

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
By: Joseph R. Vacca, Principal Planner 

DATE: October 27, 2010 (CC Meeting of 11/17/10)

SUBJECT: Consider an Update on Encroachment Permit Process for Real Estate Open House Directional Signs in the Public Right-of-Way

BACKGROUND

On December 21, 2005, 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 directional signs within the public right-of-way. On August 16, 2006, City Council adopted Resolution 2006-2510, (Attachment 1) establishing encroachment permit fees for real estate open house directional signs in the public right-of-way. It should be noted that a permit is not needed for signs placed on private property.

DISCUSSION

Open house directional signs for single-family homes may be placed within the public right-of-way with the City's issuance of an annual encroachment permit, based on the Sign Ordinance, Municipal Code Section 17.40.100.F.2. (Attachment 2). Staff has mailed out several form letters to, and has met with, various realtors to present encroachment permit requirements and fees for open house signs. Staff has also created an informational brochure on encroachment permits for real estate open house signs in the public right-of-way, (Attachment 3). The open house sign encroachment permit process has been advertised several times in the city's newsletter. Also, there are links to both the brochure and encroachment permit application on our City's website.

There are three levels of encroachment permits, as follows:

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

The encroachment permits are effective for the calendar year in which they are obtained. Permits obtained after June 30 are pro-rated to one-half (1/2) of the cost of the full year. Upon issuance of encroachment permits, “stickers” (Attachment 4) for each open house sign are distributed to allow easy identification of permitted signs by City staff. These stickers are color coded for each calendar year to provide easy identification of expired stickers. Upon issuance of an encroachment permit, an owner/seller and individual realtor receives five (5) stickers, enough for each of the allowed open house signs. Real estate offices can also apply for encroachment permits to receive sixty (60) stickers, with the option of purchasing additional stickers for one-dollar (\$1.00) each, (to cover the City’s actual 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) are picked up by City staff and stored at City Hall. A five-dollar (\$5.00) per day, per sign fee has been established, and is assessed for each sign that has been picked up by staff and stored. If a sign has been picked up by staff and stored and is being retrieved by the real estate agent who owns the sign, that agent is required to complete a Business Registration and an encroachment permit prior to having their stored signs returned. As a courtesy, staff does not charge first time offenders the storage fee. The adopted Fee Resolution contains the following 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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Since the process was established in 2006 we have issued the following amounts of permits and stickers:

2007	2008	2009	2010 (as of Nov 1 st)
55 Permits	34 Permits	14 Permits	25 Permits
(1336 stickers)	(786 stickers)	(349 stickers)	(634 stickers)

There have been 263 non-permitted directional open house signs retrieved since the process was established in 2006. While surveying other cities it was discovered that there were no other cities that allowed open house directional signs within the public right of way.

STAFF RECOMMENDATION

1. Receive and file.

Attachments:

1. City Council Resolution 2006-2510
2. Municipal Code Sign Ordinance Section 17.40.100.F.2.
3. Open House Sign Encroachment Permit Brochure
4. Open House Sign Encroachment Permit Sticker

CC ATTACHMENT 1

RESOLUTION NO. 2006-2510

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.

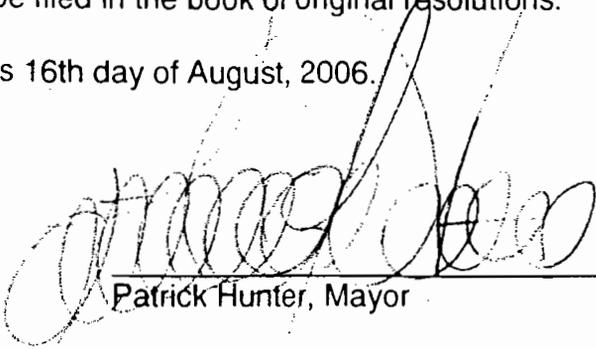
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

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
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	Additional Stickers \$1.00 each
Individual Realtor	\$100.00 *	5	Additional Stickers \$1.00 each
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.

** Stored signs that are not retrieved within thirty (30) calendar days will be destroyed in accordance with the law.

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF MOORPARK)

I, Deborah S. Traffenstedt, City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 2006-2510 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 16th day of August, 2006, and that the same was adopted by the following vote:

AYES: Councilmembers Harper, Mikos, Millhouse, Parvin and Mayor Hunter
NOES: None
ABSENT: None
ABSTAIN: None

WITNESS my hand and the official seal of said City this 23rd day of August, 2006.

Deborah S. Traffenstedt
Deborah S. Traffenstedt, City Clerk
(seal)



CC ATTACHMENT 2

Municipal Code, Sign Ordinance, Section 17.40.100.F.2.

F. Temporary real estate signs on properties for lease or sale.			
1. Real estate signs for single-family residential homes in the residential open space or institutional zones (no sign permit required)	Front yard or street side yard of a corner lot, provided it is a minimum of five (5) feet from the front yard or street side yard property line. The signs shall be securely attached to a wall, building or freestanding.	Area: Six (6) square feet per side. Signs may be double-faced. Height: Six (6) feet.	Number: One (1). Illumination: None.
2. Open house directional signs for single-family homes (placement in the public right-of-way requires the issuance of an annual encroachment permit)	At least fifty (50) feet from the end of the curb return at a street corner. One (1) sign at each location. The signs shall not be fastened or attached in any way to a building, architectural element, wall or any street fixture.	Area: Four (4) square feet per side. Signs may be double-faced. Height: Three (3) feet.	Number: Five (5). Design: Limited to displaying "Open House," an arrow, the residence address, and business name. Illumination: None. Duration: Restricted from 7:00 a.m. to 6:00 p.m. on caravan day and on Saturdays and Sundays.
3. Real estate signs for multiple-family homes	Front yard or street side yard of a corner lot, provided it is a minimum of five (5) feet from the required front yard or street side yard property line. The sign shall be securely affixed to a wall, building or freestanding.	Area: Up to thirty-two (32) square feet per side. Signs may be double-faced. Height: Eight (8) feet.	Number: One (1) per street frontage, up to a maximum of three (3). Illumination: None. Duration: These signs are not intended to be permanent and shall be restricted to only when rental units are available for lease or rent.

CC ATTACHMENT 3

City of Moorpark



Open House
Directional Sign



Community
Development
Department

799 Moorpark Avenue
Moorpark, CA 93021
(805) 517-6224
www.ci.moorpark.ca.us

What is the maximum size of the area, height, and width of an open house sign?

Signs can have a maximum area of four (4) square feet per side (signs may be double-sided) with a maximum height of three (3) feet for the sign structure.

Example:



What information should the sign have?

The sign should be simple. It should display "Open House", an arrow, the residence address, and business name.

Can you place decorations or other devices on the open house signs?

No balloons, flags, pennants, illuminated plates or any other objects may be placed on or near the signs.



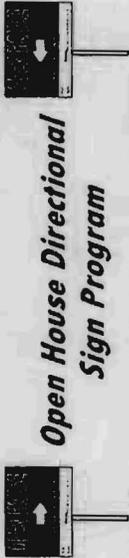
What hours can the signs be displayed?

Open house signs may only be displayed between 7 a.m. and 6 p.m. (No earlier or later) Saturday, Sunday, and caravan day.



City of Moorpark

Community Development Department
799 Moorpark Avenue
Moorpark, CA 93021
Phone: (805) 517-6224
Website: www.ci.moorpark.ca.us



Open House Directional Sign Program

This brochure has been prepared to help answer the most common questions regarding the City of Moorpark's Open House Directional Sign program. For further information, please refer to the City of Moorpark's Municipal Code under Section 17.40.100F.2. Sign Regulations.

Frequently Asked Questions for the Open House Directional Sign Program:

What is the Open House Directional Sign program?

The Open House Directional Sign (OHDS) program allows the placement of "open house" directional signs for single-family homes in the public right-of-way after a permit has been obtained from the City.

What is the public right-of-way?

This includes public streets, sidewalks, and landscaped parkways. It is owned by the public to allow for travel. It does not include private streets or common areas owned by Homeowners' Association.

How to obtain an Open House Directional Sign permit?

Permits are issued by the Community Development Department, located in the Development Services building at City Hall. Each permit will include stickers, which will be required to be placed on the permitted open house signs. You may purchase more stickers for an additional fee. Signs with out the sticker permit will be confiscated and a fee will apply to retrieve it, or it will be discarded.

Is a Business Registration required? Yes. All Realtors and Real Estate Offices are required to have a Business Registration with the City in order to obtain an Open House Sign Permit.

What will the stickers look like?

The City will use the City of Moorpark logo with a solid background color. Each year the color will change.

Example:



How much will it cost? There are three (3) types of permits you can purchase. Each permit must be renewed annually.

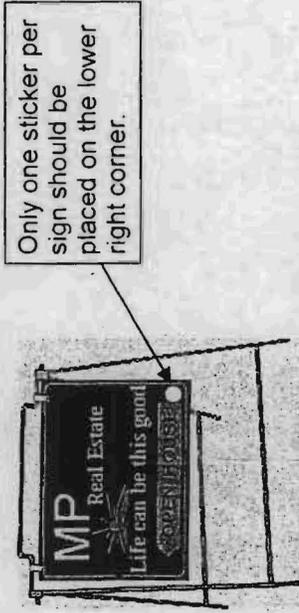
Type of Permit	OHDS Annual Permit Fee	Number of Stickers Issued
Owner/Seller	\$100.00*	5
Individual Realtor	\$100.00*	5
Real Estate Office	\$300.00*	60

Additional Stickers are \$1.00 each

* The fee for any permit issued on or after July 1 of any year shall be prorated to one-half (1/2) of the annual amount.

Where do I place the sticker?

Put the sticker on the lower right corner of the sign.

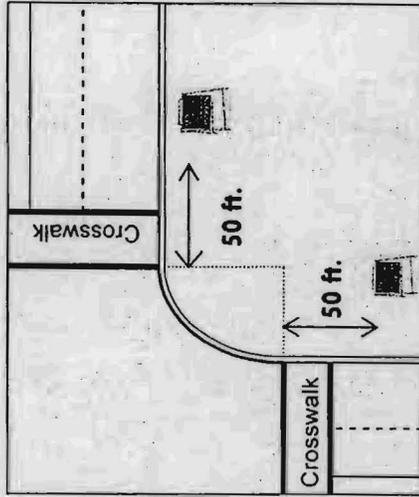


How many directional signs can be put up?

A maximum of five (5) signs are allowed per open house event.

Where can signs be placed?

Signs can be placed in the public right-of-way as long as they are at least fifty (50) feet away from the intersection. Signs can be placed on private property with permission of the property owner. Signs cannot interfere with or impede traffic of any kind. Wheel chair access (minimum 44 inches in width) must be maintained on the sidewalk. Only one (1) sign can be placed on each side of the street.



What happens if a sign is placed illegally or without a permit?

Unpermitted or illegal signs will be removed by the City and stored at the Community Center. In addition signs placed close to the intersections or signs blocking wheelchair access will be removed. A sign storage fee of \$5.00 per day will apply. Stored signs that are not retrieved within thirty (30) calendar days will be destroyed in accordance with the law.

Where to go if signs are picked up by the City?

Unpermitted or illegal signs will be stored at the Community Center, located next to City Hall, and can be picked up between the hours of 8 a.m. to 5 p.m. Monday to Friday. For assistance, you may contact Freddy Carrillo at (805) 517-6224.

CC ATTACHMENT 4

