

ORDINANCE NO. 301

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, AMENDING CHAPTERS 12.28 (BANNERS AND SIGNS ON PUBLIC PROPERTY) AND 16.38 (SIGNS) OF THE CHINO HILLS MUNICIPAL CODE, REPEALING CHAPTER 12.48 (POLITICAL SIGNS) AND SUBPARAGRAPH (E)(1) OF SECTION 87.0725 (TEMPORARY PRIMARY POLITICAL SIGNS) OF CHAPTER 7 OF APPENDIX D OF THE CHINO HILLS MUNICIPAL CODE AND DETERMINING THE MUNICIPAL CODE AMENDMENT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings of fact:

- A. On June 18, 2015, the U.S. Supreme Court issued its opinion in the case of *Reed v. Town of Gilbert* (2015) 576 U.S., wherein the Court struck down several provisions of the town's sign ordinance that imposed different time, place and manner restrictions depending entirely on the communicative content of the sign. In response, staff has reviewed all of the sign regulations in the Municipal Code for provisions that could potentially run afoul of the holding in *Reed*. The Municipal Code amendments proposed herein seek to eliminate or otherwise rectify provisions of the City's sign regulations that may be perceived as impermissibly content-based in the wake of the Supreme Court's ruling.
- B. The proposed Municipal Code amendment recognizes that certain existing sections within the City Municipal Code relative to political signs require modification to ensure compliance with the content-based in requirements of the Supreme Court's ruling in *Reed v. Town of Gilbert*.
- C. The proposed Municipal Code amendment modifies all sections of the Municipal Code that address temporary political signs to eliminate or otherwise rectify existing regulations related to temporary political signs that could potentially be viewed as impermissibly content-based in the wake of the Supreme Court's ruling in *Reed v. Town of Gilbert*.
- D. On June 21, 2016, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public regarding the proposed amendments. The Commission recommended the adoption of the amendments, including the recommendation to amend

Sections 7 and 8 of the Resolution to preserve the City's ability to restrict signs in CalTrans right-of-way.

- E. Notice of public hearing was published in the Chino Hills Champion newspaper on July 2, 2016.
- F. A duly noticed public hearing before the City Council was conducted on July 12, 2016, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. CEQA. The City Council finds and determines that this ordinance is exempt from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") for the following reasons: (1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15060(c)(2)), (2) there is no possibility that the Ordinance may have a significant effect on the environment (14 Cal. Code Regs. § 15061(b)(3), and (3) the Ordinance does not constitute a "project" as defined in the CEQA Guidelines (14 Cal. Code Regs. § 15378), and the project is exempt from review under CEQA pursuant to CEQA Guidelines §§ 15301(Existing Facilities which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination); and § 15308 (Actions by Regulatory Agencies for Protection of the Environment which consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

SECTION 3. Amend Section 12.28.010 of the Chino Hills Municipal Code to read as follows:

Section 12.28.010 – Banners and Signs on City Property

- A. No banner or sign may be placed on any City property or public right-of-way, nor on any structure (including trees and utility poles) owned or operated by the City, nor upon any structure (including trees and utility poles) installed on any City property or public right-of-way.
- B. Banners and signs may not be attached to any other permanent or temporary sign.
- C. Banners and signs shall not be erected in any location where the City determines the sign may cause a safety hazard or interfere with any authorized traffic sign.

SECTION 4. Chapter 12.48, Political Signs, of the Chino Hills Municipal Code is deleted in its entirety.

SECTION 5. Section 16.38.020 of the Chino Hills Municipal Code is deleted in its entirety, and subsequent sections renumbered such that the current Section 16.38.030 is renumbered Section 16.38.020 and so forth.

SECTION 6. Section 16.38.050 of the Chino Hills Municipal Code, which is renumbered from the previous Section 16.38.060 as indicated in Section 5 above, and amended to read as follows:

Section 16.38.050 - TEMPORARY ELECTION SEASON SIGNS

- A. Temporary election season signs are signs that contain any content and are permitted on a temporary basis in any land use district subject to the following limitations:
- B. Temporary election season signs shall not be posted more than forty-five (45) days before an election at which residents of Chino Hills are eligible to vote. All such signs shall be removed within thirty (30) days after the same election voting date.
- C. Temporary election season signs shall have a maximum area of eight (8) square feet per lot in residential land use districts and thirty-two (32) square feet in all other land use districts, unless such sign is an accessory or primary sign permitted by this chapter. For double-sided signs, only the area of one side shall be counted toward the maximum area allowed. There is no limit to the number of election season signs.
- D. Temporary election season signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- E. Temporary election season signs shall not be nailed or affixed to any tree, fence post or City public utility pole and shall not be located in the public right-of-way, City parkway or on City-owned land.
- F. Temporary election season signs which have an adhesive backing shall not be affixed directly to any structure, and shall be affixed in such a manner that such signs are easily removed.
- G. Temporary election season signs posted in violation of this Section 16.38.040 shall be subject to removal by the City. Each violation of this section shall be deemed an infraction.

SECTION 7 Section 16.38.080 is added to the Chino Hills Municipal Code to read as follows:

Section 16.38.080 – Message substitution.

- A. Noncommercial copy may be substituted for any commercial or noncommercial copy on any sign that is allowed by this code, whether permitted or exempt. Message substitution may be made without any additional City approval or permitting. This section prevails over any more specific provision to the contrary within this code. The purpose of this section is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This section does not create a right to increase the total amount of signage on property, does not affect the permitting requirements of this code, and does not override terms and conditions in private contracts.

SECTION 8. Repeal Subparagraph (e)(1) of Section 87.0725 of Chapter 7 of Appendix D of the Chino Hills Municipal Code and renumber subsequent sections to fill in accordingly.

SECTION 9. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code, as the same were adopted by Reference by City Ordinance Nos. 91-01 and 92-02.

SECTION 10. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

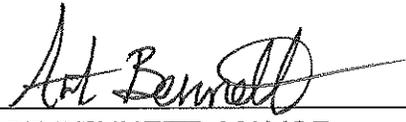
SECTION 11. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 12. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Chino Hills' book of original Ordinances, make a note of the passage and adoption in the records of this meeting, and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 13. This Ordinance will take effect on the 30th day following its final passage and adoption.

SECTION 14. The City Clerk shall certify as to the adoption of this Ordinance.

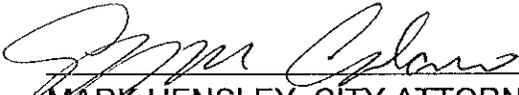
PASSED, APPROVED, AND ADOPTED this 9th day of August, 2016.


ART BENNETT, MAYOR

ATTEST:


CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:


MARK HENSLEY, CITY ATTORNEY

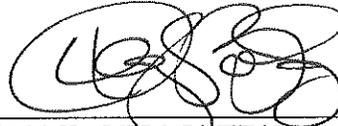
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 301 was duly introduced at a regular meeting held July 12, 2016; and adopted at a regular meeting of the City Council held on the 9th day of August, 2016 by the following vote, to wit:

AYES: COUNCIL MEMBERS: BENNETT, MARQUEZ, GRAHAM
MORAN, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 301 duly passed and adopted by the Chino Hills City Council at their regular meeting held on August 9, 2016 and that summaries of the Ordinance were published on July 30, 2016 and August 13, 2016 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK