zone, and shall not be located or placed so as to create a pedestrian or traffic hazard.

9.12.100 Illumination of signs.

A. Where illumination is permitted, signs shall be internally illuminated, except that indirect lighting shall be permitted provided the light source shall not spill over on adjacent properties or road right-of-way and is not visible from the street, public parking area or public thoroughfare. The light fixtures shall be screened from view.

B. Signs incorporating neon or other gaseous illumination to highlight the desired message against an opaque background are permitted provided that:

1. Neon or other gaseous illumination installed within twelve (12) feet of the ground shall be enclosed or covered by a protective transparent shield; and
2. Neon signs shall not exceed thirty (30) milliamps.

9.12.110 Discontinued uses.

Signs which advertise activities, businesses, business directories, services or products, which are no longer conducted or sold on the premises, except for temporary closures for repairs, alteration or similar situation, shall be removed within thirty (30) days of such discontinuance, abandonment or vacation of the premises.

9.12.120 Signs required to be removed.

Signs which are not removed in the specified time periods pursuant to the provisions of this chapter shall constitute a nuisance, and shall be subject to removal under the provisions of Section 1.01.250 or other applicable provisions of the Moreno Valley Municipal Code or as provided by law.

A. Nuisance Signs and Hazardous Signs. Every sign and advertising structure unlawfully placed on the public right-of-way or unlawfully projecting over the public right-of-way or unlawfully placed on public property, or declared to be hazardous or unsafe by the community development director, is declared to be a public nuisance.

B. Removal of Signs—Nuisance Signs. The community development director may forthwith remove or correct or cause to be moved or corrected, any sign or advertising structure without notice unlawfully placed on or unlawfully projecting over the public right-of-way or unlawfully placed on public property. Signs which are declared to be hazardous or unsafe which in actuality are immediately hazardous to life and property may also be removed or corrected without notice. All other signs which are public nuisances under this code may be abated by the director or other proper official after notice and hearing is provided or allowed to the sign owner in accordance with provisions of this code, or as otherwise provided by law.

C. Removal of Signs—Storage and Redemption. A removed sign, other than signs of paper, cardboard, lightweight plastic or similar material, shall be held not less than thirty (30) days by the city, during which period it may be recovered by the owner upon paying the city for costs of removal and storage. If not recovered within the thirty (30) day period, the sign and structure is declared abandoned and title thereto shall vest in the city. The charge may be in addition to any penalty for the violation and recovery of the sign and does not necessarily abrogate the penalty.

9.12.130 Inventory and abatement of illegal and abandoned signs.

- A. The Director may conduct an inventory and identification of all illegal or abandoned signs, sign structures, billboards, and billboard supporting structures.
- B. Every illegal or abandoned sign, sign structure, billboard, or billboard supporting structure identified in the inventory, or thereafter identified, shall be deemed to constitute a public nuisance.
- C. The Director is hereby authorized to commence abatement of all illegal or abandoned signs, sign structures, billboards, and billboard supporting structures. Abatement of on-site signs and sign structures subject to Division 3, Chapter 2.6

of the Business and Professions Code shall be in accordance with the provisions contained therein or any other procedure allowed by law. Abatement of billboards and billboard supporting structures shall be in accordance with the provisions of Division 3, Chapter 2 of the Business and Professions Code, a prior written agreement, a prior court order, or any other procedure allowed by law.

- D. Upon the effective date of this Chapter all other illegal signs and sign structures shall be deemed a public nuisance and may be abated in accordance with the provisions of any applicable federal, state or local law, including but not limited to Chapter 1, Section 1.01.250 and Chapter 6.04 of the City of Moreno Valley Municipal Code, and their successor provisions, and any amendments thereto.
- E. Illegal or abandoned signs and sign structures posted in the public right-of-way, or upon property owned or controlled by the City, may be removed at the direction of the Director, by the City's code compliance officers without first complying with Chapter 1, Section 1.01.250 and Chapter 6.04 of the City of Moreno Valley Municipal Code, or their successor provisions, and any amendments thereto. The owner of any sign or sign structure thus removed, if that owner's address or telephone number is readily identifiable from the sign or sign structure, shall be given written or oral notice of the removal of the sign or sign structure and any fees imposed or incurred as set forth in the fee schedule adopted by resolution of the City Council. Any sign or sign structure thus removed shall be retained at the City Corporate Yard for a period of not less than five (5) working days, and not more than ten (10) calendar days from the date of removal. Thereafter, any unclaimed sign or sign structure shall be deemed abandoned and shall become the property of the City and may be used or disposed of in the same manner as similar City property.
- F. Should the City remove any illegal or abandoned sign or sign structure pursuant to this Chapter, the reasonable costs of such removal shall be assessed against the owner of such sign or sign structure, or any person placing such sign or sign structure in the public right-of-way or upon property owned or controlled by the City. The Director shall determine the cost of removal.

9.12.140 Enforcement; Nuisance and Penalties

- A. Any inanimate sign or sign structure located or placed on any public property or within any public right-of-way is hereby declared to be a public nuisance and may be immediately removed by the City summarily and without notice.
- B. Any sign or sign structure located or placed in violation of any provision of this Chapter is hereby declared to be a public nuisance and shall be removed by the owner of the sign or sign structure, if such owner can be readily determined from the sign or sign structure, or to the owner, lessee or other person in lawful possession of the real property on which the sign or sign structure is located or placed, within five (5) calendar days of notice by the City.

- C. If any sign or sign structure located or placed in violation of any provision of this Chapter is not voluntarily removed within the time period set forth herein, such sign or sign structure is declared to be a public nuisance and may be abated in accordance with the provisions of any applicable federal, state or local law, including but not limited to this Chapter and MVMC Chapter 6.04 and all successor provisions, and any amendments thereto.
- D. The owner of any sign or sign structure located or placed or maintained in violation of any provision of this Chapter, and/or the owner, lessee or other person in lawful possession of the real property on which the sign or sign structure is located or placed is subject to any and all criminal and/or civil prosecutions, citations, and/or penalties set forth in Title 1 of the Moreno Valley Municipal Code and all successor provisions, and any amendments thereto.
- E. In addition to the foregoing, the City may bill for and/or bring a legal action to recover all reasonable costs of prosecution actions from any person determined to be responsible for the violations under this Chapter, including court costs, reasonable attorney's fees, and expert witness fees. Said costs shall be a debt owing to the City. In any action, administrative proceeding, or special proceeding for sign removal or other action to abate a nuisance due to such violations, the prevailing party shall be entitled to all such attorneys fees, court costs and expert witness fees.
- F. Each sign or sign structure that is in violation of any provision of this Chapter shall constitute a separate offense.
- G. Each day a violation of any provision of this Chapter is committed or continues shall constitute a separate offense.
- H. In addition to any and all prosecutions and/or civil citations hereunder, the City may exercise any and all other legally applicable court and/or administrative procedures to obtain and assure compliance with this Chapter, including, but not limited to abatement, injunction, declaratory relief and/or receivership."

SECTION 2. AMENDMENT AND RESTATEMENT OF CHAPTER 9.15 OF THE MORENO VALLEY MUNICIPAL CODE.

2.1. Chapter 9.15 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended and restated to read, in its entirety, as follows:

"9.15.030 Definitions.

For purposes of this Title, unless the context clearly requires otherwise, the words and phrases used herein shall have the following meanings:

"Abandoned sign" means any sign that, for a period of at least ninety (90) consecutive days, meets one (1) or more of the following criteria: A) Cessation or

expiration of the advertised or displayed business, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, event, opinion, view, idea, or message; or B) Sign copy that remains faded, torn, broken, damaged, defaced, missing, removed or otherwise in disrepair after 30 days notice of violation to the sign owner, if known, or to the owner of the real property on which the sign is located; or C) Sign structure is not maintained in accordance with the standards set forth in any applicable provisions of this Code after 30 days notice of violation to the sign owner, if known, or to the owner of the real property on which the sign is located; or D) A temporary sign not removed within the time frame set forth in this Title or in the permit for such sign.

“Abutting” means having district boundaries or lot lines in common.

“Access corridor” means a portion of the lot providing access from a street and having a minimum dimension less than the required lot width.

“Access rights” mean the right, claims, title or privilege of access, by pedestrians or vehicles, to a public road or way.

“Access road” means a graded road with such improvements and of such width, as required in Chapter 9.14 of this title, which provides access from a division of land to an existing maintained street or highway.

“Accessory building” means any subordinate building or portions of the main building, the use of which is incidental to that of the main building on the same lot or premises, and which is used exclusively by the occupants of the main building.

“Accessory structure used for living purposes” means an accessory structure which is habitable space, as defined by the International Building Code.

“Accessory use” means any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises.

Acreage (Adjusted Net). “Adjusted net acreage” means the land area which remains after dedication of ultimate rights-of-way for: (1) exterior boundary streets; (2) flood control rights-of-way; and (3) public parks developed to meet minimum standards. Major utility easements and rights-of-way may not be counted as adjusted net acreage. Areas devoted to park land or active recreational uses may be counted as adjusted net acreage only if such public facilities are proposed over and above the minimum park land requirements.

“Active recreational uses” mean facilities occurring on level or gently sloping land to a maximum slope of ten (10) percent which are designed to provide individual or group activities of an active nature, including, but not limited to, sports fields, court games, swimming pools, children’s play areas, picnic areas, golf courses, and recreational community gardening. Active recreational uses do not include natural open space, nature study areas, open space for buffer areas, slopes greater than ten (10) percent, riding and hiking trails, scenic overlooks, water courses, drainage areas or water bodies.

“Adjoining” means district boundaries or lot lines in common.

“Advertising device” means any device, contrivance or object used to attract attention and/or deliver a communicative visual image or message other than a sign specifically exempted from Chapter 9.12 or a sign specifically permitted under Chapter 9.12. Advertising device includes but is not limited to any: A) oscillating, rotating, pulsating, blinking, flickering, flashing, chasing, or otherwise moving light that is not part

of a permitted message center or changeable copy sign; or B) laser light, hologram or laser image; or C) animated sign that is not part of a permitted message center or changeable copy sign; or D) streamer, propeller, or similar type device; or E) statue or other three (3) dimensional device not specifically addressed in this Title.

“Advisory agency” means the city of Moreno Valley planning commission for all tentative Schedule “A,” “B,” “C,” “D,” “E,” “F,” “G,” “H” and “I” maps, and for such other purposes as the context so indicates.

“Alley” means a secondary means of access to property and is located at the rear or side of the property. Minimum right-of-way width shall be twenty (20) feet.

“Airborne inflatable sign” is any inflatable sign that floats, ascends, rises, or remains aloft in the air above the ground or away from the building or site to which it is anchored, tethered, or otherwise attached, no matter what the distance. This includes balloons, blimps and other inflatable objects used to attract attention, but does not include party balloons as defined in this chapter.

“Alter” means to make a change in the supporting members of a structure, such as bearing walls, columns, beams or girders, that will prolong the life of the structure. In case of a sign, “alter” means a change of all or a portion of the copy, message or sign legend or face, except on signs designed to advertise changing messages.

“Ambient level” means the general noise level one finds in a certain area at a given time.

Animal (Exotic or Wild). “Exotic” or “wild animals” mean and include lions, tigers, bears, simians, cougars, badgers, wolves, coyotes, foxes, lynx, peacock, monkey or any venomous or otherwise dangerous reptile or any other dangerous or carnivorous wild animal, or any wild animal, as defined in Section 2116 of the Fish and Game Code of the state of California, or any other animal determined to be dangerous or potentially dangerous by the city community development director.

Animal (Large). “Large animals” mean and include equine, bovine and similar sized animals, as determined by the city community development director.

Animal (Medium). “Medium animals” mean and include sheep, goats and similar sized animals, as determined by the city community development director.

Animal (Small). “Small animals” mean and include rabbits, chinchillas, guinea pigs and other similar sized animals, as determined by the city community development director.

“Antenna” means a device used to transmit and/or receive radio or electromagnetic waves between terrestrially and orbitally based structures.

Antenna, Commercial. “Commercial antenna” means an antenna or satellite dish used in conjunction with a business, commercial enterprise, trade, calling, vocation, profession, occupation, or other means of livelihood, whether or not carried on for gain or profit, including, but not limited to, public utilities, wireless telephone communications or private-owned or publicly supported AM or FM radio stations, cable television operations or television broadcast stations, but excluding standard television receive only antennas.

Antenna, Noncommercial. “Noncommercial antenna” means an antenna or satellite dish not used in conjunction with a business, or commercial enterprise.

Antenna, Satellite Dish. “Satellite dish antenna” means a transmitting and receiving antenna, typically parabolic, disc or double convex shaped with an active element

external to the disc that communicates by line of sight with another similar antenna or an orbiting satellite.

“Apartment” means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

“Applicant” means any person or entity who files or attempts to file an application for a permit under this Chapter, either directly or by an authorized representative or agent.

“Approved access” means one of the following:

1. A dedicated right-of-way;
2. An offer to dedicate to the city of Moreno Valley, or an offer to dedicate to the county of Riverside for which the city of Moreno Valley is a successor in interest, a width as established by the circulation element of the Moreno Valley general plan or any adopted specific plan or highway right-of-way standards and a strip of land at least twelve (12) feet in width which expressly grants to the owner of the subdivision or development and any successors in interest the right to use the easement without limit as to the quantity of vehicular traffic from each lot or use created by the owners or successors in interest to improved roadways in the city road system, both of which abut or connect to a publicly maintained roadway or connect to existing traveled roads where a prescriptive right by user exists for public use;

3. An offer to dedicate to the city of Moreno Valley, or an offer to dedicate to the county of Riverside for which the city of Moreno Valley is a successor in interest, or to the public in general, an easement for public road, highway and public utility purposes, of a width as established by the circulation element. The offer to dedicate to the public in general can be accepted by public use, but the easement for road construction thereon shall not become a city roadway until and unless the city council, by appropriate resolution, has caused such roadway to be accepted into the city road system; or

4. An existing traveled way where a prescriptive right by user has been established for public use by a court decree.

“Approved fire hydrant” means an appliance meeting city of Moreno Valley standards and approved by the water company and fire department having jurisdiction for use as a fire hydrant.

“Arcades” mean a place of business where more than four electronic, video or coin-operated games are operated for compensation.

“Architectural features” mean any portion of the outer surface of a structure, including, but not limited to, the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls, fences, awnings and canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure.

“Architectural projection” means a marquee, fireplace, chimney, porch, canopy or similar projection of a building.

“Arterial” means a highway intended to serve through traffic, where access rights are restricted and intersections with other streets or highways may be limited. Minimum right-of-way width shall be one hundred (100) feet.

“Attendant parking” means parking facilities where a lot attendant parks vehicles for drivers. This term is used interchangeably with “valet parking.”

“Authorized agent” means a person bearing written authority from the property owner to act on behalf of and to bind the property owner.

Automotive and Light Truck Repair (Major). “Major automotive and light truck repair” means activities typically including, but not necessarily limited to, automotive and light truck repair, heavy automobile and truck repair, such as transmission and engine repair, automotive painting and body work, and the installation of major accessories.

Automotive and Light Truck Repair (Minor). “Minor automotive and light truck repair” means activities, including, but not necessarily limited to, automotive and light truck repair, the retail sale of goods and services for automotive vehicles and light trucks (less than six thousand (6,000) pounds), and the cleaning and washing of automotive vehicles. Uses typically include, but are not necessarily limited to, brake, muffler and tire shops and automotive drive-through car washes. Heavier automobile repair such as transmission and engine repair and auto body shops shall not be included in this land use type.

“Automobile service station” or “gasoline service station” means a retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, whose primary use is the dispensing of automotive fuel and motor oil.

“Aviary” means an outside enclosure within which small birds (excluding poultry or fowl, as defined) are kept and raised.

“Awning” means a permanent or temporary structure attached to and wholly supported by a building, and installed over or in front of openings or windows in a building, and consisting of a fixed or movable frame and a top of canvas or other similar non-rigid material covering the entire space enclosed between the frame and the building.

“Awning sign” means any sign attached or affixed to, secured by, imprinted on, or otherwise a part of an awning.

“Banner” or “banner sign” means any cloth, bunting, plastic, paper, or other flexible material sign which projects or hangs from, is tethered to, or is otherwise affixed or attached to a building, or other structure, in a manner so as to display its surface and is capable of being viewed from any public right-of-way, parking area, or neighboring property. Flags and pennants flown from a legally allowed flagpole are not banner signs. However, flags and pennants affixed to a building or structure are banner signs if they otherwise meet this definition.

“Barrier strip” means a strip of land one foot or more in width dedicated to the city of Moreno Valley for street purposes and access control at the end of a dead end street or along the side of a part-width dedicated street or other public right-of-way.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year; this is sometimes referred to as a one hundred-year flood.

“Bicycle check-in parking system” means a parking system wherein the bicycle is delivered to, and left with, attendant(s) with provision for identifying the bicycle’s owner. The stored bicycles are accessible only to the attendant(s).

“Bicycle locker” means a fully enclosed space accessible only to the owner or operator of the bicycle.

“Bicycle-monitored parking” means an area for the parking of bicycles which is under constant surveillance.

“Bicycle-restricted access parking” means Class 3 facilities within a locked room or locked enclosure accessible only to the owners or operators of bicycles parked within, or Class 2 facilities within the common locked garage area(s) of a multiple-family residential development which is accessible only to residents of the units for which the garage is provided.

“Bicycle way” means an area either within or outside the right-of-way of a dedicated street where bicycle travel is the designated use.

“Billboard” or “outdoor advertising display” means any permanent sign structure in a fixed location that meets any one (1) or more of the following criteria: 1) It is used for the display of off-site commercial messages; 2) It is used for general advertising; 3) Display space on the sign is rented, leased, donated or otherwise made available to advertisers other than the owner or operator of the sign; 4) The sign structure is a principal or secondary use of the land on which it is located or placed, as opposed to being accessory or appurtenant to some other principal use of that land; 5) It is regulated by the California Outdoor Advertising Act, Division 3, Chapter 2 of the Business and Professions Code; 6) It is an “outdoor advertising display” as set forth in Section 9.12.080 (A).

“Boarding or rooming house” means a building containing a dwelling unit where lodging is provided with or without meals for compensation. Notwithstanding this definition, no single-family residence lawfully operating pursuant to a state license under the California Health and Safety Code, that is otherwise exempt from local zoning regulations, shall be considered a boarding or rooming house for purposes of this code.

“Bridge” means the construction of or addition to a bridge identified in the circulation element of the general plan or is part of a major thoroughfare and spans a waterway, railway, freeway or canyon.

“Building face” means the area of a building elevation, front, rear or side, in which a business is located.

“Building frontage” means the side of a building which contains the main entrance for pedestrian ingress and egress. If more than one main entrance exists, the one that more nearly faces or is oriented to the street of highest classification as portrayed on the current general plan of circulation shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage.

“Building height” means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof, but exclusive of vents, air conditioners, chimneys or other such incidental appurtenances.

“Building site” means a legally created parcel or contiguous parcels of land in single or joint ownership, which provides the area and the open spaces required by this title for location of a building or structure, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

“Building space” means a building or portion of a building used by one business or other user interest without direct interior connections to other business interests.

“Business complex” means a group of buildings and/or parcels planned or constructed as an integrated entity, with shared access and internal circulation.

“Business directory sign” means a sign located in a multitenant complex which lists each business and address located therein.

“Business identification sign” means an on-site sign which identifies the business located therein.

“Building marker” means a plaque or similar attachment to a building, or a traditional inscription bearing cornerstone, that memorializes dates, names, entities and other information related to the name, design, approval, financing, ownership, and construction or reconstruction of that building.

“Cabana” means any portable, demountable or permanent cabin, small house, room, enclosure, or other building or structure erected, constructed or placed on a mobilehome space and used in conjunction with a mobilehome. Such structure shall not be used for sleeping purposes.

“Can sign” means an internally illuminated sign consisting of a metal cabinet and a sign face(s) made, in part, of a translucent material such as plexiglass.

“Canopy” means a roof-like structure or awning of any material and of any size that is not enclosed by permanent walls on all four sides, but is attached to and/or supported by one or more walls of a building, and/or by embedded poles or other or other permanent support structures.

“Canopy sign” means any sign attached or affixed to, imprinted on, or otherwise a part of a canopy.

“Can sign” is any internally illuminated sign consisting of an approved cabinet and at least one (1) sign face made, in whole or in part, of a translucent material.

“Carport” means a permanently roofed structure with not more than three enclosed sides used for means automobile shelter and storage.

Catteries.

1. “Commercial catteries” mean any building, structure, enclosure or premises whereupon, or within which five or more cats are kept or maintained primarily for financial profit for the purpose of boarding, breeding, training, marketing, hire or any other similar purpose.

2. “Noncommercial catteries” mean any building, structure, enclosure or premises whereupon, or within which, five or more cats are kept or maintained, but not primarily for financial profit.

“Changeable copy sign” means any sign designed so that its copy may be readily changed, as by the use of removable letters or words, by mechanical movement of sign parts, by electronic programming, or by other means not involving repainting, replacing or alteration of the sign face.

“Channel letters” means individual letters or figures, whether or not illuminated, attached or affixed to a building.

“Child day care facility” means a facility, licensed by the state of California, which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis. Child day care facility includes day care centers and family day care homes.

“City” means the city of Moreno Valley.

“City council” means the city council of the city of Moreno Valley.

“City property” means any property owned, possessed, or controlled by the City of Moreno Valley, the Moreno Valley Redevelopment Agency, Moreno Valley Housing Authority, or the Community Services District of the City of Moreno Valley, or any successor agency, or any other corporation, agency, joint powers authority or other entity controlled by any of them or by their elected officers by virtue of such elected office, including any public right of way so owned, possessed or controlled.

“City standards” mean standard drawings as prepared or adopted by the public works director/city engineer, showing the nature of various items of improvement work to be constructed and/or made a part of the improvement agreement.

“Collection facility” means a center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of not more than five hundred (500) square feet, and may include:
 - a. A mobile recycling unit,
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,
 - c. Kiosk type units, which may include permanent structures,
 - d. Unattended containers placed for the donation of recyclable materials;
3. Large collection facilities which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

“Collector street” means a street which is intended to serve intensive residential land use, multiple-family dwellings, or to convey traffic through a subdivision to roads of equal capacity or greater. It may also serve as a cul-de-sac in industrial or commercial use areas but shall not exceed six hundred sixty (660) feet in length when so used. Minimum right-of-way width shall be sixty-six (66) feet.

“Commercial” means an activity involving or promoting the offering for rent, lease or sale of goods or services carried out for profit, or which is directed to or primarily concerns the economic interests of the participants.

“Commercial sign” means a sign that directly or indirectly, advertises, identifies, promotes, or attracts attention to any commercial business, vocation, profession, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, event, opinion, view, idea, message, or other commercial purpose or which invites, presents, proposes or signifies a willingness to engage in an economic transaction.

“Communication and telecommunication facilities” mean and include cable television reception facilities, cellular telephone facilities, centers for employee telecommuting, communication receiving and broadcasting facilities and the like.

“Communication facilities” mean communication towers, equipment structures, mono-poles, and the necessary appurtenances.

“Community development director” means the community development director of the city of Moreno Valley.

“Community noise equivalent level (CNEL)” means the average noise level during a twenty-four (24) hour day, in decibels, weighted to account for the lower tolerance of people to noise during evening (seven p.m. to ten p.m.) and night (ten p.m. to seven

a.m.) hours relative to daytime hours, and shall be computed as prescribed by Title 25 of the Administrative Code of the state of California.

“Community services district” means a community services district which has the power to construct and maintain streets, landscaping, or other public improvements as appropriate with the context used.

Compatible.

1. The term “compatible” means capable of coexisting in harmony or without significant conflict. A compatible land use will not cause a significant detriment to the use, economic value, habitability and enjoyment of residents, owners, workers, and/or patrons of any land uses in the surrounding and adjacent area. In terms of building design, compatible means consistent or in harmony with existing and planned development.

2. Elements to be considered in the evaluation of compatibility include, without limitation by this enumeration, style, mass, bulk, size, use, occupancy, improvements, character, scale, texture, color and other principles of design described in the city of Moreno Valley design guidelines.

“Comprehensive general plan” means the comprehensive general plan of the city of Moreno Valley, including all elements thereof, as adopted by the city of Moreno Valley.

“Condominium” means an estate in real property consisting of an undivided interest in common in portion of real property, coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map or condominium plan in sufficient detail to locate all boundaries thereof, and as more specifically defined by California Civil Code Section 1351(f).

“Construction sign” means a temporary sign announcing a future use or a project under construction and identifying parties participating in the project.

“Contractor’s storage yard” means a use providing for storage and/or distribution of supplies or construction of materials required in connection with a business activity, public utility service, transportation service, or similar activity.

“Contractor’s storage yard with office” means a use providing for storage and/or distribution of supplies or construction of materials required in connection with a business activity, public utility service, transportation service, or similar activity. The use shall also include a permanent structure on a foundation for office use on the site.

“Convalescent home” means a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or the county of Riverside, which provides bed and ambulatory care for patients with postoperative convalescent, chronically ill or dietary problems, and persons aged or infirm unable to care for themselves; but not including alcoholics, drug addicts, or persons with mental or contagious diseases or afflictions.

“Convenience sign” means a sign which conveys information such as “restrooms,” “no parking,” “entrance,” or minor business identification for directional purposes, and is designed to be viewed on site by pedestrians and/or motorists.

“Convenience store” means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand (5,000) square feet.

“Copy” or “sign copy” means any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

Copy Area. See "Sign copy area."

"Corner clear zone" means either: 1) The area at the street corner inscribed by a line drawn between two (2) points established by measuring back fifteen (15) feet from the beginning of the curb radius along the curb line, or the edge of intersecting pavement where there is no curb, or the edge of the intersecting traveled portions of the roadway where there is no pavement, and the face of the curb radius, edge of intersecting pavement, or edge of the intersecting traveled portions of the roadway; or 2) The limited use area of street intersections as set forth in City of Moreno Valley Public Works Standards 125 and 126, as from time to time amended; whichever is more restrictive.

"Cul-de-sac street" means a road open at one end only, with special provisions for turning around, and the further extension of which is precluded by the land division design.

"Day care center" means any child day care facility, licensed by the state of California, other than a family day care home, and includes infant care centers, preschools, and extended day care facilities.

"dBA" means a number in decibels read from a sound level meter with the meter using the "A" weighting filter. The "A" weighting filter de-emphasizes very low and very high frequency sounds in a manner similar to the response of the human ear.

"Dead end street" means a street open at one end only, without provisions for turning around and which may be further extended into adjoining property.

"Density" means the number of dwelling units per net acre.

"Department of Transportation" means the Department of Transportation of the state of California.

Design (Land Divisions). For purposes of Chapter 9.14 of this title, "design" means:

1. Street alignments, grades and widths;
2. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
3. Location and size of all required easements and rights-of-way;
4. Fire roads and firebreaks;
5. Lot size and configuration;
6. Traffic access;
7. Grading;
8. Land to be dedicated for park or recreational purposes; and
9. Such other specific physical requirements in the plan and configuration of the entire land division as may be necessary to insure consistency with or implementation of the comprehensive general plan and any applicable specific plan.

"Development" means an improvement of real property as a single or phased project consisting of one (1) or more parcels owned, controlled, or managed by one (1) or more persons, for the improvement of the real property as an integrated center with shared parking and/or ingress or egress.

"Directional sign" means a sign used to direct and control vehicular or pedestrian traffic and is located upon the same parcel of land as the use that it is intended to serve. A subdivision directional sign shall not be included in this category.

"Discontinued use" means a business or activity that has ceased operation at any given location for a continuous period of at least sixty (60) days.

“District” means a portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this title.

“Divided arterial” means a divided highway primarily for through traffic to which access from abutting property shall be kept at a minimum. Intersections with other streets or highways shall be limited to approximately one-quarter mile intervals. Minimum right-of-way width shall be one hundred ten (110) feet.

“Divided highway” means a roadway with two roadbeds.

“Divided major arterial” means a six-lane divided highway primarily for through traffic serving property zoned for major industrial, commercial and multiple residential uses where anticipated traffic volumes exceed four-lane capacity. Access from other streets or highways shall be limited to approximately one-quarter mile intervals. Minimum right-of-way width shall be one hundred thirty-four (134) feet.

“Dormitory” means a building intended or used principally for housing students, where such building is related to an educational institution.

Dwelling (Multifamily Attached). “Attached multifamily dwelling” means a building containing two or more dwelling units.

Dwelling (Single-family). “Single-family dwelling” means a building containing one dwelling unit.

“Dwelling unit” means a building or mobile home or portion thereof, which contains living facilities for not more than one family, within which one family has interior access to all parts of the dwelling. In the case of residential care facilities with shared eating, cooking or sanitation facilities, a dwelling unit is a building or portion thereof that contains living facilities for ten (10) or less persons.

“Edge of a right-of-way” means a measurement from the limit of the public right-of-way measured along a line equidistant from and parallel to the centerline of the freeway or highway.

“Educational institutions” means public and other institutions conducting regular academic instruction at kindergarten, elementary, secondary or collegiate levels, and including graduate schools, universities, research institutions and religious institutions. Such institutions must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education, or confer degrees as a college or university of undergraduate or graduate standing, or conduct academic or scientific research, or give religious instruction. The definition does not include commercial or trade schools.

Entertainment (Live). “Live entertainment,” when used in this title in connection with the performing arts and other methods of live performances by entertainers, shall apply to the following activities where they occur on a scheduled basis three or more days during a calendar year on the site of a use other than a public or semi-public use:

1. A musical, theatrical or dance recital performed by one or more persons, regardless of whether performers are compensated;
2. Any form of dancing by patrons or guests at a business establishment; or
3. A fashion show, except when conducted within an enclosed building used primarily for manufacture or sale of clothing.

“Environmental constraint note” means any note or notes required by the conditions of approval to be shown on an environmental constraint sheet and reference made thereto on the final map. This shall be required when constraints involving (but not

limited to) any of the following are conditioned by the advisory agency or city council: archaeological sites, geologic mapping, grading, building, building setback lines, flood hazard zones, seismic lines and setbacks, fire protection, water availability or sewage disposal, and signalization mitigation.

“Environmental constraint sheet” means a duplicate of the final map on which are shown the environmental constraint notes. This sheet shall be filed simultaneously with the final map, with the city engineer and labeled “ENVIRONMENTAL CONSTRAINT SHEET” in the top margin. Applicable items will be shown under a heading labeled environmental constraint notes. The environmental constraint sheet shall contain the statement:

THE ENVIRONMENTAL CONSTRAINT INFORMATION SHOWN ON THIS MAP SHEET IS FOR INFORMATIONAL PURPOSES DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND DERIVED FROM PUBLIC RECORDS OR REPORTS AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS MAP SHEET.

“Environmental impact report (EIR)” means a report complying with the requirements of and as defined by the California Environmental Quality Act (CEQA) and its implementing state guidelines. This term is synonymous with an environmental impact statement (EIS) as defined in federal law.

“Establishment” means a nonresidential use of real property which involves both: 1) one or more structures that would be subject to a building permit if constructed anew, and 2) the routine, periodic presence of live human beings for purposes other than the maintenance or repair of the structure(s).

“Exploration” means the search for minerals by geological, geophysical, geochemical or other recognized techniques. These include, but are not limited to, sampling, assaying, drilling or any surface or underground works needed to determine the type, extent or quantity of minerals present.

“Expressway” means a highway for through traffic to which access from abutting property is restricted. Intersections with other streets or highways shall be limited to approximately one-half mile intervals.

Facia Sign. See “Wall sign.”

“Family” means one or more individuals occupying a dwelling unit and living as a single household unit.

“Family day care home” means a home, licensed by the State of California, which regularly provides care, protection and supervision of children, in the provider’s own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and includes the following:

1. “Large family day care home” which means a home which provides family day care to seven to twelve (12) children, including children who reside at the home;
2. “Small family day care home” means a home which provides family day care to six or fewer children, including children who reside at the home.

Farm Projects (Future Farmers, 4-H or Similar Projects). “Farm projects” means not more than two cattle, horses, sheep, goats or similar farm animals on parcels not less than twenty thousand (20,000) square feet in size, and other small animals on smaller

lots as specified in this title, being fattened or trained in connection with the education of a person as a member of a recognized farm education organization.

“Fire chief” means the chief of the fire protection agency or of any other applicable district, agency or department of the city or his designee having jurisdiction for fire protection purposes in the area in which a land division is located.

“Fixed copy” means sign copy that is not capable of being readily changed, except by repainting, replacing or alteration of the sign face.

“Flag” is any device made of a flexible material, containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, institution, entity, organization, belief system, or idea and is affixed to a structure or flagpole in a manner permitting it to wave or otherwise be displayed with the aid of air movement. Banner signs, as defined in this Section, are not flags. However, devices otherwise designed as flags are banner signs when affixed and displayed in the manner defined for banner signs.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation of run-off of surface waters from any source.

“Flood control engineer” means the person as determined by the area in which a land division is located, as follows:

1. Within the boundaries of the Riverside County flood control and water conservation district, it means the chief engineer of that district.
2. In other instances, it means the city engineer or his designee.

“Flood hazard area” means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, as shown on a sectional district map, flood insurance rate map (FIRM) or flood boundary and floodway map.

“Flood insurance rate map (FIRM)” and “flood boundary and floodway map” mean the official maps on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the boundaries and the water surface elevations of the base floods.

“Flood related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water or adjacent to a stream as a result of erosion or undermining, caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water unanticipated force of nature, such as a flash flood or by an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Floodplain” means the land area adjacent to a watercourse, and/or other land areas susceptible to being inundated by water from any source (see definition of “Flood” or “flooding”).

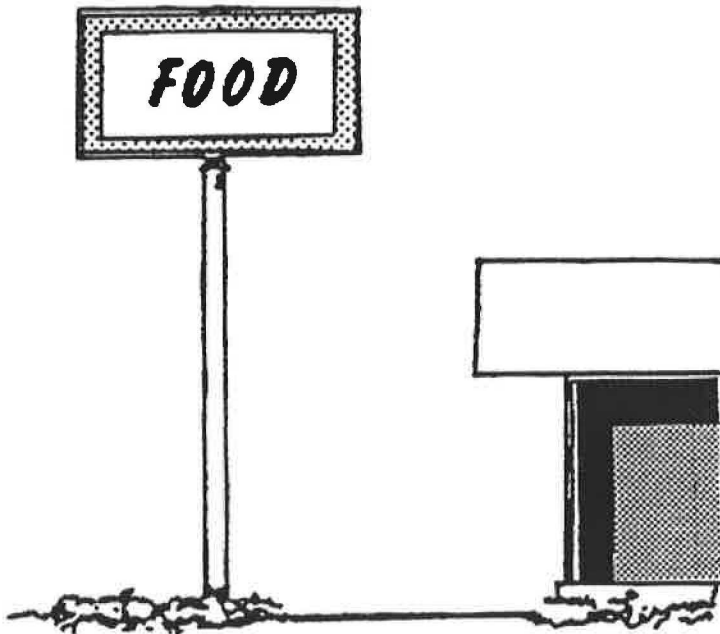
“Floodway” means the channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the design flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the floodplain.

Floor Area (Gross). "Gross floor area" means the total enclosed area of all floors of a building measured to the inside face of the exterior walls but excluding area used exclusively for vehicle parking or loading.

Floor Area (Net). "Net floor area" means the total building floor area excluding garages, hallways, lobbies, elevators and other common spaces.

"Freestanding sign" means any sign which is supported by one or more columns or uprights embedded in the ground, and which is not attached to any building or structure. Freestanding sign shall be architecturally integrated with the primary use on-site.

**Figure 9.15.030-9
Freestanding Sign**



"Freeway" means a highway upon which there are no abutter's rights of access and which provides separated grades at intersecting streets.

"Freeway sign" means a freestanding on-site sign oriented for viewing by passing freeway motorists and their passengers.

Frontage Road (Major, Secondary and Residential). "Major, secondary and/or residential frontage road" mean an auxiliary street adjacent to freeways, expressways, and flood control channels and other rights-of-way which is used primarily to provide public access to adjacent property. Minimum right-of-way width shall be in accordance with the appropriate city standards.

"Future tenant identification sign" means a temporary sign for an approved project which identifies a future use of a site or building.

“Garage” means a permanently roofed and enclosed structure with a garage door which is intended to be used for automobile shelter and storage.

Garage (Subterranean). “Subterranean garage” means a visually enclosed structure or portion of a structure intended to be used for the storage of automobiles, the maximum height of which is no greater than two and one-half feet measured from the existing grade.

“General advertising” means a message that promotes a product or service to the public in general and is not direct marketing (that is, not addressed to specific individuals and not soliciting or being designed to elicit a specific response from the targeted customer(s) which can be tracked or quantified as directly related to the specific advertisement to which the customer was exposed); or that advertises or promotes one or more businesses, products and/or services in a general manner without limitation to a particular or singular proposed transaction.

“General local street” means a through street serving fifty (50) or more single-family lots or lot sizes of less than seven thousand two hundred (7,200) square feet. It may also serve as a private interior street in an industrial park. Minimum right-of-way width shall be sixty (60) feet.

Grade (Existing). “Existing grade” means the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

Grade (Finish). “Finish grade” means the final grade of the site which conforms to the approved plan.

“Grand opening sign” means a temporary sign for a promotional activity used for the original opening of a business at a particular location, within thirty (30) days after occupancy, to inform the public of its location and contribution to the community. Existing businesses may qualify for an original opening if the ownership and the name of the business is changed. “Grand opening” does not mean an annual or occasional promotion of retail sales by a business or opening of a related store at another location.

“Guest room” means any rented or leased room which is used or designed to provide sleeping accommodations for one or more guests in apartments, hotels, motels, private clubs, lodges and fraternal organizations. In a suite of rooms, each room that provides access to a common hall or direct access to the outside area shall be considered as one guest room.

“Handheld sign” means any sign carried by, or located or placed on, any person.

“Handicapped housing” means multiple-family housing in which all of the dwelling units serve physically handicapped persons. Handicapped housing is characterized by doors, elevators, bathroom and kitchen facilities designed to accommodate physically handicapped persons. Handicapped housing does not include residential care facilities licensed by the state of California.

“Hazardous fire area” means any land which is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion.

“Health officer” means the health officer of Riverside County.

“Height” means a vertical dimension measured from existing grade unless otherwise specified.

“Highway” or “street” means a right-of-way within which improvements are constructed for the conveyance of vehicular, pedestrian and other permitted traffic and includes all highways, streets, roads and alleys. Such rights-of-way and improvements shall be in conformity with city of Moreno Valley standards and specifications.

“Holiday decoration” means any temporary display, including lighting, celebrating or symbolizing any national, state, local, religious, cultural, or ethnic holiday or holiday season and which does not utilize more than ten percent (10%) of its surface area to advertise, promote or call attention to a commercial business, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, event, opinion, view, idea, message, or other commercial purpose. Holiday decorations that contain a commercial message that comprises more than ten percent (10%) of the surface area shall be considered a sign and not holiday decorations.

“Home occupation” means an occupation conducted in a dwelling unit, in a residential district that is incidental to the principal residential use of a lot or site.

“Homeless shelter” means a facility operated by a provider, other than a “community care facility,” as defined in the California Health and Safety Code Section 1502, which provides temporary emergency shelter and/or an intake office for homeless persons. An intake office is a facility where homeless persons contact the provider and make arrangements for obtaining shelter. A provider is a government agency or a private nonprofit organization which provides temporary emergency shelter for the homeless and that meets all of the applicable requirements contained in the California Health and Safety Code and the California Administrative Code.

Hot Tub. See “Swimming pools, hot tubs and spas.”

“Household pet” means animals which are kept exclusively inside the residence, except dogs and cats, and for which no outside cages or shelters are required. These include, but are not limited to: snakes, birds (other than fowls), guinea pigs, and other animals which are not offensive to a residential neighborhood by nature of noise, odor or other objectionable features.

“Illegal sign” means any sign constructed, erected, or otherwise located or placed without strict compliance with all applicable laws or regulations in effect at the time the sign was constructed, erected, or otherwise located or placed, including, but not limited to, laws regulating zoning, land use, building standards and permits, obscenity, and display of adult oriented materials.

“Illuminated” means lighted by any method or means other than sunlight or ambient light, including, but not limited to, backlight, direct light, indirect light, internal light, external light, reflected light, radiated light, or glowing light.

Illumination (Direct). “Direct illumination” means illumination by means of light that travels directly from its source to the viewer’s eye.

Illumination (Indirect). “Indirect illumination” means illumination by means only of light cast upon a surface from a source from which the light does not travel directly to the viewer’s eye.

“Impound yard” means any property used for the temporary storage of vehicles which have been legally removed or impounded at the direction of a peace officer or by judicial order, as prescribed by law. This definition shall not be construed to include

vehicle repair, dismantling, salvage or wrecking activities, nor the sale of vehicles or parts.

“Improvement” means any street work surveys and monuments and utilities to be installed, or agreed to be installed, by the land divider on the land to be used for public or private streets, highways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof. Improvement also means such other specific improvements or types of improvements, the installation of which, either by the land divider, public agencies, private utilities, by any other entity approved by the city of Moreno Valley or its designated officer or entity, or by any combination thereof, is necessary to insure consistency with, or implementation of, the general plan and any applicable specific plan.

“Improvement agreement,” as herein referred to, means the formal subdivision improvement agreements entered into with the city council of the city of Moreno Valley by the subdivider or developer, as completed and executed by both parties. Such agreements to set forth all requirements for improvement of the subject subdivision, including roads, water supply systems, drainage systems and devices, sewers, monuments or other work as set forth therein.

“Improvement standards” mean the standards set forth in this and other city ordinances or regulations related to the development of land as a subdivision or parcel map division.

“Industrial collector” means a three-lane interior, circulatory street with a continuous left turn lane with at least one end connecting to a road of greater capacity. Minimum right-of-way width shall be seventy-eight (78) feet.

“Inflatable sign” is any inflatable device used to attract attention to a commercial enterprise, or otherwise used as a commercial sign. This includes balloons, blimps and other inflatable objects used to attract attention, but does not include party balloons as defined in this chapter.

“Interior sign” is any sign located or placed within the interior of any building, structure, or enclosed or semi-enclosed open area such as an atrium, patio or athletic field, and which is not visible from any other private or public property, or from any public right-of-way outside of the building, structure, or semi-enclosed open area.

“Junk” means an article in poor condition due to deterioration or disrepair.

Kennel (Commercial). “Commercial kennel” means any property maintained for the purpose of boarding, breeding, raising or training dogs or cats over the age of four months for a fee or for sale.

Kennel (Noncommercial). “Noncommercial kennel” means any property where four or more dogs or cats, over the age of four months, are kept or maintained for the use and enjoyment of the occupant for noncommercial purposes.

“Kiosk sign” is a sign consisting of a sign structure, and one (1) or more individual panels used exclusively for the direction of the public to new residential and/or commercial developments.

“Land divisions” shall be as defined by California Government Code Sections 66410 et seq., commonly known as the Subdivision Map Act, Division 2, Subdivision, Article 2, Definitions.

“Land project” means a land division, as defined in Section 11000.5 of the Business and Professions Code.

“Land use approval” means an approval granted at the discretion of the community development director in connection with a building plan, landscape plan or other requested approval certifying that the proposal complies with applicable city ordinances, regulations and any applicable project conditions and where the findings are made by the community development director pursuant to Section 9.02.170(C) of this title.

“Land use ordinance” means the city of Moreno Valley development code as amended.

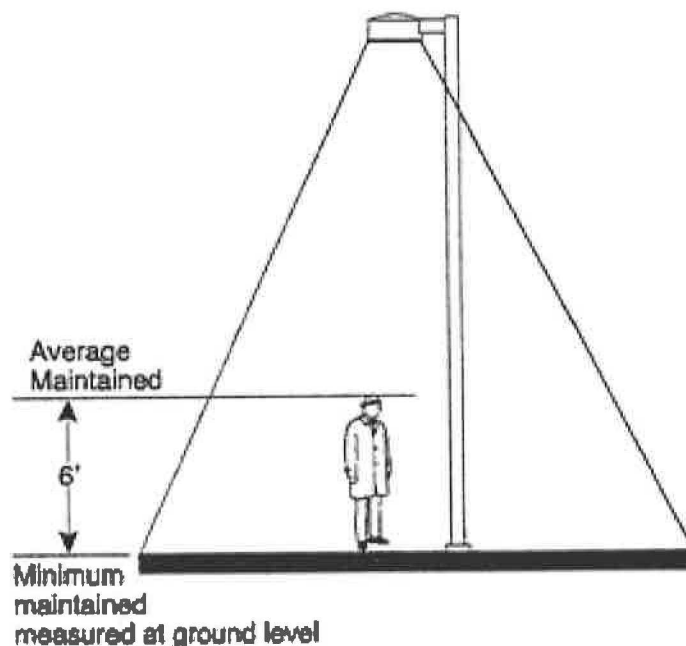
“Legal nonconforming” means constructed, erected, or otherwise located or placed with all required permits and approvals and in strict compliance with all applicable laws or regulations in effect at the time the sign was constructed, installed, erected, or otherwise located or placed but, due to a change in the law, has become nonconforming.

“Light bulb string” is any display consisting of a row or rows of light bulbs or other light emitting devices that advertises, promotes, or attracts attention to a commercial business, activity, accommodation, service, entertainment, attraction, company, establishment, firm, entity, organization, product, enterprise, event, opinion, view, idea, message, or other nonresidential purpose and is capable of being viewed from any public right-of-way, parking area, or neighboring property. Holiday decorations, as defined in this section, are not light bulb strings.

Lighting (Average Maintained). “Average maintained lighting” means a method of measuring light approximately six feet above the ground level.

Lighting (Minimum Maintained). “Minimum maintained lighting” means a method of measuring light at the ground level.

9.15.030



**Figure 9.15.030-10
Lighting (Minimum Maintained)**

“Livestock” means and includes cows, bulls, calves and heifers, except pigs.

“Live/work unit” means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

“Living sign” is any human or animal attired, adorned or otherwise used in any manner to advertise, promote, represent or draw attention to a commercial business, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, event, opinion, view, idea, message, or other commercial purpose.

Lodge Hall. A “lodge hall” consists of a building where a nonprofit fraternal organization holds meetings and social gatherings. A fraternal organization is a group of people formally organized for a common interest and generally characterized by membership qualifications, payment of fees or dues, a constitution and by-laws.

“Logo” is any one or more characters, emblems, letters, names, pictographs, symbols, trademarks, and/or other depictions used to represent a business, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, event, opinion, view, idea, or message business, activity, accommodation, service, entertainment, attraction, product, enterprise, opinion, view, idea, message, or other purpose, whether or not registered as trade or service marks.

“Lot” means a designated parcel, tract or area of land established by plot, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

“Lot area” means the area within the lot lines after dedication. See “Acreage (adjusted net).”

Lot (Corner). “Corner lot” means a site bounded by two or more streets that have an angle of intersection of not more than one hundred thirty-five (135) degrees. The front yard of a corner lot shall adjoin the narrowest street property line.

“Lot coverage” means the ratio between the ground floor area of the building or buildings and the lot area. Lot coverage shall be exclusive of steps, chimneys, unenclosed and unroofed terraces and patios.

“Lot depth” means the horizontal distance between the midpoint of the front lot line and midpoint of the rear lot line.

Lot (Double Frontage). “Double frontage lot” means a lot having frontage on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot (Flag). “Flag lot” means a lot with access to a street by a portion of the lot not meeting the requirement of the code for lot width, but having a dimension of at least thirty-five (35) feet at its narrowest point.

Lot (Interior). “Interior lot” means a lot other than a corner lot.

Lot (Key). “Key lot” means the first interior lot to the rear of a reversed corner lot.

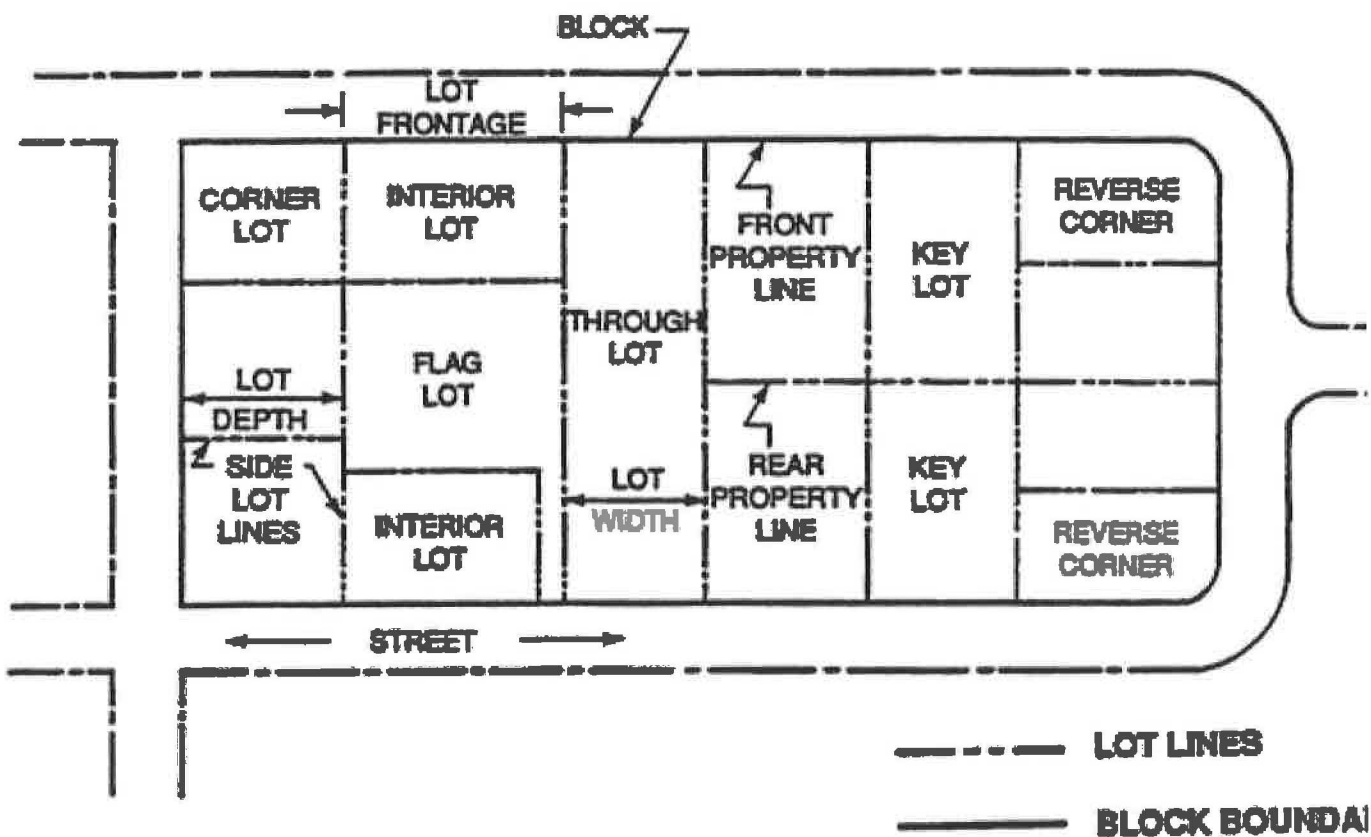
Lot (Reversed Corner). "Reversed corner lot" means a corner lot having a side lot line which is substantially a continuation of the front lot line of a lot to its rear.

Lot or Property Line (Front). "Front lot line" or "front property line" means, in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the front lot line shall be the narrowest frontage separating the lot from the street.

Lot or Property Line (Rear). "Rear lot line" or "rear property line" means any lot line that is not a front lot line or a side lot line. In the case of a triangular or otherwise irregularly shaped lot, a line or lines ten (10) feet in length entirely within the lot, parallel to and a maximum distance from the front lot line.

Lot or Property Line (Side). The side property line shall be determined as those two lines which intersect the rear line of the required front yard setback and extend to the rear property line(s) of the lot. In the case of an irregularly shaped lot, only the two lines which intersect the rear line of the required front yard setback line shall be side property lines.

Figure 9.15.030-11
Lot/Property Line



“Lot line adjustment” means a minor alteration, as approved by the city engineer, to adjust a lot line or lot lines. It is not a subdivision or resubdivision procedure and is intended to be used only in those situations where the provisions of the Subdivision Map Act and this title applicable to subdivisions and resubdivisions do not apply.

“Lot width” means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

“Major thoroughfare” means those roads designated as an expressway, divided major arterial, modified divided major arterial, divided arterial, arterial and minor arterial as described in this title and reflected in the circulation element of the general plan and whose primary purpose is to carry the through traffic and provide a network connecting to or which is part of the state highway system.

“Manufactured home” means a factory built home as permitted by California law.

Manufacturing (Custom).

1. “Custom manufacturing” activities include, but are not limited to: assembly, manufacturing, processing, packaging, treatment or fabrication of custom made products. These types of businesses do not utilize raw materials for their finished products, but rather, may utilize semi-finished types of manufactured materials for their custom made-to-order products. The finished products are ready for use or consumption and may include on-site wholesale and warehousing of the goods produced. Uses may include, but are not limited to: manufacturing and warehousing of apparel products; art objects; jewelry; household furniture; small instruments (musical, electrical or photographic); stationery and related products; signs and advertising displays; stained glass products; leather products; and assembly of bicycle parts.

2. “Custom manufacturing” activities do not produce odors, noise, vibration, hazardous waste material or particulates which would adversely affect other uses in the structures or on the same site.

Manufacturing (General). “General manufacturing” activities include, but are not limited to: assembly, manufacturing, compounding of materials, packaging, treatment or fabrication of materials and products which require frequent large container truck traffic or the transport of heavy, bulky items. Products are semi-finished to become a component for further manufacturing, fabrication and/or assembly. These types of businesses are usually directed to interplant transfer, or to order from industrial uses, rather than direct sale to the end consumer. Uses may include, but not be limited to: canned foods, furniture and fixtures, converted paper and paper board products, textile products, plastic products made from purchased plastic, resin or rubber products, fabricated metal products made from sheetmetals, electrical and electronic machinery, equipments and supplies, accounting, computing and office machines. Activities may only produce noise, odors, vibrations, illumination or particulates that have been mitigated so as not to affect the persons residing in or conducting business in the vicinity.

Manufacturing (Light). “Light manufacturing” activities include, but are not limited to: assembly, labor intensive manufacturing, fabrication or repair processes which do not involve large container truck traffic or transport of large scale bulky products. New products may be finished in that the product is ready for use or consumption or it may

be semi-finished to become a component for further assembly and packaging. These type of businesses are usually directed to the wholesale market, inter-plant transfer rather than direct sale to the consumer. Uses may include, but not be limited to: electronic microchip assembly; printing, publishing and allied industries; candy and other confectionery products; bottle, canned soft drinks and carbonated water; apparel and other finished products; paper board containers and boxes; drugs; small fabricated metal products such as hand tools, general hardware, architectural and ornamental metal works; amusement, toys, sports and athletic goods. These activities do not produce odors, noise, vibration, hazardous waste material or particulates which would adversely affect other uses in the structure or on the same site.

“Marquee” is any canopy or other permanent structure that projects from a wall of a building above an entrance and is designed to call attention to or direct pedestrian or vehicular traffic to that entrance.

“Marquee sign” is a changeable copy sign attached to or located above a marquee or above the main entrance of a human assembly establishment, such as a theatre, nightclub, assembly hall or church, and used to promote or advertise changing programs or events occurring within the building.

“Massage parlor” means any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs. Massage parlor, as referred to in this title, does not include the following:

1. A medical establishment including professional offices where massage is administered by a physician, surgeon, chiropractor, osteopath, physical therapist, nurse or any other person licensed to practice a healing art under the provisions of the California Business and Professions Code when engaging in such practice within the scope of his or her license, or by an individual acting under the direction and control of any of the aforelisted licensed professionals on the premises of the medical establishment;

2. Hospital, medical clinic, nursing home, sanitorium, or other major medical or mental facility duly licensed under the laws of the state of California;

3. Barbershop or beauty salon where massage is limited to the head, scalp, neck or back and is administered by barbers or cosmetologists licensed under the laws of the state of California;

4. Any school or institution of higher education including a community or junior college, college or university whose course of study is approved by the State Department of Education or Superintendent of Public Instruction where massage is administered or taught by authorized school employees in conjunction with athletic training programs, training in the healing arts or other school courses;

5. Any athletic club, health club, country club, gymnasium, reducing salon, beauty salon, or similar establishment, where massage is offered as an incidental or accessory service to its primary program of sport, exercise, athletic training, weight reduction or beauty care.

“Median” means the portion of a divided highway separating the traveled way for traffic in opposite directions.

“Message center” is any electronically controlled changeable copy sign where the message can be programmed to change periodically.

“Mined lands” means the surface, subsurface and groundwater of an area where surface mining operations will be, are being, or have been conducted. This includes private ways and roads appurtenant to any such land excavations, workings, mining waste, and areas where structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in, surface mining operations are located.

“Minerals” means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances. These include, but are not limited to, sand, gravel, coal, peat and bituminous rock, but exclude geothermal resources, natural gas and petroleum.

“Mining waste” means the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

Mini-warehouse (Self-storage Warehouse). A “mini-warehouse” means a facility containing separate storage spaces leased or rented to individual tenants who have access to such space for the purpose of storing and removing personal property. Mini-warehouses are also known as self-storage warehouses and self-service storage facilities. A mini-warehouse is not to be construed as a small, conventional warehouse.

“Minor arterial” means a highway intended to serve through traffic and where access rights are restricted. Minimum right-of-way width shall be eighty-eight (88) feet. Intersections with other streets and highways shall be as approved by the city engineer.

“Mobile home” means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

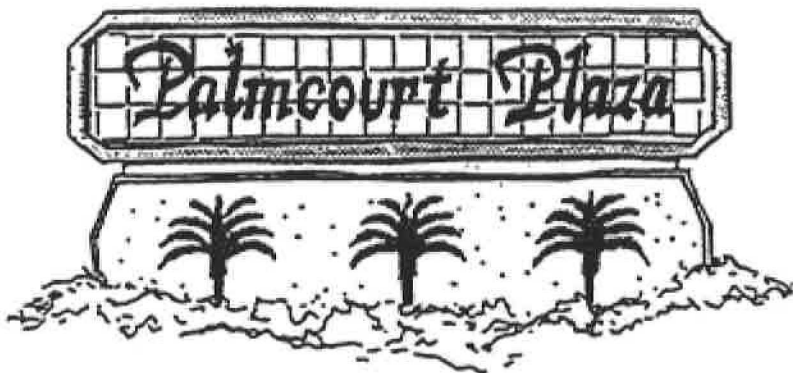
“Mobile home park” means a development where spaces are provided for rent or lease to accommodate mobile homes that are used for residential purposes.

“Mobile recycling unit” means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling center also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

“Modified divided major arterial” means a six-lane divided highway primarily for through traffic where anticipated traffic volumes exceed four-lane capacity and where access rights are restricted. Access from other streets or highways shall be limited to approximately one-quarter mile intervals. Minimum right-of-way width shall be one hundred two (102) feet.

“Monument sign” means a freestanding sign, other than a pole sign, designed to be permanently anchored to the ground or to a monument base that is designed as an architectural unit with the sign.

**Figure 9.15.030-12
Monument Sign**



“Moving sign” means a sign, of which all or a portion, may move either on an intermittent or constant basis.

“Multi-lane demand” means projected traffic volume which will exceed the nominal capacity of a two-lane street section when such projected traffic volume is determined by a rational method of traffic generation employing land use techniques and traffic engineering principles.

Net Acre. See “Acreage (adjusted net).”

“Noncommercial” means relating to activities or speech that does not involve or promote the offering for rent, lease or sale of goods or services carried out for profit, or which is directed to or primarily concerns the economic interests of the participants. As to speech, noncommercial includes, but is not limited to commentary or advocacy on topics of public debate and concern, including by way of illustration and not limitation, politics, religion, philosophy, art, science, or sports, when unrelated to the advertisement, identification or promotion of any commercial business, activity, accommodation, service, enterprise, product or event for which admission is charged. This definition shall be construed and interpreted in light of relevant court decisions.

“Nonconforming lot” means a lot which when lawfully created or established, complied with the area requirements of the district where located, but which does not conform to the presently existing area regulations of the district where located, or which does not conform to the presently existing requirements of the subdivision regulations governing lot standards.

“Nonconforming outdoor advertising display” means an existing and lawfully constructed and maintained outdoor advertising display not in conformance with Ordinance No. 133 as of July 9, 1987, and any legally constructed and maintained outdoor advertising display established after July 9, 1987 which is not in conformance with Chapter 9 of the Moreno Valley Municipal Code as of the date said chapter became effective.

“Nonconforming sign” means all existing and lawfully constructed and maintained signs: (1) which did not comply with Interim Ordinance 348 (the zoning ordinance in effect prior to adoption of this title) immediately prior to the adoption of this title and which still do not comply with the provision of Chapter 9.12 of this title, or (2) which do not now comply with the provisions of this title.

“Nonconforming structure” means a structure which was lawfully erected, but which does not conform with the standards for the district in which the structure is located by reason of adoption or amendment of a prior zoning or land use ordinance or this title.

“Nonconforming use” means a lawfully established and maintained use which does not conform with the use standards for the district in which the use is located by reason of adoption or amendment of a prior zoning or land use ordinance or this title.

“Offices, Business and Professional” means offices of firms or organizations providing professional, executive management or administrative services such as architectural, engineering, real estate, insurance, investment, legal and medical/dental offices. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

“Off-site sign” is any sign that advertises, promotes, or attracts attention to any commercial business, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, or message not held, conducted, produced, provided, sold, disseminated, or otherwise imparted on the property where the off-site sign is located or placed.

“Off-site subdivision sign” means a sign which directs traffic to an off-site subdivision within the city.

“Off-street loading facilities” means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

“Off-street parking facilities” means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

“On-site advertising structure” or “on-site sign” means a sign that advertises, promotes, or attracts attention to any commercial business, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, or message that is held, conducted, produced, provided, sold, disseminated or otherwise imparted on the property or premises where the sign is located or placed.

“On-site subdivision sign” means a sign which identifies the subdivision upon which the sign is located.

Open Space (Common). “Common open space” means usable open space within a residential development reserved for the exclusive use of residents of the development and their guests.

Open Space (Private). “Private open space” means a usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space (Usable). “Usable open space” means outdoor space unobstructed from ground to sky, which serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six feet excluding required front yard.

“Outdoor advertising display” or “Billboard.” See “Billboard.”

“Outdoor recreational facility” means a facility designed and equipped for the conduct of outdoor sports, leisure time activities and other customary and usual recreational activities, and which includes public and private facilities.

“Outer separation” means the area between the traveled way of a highway for through traffic and a frontage road or service road.

“Overburden” means the soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal by surface mining operations.

Parcel Map Division. See “Land divisions.”

“Park,” as used herein, means a parcel or parcels of land, which is open and available for use by the general public and which serves recreational needs of the public.

“Parkway” means the area adjoining the outer edge of the roadbed, extending to the right-of-way line in which sidewalks, plantings, utilities, bank slopes and related facilities may be located.

“Part-width street” means any street in which the improved width is less than the width necessary for a normal full-width street.

“Party balloon” is any type of inflatable or airborne device that is traditionally associated with a noncommercial celebration such as a birthday or wedding that is twenty-four (24) inches or less in its largest dimension and is not used as an advertising device.

“Pedestrian traffic sign” means a sign other than the main business identification sign and which is oriented to pedestrian traffic. Such sign shall not include any business related advertising information.

“Pedestrian way or sidewalk” means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles. A pedestrian way or sidewalk may be located within or outside a street right-of-way, at grade, or grade separated from vehicular traffic.

“Pennant” is any device made of a flexible material that is attached or affixed to, or suspended from, any building, structure, staff, pole, line, framing, vehicle, or other object and has fewer than four (4) corners. Banner signs, as defined in this Section, are not pennants. However, pennants otherwise meeting the definition of a banner sign in this Chapter are banner signs. Pennants meeting the definition of a flag in this Chapter are flags.

“Pole sign” is any sign that is mounted on or otherwise affixed to a freestanding and exposed pole-type support or supports anchored in, on or to the ground. For purposes of this chapter, pole signs do not include freeway signs, temporary signs, or signposts permitted under this Title.

“Political sign” means a temporary sign relating to a candidate or ballot measure to be voted upon or signs which express a point of view on an issue of public debate or controversy which may or may not necessarily be the subject of an upcoming election.

“Portable sign” means any sign not permanently affixed either to land or a structure.

“Poultry” or “fowl” means and includes all commonly domesticated birds kept for eggs or meat, and shall not include roosters, guinea fowl or peafowl. Pigeons shall be classified as fowl.

“Pre-existing” means in existence prior to the effective date of the ordinance enacting this title.

“Prime agricultural land” means and includes any of the following:

1. Land which qualifies for rating as Class I or Class II in the soil conservation service land use capability classifications;
2. Land which qualifies for rating 80 through 100 in the Storie Index Rating;
3. Land which supports livestock used for production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture;
4. Land planted with fruit or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200.00) per acre; or
5. Land which has returned from the production of unprocessed agricultural plant products and annual gross value of not less than two hundred dollars (\$200.00) per acre for three of the previous five years.

Private Interior Street (Short, Local or Circulatory). “Private interior street” means a residential street limited by subdivision design to serve less than fifty (50) single-family dwellings or a circulatory private street in a planned residential development. Minimum right-of-way width shall be fifty (50) feet.

“Private street” means a street within a private development or a planned residential development, which is not a public street, and where the street requirements are regulated by this title.

“Production units” means single-family residential dwelling units which are constructed in accordance with approved model home plans.

“Projecting sign” means a sign that is wholly or partly dependent upon a building for support and which projects more than eight inches from such building.

“Promotional sales sign” means a sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale at that location or address.

“Prospecting” has the same meaning as “exploration.”

“Public access” means where public access rights between a parcel of property and an adjacent public street or highway have been legally established by dedication or conveyance and acceptance or otherwise expressly established and approved by the city engineer.

“Public agency” is any governmental or quasi-governmental entity including, but not limited to, any department, division, or agency of a governmental or quasi-governmental entity, utility regulated by the California Public Utilities Commission, school district, college district or hospital district.

“Public improvements” means traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, reclaimed water facilities, lighting facilities, parks and equestrian trails.

“Public right-of-way” means the entire width and length of any real property or easement offered for dedication as, dedicated for the use as, or actually used as, a public right-of-way including, but not limited to, paths, sidewalks, trails, streets, roadways, highways, parkways, alleys, curbs, gutters, medians, flood or drainage

works, plazas, landscape easements, utilities, or other property, or fixtures or improvements located within the right-of-way.

“Public property” means any property owned or controlled by a public agency, including but not limited to: 1) Recreational areas such as public parks, playgrounds, gardens, and the like; 2) Public buildings such as City Hall, schools, libraries, fire stations, police stations, auditoriums, theaters, recreation centers, conference centers, park buildings and the like; and 3) Public right-of-way, and structures, fixtures and/or vegetation on or in a public right-of-way such as lampposts, utility poles, utility wires, street signs, traffic signs, traffic signals, control boxes, benches, bus stop shelters, hydrants, fountains, trees, bushes and other landscaping, etc.; and 4) All other property, improvements, or structures owned or controlled by a public agency.

“Public use” means a use operated or maintained exclusively by a public body for the benefit of the public, such use having the purpose of serving the public health, safety or general welfare; this term includes uses by or for the benefit of the public such as (but not limited to) public schools, parks, streets and ways, playgrounds, hospitals, and administrative and service facilities.

“Pump island” means a raised concrete area upon which fuel dispensing pumps are situated to allow for the dispensing of fuel to a vehicle.

“Quasi-public use” means a use owned or operated by a nonprofit, religious or eleemosynary institution and providing educational, cultural, recreational, religious or similar types of public programs.

“Real estate sign” means a temporary sign pertaining to the sale, lease, rental, or exchange of real property. All signs described in California Civil Code Section 713 are included within this definition.

“Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines. Mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses, and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization or other measures.

“Recorder” means the recorder of Riverside County.

“Reconstruction” as applied to signs means any modernization, upgrading, refurbishing, rebuilding, repairing, improvement, or making over of a sign or sign structure that would require a building, electrical, plumbing, or similar permit.

“Recyclable material” means reusable material, including, but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or recycling for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials.

“Recycling facility” means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the

recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities which occupy an area of not more than five hundred (500) square feet, and may include:
 - a. A mobile recycling unit,
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,
 - c. Kiosk type units, which may include permanent structures,
 - d. Unattended containers placed for the donation of recyclable materials;
3. Large collection facilities which may occupy an area of more than five hundred (500) square feet and may include permanent structures.

“Recycling processing facility” means a building or enclosed space used for the collection and processing of recycling materials. Processing means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing. Recycling processing facilities include the following:

1. A light processing facility occupies an area of under forty-five thousand (45,000) square feet of gross collection, processing and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact or bale ferrous metals other than food and beverage containers.

2. A heavy processing facility is any processing facility other than a light processing facility.

“Relocation” as applied to signs means a movement of a sign or sign structure to a new or changed location including, without limitation, any movement of a sign, no matter how slight, to a new location on the same sign structure, on the same parcel, or elsewhere in the City.

“Residential building identification sign” means a sign which identifies the residential occupants, such as, “The Smiths.”

“Residential name plate” means a sign which identifies the name of a residential complex, such as, “Moreno Arms.”

“Restaurant” means a place of business which sells or serves food products and beverages for consumption on the premises within a building consisting of a permanent structure that is fully enclosed with a roof and walls, and where incidental dining may be permitted out-of-doors on a patio, deck or terrace that is integrated into the building design.

Restaurant (Drive-through). “Drive-through restaurant” means a place of business which sells food products or beverages and which delivers such food products or beverages to customers outside of the building in which they are prepared by means of a service window, counter, or similar method or device.

Restaurant (Fast Food). “Fast food restaurant” means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-

consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: (1) foods, frozen desserts or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or (2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

“Restricted parking” means a situation where no on-street parking is permitted along the street frontage, or where on-street parking is prohibited during specified hours on certain days or on all days.

“Retail sales” are classified as establishments primarily engaged in selling goods or merchandise to the general public for personal, business, or household consumption and rendering services incidental to the sale of such goods. Some characteristics of retail sales establishments include places of business that engage in activities to attract the general public to buy, receive, sell merchandise and may process, repair, or manufacture some of the products, such as but not limited to jewelry, baked goods, apparel, pottery, or consumer electronics, where such processing, repair, or manufacturing is incidental or subordinate to sale activities. Uses considered objectionable or a nuisance may be denied by the community development director. Uses requiring an adult business use permit are not included under “retail sales”.

Reverse Vending Machine—Bulk Reverse Vending Machine.

1. A “reverse vending machine” means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

2. A “bulk reverse vending machine” refers to a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

“Revised tentative map” means a modification of an approved tentative map wherein the design of the land division is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.

“Right-of-way” means the entire width of property for the use of highways, flood and drainage works, overhead and underground utilities or any related or consistent improvements.

“Roadbed” means that portion of the roadway extending from curb-face to curb-face or from curb-face to the outside line of improved shoulder, or between the outside line of improved shoulders.

“Roadway” means that portion of the highway including roadbed, all slopes, side ditches, channels, waterways and all other related facilities which are located within a road right-of-way.

“Roof sign” means any sign or a portion thereof located on or extending over or above the roof of a building and either supported by the roof or by an independent structural frame.

“Sculpted can sign” means a can sign constructed in such a manner that the shape of the cabinet conforms to the outline of the letters or other characters to be displayed.

“Service bay” means an area inside a building designed for the maintenance, repair or servicing of a vehicle.

Service Road. See “Frontage road.”

“Shared parking” means where certain parking spaces can be utilized by two or more different uses.

Shopping Center, Integrated. “Integrated shopping center” means two or more parcels of land that are visually designed to operate as a single center containing cross easements, shared parking facilities and shared access.

“Sign” is any device, fixture, surface, or structure of any kind or character and made of any material whatsoever, displaying letters, numbers, words, text, illustrations, symbols, logos, forms, patterns, colors, textures, shadows, or lights, or any other illustrative or graphic display for the purpose of advertising, identifying, promoting, supporting, opposing or attracting attention to any commercial or noncommercial business, activity, accommodation, service, entertainment, attraction, company, firm, entity, organization, product, enterprise, event, opinion, view, idea, or message. However, the following are not within the definition of “sign” for the regulatory purposes of this Chapter:

Any public or legal notice required or posted by a court or public agency;

Decorative or Architectural features of buildings except letters, trademarks, or moving parts;

Symbols or insignia which are an integral part of a doormat or welcome mat, or embedded directly into the sidewalk or entrance surface, so long as such device is otherwise legal and is located entirely on private property and on the ground or sidewalk;

Marks on tangible goods which identify the maker, seller, provider, or product, as such are customarily used in the normal course of the trade or profession;

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, including but not limited to stained glass windows, carved wood doors or friezes, church bells, and decorative fountains;

The legal use of fireworks, candles, and artificial lighting where not otherwise regulated by this Chapter;

Advertisements or banners mounted on or towed behind free-flying airborne vessels or crafts such as, by way of example and not limitation, airplanes, dirigibles, blimps and the like;

Advertisements or banners mounted on trains, buses, or other mass transit vehicles operating in public transit which legally pass through the City;

On properly registered and street legal vehicles and properly licensed watercraft, the license plates, license plate frames, registration insignia, noncommercial messages, messages relating specifically to the business of which the vehicle or vessel is an instrument or tool (but not including any other form of general advertising) and messages relating to the proposed sale, lease, or exchange of that vehicle or vessel;

Vending machines which do not display general advertising; and

Automated teller machines and drive-up service facilities at banks, credit unions, and similar establishments.

Sign Area. The area of a sign shall be the entire area that encloses the outside limits of the sign, including the sign copy area and any frame, border, background area, structural trim, or other material forming an integral part of the sign.

“Sign copy” or “copy” means any words, letters, numbers, figures, designs or other symbolic representations incorporated into a sign.

Sign Copy Area. The “sign copy area” shall be the area that encloses the extreme limits of the area available for displaying the desired message. The sign copy area includes both the written message and the background against which the message can be displayed.

“Sign face” means that area of a sign which contains the advertising copy or conveys a message.

“Signpost” is a square perforated steel tube or other City-approved post that is used to display traffic control, regulatory or informational signs.

“Sign program” means a sign plan that identifies the placement, construction, size, materials, colors, methods of lighting, and other related requirements for signs subject to the plan, which has been approved by the City.

“Sign structure” means the poles, posts, supports, uprights, bracing, framework, guy wires, anchors, and any and all other components physically supporting a sign other than a building or other structure having a separate permanent foundation.

“Single ownership” means holding record title, possession under a contract to purchase or possession under a lease, by a person, firm, corporation or partnership, individually, jointly, in common or in any other manner where the property is or will be under unitary or unified control.

“Site” means a lot or group of contiguous lots not divided by an alley, street, other right-of-way or city boundary line that is proposed for development in accordance with the provisions of this title, regardless of phasing, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Spa. See “Swimming pools, hot tubs and spas.”

“Special event sign” means a temporary sign which advertises special events and activities such as charitable events, Christmas tree sales, and firework displays.

“Specific plan” means a plan adopted by the city council of the city of Moreno Valley that is based upon and implements the general plan of the city of Moreno Valley, as provided in Section 65450 et seq. of the California Government Code.

Stable (Commercial). “Commercial stable” means a stable for horses, mules or ponies which are rented, used or boarded on a commercial basis for compensation.

“Staff” means and includes the employees of the city of Moreno Valley public works and community development departments and fire prevention bureau.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. The basement or cellar shall not be considered a story unless the upper surface of the floor above is more than six feet above the average level of the highest and lowest points of the ground surface immediately adjacent to the exterior walls of the building.

Street. See “Highway or street.”

Storm, One Hundred-Year Frequency. “One hundred-year frequency storm” means a storm that has a one percent chance of occurring in any given year. It does not follow, however, that such a storm will be equaled or exceeded once in every one hundred-year period, or that having occurred once, it will not occur again for one hundred (100) years. It may occur several times in a one hundred-year period, but over a sufficient length of time the average is expected to be once in one hundred (100) years.

“Structural alteration” means any change in or alteration to a structure involving change in or alteration to a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

“Structure” means anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six feet, or access drives or walks.

Structure (Accessory). “Accessory structure” means a subordinate structure or portion of a main building, the use of which is incidental, appropriate and subordinate to that of the main building.

Structure (Main). “Main structure” means a structure housing a principal use of a site or functioning as a principal use.

“Subdivider” means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others, except that employees, agents and consultants of such persons or entities, acting in such capacity, are not “subdividers.”

Subdivision. See “Land divisions.”

“Subdivision design” means and includes: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fire roads and firebreaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; and such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

Subdivision Improvement. See "Improvement."

"Substantial improvement" or "substantial construction" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

"Support retail sales" are classified as establishments primarily engaged in retail services that support major business, corporate, and administrative office rather than general community retail needs. These uses include art galleries, art studios, art supply shops, assayer, and florist shops and similar uses. Uses requiring an adult business use permit are not included under "support retail sales."

"Surface mining operations" mean all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retorting or leaching;
2. Production and disposal of mining waste; and
3. Prospecting and exploratory activities.

"Swimming pools" and "hot tubs" or "spas" mean water-filled enclosures having a depth of eighteen (18) inches or more used for swimming or recreation.

"Tandem parking" means parking space configuration where two or more parking spaces are lined up one behind the other.

"Temporary sign" means a sign erected for a temporary purpose attracting attention to an activity, product or other idea or message as provided for in this title.

"Tenant improvements" mean improvements to existing structures installed for the benefit of the proposed occupant and user of an office, commercial or industrial property. The occupant and user may be the property owner, a tenant or lessee. The improvements may involve the interior or exterior of the structure.

"Tentative map" means a map made for the purpose of showing the design and improvement of a proposed land division and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

Tentative Map, Revised. "Revised tentative map" means a modification of an approved tentative map wherein the design of the subdivision is changed from the approved tentative map, but there is no substantial change in concept from the original approved map.

"Traveled way" means that portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Truck (Large). "Large truck" means a truck weighing ten thousand (10,000) pounds or more unloaded.

“Under-canopy sign” is a pedestrian-oriented sign suspended beneath a canopy, awning, covered walkway, or arcade.

“Vehicle sign” is any sign attached or affixed to, erected on, placed on, painted on, or supported by a vehicle, boat, vessel, trailer, or other moveable object, with or without a mode of power. The definition of vehicle sign does not include any commercial vehicle in the course and scope of making a delivery in, or passing through, the City.

“Vehicle storage yard” means any property used for the storage of vehicles. This classification does not include vehicle repair, dismantling, salvage or wrecking activities, nor the sale of vehicles or parts.

“Vesting tentative map” means a map which meets the requirements of a tentative map that has printed conspicuously on its face the words “Vesting Tentative Map” and is processed in accordance with Section 9.14.060 of this title.

“Visible” means likely to be noticed by a person of average height walking on an adjacent street or sidewalk or traveling in a vehicle on an adjacent street or highway two years after installation of any planting screening material intended to screen a view.

“Wall sign” means a sign, directly or indirectly attached or affixed to, or otherwise a part of, the wall of a building in a plane parallel, or approximately parallel, to the plane of the wall of the building. This definition shall include any sign, directly or indirectly, attached or affixed to, or otherwise a part of, any structure, such as a canopy or awning, that is attached or affixed to the wall or roof of a building, but does not include roof signs.

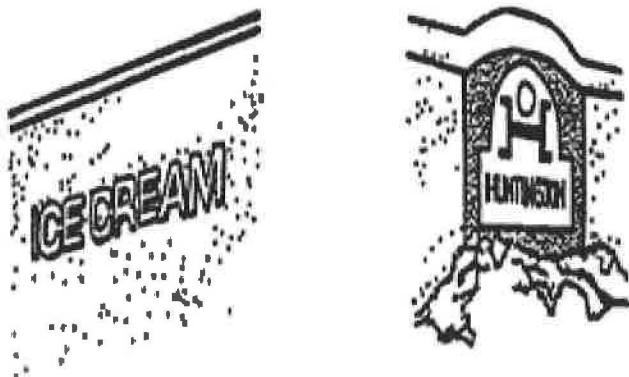


Figure 9.15.030-13
Wall Sign

“Wholesaling” means the selling of any type of goods for purpose of resale.

“Window sign” is any sign posted, painted, placed, or affixed to or on any window or transparent door and is visible from the exterior of the building or structure from any public right-of-way, parking lot, or neighboring property.

“Wrecking yard” means any facility used for the dismantling of vehicles. Activities normally include the buying and selling of inoperative vehicles, their parts or component materials and the storage thereof.

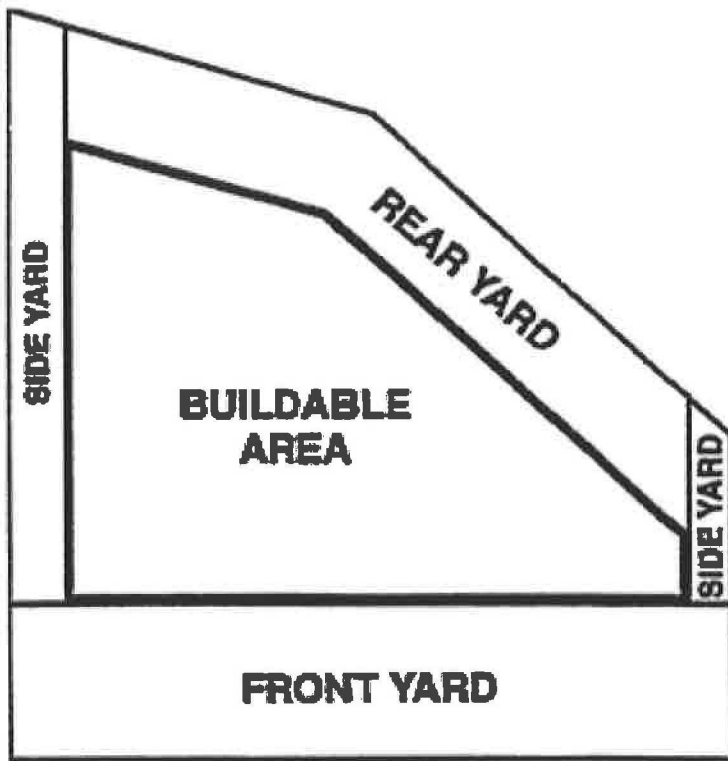
“Yard” or “court” means an open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title, including a front yard, side yard, rear yard or court between structures.

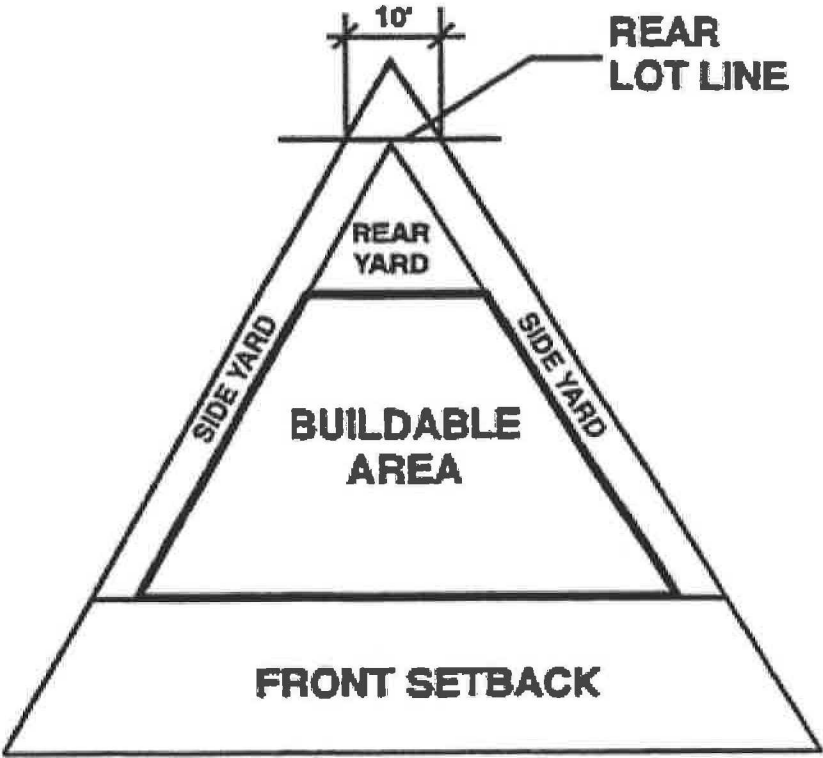
Yard (Front). “Front yard” means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Yard (Rear). “Rear yard” means a yard of the required width extending the full width across the site, from side yard to side yard measured parallel from the rear property line, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

Yard (Side). “Side yard” means a yard of the required width extending from the rear line of the required front yard measured parallel from the side property line of the lot extending to the rear property line.

Figure 9.15.030-14
Setbacks and Yard Areas





**Figure
Setbacks and Yard Areas
(Continued)**

9.15.030-14

SECTION 3. EFFECT OF ENACTMENT:

3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4. NOTICE OF ADOPTION:

4.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be publicly posted in three places within the city.

SECTION 5. EFFECTIVE DATE:

5.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 20__.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING CHAPTER 14.10 RELATING TO SIGNS ON PROPERTY OWNED BY THE CITY OF MORENO VALLEY.

WHEREAS, the City of Moreno Valley has a proprietary interest in the City Property it owns, controls and maintains; and

WHEREAS, as the owner of property, the City of Moreno Valley has a legal and Constitutional right to control signage permitted on its property; and

WHEREAS, the Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley and/or its successor agency, public agencies which serve the residents of the City of Moreno Valley, have delegated authority to the City of Moreno Valley to regulate and control signage on their respective properties for the protection of their respective proprietary interests; and

WHEREAS, the City of Moreno Valley recognizes and intends to protect the rights of the public to free speech and expression in traditional public forum areas, such as streets, sidewalks, parks, etc. while protecting public health, safety and welfare within Constitutional limitations; and

WHEREAS, the City Council desires to provide clarity regarding the use of City Property by private parties and other government agencies, while retaining its right as Proprietor to place its own signage for its own purposes on its own property.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby ordain as follows:

SECTION 1.

1.1A new chapter, Chapter 14.10 is hereby added to the City of Moreno Valley Municipal Code, to read as follows:

“CHAPTER 14.10

SIGNS ON LAND OR OTHER PROPERTY OWNED OR CONTROLLED BY THE CITY

- 14.10.10 Scope.**
- 14.10.20 Proprietary Capacity; Changes to Policy.**

Private Party Signs on City Property

- 14.10.30 Definitions.
- 14.10.40: Intent as to Public Forum.
- 14.10.50 Private Party Signs Must Be Authorized or Permitted.
- 14.10.60 Temporary Political, Religious, Labor Protest and Other Noncommercial Signs in Traditional Public Forum Areas
- 14.10.070 Unattended Signs Displaying Non-Commercial Messages.
- 14.10.080 Political and/or Personal Message Signs:
- 14.10.090 City Property Sign Permits; Application Forms and Procedures.
- 14.10.100 Sidewalk Signs in Downtown Commercial Zones/District.
- 14.10.110 Commercial Handheld and/or Living Signs
- 14.10.120 Signs on Newsracks, Benches and Public Transportation Stations
- 14.10.130 Commercial Signs in or on City Facilities.
- 14.10.140 Kiosk Signs
- 14.10.150 Trespass, Nuisance, Abatement and Enforcement; Removal of Nonconforming Signs.
- 14.10.160 Enforcement.
- 14.10.170 Appeal
- 14.10.180 Severability

14.10.10 Scope.

This Chapter regulates use of City Property, as defined herein, for the display of signs, as defined herein, by private parties and public entities other than the City of Moreno Valley. Private party signs on property owned or controlled by the City are prohibited, unless expressly allowed by this Chapter. Nothing in this Chapter is intended to modify or supersede any other provision of the Municipal Code relating to parades, demonstrations, protests or other constitutionally protected expressive activity.

14.10.20 Proprietary Capacity; Changes to Policy.

In adopting this Chapter, the City Council acts to establish policy in its proprietary capacity as to City Property. This policy may be changed in the same manner as any ordinance. As Proprietor, the City reserves the right to place and maintain any and all signs on City Property which it deems reasonable, necessary or desirable to provide for public health, safety and welfare, to perform its governmental functions and to further its proprietary interests, including financial interests, whether or not any such sign would comply with this Chapter or the Sign Ordinance had it been placed by a private party. Such signs may include, but are not limited to:

- Traffic control signs
- Directional signs

Private Party Signs on City Property

- Warning signs
- Regulatory signs
- Public information signs
- Geographic, neighborhood or community designation signs
- Signs identifying public facilities
- Signs honoring or commemorating holidays, persons, or events
- Signs promoting events, services, activities or programs provided or sponsored by the City
- Signs reflecting corporate or other sponsorships for City facilities or events
- Messages that the City, in its capacity as a municipal government, wishes to express to the public

14.10.30 Definitions.

For purposes of this policy, the following terms have the following meanings:

“City Property” means all land and other property owned, in fee, in easement or otherwise, by the City of Moreno Valley, the Moreno Valley Community Services District and/or the Community Redevelopment Agency of the City of Moreno Valley as well as all lands and other property over which the City holds the present right to possession and/or control (even if only temporarily) and all other lands which have the legal status as public right of way.

"Personally attended" means that a live person 16 years old or older is responsible for and physically present within five feet of the sign at all times.

“Kiosk sign” means a sign consisting of a sign structure and one (1) or more individual panels used exclusively for the direction of the public to new residential developments.

“Sign” shall have the meaning set forth in Chapter 9.15 of the Municipal Code, except that the following are not within the definition of “sign” for the purposes of this Chapter:

- a. Mass transit signage: Advertisements or banners mounted on trains or duly licensed mass transit vehicles that legally pass over or through City Property;
- b. Vehicle Signs permitted and regulated under Section 9.12.040 (A) 4 of the Municipal Code;
- c. Newsracks and newsstands located on City Property pursuant to Section _____ of the Municipal Code.

Private Party Signs on City Property

“Sign Ordinance” means Chapter 9.12 of the Moreno Valley Municipal Code.

“Traditional public forum areas” means the surfaces of public streets, and public sidewalks that are part of the pedestrian circulation system of the City (along with any public area between the sidewalk and the street or adjacent private property), public parks, and the pedestrian area immediately around City Hall.

14.10.40 Intent as to Public Forum.

The City declares its intent that, other than traditional public forum areas, no City Property shall be deemed or designated a public forum of any kind, except as specifically designated by formal resolution of the City Council as a public forum of a particular type or for a particular purpose; in such case, the declaration as to public forum type and purpose shall apply strictly and only to the specified type and area, and for the specified time period, if any. Any such designation shall be revocable at any time by resolution of the City Council.

14.10.50 Private Party Signs Must Be Authorized or Permitted.

Except as specified in this chapter, no private party sign may be displayed on City Property, unless a City Property Sign Permit therefore has first been issued, or the subject sign is expressly exempted from the permit requirement by this Chapter or another applicable policy or law.

All signs must comply with all terms and conditions of their respective permits and must be consistent with the policies stated herein. Except as specifically permitted herein as to Traditional Public Forum Areas, the City reserves sole discretion, as a proprietor, to determine which, if any, signs may be posted on its property. The City Council may by resolution adopt policies under which the City Manager or his or her designee may grant City Property Sign Permits. Any sign posted on City Property contrary to the policies stated or referred to herein or the terms or conditions of its applicable permit, is a nuisance and a trespass, and may be summarily removed by the City, at the expense of the person or persons responsible for the unauthorized posting.

14.10.60 Temporary Noncommercial Signs in Traditional Public Forum Areas

Private persons may display temporary signs expressing protected noncommercial messages in Traditional Public Forum Areas without first obtaining a City Property Sign Permit, provided that the sign display on City Property conforms to all of the following:

- a. The sign must be personally held by a person, or personally attended by one or more persons.

Private Party Signs on City Property

- b. The maximum aggregate size of all signs held or attended by a single person is 12 square feet, measured one side of a flat sign.
- c. The maximum size of any one sign which is held or personally attended by two or more persons is 24 square feet.
- d. The displayed sign may not be inflated or inflatable, flashing or emitting (as defined in the Sign Ordinance) or activated by moving air or gas.
- e. In order to serve the public interests in traffic flow and safety, persons displaying signs under this section may not stand or otherwise locate themselves or their signs within or upon or in a manner that encroaches into any part of the vehicular roadway, including areas for parking, bicycle paths, etc., when a roadway is open for use by vehicles or within areas closed to vehicular access due to construction, maintenance, safety hazards or the like. This does not prohibit standing within an sidewalk area typically used for pedestrian traffic upon the shoulder of a roadway not protected by curbing, provided all other provisions of this section are complied with.
- f. Persons displaying signs on public sidewalks (with or without curbs) must give at least four feet width clearance of sidewalk pavement for pedestrians to pass by, and neither the sign nor any attending person may impede or interfere in any way with persons who wish to pass by.

14.10.070 Unattended Signs.

Other than as explicitly allowed by this policy, signs may not be left unattended on City Property or in the public right of way.

14.10.080 Political and/or Personal Message Signs:

1. Findings, Intent and Purpose. The City recognizes that the right to utilize public forum property to express one's views on matters of public concern and/or private belief or opinion is fundamental to freedom of speech and the heart and soul of the public forum doctrine, but is subject to reasonable time, place and manner regulations, including prohibiting of posting of signs on public forum property. The City also recognizes that the right to vote in a free and fair electoral process, open to all viewpoints, and protecting the right of every person to attempt to persuade others to his or her viewpoint is fundamental to both the very existence of representative government and the maintenance of all other constitutional rights.

Therefore, while the City is not compelled to allow posting of any private signage on its property, the City chooses to allow the posting of temporary signs containing constitutionally protected non-commercial messages and/or images, including without limitation political and/or other personal opinion message signs, within designated areas of city property during periods where such expression may be persuasive in the electoral process.

Private Party Signs on City Property

At the same time, the City recognizes the need to place reasonable time, place and manner regulations on such signs in order to protect the integrity of these fundamental rights, to protect persons from unauthorized use of city property or misrepresentation of their viewpoints by others, to prevent both governmental favoritism in the electoral process and any inference of government participation in the persuasive activities of political campaigning, and to prevent the abuse of such temporary signage for commercial advantage.

The City recognizes that political and personal messages of any protected content, whether or not directly referring to pending candidates or ballot measures, may rightfully influence or persuade others with respect to facts, policies, opinions, values, beliefs, and viewpoints in exercising the fundamental right to vote according to his or her own conscience, or to exercise the right of free speech in expressing themselves on matters of public concern or private belief or opinion, in turn, to others. Therefore, other than restricting such signs to lawful, non-commercial messages, the City does not regulate the content of such signs, so long as the messages are within the protections of the First Amendment to the US Constitution and/or the corollary provisions of the California Constitution.

Therefore, in addition to all signs and sign-types otherwise allowable under this Chapter, and subject to all other applicable standards and requirements for signs and sign structures set forth in this Chapter, temporary political and/or personal message signs may be posted subject to the following standards and requirements:

2. Standards. Political and/or Personal message signs are allowed, without first obtaining a City Property Sign Permit, on the landscaped, unpaved and/or unimproved areas of public street right of way, including unpaved medians, in all zoning districts subject to the following standards and limitations:
 - a. No such sign shall exceed thirty-two (32) square feet in sign area;
 - b. No such sign that is freestanding shall exceed six feet in sign height;
 - c. No such sign shall be artificially lighted;
 - d. No such sign shall be erected, placed or maintained on any publicly owned or public utility owned building, pole, structure, sign, tree or shrub; or upon any portion of a public street or highway right-of-way which is used for traffic or parking; nor upon any other public property or facility (including, but not limited to parks, detention basins, drainage facilities, recreation facilities, etc.), except as specifically permitted herein.
 - e. No such sign shall be erected, placed or maintained so that it does any of the following:
 - i. Mars, defaces, disfigures or damages any public building, fence, wall, structure or other property,

Private Party Signs on City Property

- ii. Endangers the safety of persons or property,
 - iii. Obscures the view of any fire hydrant, traffic sign, traffic signal, directional or warning sign, street sign or public informational sign,
 - iv. Hinders or interferes with designated or designed uses of city property,
 - v. Blocks lines of sight or paths of travel to, from or within areas of vehicular or pedestrian traffic, or encroaches into a corner clear zone.
- f. Such signs may contain any protected non-commercial message, including information regarding the identity and/or address of the person or entity posting the sign or expressing the viewpoint, even if such information identifies a business or commercial entity, but may not contain commercial messages beyond such identifying information.
 - g. Such signs that are freestanding signs shall be securely attached, affixed, or anchored to the ground, so as not to constitute a nuisance or danger to persons or property.
 - h. All such signs shall be temporary.
 - i. Such signs not exceeding a total of 32 square feet may be placed upon any parcel of real property and replaced and/or maintained at any time. Such signs exceeding 32 square feet may be located or placed not more than ninety (90) calendar days prior to a scheduled election, and shall be removed within ten (10) calendar days after the end of the election, except that a political and/or personal message sign placed within (90) calendar days prior to a primary election may be continuously located or placed until ten (10) calendar days after the final election pertaining to that primary election.
 - j. Any such sign not removed within the prescribed time period shall be deemed an abandoned sign constituting a public nuisance and shall be abated in accordance with the provisions of this Chapter.
 - k. Any temporary political or other protected noncommercial message sign erected, placed or maintained in violation of any provisions of this section may be removed by the city summarily and without notice. The city may bill for and/or bring an action to recover the reasonable cost of sign removal from any party or parties found to be responsible for the violation under this section.

14.10.090 City Property Sign Permits; Application Forms and Procedures.

Private Party Signs on City Property

(a) Standard Form.

The City Manager or his or her designee shall prepare and make available to the public a form for Application for a City Property Sign Permit, which shall, if when approved, constitute a permit and indicate the City's consent for placement of a sign and specify the location and other the conditions under which the sign may be placed. Any sign allowable with a City Property Sign Permit under this Chapter which is to be permanently placed upon public right of way, shall require an encroachment permit from the Public Works Department. The officer designated by the City Manager to issue City Property Sign Permits may set such reasonable conditions on the placement of any sign as will reasonably protect public health, safety, and welfare, including but not limited to, conditions on the location, size and design of the sign to protect against injury to passersby, visual obstructions, tripping or other hazards, and to protect access to neighboring businesses and residences and access for the disabled. The applicant for the City Property Sign Permit must be the same person or entity who is to be the owner of the sign and is responsible for maintaining it in conformance with law and the terms of the permit. The processing fee for each application, which shall not be refundable even if the application is denied, shall be set by resolution of the City Council.

(b) Permits Issued in Error/Revocation of Permits.

Any City Property Sign Permit issued in error may be summarily revoked by any officer of the City, by notifying the applicant of the nature of the error in issuance; any applicant whose permit is revoked as issued in error may, within thirty calendar days thereafter, submit a new permit application which cures any deficiencies in the original application, without paying the application fee anew. Any approved permit may be revoked or suspended by the City Manager or his or her designee upon finding that the permitted sign is in violation of any provision of this Chapter or any term or condition of the Permit. Applications which are denied, or permits which are revoked or suspended, may be appealed in the same manner as sign-related decisions, as described in the Sign Ordinance.

In issuing a City Property Sign Permit, the City is acting in its proprietary role in controlling its own property and no person or entity shall have any property or liberty interest or any right to post or maintain any sign thereunder. Any City Property Sign Permit is a license, not a lease, and as such is revocable at any time for any reason. No continuing display right vests from the issuance of a City Property Sign Permit.

c. Limitations on Permits

A City Property Sign Permit attaches to a particular permittee at a particular location, and is not valid for a new owner or occupant in the same location or for the same permittee at a new or different location.

Private Party Signs on City Property

14.10.100 Sidewalk Signs in Commercial Zones.

In the commercial zones only and subject to a City Property Sign Permit, qualifying establishments may display one unattended "sandwich board," "A" frame or similar portable sign on the public sidewalk directly in front of their establishment, subject the rules stated in this section.

- a. Qualifying establishments. Only businesses or other non-residential establishments in a commercial zone with street frontage and a public entrance which opens directly to a public sidewalk containing enough width and space to meet all standards of this section qualify for the sidewalk signage of this section.
- b. Message types. Messages may be commercial or protected non-commercial, or any combination thereof. If the message content is commercial in nature, it must pertain to products or services available on the premises, or expected to be offered on the premises in the near future. The following message types are not allowed:
 1. off-site commercial advertising or general advertising for hire (however, the public sidewalk immediately adjacent to the establishment it pertains to shall not be considered "off-site" for purposes of this section),
 2. messages promoting the sale or use of tobacco, alcohol, or other merchandise which may be legally purchased only by adults,
 3. messages promoting pawn shops, check cashing services, or massage services
 4. messages promoting products, services or events which are illegal for all or certain members of the public to purchase, sell, possess, use or attend under state, federal and/or local law.
- c. The sign may be placed on the public sidewalk only during the time that the establishment is actually open to the public;
- d. The sign may have a maximum of two display faces per street frontage, and on each face the message display area must be flat and must not exceed 20 square feet per display face;
- e. No part of the sign may be higher than five feet from the surface of the sidewalk on which it is placed or displayed;
- f. No illumination, flashing, strobing, or moving or reflective parts are allowed, nor may any emission of smoke, sound, smell or other attraction be used;
- g. The sign must be constructed and maintained in such a manner that it does not pose a safety hazard;
- h. The sign must be placed where it will not interfere with or impede the free flow of pedestrian or vehicular traffic, ingress or egress from stores, or fire

Private Party Signs on City Property

escapes and where it provides at least four feet of sidewalk clearance for pedestrian traffic;

- i. The City may require temporary removal or relocation of the sign so as to accommodate special events, public assemblies, or to deal with emergencies;

A. **14.10.110 Commercial Handheld and/or Living Signs:** Commercial handheld and/or living signs are permitted, subject to issuance of a City Property Sign Permit, and the following standards and requirements:

- a. Commercial handheld signs in residential zones may only advertise the development and/or offering for sale of residential real estate.
- b. In all zones, commercial handheld signs may not contain messages:
 - 1. promoting the sale or use of tobacco, alcohol, or other merchandise which may be legally purchased only by adults,
 - 2. promoting pawn shops, check cashing services, or massage services
 - 3. promoting products, services or events which are illegal for all or certain members of the public to purchase, sell, possess, use or attend under state, federal and/or local law.
- c. All persons carrying or holding handheld signs shall remain in constant motion at all times while carrying or holding a handheld sign on public property or in the public right-of-way.
- d. The resting, placement, or support of handheld signs on any stationary object is prohibited.
- e. Handheld signs shall not be carried by any person within twelve (12) inches of the edge of the curb, street pavement if not bordered by a curb, or other roadway surface.
- f. Persons carrying or holding handheld signs shall not block or impede pedestrian or vehicular traffic or movement along, across, into, or out of any path, sidewalk, driveway, alley, parking lot, road, street, or highway.
- g. Each handheld sign shall not exceed nine (9) square feet in total sign area.
- h. Handheld signs shall not be carried within a corner clear zone.

Private Party Signs on City Property

- i. No commercial business shall have more than one handheld sign carried on or along any street frontage of the business, but a person serving as a living sign may also carry a handheld sign.
- j. Commercial living signs shall be human beings 16 years of age or older. No animals shall be used as commercial living signs on City Property.
- k. Handheld signs shall not be carried, used or moved in a manner so as to constitute a hazard or danger to person, property, or traffic.
- l. Handheld signs shall not be illuminated.

14.10.120 Signs on Newsracks, Benches and Public Transportation Stations

The City Council may enter into agreements for private parties to establish and maintain the placement of advertising on newsracks, benches located on City Property, or in the public right of way, or upon train or bus waiting stations or other street furniture, including payment to the City for the use of its property in such advertising. In addition to the standards and requirements for signs and sign structures set forth in Sections 9.12.040 through and including 9.12.120 of the Municipal Code, all signs on public benches and bus shelters shall comply with the following additional standards and requirements:

- a. Public benches and bus shelters shall only display signs located, placed, or licensed by the City or other entity owning or controlling the public bench or bus shelter.
- b. A maximum of two (2) signs, each of which may be double-faced, shall be allowed on any bus shelter.
- c. Signs on bus shelters shall not exceed six (6) feet in sign height or four (4) feet in sign width.
- d. A maximum of one (1) sign, which may be double-faced, shall be allowed on any public bench.
- e. Signs on public benches shall be located or placed on the backrest only and shall not exceed the dimensions of the existing backrest.
- f. Signs on public benches and bus shelters shall only display fixed copy.
- g. Signs on public benches shall not be illuminated.

Private Party Signs on City Property

- h. Signs on public bus shelters may be indirectly illuminated only.
- i. Signs on public benches and bus shelters shall not include
 - a. messages promoting the sale or use of tobacco, alcohol, or other merchandise, which may be legally purchased only by adults,
 - b. messages promoting pawn shops, check cashing services, or massage services
 - c. messages promoting products, services or events which are illegal for all or certain members of the public to purchase, sell, possess, use or attend under state, federal and/or local law.

14.10.130 Commercial Signs in or on City Facilities.

The City Council may enter into agreements for private parties to establish and maintain the placement of advertising in or on City Buildings, Structures and Recreation Facilities, including payment to the City for the use of its property in such advertising. In addition to the standards and requirements for signs and sign structures set forth in Sections 9.12.040 through and including 9.12.120 of the Municipal Code, all such signs shall comply with the following additional standards and requirements:

- a. Signs in or on City Facilities shall only display signs located, placed, or licensed by the City.
- b. The agreement shall specify the type, number, size, location, illumination, and materials for each such sign permitted under the agreement
- c. Signs on public benches and bus shelters shall not include
 - 1. messages promoting the sale or use of tobacco, alcohol, or other merchandise, which may be legally purchased only by adults,
 - 2. messages promoting pawn shops, check cashing services, or massage services
 - 3. messages promoting products, services or events which are illegal for all or certain members of the public to purchase, sell, possess, use or attend under state, federal and/or local law.

14.10.140 Kiosk Signs

Private Party Signs on City Property

The City may require construction and dedication of kiosk signs as a condition of approval of any residential housing development, and/or enter into agreements with private parties or organizations to establish and maintain kiosk signs on City property or in the public right of way, including payment to the City for the use of its property and contractual obligations and indemnities concerning maintenance and safety of such kiosk signs. Such agreements shall set forth the terms and conditions under which such kiosk signs may be placed and maintained and their permitted contents. Kiosk signs shall comply with all of the standards and requirements for signs and sign structures set forth in Sections 9.12.040 through and including 9.12.120 of the Municipal Code. In addition, kiosk signs, when approved under any such agreement, shall comply with the following standards and requirements:

- a. Prior to the issuance of a kiosk sign permit, the applicant shall obtain a business license from the City.
- b. Kiosk sign permits shall be valid for a period of one (1) year from the date of issuance unless revoked.
- c. A new sign permit shall be required if the business license is interrupted for a period greater than thirty (30) calendar days. Any movement, relocation, or alteration of a kiosk sign, except for routine maintenance, shall require a new sign permit.
- d. Kiosk signs shall be compatible with the architecture (color, materials, style, and other features) of the area in which they are located or placed.
- e. No kiosk sign shall exceed eight (8) feet in sign height, or six (6) feet in sign area width.
- f. Kiosk signs shall only display fixed copy.
- g. No kiosk sign shall contain more than five (5) individual panels.
- h. No kiosk panel shall exceed twelve (12) inches in sign area height or forty-eight (48) inches in sign area width.
- i. Kiosk panels shall be made of durable materials such as wood, fiberglass, plastic, metal, or equivalent material. Wood panels shall be coated with a weatherproof sealer to minimize weathering. Plywood panels are prohibited.
- j. No appurtenance of any kind, other than an approved kiosk panel, shall be attached or affixed to, or otherwise made a part of a kiosk sign or sign structure.
- k. A minimum distance of a five hundred (500) foot radius shall be maintained

Private Party Signs on City Property

between kiosk signs.

- l. Kiosk signs shall not encroach within a corner clear zone.
- m. Kiosk signs shall not be illuminated.
- n. Kiosk signs identifying or directing to commercial or industrial developments shall not identify or direct persons to any business primarily selling or promoting products or services which may be legally purchased only by adults, including smoke shops, bars, and liquor stores or to pawn shops, check cashing services, or massage services.

14.10.150 Trespass, Nuisance, Abatement.

- A. Signs which do not conform to this chapter or a permit issued under this chapter are hereby declared to be a trespass and a public nuisance, and a violation of the City's property rights, and may be summarily removed by the City upon discovery of the nonconformance. Alternatively, at the City's discretion, when the owner of the sign is known and the sign does not pose an immediate threat to public health or safety, the City may, but shall not be required to, contact the owner and request that it be removed or brought into compliance with this Chapter within five (5) business days.
- B. Illegal or abandoned signs and sign structures posted in the public right-of-way or upon City Property may be removed at the direction of the City Manager or his or her designee, or by the City's code compliance officers without first complying with Chapter 1, Section 1.01.250 and Chapter 6.04 of the City of Moreno Valley Municipal Code, or their successor provisions, and any amendments thereto.
- C. The owner of any sign or sign structure thus removed, if that owner's address or telephone number is readily identifiable from the sign or sign structure, shall be given written or oral notice of the removal of the sign or sign structure and any fees imposed or incurred as set forth in the fee schedule adopted by resolution of the City Council.
- D. Any person responsible for a violation of this Chapter shall be liable for the cost incurred in the removal, as well as all other costs directly attributable to the enforcement. The prevailing party shall be entitled to attorneys fees and court costs in any litigation over an alleged violation of this Chapter.
- E. Any sign or sign structure thus removed shall be retained at the City Corporate Yard for a period of not less than five (5) working days, and not more than ten (10) calendar days from the date of removal and shall be returned to the owner upon proper presentation to the City of a verifiable request by the owner during

Private Party Signs on City Property

normal City business hours during that time accompanied by payment of the costs of removal and any civil penalties imposed in relationship to the removed sign(s). Thereafter, any unclaimed sign or sign structure shall be deemed abandoned and shall become the property of the City and may be used or disposed of in the same manner as similar City property.

14.10.160 Enforcement.

1. The owner of any sign or sign structure located or placed or maintained in violation of any provision of this Chapter or any condition of any City Property Sign Permit issued hereunder, and/or the owner, lessee or other person in lawful possession of the real property on which the sign or sign structure is located or placed is guilty of an infraction and may be so cited and/or issued a civil citation in accordance with MVMC Sections 1.10.060 through and including 1.10.180 and all successor provisions, and any amendments thereto.
2. In accordance with Government Code Section 36900, or its successor provisions, and any amendments thereto, any person, firm, business, or corporation that violates any provision of this Chapter that is prosecuted as an infraction shall be punished by a fine of \$100.00 for the first violation, \$200.00 for the second violation if it occurs within one (1) year of the first violation, and \$500.00 for the third and each subsequent violation if they occur within one (1) year of the first violation.
3. Alternatively, any violation of any provision of this Chapter may be prosecuted as a misdemeanor by the City Attorney in accordance with the provisions of MVMC Sections 1.01.200 through and including 1.01.25 and all successor provisions, and any amendments thereto.
4. In accordance with California Government Code Section 36901, or its successor provisions, and any amendments thereto, any person, firm, business, or corporation that violates any provision of this Chapter that is prosecuted as a misdemeanor shall be punished by a fine of \$1000.00 for each violation, six (6) months in jail, or both.
5. In addition to the foregoing, the City may bill for and/or bring a legal action to recover all reasonable costs of sign removal, enforcement and/or prosecution actions from any person determined to be responsible for the violations under this Chapter, including court costs, reasonable attorney's fees, and expert witness fees. Said costs shall be a debt owing to the City. In any action, administrative proceeding, or special proceeding for sign removal or other action to abate a nuisance due to such violations, the prevailing party shall be entitled to all such attorneys fees, court costs and expert witness fees.

Private Party Signs on City Property

6. Each sign or sign structure that is in violation of any provision of this Chapter shall constitute a separate offense.
7. Each day a violation of any provision of this Chapter is committed or continues shall constitute a separate offense.
8. In addition to any and all prosecutions see Penal 556 and/or civil citations hereunder, the City may exercise any and all other legally applicable court and/or administrative procedures to obtain and assure compliance with this Chapter, including, but not limited to abatement, injunction, declaratory relief and/or receivership.

Section 14.10.170 Appeal

- A. If an application for a sign permit is denied, or approved with modifications or conditions, pursuant to this Chapter, the officer designated by the City Manager to issue City Property Sign Permits shall notify the applicant in writing setting forth the reasons for the denial, or approval with modifications or conditions, by first-class mail within five (5) business days of the decision.
- B. The applicant may appeal the decision of the officer designated by the City Manager to issue City Property Sign Permits to the City Manager or his or her designee.
- C. An appeal of the decision of the officer designated by the City Manager to issue City Property Sign Permits to the City Manager shall be filed with the officer designated by the City Manager to issue City Property Sign Permits, within fifteen (15) business days of the date of the written notice of denial or conditional approval of the application by the officer designated by the City Manager to issue City Property Sign Permits, accompanied by the required fee for the appeal. The appeal shall be made by filing a written petition, signed under penalty of perjury, with the officer designated by the City Manager to issue City Property Sign Permits, setting forth the name, address, and telephone number of the applicant, a detailed description of the specific action to be reviewed, the specific grounds for the review, and the relief or action sought from the planning commission. The appeal shall not be deemed filed until the written petition has been completed as required herein and the required fee for appeal has been paid.
- D. The City Manager shall set the hearing no later than thirty (30) calendar days after the filing of the notice of appeal. With the written consent of the applicant, however, the City Manager may set the hearing more than thirty (30) calendar days after the filing of the notice of appeal. Notice of the date, time, and place of such hearing of the appeal shall be given to the applicant in writing at least ten

Private Party Signs on City Property

(10) calendar days prior to the date of the hearing by certified mail, return receipt requested, at the address given in the written petition.

- E. At the hearing, evidence shall be taken and findings made based upon the evidence. The City Manager shall notify the applicant in writing of the decision on the appeal within 10 business days after the conclusion of the hearing, by first-class mail addressed to the applicant at the address provided in the written petition. The City Manager shall not be required to consider any appeal that is not filed in conformance with this Chapter.
- F. The decision of the City Manager on the appeal shall be final. However, the City Council, either at the request of the City Manager or the applicant or on its own initiative, may, but shall not be compelled to, exercise its rights as the governing board of the owner of the property, in its proprietary capacity, elect to hear the matter itself.
- G. Technical rules relating to evidence and witnesses shall not apply to hearings provided for in this chapter. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule that might make admission of such evidence improper over objection in a civil action in a court of law. Hearsay testimony may be admissible and used for the purpose of supplementing or explaining any evidence given in direct examination, but shall not be sufficient in and of itself to support a finding unless such testimony would be admissible over objection in a civil action in a court of law. The rules of privilege shall be applicable to the extent they are now, or are hereafter, permitted in a civil action in a court of law. Irrelevant collateral, undue, and repetitious testimony shall be excluded.

Section 14.10.180 Severability

If any Section, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance enacting this Chapter and each Section, sentence, clause, or phrase hereof, irrespective that any one (1) or more Sections, sentences, clauses, or phrases may be declared invalid or unconstitutional.”

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

Private Party Signs on City Property

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be publicly posted in three places within the city.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 20__.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Private Party Signs on City Property

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Private Party Signs on City Property

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2012

City of Moreno Valley

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- Closed Session
- Council Meeting
- Study Session
- Holidays

Holidays

- 01/01/12 New Year's Day
- 01/16/12 Martin Luther King's Birthday
- 02/20/11 President's Day
- 05/28/12 Memorial Day

- 09/03/12 Labor Day
- 11/12/12 Veterans Day
- 11/22 - 11/23/12 Thanksgiving
- 12/24 - 12/25/12 Christmas

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City of Moreno Valley

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- Closed Session
- Council Meeting
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- Denotes Council Recess

- 01/01/11 New Year's Day
- 01/17/11 Martin Luther King's Birthday
- 02/21/11 President's Day
- 05/30/11 Memorial Day
- 07/04/11 4th of July

- 09/05/11 Labor Day
- 11/11/11 Veterans Day
- 11/24 - 11/25/11 Thanksgiving
- 12/23 - 12/26/11 Christmas

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2010

City of Moreno Valley

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- 01/01/10 New Year's Day
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- 02/15/10 President's Day
- 05/31/10 Memorial Day
- 07/05/10 4th of July

- 09/06/10 Labor Day
- 11/11/10 Veterans Day
- 11/25 - 11/26/10 Thanksgiving
- 12/24 - 12/25/10 Christmas

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