

ORDINANCE NO. 2010-011

Adopted by the Sacramento City Council

May 11, 2010

AMENDING SECTIONS 15.148.815 AND 15.148.1170 OF THE SACRAMENTO CITY CODE, RELATING TO DIGITAL BILLBOARDS ON CITY-OWNED LANDS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1. The City Council finds as follows:

- A. On October 16, 2007, the City Council adopted Ordinance No. 2007-079, which prohibits the construction of new billboards. In support of the prohibition, the City Council found that billboards can cause long-lasting aesthetic harm and produce visual clutter that distracts from the attractiveness of the City. The prohibition has no automatic expiration date and remains in effect until repealed or superseded.
- B. Ordinance No. 2007-079 provides a limited exception to the prohibition, as it retains the City's ability to enter into relocation agreements under which new billboards may be constructed in exchange for the permanent removal of existing billboards. Section 15.148.815 of the Sacramento City Code prescribes when and how the City may enter into a relocation agreement.
- C. Section 15.148.640 of the Sacramento City Code prohibits signs that are animated by means of flashing, scintillating, blinking, or traveling lights or by any other means not providing constant illumination. The City has interpreted this prohibition to cover signs illuminated by light-emitting diodes, or LED's, which could include digital billboards, i.e., billboards that use digital-display technology.
- D. Together, Ordinance No. 2007-079 and Section 15.148.640 of the Sacramento City Code prohibit the construction of digital billboards within the City. The City Council desires to authorize the limited use of relocation agreements for the construction of digital billboards on certain City-owned lands. Limiting the construction of digital billboards to City-owned property will prevent the uncontrolled proliferation of digital billboards throughout the City. Moreover, because the City will own the property on which digital billboards are constructed, the City will be able to control the location, design, and operation of the billboards as well as the content and appearance of the messages displayed. This control, together with the mandatory use of relocation agreements, will enable the City to (1) avoid potential hazards to motorists and pedestrians, (2) ensure that the design of each digital billboard is harmonious with the surrounding area, (3) reduce visual clutter that results from excessive and confusing sign displays, and (4) improve the appearance of the City. At the same time, the City will be able to assess the use of this new technology while generating additional revenue for municipal purposes.

Section 2. Subsection F.6 in Section 15.148.815 of the Sacramento City Code is amended to read as follows:

6. Digital Billboards on City Land. Notwithstanding Section 15.148.640, the city council may approve one or more relocation agreements that authorize the construction of digital billboards on city-owned property adjacent to a freeway, subject to the following additional provisions:
 - a. Notwithstanding Subsection F.3 of this section, the city-owned property may be located in any commercial or industrial zone.
 - b. All digital-display faces must be oriented primarily for viewing from the adjacent freeway.
 - c. Notwithstanding any provision to the contrary in this chapter, the maximum height of a digital billboard, measured from grade to the top of the digital-display face, is 85 feet; and the overall maximum height, measured from grade to the top of the billboard structure, is 90 feet.
 - d. Notwithstanding any provision to the contrary in this chapter, a digital billboard may have either one or two display faces, and the maximum area of a display face is seven hundred (700) square feet.
 - e. Notwithstanding any provision to the contrary in this section, an existing offsite sign that is removed and relocated under a relocation agreement that authorizes the construction of a digital billboard may be either a legal conforming sign or a legal nonconforming sign.
 - f. A digital billboard may display only a series of still images, each of which is displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one second.
 - g. The city must comply with the California Environmental Quality Act before approving a relocation agreement that authorizes a digital billboard.

Section 3. Section 15.148.815 of the Sacramento City Code is amended by adding Subsection F.7, to read as follows:

7. Consistency with Outdoor Advertising Act. In addition to complying with the other requirements set forth in this section, the relocated offsite sign must also comply with the requirements of the Outdoor Advertising Act, chapter 2 in division 3 of the California Business and Professions Code, including but not limited to the

restrictions on size, height, proximity to interstate and primary highways and landscaped freeways, and other regulations set forth in articles 7 and 8 of the act. To the extent any conflict arises between this section and the Outdoor Advertising Act, the Outdoor Advertising Act will prevail.

Section 4. Section 15.148.1170 of the Sacramento City Code is amended by adding the following definition:

“Digital billboard” means a billboard or other off-site sign that uses digital-display technology.

Section 5. Except as specifically amended by Sections 2, 3, and 4 of this ordinance, Sections 15.148.815 and 15.148.1170 of the Sacramento City Code remain unchanged and in full effect.

Adopted by the City of Sacramento City Council on May 11, 2010 by the following vote:

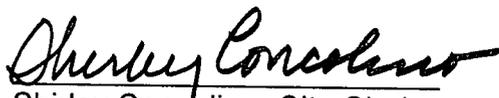
Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

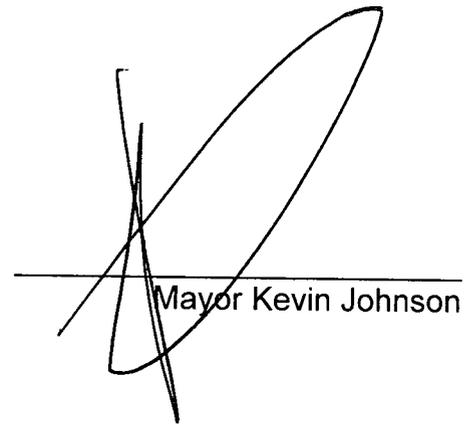
Noes: None.

Abstain: None.

Absent: None.

Attest:


Shirley Concolino, City Clerk


Mayor Kevin Johnson

Passed for Publication: April 16, 2010

Published: April 29, 2010

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