

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO, AMENDING THE COUNTY OF SAN BENITO'S SIGN ORDINANCE, ARTICLE III OF CHAPTER 25.29 OF THE COUNTY CODE

The Board of Supervisors of The County of San Benito ordains as follows:

SECTION 1. Subdivision (B) of Section 25.29.062 shall be amended to read as follows:

(B) *Message neutrality.* It is the county's policy and intent to regulate signs in a manner which is consistent with the speech freedoms of both the United States and California Constitutions. Notwithstanding the remaining sections in this Chapter, this Chapter shall in all instances be administered and enforced to be consistent with the law established by the Supreme Court in *Reed v. Town of Gilbert* (2014) 573 U.S. 957. The RMA Director is authorized to grant administrative variances as necessary to ensure that this chapter is administered in a manner consistent with *Reed v. Town of Gilbert*. Furthermore, no enforcement of this Chapter shall occur without the RMA Director's review and approval that such enforcement would not be impermissibly content based and would be consistent with federal and state constitutions and laws. The sign ordinance may be further changed as a result of the *Reed v. Town of Gilbert* case at a future date. All new signs shall be placed at owner's risk of future sign ordinance changes. This following notice shall be placed on all sign permits issued by the County: "The County's sign ordinance is under review. Should the sign ordinance be changed in the future to not permit the sign issued under this permit, it may be required to be removed without an amortization period. All new signs shall be placed at the owner's risk of future ordinance changes."

SECTION 2. Section 25.29.068 shall be amended to read as follows:

25.29.068 Reserved.

SECTION 3. Subsection (I) of Section 25.29.062 shall be modified to read as follows

(I) *Temporary signs.* Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

(1) *Term.* A temporary sign permit shall allow the use of a temporary sign for a specified one hundred (100) day period.

(2) Reserved.

(3) *Application.* Applicant shall obtain a temporary sign permit prior to placement of signs.

(4) *Submittal.* Application shall include location of sign(s), image or sketch of sign, time period for which the sign shall be in place and the signature of the applicant and owner(s) on the property or properties in which the sign(s) shall be placed.

(5) *Deposit.* A security deposit for each sign shall be made available at the time of application for the temporary sign permit. The security deposit will be returned if evidence that the sign(s) have been removed the day after the 30 day time period. Should the sign(s) not be removed within the required time period, the deposit will cover costs for county staff to remove the sign(s).

(6) *Size.* Temporary signs shall not exceed 32 square feet in size.

(7) Reserved.

SECTION 4. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE AND CODIFICATION. This ordinance shall take effect thirty (30) days from the date of its adoption. Upon taking effect, Sections 1-3 of this Ordinance shall be codified; the remaining sections shall not be codified.

In regular session of the Board of Supervisors of the County of San Benito adopted this 4th day of February 2020, on regular roll call of the members of said Board by the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

Chair, Board of Supervisors

ATTEST:

APPROVED AS TO LEGAL FORM:

Janet Slibsager, Clerk of the Board

San Benito County Counsel
Barbara J. Thompson

By: _____
Clerk of the Board

By: _____
Barbara Thompson
County Counsel