



City of Camarillo

601 Carmen Drive • P.O. Box 248 • Camarillo, CA 93011-0248

Office of the City Manager
(805) 388-5307
FAX (805) 388-5318

RECEIVED

JUN - 7 2018

Ventura County
Grand Jury

May 25, 2018

Andrew Ludlum
2017-2018 Ventura County Grand Jury Foreperson
County of Ventura
800 South Victoria Avenue
Ventura, CA 93009

Re: Campaign Signs

Dear Foreperson Ludlum:

Attached you will find the Camarillo City Council's written response signed by Mayor Charlotte Craven, as requested by the Grand Jury, to the Findings and Recommendations in the subject report.

If additional information is needed, please feel free to contact me at (805) 388-5307.

Sincerely,

David J. Norman
City Manager

cc: City Clerk
Director of Community Development

Response to Grand Jury Report Form

Report Title: Campaign Signs

Report Date: April 5, 2018

Response by: Charlotte Craven & Camarillo City Council

Title: Mayor & Council Members

FINDINGS / CONCLUSIONS

FA-05 The City of Camarillo provides political candidates with written policies related to sign placement. There are distinct policies for three defined zones within city limits: residential, commercial, and industrial/agricultural. The policies are nonspecific regarding timeframe for sign removal. County policies are also supplied in the candidate manual. The Code Enforcement Division Phone number is provided with the policies.

Response to FA-05:

The City Council generally agrees with the statements in Fact FA-05 as clarified in this response. In 2016, following the decision of the United States Supreme Court in the case of Reed v. Town of Gilbert (2015) 135 S. CT. 2218, which held that absent a compelling reason, a city may not provide preferential treatment in providing opportunities for posting noncommercial messages on signs based on the sign's content, the City repealed its content-based "campaign sign" regulations in Camarillo Municipal Code (CMC) Chapter 17.04 and adopted new regulations pertaining to what the CMC now refers to as "temporary freestanding noncommercial signs" (i.e., yard signs). (See definition in CMC § 17.04.020.) As set forth in CMC Section 17.04.090.J, the City now provides additional opportunities for posting temporary freestanding noncommercial signs (which may contain any type of noncommercial message and as such do not favor "campaign" related content) without any permit or other City approval during what is referred to as an "election period," which is defined as "the period commencing 90 days before any national, state, or local election in which city electors may vote up through the date of the election." (See definition in CMC § 17.04.020.) Consistent with its prior regulations and controlling legal precedent, which allows the City to regulate the time, place and manner of signs, the City's updated regulations maintain the City's historic practice of regulating the size of such temporary noncommercial signs based on the applicable zoning district where located for aesthetic and traffic safety reasons. In other words, smaller signs are allowed in residential zones (maximum of six square feet in area per sign face and a maximum of 4 feet in height if ground mounted) and larger signs are allowed in non-residential zones (maximum of 32 square feet in area per sign face and a maximum height of 10 feet). The additional temporary freestanding noncommercial signs permitted during an election period must be removed "within seven days following the end of the election period." (CMC § 17.04.090.J.2.(f).)

As noted in Fact FA-05, the City has prepared a summary of its temporary noncommercial sign regulations for use by candidates in a handout entitled “Sign Regulations During Election Periods and Other Times” (Sign Regulation Handout). The Grand Jury Report incorrectly refers to the content of this handout as “policies.” As noted above, the City’s sign regulations, including those addressing temporary noncommercial signs, are adopted by ordinance and codified in the Camarillo Municipal Code. Although the CMC is readily available on the City’s website, the City has provided the Sign Regulation Handout to candidates for many years for ease of reference. With respect to the time frame to remove temporary freestanding noncommercial signs following an election, the City’s current version of the Sign Regulation Handout does specify the seven day removal period for such signs after the conclusion of an election period. The City has not had any significant issues with temporary noncommercial signs remaining past the removal period, and if a candidate failed to remove his or her signs in a timely fashion, as with all code enforcement matters, the City would initiate a courtesy notice procedure to the property owner requesting the removal of any non-compliant signs.

C-04 The Grand Jury concluded the City of Camarillo’s sign-placement policy is unnecessarily complicated because it requires candidates to know city zoning maps in order to comply with sign placement regulations.

Response to C-04:

The City Council strongly disagrees with Conclusion C-04. As noted above, the City has important interests (supported by legal precedent) in terms of aesthetics and traffic safety that justify regulating the size of temporary noncommercial signs based on the applicable zoning district (e.g., smaller signs in residential zones and larger signs in non-residential zones). Moreover, the City Council does not believe it is difficult for an individual, particularly one that is seeking elected office, to be able to distinguish between the City’s residential zones and its non-residential zones based on whether one sees a home or a commercial or industrial use on the parcel. Nevertheless, to better reflect this distinction, the City has revised its Sign Regulation Handout to combine the Commercial, Industrial and Agricultural zone regulations into one table, since the regulations during an election period are identical in each non-residential zone. As such, the handout now better reflects the existing temporary sign regulations that fall into either a residential or non-residential use category. To the extent a candidate or organization is confused about the regulations, contact information for City Code Enforcement personnel is provided, who can assist in explaining the regulations.


RECOMMENDATIONS

R-01 The Grand Jury recommends that the ... cities of...Camarillo... rewrite their campaign sign-placement regulations to provide more definitive direction to candidates.

Response to R-01:

The City Council strongly disagrees with Recommendation R-01. As noted above, following the Supreme Court’s decision in the Town of Gilbert case, it is constitutionally impermissible for local agencies to regulate noncommercial signs based on their message and provide specific additional signage opportunities based the message posted (e.g., “Vote for Smith” vs. “We Welcome Refugees”). The City Council finds nothing in the Grand Jury Report that would compel or otherwise require the City to amend its temporary noncommercial sign regulations let alone engage in a “rewrite” of such regulations. Utilizing the City’s Municipal Code or its Sign Regulation Handout, a candidate for office or an election committee can readily comprehend the number of temporary freestanding noncommercial signs permitted on a parcel during an election period and maximum permitted size and height of such signs. No permit or approval is required to post such signs and no special content is required on the signs either (e.g., name and address of candidate or election committee). As noted above, some minor changes to the City’s Sign Regulation Handout have already been made to enhance its usage, and if there are any questions, contact information for City staff is provided.

Date: May 24, 2018

Signed: 
Charlotte Craven, Mayor
City of Camarillo

Number of pages attached: 3 (Camarillo Sign Regulation Handout and Text of CMC Section 17.04.090.J.)

CITY OF CAMARILLO

SIGN REGULATIONS DURING ELECTION PERIODS AND OTHER TIMES

This handout summarizes the City of Camarillo's Sign Code¹ provisions regarding "noncommercial signs"² that may be posted with campaign or political messages. Some noncommercial signs are permitted at any time, and other sign opportunities are only provided during an "election period," which is defined as "the period commencing 90 days before any national, state, or local election in which city electors may vote up through the date of the election."³

Temporary Noncommercial Sign Opportunities on a Parcel during an Election Period

<u>Residential Zones</u>	<u>Non-Residential Zones</u>
8 temporary freestanding noncommercial signs <ul style="list-style-type: none"> • 6 sq. ft. area/face • 4 feet max. height above ground • 3 feet max. height atop a rear yard wall • Non-illuminated • Must be removed 7 days after the election 	8 temporary freestanding noncommercial signs <ul style="list-style-type: none"> • 32 sq. ft. area/face • No more than 4 feet high at the bottom of the sign • 10 feet maximum height • Non-illuminated • Must be removed 7 days after the election

The Sign Code also provides the following noncommercial sign opportunities at all times.

Temporary Noncommercial Sign Opportunities on a Parcel at All Times

<u>Residential Zones</u>	<u>Commercial Zones</u>	<u>Industrial & Agriculture Zones</u>
2 temporary freestanding noncommercial signs (which may be for campaign messages) <ul style="list-style-type: none"> • 6 sq. ft. area • 4 feet height • Non-illuminated 	N/A	N/A
1 temporary window sign (which may be a noncommercial/campaign sign) is permitted on each building frontage <ul style="list-style-type: none"> • 6 sq. ft. in area or 25% of the window area of any single window, whichever is greater 	No more than 25% of the window area may be utilized for window signs, which may include noncommercial/campaign signs	1 temporary window sign (which may be a noncommercial/campaign sign) is permitted on each building frontage <ul style="list-style-type: none"> • 6 sq. ft. in area or 25% of the window area of any single window, whichever is greater

In addition to the above opportunities, and subject to the consent of the property owner, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under the City's Sign Code. No special or additional approval is required to substitute a noncommercial message for any other message on a permitted sign, provided the sign structure is already approved or exempt from the City's sign permit

¹ Camarillo Municipal Code (CMC) Chapter 17.04.

² CMC §17.04.020 (Definitions) defines a "noncommercial sign" as "a sign that does not name, advertise or call attention of a commercial or industrial business, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose." This definition include signs with political or campaign messages.

³ CMC §17.04.020.

requirement and no structural or electrical change is made. (CMC §17.04.040.D.)

General Time, Place and Manner Sign Code Regulations Affecting Noncommercial Signs

Please note that:

- No sign may be placed or erected on private property without the full knowledge and consent of the lawful occupant or, if there is no lawful occupant, without the full knowledge and consent of the property owner. (CMC §17.04.040.B.)
- No sign may be placed in a manner that impedes, obstructs, denies or impairs the sight distance for safe pedestrian or vehicular traffic. If a residential property abuts a non-residential road, please make sure the sign is located on the private property and, if possible, set back at least 10 feet from the public road. (CMC §17.04.070.A.3; §17.04.130.M.)
- Signs may not be placed on any public property or in the public right-of-way, which includes, but is not limited to, any street, sidewalk, walkway, parkway, floodway, wall, or other city-owned structure. Signs also may not be posted in such a manner as to hang over or into a sidewalk or walkway area. (CMC §17.04.070.A.1.)
- Signs may not be attached to any other sign including any traffic sign or be posted in any way that would create a hazard for pedestrian or vehicular traffic. (CMC §17.04.130.M.)

Any sign not in compliance with the regulations above or other applicable provisions of the Camarillo Municipal Code may be removed by the City. Nothing prohibits the removal of any sign that is determined by the Public Works Director or Director of Community Development, or their designees, to be an immediate danger to persons or property. Additionally, any sign may be removed with the property owner's authorization. (CMC §17.04.140.) If a sign is removed by the City, it will be stored in the Community Development Department at City Hall. It is the candidate's responsibility to reclaim the sign.

If you have any questions, including where temporary noncommercial signs may be placed, you can contact Elena in the Code Enforcement Division at (805) 383-5660.

17.04.090 - Signs permitted in all zones.

The following signs are permitted in all zones subject to the applicable regulations:

....

J. Temporary Freestanding Noncommercial Signs.

1. General Regulations.

(a) Number. In residential zones only, each parcel is permitted two temporary freestanding noncommercial signs at all times. Such signs are in addition to all other signage allowed in this chapter.

(b) Area. A temporary freestanding noncommercial sign may not exceed six square feet in area.

(c) Height. A temporary freestanding noncommercial sign may not exceed four feet in height.

(d) Location. Temporary freestanding noncommercial signs may be placed in the front yard, rear or side yard of any property; provided, that the signs do not encroach into any public right-of-way.

(e) Lighting. Temporary freestanding noncommercial signs may not be illuminated.

2. Election Period Regulations. During any election period, the following additional opportunities for temporary noncommercial signs are permitted, subject to the following regulations:

(a) Number. Each parcel in all zones is permitted eight temporary freestanding noncommercial signs. Such signs are in addition to all other signage allowed in this chapter.

(b) Area. In agricultural, commercial, and industrial zones, no temporary freestanding noncommercial sign may exceed 32 square feet in area per face. The sign may be double-faced if it is placed perpendicular to the right-of-way. In residential areas, no temporary freestanding noncommercial sign may exceed six square feet in total area per face and may be double-faced.

(c) Height. In residential zones, a temporary freestanding noncommercial sign may not exceed four feet in height from the adjacent ground level in front or side-yard areas or three feet in height from the top of any rear-yard wall or fence if posted on top of a rear-yard wall or fence. In agricultural, commercial, and industrial zones, the bottom of the sign may not exceed four feet in height, and the top of the sign may not exceed 10 feet in height.

(d) Location. Temporary freestanding noncommercial signs may be placed in the front, rear or side yard of any property; provided, that the signs do not encroach into any public right-of-way.

(e) Lighting. Temporary freestanding noncommercial signs may not be illuminated.

(f) Removal. All of the additional temporary freestanding noncommercial signs permitted during an election period must be removed within seven days following the end of the election period.