

ORDINANCE NO. 180745

An ordinance imposing interim regulations on the issuance of building permits for Off-Site Signs, including Off-Site Digital Displays, and new Supergraphic Signs.

WHEREAS, on April 17, 2002, the City Council adopted Ordinance No. 174517 to ban the erection of new Supergraphic Signs; and

WHEREAS, on April 30, 2002, the City Council adopted Ordinance No. 174547 to ban the alteration of existing Off-Site Signs; and

WHEREAS, in 2006 and 2007 the City entered into settlement agreements with off-site advertising companies Regency, Clear Channel and CBS who challenged the City's sign ordinance and inspection program. A term of the settlement agreements allowed these companies to modernize a certain number of existing conventional signs to digital signs; and

WHEREAS, other lawsuits challenging the City's ban on Off-Site Signs and Supergraphic Signs continue to be litigated in both federal and state court; and

WHEREAS, on August 26, 2008, in one of the cases, *World Wide Rush v. City of Los Angeles*, the Court granted a permanent injunction against the City's enforcement of the ban on the basis that the exceptions to the City's ban on Supergraphic Signs and Off-Site Signs granted the City too much discretion to approve or deny signs based on the content of the sign, or the identity of the speaker; and

WHEREAS, on September 9, 2008, the City Council's Planning and Land Use Management Committee (PLUM) held a hearing on a motion to "revise the sign ordinance to toughen and create easily enforceable time/place/manner restrictions citywide to protect neighborhoods." At that time, members of the public testified about the negative effects of Off-Site Sign Digital Displays and Supergraphic Signs. In response, PLUM referred the motion to appropriate city staff to revise the citywide sign regulations; and

WHEREAS, on December 2, 2008, the Planning Department reported to PLUM that it would have a draft of the new permanent time, place and manner regulations to the City Planning Commission for their review and recommendation on January 22, 2009; and

WHEREAS, the court's ruling in *World Wide Rush* triggered a proliferation of new Supergraphic Signs and there is a probability that the ruling will also result in new Off-Site Signs, including Off-Site Digital Displays, while the City undertakes a comprehensive review of the existing sign ordinance and formulates recommendations for updating the ordinance; and

WHEREAS, the companies that settled with the City were in the process of converting existing conventional Off-Site Signs to Digital Displays and because no existing City regulations addressed where and how these conversions could take place, some of the signs being converted to Digital Displays caused unanticipated negative impacts including negative impacts on residential neighborhoods; and

WHEREAS, in addition to the conversion of existing Off-Site Signs to Digital Displays, new Off-Site Signs have been erected; and

WHEREAS, it was necessary to halt the proliferation of new Off-Site Signs, including Off-Site Digital Displays, and Supergraphic Signs, until permanent regulations can be enacted and put into place so the adverse effects of these new or modified signs can be minimized or eliminated; and

WHEREAS, the City Council determined that in order to address these concerns, it was necessary and appropriate that an interim control ordinance be enacted prohibiting the issuance of permits for new Off-Site Signs, including Off-Site Digital Displays, and Supergraphic Signs; and

WHEREAS, on December 17, 2008, the City Council adopted an interim control ordinance, Ordinance No. 180445, effective December 26, 2008, that prohibited the issuance of permits for new Off-Site Signs, including Off-Site Digital Displays, and Supergraphic Signs for 90 days, with two possible 45 day extensions; and

WHEREAS, the City Council extended Ordinance No. 180445 on February 24, 2009 and May 5, 2009; and

WHEREAS, Ordinance No. 180445 expires on June 24, 2009; and

WHEREAS, during the period the interim control ordinance was in effect, City Planning staff worked diligently to craft proposed new permanent sign regulations; and

WHEREAS, after numerous public hearings at the City's Planning Commission and the City Council's PLUM Committee, the proposed permanent regulations were first presented to the full City Council on May 26, 2009; and

WHEREAS, on May 26, 2009, the City Council acted to continue consideration of the permanent regulations for 90 days and adopted a motion to enact a new interim control ordinance for 90 days that will continue the prohibition of the issuance of permits for new Off-Site Signs, including Off-Site Digital Displays, and Supergraphic Signs after the expiration of Ordinance No. 180445; and

WHEREAS, the interim control ordinance is necessary to halt the proliferation of new Off-Site Signs, including Off-Site Digital Displays, and Supergraphic Signs, until the City Council has sufficient time to review the proposed permanent regulations.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. **DEFINITIONS.** The following words or phrases, whenever used in this ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Sections 12.03 and 14.4.2 of the Los Angeles Municipal Code (LAMC).

DIGITAL DISPLAY. A sign face that displays still images, scrolling images or moving images, including video and animation, that may be changed remotely through electronic means and utilizes a series of grid lights, including cathode ray, light emitting diode display (LED), plasma screen, liquid crystal display (LCD), fiber optic, or other electronic media or technology.

SUPERGRAPHIC SIGN. A sign, consisting of an image projected onto a wall or printed on vinyl, mesh or other material with or without written text, supported and attached to a wall by an adhesive and/or by using stranded cable and eye bolts and/or other materials or methods, and which does not comply with the following provisions of the LAMC: Sections 14.4.10, 14.4.16, 14.4.17, 14.4.18, and/or 14.4.20.

Sec. 2. **PROHIBITION.** Notwithstanding any provision of the LAMC to the contrary, including Section 12.26 A 3, or any other ordinances adopted by the City Council containing regulations regarding signs, for a period of 90 days from the operative date of this ordinance, or until a permanent ordinance which amends the citywide provisions governing Off-Site Signs, including Off-Site Digital Displays, and Supergraphic Signs becomes effective, whichever occurs first:

- A. No building permit for a new Supergraphic Sign or an Off-Site Sign, including any Off-Site Digital Display, shall be issued.
- B. No person shall erect, place, alter or construct any Supergraphic Sign or Off-Site Sign, including any Off-Site Digital Display, pursuant to a building permit issued prior to the operative date of this ordinance.
- C. No person shall erect, place, alter or construct any Supergraphic Sign or Off-Site Sign, including any Off-Site Digital Display.

Sec. 3. **EXCEPTIONS.**

- A. The prohibitions specified in Section 2 of this ordinance shall not apply to any construction for which a building permit is required as follows:

1. In order to comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe or a substandard condition with respect to any existing Off-Site Sign, including an Off-Site Digital Display.
2. In order to replace an Off-Site Sign, including an Off-Site Digital Display, damaged as a result of fire, earthquake, or other natural disaster, provided that the replacement is not prohibited by any provision of the LAMC.

B. The prohibitions specified in Section 2 of this ordinance shall not apply to any building permit issued prior to the effective date of Ordinance No. 180445:

If the Department of Building and Safety determines that both substantial liabilities have been incurred, and substantial work has been performed on site, in accordance with the terms of that permit, pursuant to Section 91.106.4.3 of the Los Angeles Municipal Code.

Sec. 4. **SEVERABILITY.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 5. **APPLICABILITY OF THE ZONING CODE.** The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the LAMC and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or any other ordinances.

Sec. 6. **ENFORCEMENT.** Every violation of this ordinance is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by the person, and shall be punishable accordingly.

In addition to any other remedy or penalty, any violation of any provision of this ordinance is declared to be a public nuisance and may be abated by the City or by the City Attorney as a nuisance by means of a restraining order, injunction or any other order or judgment in law or equity issued by a court of competent jurisdiction. Violations of this ordinance are deemed continuing violations and each day that a violation continues is deemed to be a new and separate offense and subject to a maximum civil penalty of \$2,500 for each and every offense. As part of any civil action, the court may require posting of a performance bond to ensure compliance with this Code, applicable state codes, court order or judgment.


Sec. 7. **OPERATIVE DATE.** The operative date of this ordinance shall be June 25, 2009.

Sec. 8. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons. This ordinance is necessary to prevent irreversible development from occurring pending adoption of a permanent ordinance by preventing the construction and placement of signage that would add to visual blight in the City and possibly undermine the recommendations for updating the sign ordinance. Therefore, this ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

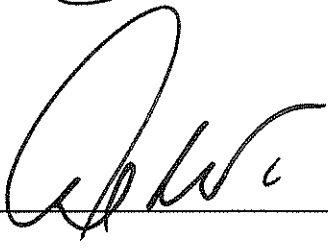
Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all of its members, at its meeting of JUN 09 2009.

JUNE LAGMAY, City Clerk

By  Deputy

Approved JUN 16 2009


Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By 
JERI L. BURGE
Assistant City Attorney

Date June 9, 2009

File No(s). CF 08-2020^{SR}, CPC 2009-1583-ICO

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

June 9, 2009

See attached report.


S. Gail Goldberg
Director of Planning