

ORDINANCE #467

In order to promote the orderly development of the City of Hayward, the Common Council of the City of Hayward does ordain as follows:

SECTION 1 ORDINANCES REPEALED

Ordinance Nos. 391, 397, 428, 439, 442, and 448 are repealed in their entirety.

SECTION 2 SIGN DEFINITION

A sign is any object which is intended to advertise, identify or attract attention to a business, organization, products, service, place or activity. This may include, but is not limited to, banners, logos, pictorial representation, business-oriented flags and awning signs.

SECTION 3 SIGN AND/OR PERMIT REQUIREMENTS

- A. A permit is required prior to the display of any sign, except government signs, temporary signs, vending machine signs (i.e., fuel pump, ice, newspaper machines), inflatable signs, interior signs or painted window signs.
- B. The permit shall be issued on a one-time basis for each sign to be erected at an approved location.
- C. All off-premise signs shall require a letter of permission from the property owner.
- D. Signs which are not erected within six months after the granting of the permit shall require a new permit and payment of the appropriate fee.
- E. In the event a business closes, moves or otherwise ceases to exist, the applicable signs must be removed or relocated within two weeks. In the event the sign is not removed or relocated after notification, City of Hayward Department of Public Works personnel shall remove the sign at the owner's expense.
- F. Any new business/organization may use an existing non-conforming sign in the exact same location, provided the sign is not enlarged in any way.
- G. All signs must be maintained in a safe, presentable and good structural condition.
- H. Maintenance or change in copy of a sign will not require a new permit unless the size of the sign would change.
- I. Signs shall not include streamers, pennants, flashing lights, moving parts or make noise.
- J. No sign shall imitate official traffic signs or signals.
- K. Signs shall not be attached to any utility poles or trees located within any street, road or highway right-of-way.
- L. The City of Hayward Public Works Director or authorized City of Hayward Department of Public Works personnel shall, at its sole discretion, notify the owner of any sign, flag or banner which is in poor condition to be removed or replaced.
- M. Any signs which exist at the time of passage of this Ordinance shall be allowed to remain as long as the size of the sign does not change.

SECTION 4 SIGN TYPES AND REGULATIONS

A. **On-Premise Signs** -- A sign which advertises a business, product or service offered on the premises the sign is located.

1. **Canopy Signs.** A sign that hangs below the building canopy and above the City sidewalk. No more than one canopy sign is allowed per business. The maximum size allowed is one foot by four feet. There shall be a minimum of ten feet clearance between the sign and sidewalk. Signs attached to existing canopies with a clearance less than ten feet above the sidewalk may be allowed on a case-by-case basis upon receiving approval from the License, Permits & Ordinance Committee. The business owner shall submit a copy of certificate of insurance naming the City of Hayward as an additional-named insured for the sign.

2. **Electronic Signs.** Any illuminated sign with an automatic changing message board. Approval of these signs shall be granted on a case-by-case basis after review by the License, Permits & Ordinance Committee.

3. **Free Standing Signs.** A ground sign that is permanently secured to a post or foundation that is not attached to a building. There shall be no more than one free-standing sign per parcel. When there is more than one business located on a parcel, the owner of the parcel shall determine how to assign the square footage for each business. The maximum allowable height of any free-standing sign shall be twenty feet. The sign must be placed at least ten feet from any fire hydrant, street, road or highway right-of-way line.

The maximum size allowed for businesses is as follows:

A.	1-5 businesses	50 square feet per side
B.	6-10 businesses	100 square feet per side
C.	11 businesses or over	150 square feet per side

4. **Home Occupation Signs.** A sign for a business located in a residential district. There shall be no more than one non-illuminated sign per parcel. The maximum size shall be twelve square feet.

5. **Information/Directional Signs.** Information/directional signs are to direct traffic (i.e., parking, entrance, exit, loading zone). The maximum size allowed is six square feet. The maximum height allowed shall be six feet.

6. **Mobile/Portable Signs.** Signs which are not permanently attached to the ground or building and are designed to be moved easily, such as mounted trailers, wheels or a vehicle are not allowed.

7. **Sandwich Board Signs.** No more than one hinged A-frame portable sign is allowed per parcel. The maximum size allowed is six square feet per side. The construction of the sign must provide sufficient weight so the sign will withstand wind gusts. The sign shall be displayed only during business hours. No attachment shall be allowed on the sign. For businesses located on property with only a sidewalk between the building and the street, the sign must be placed within two feet from the building. For businesses with land between the building and the sidewalk, the sign must be placed on the land between the building and the sidewalk. For businesses without sidewalks, the sign must be placed at least ten feet from any street, road or highway right-of-way line.

8. **Temporary Signs.** Any advertising display that is not permanently attached to a structure or the ground which is intended to be displayed for a limited period of time. Temporary signs may not be placed within any street, road or highway right-of-way line or State or County highway right-of-way. Temporary signs must be removed immediately after the event which it advertises.

- (A) **Definitions of Temporary Signs:**
- (1) **Auction signs:** A temporary sign for the public sale where merchandise and/or property are sold.
 - (2) **Community events signs:** A temporary sign promoting Community celebration events. Approval from the Common Council is required for banners placed over any City right-of-way.
 - (3) **Construction signs:** A temporary sign identifying the architect, contractor, sub-contractor, material supplier or financial institution. The sign may be displayed no more than five days prior to the beginning of construction and must be removed no later than thirty days after the project is complete.
 - (4) **Banner signs:** A temporary sign made of fabric or non-rigid material with no enclosed frame work. No more than two banners may be displayed at any one time for an unlimited amount of time only if in good condition. The condition of the banner shall be determined at the sole discretion of the City of Hayward Department of Public Works personnel. All banners must be professionally made and securely fastened to minimize swinging and sagging.
 - (5) **Garage sale signs:** A temporary sign for the sale of private merchandise located in a residential district. Signs must be store-bought and include the address of the sale.
 - (6) **Inflatable signs:** A large helium or hot-air balloon constructed so as to resemble a figure or object when inflated. No more than one per parcel is allowed for a maximum of seven days per month.
 - (7) **Political signs:** A temporary sign which supports the candidacy of any candidate for political office or urges action on any other matter.
 - (8) **Poster panel signs:** A temporary sign displaying changeable advertising supported by up rights, braces or attached to a building.
 - (9) **Promotional signs:** A temporary sign which is tacked in the ground, posted, driven or otherwise affixed. No more than three signs may be placed in the ground on a parcel at one time. The signs can only be displayed during business hours.
 - (10) **Real estate signs:** A temporary sign pertaining to the sale, rental or lease of a building or land.
9. **Roof signs.** A sign which is placed on, against or above a roof. This includes signs affixed flat-sided on the face of an existing canopy or a second story deck located on Main Street. No more than one sign is allowed per business. The maximum size limit allowed is thirty-two square feet. The sign may not extend over the height of the canopy railing or no more than six feet above the roof line of the building.
10. **Wall signs.** A sign that is painted on or affixed flat-sided or hanging perpendicular to the outside of a building. There shall be no size limit or maximum number of signs placed on a wall; however, projecting signs may not extend more than four feet from the building. Any signs placed

over the City right of way shall have a minimum of a ten feet clearance from the sidewalk and the owner must submit a copy of insurance naming the City of Hayward as an additional-named insured.

B. **Off-Premise Signs.** A sign which advertises a business, product or service not on the premises where the sign is erected.

1. **Billboards.** A sign in excess of 150 square feet. All existing billboards shall obtain a permit. No new billboards shall be allowed in the City of Hayward.

2. **Directional Arrow Signs.** A ground sign which provides direction to a business location not on the property which the business is located. The business which the directional arrow is directing must be located away from main arteries and within one-half mile of the intersection where the sign is placed. A letter from the property owner granting permission to erect the sign must be submitted with the permit application. No more than five directional arrow signs may be placed on one common support post and no more than one support post may be placed at any intersection. The maximum allowable height shall be four feet. All directional arrow signs shall be seven inches by three feet with green background and white lettering.

3. **Free-Standing Signs.** A ground sign that is permanently secured to a post or foundation that is not attached to a building. Off-premise signs are only allowed on property which is owned by the owner of the business which it advertises. In the event the off premise property is sold, the sign must be removed in the event the business and off premise are not held by common ownership. The maximum allowable size shall be fifty square feet. The maximum allowable height shall be twenty feet. The sign must be placed at least ten feet from any fire hydrant, street, road or highway right-of-way line.

4. **Sandwich Board Signs.** A hinged A-frame portable sign. No more than one sign shall be allowed per parcel. This off-premise sign is allowed only if the business advertised does not have any street frontage. All other applicable rules for sandwich board signs shall apply.

5. **Temporary Signs.** All rules as stated in Section 4, Paragraph A.8. shall apply except there shall be no banners, inflatable, poster panel or promotional signs.

6. **Wall Signs.** A sign that is painted on or affixed flat-sided or hanging perpendicular to the outside wall of a building. No more than one sign is allowed per business at each off-premise site. The maximum size allowed is twelve square feet. Any signs placed over city right-of-way must have a ten foot clearance from the sidewalk and the owner must submit a copy of a certificate of insurance naming the City of Hayward as an additional-named insured. The owner of the off-premise businesses must submit a letter from the property owner granting permission to erect the sign.

SECTION 5 FEES

A one-time fee shall be required per sign based upon size.

1.	1-12 square feet	\$ 25.00
2.	13-50 square feet	\$ 50.00
3.	51-100 square feet	\$100.00
4.	101 square feet and over	\$150.00

Changes in the fee schedule shall be made by a resolution adopted by a majority vote of the Common Council of the City of Hayward.

SECTION 6 PENALTIES

Violations by a property owner, owner of a sign or builder of any sign shall result in the following forfeitures:

1. First offense \$100.00 plus applicable court costs
2. Second offense \$200.00 plus applicable court costs
3. Third and subsequent
 offenses \$500.00 plus applicable court costs

Each day a sign is in violation shall be considered an additional offense. Any and all changes in the forfeiture and/or bond for a violation of this Ordinance shall be set by a resolution adopted by a majority vote of the Common Council of the City of Hayward.

SECTION 7 INVALIDATION

Invalidation of any part of this Ordinance by a court of law shall not invalidate the remaining portions thereof. This Ordinance shall become effective upon its passage by the Common Council of the City of Hayward and publication thereof as provided by law.

Passed this 11th day of December, 2006.

s/s Thomas J Duffy, Mayor

s/s Lucy Gunther, Clerk- Treasurer