

Oakland Anti-Billboard Ordinance (1997)

CHAPTER 15 SIGNS ADJACENT TO FREEWAYS

Sec. **1501**. Signs Prohibited Adjacent to Freeways. No sign shall be erected, constructed, relocated or maintained in the City of Oakland if such sign is designed to have or has the advertising thereon maintained primarily to be viewed from a freeway, provided that the provisions of this section shall not apply to any sign constructed, painted or maintained on which the advertising is limited to one or all of the following:

1. The name of the person, firm or corporation occupying the premises and the type of business conducted by such person, firm or corporation.
2. The name of the product manufactured on the premises.
3. A sign not exceeding six square feet in area appertaining only to the lease, hire, sale, or display of the building or premises.
4. Time and temperature units.
5. New, relocated or wholly reconstructed advertising signs in the M-40 Heavy Industrial Zone as part of a billboard relocation agreement authorized by the City of Oakland or Oakland Redevelopment Agency prior to November 18, 1997 provided further that the restrictions contained in Ordinance No. 12025 C.M.S., as amended by Ordinance No. 12085 C.M.S., shall apply so that there shall be no increase in the number of billboard faces allowed to promote the sale of Tobacco Products or Alcoholic Beverages, regardless of the location of said billboard faces.
6. Relocated or wholly reconstructed advertising signs pursuant to a franchise agreement or relocation agreement authorized by the City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.

Sec. 1502. Existing Signs Not Conforming to Sec. **1501**. Any sign which does not conform to the provisions of Sec. **1501**, but which conformed to the rules and regulations in effect at the time of its erection, shall be deemed a nonconforming sign and may exist, except that:

(a) Within three years from the effective date of the rule or regulation rendering such sign illegal; or within three years from the date of a freeway, or portion thereof, is opened to public travel; or, as to any such sign which is being maintained pursuant to the terms of a written lease with a sign company, within the term of said lease or within five years from the vacation or change of occupancy of the premises upon which said sign is located, whichever date shall occur first; all such nonconforming signs shall be removed, or shall be rearranged or relocated so as to eliminate any conflict with the provisions of said section; provided, however, that any existing sign which has been permitted by a variance granted by the City Council, prior to the adoption of these provisions, shall not be required to be so removed, rearranged, or relocated until within three years from the date of a freeway, or portion thereof, from which such sign is viewed, has been landscaped. For the purposes of this section, a landscaped freeway shall be deemed to mean a section or sections of a freeway which has or have been improved by the planting, on at least one side of the freeway right-of-way, of lawns, trees, shrubs, flowers, or other ornamental vegetation which shall require reasonable maintenance. Planting for the purpose of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped free-way. The Building Official and Director of City Planning and Traffic Engineer shall determine by a majority decision whether any sign is nonconforming as herein provided.

(b) No such nonconforming sign shall be altered, reconstructed, or relocated unless the same when so altered, reconstructed or relocated will not be in conflict with any of the provisions and will conform with all the requirements of Section **1501**.

For the purposes of this section only, the terms "altered", "reconstructed" or "maintained" shall not include normal maintenance; changing of the surface sign space, ornamental moulding, pilasters or ornamental features below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures, characters, or representation in cutout or irregular form.

Sec. 1503. Signs Constituting Hazard to Freeway Traffic. No sign constructed, painted or maintained on any building which is permitted by

Sections **1501** and 1502 of this Code shall be permitted in any event if it, because of its location, size, nature or type constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles upon a freeway, or creates a condition which endangers the safety of persons or property thereon.

Sec. 1504. Statement in Application. Every application for a sign shall contain a statement by the applicant that said sign is not designed to have or has the advertising thereon maintained primarily to be viewed from a freeway, or that if said sign is so designed it falls within one or more of the exceptions provided for in Section **1501**.

Sec. 1505. Consideration of Application by Building Official, Traffic Engineer and Director of City Planning. Every application for a sign shall be considered by the Building Official, Traffic Engineer and Director of City Planning for the purpose of determining whether or not the proposed sign falls within the prohibitions of Section **1501** or Section 1503. This determination shall be by a majority decision.

Sec. 1506. Appeal to City Council. Any person aggrieved by the decision of the Building Official, Traffic Engineer and Director of City Planning made pursuant to the provisions of Sections 1502, 1503 and 1505 may appeal to the City Council. The appeal shall be filed with the City Clerk within ten days from the date of decision. The Clerk shall, with the approval of the Council, set the time and place of hearing, and give notice thereof to all interested parties. The Council shall fully advise itself in the premises and render its decision affirming, modifying, or reversing the determination of the Building Official, Traffic Engineer, and Director of City Planning. The Council's decision shall be final.

(Ord. 12425 § 3, 2002; Ord. 12234 § 5, 2000; Ord. 9468 § 2 (part), 1977)