



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

May 24, 2022

**SUBJECT:** Adopt and waive the second reading of the Draft Ordinance Repealing Section 19.55.030 and Amending Section 19.55.050 of the Wheatland Municipal Code relating to Temporary Signs.

**PREPARED BY:** Tim Raney, Community Development Director

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### Recommendation

Staff recommends that the City Council adopt and waive the second reading of the Draft Ordinance repealing Section 19.55.030 and amending Section 19.55.050 of the Wheatland Municipal Code relating to Temporary Signs.

### Background and Discussion

On April 26, 2022 the Wheatland City Council gave direction to staff to amend the Wheatland Sign Code related to temporary signs for consistency with Yuba County requirements. Yuba County allows for temporary signs to be placed up to three (3) months prior to an election and requires that they be removed within ten (10) days following the election.

As a result, city staff prepared the attached Ordinance to amend Section 19.55.050 of the Wheatland Sign Code to allow temporary signs to be placed up to ninety (90) days prior to, and ten (10) days after an election.

On May 10, 2022, the Wheatland City Council introduced and waived the first reading of the Draft Ordinance repealing Section 19.55.030 and amending Section 19.55.050 of the Wheatland Municipal Code relating to Temporary Signs.

### CEQA Review

The proposed Ordinance is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.

### Conclusion

Based on the above information, staff recommends that the Wheatland City Council vote to adopt and waive the second reading of the Draft Ordinance repealing Section 19.55.030 and amending Section 19.55.050 of the Wheatland Municipal Code relating to Temporary Signs.

**Fiscal Impact**

None.

**Attachments**

1. Draft Ordinance of the Wheatland City Council Amending Section 19.55.050 of the Wheatland Municipal Code relating to Temporary Signs.

**ORDINANCE NO. 486**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF WHEATLAND, CALIFORNIA,  
REPEALING SECTION 19.55.030 AND AMENDING SECTION 19.55.050 OF THE  
WHEATLAND MUNICIPAL CODE RELATING TO TEMPORARY SIGNS**

The Wheatland City Council does ordain as follows:

**SECTION 1: Purpose and Authority.** The purpose of this ordinance is to establish new and updated regulations, rules, and restrictions pertaining to the term of placement of temporary signs within the City's boundaries. This ordinance is adopted pursuant to California Constitution Article XI, section 7, Government Code sections 38774, 38775, and 65850, Business and Professions Code section 5230, and other applicable law.

**SECTION 2. Findings.**

The Wheatland City Council finds and determines as follows:

- A. Signs are an essential element of the community. As such, their location, number, size, design, and relationship to each other and to other structures have a significant influence upon a community's appearance and welfare, and a resultant effect upon a viewer's perception of the community. Signs serve a useful purpose in communicating a message, whether commercial or otherwise.
- B. Where signs are not properly regulated, they contribute to visual clutter, confusion, aesthetic blight, and create an unpleasant impression. They may cause traffic hazards and impede rather than enhance commerce. In such situations, signs may fail to achieve their original objective of communication. Failure to regulate signs appropriately can adversely affect the public health, safety, and welfare.
- C. Property and facilities located within the public right-of-way, such as utility poles, benches, hydrants, bridges, sidewalks, traffic sign posts, and similar structures are not by tradition or designation a forum for communication by the general public. The City wishes to preserve these structures for their intended purpose, which is the safe, efficient, and pleasant movement of vehicular and pedestrian traffic, and the safe operation of utility systems.
- D. The City of Wheatland administers temporary sign provisions within the City's boundaries consistent with the City's General Plan as provided for in Title 19 of the Wheatland Municipal Code. The regulations and prohibitions of this title are necessary to preserve items and structures located within the public right-of-way for their intended purposes
- E. On May 10, 2022 the City Council held a duly noticed public meeting concerning the adoption of a proposed Temporary Sign Ordinance.
- F. The proposed Temporary Sign Ordinance is consistent with the policies of the City of Wheatland General Plan and with the Wheatland Municipal Code. The proposed Temporary Sign Ordinance will also make the timing of temporary sign placement within the City consistent with parallel provisions of the Yuba County Code within the County, so that the same time limits before and after any federal, state, or local election will apply to the placement of temporary signs in both the City and the County.
- G. The Wheatland City Council finds it necessary to pass and implement the proposed Temporary Sign Ordinance, and that it will promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents within the city.

SECTION 3. Amendments.

- A. Section 19.55.030 of the Wheatland Municipal Code is repealed.
- B. Section 19.55.050 of the Wheatland Municipal Code is amended to read as follows:

19.55.050 Term of placement.

Temporary signs may remain in place for: (A) a period not exceeding ninety days within a calendar year, displayed either consecutively, or displayed for three thirty-day periods, separated by at least three months, or (B) ninety days prior to, and ten days after, any national, state or local election.

SECTION 4. Exemption from CEQA. The proposed amendments to the Temporary Sign Ordinance merely change the timing restrictions on the placement of temporary signs. Consequently, the proposed amendments are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines sections 15378(b)(5), organizational or administrative activities of governments which will not result in direct or indirect physical changes in the environment, and 15061(b)(3), the commonsense exemption.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption.

SECTION 7 Posting. Within fifteen (15) days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the city.

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**I HEREBY CERTIFY** that the foregoing ordinance was introduced and adopted at a regular meeting of the Wheatland City Council, held on the 10<sup>th</sup> of May, 2022, and passed and adopted at a regular meeting thereof, held on the 24<sup>th</sup> of May, 2022, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

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Mayor of the City of Wheatland

**ATTEST:**

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City Clerk of the City of Wheatland