ORDINANCE NO. 2014-03

AN ORDINANCE OF THE CITY OF AVENAL ENACTING REGULATIONS PERTAINING TO NUMBER, SIZE, HEIGHT, WIDTH AND LOCATION OF FLAG SIGNS.

THE CITY COUNCIL OF THE CITY OF AVENAL DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are intended in order to promote sound, aesthetic and orderly land-use within the zones established by the Avenal Zoning Ordinance.

Section 2. CODE REPEAL. Subsection A.3. of section 9.61.06 of Chapter 9.61 of Title 9 of the Avenal Municipal Code is hereby amended to read in its entirety as follows:

9.61.06 PROHIBITED SIGNS.

A. The following signs are prohibited (reference Figure 9.61-1):

3. Banners~~, flags~~ and pennants, except as may be approved as part of a Specific Plan, or Combining District.

Section 3. CODE ADOPTION. Subsection R. is hereby added to section 9.61.04 of Chapter 9.61 of Title 9 the Avenal Municipal Code to read in its entirety as follows:

9.61.04 GENERAL PROVISIONS.

R. Unless provided otherwise in a validly issued permit, all flag signs must conform to all of the following requirements:

1. All flag signs must be maintained in clean and good condition and repair. Any flag sign which is faded, filthy, torn, sagging or otherwise in disrepair must be removed or replaced.

2. No individual flag sign shall exceed a height of fourteen (14) feet.

3. No individual flag sign shall exceed a width of three (3) feet.

4. No individual flag sign shall exceed forty two (42) square feet in area.

5. No more than four (4) flag signs shall be permitted per business.

Section 4. CODE AMENDMENT. Subsection A.19. is hereby added to section 9.61.05 of Chapter 9.61 of Title 9 the Avenal Municipal Code to read in its entirety as follows:

9.61.05 **EXEMPT SIGNS.** The provisions and regulations of this Chapter shall not apply to the following signs, nor shall the area of such signs be included in the computation of sign copy allowed for any site or use; nor shall any permit be required for the erections of such signs:

A. The following signs shall be exempt from the provisions of this Chapter:

19. Flag signs of City: Flag signs owned, installed, maintained or utilized by the City of Avenal.

Section 5. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 6. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Avenal, or any official, employee or agent thereof.

Section 7. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 8. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Avenal hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 9. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Avenal Municipal Code as amended by this ordinance are substantially the same as provisions in the Avenal Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 10. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Avenal Chimes, a newspaper printed and published in the City of Avenal, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Avenal, State of California, on July 10, 2014 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: PRECIADO, MALDONADO, OVALLE, CASIDA.
NOES: NONE.
ABSTAIN: NONE.
ABSENT: GRAVELLE.

HARLIN CASIDA, Mayor
CITY OF AVENAL

ATTEST:

MARIA ORTIZ, City Clerk
CITY OF AVENAL

Exempt from filing fees pursuant to Government Code §§ 6103, 27383.

DATE RECEIVED FOR FILING

NOTICE OF EXEMPTION

TO: County Clerk
County of Kings
Kings County Government Center
Hanford, California 93230

ORIGINAL
FILED
JUL 11 2014
KRISTINA McKAY, ASST.
KINGS COUNTY CLERK

FROM: City of Avenal
919 Skyline Blvd.
Avenal, California 93204

PROJECT TITLE: Adoption of Ordinance 2014-03

PROJECT LOCATION - Specific: City of Avenal

PROJECT LOCATION – City: Avenal

PROJECT LOCATION - County: Kings

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:

The City of Avenal adopted an ordinance to add or make changes to Sections 9.61.06, 9.61.04(R) and 9.61.05(A) of the Avenal Zoning Ordinance. The changes are all related to flags flown at commercial businesses.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Avenal City Council

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: City of Avenal

EXEMPT STATUS:
__ Ministerial (Section 15268)
__ Declared Emergency (Section 15071 (a))
__ Emergency Project (Section 15071 (b) and (c))
_X_ Exemption (Section 15060(c) and 15061(b)(3) .

REASON(S) WHY PROJECT IS EXEMPT:

The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and there is no possibility the activity in question may have a significant effect on the environment.

CONTACT PERSON: Steven Sopp

TELEPHONE NUMBER: 559-386-5782

Signature
Title: Community Development Director
Date: July 11, 2014