

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING CHAPTER
18.116 AND SECTIONS 18.120.010 AND 8.126.060 AS THEY RELATE TO
REGULATION OF SIGNS**

WHEREAS, on January 25, 2000, the Board of Supervisors adopted Ordinance No. 1167 amending Title 18 of the Napa County Code to comprehensively revise the County's Sign Regulations, prior to that the County's Sign Regulations had not been substantially amended since August 1993;

WHEREAS, the Board of Supervisors of the County of Napa now wishes to amend Chapter 18.116 and Sections 18.120.010 and 18.126.060 as they relate to signs;

WHEREAS, the Ordinance provides for AVA signs to identify viticultural areas;

WHEREAS, temporary signs will remain exempt as provided in section 18.116.120 and conflicting section 18.116.030(F) will be deleted;

WHEREAS, the agricultural association definition will be expanded to allow for signs identifying Napa County Land Trust properties;

WHEREAS, temporary off-site signs for seasonal agricultural sales (e.g. pumpkins) will be added to the ordinance and then deleted from the County Policy Manual by separate resolution;

WHEREAS, the purpose of many changes in the Ordinance are for clarity, to delete duplication, and to add sample diagrams to make it easier for the public to understand the different types of signs;

The Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1.

Chapter 18.116 (Signs) of the Napa County Code is amended to

read in full as follows:

Sections:

18.116.010	Purpose and intent.
18.116.020	Signs allowed without a permit.
18.116.030	Signs allowed upon grant of an administrative permit by the director.
18.116.035	Comprehensive sign plan.
18.116.036	Comprehensive sign plan—Procedures.
18.116.040	Agricultural association signs.
18.116.041	Temporary Off-Site Signs.
18.116.043	American Viticulture Area (AVA) Signs.
18.116.045	Airport industrial area signs.
18.116.050	(Reserved.)
18.116.055	Directional signs.
18.116.060	Winery signs.
18.116.065	Prohibited signs.
18.116.070	Height.
18.116.075	Lighting.
18.116.080	Maintenance.
18.116.081	Administrative penalty for failure to obtain permit.
18.116.085	Revocation of sign permits.
18.116.090	Abatement of nonconforming signs.
18.116.100	Abatement schedule—Date when compliance is required.
18.116.110	Removal and storage of nonconforming signs--Costs incurred.
18.116.120	Exempt signs.
18.116.130	Conflict with other regulations.
18.116.140	Nuisance.
18.116.150	Outdoor Advertising Act.

18.116.010 Purpose and intent.

A. It is the purpose of this chapter to eliminate excessive and confusing sign displays which do not relate to the premises on which they are located; to eliminate hazards to pedestrians and motorists brought about by distracting sign displays; to ensure that signs are used as identification and not as advertisement; and to preserve and improve the appearance of the unincorporated area of the county as a place in which to live, work, and visit.

B. It is the intent of these regulations to protect an important aspect of the economic base of the county by preventing the destruction of the natural beauty and environment of the county which is instrumental in attracting nonresidents who come to visit, trade and vacation; to safeguard and enhance property values; to protect public and private investment in buildings and open space; and to protect the public health, safety and general welfare.

18.116.020 Signs allowed without a permit.

The following signs shall be allowed without a permit on any lot in any zone:

- A. One sign, not exceeding one square foot in sign area, attached to and parallel to the front wall of a building and containing the name, address and occupation of the occupant;
- B. One temporary, unlighted real estate sign not exceeding six square feet in sign area advertising the sale, rental or lease of the lot or building on which the sign is located so long as the lot or building on which the sign is located is offered for sale, rental or lease;



Figure 18.116.020(B): Example of Real Estate Sign

- C. One temporary construction sign not exceeding six square feet in sign area identifying the architect, engineer, contractor or builder associated with the construction project on the lot on which the sign is located, so long as permitted construction is occurring on the lot;



Figure 18.116.020(C): Example of Temporary Construction Sign

D. Political sign(s) not exceeding an aggregate area of one hundred twenty-eight square feet in sign area per parcel. The maximum aggregate area applies to the total signage allowed per parcel; it does not apply per candidate or issue. All sides of a multi-sided sign will be included in the aggregate area calculations. No political sign shall be displayed earlier than ninety days prior to the election in which the candidate or ballot measure will be voted on. All political signs shall be removed within ten days thereafter, except that a sign on behalf of a candidate who is successful in a primary election may be retained for the general election. Removal of political signs shall be the responsibility of the property owner;



Figure 18.116.020(D): Examples of Political Signs

E. Changes in the copy of signs consistent with and permitted pursuant to this section, including but not limited to signs approved by a use permit or by a comprehensive sign plan;

F. Physical maintenance of signs consistent with and permitted pursuant to this section, including but not limited to signs approved by a use permit or by a comprehensive sign plan, provided that such maintenance shall not materially alter the physical features of such sign(s); and

G. One sign, not exceeding three square feet in sign area, for the purpose of providing contact information for agricultural parcels that are not otherwise identified (e.g. vineyards, grazing areas not associated with other signage).

1. The sign shall be single faced, shall use letters no greater than two and one-half inches in height, and shall employ white reflectorized copy on a solid blue background. No logos or other advertising type copy is permitted.

2. The highest point of the directional sign, whether supported by post or attached to a fence or similar structure, shall generally lie at the normal vehicular line of site, and in any event may not exceed six feet above the centerline of any adjacent vehicular right-of-way.

3. The sign shall be located outside of the public right-of-way.

4. The sign shall contain only the following standard wording:

Name of Vineyard

---For info call----

Name of Vineyard Management Company (if different from line 1 above)

Telephone number

H. Exempt signs as provided for in Section 18.116.120 of this code.

18.116.030 Signs allowed upon grant of an administrative permit by the director.

The director may issue an administrative permit pursuant to Chapter 18.126 for the following signs based on submitted applications, which may be in letter or other format, and which shall specify the location, size, and other characteristics of the proposed sign(s):

A. One on-site directional sign not within a public right-of-way as described in Section 18.116.055 per business, institution, or facility in any zone;

B. Up to two directional signs associated with a permitted business, located in a public right-of-way if specifically approved by the director of public works (designed and located in conformance with the Napa County Road and Street Standards) or the California Department of Transportation, whichever is applicable; (See Section 18.116.055 for allowable size, height, and other standards.)

C. One sign per parcel, not exceeding six square feet in area or four feet in height above the ground, with a single face, and not illuminated, to identify a ranch, farm, vineyard, or other agricultural land use of the parcel on which the sign is located, not including wineries, or to advertise the sale of agricultural products grown or raised on the site;

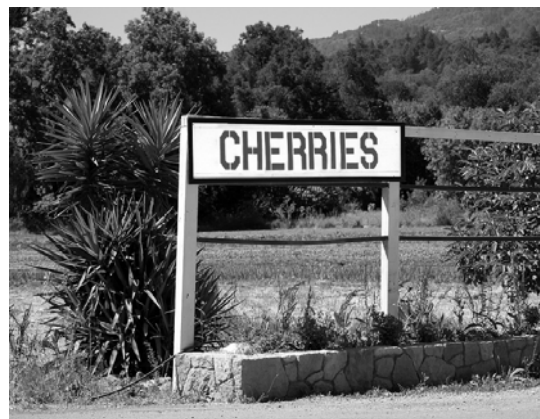


Figure 18.116.030(C): Example of Agricultural Business Sign

D. Signs specifically authorized by, and consistent with, a previously-approved use permit;

E. Signs specifically authorized by, and consistent with, a previously-approved comprehensive sign plan;

F. Agricultural association signs and American viticulture area signs as provided for in Sections 18.116.040 and 18.116.043 that are not authorized by a previously-approved comprehensive sign plan; and

G. Temporary off-site signs for seasonal agricultural retail sales activities as provided for in Section 18.116.041.

18.116.035 Comprehensive sign plan.

The following signs may be authorized only after approval of a comprehensive sign plan (“CSP”) by the director or by the Planning Commission:

A. Signs identifying a business complex having two or more tenants in a commercial zoning district, or any business therein, unless a use permit for the complex contains specifications for all signs that are consistent with the requirements of this section.



Figures 18.116.035(A): Examples of Business Complex Signs

B. Winery identification signs, where the site neither contains nor has been approved for any such signs.

C. Signs within a specific plan area, or any subarea thereof, containing more than one existing or potential business or use.

D. Signs identifying an agricultural association, in conformance with Section 18.116.040.

E. Signs associated with each establishment must also be consistent with the CSP. Sign permits shall not be required for copy changes or maintenance involving nonstructural changes provided that such changes remain consistent with the CSP.

18.116.036 Comprehensive sign plan—Procedures.

A. A comprehensive sign plan shall prescribe standards which promote reasonable uniformity and high aesthetic quality for all signs governed by the plan by controlling size, number, appearance and location.

B. Application for comprehensive sign plan approval may be made by one of the following:

1. Owner(s) or lessee(s) of property on which all CSP signs are to be placed; or
 2. An agricultural association as defined by subsection (A)(1) of Section 18.116.040.
- C. Prior to any approval of a CSP, the director or the Commission shall make the

following findings:

1. That all permitted signs are related to others in the area covered by the CSP by utilization of compatible design elements such as materials, color, lettering style, configuration, placement, or graphic content;
2. That each commercial, industrial, or winery sign is designed so as to be compatible with the architectural style of the buildings on the premises;
3. That any signs placed upon buildings are compatible with the architecture, and compatible in size and area with the wall(s) upon which they are located;
4. That as a consequence of the careful consideration given to design and placement of signs as part of a comprehensive plan, the overall signage will be compatible with the style or character of improvements on adjacent properties.

D. Exceptions to any standards of the CSP may be approved provided substantial compliance with the overall sign plan is achieved, and all exceptions contribute to improved relationships between various signs and other elements of the area covered by the CSP. The effect of any approval shall not grant a special privilege to a property owner, but rather shall assure fair and equitable treatment of properties which exhibit unusual location, configuration and graphic communication problems.

18.116.040 Agricultural association signs.

A. Definitions.

1. An “agricultural association sign” is a sign that functions to (a) identify a property in agricultural or open space use and (b) identify the property owner or lessee's association with an agricultural organization formed around a geographic location.

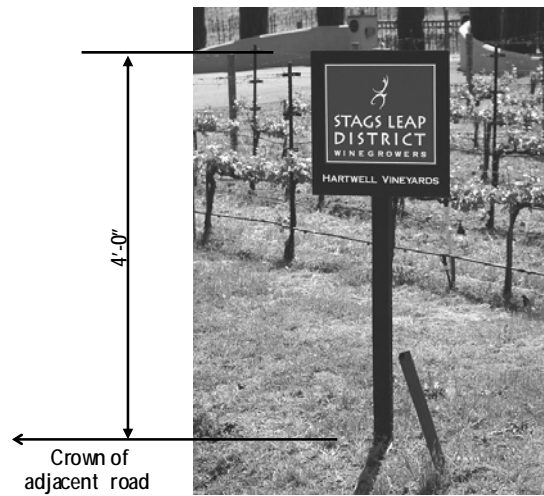


Figure 118.116.040: Example of Agricultural Association Sign

2. For the purposes of this section, an “agricultural association” is a non-profit or cooperative organization formed on geographic basis for the primary purpose of research, education, and/or marketing of agriculture and agricultural products produced in Napa County, including such organizations representing a larger area of which Napa County is a part. For purposes of this section, agricultural associations also include non-profit organizations formed for the purpose of land or open space preservation, where such organizations hold easements or fee title to property.

B. Standards.

1. Signs shall not exceed any of the following maximums:

- a. one face, no more than six square feet in area;
- b. four feet above the elevation of crown/centerline of any adjacent road, except that a single sign permitted to identify more than one eligible property may be up to six feet high.

2. Signs shall be placed as follows:

- a. On a permitted wall or other permitted structure without projecting above the top or roof; or
- b. Outside a road setback, parallel to the road or other vehicular drive nearest the sign; or
- c. Outside a yard setback, adjacent to a vehicular drive and facing incoming traffic;
- d. Signs readable from a public road must be at least four hundred feet apart, except that signs more than one hundred feet away from a road frontage shall be placed at least two hundred feet from any other such sign.

e. The Director may exempt signs from these setback, height, and spacing requirements based on unique circumstances, such as, but not limited to, topography and parcel size.

3. Only one agricultural association may be identified for a single agricultural property eligible for a sign pursuant to this section.

4. Signs shall conform to a uniform design adopted by the agricultural association for its members that identifies permissible color(s), font(s), and pictorial content (such as association logo).

- C. Prohibitions.
 - 1. No extensions shall be allowed above or to the side, including but not limited to temporary copy, flags, banners, and balloons.
 - 2. Agricultural association signs shall not be illuminated.

18.116.041 Temporary Off-Site Signs.

- A. Definitions.
 - 1. For purposes of this section, a “temporary off-site sign” is defined as a sign for seasonal agricultural retail sales activity, such as, but not limited to, the annual sale of Christmas trees or pumpkins.
 - 2. A temporary off-site sign for seasonal agriculture retail sales activity is a temporary sign designed principally for the purpose of providing directional guidance for the general public to the location of a seasonal agricultural business, when the said location is not visible from the site of the sign.
- B. Standards.
 - 1. Placement of such signs shall require the approval of the director or the director’s designee and shall be located outside of public rights-of-way within one-half mile radius of the primary intersection leading to the subject property. Application for approval to erect such sign(s) shall be accompanied by written approval from the owner of the property where said signs are to be located.
 - 2. Approved seasonal agricultural retail signs shall be displayed for no more than forty-five calendar days per year unless extended for an additional forty-five days by the director based on unique conditions or circumstances.
 - 3. Approval may be given for a multiple year time period. However, in no event shall approval be given for more than five years. Multiple year approval requires that the applicant make no changes in the design and/or location of the signs as originally approved.
 - 4. All such signs shall be located not further from the retail sales site than one of the following designated State Highways or County roads: (1) State Highways SR 12, 29, 128, 221; or (2) Silverado Trail.
 - 5. Large signs shall not exceed thirty-two square feet per sign face (four foot by eight foot); directional signs shall not exceed four square feet per sign face. Large signs may be double-faced or single faced. Directional signs shall be single faced.
 - 6. The maximum number of large signs associated with any single retail sales activity shall be two; the maximum number of directional signs shall be eight.
 - 7. All signs shall be six feet or less in height above the average surface of the ground in the surrounding area. Where two or more directional signs are located at the same intersection, they shall be placed on a common post or supports.

18.116.043 American Viticulture Area (AVA) Signs.

- A. Definitions.
 - 1. An “American Viticulture Area (AVA) sign” is a sign that functions to identify the boundary of an AVA formally designated by the federal government.

2. The applicant for the sign shall be the representative of an AVA organization.

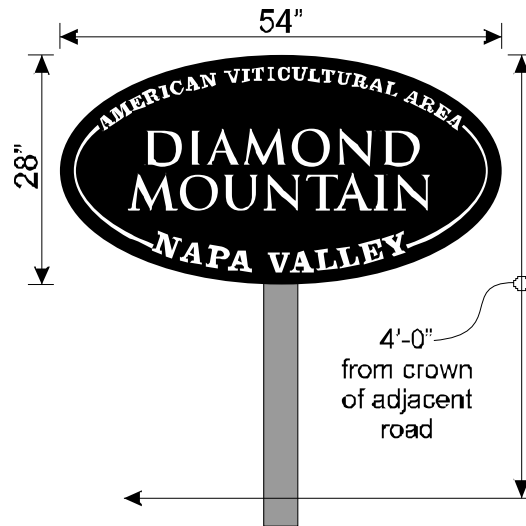


Figure 18.116.043: Example of AVA Sign

- B. Standards.
 1. Signs shall be constructed of aluminum, elliptical in shape and measure twenty-eight inches high by fifty-four inches wide:
 - a. Signs shall consist of one face with a background in Standard Burgundy, PMS (Pantone) color number 1955C or CMYK (C8, M100, Y47, K39) or equivalent; the lettering and border shall be reflective white/cream in color;
 - b. Signs shall be mounted so that the total maximum height of the sign and post combined shall be no higher than four feet above the elevation of crown/centerline of any adjacent road.
 2. Signs shall be placed perpendicular to an adjacent road facing oncoming vehicular traffic as follows:
 - a. Within Caltrans right of way with approval of an encroachment permit; or
 - b. Within county right of way with approval of an encroachment permit; or
 - c. On private property with approval of the property owner, as long as the sign is outside required road and yard setbacks and within the AVA.
 3. The number of AVA signs shall be as follows:
 - a. Up to four AVA signs are permitted for each federally designated AVA, placed where vehicular traffic enters the AVA or as close to the official boundary as is reasonable based on topographic and roadway constraints; and
 - b. AVA signs may not be placed within two hundred feet of another AVA or agricultural association sign on the same side of the road. Two contiguous AVAs may have signs in closer proximity and on opposite sides of the roadway designating the entry to each AVA.
 - c. The director may exempt signs from setback, height, and spacing requirements based on unique circumstances, such as topography and parcel size.

4. Signs shall conform to a uniform design as specified and illustrated herein, and text on the sign shall be limited to:
 - a. The name of the official federally approved and designated AVA,
 - b. The words “Napa Valley,” and
 - c. The words “American Viticultural Area.”
- C. Prohibitions.
 1. No extensions shall be allowed above or to the side, including but not limited to temporary copy, flags, banners, and balloons.
 2. AVA signs shall not be illuminated.

18.116.045 Airport industrial area signs.

- A. All signs in the Airport Industrial Area Specific Plan (“AIASP”) area shall conform to this chapter, except where the applicable provisions of the adopted specific plan are more restrictive, or a variation has been authorized pursuant to Section 18.40.250.
- B. The following types of signs may be permitted in the AIASP area by use permit where incorporated into permission for the land use or tenancy, or by comprehensive sign plan where incorporated into permission for all signs on a property or development area.
 1. Site Identification Signs.
 - a. Limited to one sign per development site, master planned business park, or planned unit development; a site with more than one street frontage with vehicle access may have one such sign per frontage.
 - b. All such signs shall be monument (ground- rather than pole-mounted) features sited perpendicular to the street at least five feet from the right-of-way within the landscape setback or median of the vehicular entryway.

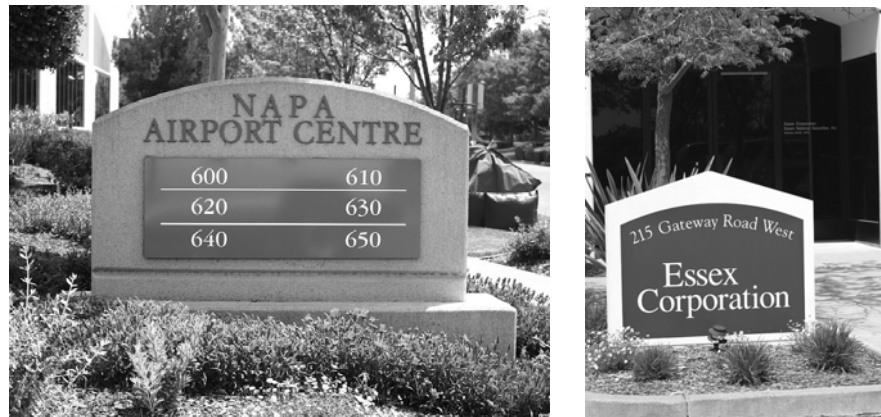


Figure 18.116.045(B)1 and 2: Examples of Airport Industrial Area Signs

- c. Permitted copy includes street name and number, building name, and the name and graphic symbol for one tenant. No advertising or sign extensions are permitted.
2. Building Identification Signs.
 - a. Limited to one monument sign and one wall-mounted sign per building; except that additional signage may be permitted for a development with a comprehensive sign program.

b. A wall-mounted sign shall be affixed to a building wall, shall not project above the roof, shall not in any event exceed three percent of the size of the wall to which it is affixed, shall be composed of individual letters separately affixed, and shall be architecturally consistent with the building design. Permitted copy includes a single building name or tenant name per sign.

c. Monument-style building identification signs shall be integrated into site landscaping and located near the primary pedestrian entry point. Such signs shall not exceed four feet in height and thirty-two square feet in size. All such signs shall be consistent with building architecture or site identification signs. Permitted copy may include the names and addresses of multiple tenants. No advertising or sign extensions are permitted.

3. Tenant Identification Signs.

a. Except as permitted above, all tenant identification signs shall be wall-mounted near the tenant's public entry door and shall be standardized to the extent possible to conform to other tenant identification signs on the same building, and to reflect the proportional occupancy of space in the same building.

b. Tenant sign text shall be limited to an address, name, and symbol/logo.

4. Directional signs, where consistent with provisions of the AIASP.

5. Permanent Informational Signs.

a. Street and industrial park names may be placed on permanent informational signs serving that purpose only, where approved as complementary to the master sign program for the area.

b. Such signs may not exceed six square feet in area or twelve feet in height.

C. Illumination.

1. Site and building identification signs may be externally lit in accordance with landscape lighting scheme for the site.

2. Tenant identification and directional signs may not be illuminated.

3. Sign illumination shall not create aviation hazards of any kind, including but not limited to direct skyward projection, glare or mimicry of airport lights.

4. Sign illumination shall not intrude onto adjoining sites or roadways.

D. Construction Materials.

1. All permitted monument signs shall be constructed of durable, permanent, high quality materials such as stone, wood, concrete, treated metal, or masonry that match major building materials.

2. All permitted wall signs shall be constructed of materials that are compatible with the architectural style of the buildings to which they are affixed.

3. Temporary and movable signs are not permitted.

18.116.050 (Reserved.)

18.116.055 Directional signs.

Permitted directional signs shall comply with the following standards:

A. Size and dimension: Directional signs may not exceed a copyboard height of one foot nor a length of three feet. Signs shall be single-faced unless a need for double-facing is demonstrated.

B. Height: The total height of a directional sign, including the post or standard upon which a directional sign is placed, shall generally lie below the normal vehicular line of sight to the horizon, and may not exceed six feet above the centerline of any adjacent vehicular right-of-way.

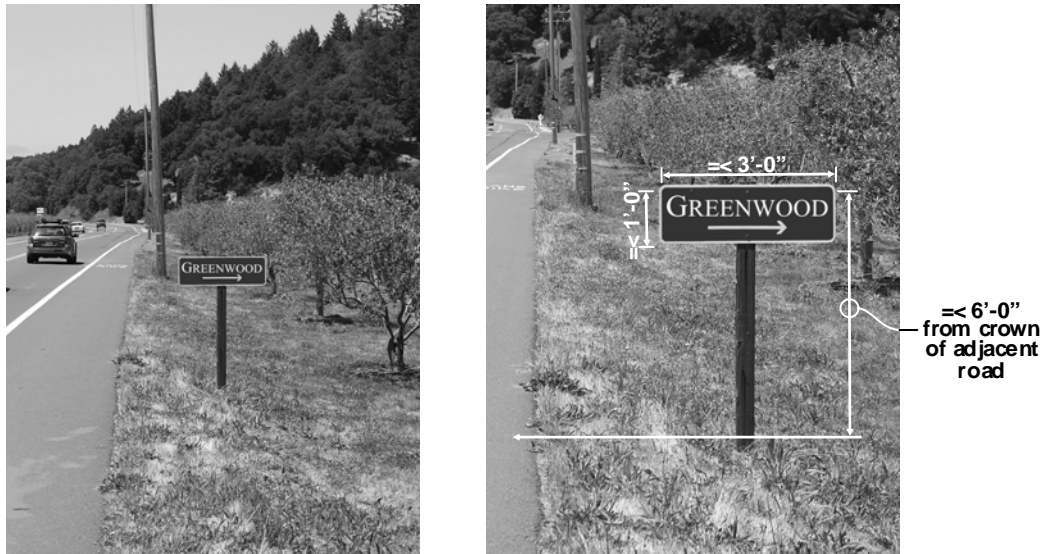


Figure 18.116.055: Examples of Directional Signs (Also see 18.116.030(A))

C. Color: Directional signs shall employ white reflectorized copy on a solid blue background.

D. Copy: Lettering may employ any font, upper or lower case, and shall not exceed four inches in height for any letter. One arrow is permitted per sign face. One logo or other symbol per sign face, not exceeding four inches in diameter, may be permitted.

E. Location: Directional signs may be located on site or within a public right-of-way.

18.116.060 Winery signs.

A. All winery signs, including but not limited to any sign containing “open,” “closed,” hours of operation, or identifying sales of wine, shall be governed by use permit or a comprehensive sign plan, and shall be compatible with the design and scale of the winery, its site, structures, and surrounding area.



Figure 18.116.060: Examples of Winery Signs

B. Unless the winery was permitted to conduct public tours or tastings prior to February 22, 1990, a winery that is required to or elects to have a sign identifying the winery at the entrance to or from a public roadway, including a sign attached to or part of an entry structure, must at the same location legibly post the words “Tours and Tastings by Prior Appointment Only.” Any such sign must further conform to any applicable standards adopted by comprehensive sign plan, use permit or commission resolution as to size, placement, materials, legibility and maintenance.

C. Winery sign design and location shall be consistent with the following standards, unless prior to February 24, 2000, such sign(s) has been approved as part of a use permit, or at any time more restrictive provisions are specified by the applicable use permit or comprehensive sign plan:

1. One or more freestanding sign faces limited to a combined total of thirty square feet;
2. One or more wall signs limited to a combined total of twelve square feet; and
3. A freestanding sign shall have no feature exceeding a height of six feet above the natural grade or four feet above the centerline of an adjoining roadway, whichever is the greater.

18.116.065 Prohibited signs.

The following signs shall be prohibited:

A. Any sign identifying a use, facility or service which is not located on the premises, or which advertises or otherwise directs attention to a product, service or activity, event, person, institution or business, whether or not identified by a brand name, which occurs or is generally conducted, sold, manufactured, produced or offered elsewhere than on the premises where such sign is located except as provided in subsections (A) or (B) of Section 18.116.030, subsection (D) of Section 18.116.020, and Section 18.116.041;

B. Any sign that projects above the building wall or roof to which it is affixed;

C. Any illuminated sign of such brightness as to create a hazardous or annoying glare;

D. Any sign erected at or near an intersection in such a manner as to obstruct clear vision at any point where, by reason of position, shape or color, it may interfere with or be confused with any authorized traffic sign, signal or device;

E. Any sign which, by virtue of its design, is readily movable or which sits on the surface of the ground without being attached thereto;



Figure 18.116.065(E): Example of Prohibited Signs

- F. Statuary or representational figures used for advertising purposes;
- G. Signs that include any moving part or any flashing, blinking, fluctuating or intermittent light;
- H. Signs that emit sound or odor;
- I. Signs that display exposed artificial lighting, except as provided in Section 18.116.075;
- J. Any sign that has fallen into a state of disrepair, becomes illegible at a reasonable distance, or gives the appearance of having been abandoned;
- K. Any sign for which a required permit or other approval by any public or private agency has not been obtained;
- L. More than one agricultural sign or agricultural association sign placed on a continuous road frontage under common agricultural ownership or operation;
- M. No property may be identified by both an on-site agricultural (Section 18.116.030(C)) or agricultural association (Section 18.116.040) sign, and an off-site agricultural association sign;
- N. Within airport compatibility (:AC) zoning districts, any sign that causes a nuisance or hazard for aviation;
- O. Any freestanding sign of which any part is more than fifteen feet above the ground; and
- P. Any freestanding sign exceeding fifty square feet in which either the height or the width of the copy area exceeds fifteen feet.

18.116.070 Height.

No sign shall exceed a height of twelve feet, measured from the uppermost point on the sign structure to the ground immediately below such point.

18.116.075 Lighting.

Signs may be illuminated only if expressly authorized herein or by permit conditions. Reflected light or spillover light may not fall upon surrounding properties. Neon and internally illuminated signs are prohibited.

18.116.080 Maintenance.

All signs shall be maintained in a reasonable state of repair by the owner of the property on which the sign is located, and such owner shall be primarily responsible for such maintenance thereof except that AVA signs shall be maintained by the AVA organization responsible for their installation.

18.116.081 Administrative penalty for failure to obtain permit.

A. An administrative penalty in the amount of three hundred dollars shall be imposed, pursuant to Government Code Section 53069.4 and this section, upon anyone who erects or allows to be erected any sign listed in Section 18.116.030 without first obtaining a permit.

B. The property owner and the owner of the sign, if different, shall receive a notice of nuisance by certified mail pursuant to Section 1.20.040. The notice shall state that unless an application for a permit is on file with the conservation, development and planning department and all readable copy of the sign has been covered from view or the sign is removed within ten days of the date of the letter, the penalty shall be imposed without further notice.

C. Collection.

1. If a permit application is on file and all copy has been covered within ten days of the date of the letter, no penalty will be imposed.

2. If a permit application is not filed or all copy has not been covered within ten days of the date of the letter, the penalty will be imposed and collected at the time of payment of fees for a permit. No permit shall be issued until both the penalty and the permit fee are paid. Payment of the penalty shall not exempt any person from compliance with all other provisions of this code or any conditions imposed by the permit once granted.

3. If a permit application is not filed within thirty days of the date of the letter, abatement proceedings will commence pursuant to Chapter 1.20 and an amount equal to the penalty will be added to the costs of abatement.

D. Administrative Review.

1. The sign owner or the property owner may object to the imposition of the penalty within ten days of notification of the violation. A hearing shall be scheduled before the zoning administrator or the board of supervisors, and the sign owner and property owner, if different, shall be notified by mail of the time, date and place of the hearing.

2. If a permit application is on file the penalty hearing shall be consolidated with the application hearing.

3. If no application is on file the penalty hearing will be combined with a cost abatement hearing pursuant to Section 1.20.100.

E. Judicial Review.

1. Within twenty days of final administrative review, a person contesting the penalty may file an appeal with the municipal court. A copy of the notice of appeal must be served on the planning department either in person or by first-class mail.

2. The planning department's file shall be forwarded to the court within fifteen days of receipt of the court's request. A copy of the notice of violation and imposition of penalty letter shall be admitted as prima facie evidence of the facts therein.

3. If the court finds in favor of the contestant, the planning department shall reimburse the cost of filing the notice of appeal as set out in Section 53069.4 of the California Government Code in addition to reimbursing the penalty in accordance with the judgment of the court.

18.116.085 Revocation of sign permits.

The zoning administrator shall have the authority to revoke any sign permit which has been granted when he or she has determined, after public hearing in accordance with the procedures set forth in subsections (A) and (B) of Section 18.124.120, that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.

18.116.090 Abatement of nonconforming signs.

Any sign which is nonconforming in that it does not conform to the regulations embodied in this chapter shall either be removed or brought into compliance with the code requirements within the period of time prescribed herein dating from the effective date of the regulations codified in this chapter. Signs not removed or brought into compliance within the time period prescribed will be subject to penalty as provided in Section 18.116.081.

18.116.100 Abatement schedule—Date when compliance is required.

A. Any sign required to be removed or brought into compliance before November 1, 1983 by prior ordinance shall be removed on or before the effective date of these regulations.

B. Any sign not in conformance with these regulations, where the owner has not demonstrated to the satisfaction of the director that a permit had been obtained, and had not been revoked, for such sign between July 1, 1979 and the effective date of these regulations shall be removed on or before the thirtieth day after the effective date of these regulations.

C. Any sign not in conformance with these regulations, where a permit had been obtained for such sign and not revoked, shall be removed no later than thirty-six months after the effective date of these regulations.

18.116.110 Removal and storage of nonconforming signs--Costs incurred.

A. Any sign that is in noncompliance with the regulations of this code shall be removed prior to or upon the date designated for removal in the preceding section. If the owner of, or the person or persons responsible for, the sign fails to remove the nonconforming sign, the owner of the premises upon which the sign is located shall be responsible for the removal of the

sign and the work shall be done within ninety days following the date of nonconformance. The director, after proper notification, may cause the removal of any nonconforming sign in conformance with the procedures and requirements of Chapter 1.20.

B. A sign removed by the county shall be held not less than thirty days by the county, during which time it may be recovered (but not re-erected) by any one of the following upon payment for staff time incurred following issuance of notification:

1. The owner of the sign;
2. The owner of the premises on which the sign is located;
3. The occupant of the premises on which the sign is located.

C. A sign removed by the county shall be held not less than thirty days by the county, during which time it may be recovered (but not re-erected) by the owner upon payment to the county for costs of removal and storage. If not recovered prior to expiration of the thirty-day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the county and the cost of removal and storage shall be payable by the owner. The owner of the land shall be liable if the sign owner does not pay the costs set forth in this section.

18.116.120 Exempt signs.

The following types of signs shall be exempt from the provisions of the regulations codified in this chapter:

- A. Any sign erected and maintained pursuant to, and in discharge of, any governmental function, or required by any law, ordinance or governmental regulation;
- B. Bench signs located at designated public transit bus stops; provided, however, that such signs shall have any necessary permits;
- C. Signs being manufactured, transported or stored within the unincorporated area of the county of Napa shall be exempt; provided, however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage;
- D. Commemorative plaques of recognized historical societies and organizations;
- E. Religious symbols, legal holiday decorations and identification emblems of religious orders or historical societies;
- F. Signs located within malls, courts, arcades, porches, patios and similar areas where such signs are not visible from any point on the boundary of the premises;
- G. Signs designating the premises for sale, rent or lease; provided, however, that any such sign shall conform to all regulations of the particular zone in which it is located and subsection (B) of Section 18.116.020;
- H. Public service signs limited to the depiction of time, temperature or news; provided, however, that any such sign shall conform to all regulations of the particular zone in which it is located;
- I. Signs on vehicles regulated by the county that provide public transportation including, but not limited to, buses and taxicabs;
- J. Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs;
- K. (Reserved);

L. Signs commonly known as “picket signs,” carried by individuals and conveying information regarding labor disputes and other constitutionally protected subjects;

M. Temporary canvas signs, temporary event signs, banners, balloons, promotional flags, pennants, streamers or similar devices displayed once per year for a maximum of thirty days.

18.116.130 Conflict with other regulations.

Where there is a conflict between the regulations of this chapter and the regulations of any other sections of this code, the regulations of this chapter shall prevail; provided, however, that the regulations of other sections shall prevail in the following cases:

A. Where the regulations of any other section are more restrictive;

B. Where a planned district has been established in accordance with the procedure set forth in Section 18.48.010 and following of this code, provided that any such planned district regulations shall include comprehensive sign regulations encompassing the entire planned district area.

18.116.140 Nuisance.

Any nonconforming sign required to be removed pursuant to Section 18.116.110, and not removed by the owner, and any sign which is placed in violation of the provisions of this chapter following the effective date of the ordinance codified in this chapter, shall be deemed to constitute a nuisance which may be abated by the county in accordance with law. The provision of this section shall not be exclusive but shall be in addition to other remedies which may be provided by law.

18.116.150 Outdoor Advertising Act.

Nothing in this chapter shall be construed to conflict with the California Outdoor Advertising Act of 1970.

SECTION 2. Section 18.120.010 (Exceptions to use limitations) of Chapter

18.120 (Exceptions) of the Napa County Code is amended to read in full as follows:

18.120.010 Exceptions to use limitations.

A. The following uses, in addition to those hereinbefore set forth, shall be allowed without a use permit in any zoning district:

1. Category 1 and 1A temporary events, as defined in Section 5.36.015;
2. Category 2A, 2B, 3, 4, and 5 and Subsequent Category 2A, 2B, 3, 4 and 5 temporary events as defined in Section 5.36.015 and conducted in accordance with Chapter 5.36; and special events as defined in Section 10.24.010 and conducted in accordance with a special events permit obtained in accordance with Chapter 10.24;

3. Commercial excavation or extraction of natural materials including, without limitation, geothermal, oil and gas resources so long as a surface mining permit has been issued pursuant to the provisions of Chapter 16.12 for those operations involving surface mining;

4. Distribution lines installed to convey gas and/or electricity locally to individual services or to another such line;

5. Cable television lines, and telephone lines other than long distance cables;

6. Cultivation of gardens;

7. Temporary sheds for the retail sale of agricultural products lawfully produced on the premises;

8. Hand-held, vehicular, or other portable transmitters or transceivers, including, but not limited to, cellular phones, CB radios, emergency services radio, and other similar devices;

9. Helicopter emergency use facility landing sites; and

10. Helicopter landings solely in support of direct agricultural production activities such as aerial spraying and frost protection.

B. The following uses may be permitted in any zoning district (or where restricted to certain zoning districts, in accordance with such restrictions) upon the grant of a use permit in each case:

1. (Reserved);

2. Personal use airports and heliports, and emergency medical services landing sites, provided, that such use permit is not effective unless and until any required permits, licenses, or other approvals from other federal, state, and local agencies (including the airport land use commission) have been obtained;

3. Commercial excavation or extraction of natural materials including, without limitation, geothermal, oil and gas resources;

4. Timber harvesting;

5. Sanitation treatment plants and oxidation ponds;

6. Electric transmission lines designed to carry large blocks of electric energy at a voltage of thirty-three kv or above from generating stations, between points of interchange, between transmission substations, to distribution stations or to large individual customers;

7. Gas transmission lines installed for the purpose of transmitting gas from a source or sources of supply to one or more distribution centers or to one or more large volume customers or to interconnect sources of supply;

8. Other public utility uses including, without limitation, warehouses, storage yards, gas holders, substations, electric generating plants, reservoirs, storage tanks, pumping stations and communication equipment buildings;

9. Other public and quasi-public uses not included elsewhere in this section other than telecommunication facilities;

10. Other provisions of this section to the contrary notwithstanding, the undergrounding of any electric, gas or telephone line shall require a use permit except:

a. Where the entire length of the line to be underground is covered by an encroachment permit, or

b. The entire length of the line to be undergrounded lies between a distribution line on a street and an individual service connection;

11. Churches;

12. Cemeteries;
 13. Child day care center in existing structures developed for public assembly (i.e., churches, meeting halls, public and private schools) and in existing nonconforming commercial buildings;
 14. Temporary real estate offices for the sale of properties developed pursuant to a development plan for the site;
 15. Provided that the property to be developed is located within a railroad right-of-way in existence as of January 1, 1988, and notwithstanding any other provision of this code, tourist and excursion transportation facilities may be permitted, subject to the issuance of a conditional use permit pursuant to Sections 18.124.010 through 18.124.080; and
 16. Hot air balloon launching sites so long as the approving agency can make all of the findings contained in Section 18.104.400.
- C. Minimum lot area regulations applicable to any zoning district may be waived by the commission in connection with issuance by it of a use permit for any use set forth in subsections (B)(7) and (8) of this section.
- D. The following uses shall be allowed in any zoning district upon issuance of an administrative permit in accordance with Chapter 18.126:
1. A home occupation; provided, however, that notwithstanding Section 18.08.310, a bed and breakfast shall not be considered a home occupation;
 2. Signs allowed without permits per Section 18.116.020 and signs allowed upon grant of an administrative permit per Section 18.116.030;
 3. A temporary trailer;
 4. An application for an extension of time for a previously issued administrative permit for a temporary trailer; and
 5. Hot air balloon launching sites involving fifty or fewer days of launches or attempted launches at the same site per year and in accordance with the standards contained in subsection (O) of Section 18.126.060.

SECTION 3. Section 18.126.060 (Permit—Issuance prerequisites) of Chapter

18.126 (Administrative Permits) of the Napa County Code is amended to read in full as follows:

18.126.060 Permit—Issuance prerequisites.

Issuance of an administrative permit is subject to the following standards:

- A. An administrative permit for a temporary event shall not be issued unless the application complies with Chapter 5.36 and the standards set forth in the Temporary Events Manual.
- B. An administrative permit for a home occupation shall not be issued unless the application complies with the standards contained in Section 18.104.090.
- C. An administrative permit for certain entry structures and fences shall not be issued unless the application complies with the standards contained in subsection (D)(3) of Section 18.104.270 or Section 18.104.275.
- D. An administrative permit for a directional sign shall not be issued unless the

application complies with the standards contained in subsections (A) and (B) of Section 18.116.030.

E. An administrative permit for an identification sign shall not be issued unless the application complies with the standards contained in Section 18.116.035.

F. An administrative permit for comprehensive sign plan shall not be issued unless the application complies with the standards contained in Section 18.116.035.

G. An administrative permit for an agricultural sign shall not be issued unless the application complies with the standards contained in subsection (C) of Section 18.116.030.

H. An administrative permit for a temporary off-site sign shall not be issued unless the application complies with the standards contained in subsection (G) of Section 18.116.030.

I. An administrative permit for a construction trailer shall not be issued unless the application complies with the following standards:

1. A building permit for a residential use has been issued for the property upon which the trailer will be located;
2. The trailer is for use by the owner/builder;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
4. The trailer meets applicable county setback requirements.

J. An administrative permit for a medical or caregiver trailer shall not be issued unless the application complies with the following standards:

1. The property owner or occupant of the property has provided written documentation from a licensed physician indicating the property owner's or occupant's need for twenty-four-hour, in-home medical care;
2. The trailer meets applicable county department of environmental management requirements for sewer and water; and
3. The trailer meets applicable county setback requirements.

K. An administrative permit for an office trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted for the property upon which the trailer will be located and a building permit for the office is either in process for issuance or has been issued;
2. The trailer will be used during the daytime for business purposes only and no overnight lodging will occur;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
4. The trailer meets applicable county setback requirements.

L. An administrative permit for a watchman trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted and a building permit (if required) is either in process for issuance or has been issued for the property upon which the trailer will be located;
2. There is a need for security on-site because the property is located in an isolated area or there is a risk of theft, vandalism, burglary, or unauthorized entry upon the property;
3. The trailer meets applicable county department of environmental management requirements for sewer and water; and
4. The trailer meets applicable county setback requirements.

M. A permit for a farm labor trailer shall not be issued unless the application complies with the following standards:

1. A use permit has been granted for the property upon which the trailer will be located;
2. A building permit for a permanent structure is either in process for issuance or has been issued;
3. There is a demonstrated need for a temporary trailer to be onsite prior to completion of construction of the permanent structure;
4. The trailer meets applicable county department of environmental management requirements for sewer and water; and
5. The trailer meets applicable county setback requirements.

N. An extension of time for an administrative permit for any temporary trailer shall not be issued unless the director determines that the original findings identified in Section 18.126.060 have not changed.

O. A permit for hot air balloon launchings shall not be issued unless the application complies with the following standards:

1. The proposed launch site is located more than five hundred feet from any off-site residence or if the launch site is proposed within five hundred feet of any off-site residence, the permittee has submitted written consent to the planning department from the property owners or residents of any off-site residences within five hundred feet stating that they have no objection to the proposed launch site;

2. The permittee has submitted a signed statement which acknowledges that the permittee: (a) has read the county's adopted code of conduct; (b) agrees that all users of the launch site will be bound by the county's adopted code of conduct; and (c) certifies that all activities within the last year at any other sites operated by the permittee have complied with the county's adopted code of conduct;

3. The permittee has provided written authorization from either the property owner where the launch site is proposed or the property owner's authorized agent together with a statement from the property owner or the property owner's authorized agent confirming that balloon launchings will not interfere or conflict with any existing or planned agricultural uses on the property;

4. The site is proposed for use only between the hours of five-thirty a.m. and nine-thirty a.m.;

5. The permittee has provided the planning department with a certificate of insurance naming the county and the property owner as additional insureds on the personal injury/property damage insurance in an amount acceptable to the county's risk manager which is consistent with the county's corporation yard license requirements currently existing or as amended;

6. The permittee has provided a list of intended landing areas that are both reasonable given the launch location and prevailing winds and permitted or allowed;

7. The permittee and each balloon operator utilizing the permittee's launch site agree to conduct their operations so as to remain in good standing with the county. For purposes of this section, "in good standing with the county" means that within the last twelve-month period, the county has not received more than three verified complaints or a number of verified complaints

equivalent to three percent of the total number of launches, whichever is greater. All complaints must be: (a) submitted on a form provided by the planning department for verification; and (b) submitted by a property owner or resident who has certified that the permittee or a balloon operator using the launch site has landed on the property owner's or resident's property without permission; and

8. Notice of the tentative approval of a hot air balloon launching site pursuant to this chapter shall be given by the director of planning in accordance with subsection (B)(4) of Section 18.136.040. All notices under this section shall inform the persons notified of their right to appeal the decision under Section 18.126.060, including the time within which any such appeal must be filed.

P. An administrative permit for agriculture association signs and American viticulture area signs shall not be issued unless the application complies with the standards contained in subsection (F) of Section 18.116.030.

SECTION 4. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 5. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 6. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and public hearing held thereon before the Napa County Conservation, Development and Planning Commission at a regular meeting of the Commission on the ____ day of _____, 2008, and was passed at a regular meeting of the

Board of Supervisors of the County of Napa, State of California, held on the _____ day of _____, 2008, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

BRAD WAGENKNECHT, CHAIR

Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

<p>APPROVED AS TO FORM Office of County Counsel By: <u>Carrie R. Gallagher (by e-signature)</u> Deputy County Counsel By: <u>Sue Ingalls (by e-signature)</u> County Code Services Date: <u>August 13, 2008</u></p>

<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed by: _____ Deputy Clerk of the Board</p>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON CALIFORNIA ON _____.

_____, DEPUTY

GLADYS I. COIL, CLERK OF THE BOARD