

SECTION 23A – SIGN STANDARDS FOR PUBLIC PROPERTY

Editor’s note: current through Ordinance 2018-1130

23A.1 SCOPE, INTENT AND APPLICABILITY

23A.1.1 Scope¹

The purpose of this Section is to establish standards and regulations regarding private party placement of signs on property owned or controlled by the City (“City Property”), and on all public rights-of-way. Nothing in this Section or Section 23 limits in any way the City’s ability to use City property for expression of its own messages, or the messages of other parties which it may adopt as its own message, such as, by way of illustration only, by co-sponsorship of an event. Nothing in this Section limits in any way the City’s ability to retain or allow installation of signs or billboards within the Belmont Sports Complex.

23A.1.2 Intent as to Public Forum

It is the intent of the City of Belmont that all City property shall not function as a designated public forum, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

23A.1.3 Applicability

This Subsection applies only in traditional public forum areas. In consultation with the City attorney, the director of Community Development shall interpret this phrase for compliance with court decisions.

23A.1.4 Severability

This Subsection is to be severable to the greatest extent provided by law. If any section, sentence, clause, phrase, word, portion or provision of this Section is held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Section which can be given effect without the invalid portion. In adopting this Section, 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.

23A.2 DEFINITIONS

The definitions in Section 23 (“Sign Regulations”) apply to this Section unless the same term is defined herein, in which case the definition in this section shall apply to this section.

Sponsor Banner. A temporary sign made of material similar to heavy canvas or reinforced plastic, which indicates a sponsor.

¹ Amended by Ord. 2015-1090, §1, 9/8/2015; Ord. 2018-1130, §2, 4/24/201

Traditional Public Forum. The surfaces of city streets, city sidewalks, and city parks which are connected to the main pedestrian circulation system of the city, or to the pedestrian area immediately surrounding City Hall.

23A.3 GENERAL REGULATIONS APPLICABLE TO ALL PUBLIC FORUM AREAS

23A.3.1 Mobile Billboards Prohibited

- A. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city. This prohibition does not apply to commercial vehicles on public streets for purely transportation purposes such as moving people, animals or goods from one location to another, or using the streets for routine service calls.
- B. This provision prohibits only the use of the streets for advertising rather than transportation purposes.
- C. This section shall not apply to:
 - 1. Public Transit Graphics on properly licensed buses and taxicabs;
 - 2. Signs Exempt per Section 23.3.1(O).

23A.3.2 Commercial Displays Prohibited

- A. Except as specifically provided herein, commercial displays are prohibited.

23A.4 NONCOMMERCIAL DISPLAYS

In areas qualifying as traditional public forums, private persons may display non-commercial message signs without a permit, subject to the following limitations:

- A. **Personally Held.** The signs must be personally held by one or more persons.
- B. **Permitted Times.** The signs may be displayed only during the time period of 7 a.m. to 7 p.m., except on occasions when the City Council and/or the Planning Commission or other City commissions, boards or committees are holding public hearings or meetings; on such occasions, the display period is extended to thirty minutes after such meeting is officially adjourned.
- C. **Permitted Size.** The maximum size of any one sign held by two or more persons shall not exceed six (6) square feet per person. The maximum aggregate size of all signs held by a single person shall not exceed six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area. Apparel includes any type of personal clothing, but does not include any which are used for the support or mounting of signage.
- D. **Maximum Height.** The maximum height of any hand held sign shall not exceed 10 feet, measured from the sidewalk.

- E. **Sign Type.** The sign may not have more than two display faces and may not be inflatable or air-activated.
- F. **Traffic and Pedestrian Safety.** In order to serve the City’s interests in traffic flow and safety, persons displaying signs under this subsection:
 1. May not stand in any vehicular traffic lane when a roadway is open for use by vehicles; and
 2. Must provide at least four feet wide clearance space for pedestrians.
 3. The sign may not be located in the visibility triangle as defined herein.
 4. Signs and persons holding the sign(s) may not block the free and clear vision of drivers, bicyclists and pedestrians.
- G. **No Permit Required.** No permit is required for display of signs authorized by this subsection, as long as the foregoing rules are followed.
- H. **Message Substitution.** The message substitution policy of the Sign Ordinance (Subsection 23.6.7) applies to signs in traditional public forum areas, subject to the rules stated in this subsection.

23A.5 COMMERCIAL DISPLAYS

23A.5.1 On Vehicles on Public Streets.

Signs on vehicles may be displayed, provided that:

- A. The message pertains to the establishment of which the vehicle or vessel is an instrument or tool, and
- B. The message does not utilize changeable copy or special illumination; and
- C. The message is not general advertising for hire.

23A.6 BANNER REGULATIONS²

23A.6.1 Scope

Section 23A.6 regulates the hanging of banners by parties other than the City of Belmont in the public right of way and on property owned by the City of Belmont. Nothing in Section 23A.6 governs or limits the City’s use of banners, or other communicative media, in the City’s rights of way or on City property.

23A.6.2 Intent as to Forum.

Section 23A.6 does not create a forum for expression on topics of public interest, or a forum for off-site advertising for business establishments; rather, it allows certain

² Amended by Ord. 2018-1130, §2, 4/24/2018

qualifying parties to display Banners within specific locations, times, and guidelines that advance the City's banner program.

23A.6.3 **General Regulations Applicable to Banners on Public Property**

(a) **Definitions.** The following definitions are applicable to Section 23A.6.

“Community banner” means a street banner that either:

announces a community organization event or series of events where the event proceeds, if any, will directly benefit a community organization, or

recognizes an anniversary or other noteworthy milestone of a community organization.

“Community organization” means a nonprofit organization located in the city or serving city residents, and schools located in the City.

“Event” means an activity at a venue within the city that is open for attendance by the general public without restriction based on the person's status or membership in the event-sponsoring group.

“Nonprofit organization” means an entity that is tax exempt under Internal Revenue Code Section 501(c)(3) or 501(c)(6), or registered with the California Secretary of State as an unincorporated nonprofit association.

“School” means an educational institution providing full-time academic instruction at one or more levels from pre-kindergarten through university, whether private or public.

“Sponsor banner” means a banner that identifies a sports sponsor and the league or team sponsored.

“Sports sponsor” means a business entity that is sponsoring an official Belmont sports league, is open to all ages, is not a pawn shop, check cashing establishment or gambling establishment, and does not sell primarily alcohol, marijuana or tobacco.

“Street banner” means a banner which is suspended or otherwise displayed over any city street right of way. “Street banner” does not mean city signs, official warning devices, public service facilities, street lights and the like. “Street banners” consist of pole banners and overhead banners.

(b) **Regulation of Banners.** Banners are prohibited on city property unless expressly allowed by this Section. It is unlawful for a person to cause a banner to be placed or maintained in the city's street right-of-way or on city property except in accordance with a valid permit issued in compliance with this section.

(c) **Permits.**

(1) A banner permit may only be issued for a community banner or a sponsor banner.

(2) A separate permit is required for each banner type, design or location, subject to the following:

- (A) Authorization for community pole banners of identical design in one city block or in a number of contiguous city blocks by the same permittee may be consolidated in one permit.
 - (B) The fee schedule for each permit may be based on the number of locations and mountings for which authorization is requested.
- (3) A permit may not authorize the use of a banner -
- (A) for other than a community organization or sports team sponsor,
 - (B) at a location other than the allowed by this Section,
 - (C) which contains content other than that specified in Section 23A.6, or
 - (D) that does not comply with the size, material, and content regulations for the particular type of banner.
- (d) **Permit Applications.** Application for a banner permit must be on a form prescribed by the city manager and contain information sufficient to allow the city manager to determine whether the application meets the eligibility criteria. A banner application must include the following:
- (1) Content. The application must include a clear replica for each proposed banner, including any text that will appear on the banner, for each proposed installation.
 - (2) Hold Harmless. The applicant must agree to hold harmless the city, its officers and employees, from any liability resulting from any form of advertising injury arising out of the applicant's use of the banner, and from any liability resulting from any bodily injury or property damage arising out of the failure of banner material. The agreement to hold the city harmless may be contained in the permit application.
 - (3) Insurance. Street banner applications must include evidence of insurance acceptable to the city's risk manager.
 - (4) Fees. The application must include all fees and deposits required by the city.
- (e) **Permit issuance, denial and revocation.**
- (1) The city manager shall review a complete banner permit application and shall issue, in whole or in part, a permit authorizing the installation of the requested banner(s) when he or she finds:
 - (A) the application meets the eligibility criteria in subsection (c);
 - (B) the proposed banner(s) comply with technical design standards, including size and material standards for the requested location and type of banner;
 - (C) the banner(s) will not damage public property, unreasonably interfere with the public right-of-way or city property, or endanger public health or safety;
 - (D) the city has not previously reserved the location for its own use;

- (E) issuance of the permit is consistent with the duration and order of precedence rules for applications; and,
 - (F) the requested location is equipped with properly functioning mounting hardware.
- (2) If the city manager determines that the application does not meet the conditions in subsection (1), then he or she will notify the applicant of the reason or reasons for noncompliance within 15 calendar days of the determination, and, if possible, itemize changes needed to bring the application into compliance. If a banner application is ultimately denied, then the city shall so notify the applicant in writing.
- (3) Once issued, a banner permit may be wholly or partial revoked by the city manager for one or more of the following grounds:
- (A) the maintenance of a banner endangers public health, safety or property;
 - (B) the banner has substantially deteriorated;
 - (C) the applicant's failure or refusal to comply with any provision of this Section;
 - (D) the applicant made a material misrepresentation in the application; or
 - (E) the permit was issued in error.
- (4) An applicant may appeal the City Manger's determinations regarding a permit or application to the City Council.
- (f) **Order of precedence.** Overlapping location or time period conflicts between applications that are otherwise eligible for permit issuance shall be resolved as follows:
- (1) New applications take precedence over extension applications;
 - (2) An issued extension permit takes precedence over a new permit application;
 - (3) An application received 180 or more days before the requested start date takes precedence over an application received less than 180 days before the requested start date;
 - (4) When two or more applications for the same location are received 180 or more days before their respective requested start dates, one application shall be randomly selected for issuance;
 - (5) If a pole banner permit holder does not use all available banner hanging locations within a block, a second permit may be issued for the remaining locations and time periods.
- (g) **Installation and removal.**
- (1) Banners may be installed and removed only by the city unless otherwise approved by the city manager.

- (2) The costs of installation and removal are the responsibility of the applicant. The city manager may charge applicants a fee sufficient to reimburse the city for the actual cost of installing and removing banners.
- (3) The city manager may require removal or replacement of any banner that is tattered or frayed.
- (h) **Materials.** Banners must comply with the material standards specified by the city manager.

23A.6.4 **Street Banners**

- (a) **Purpose.** Street banners promote local activities and events of local community organizations by allowing these groups to announce their local events and activities.
- (b) **Types.** There are two types of street banners:
 - (1) “Pole banner” means a banner suspended from a bracket mounted to a city-owned pole or other city structure in the street right of way.
 - (2) “Overhead banner” means a banner suspended on a cable between two points spanning the street right of way.
- (c) **Content.** The text of street banners is limited to:
 - (1) The name of the event;
 - (2) The name of the community organization holding the event;
 - (3) The date(s) and time(s) of the event;
 - (4) The location of the event; and
 - (5) If desired by the applicant, either a telephone number or web address for persons to obtain additional information concerning the event.
- (d) **Overhead Street Banners.**
 - (1) *Limitations on use.* Use of overhead street banners is limited to community banners.
 - (2) *Locations.* Locations for overhead banners are limited to:
 - (A) Ralston and Sixth, over Ralston.
 - (B) Ralston and Granada, over Ralston.
 - (3) *Time Limits.* Overhead Banners may be displayed for up to two (2) consecutive weeks on one pole, with one (1) week maximum, if other reservations are pending. No party may display a banner more than three (3) times in any fiscal year.
 - (4) *Size.* Overhead banners must conform to the size standards established by the city manager or designee.

(e) **Pole Banners**

- (1) *Limitations on use.* Use of pole banners is limited to community banners.
- (2) *Locations.* Locations for poles banners are limited to those identified by the City manager as suitable and appropriate for pole banners and equipped with approved mounting brackets.
- (3) *Time Limits.* Pole Banners may be displayed for a maximum of four (4) weeks, based on availability of the pole(s), unless the City approves a longer period of time. No party may display a banner more than three (3) times in any calendar year.
- (4) *Size.* Pole banners must conform to the size standards established by the city manager or designee

23A.6.5 **Sports Complex Sponsor Banners**

- (a) *Purpose.* Sponsor banners encourage the sponsorship of Belmont sports leagues and teams by recognizing those organizations that make charitable donations to Belmont sports.
- (b) *Locations.* Sponsor banners are limited to the fences of the Belmont Sports Complex athletic fields. The city manager shall determine the specific locations on the fences where banners are allowed.
- (c) *Size.* Sponsor banners may not exceed 18 square feet in area per banner.
- (d) *Time Limits.* Sponsor banners may be displayed beginning four weeks before the official opening game of the sponsored league season, and ending one week after the last official game (including any playoffs or tournaments) associated with the sponsored league season.
- (e) *Content.* Sponsor banners may contain the sponsoring organization's name, location, type of business or organization and contact information, the name of the team or league sponsored, and community service history information. Sponsor banners may not contain sales or product promotional messages.