

ORDINANCE NO. _____

An ordinance adding a preamble to Article 4.4 and amending Sections 14.4.2, 14.4.4 and 14.4.17 of the Los Angeles Municipal Code to clarify regulations pertaining to temporary signs on temporary construction walls and on solid fences surrounding vacant lots.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A paragraph is added at the beginning of Article 4.4 of the Los Angeles Municipal Code to read:

The regulations in this article do not apply to signs located primarily within a public right-of-way.

Sec. 2. The entry for Section 14.4.17 within the list of sections appearing at the beginning of Article 4.4 is amended to read:

14.4.17 Temporary Signs on Temporary Construction Walls and on Solid Wood Fences Surrounding Vacant Lots.

Sec. 3. Section 14.4.2 is amended to add the following definition:

Active Construction Site. A site with construction work authorized by a valid building permit issued by the Department of Building and Safety that commenced within 180 days following the date the permit for the construction was issued and was not suspended, discontinued or abandoned for a continuous period of 180 days.

Sec. 4. The following definition in Section 14.4.2 is amended to read:

Temporary Construction Wall. A temporary solid ~~wooden~~ fence or wooden barrier of wood or similar material that provides protection for pedestrians and is erected and maintained on the perimeter of a construction or demolition site pursuant to Section 3303 of the California Building Code (CBC).

Sec. 5. Subdivision 11 of Subsection B of Section 14.4.4 of the Los Angeles Municipal Code is amended to read:

11. Are off-site signs, including off-site digital displays, except when off-site signs are specifically permitted pursuant to a relocation agreement entered into pursuant to California Business and Professions Code Section 5412. This prohibition shall also apply to alterations, enlargements or conversions to digital displays of legally

existing off-site signs, except for alterations that conform to the provisions of Section 91.6216 and all other requirements of this Code.

EXCEPTIONS: This prohibition shall not apply to off-site signs, including off-site digital displays, that are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement, or non-digital off-site signs that are authorized by a valid building permit for a Temporary Sign on Temporary Construction Walls at active construction sites or on fences of solid wood or similar material surrounding vacant lots pursuant to Section 14.4.17.

~~This exception shall become operative only to the extent that Subdivision 11. is deemed constitutional upon the reversal of the trial court decision in the case of World Wide Rush, LLC v. City of Los Angeles, United States District Court Case No. CV 07-238 ABC.~~

~~In addition, notwithstanding the provisions of Section 12.26 A.3. of this Code, this prohibition shall not apply to any building permit issued prior to the effective date of this ordinance if the Department of Building and Safety determines that both substantial liabilities have been incurred, and substantial work has been performed on-site, in accordance with the terms of that permit pursuant to Section 91.106.4.3.1 of this Code.~~

Sec. 6. The heading of Section 14.4.17 is amended to read:

SEC. 14.4.17. TEMPORARY SIGNS ON TEMPORARY CONSTRUCTION WALLS AND ON SOLID WOOD FENCES SURROUNDING VACANT LOTS.

Sec. 7. Subsection A of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

A. Permit Required. A valid building permit issued by the Department of Building and Safety (LADBS) shall be required to place and maintain for a temporary sign Temporary Sign on a temporary construction wall Temporary Construction Wall, as defined in Section 14.4.2 of this Code, or on a fence of solid wood or similar material surrounding a vacant lot. Temporary signs on temporary construction walls shall comply with the construction requirements of Section 14.4.16 E. A permit for a Temporary Sign on a Temporary Construction Wall shall be issued only if 1) there is a separate valid permit from LADBS authorizing construction work on the lot or lots, 2) at least a portion of Temporary Construction Wall is required pursuant to Section 91.3306 of the Los Angeles Municipal Code, and 3) there is no operating business on the lot or lots on which the building undergoing authorized construction is situated. If, after the permit is issued, a business on the lot or lots, which was not operating at the time of permit issuance begins operating, the Department of Building and Safety may revoke the permit.

If Department of Building and Safety records indicate that a permit was previously issued for a Temporary Sign on the site pursuant to this Section, the Department may re-issue a new building permit only if the Director of the Office of Community Beautification consents to the new building permit in a written statement. The Office of Community Beautification's consent shall be based solely on its assessment as to whether a public nuisance exists based on the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish and weeds on public property pursuant to the review described in Subsection G of this Section.

~~For purposes of this section, the term "applicant" shall mean the owner of the sign company or, if there is no sign company, the owner of the property.~~

Sec. 8. Subsection C of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

C. Time Limit. Notwithstanding the provisions of Section 14.4.16 C.1. and 2. of this Code, a building permit for a Temporary Sign placed on a Temporary Construction Wall signs placed on temporary construction walls, and/or solid wood fences surrounding vacant lots pursuant to the terms of this section shall be allowed to remain valid for two years, or for as long as the construction work, under a separate valid permit, requiring a barrier pursuant to Section 91.3306 of Los Angeles Municipal Code, continues, building permits associated with the construction site remain in effect or for a period of two years, whichever is less.

If the construction work authorized by the separate construction permit has not commenced by the 180th day following the permit issuance date, or work has been suspended, discontinued or abandoned for a continuous period of 180 days, the permit for the Temporary Sign shall be expired. If the separate construction permit is revoked, the permit for the Temporary Sign shall be revoked.

~~Building permits~~A building permit for a Temporary sSigns on a solid wood fences of solid wood or similar material surrounding a vacant lot_s, which are not construction sites, shall be issued for a time periodremain valid for ~~not to exceed one year.~~

~~The Department of Building and Safety shall grant a new building permit for a period equal to the original building permit term upon the receipt of (i) an application for a new building permit, (ii) the payment of the building permit fee and (iii) a written statement from the Director of the Office of Community Beautification consenting to the new building permit.~~

Sec. 9. Subsection F of Section 14.4.17 of the Los Angeles Municipal Code is renumbered Subsection G:

FG. Special Requirements for Signs on Temporary Construction Walls, and/or Solid Wood Fences Surrounding Vacant Lots.

Sec. 10. New Subsection F is added to Section 14.4.17 of the Los Angeles Municipal Code:

F. Construction. Temporary Signs on Temporary Construction Walls or on fences of solid wood or similar material surrounding vacant lots shall be made of paper, vinyl, or other similar material.

Sec. 11. Subdivision 1 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

1. **Review by the Office of Community Beautification.** At any time after the issuance of a building permit under this section and upon request of the Council district office of the Council district in which the site or lot is located, the Office of Community Beautification of the Department of Public Works (Office of Community Beautification) shall investigate an area consisting of a 500-foot radius around the permitted site or lot to determine whether there exists a public nuisance due to the presence of graffiti and/or posters/handbills on light poles, utility poles, bus stops, and any other illegal postings, as well as trash, debris, rubbish and weeds on public property.

If the Office of Community Beautification cannot establish that the area constitutes a public nuisance because of the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish and weeds on public property within a 500-foot radius around the permitted site or lot, then the Office of Community Beautification shall expand the radius around the site or lot in 250-foot increments, up to a maximum radius of 1500 feet. If the Office of Community Beautification finds the existence of a public nuisance on public property within the expanded radius area beyond the original 500-foot radius, then it shall require the applicant to abate the public nuisance in the expanded radius area in accordance with Subdivision 3., below.

Sec. 12. Subdivision 3 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

3. **Nuisance Abatement.** It shall be the applicant's responsibility to clean and maintain free from graffiti public property and rights-of-way within an area consisting of a 500-foot radius or any expanded radius required by the Office of Community Beautification around the permitted site or lot. The applicant shall patrol the abatement area every 24 hours to search for graffiti and remove any graffiti within 24 hours of its discovery. The removal of graffiti shall include, but not be limited to, spray paint on walls, poles, and fences on public property. In addition, the applicant shall also be responsible for removing any posters/handbills on light poles, utility poles, bus stops, and any other illegal postings on public property. At the time of graffiti removal, the applicant shall also remove any trash, debris, ~~or~~ rubbish, or weeds from the public sidewalks within the abatement area around the permitted site. The Office of

Community Beautification shall enforce the provisions of this subsection. The applicant shall comply with the administrative policies and procedures set by the Office of Community Beautification.

Sec. 13. Subdivision 5 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

5. Removal of Signs. The applicant must remove the Temporary Signs authorized by this Section by the date the sign permit becomes invalid due to its time limit. If the Department of Building and Safety revokes the building permit allowing a Temporary Signs signs on temporary construction walls on a Temporary Construction Wall, and/or a fence of solid wood fences or similar material surrounding a vacant lots expires or is revoked, a written notice of the revocation or expiration shall be sent to the applicant and /or property owner. then anyThe Temporary signs Sign placed on the temporary construction walls and/or solid wood fences surrounding vacant lots shall~~must~~ be removed by the applicant within 72 hours~~10 days~~ of the mailing date of the after receipt of written notification.

Sec. 14. Paragraph (f) of Subdivision 4 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

(f) Failure by the applicant, at the time of graffiti removal, to remove trash, debris, ~~or~~ rubbish or weeds from the public sidewalks within the abatement area around the permitted site.

Sec. 15. The City Clerk shall certify....