

ORDINANCE NO. 16-04

AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA,
CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-16-
01 AMENDING TITLE 13, CHAPTER VIII, ARTICLES 2, 6 & 6.5,
POLITICAL CAMPAIGN SIGNS AND PORTABLE SIGNS WITHIN
PUBLIC RIGHT-OF-WAY AND TABLE 13-115

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS
FOLLOWS:

SECTION 1: FINDINGS

The City Council finds as follows:

- a. The City controls the rights of way within the city, and, as property owner, has greater ability to regulate what speech may or may not occur in the right of way than it does on private property.
- b. The City could lawfully prohibit all temporary non-commercial and commercial signage in the right of way.
- c. In the four weeks prior to an election, there is a greater desire by the public to place non-commercial signage in the city's right of way than in the period after an election.
- d. The city has significant interest in promoting traffic safety and protecting the aesthetics of the community.
- e. Especially in the four weeks prior to elections, the city incurs substantial direct and indirect costs in enforcing strict regulations upon the placement of non-commercial signage within the city's right of way.
- f. The best way to balance the public's desire to place signage within the right of way with the need for the city to promote community aesthetics and traffic safety is to establish reasonable, content neutral time-place manner restrictions which allow the public to place signage within the city's right of way in the ~~four~~ **six** weeks prior to an election.
- g. This ordinance will revise the municipal code to better align the code with the 2015 U.S. Supreme Court case, *Reed v. Town of Gilbert*.
- h. The ordinance is intended to treat all non-commercial portable signs in an equal manner, regardless of the content of such signs.
- i. The regulations established by this ordinance do not impermissibly infringe upon speech as there are multiple alternate methods via which the public may communicate including via signs placed on private property in a manner consistent with applicable law.

SECTION 2: Title 13, Chapter VIII, Article 2, Definitions of the Costa Mesa Municipal Code, is hereby amended as follows:

Commercial portable sign. Any sign which can be moved from place to place which is not permanently affixed to the ground or to a building used for

commercial purposes. The term portable sign includes, but is not limited to, any sign affixed to an automobile, truck, trailer, or other vehicle where such sign solicits patronage to a specific business by means of parking such a vehicle primarily for the purpose of advertising such business. The term portable sign shall also include a sign posted in or on a vehicle parked on public or private property without written consent of the property owner, advertising that vehicle for sale.

Non-commercial portable sign. Any sign which can be moved from place to place which is not permanently affixed to the ground or to a building which is not used for commercial purposes. Examples of non-commercial signs generally include, but are not limited to, signs that espouse a political or religious viewpoint, and signs commenting on public official(s) or matter(s) of public discourse.

SECTION 3: Title 13, Chapter VIII, Table 13-115 (“Sign Regulations and Design Standards”), is hereby amended as follows:

	RESIDENTIAL ZONES	COMMERCIAL ZONES	INDUSTRIAL ZONES	INSTITUTIONAL ZONES
NON-COMMERCIAL PORTABLE SIGNS ON PRIVATE PROPERTY	5 sq. ft. maximum per sign with a maximum 3 6-foot height above grade for signs affixed in the ground.	Standards identical to those set forth in Section 13-123 (a) (1), (2), (3), and (5)		
COMMERCIAL PORTABLE SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY	Subject to Section 13-123.5.			

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- d. The city has significant interest in promoting traffic safety and protecting the aesthetics of the community.
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- g. This ordinance will revise the municipal code to better align the code with the 2015 U.S. Supreme Court case, *Reed v. Town of Gilbert*.
- h. The ordinance is intended to treat all non-commercial portable signs in an equal manner, regardless of the content of such signs.
- i. The regulations established by this ordinance do not impermissibly infringe upon speech as there are multiple alternate methods via which the public may communicate including via signs placed on private property in a manner consistent with applicable law.

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COMMERCIAL PORTABLE SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY	Subject to Section 13-123.5.			