

Desert Hot Springs Municipal Code

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For purposes of this chapter, the following words or phrases shall have the following definitions.

“Abandoned outdoor advertising display” means either:

1. Any outdoor advertising display that is in existence for more than 3 months without a poster, bill printing, painting, or other form of advertisement or message on its display face; or
2. Any outdoor advertising display that does not appear on the inventory required by Section 17.45.020(B)(19).

“Automatic changeable message display” means an advertising display which mechanically changes the fixed display face at synchronized programmable intervals through the use of a series of multiple-faced (generally 3 faces) rotating panels or louvers. These displays are also known by proprietary product names such as “Tri-Vision and/or “Tri-Face.”

“City Manager” means the City Manager of the City or designee.

“Digital display” means an outdoor advertising display using light emitting diodes (L.E.D.) or similar technology to display static images controlled by electronic communications.

“Display face” means the surface area of an outdoor advertising display available for the purpose of displaying an advertising message. “Display face” does not include the structural supports or lighting.

“Edge of right-of-way” means a measurement from the edge of a right-of-way horizontally along a line normal or perpendicular to the centerline of the freeway or highway.

“Freestanding sign” means any sign which is supported by 1 column or upright imbedded in the ground, and which is not attached to any building or structure.

“Freeway” means a divided arterial highway for through traffic with full control of access and with grade separations at intersections under State control which requires a State Outdoor Advertising Permit to erect an outdoor advertising display.

“Illegal outdoor advertising display” means any of the following:

1. An outdoor advertising structure or outdoor advertising sign erected without first complying with all applicable City regulations in effect at the time of its construction, erection or use.
2. An outdoor advertising structure or outdoor advertising sign that was legally erected but whose use has ceased, or the structure upon which the advertising display is placed has been abandoned by its owner, and not maintained or used for a period of at least 6 months.
3. An outdoor advertising structure or outdoor advertising sign which does not comply with this chapter, or any applicable permit referenced in the Desert Hot Springs Municipal Code.
4. An outdoor advertising structure or outdoor advertising sign which is a danger to the public or is has been determined to be unsafe by the City Manager, as supported by findings made in connection with the California Building Code, including applicable provisions of the Desert Hot Springs Municipal Code.

“Maximum height” means the highest point of the structure or sign measured from the roadbed of the adjacent freeway or highway to which the sign is oriented or from the average natural ground level at the base of the supporting structure, whichever is greater.

“Multiple Species Habitat” means any officially designated Multiple Species Habitat Conservation Area.

“Off-site sign” means structures and signs that are erected or maintained to advertise goods sold, business conducted, or services rendered on a parcel other than the land upon which the sign is located. An off-site sign may be commonly referred to as an “outdoor advertising display” or “off-premise billboard.”

“Outdoor advertising display” means an outdoor advertising structure or outdoor advertising sign used for outdoor advertising purposes. An outdoor advertising display may be commonly known or referred to as an “off-site” or an “off-premises” billboard.

“Outdoor advertising sign” means any card, cloth, paper, metal, painted, plastic or wooden sign of any character placed for outdoor advertising purposes and affixed to an outdoor advertising display or structure.

“Outdoor advertising structure” means a structure of any kind or character erected, used or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for outdoor advertising purposes. Such structure shall be constructed or erected upon a permanent foundation.

“Primary highway” means any roadway under state control which requires a State Outdoor Advertising Permit to erect an outdoor advertising display.

“Scenic highway” means any officially designated state scenic highway as defined in Streets and Highway Code Sections 154 and 261 et seq. (Ord. 536 4-16-13)

17.45.020 Outdoor advertising displays.

No person shall erect, use or maintain an outdoor advertising display in the incorporated area of the City, except in accordance with the following provisions. The changing of an advertising message or customary maintenance of a legally existing outdoor advertising display shall not require a permit pursuant to this section.

A. Permit Procedure.

1. Application. In addition to all other applicable Federal, State, and local laws, rules, regulations and ordinances, no outdoor advertising display shall be placed, erected, used or maintained until an Outdoor Advertising Display Permit therefor has been issued by the City Manager, following the receipt and approval of an application (on the form provided by the Community Development Department) accompanied by the filing fee set forth in Chapter 17.148. The application shall consist of 5 copies of a plot plan and elevations drawn to scale, containing the name, address, and telephone number of the applicant, owner of the property, and a general description of the property upon which the outdoor advertising display is proposed to be placed. The plot plan shall show the precise location, type, and size, maximum height, and dimensions of the proposed outdoor advertising display and display face, all property lines, zoning, and the dimensions, location of the distance to the nearest advertising displays, buildings, public and private roads, and other rights-of-way, setback lines, and specifically planned future road right-of-way lines, and any and all other information required by the City Manager such that the proposed display may be readily ascertained, identified, and evaluated.

2. Issuance/Denial. The City Manager shall, within 30 days of the filing of a complete permit application, approve and issue the Outdoor Advertising Display Permit if all of the standards listed in subsection B, Permit standards, and other requirements of this chapter have been met; otherwise, the permit shall be denied. Unless the applicant files with the Community Development Department a written request for an appeal hearing within the 30 days of the date the denial notice was mailed, the City Manager decision to deny the application will be considered final. Failure to timely file a written request for an appeal hearing constitutes a waiver of the right to an appeal hearing. Notice of the appeal hearing shall be given by mail to the applicant. The appeal hearing will be conducted in the same manner as set forth in Chapter 17.104 of the Desert Hot Springs Municipal Code. For purposes of this chapter "Director of Development" as used in Chapter 17.104 shall be the "City Manager."

3. Building Permit Required. Assuming the City Manager issues an Outdoor Advertising Display Permit, no person shall place, erect, use, maintain, alter, repair or relocate an outdoor advertising display or connect an outdoor advertising display to a power supply without first also obtaining a building permit from the Community Development Department.

4. Revocation. Any Outdoor Advertising Display Permit or any related building permit may be revoked by the City Manager, if the City Manager finds that any permittee, agent or any other person exercising management or control of the business, including, but not limited to, a member, partner, director, officer or general manager who is exercising authority on behalf of the permittee, has:

- a. Knowingly made any false, misleading or fraudulent statement of a material fact in an application for a permit, or in any report or record required to be filed with the City Manager; or
- b. Committed any act which violates any rule or regulation adopted by any governmental agency relating to the permittee's business, including, but not limited to, failure to pay local taxes, fees or assessment imposed by the City, or any district created by the City; or
- c. Violated any condition or restriction of the permits; or
- d. Conducted the permitted business in a manner contrary to the peace, health, safety and the general welfare of the public; or
- e. Failed or refused to notify the City Manager of any material change in facts stated in the application for any permit; or
- f. Failed to maintain the Outdoor Advertising Display in good condition;
- g. Maintained the outdoor advertising display in a state of disrepair.

5. Notice of Revocation Hearing. If the City Manager concludes that grounds for revocation exist, the City Manager shall:

- a. Serve the permittee with notice of the revocation hearing ("Notice") by certified mail, and/or by regular U.S. mail, to the address last shown on the application for the permit, unless the permittee has provided the City Manager with written notice of a change in address, in which case the notice shall be sent to such address. Such hearing date shall be at least 15 days from the date of the Notice, and no longer than 30 days from the date of the Notice. Notwithstanding the foregoing, permittee and City Manager may mutually agree on any hearing date.
- b. The Notice shall state the reasons for the proposed action, the right of the permittee to attend the hearing, the right for the permittee to submit testimony in writing and/or orally, the right to provide other forms of evidence.

6. Revocation Hearing.

- a. The City Manager is the hearing officer for purposes of this chapter.
- b. The City Manager shall receive written and oral testimony at such hearing regarding the revocation.
- c. Within 30 days of the hearing, the City Manager shall find and determine whether the City shall revoke the permit.
- d. The City Manager, or the City Council on appeal, shall base its decision on the evidence and issue his or her decision in writing to the permittee no later than 30 days from the date of the hearing.

7. Appeal.

- a. Unless appealed, in accordance with provisions of Chapter 17.104, the City Manager's decision is final and conclusive.
- b. The appeal hearing will be conducted in the same manner as set forth in Chapter 17.104 of the Desert Hot Springs Municipal Code.

8. Final Decision. Upon a final decision by the City Manager, or by the City Council following appeal, as the case may be, it shall thereafter be unlawful for any person to place, erect, use or maintain an Outdoor Advertising Display after the permit has been revoked. Failure to abide by the final decision of either the City Manager or City Council shall be deemed a separate violation of this chapter.

B. Permit Standards.

1. General Plan. Outdoor advertising displays shall be consistent with the Comprehensive General Plan, any specific plans, and all Federal, State, and local laws.
2. Placement. Outdoor advertising displays oriented towards and primarily viewed from freeways are permitted. Outdoor advertising displays are expressly prohibited if oriented towards and primarily viewed from all other roads, streets, boulevards, lanes, or other public rights-of-way.
3. Zoning. Outdoor advertising displays are permitted only in the commercial and industrial zones; provided, that the display meets all of the other requirements of those zoning classifications and this chapter. Outdoor advertising displays are expressly prohibited in all other zones.
4. Height. The maximum height of an outdoor advertising display shall not exceed a height of 35 feet from the roadbed of the adjacent freeway or highway to which the display is oriented, or a maximum height of 35 feet from the grade on which it is constructed, whichever is greater.
5. Setbacks. No outdoor advertising display shall be erected within a road right-of-way line or future road right-of-way line as shown on any specific plan or General Plan. A minimum setback from the property line of 1 foot shall be required. No person shall place, erect, use or maintain any outdoor advertising display located within 660 feet from the edge of the right-of-way of any freeway or primary highway without first obtaining a valid State Outdoor Advertising Permit.
6. Spacing. No outdoor advertising display shall be located within 500 feet in any direction from any outdoor advertising display on the same side of the freeway. No outdoor advertising display shall be located within 150 feet of a residential structure, or within a residential zone.
7. Scenic Highway. No outdoor advertising display shall be permitted adjacent to a scenic highway.
8. Multiple Species Habitat. No outdoor advertising display shall be allowed within any Multiple Species Habitat Conservation Area.

9. **Display Face Size.** No outdoor advertising display shall exceed a maximum total surface area of 700 square feet per face.
10. **Number of Display Faces.** No more than 2 display faces per outdoor advertising display shall be permitted. Only single-face, back-to-back and V-type displays shall be allowed; provided, that they are on the same outdoor advertising structure and further; provided, that the V-type displays have a separation between display faces of not more than 30 feet. Display faces shall not be stacked.
11. **Number of Displays.** No more than 1 proposed outdoor advertising display per application shall be permitted.
12. **Poles.** A maximum of 1 steel pole is allowed for support of an outdoor advertising display, subject to approval of the City Manager.
13. **Lighting and Illumination of Displays.** An outdoor advertising display may be illuminated, unless otherwise specified; provided, that the displays are so constructed that no light bulb, tube, filament, or similar source of illumination is visible beyond the display face. Displays making use of lights to convey the effect of movement or flashing, intermittent, or variable intensity shall not be permitted. Displays shall use the most advanced methods to insure the most energy efficient methods of display illumination.
14. **Digital displays and automatic changeable message displays** are allowed; provided, the message displayed is static and displayed for a minimum duration of 6 seconds and the transition time between messages is no longer than 4 seconds. Animated images, images that give the appearance of movement or changes in illumination intensity during the static display period are prohibited.
15. **Display Movement.** No outdoor advertising display shall move, rotate or display any moving and/or rotating parts except for automatic changeable message displays. No propellers, flags, or other noise creating devices, and no architectural embellishments which utilize mechanical or natural forces for motion, shall be permitted. Use of daylight reflective materials or electronic message boards using flashing, intermittent or moving light or lights is prohibited.
16. **Mobile Displays.** No person shall place, use, maintain, or otherwise allow a mobile vehicle, trailer, or other advertising display not permanently affixed to the ground to be used as an outdoor advertising display.
17. **Roof Mounts.** No outdoor advertising display shall be affixed on or over the roof of any building and no display shall be affixed to the wall of a building so that it projects above the parapet of the building. For the purposes of this chapter, a mansard style roof shall be considered a parapet.
18. **Identification.** No outdoor advertising display shall be placed, erected, used or maintained anywhere within the incorporated area of the City unless there is securely fastened thereto the name of the outdoor advertising display owner in such a manner that the name is visible from the freeway or highway. Any display placed, erected, or maintained without this identification shall be deemed to be placed, erected, and maintained in violation of this chapter.
19. **Display Inventory.** In order to evaluate and access outdoor advertising displays within the City, within 180 days of the effective date of the ordinance codified in this chapter and on each 5th anniversary after the effective date of the ordinance codified in this chapter, and upon notice, each business with outdoor advertising displays within the incorporated area of the City shall submit to the City Manager, a current inventory of the outdoor advertising displays maintained within the incorporated area of the City. Failure to submit a current or accurate inventory within 30 days of receipt of such notice shall be deemed to be a violation of this chapter and subject to the issuance

of a Notice of Violation by Code Enforcement. Failure to comply with a Notice of Violation may result in the issuance of a Field Citation, an Administrative Citation, or a Notice of Public Nuisance, or such other action or proceeding pursuant to Title 4 of the Desert Hot Springs Municipal Code. (Ord. 536 4-16-13)

17.45.030 Enforcement.

Wherever the officials responsible for the enforcement of administration of the City Zoning Code (Title 17) or their designated agents, have cause to suspect a violation of this chapter, or whenever necessary to investigate either an application for the granting, modification, or any action to suspend or revoke an Outdoor Advertising Display Permit, or whenever necessary to investigate a possible violation, such persons may lawfully gain access to the appropriate parcel of land upon which a violation is believed to exist. The following provisions shall apply to the violations of this chapter:

- A. All violations of this chapter committed by any person, whether as agent, employee, officer, principal, or otherwise, shall be a misdemeanor.
- B. Every person who knowingly provides false information on an outdoor advertising display permit application shall be guilty of a misdemeanor.
- C. Every person who fails to stop work on an outdoor advertising display, when so ordered by the City Manager shall be guilty of a misdemeanor.
- D. A misdemeanor may be prosecuted by the City or may be redressed by civil action. Each violation is punishable by a fine of not more than \$1,000, or by imprisonment in jail for a term of not more than 6 months, or by both fine and imprisonment.
- E. Every person found guilty of a violation shall be deemed guilty of a separate offense for every day during a portion of which the violation is committed, continued, or permitted by such person.
- F. Every illegal outdoor advertising display and every abandoned outdoor advertising display is hereby declared to be a public nuisance and shall be subject to abatement by repair, rehabilitation, or removal in accordance with the procedures contained in the City's Zoning Code (Title 17). (Ord. 536 4-16-13)

17.45.040 Nonconforming outdoor advertising displays.

The following provisions shall apply to nonconforming outdoor advertising displays:

- A. Continuation. Any nonconforming outdoor advertising display may be maintained through the abatement period set forth in this section; provided, there are no alterations of the display whatsoever, except as provided in this chapter.
- B. Alterations.
 - 1. A nonconforming outdoor advertising display may not be moved, enlarged, relocated, or altered in any way except as otherwise provided herein:
 - a. Where any nonconforming outdoor advertising display is damaged or partially destroyed, the nonconforming outdoor advertising display may be restored to the condition in which it existed immediately prior to the occurrence of such damage so long as all of the following conditions are met:
 - i. The cost of such reconstruction does not exceed 50% of the replacement cost of such outdoor advertising display at the time such damage occurred; and

- ii. The reconstruction may not result in any greater degree of nonconformity than previously existed; and
 - iii. The reconstruction shall meet all current requirements of the Desert Hot Springs Municipal Code, and shall be completed within 1 year of the commencement of the construction.
- b. When a subsequently adopted ordinance or regulation of the City requires specific alterations, those alterations shall be made.
- c. Minor repairs to and routine maintenance of an outdoor advertising display are permitted and encouraged. Minor repairs and routine maintenance means repairs or maintenance that cost less than 20% of the replacement cost.
- 2. If, in the process of reconstructing an outdoor advertising display pursuant to this subsection, certain nonconformities can be brought into conformity, they shall be brought into conformity.
- C. Abatement and Termination—Upon Expiration of Time Periods.
 - 1. Nonconforming outdoor advertising displays shall be abated and such nonconformity shall be terminated upon the expiration of the periods of time indicated hereinafter in this subsection. This period of time shall commence on the date that such outdoor advertising display first became nonconforming by reason of the application of this chapter.
 - 2. Nonconforming outdoor advertising displays shall be abated, removed or altered to structurally conform to the Desert Hot Springs Municipal Code and State law according to the following:
 - a. Outdoor advertising displays located in any of the “R” zones, except as herein provided, shall be completely removed or altered to structurally conform to the Desert Hot Springs Municipal Code within 7 years.
 - b. Outdoor advertising displays located in any of the “C” zones, except as herein provided, shall be completely removed or altered to structurally conform to the Desert Hot Springs Municipal Code within 8 years.
 - c. Outdoor advertising displays located in the “I” zones, except as herein provided, shall be completely removed or altered to structurally conform to the Desert Hot Springs Municipal Code within 10 years.
 - d. An extension of the abatement period may be granted by the City Manager upon good cause. In no case shall such an extension be granted for a period of more than 1 year. (Ord. 536 4-16-13)

17.45.050 Illegal and abandoned outdoor advertising displays.

All illegal outdoor advertising displays and all abandoned outdoor advertising displays shall be removed or brought into conformance with this chapter immediately upon receipt of Notice given to owner of the property and also given to the owner of the outdoor advertising display: (1) if the identification plate required by Business and Professions Code Sections 5362 and 5363 is affixed; and (2) the advertiser, if any, identified on the sign provided the address of the advertiser can reasonably be determined. (Ord. 536 4-16-13)

17.45.060 Relocated outdoor advertising displays.

Nothing in this chapter shall prevent the City from entering into an outdoor advertising display relocation agreement, which agreement shall require the prior approval of the City Council, when: (1) the original

location of the outdoor advertising display is within a contemplated public right-of-way; and (2) the outdoor advertising display complied with all applicable regulations in effect at the time it was erected. An outdoor advertising display located on a parcel that is zoned to prohibit outdoor advertising displays may, pursuant to such an agreement, be relocated to another location on that same parcel. An outdoor advertising display located in an area defined in this chapter as a scenic highway may also, pursuant to such an agreement, be relocated to an area defined as a scenic highway whether the area is on the same parcel or a different parcel. Except as provided in this section, a relocated outdoor advertising display shall be subject to all the permit procedures and standards described in this chapter. (Ord. 536 4-16-13)

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