



# CITY OF SACRAMENTO

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## DEPARTMENT OF PLANNING AND DEVELOPMENT

1231 "I" Street

Sacramento, Ca. 95814

### Administration

Room 300 449-5571

### Building Inspections

Room 200 449-5716

### Planning

Room 200 449-5604

July 11, 1985

Transportation and Community  
Development Committee  
Sacramento, California

Honorable Members in Session:

SUBJECT: PORTABLE SIGNS ENFORCEMENT (A-FRAME, ETC.)

### SUMMARY

The City's authority to control signs is well established. However, the ordinance by which that authority is exercised has not been enforced consistently and regularly. Referrals and requests have been received for an examination of the current enforcement practice by the Planning and Development Department. This report recommends no changes to the existing sign ordinance, and that the sign ordinance be enforced as adopted.

### BACKGROUND

This report deals only with portable signs. Provisions of existing city code sections have the effect of placing such signs in four categories:

- Signs placed on public property such as parks, sidewalks, etc.
- Signs placed on private property.
- Signs on private property in Old Sacramento.
- Signs on public property in Old Sacramento.

### SIGNS PLACED ON PUBLIC PROPERTY

Outside of Old Sacramento - The placement of any portable sign on public property is prohibited by ordinance. The applicable ordinance describes enforcement in the following terms:

"Sec. 38.62 Signs, posts, structures, etc.

It shall be unlawful to erect, place or maintain on any sidewalk within the city limits any signs, posts, structures or obstructions of any kind whatsoever; except as otherwise provided in this chapter.

Any such sign, post, structure or obstruction, except such as may be specifically provided for in this chapter, is hereby declared to be a nuisance and shall be removed by the city engineer immediately upon its existence being ascertained."

Over a period of many years, the actual enforcement of Sec. 38.62 has been considerable softened without any specific action or decision to that effect discoverable in the record. The ordinance clearly calls for the summary removal of portable signs placed in public rights of way.

The Sacramento Downtown Association asked that consideration be given to amending the ordinance to allow portable signs to be placed in public ways (See Attachment A).

Subsequent contacts with the Association and others revealed the following:

- The prohibition of portable signs in public ways is generally opposed by those who now use them and supported by those who don't.
- The Association does not express support for the proposal set forth in Attachment A. They state that they will be available to speak on the matter when public hearings are held.
- Mr. Jud Boise of the State Architect's office has stated that his organization opposes signs placed on any public or private sidewalk because they are confusing, disorienting, and hazardous to the blind, and constitute barriers to handicapped persons and the elderly using wheel chairs, walkers, etc.
- The City Attorney reports that the city may have some liability if individuals, handicapped or otherwise, are injured as a result of portable signs placed in public rights of way.
- The Midtown Merchants Association reports that they support the prohibition of signs placed on public rights of way except for parking strips (the sodded area between sidewalk and curb). The Association has offered to draft a set of rules and guidelines that would allow A-frame signs in the parking strips. Staff has accepted the offer.

It appears that there is little, if any, justification for allowing the placement of portable signs on public rights of way to continue.

Because the practice has been tacitly allowed to exist for some time, immediate removal by city forces could be interpreted as unduly harsh. A more reasonable procedure would be the removal and storage of such signs following a 72-hour notice to remove.

Inside Old Sacramento - The factors involved are identical to those applying outside Old Sacramento, with one exception.

Some sign owners have availed themselves of the opportunity to have their "Historically Authentic" A-frame signs "approved" by the Museum and History Commission and/or the Housing and Redevelopment Commission in spite of the fact that there is no legal basis for the owner to seek, nor either Commission to grant, the approval. In such cases, those particular signs enjoy some color of authority. The City Attorney advises that a one year period of notice and amortization would be appropriate in those cases. All other should be dealt with as are those which are not located in Old Sacramento.

#### SIGNS ON PRIVATE PROPERTY

Outside of Old Sacramento - Portable signs are now prohibited (with certain exceptions) on private property. The enforcement process is, however, much more elaborate including warning, notice of violation, notice to remove, final notice, and appeals to City Council, City Attorney, and the courts.

Inside Old Sacramento - The enforcement process for portable signs on private property is currently identical to that outside of Old Sacramento.

Overall, it appears that the current ordinances are adequate to control portable signs. The enforcement tools available are also adequate. The current proliferation of such signs has, most likely, resulted from a general assumption that the city would not, or could not, enforce the provisions of current ordinances. There is no evidence to support the assumption.

#### FISCAL DATA

The enforcement of current ordinances will have no significant fiscal impact on the city.

#### RECOMMENDATION:

It is recommended that the Transportation and Community Development Committee approve this report and recommend that the City Council take the following actions:

1. Direct that the City Engineer designate the Department of Planning and Development as the enforcement agency for purposes of Section 38.62 of the city code.
2. Direct that the Planning and Development Department enforce the current ordinances.

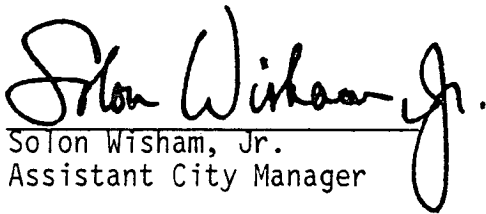
3. Refuse requests to allow portable advertising signs in public rights of way.
4. Defer the action on portable signs in the area bounded by 13th Street, the American River, 33rd Street, and Broadway for 60 days pending submittal by the Midtown Association and evaluation by staff of an alternative program for that area.

Respectfully submitted,



Mac Mailes  
Director  
Planning and Development

Recommendation Approved:



Solon Wisham, Jr.  
Assistant City Manager

Attach/

## SUGGESTIONS FOR REVISED SIDEWALK SIGN ORDINANCE

Conditions regulating sidewalk signs:

### Sizes

A-frame: maximum width 2 feet, maximum height 3 feet.

Table sign: maximum display area 2'x2', maximum overall height 4 feet.

### Number permitted per business

Only one sidewalk sign per business, regardless of number of entrances the business has.

### Placement

On sidewalk near entrance to place of business within 30 inches of building front or within 30 inches of edge of curb.

### Esthetics

Signs to be neatly executed and approved by a three-member committee composed of one representative each from Sacramento Downtown Association, City Planning staff, and Art Directors & Artists Club of Sacramento. Committee is to serve without remuneration and meet on call, but no oftener than 12 times a calendar year.

### Permit fee

A one-time fee of \$10 shall be charged for sidewalk sign permit. Permit to be affixed to sign.