

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Community Development Director
By: Laura Stringer, Administrative Services Manager 

DATE: July 19, 2006 (CC Meeting of 08/16/06)

SUBJECT: Consider Resolution Establishing Encroachment Permit Fees for Real Estate Open House Signs in the Public Right-of-Way

BACKGROUND

On December 21, 2006, the City Council adopted Ordinance No. 332 which amended Chapter 17.40 (Sign Requirements) to address banner/special event signing, open house, garage sale signing and to reorganize the sign regulations for greater clarity and ease of use. The adopted sign regulations require that an annual encroachment permit be required for placement of real estate open house signs within the public right-of-way.

DISCUSSION

Staff has met with various realtor groups to evaluate the options for establishing and implementing encroachment permit requirements and fees for open house signs. Three levels of permit are proposed:

- Single Family Owner/Seller
- Individual Realtor
- Real Estate Office

It is proposed that the encroachment permits would be effective for the calendar year in which they are obtained. Permits obtained after June 30 would be pro-rated to one-half (1/2) to cost of the full year. It is also proposed that "stickers" (Attachment 1) for each open house sign be distributed with the encroachment permits to allow easy identification of permitted signs by City staff. These stickers would be color coded for each calendar year to provide easy identification of expired stickers. An owner/seller and individual realtor would receive five (5) stickers, enough for each of the allowed open house signs. Real estate offices would receive sixty (60) stickers, with the option of purchasing additional stickers for one-dollar (\$1.00) each, the City's cost for the sticker.

Real estate signs that are placed in the public right-of-way without the required sticker, or that are not placed in accordance with the requirements of the ordinance (i.e. at least fifty-feet (50') from the end of the curb return at a street corner) will be picked up by city staff and stored at the Public Works facilities yard. It is proposed that a five-dollar (\$5.00) per day, per sign fee be assessed for each sign that has been picked up by staff and stored. The draft resolution (Attachment 2) includes the following proposed fee schedules:

Type of Permit	Encroachment Permit Fee	# of Stickers Issued	Comments
Owner/Seller	\$100.00	5	
Individual Realtor	\$100.00	5	
Real Estate Office	\$300.00	60	Additional Stickers \$1.00 each

Retrieved Sign Storage Fee	\$5.00 per day per sign
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In accordance with California Government Code Section 66016, which sets forth the notification and hearing process required prior to levying new fees or service charges, or prior to increasing an existing fee or service charge, notice of this City Council public meeting has been mailed and published. In accordance with Government Code Section 66017, the proposed deposit and fee schedule will be effective sixty (60) days following the adoption of the Resolution.

ENVIRONMENTAL DOCUMENTATION

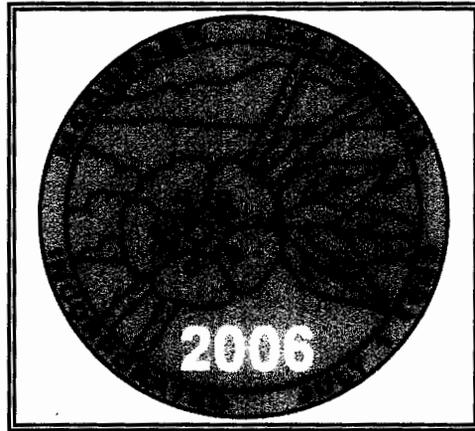
The Community Development Director has determined that the proposed encroachment permit fee and sign storage fee is exempt from the provisions of the California Environmental Quality Act (CEQA), in that the action of the City Council does not involve the consideration of the approval of a project.

STAFF RECOMMENDATION (Roll Call Vote)

1. Open the public hearing, accept public testimony, and close the public hearing.
2. Adopt Resolution No. 2006-____ establishing Encroachment Permit Fees for real estate open house signs in the public right-of-way.

Attachments:

1. Proposed sticker
2. Draft Resolution No. 2006-_____.



**Proposed Open House Real Estate Sales
Permit Identification Marker
(2" x 2")**

CC ATTACHMENT 1

000061

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ESTABLISHING ENCROACHMENT PERMIT AND SIGN STORAGE FEES FOR REAL ESTATE OPEN HOUSE SIGNS

WHEREAS, on January 20, 2006, Ordinance No 332 which amended Chapter 17.40 (Sign Requirements) to address banner/special event signing, open house, garage sale signing and to reorganize the sign regulations for greater clarity and ease of use, took effect; and

WHEREAS, the City Council has determined that the cost of monitoring placement of real estate open house signs in the public right-of-way, as permitted by Section 17.40.100.F.2, (Temporary Real Estate Signs (Open House Directional Signs)) shall be offset by fees for issuance of Encroachment Permits for real estate open house signs, and for storage of illegally placed open house signs; and

WHEREAS, the proposed fees for Encroachment Permits for real estate open house signs, and for storage of illegally placed open house signs are based on estimated City of Moorpark actual costs.

WHEREAS, the City Council concurs with the Community Development Director determination that the proposed implementation of Encroachment Permits for real estate open house signs, and for storage of illegally placed open house signs is exempt from the provisions of the California Environmental Quality Act, in that the action of the City Council does not involve the consideration of the approval of a project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Fees for Encroachment Permits for real estate open house signs, and for storage of illegally placed open house signs shall be per the schedule in Exhibit "A".

SECTION 2. This Resolution shall become effective sixty (60) days following the public meeting held on August 16, 2006, pursuant to Government Code Section 66016, (October 16, 2006) implementing those fees described herein immediately upon the effective date set forth herein.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 16th day of August, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Attachment: Exhibit A – Encroachment Permit and sign storage fee schedule for real estate open house signs

EXHIBIT A

FEEES FOR REAL ESTATE OPEN HOUSE SIGNS

Type of Permit	Encroachment Permit Fee per Calendar Year	# of Stickers Issued	Comments
Owner/Seller	\$100.00 *	5	
Individual Realtor	\$100.00 *	5	
Real Estate Office	\$300.00 *	60	Additional Stickers \$1.00 each

Retrieved Sign Storage Fee	\$5.00 per day per sign
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- * The fee for any permits issued on or after July 1 of any year shall be prorated to one-half (1/2) of the annual amount.