

CITY OF MORGAN HILL

COUNCIL POLICIES AND PROCEDURES

CP-15-02

SUBJECT: COMMUNITY SIGNS ON CITY PROPERTY POLICY

EFFECTIVE DATE _____, 2016

ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT/COMMUNITY SERVICES

BACKGROUND

Signs are regulated by Title 18, Chapter 76 of Morgan Hill Municipal Code. Under Section 18.76.030, no sign shall be constructed, maintained, displayed, or altered within the City except pursuant to a sign permit issued by the Community Development Director or his or her representative. Among the signs for which a permit must be obtained are "Community Signs." Community Signs are defined as signs "designed and installed by the City, or by a community group with the approval of the City, to identify the City, its neighborhoods, business districts and community facilities."

PURPOSE

The purpose of this Policy is to establish provisions for Community Signs that are displayed to identify the City, its neighborhoods, business districts, and community facilities.

The materials, size, design, and location of Community Signs are regulated by this Policy to prevent visual clutter, traffic safety hazards, and to preserve the rural character and residential quality of the City.

It is not the intent of the City to create a traditional or designated public forum in the City locations designated in this Policy. The Community Signs regulated by this Policy are, and remain, a form of government speech. As such, Community Signs may not be displayed for the purpose of commercial advertising.

POLICY

Application

If a person or organization desires to assist the City in communicating a City message on a Community Sign that is consistent with this Policy, the applicant must submit a Sign Permit application to the Community Development Department. This process includes providing the City with 1) plans, drawings, and other descriptive materials sufficient to depict the sign proposal and 2) an installation plan. No fee is required for processing the Sign Permit application.

Sign Permit applications must be received not less than thirty (30) days before the desired date for erection of the Sign(s) and must contain the appropriate insurance naming the City as an additional insured.

Applicants will also be required to sign a written statement that the applicant or the organization

he or she represents agrees to indemnify, defend, and hold harmless the City from and against any and all claims, losses, or damages caused by or related to the installation, display, or removal of the Community Signs.

Process

Once the Sign Permit application is received, it will be reviewed by the Community Development Director or designee who shall determine if the application complies with the standards specified in this Policy. The Community Development Director or designee shall approve the Sign Permit if the application conforms with the standards contained in this Policy. The Community Development Director or designee shall deny the Sign Permit if the application does not conform to the standards of this Policy and shall give the applicant written notice of and the reasons for the denial.

The denials of a Sign Permit may be appealed to City Council utilizing procedures in Chapter 1.20 of the Morgan Hill Municipal Code.

Following approval of the Sign Permit, the Public Works Department will issue an encroachment permit, allowing the applicant to install the Sign(s) in the City's right of way.

Sign Permit applications are reviewed and processed on a first come, first served basis. If a time conflict occurs between an approved Sign Permit and a pending Sign Permit, the approved Sign Permit will take precedence. Applicants are encouraged to submit their Sign Permit applications well in advance of the time for which they would like the Sign(s) to be erected to prevent a potential conflict.

Eligible Locations

Community Signs are only permitted to be erected at the following locations:

1. Downtown Streetlight Poles
 - a. Monterey Road between East Dunne Avenue and Main Street
 - b. Third Street between Monterey Road and Depot Street

Community Signs installed on Downtown Streetlight Poles must be installed utilizing available existing mounting brackets.

Sign Specifications

1. Community Signs on streetlight poles shall not exceed four and one half (4.5) square feet in size maximum per side per sign.
2. Community Signs shall consist of high-quality, durable canvas, cloth, nylon, vinyl, or similar material.

Ownership, Installation, and Maintenance

Installation, repair and maintenance shall be provided by the applicant. Community Signs are, and will remain, the property of the applicant.

Duration and Removal

Community Signs may be posted for a maximum duration of ninety (90) days at a time and must be removed after that time.

The City retains discretion to remove any Community Signs that, in the determination of the City, do not meet the provisions of this Policy, are not consistent with an approved Sign Permit, or create a public safety emergency.

Unless a public safety emergency exists, the City will provide notice to the sign owner prior to removal for failure to comply with this Policy and will store removed Community Signs, if they are in reasonably good condition, for thirty (30) days to allow an applicant an opportunity to retrieve them. After thirty (30) days, the City may dispose of Community Signs that are not retrieved.

Commercial Advertising Prohibited

Commercial advertising of or for a business, service or product is not allowed under this Policy.

This Policy shall remain in effect until modified by the City Council.

APPROVED:

STEVE TATE, MAYOR