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City Manager's Office

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TO: Mayor and City Council

FROM: Steven L. Schainker, City Manager

DATE: February 25, 2010

SUBJECT: "Sandwich Board" Signs

As spring approaches, the Inspections Division staff has reminded me about the expected proliferation of "sandwich board" signs that will be placed in public rights-of-way (on sidewalks) in front of commercial businesses. Many times, these signs are used to advertise sales or specials for the businesses. (See attached picture.)

Sections 5.714 and 5.722 of the *Municipal Code* prohibit the use of this type of ground sign. However, realizing that most of these violations are the result of ignorance of the law, and not a willful intent to violate it, we do all we can to notify the businesses of the Code prohibition prior to taking any enforcement action. This year, we accomplished this notification in two ways: (1) the Chamber of Commerce and Main Street Cultural District were asked to share this information with all of their members, and (2) a letter was sent out by the City Inspector to the individual business owners where a violation was observed.

Despite all of our best efforts, we expect to be in a position that will require us to take enforcement action against various businesses throughout the City for a violation of this type of sign placement. This enforcement effort will undoubtedly elicit strong negative feelings about City government from some of these business owners. Knowing that this City Council's philosophy is to promote a positive business climate, I want to make sure that you continue to support the prohibition of these types of signs. Conversely, I need to know if you would like to take action to legalize these signs.

There appear to be a number of arguments both for and against continuing this prohibition;

For The Prohibition

- These signs can become a liability issue since they can 1) be easily picked up and thrown, 2) inhibit pedestrian movement, and 3) block the view of motorists at intersections.

- It is not possible to control the content of the messages that would appear on these signs that will be placed on public property. Attempts to regulate content are unlawful.
- Lacking any design guidelines, the placement of these signs along sidewalks may detract from the aesthetics of the facades of the businesses.

Against the Prohibition

- These signs offer an effective technique for promoting business activity because of their placement closer to pedestrian traffic.
- It may be more aesthetically pleasing to display this promotional information on ground signs than in the windows of the businesses.
- The placement of these signs could be regulated so as to not interfere with pedestrian movement through the requirement for a temporary obstruction permit.
- City liability for accidents involving the signs could also be lessened through insurance and hold harmless requirements associated with Temporary Obstruction Permits.

No action is required at this time if the City Council remains in support of this sign prohibition on public sidewalks. However, if that is not the case, the Council could direct staff to modify the *Municipal Code* to allow these types of signs under certain circumstances. Input from businesses owners would be warranted before proceeding with any modification to the *Code*.

