



Northern  
California

April 30, 2026

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**VIA EMAIL ONLY**

RE: Litigation to Invalidate the Sign Ordinance of Contra Costa County

Dear City Clerk and Members of the Board of Supervisors:

We write on behalf of the American Civil Liberties Union of Northern California (“ACLU”) to raise serious concerns about the Sign Ordinance of Contra Costa County, codified at Chapter 88-6 of the Contra Costa County Code (the “Ordinance”), as most recently amended by Ordinance No. 2022-03 and attached here for reference. The Ordinance improperly restricts residents’ ability to display signs on private property within the County’s unincorporated areas. Its broad and vague provisions impermissibly infringe on free speech and due process rights protected under both federal and state law.

In addition to its facial deficiencies, the County has enforced unconstitutional provisions of the Ordinance against Davi Luks, an El Sobrante resident and ACLU client. As a result, Mr. Luks was assessed an administrative penalty of \$4,300 and subjected to a lien on his property. The County’s actions to suppress Mr. Luks’s expression on his own property violate the First Amendment to the United States Constitution and Article I, Section 2(a) of the California Constitution.

In light of the law and facts presented here, we ask that you agendaize discussion of the Ordinance at the upcoming May 12, 2026 Board of Supervisors meeting and vote to repeal or substantially amend it to comply with federal and state law. We further request that the County refund the full \$4,300 administrative penalty to Mr. Luks, remove the lien recorded against Mr. Luks’s property, and cease enforcing the Ordinance against political or noncommercial signs. If these actions are not taken, we are prepared to file suit against the County no later than May 15, 2026. In order to avoid unnecessary litigation and facilitate resolution of these issues, if you need additional time to consider this matter, we would be willing to defer filing suit if the County agrees in writing to toll and waive assertion of any applicable statutes of limitations, as

discussed below. We are open to discussing how the Ordinance could be modified to comply with applicable law.

### **Signs, Especially When Located on Private Property, Constitute Protected Speech**

The Ordinance “regulate[s] the construction, placement, display, and maintenance of signs in the unincorporated area of the County,” including signs placed on one’s private property. It broadly defines “sign” as “any structure, display, device, or graphic on or attached to any land, building, or structure, that communicates or intends to communicate any message, or that advertises or promotes any business, product, activity, person, or interest.” Taken as a whole, the Ordinance creates a comprehensive scheme that absolutely forbids nearly all conceivable forms of expression through the use of signs, including on private property; establishes a prior restraint on speech through an expensive and time-consuming permit requirement; and, through a series of exemptions, makes clear that it favors commercial speech over personal or political expression.

The Ordinance implicates the First Amendment because “signs are a form of expression protected by the Free Speech Clause.” *City of Ladue v. Gilleo*, 512 U.S. 43, 48 (1994); *see also Baldwin v. Redwood City*, 540 F.2d 1360, 1366 (9th Cir. 1976) (“Communication by signs and posters is virtually pure speech” implicating “[s]ignificant First Amendment interests.”). It suffers from serious constitutional problems, especially as applied to political speech, which is “subject to the highest degree of First Amendment protection.” *Wolfson v. Concannon*, 750 F.3d 1145, 1152 (9th Cir. 2014).

While local governments retain some authority to regulate the display of signs on public property in a content-neutral way, their power to restrict speech on private property is far more limited. As the Supreme Court emphasized in *City of Ladue*, 512 U.S. at 58 (citations omitted) (emphasis in original):

A special respect for individual liberty in the home has long been part of our culture and our law; that principle has special resonance when the government seeks to constrain a person’s ability to *speak* there. Most Americans would be understandably dismayed, given that tradition, to learn that it was illegal to display from their windows an 8-by-11-inch sign expressing their political views. Whereas the government’s need to mediate among various competing uses, including expressive ones, for public streets and facilities is constant and unavoidable, its need to regulate temperate speech from the home is surely much less pressing.

In addition, the Ordinance, without justification, categorically forbids the erection of “freestanding” signs “within 1,000 feet of a school, playground, or park.” This provision is blatantly unconstitutional because courts have long recognized that free speech rights extend to school grounds. Even on or near school grounds, “quiet and peaceful” speech that “effectively publicize[s] ...grievances to pedestrians, school visitors, and deliverymen, as well as to teachers, administrators, and students” is considered protected. *Grayned v. City of Rockford*, 408 U.S. 104,

119 (1972), citing *Tinker v. Des Moines School District*, 393 U.S. 503, 513 (1969).

Enforcement of the Ordinance against Mr. Luks has directly impacted his right to engage in political speech. He was cited and fined for displaying freestanding signs within 1,000 feet of a school, playground, or park and having more than one flagpole and more than three flags without a permit on his property. On its face or as applied to Mr. Luks, the Ordinance violates the First Amendment to the U.S. Constitution and Article I, Section 2(a) of the California Constitution by unduly restricting the ability of property owners to use their own space to express political views.

### **The Ordinance is Content-Based and Thus Subject to Strict Scrutiny**

While a provision of the Ordinance proclaims that it is intended to be “content-neutral,” such a declaration of intent is not determinative if the Ordinance applies different rules to different content. The Ordinance plainly does that, because it expressly exempts certain kinds of messages while subjecting other speech to far more onerous restrictions.

The Ordinance closely parallels the provisions held defective by the Supreme Court in *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 165 (2015). In *Reed*, the Court found that an ordinance was content-based, and therefore subject to strict scrutiny, because it regulated signs with one type of message (temporary signs directing traffic to certain events) differently from those with political or ideological messages, even though the ordinance there did not purport to favor or disadvantage any particular candidate or ideology. Content-based regulations, or laws that target and limit signs depending on topic, idea, or message, are “presumptively unconstitutional.” *R.A.V. v. St. Paul*, 505 U.S. 377, 395 (1992). Under strict scrutiny, such regulations “may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Reed*, 576 U.S. at 163. In such instances, a plaintiff need not prove that the ordinance was enacted for an improper purpose. *Id.* at 165-66.

Here, too, the Ordinance’s restrictions that apply to a sign “depend entirely on the communicative content of the sign.” *Id.* at 165. Certain signs, such as on-site commercial signage for grower stands, farm stands, or farm markets, and temporary signs associated with property sales, are treated more favorably than those conveying political or ideological messages, including Mr. Luks’s signs. This preferential scheme also runs afoul of the longstanding First Amendment principle that noncommercial speech is entitled to greater protection than commercial speech. *Ohralik v. Ohio State Bar Assn.*, 436 U.S. 447, 456 (1978). As the plurality explained in *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 513 (1981), the government “may not conclude that the communication of commercial information concerning goods and services connected with a particular site is of greater value than the communication of noncommercial messages.” The Ordinance actually inverts this principle by affording greater protection to commercial speech than to non-commercial speech.

## **The Ordinance is Overbroad**

The Ordinance is also overbroad. “[T]he overbreadth doctrine permits the facial invalidation of laws that inhibit the exercise of First Amendment rights if the impermissible applications of the law are substantial when judged in relation to the statute’s plainly legitimate sweep.” *City of Chicago v. Morales*, 527 U.S. 41, 52 (1999). This “expansive remedy” is provided “out of concern that the threat of enforcement of an overbroad law may deter or ‘chill’ constitutionally protected speech.” *Virginia v. Hicks*, 539 U.S. 113, 119 (2003). “Many persons, rather than undertake the considerable burden (and sometimes risk) of vindicating their rights through case-by-case litigation, will choose simply to abstain from protected speech, [Citation] harming not only themselves but society as a whole, which is deprived of an uninhibited marketplace of ideas.” *Id.* “Overbreadth adjudication, by suspending *all* enforcement of an overinclusive law, reduces these social costs caused by the withholding of protected speech.” *Id.* (emphasis in original).

The Ordinance restricts private property to one temporary sign for up to 60 days and one flagpole without a permit but prohibits permits for any freestanding sign within 1,000 feet of a school, playground, or park and a laundry list of other types of signs, including those that are portable, attached to a fence, and constructed of cloth (except for flags). Under a reasonable interpretation, a person could not have a “Beware of Dog” or “No Trespassing” sign on their private property for longer than 60 days. Political campaign yard signs, which are commonly both freestanding and portable, are completely prohibited. A “Welcome Home” banner would similarly be prohibited. On its face, the Ordinance creates a “prohibition of alarming breadth.” *United States v. Stevens*, 559 U.S. 460, 474–75 (2010). It is unlikely that the County will be able to justify “criminaliz[ing]” this “substantial amount of protected activity.” *United States v. Williams*, 553 U.S. 285, 297 (2008).

The Ordinance’s overbreadth is particularly injurious to Mr. Luks who, having been forced to pay a \$4,300 fine while living on a modest fixed income, is deterred by the threat of future enforcement from exercising his free speech rights.

## **The Ordinance’s Permit and Fee Requirements Impermissibly Burden Protected Speech**

For the vast majority of signs not expressly exempt, the Ordinance requires a permit application and a minimum deposit of \$750.00 for “sign review.” These requirements are unconstitutional.

At worst, these requirements are prior restraints, which are “the most serious and least tolerable infringements on First Amendment rights.” *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 559 (1976); *see also id.* (“Any system of prior restraints on expression...bear[s] a heavy presumption against its constitutionality.”). Although permitting criteria may allow for some degree of reasonable discretion, the Ordinance authorizes the zoning administrator to deny a permit if there is an “illegal sign” elsewhere on the property, heightening the vagueness concerns noted below. And at least two Ninth Circuit decisions have invalidated fee mechanisms for sign permit applications. In *Baldwin v. Redwood City*, 540 F.2d 1360, 1371 (9th Cir. 1976), the court

invalidated a sign inspection cost as an “unconstitutional tax upon the exercise of First Amendment rights.” The court emphasized that “[t]he absence of apportionment suggests that the fee is not in fact reimbursement for the cost of inspection.” *Id.* It explained that “[a] \$1.00 fee for checking the size of a single poster might be reasonable” but “a \$500 fee for inspecting 500 identical political posters would be essentially arbitrary, bearing no relationship to the cost.” *Id.* The court also invalidated a \$5.00 removal deposit, finding that the deposit “has no reasonable relationship to the cost of removing a single 50 cent political poster placed by a property owner in his front yard, and the charge is so disproportionately burdensome as to inhibit such an expression of political opinion.” *Id.* at 1372. The next year, the court in *Verrilli v. City of Concord*, 548 F.2d 262, 264 (9th Cir. 1977) relied on *Baldwin* to invalidate a \$100 cash bond for sign removal.

Taken as a whole, the permit and fee requirements also conflict with *Watchtower Bible and Tract Society of New York v. Village of Stratton*, 536 U.S. 150 (2002). In that case, the Supreme Court invalidated an ordinance that required those engaged in door-to-door canvassing to first register with municipal authorities. The Court held that a requirement of informing the government of one’s desire to speak violated the First Amendment because of its “breadth and unprecedented nature” and lack of tailoring to the government’s stated interests. *Id.* at 168. It explained:

It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so. Even if the issuance of permits by the mayor's office is a ministerial task that is performed promptly and at no cost to the applicant, a law requiring a permit to engage in such speech constitutes a dramatic departure from our national heritage and constitutional tradition.

*Id.* at 165-66.

### **The Ordinance is Unduly Vague**

The Ordinance is unconstitutionally vague because it is rife with ambiguities that make it hard for residents to understand what signs are permitted, and because it affords too much enforcement discretion to the zoning administrator. “A government regulation may be unconstitutionally vague for two reasons. First, the regulation may fail to give persons of ordinary intelligence adequate notice of what conduct is proscribed; second, it may permit or authorize ‘arbitrary and discriminatory enforcement.’” *Hill v. Colorado*, 530 U.S. 703, 732 (2000). “[V]agueness concerns are more acute when a law implicates First Amendment rights and, therefore, vagueness scrutiny is more stringent.” *Cal. Teachers Ass'n v. State Bd. of Educ.*, 271 F.3d 1141, 1150 (9th Cir. 2001).

The Ordinance gives significant discretion to the “zoning administrator” in reviewing and ultimately approving or denying sign permit applications (and, thus, messages). But under the

First Amendment, the government cannot regulate speech in such a way that “every application creates an impermissible risk of suppression of ideas,” such as by delegating “overly broad discretion to the decisionmaker.” *Forsyth Cty., Ga. v. Nationalist Movement*, 505 U.S. 123, 129 (1992). The zoning administrator is empowered to approve or deny sign permit applications based on open-ended criteria such as whether “[t]he non-communicative aspects of the sign are compatible with the property where the sign is located and the surrounding area,” or whether the sign’s location “will impair the use of the property or conflict with the visibility, location, or arrangement of existing adjacent signs.” Such abstract findings are not benchmarks at all and improperly rely on the subjective discretion of the government employee. *Kaahumanu v. Hawaii*, 682 F.3d 789, 802 (9th Cir. 2012); *see also Moody v. NetChoice, LLC*, 603 U.S. 707, 723 (2024). This can lead to viewpoint-discriminatory enforcement, an “egregious form of content discrimination” that prohibits speech based on the views of the speaker. *Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819, 828-29 (1995).

The language of the Ordinance is difficult to parse. For example, the Ordinance broadly bans, without defining, “portable” signs but permits “temporary signs,” defined as signs “constructed to be maintained for a period of limited duration” that are “neither permanently installed in the ground nor permanently affixed to a building or structure permanently installed in the ground.” Those wanting to erect signs are thus forced to guess whether a “temporary sign” might also be deemed in violation because it is “portable.” The Ordinance’s restrictions on signs on cars are also confusing. It prohibits signs “painted on or attached to a parked vehicle for purpose of advertising to the public” and any sign “attached to, supported by, or suspended from a vehicle parked on a street or lot, except a sign that is an integral part of the vehicle.” It is not clear what “advertising” encompasses or what constitutes an “integral part of the vehicle.”

## Conclusion

On its face and as applied to the signs erected by Mr. Luks, the Ordinance is unconstitutional. We thus strongly urge you to agendaize discussion of the Ordinance at the upcoming May 12, 2026 Board of Supervisors meeting and vote to repeal or substantially amend it in order to comply with federal and state law. We are willing to discuss what sections of the ordinance should be repealed or amended.

We further request that the County refund the full \$4,300 administrative penalty paid by Mr. Luks, remove the lien recorded against Mr. Luks’s property, and cease enforcing the Ordinance against political or noncommercial signs. In light of the ongoing constitutional harm, we also request that the County agree to waive, or alternatively toll, any applicable statute of limitations that may be asserted as a defense to claims arising from the Ordinance or its enforcement against Mr. Luks, to facilitate resolution of this matter without litigation.

Please provide the County’s written response **no later than May 13, 2026**. We look forward to hearing from you.

Sincerely,



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# ATTACHMENT

## Chapter 88-6 - SIGNS

Footnotes:

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**Editor's note**— Ord. No. 2022-03, § II, adopted May 24, 2022, amended chapter 88-6 in its entirety to read as herein set out. Former chapter 88-6, §§ 88-6.202, 88-6.204, 88-6.402—88-6.420, 88-6.602—88-6.610, 88-6.802—88-6.820, 88-6.1002—88-6.1010, 88-6.1202—88-6.1208, 88-6.1402, 88-6.1404, pertained to outdoor advertising and derived from Ord. 75-2; Ord. 77-110 § 1; Ord. 92-36 § 2; Ord. 93-30 §§ 4, 5, 1993; Prior code §§ 8346—8356—8362; Ord. 1009; Ord. 1270; Ord. 1679; Ord. 1781.

### Article 88-6.2. - General

#### 88-6.202 - Title.

This chapter is known and may be cited as the Sign Ordinance of Contra Costa County.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.204 - Purposes and regulatory scope.

The purpose of this chapter is to regulate the construction, placement, display, and maintenance of signs in the unincorporated area of the County. Article 88-6.6 regulates signs placed or displayed on private property, or on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. Article 88-6.8 regulates signs placed or displayed within a public right-of-way.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.206 - Message neutrality.

It is the County's policy and intent to regulate signs in a manner that is content-neutral and consistent with the United States and California Constitutions.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.208 - Prospective regulation.

This chapter applies only to signs that are first constructed, placed, or displayed after the date this chapter takes effect. This section does not legalize signs that were originally constructed, placed, or displayed without full compliance with all then-applicable laws.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.210 - Responsibility for compliance.

The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, sign sponsor, all parties holding the present right of possession and control of the property where the sign is located, and the legal owner of the lot, even if the sign was placed, constructed, or displayed without the owner's consent or knowledge.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.212 - Definitions.

For purposes of this chapter, the following words and phrases have the following meanings:

- (a) "A-board" means a portable sign capable of standing without support or attachment.
- (b) "Animated sign" means a sign that displays visual images that change more often than one time in any 24-hour period, or images that move or appear to move, regardless of the method by which the visual change is effected. "Animated sign" does not include signs that merely display time, temperature, or other factual information that by its nature constantly changes.
- (c) "Directional sign" means a sign directing persons to a place, structure, or activity.
- (d) "Freestanding sign" means a sign that is independently supported in a fixed location and not attached in any way to a building or structure, but does not include a monument sign.
- (e) "Frontage of a building" means a facade of a building where there is a public entrance and that faces either a public street, private road, or other public open place.
- (f) "Frontage of a lot" means a property line that is along the right-of-way of a public street or private road.
- (g) "Mobile sign" means a sign mounted on any type of device that is movable or capable of being moved by a vehicle.
- (h) "Monument sign" means a sign constructed upon a solid base or pedestal and not attached in any way to a building or structure.
- (i) "Moving sign" means a sign that has actual or apparent moving, revolving, or rotating parts actuated by an electrical, mechanical, or other device or by wind current.
- (j) "Nonconforming sign" means a sign that was lawful before this chapter became effective, but that thereafter violates this chapter.
- (k) "Projecting sign" means a sign, other than a wall sign, that is suspended or supported by a building or wall and that projects from the building or wall.
- (l) "Right-of-way" has the meaning set forth in Section [82-4.260](#).

- (m) "Shingle sign" means a sign that is suspended below a canopy, overhang, or covered walkway.
- (n) "Sign" has the meaning set forth in Section 82-4.262.
- (o) "Temporary sign" means a sign constructed to be maintained for a period of limited duration, and that is neither permanently installed in the ground nor permanently affixed to a building or structure permanently installed in the ground.
- (p) "Wall sign" means a sign attached to, erected against, or painted upon a wall or a building or structure, the face of which is a single plane parallel to the plane of the wall.
- (q) "Window sign" means a sign maintained or painted on a window, not including a placard placed on or attached to a window.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.214 - Sign area computed.

- (a) The area of a sign is computed by including the maximum display surface that is visible from the ground, and excluding the structure supporting the sign unless the structure is designed as an integral component of the display. The area of a sign with multiple display surfaces is the sum of the display surface areas.
- (b) Notwithstanding subsection (a) of this section, if two display surfaces on the same sign are parallel and facing opposite directions, and the distance between the two surfaces is not more than two feet, then only the area of one of the two display surfaces is included in the computation of the sign's area.

(Ord. No. 2022-03, § II, 5-24-22.)

#### Article 88-6.4. - Administration

##### 88-6.402 - Permit—Required.

No person may construct, place, display, or maintain a sign in the unincorporated area of the County without first obtaining a permit, except as otherwise provided in this chapter. A separate sign permit is required for each sign, except as otherwise provided in this chapter.

(Ord. No. 2022-03, § II, 5-24-22.)

##### 88-6.404 - Changes to permitted signs—Requirement for new or amended permit.

- (a) If a permitted sign is modified, altered, or replaced, then a new or amended permit is required.
- (b)

If any design element of a building or lot upon which a permitted sign is maintained is modified, altered, or replaced, and if the design element constituted a basis for the sign approval, then a new or amended permit is required.

- (c) If the physical structure of a permitted sign is changed, whether by repair, alteration, expansion, change in electrical supply, change in physical method of image presentation, change in dimension or weight, or similar factors, then a new or amended permit is required.
- (d) If only the copy or visual image on the display face of a sign is changed, a new or amended permit is not required.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.406 - Application and fee.

An application for a sign permit must be made in writing on a form approved by the director and must be accompanied by the required fee, in an amount established by the board of supervisors in the department's fee schedule.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.408 - Permitting procedure.

- (a) The zoning administrator will review all sign permit applications as provided in Section 26-2.1202.
- (b) A sign permit application will not be approved under any of the following circumstances.
  - (1) Violation of this chapter. No sign permit will be approved if an illegal sign is located in violation of this chapter on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.
  - (2) Other code violations. No sign permit will be approved if a code violation exists on the lot of the proposed sign, unless the violation will be corrected as part of the requested permit.
  - (3) Failure to obtain other permits or approvals. No sign permit will be approved if the applicant has not obtained all other applicable permits and approvals required by this code.
  - (4) Unpaid fee. No sign permit will be approved if the applicant has not paid the applicable permit fee.
- (c) If an applicant proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. If an application is denied in whole or in part, the decision maker's written notice of decision will specify the grounds for the denial.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.410 - Findings required.

Before approving a sign permit application, the zoning administrator must find that the following conditions are met.

- (a) The sign complies with the applicable regulations in this chapter.
- (b) The non-communicative aspects of the sign are compatible with the property where the sign is located and the surrounding area. Examples of non-communicative aspects of a sign include the form, proportion, architectural scale in relation to other nearby buildings and structures, materials, surface treatment, and overall sign size.
- (c) The location of the sign will not impair the use of the property or conflict with the visibility, location, or arrangement of existing adjacent signs.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.412 - Appeal.

The denial or approval of a sign permit may be appealed pursuant to Article 26-2.24.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.414 - Nonconforming signs.

A nonconforming sign lawfully existing as of the effective date of this chapter may be continued in use without expansion or alteration until any of the following occur:

- (a) The sign is voluntarily removed or relocated.
- (b) The sign is damaged or destroyed in excess of 50 percent of its reasonable market value at the time of damage or destruction.
- (c) The property is developed or redeveloped with new structures or additions to existing structures, and the total area of new structures and additions exceeds 25 percent of the existing developed area.
- (d) The size or configuration of the lot where the sign is located is changed by a subdivision of the lot.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.416 - Prohibited signs.

- (a) No person may construct, place, display, or maintain a sign contrary to the provisions of this code.
- (b) No person may construct, place, display, or maintain a sign in violation of federal or state law, including, but not limited to, the Outdoor Advertising Act.

- (c) No person may construct, place, display, or maintain an animated sign, mobile sign, moving sign, A-board sign, or sign that flashes, blinks, or rotates.
- (d) No person may construct, place, display, or maintain a sign that is:
  - (1) Dilapidated;
  - (2) Portable;
  - (3) Attached to a fence;
  - (4) Painted on or attached to a parked vehicle for purpose of advertising to the passing public;
  - (5) Painted on a wall, bench, structure, or building;
  - (6) Constructed of cloth or other flexible material, except for flags attached to a flagpole;
  - (7) Supported by exposed wires or cables;
  - (8) Designed, placed, or oriented for freeway exposure; or
  - (9) Designed with external neon lighting.
- (e) No person may construct, place, display, or maintain a freestanding sign within 1,000 feet of a school, playground, or park.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.418 - Exempt signs.

The following signs are exempt from the permit requirement of this chapter.

- (a) A sign of a governmental agency located and maintained for the purpose of traffic safety, including a traffic sign or similar regulating device or warning device.
- (b) A sign required to be maintained by law or regulation. If a sign is required to be maintained by law or regulation but the sign area is not specified in the law or regulation, the sign area may not exceed ten square feet.

(Ord. No. 2022-03, § II, 5-24-22.)

#### Article 88-6.6. - Signs on Private Property

##### 88-6.602 - Applicability.

This article applies to signs placed or displayed on private property in the unincorporated area of the County. This article also applies to signs placed or displayed on land or facilities owned by public entities other than the County if the County exercises land use regulatory power over these lands or facilities. This article does not apply to signs placed or displayed within a public right-of-way, which are regulated by Article 88-6.8.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.604 - Owner's consent.

No sign may be placed on private property without the consent of the legal owner of the property.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.606 - Exempt signs on private property.

The following signs, when located on private property, are exempt from the permit requirement of this chapter. This section does not exempt the following signs from any other applicable law or regulation, including, but not limited to, building and zoning code requirements and traffic safety laws and regulations pertaining to sign locations.

- (a) One flagpole and three flags per lot. The flagpole may not exceed 25 feet in height or the highest point of the principal building on the lot, whichever is lower. The area of each flag on the flagpole may not exceed 15 square feet.
- (b) A sign that cannot be seen from a public street, private road, or adjacent property.
- (c) A temporary sign maintained for a period not to exceed 60 consecutive calendar days. The temporary sign may not exceed 12 square feet in area. The temporary sign may not exceed six feet in height.
- (d) One or more on-site commercial signs on a lot with a grower stand, farm stand, or farm market, as long as the sign or signs comply with Section 88-20.404.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.608 - Land use districts.

- (a) General. A sign that complies with the provisions of this chapter may be located in any land use district, except as otherwise specified in subsections (b), (c), or (d) of this section.
- (b) Single-family residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100) or a water recreational district (F-1), or on a single-family residential lot in a planned unit district (P-1), except for an exempt sign under Section 88-6.418 or Section 88-6.606. This subsection does not apply to a lot where a non-residential use is approved by a land use permit.
- (c) Other residential districts. No sign may be constructed, placed, displayed, or maintained on any lot in a two-family residential district (D-1), in a multiple-family residential district (M-6, M-9, M-12, M-17, and M-29), or on a multiple-family residential lot in a planned unit district (P-1), except for the following:

- (1) An exempt sign under Section 88-6.418 or Section 88-6.606;
- (2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610; and
- (3) One wall sign per lot that meets the requirements of Section 88-6.612.

This subsection does not apply to a lot where a non-residential use is approved by a land use permit.

- (d) No sign may be constructed, placed, displayed, or maintained on any lot in an agricultural district (A-2, A-3, A-4, A-20, A-40, and A-80), except for the following:
  - (1) An exempt sign under Section 88-6.418 or Section 88-6.606; and
  - (2) One or more freestanding signs or monument signs per lot that meet the requirements of Section 88-6.610.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.610 - Freestanding signs and monument signs.

A freestanding sign or a monument sign must meet all of the following requirements.

- (a) Area. No freestanding sign or monument sign may have an area that exceeds one square foot for each 1,000 square feet of lot area. The maximum area of a freestanding sign or monument sign is 35 square feet. The maximum aggregate display area of all freestanding signs and monument signs located on a lot is 50 square feet.
- (b) Height. No portion of a freestanding sign or monument sign may be higher than the roof line of the principal building on the lot or 12 feet, whichever is lower.
- (c) Display Surfaces. No freestanding sign or monument sign may have more than two display surfaces.

(Ord. No. 2022-03, § II, 5-24-22.)

#### 88-6.612 - Attached signs.

A projecting, shingle, wall, or window sign must meet all of the following requirements.

- (a) Area.
  - (1) No projecting sign may have an area that exceeds five square feet.
  - (2) No shingle sign may have an area that exceeds five square feet.
  - (3) No wall sign may have an area that exceeds ten percent of the area of the wall on which it is placed, excluding the area of all other signs on the frontage of the building.
  - (4) No window sign may have an area that exceeds ten percent of the area of the window on which it is placed.

(b) Projections, heights.

- (1) No sign or portion of a sign may be higher than the eaves, fascia, or parapet of the building to which it is attached.
- (2) No sign may project more than one foot from the wall of a building, except a shingle sign may project a maximum of six feet from the wall of a building.
- (3) No projecting sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.
- (4) No shingle sign may have a vertical clearance of less than eight feet between the ground and the bottom of the sign.
- (5) No wall sign may exceed 15 feet in height above grade measured from the base of the wall.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.614 - Location.

A sign may be located only on the frontage of a building, or on the frontage of a lot if not attached to a building on the lot. Signs may not be located on more than two frontages of any one building.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.616 - Temporary signs.

- (a) A temporary sign may be located and maintained on a lot for sale for a period not to exceed 18 consecutive months or until the lot is sold once, whichever occurs first. No more than one temporary sign may be located on a lot for sale.
- (b) A temporary sign may be located and maintained at an entrance of a development that includes one or more lots for sale for a period not to exceed 18 consecutive months or until 30 days after all lots in the development are transferred once, whichever occurs first. No more than one temporary sign may be located at an entrance of a development that includes one or more lots for sale.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.618 - Vehicles.

No sign may be attached to, supported by, or suspended from a vehicle parked on a street or lot, except a sign that is an integral part of the vehicle.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.620 - Service stations.

In the case of any conflict between this chapter and state requirements for signs related to gasoline sales, the state requirements will govern. ;hn0; (Ord. No. 2022-03, § II, 5-24-22.)

88-6.622 - Illumination.

A sign permitted by this chapter may not be illuminated by artificial illumination unless expressly authorized by the sign permit. The zoning administrator may include conditions in the sign permit as to the time, intensity, direction, and quality of illumination to mitigate any negative impacts of illumination.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.624 - Vacant lots.

The aggregate sign display area of all signs located on a lot where no building exists may not exceed one and one-half square feet per 1,000 square feet of lot area. The maximum aggregate sign display area of all signs located on a lot where no building exists is 35 square feet.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.626 - Signs within highway setback.

A sign placed or displayed within a highway setback, as described in Article 82-12.4, is subject to the same restrictions and requirements that apply to signs placed or displayed within a public right-of-way pursuant to Article 88-6.8.

(Ord. No. 2022-03, § II, 5-24-22.)

88-6.628 - Master sign program.

- (a) General. The zoning administrator may approve a comprehensive master sign program as part of a multi-tenant development or a development in a P-1 district. The objectives of a master sign program are to ensure: that the non-communicative aspects of all signs in a multi-tenant development or a P-1 district are compatible; and that adequate signs are provided to all current and prospective tenants within a multi-tenant development or a P-1 district.
- (b) Applicability. A master sign program applies to all tenants and buildings within a single development, whether the development is located on a single lot or on multiple lots.
- (c) Exceptions. A master sign program may authorize exceptions to the sign regulations specified in this article, including the number of signs, height, location, and sign area.
- (d)

Prohibited. A master sign program may not be used to display sign types that are prohibited under this article.

- (e) Approval. If the zoning administrator approves exceptions to the sign regulations specified in this article, the zoning administrator must find that each exception will accomplish the objectives of this section. The zoning administrator may include conditions in the master sign program permit to mitigate any negative impacts attributed to the exceptions.

(Ord. No. 2022-03, § II, 5-24-22.)

## Article 88-6.8. - Signs Within the Public Right-of-Way

### 88-6.802 - Applicability.

This article applies to signs placed or displayed within a public right-of-way.

(Ord. No. 2022-03, § II, 5-24-22.)

### 88-6.804 - Prohibited signs.

No person may place or display a sign within a public right-of-way unless the sign is specifically authorized under this chapter.

(Ord. No. 2022-03, § II, 5-24-22.)

### 88-6.806 - Encroachment permit.

No person may place or display a sign within a public right-of-way without both a permit under this chapter and an encroachment permit issued under Section 1002-2.008.

(Ord. No. 2022-03, § II, 5-24-22.)

### 88-6.808 - Exempt—Bus shelter signs.

Signs placed or displayed on a structure within or on a right-of-way that is used solely as a bus shelter are exempt from the permit requirement of this chapter. This section does not exempt bus shelter signs from any other applicable law or regulation, including, but not limited to, encroachment permit requirements.

(Ord. No. 2022-03, § II, 5-24-22.)

### 88-6.810 - Directional signs.

A freestanding directional sign may be placed within a public right-of-way. A freestanding directional sign must meet all of the following requirements.

- (a) Location. No directional sign may be located:
  - (1) Within 500 feet of another directional sign on the same public right-of-way and facing in the same direction;
  - (2) At an intersection that would result in more than one directional sign at any corner of the intersection;
  - (3) Within three feet of any curb where parking is allowed;
  - (4) Within six feet of a driveway or curbcut access ramp;
  - (5) In any bus stop zone;
  - (6) So that any part of the sign extends into any bus stop zone or sidewalk area;
  - (7) On any median;
  - (8) So as to conflict with any applicable sight distance or clear recovery zone standard in the California Department of Transportation Highway Design Manual; or
  - (9) Within any State right-of-way without State approval.
- (b) Area. No directional sign may have an area that exceeds 16 square feet.
- (c) Additional permit terms. All of the following terms and requirements are incorporated into all permits issued under this article:
  - (1) The term of the permit is one year from the approval date, unless revoked earlier.
  - (2) The permittee shall obtain and maintain during the term of the permit comprehensive general liability insurance, including coverage for owned and non-owned automobiles, within minimum combined single-limit coverage of \$2,000,000 for all claims and losses due to bodily injury or death to any person, or damage to property, including loss of use arising out of each accident or occurrence. The permittee shall name the County and its officers, agents, and employees as additional insureds under all policies held in connection with the permit. All coverage shall provide for 30 days' written notice to the County of cancellation or lapse in coverage. A certificate of insurance for the policy hereunder required, indicating the name and telephone number of the insurance agent most responsible for the insurance policy and evidencing such coverage, must be furnished to the County prior to the approval of the permit. If the permittee renews or amends existing insurance or acquires new insurance, the permittee shall provide an updated certificate to the County.
  - (3)

The permittee shall indemnify, defend, and hold harmless the County, its boards, commissions, officers, employees, and agents from any and all claims, costs, losses, actions, fees, liabilities, expenses, and damages arising from or related to the applicant's application for a sign permit, the County's discretionary approval of the sign, the County's actions pursuant to the California Environmental Quality Act and planning and zoning laws, and the construction, placement, display, or maintenance of the sign, regardless of when those liabilities accrue.

- (4) The permittee shall maintain and repair the sign or signs as required by the associated encroachment permit.
- (5) A sign may be removed by the County if necessary for maintenance activities or safety considerations.
- (6) A sign permit may be revoked by the County upon 90 days' notice, or at any time for safety considerations.

(Ord. No. 2022-03, § II, 5-24-22.)

#### Article 88-6.10 - Enforcement

##### 88-6.1002 - Removal of abandoned or unsafe signs.

An abandoned or unsafe sign that imperils the safety of persons or property, or a temporary sign that is not removed within the time prescribed by this chapter, may be summarily removed or abated by the County. The owner of the property and the person responsible for a sign are liable for the cost of removal.

(Ord. No. 2022-03, § II, 5-24-22.)

##### 88-6.1004 - Remedies.

The County may seek compliance with this chapter by any remedy allowed under this code, including, but not limited to, revocation, abatement, administrative fines, infraction citations, and any other remedy allowed by law.

(Ord. No. 2022-03, § II, 5-24-22.)