

**ORDINANCE NO. 828**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AMENDING SECTION 17.38.050(B) AND ADDING SECTION 17.38.080(N) OF CHAPTER 17.38 AND SECTION 17.100.020(S) OF CHAPTER 17.100, TITLE 17 OF THE GRASS VALLEY MUNICIPAL CODE REGARDING PORTABLE SIGNAGE REGULATIONS**

WHEREAS, the City of Grass Valley desires to promote the use of signs in the City which are safe, aesthetically pleasing, compatible with their surroundings and legible in the circumstances in which they are seen; and

WHEREAS, the City of Grass Valley recognizes adequate business identification is necessary for the conduct of competitive commerce; and

WHEREAS, the City of Grass Valley desires to reduce sign or advertising distractions and physical hazards which have the potential to distract a driver's attention from the roadway or create impediments to pedestrians and people with mobility challenges; and

WHEREAS, the Planning Commission, after considering public comment, held a duly noticed public hearing and reviewed the draft ordinance amendment at its regular meeting held on April 16, 2024 and voted 5-0 to recommend adoption by the City Council.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GRASS VALLEY:

SECTION 1. CODE AMENDMENT. Section 17.38.050(B) of Chapter 17.38 of Title 17 of the Grass Valley Municipal Code as follows is hereby amended to read as follows (deletions denoted by ~~struck through~~ text and additions denoted by underlined text):

**17.38.050 - Prohibited Signs**

...

B. Examples of Prohibited Signs. Examples of prohibited signs include the following:

1. ~~A board and other p~~Portable sidewalk signs within the public right of way (ROW), except A-Board and Pedestal signage in compliance with Subsection 17.38.080.N.

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23. Signs within the ~~public right-of-way~~ ROW, except for signs installed or maintained by a government agency for traffic safety and directional purposes, in compliance with Subsection 17.38.060.E (signs placed within the public right-of-way), or A-Board and Pedestal signage in compliance with Subsection 17.38.080.N;

SECTION 2. CODE AMENDMENT. Section 17.38.080(N) of Chapter 17.38 of Title 17 of the Grass Valley Municipal Code is hereby added to read as follows (deletions denoted by ~~struck through~~ text and additions denoted by underlined text):

**17.38.080 – Standards for Specific Sign Types.**

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N. Notwithstanding the sign standards set forth in Table 3-11, each retail or restaurant tenant located in a commercial or industrial zone shall be allowed A-Board or Pedestal signage within the public right-of-way (ROW) subject to the following standards:

1. Each retail or restaurant tenant located within a Traditional Community Zone shall be allowed one (1) A-Board sign or one (1) Pedestal sign, but not both.
2. A-Board or Pedestal signs shall be located no further than ten (10) feet from a main customer entrance of the business advertised on the sign.
3. Signs shall be limited to size limitations of six (6) square feet for each side and shall be no taller than four (4) feet in height.
4. Signs shall not be placed so as to obstruct any door or fire escape of any building nor impede an accessible path of travel within the ROW in violation of the Americans with Disability Act (ADA) standards. A minimum 4-foot wide clear path of travel in the ROW shall be maintained.

5. Signs shall be maintained in a good and safe structural condition.
6. Signs shall be removed from the ROW and placed indoors outside business hours.
7. Signs shall be stabilized to withstand wind gusts or shall be removed during windy conditions.
8. No lighting, flags, balloons, or other such features shall be attached to signs.
9. Any violation of this section may result in removal and temporary storage of signage by the City.
10. Any business entity that places signage within City right-of-way or on City property shall be required to maintain liability insurance that meets limits outlined in section 12.48.310 of the Grass Valley City Municipal Code and shall be required to demonstrate such coverage at any time, and without prior notice, at the request of a City official.
11. In addition to the standards above and elsewhere in this code, the following additional standards shall apply to all A-Board and Pedestal signs within the Historical District:
  - a. Signage material shall be wood or chalkboard and shall feature wood framing. The signage and framing may be unfinished or may be painted in colors consistent with a manufacturer's historic color palette.
  - b. Whiteboard and/or plastic signage materials shall not be permitted.

SECTION 3. CODE AMENDMENT. Section 17.100.020(S) of Chapter 17.100 of Title 17 of the Grass Valley Municipal Code as follows is hereby amended to add the following:

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S. Definitions S.

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“Sign.” A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following, which are defined for the purposes of Chapter 17.38 (signs).

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26. “Pedestal Sign.” A temporary and/or moveable sign supported by a column(s) and a base so as to allow the sign to stand upright.

<renumber remaining sign categories>

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SECTION 4. CEQA FINDINGS. This Ordinance is exempt under CEQA Guideline 15301, Categorical Exemption Class I (“Existing Facilities”), because it regulates the ability of existing businesses on commercial property to advertise using portable signs and does not authorize an expansion of use. This Ordinance is also exempt under CEQA Guideline 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment as it is intended to regulate existing land uses rather than to promote new ones.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The City Council of the City of Grass Valley declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect 30 days after its adoption under Article VII, § 2 of the Grass Valley City Charter.

SECTION 7. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published once in *The Union*, a newspaper of general circulation printed, published, and circulated within the City.

INTRODUCED and first read at a regular meeting of the City Council on the 14<sup>th</sup> day of May 2024.

FINAL PASSAGE AND ADOPTION by the City Council was at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

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Jan Arbuckle, Mayor

APPROVED AS TO FORM:

ATTEST:

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Michael G. Colantuono, City Attorney

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Taylor Day, City Clerk